

1                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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3       APCO CONSTRUCTION, INC., A  
4       NEVADA CORPORATION; AND  
5       SAFECO INSURANCE COMPANY  
6       OF AMERICA,

7                   Appellants,

8                   vs.

9       HELIX ELECTRIC OF NEVADA,  
10       LLC, A NEVADA LIMITED  
11       LIABILITY COMPANY,

12                  Respondent.

Case No. 80177

District Court Case No. A730091

Electronically Filed  
Oct 30 2020 10:49 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

13                   **APPELLANTS APCO CONSTRUCTION, INC. AND SAFECO**  
14                   **INSURANCE COMPANY OF AMERICA'S MOTION TO EXTEND TIME**  
15                   **TO FILE OPENING BRIEF**

16                   **FIRST REQUEST**

17                   **FENNEMORE CRAIG, P.C.**

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                  *and Safeco Insurance Company of America*

1 **UNOPPOSED MOTION**

2 Pursuant to NRAP 31(b)(3), Appellants APCO Construction, Inc. and  
3 Safeco Insurance Company of America, (“APCO/SAFECO”) respectfully  
4 request an extension of 65 days or until January 6, 2021 to file their Opening  
5 Brief (“Brief”). The Brief is currently due November 2, 2020. There have been  
6 no prior extension requests.

7 Respondent, Helix Electric of Nevada, LLC Inc. (“HELIX”), by and  
8 through its counsel, Cary Domina, Esq., has consented to the requested  
9 extension.

10 This extension is being requested for several reasons. First, the  
11 undersigned’s spouse is currently dealing with medical issues that require his  
12 attention and materially affects and limits his work schedule. Second, this  
13 Court’s recent decision in case no. 75197, *APCO Construction, Inc. v. Zitting*  
14 *Brothers Constr., Inc.*, 136 Nev. Ad. Op. 64, filed on October 8, 2020 (“Zitting  
15 Matter”), may impact the issues in this matter. Additional time is required for  
16 analysis and consideration. Third, undersigned counsel has also been retained to  
17 file a Petition for Rehearing in the Zitting Matter that is currently due November  
18 23, 2020. Lastly, the undersigned has been retained to file the answering brief in  
19 the matter of *Helix Electric of Nevada, LLC v. APCO Construction, Inc.* in case

1 number 77320. The opening brief filed recently is 74 pages long and the  
2 appendix consists of more than 120 volumes.

3 **CONCLUSION**

4 Based on the foregoing, APCO/SAFECO respectfully requests that the  
5 Court extend time for Appellants to file their Opening Brief to January 6, 2021.

6 DATED this 30th day of October, 2020.

7 **FENNEMORE CRAIG, P.C.**

8 /s/ Christopher H. Byrd  
9 John Randall Jefferies, Esq.  
Nevada Bar No. 3512  
Christopher H. Byrd, Esq.  
Nevada Bar No. 1633  
10 *Attorneys for Appellants APCO*  
11 *Construction, Inc. and Safeco*  
12 *Insurance Company of America*  
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