

**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.

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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

Electronically Filed  
Oct 06 2021 10:13 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

No. 81151

**SECOND 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 an order extending the time to file Appellant’s opening brief and appendix to forty (40) days after the transcripts are prepared and filed (this “Motion”), which preparation process the District Court ordered two days ago, on October 4, 2021.<sup>1</sup>

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<sup>1</sup> The opening brief and appendix are presently due on October 11, 2021.

In support of this Motion, Appellant avers as follows:

1. Appellant filed an original transcript request on February 27, 2020 and, following the District Court's May 26, 2020 order for clarification, a detailed Notice of Clarification on June 3, 2020.<sup>2</sup>
2. 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) (the "Transcript Motion"). The Transcript Motion moved this Court to 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 became available.
3. On August 23, 2021, Appellant filed a Motion to Extend Time to File Opening Brief and Appendix (the "Time-Extension Motion").
4. This Court's August 27, 2021 Order (the "Order")<sup>3</sup> resolved both motions<sup>4</sup> and set October 11, 2021 as the deadline for the opening brief and appendix.

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<sup>2</sup> Appellant respectfully requests that this Court take judicial notice of its docket, including the full procedural history set forth in the Transcript Motion from February 2020 to August 2021, and the Time-Extension Motion.

<sup>3</sup> The Order is attached hereto as **Exhibit 1** for convenient reference.

<sup>4</sup> This Court granted, to an extent, the Transcript Motion (Order at 1) and, separately, denied as moot the Time-Extension Motion. *Id.* at 2, FN 1.

5. The Order also stated: “[t]his court trusts that the district court will promptly direct, pursuant to NRS 12.015(3), the preparation of the requested transcripts, or portions thereof, necessary for appellant to prosecute this appeal.”<sup>5</sup>
6. On October 4, 2021, the district court issued the “Court’s Second Order Regarding Requests For Transcripts Pursuant to Plaintiff’s Motion for Leave to Proceed In Forma Pauperis on Appeal” (the “Oct. 4 DC Order”).<sup>6</sup>
7. The Oct. 4 DC Order ordered the preparation of the transcripts but did not set a date certain for completion (and filing) of the transcripts.
8. Appellant cannot predict when the District Court’s court reporter will complete this process, especially given the substantial record, the recency of the Oct. 4 DC Order, and the absence of an explicit deadline. .
9. In light of this uncertainty as to when the transcripts will be available, Appellant respectfully requests that this Court (1) vacate the current deadline of October 11, 2021; (2) order the District Court to provide notice to the parties and to this Court when the transcripts are prepared, filed, and available; and (3) require that the opening brief and appendix be filed within forty (40) days of the date the District Court provides such notice.WHEREFORE,

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<sup>5</sup> *Id.* at 1-2.

<sup>6</sup> The Oct. 4 DC Order is attached hereto as **Exhibit 2**. The District Court titled this as a second order and referenced, among other things, that the court was “again issuing an Order that the Court Recording Department comply with the Court’s May 6, 2020, and May 26, 2020, Order and prepare the transcripts...”. Ex. 2 at 3:12-15.

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

Dated October 6, 2021.

Respectfully submitted,

IQBAL LAW PLLC



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MOHAMED A. IQBAL, JR.

Nevada Bar No. 10623

101 Convention Center Drive, Suite 1175

Las Vegas, NV 89109

*Attorneys for Appellant*

### **CERTIFICATE OF SERVICE**

I certify that I am an employee of IQBAL LAW PLLC and that on October 6, 2021, I caused a true and correct copy of the **SECOND 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

# EXHIBIT 1

# EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHALONDA MOLLETTE, AS SPECIAL  
ADMINISTRATOR OF THE ESTATE  
OF JOE N. BROWN, DECEASED,  
Appellant,

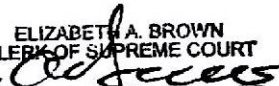
vs.

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

No. 80581

**FILED**

AUG 27 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

SHALONDA MOLLETTE, AS SPECIAL  
ADMINISTRATOR OF THE ESTATE  
OF JOE N. BROWN, DECEASED,  
Appellant,

vs.

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

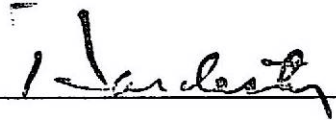
No. 81151

*ORDER*

Counsel for appellant has filed a motion in which he requests, in part, that this court suspend the briefing schedule in order to allow for the preparation of requested transcripts. The motion is granted to the following extent. Appellant shall have until October 11, 2021, to file and serve the opening brief and appendix. This court trusts that the district court will promptly direct, pursuant to NRS 12.015(3), the preparation of

the requested transcripts, or portions thereof, necessary for appellant to prosecute this appeal.

It is so ORDERED.<sup>1</sup>

, C.J.

cc: Hon. Joanna Kishner, District Judge  
Iqbal Law, PLLC  
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.  
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas  
Eighth District Court Clerk

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<sup>1</sup>Appellant's motion for an extension of time to file the opening brief and appendix is denied as moot.

# **EXHIBIT 2**

# **EXHIBIT 2**

1 **ORDR**

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
5 JOE N. BROWN, an individual,  
6 Plaintiff,

Case No.: A-16-739887-C

Dept. No.: XXXI

7 vs.

8  
9 GNL, CORP., a Nevada corporation and  
10 THYSSENKRUPP ELEVATOR CORP., a  
11 foreign corporation,

**COURT'S SECOND ORDER  
REGARDING REQUESTS FOR  
TRANSCRIPTS PURSUANT TO  
PLAINTIFF'S MOTION FOR LEAVE  
TO PROCEED IN FORMA  
PAUPERIS ON APPEAL**

12 Defendants.

13  
14 As the parties are aware, on May 6, 2020, the Court granted Plaintiff's  
15 Motion for Leave to Proceed on Appeal In Forma Pauperis pursuant to NRAP  
16 24(a)(1) and NRS 12.015. Unfortunately, the Court was not provided an  
17 analysis, either in the pleadings or at the hearing(s), of what transcripts would be  
18 "helpful for appellate review of the case".

19 Instead, a review of the Odyssey Record shows that on February 27,  
20 2020, Plaintiff filed-but did not provide-courtesy copies to the Court of the  
21 documents titled "Request for Transcript of Proceeding", wherein he listed  
22 approximately 18 different dates, including which appears to include the entire  
23 trial as well as other hearings. The document, however, did not provide any  
24 breakdown or analysis of whether only portions of the hearings and/or trial days  
25 were needed, whether there was specific witness testimony needed, or other  
26 information to provide the Court with a basis to determine whether there is a  
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1 portion of the day/hearing that “would be helpful to the adjudication or appellate  
2 review of the case” or whether the entirety of each and every day was needed as  
3 required by NRS 12.015(3). NRS 12.015 (3) provides that:  
4

5 If the person is required to have proceedings reported or recorded,  
6 or if the court determines that the reporting, recording or  
7 transcription of proceedings would be helpful to the adjudication or  
8 appellate review of the case, the court shall order that the reporting,  
9 recording or transcription be performed at the expense of the  
10 county in which the action is pending but at a reduced rate as set  
11 by the county.

12 Thereafter on May 26, 2021, the Court issued another Order entitled  
13 “Order Regarding Clarification for Requests for Transcripts Pursuant to Plaintiff’s  
14 Motion for Leave to Proceed in Forma Pauperis”. In that Order, the Court set  
15 forth, in relevant part, that “In order for the Court to be able to make the  
16 determination as set forth in NRS 12.015, as to what should be transcribed as  
17 part of its granting Plaintiff’s Forma Pauperis request, it must have some  
18 information to evaluate. Therefore, in order for the Court to make its  
19 determination, Plaintiff needs to provide the Court with written information as to  
20 what he needs for the Appeal including clarifying which portions/time periods he  
21 is requesting of the hearings and/or trial days by June 3, 2020.”

22 Thereafter on June 3, 2020, Plaintiff Joe Brown’s counsel filed a document  
23 titled, “Plaintiff’s Notice of Clarification Regarding Transcripts for Appellate  
24 Review.” Based on that filing, the Court Recording Department was to prepare  
25 and provide Plaintiff with the requested transcripts pursuant to NRS 12.015(3)  
26 and perform such work “at the expense of the county in which the action is  
27 pending but at a reduced rate as set forth by the county”.  
28

1 On August 27, 2021, the Supreme Court filed an Order in the appellate  
2 case Shalonda Molette as Special Administrator of the Estate of Joe Brown v.  
3 GNL Corp et. al., which set forth that the District Court promptly direct the  
4 preparation of transcripts pursuant to NRS 12.015(3). Prior to that Order, the  
5 District Court Judge was not made aware that its prior Order had not been  
6 complied with and the transcripts had not been prepared. In addition, albeit  
7 dated August 27<sup>th</sup>, the Order was not brought to the undersigned's attention until  
8 late last week. It was at that time that the Court reviewed the record in case A-  
9 16-739887 and found out that the transcripts had not been prepared  
10 inadvertently due to an error as a result of the retirement of the Recorder listed.  
11 As a result of learning that the transcripts were not prepared, the Court is again  
12 issuing an Order that the Court Recording Department of the Eighth Judicial  
13 District comply with the Court's May 6, 2020, and May 26, 2020, Order and  
14 prepare the transcripts set forth in Plaintiff's June 3, 2020, Notice of Clarification  
15 Regarding Transcripts for Appellate Review pursuant to NRS 12.015(3). The  
16 Court further Orders that the Court Recording Department provide the  
17 undersigned Judge, the Supreme Court, and all parties with Notice of when said  
18 Transcripts will be completed.  
19

20 **IT IS SO ORDERED.**

21  
22 DATED this 4<sup>th</sup> day of October, 2021.  
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25   
26 HON. JOANNA S. KISHNER  
27 DISTRICT COURT JUDGE  
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**CERTIFICATE OF SERVICE**

I hereby certify that on or about the date filed, a copy of this Order was served via Electronic Service to all counsel/registered parties, pursuant to the Nevada Electronic Filing Rules, and/or served via in one or more of the following manners: fax, U.S. mail, or a copy of this Order was placed in the attorney's file located at the Regional Justice Center:

**ALL COUNSEL and/or PARTIES SERVED VIA E-SERVICE**

*/s/ Tracy L. Cordoba*  
TRACY L. CORDOBA-WHEELER  
Judicial Executive Assistant