

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

SPECIAL ADMINISTRATOR  
SHALONDA MOLLETTE, AN  
INDIVIDUAL, IN PLACE AND STEAD  
OF JOE N. BROWN,

Appellant,

vs.

GNL, CORP., A NEVADA  
CORPORATION, AND  
THYSSENKRUPP ELEVATOR  
CORP.,  
A FOREIGN CORPORATION,

Respondents.

SPECIAL ADMINISTRATOR  
SHALONDA MOLLETTE, AN  
INDIVIDUAL, IN PLACE AND STEAD  
OF JOE N. BROWN,

Appellant,

vs.

GNL, CORP., A NEVADA  
CORPORATION, AND  
THYSSENKRUPP ELEVATOR  
CORP.,  
A FOREIGN CORPORATION,

Respondents.

No. 80581

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Elizabeth A. Brown  
Clerk of Supreme Court

No. 81151

**MOTION TO EXTEND TIME TO FILE OPENING BRIEF AND APPENDIX**

Pursuant to NRAP 26(b), NRAP 27, and NRAP 31(b)(3), Appellant Special Administrator Shalonda Mollette (“Appellant”) respectfully moves this Honorable Court for a 30-day extension of time to file Appellant’s opening brief and appendix, presently due August 25, 2021 (this “Motion”). In support of this Motion, Appellant

avers as follows:

1. Following a timely notice of appeal, the original Appellant Joe N. Brown (“Joe Brown”), a Vietnam War veteran, diligently filed a motion for leave to proceed *in forma pauperis* (“IFP Motion”) with the District Court on February 24, 2020. Joe Brown then filed a transcript request with the District Court (and with the Clerk of this Court) on February 27, 2020.
2. On March 31, 2020, Joe Brown filed a motion for leave to proceed on appeal *in forma pauperis* with this Court that resulted in a procedural order from this Court on April 8, 2020 that denied such motion as premature but—importantly—ordered the District Court to enter a written order on the IFP Motion within 30 days, in compliance with NRAP 24. The District Court scheduled an evidentiary hearing on the IFP Motion and, following the April 28, 2020 filing of a supplemental IFP Motion by Joe Brown, complied with this Court’s order on May 6, 2020 by granting the IFP Motion.
3. On May 26, 2020, the District Court ordered clarification of Appellant’s requests for transcripts originally filed on February 27, 2020, stating therein that it could not make a determination required by NRS 12.015 as to what should be transcribed unless Plaintiff provides “the Court with written information as to what he needs for the Appeal including clarifying which portions/time periods he is requesting of the hearings and/or trial

days...”. The order further states that pursuant to NRS 12.015, the District Court would “make the determination” on what transcripts should be prepared. On June 3, 2020, Joe Brown filed a detailed Notice of Clarification that highlighted and justified the need for very specific portions of the record for transcription.

4. In May of 2020, this matter entered the Supreme Court settlement program, and the anticipated settlement conference was delayed several times—and into the 2021 calendar year—based on Joe Brown being unavailable due to personal health issues. Joe Brown died on January 16, 2021 and, pursuant to this Court’s February 17, 2021 order, undersigned counsel timely moved to substitute Joe Brown’s daughter Shalonda Mollette as the Personal Representative on May 14, 2021, and this Court ordered said substitution on May 25, 2021. This Court’s May 25 order also reinstated the briefing schedule and ordered Appellant to file an opening brief within sixty (60) days.
5. On July 26, 2021, this Court approved a stipulation executed by the parties to this matter that set **August 25, 2021** as the due date for Appellant’s opening brief.
6. On August 19, 2021, Appellant filed a Motion for an Order Directing the District Court to Order Transcripts Pursuant to NRAP 9(a)(3) or, in the Alternative, NRAP 9(a)(6). Specifically, Appellant requested that this Court

order the District Court, pursuant to Rule 9(a)(3), to order the transcripts specified in Appellant's June 3, 2020 Notice of Clarification or, alternatively, pursuant to Rule 9(a)(6), to order the transcripts directly based on Appellant's June 3, 2020 Notice of Clarification, and suspend the briefing schedule until such transcripts are available.

7. This appeal, which has a long and heavily-litigated underlying history, involves a plethora of complicated evidentiary rulings and pre-trial and trial decisions by the District Court that require a thorough review of and citation to the record. That record is currently largely in video format, given the District Court has not ordered transcripts (Appellant's motion for which, as noted above, was filed on August 19, 2021 and is pending currently before this Court), and the process of reviewing the record has taken additional time.
8. In addition, undersigned counsel has time-sensitive deadlines in litigation matters pending in the Eighth Judicial District Court and, separately, in national regulatory matters involving the FDA. These deadlines have dovetailed with the COVID crisis and staff shortages at counsel's office to limit counsel's time and the available litigation support to assist with the preparation of the brief and the appendix.
9. Collectively, the factors set forth above in paragraphs 7 and 8 have rendered it impossible to meet the current August 25, 2021 deadline.

10. In light of the foregoing, Appellant respectfully submits that good cause exists to extend the time for Appellant to file the opening brief and appendix by 30 days beyond the current deadline. Given that 30 days after August 25—September 25, 2021—falls on a Saturday, Appellant seeks to file the opening brief and appendix on or prior to Monday, September 27, 2021.
11. Undersigned counsel apologizes to the Court, Respondents, and counsel for this delay, and notes that this Motion: (a) is made in good faith and not for any dilatory purpose; and (b) seeks to protect and preserve the interests of Appellant given these unusual circumstances.

WHEREFORE, Appellant respectfully requests that this Court enter an Order granting this Motion.

Dated August 23, 2021.

Respectfully submitted,

IQBAL LAW PLLC



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### **CERTIFICATE OF SERVICE**

I certify that I am an employee of IQBAL LAW PLLC and that on August 23, 2021, I caused a true and correct copy of the **Motion to Extend Time to File Opening Brief and Appendix** to be served as follows:

\_\_\_ By placing the 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, to be sent via facsimile; and/or

X Pursuant to NEFCR 9, by transmitting via the Court's electronic filing services by the document(s) listed above to the Counsel set forth on the service list.

/s/ Marie-Claire Alsanjakli  
An Employee of **IQBAL LAW PLLC**