

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

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**Supreme Court Case No. 77320**  
***Consolidated with Case No. 80508***

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Aug 26 2020 11:54 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**HELIX ELECTRIC OF NEVADA, LLC**

Appellant/Cross-Respondent

v.

**APCO CONSTRUCTION, INC, A NEVADA CORPORATION,**

Respondent/Cross-Appellant.

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Appeal from Judgment  
Eighth Judicial District Court, Clark County  
The Honorable Mark Denton, District Court Judge  
District Court Case No. **08A571228**

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**UNOPPOSED MOTION TO EXTEND TIME TO FILE OPENING BRIEF**  
***First Request***

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## **UNOPPOSED MOTION**

Pursuant to NRAP 31(b)(3), Appellant/Cross-Respondent, Helix Electric of Nevada, LLC (“Helix”) respectfully requests an extension of 30 days or until October 2, 2020 to file its consolidated Opening Brief. The consolidated Opening Brief is currently due September 2, 2020. This is the first request for an extension of time. The undersigned counsel for Helix has consulted with counsel for Respondent/Cross-Appellant, APCO Construction, Inc. (“APCO”), Christopher H. Byrd, Esq., who has consented to the requested 30-day extension.

Appellant/Cross-Respondent requires the additional time for several reasons, including the following:

First, the record below necessary for this appeal, including the admitted trial exhibits, is extensive. As a result, it is taking substantial time to select and, in the case of trial exhibits, obtain certification of records from the District Court (which the undersigned has requested but which are still pending) as necessary for the Appendix. Counsel for Helix and APCO are working cooperatively to create a Joint Appendix and the undersigned is currently awaiting APCO’s selections.

In addition, on August 21, 2020 (less than two weeks before Appellant’s Opening Brief was due in Case No. 80508), this Court issued its Order consolidating Case Nos. 77320 with 80508. The Court did not extend or re-set the briefing schedule and instead directed Helix to file a consolidated brief using the briefing

schedule of Case No. 80508. This Order impacts the substance and order of Helix' briefing, which also necessitates additional time for analysis and drafting.

### **CONCLUSION**

Based on the foregoing, Helix respectfully requests that the Court extend time for Appellant to file its Opening Brief to October 2, 2020.

Dated this 26th day of August, 2020.

### **PEEL BRIMLEY LLP**

*/s/ Eric B. Zimbelman*

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## **CERTIFICATE OF SERVICE**

Pursuant to Nev. R. App. P. 25(b) and NEFCR 9(f), I certify that I am an employee of **PEEL BRIMLEY, LLP**, and that on this 26th day of August, 2020, I caused the above and foregoing document, **UNOPPOSED MOTION TO EXTEND TIME TO FILE OPENING BRIEF, *First Request***, to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☒ pursuant to NEFCR 9, upon all registered parties via the Nevada Supreme Court's electronic filing system;
- ☐ pursuant to EDCR 7.26, to be sent **via facsimile**;
- ☐ to be hand-delivered; and/or
- ☐ other \_\_\_\_\_

to the attorney(s) and/or party(ies) listed below at the address and/or facsimile number indicated below:

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