

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

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

5 Appellants,

6 vs.

7 HELIX ELECTRIC OF NEVADA,
8 LLC, A NEVADA LIMITED
 LIABILITY COMPANY,

9 Respondent.

Case No. 80177
D.C. Case No. A730091

Electronically Filed
Feb 25 2021 02:36 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

10 **APPELLANTS APCO CONSTRUCTION, INC. AND SAFECO**
11 **INSURANCE COMPANY OF AMERICA'S UNOPPOSED MOTION TO**
12 **EXTEND TIME TO FILE OPENING BRIEF**

13 **FOURTH REQUEST**

14 **FENNEMORE CRAIG, P.C.**

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19 *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 21 days or until March 19, 2021 to file their Opening
5 Brief (“Brief”). The Brief is currently due February 26, 2021. This Court
6 granted three prior extensions.

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

10 This extension is being requested because the undersigned’s wife
11 continues to experience complications from surgery which was previously
12 reported to this Court. The pain level from these complications is debilitating.
13 Because of COVID, medical testing is difficult to schedule and therefore an
14 accurate diagnosis and treatment plan has been delayed as doctors need the tests
15 to proceed. As previously reported to this Court, the undersigned is solely
16 responsible for their care and making sure that the daily needs of the spouse are
17 met, including doctors’ appointments and testing appointments. All of this
18 continues to limit undersigned’s work schedule, causes frequent interruptions to
19 work, and drastically affects undersigned’s focus.

Additionally, the Court should be aware that since the last request, time was spent completing the Answering Brief on Appeal and Opening Brief on Cross Appeal in *Helix Electric of Nevada, LLC v. APCO Construction, Inc.*, case number 77320, which brief was filed on February 18, 2021. Progress has also been made on this Opening Brief. A working draft has been completed but still requires substantial revisions to make it compliant with the rules.

CONCLUSION

Based on the foregoing, APCO/SAFECO respectfully request that the Court extend time for APCO/SAFECO to file their Opening Brief for 21 days or until March 19, 2021.

DATED this 24th day of February, 2021.

FENNEMORE CRAIG, P.C.

/s/ Christopher H. Byrd
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*Attorneys for Appellants APCO
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