

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

BARRY JAMES RIVES, M.D.; and  
LAPAROSCOPIC SURGERY OF NEVADA,  
LLC,

Appellants/Cross-Respondents,

vs.

TITINA FARRIS; and PATRICK FARRIS,

Respondents/Cross-Appellants.

BARRY JAMES RIVES, M.D.; and  
LAPAROSCOPIC SURGERY OF NEVADA,  
LLC,

Appellants,

vs.

TITINA FARRIS; and PATRICK FARRIS,

Respondents.

**Case No. 80271**

Electronically Filed  
Sep 16 2020 12:08 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**Case No. 81052**

**MOTION FOR EXTENSION (SECOND) FOR OPENING BRIEF  
AND APPENDIX**

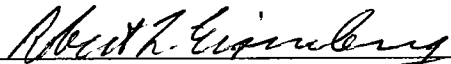
Appellants hereby move for a 30-day extension for the opening brief and appendix. The brief is now due on September 17, 2020. If the extension is granted, the brief will be due on October 19, 2020. This will be the second extension. The first one was granted as part of the stipulation to consolidate the appeals. This court approved the stipulation and established the briefing schedule in the court's order of July 28, 2020.

This is an appeal from a medical malpractice judgment and an award of attorneys' fees, in the total amount of approximately \$7.2 million. The jury trial lasted 14 days. There were numerous motions and hearing transcripts. The appendix will be 31 volumes with approximately 6,900 pages. The appeal involves multiple complex and novel issues, for which extensive research and analysis has been necessary.

The undersigned appellate counsel has been diligently working on the brief. After the present deadline was established, however, appellate counsel spent many hours (approximately 25-30) preparing for a virtual presentation for the Nevada District Judges' Association, which took place on September 2, 2020. Counsel was also dealing with work on other cases, which took time away from his ability to work on the opening brief in the present case. Further, in this same time frame, counsel had a medical issue that required two outpatient procedures and isolation at home for nearly a week. Remote work from home was less efficient than in-office work, further delaying preparation of the brief. Finally, there have been medical issues with the staff at counsel's law firm, resulting in further problems with preparation of the brief and the lengthy appendix.

Under these circumstances, appellants' counsel requests a 30-day extension for the opening brief and appendix, to October 19, 2020. This motion is made in good faith and without the intent to delay the appeal unnecessarily.

DATED this 16<sup>th</sup> day of September, 2020.

  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of LEMONS, GRUNDY & EISENBERG and that on this date the foregoing **MOTION FOR EXTENSION (SECOND) FOR OPENING BRIEF AND APPENDIX** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:


George Hand  
Kimball Jones  
Jacob Leavitt  
Thomas Doyle  
Tara Clark Newberry  
Micah Echols

I further certify that on this date I served a copy of the foregoing by depositing a true and correct copy, postage prepaid via U.S. mail to:

Aimee Clark Newberry  
Clark Newberry Law Firm  
810 Durango Drive, Suite 102  
Las Vegas, NV 89145

DATED this 16 day of September, 2020.

LEMONS, GRUNDY & EISENBERG

A handwritten signature in cursive script, appearing to read 'Lelia Geppert', written over a horizontal line.

Lelia Geppert, Assistant to Robert Eisenberg