

IN THE SUPREME COURT OF THE STATE OF NEVADA

KODY W. HARLAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80318

FILED

DEC 15 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTION

Extraordinary circumstances and extreme need having been shown, and notwithstanding its untimeliness, appellant's motion requesting a third extension of time (60 days) to file the opening brief is granted to the following extent.¹ NRAP 31(b)(3)(B). Appellant shall have until February 2, 2021, to file and serve the opening brief and appendix. Any additional extensions will be granted only on showing of extraordinary circumstances and extreme need. *Id.* Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the opening brief and appendix may result in the imposition of sanctions.

It is so ORDERED.

Pickering, C.J.

¹Counsel for appellant is reminded that an order denying a motion for a new trial is independently appealable. NRS 177.015(1)(b). No such order is at issue in this appeal and argument regarding any such order is not appropriately included in the opening brief.

cc: Jean J. Schwartzer
Attorney General/Carson City
Clark County District Attorney