

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

Electronically Filed
Jan 13 2022 08:24 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

No. 81151

THIRD 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 (this “Motion”) for an order extending the time to file Appellant’s opening brief and appendix to sixty (60) days from the date the last transcript is prepared and filed by the District Court’s court recorder and to compel the court recorder to comply with this Honorable Court’s October 21, 2021 Order (the “Second SC

Order”).¹ Appellant respects that the Second SC Order requires “[demonstrating] extraordinary circumstances and extreme need”² for further extension—but that is what we have here: a delay in the execution of and compliance with this Court’s order that currently prejudices a diligent appellant, by reducing the 60-day briefing period set by that order to **36 days** and counting.³

Undersigned counsel casts no aspersions against the District Court’s court recorder, given that *everyone* is enduring some or significant delays with the ongoing COVID crisis and undersigned counsel has experienced delays in other matters. However, this Honorable Court must be notified that its order has not been effectuated, through no fault of Appellant, and Appellant should not be punished for this delay. In support of this instant 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, 2020.⁴
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,

¹ See, *infra*, ¶ 10 at 4-5 and **Exhibit 5** attached hereto.

² Second SC Order, Ex. 5 at 1.

³ As set forth below, three (3) transcripts have yet to be filed.

⁴ Appellant respectfully requests that this Court take judicial notice of its docket, including the procedural history set forth in the Transcript Motion from February 2020 to August 2021, and the Time-Extension Motion (*see, infra*, ¶ 3).

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 based on Appellant’s June 3, 2020 Notice of Clarification, and suspend the briefing schedule until such transcripts became available. On August 23, 2021, Appellant filed a Motion to Extend Time to File Opening Brief and Appendix (the “Time-Extension Motion”).

3. This Court’s August 27, 2021 Order (the “First SC Order”)⁵ resolved both motions⁶ and set October 11, 2021 as the deadline for the opening brief and appendix. The First SC 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.”⁷

4. 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 “DC Order”).⁸

⁵ The First SC Order is attached hereto as **Exhibit 1**.

⁶ This Court granted, to an extent, the Transcript Motion (First SC Order at 1) and, separately, denied as moot the Time-Extension Motion. *Id.* at 2, FN 1.

⁷ *Id.* at 1-2.

⁸ The 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.

5. The DC Order ordered the preparation of the transcripts but did not set a date certain for completion (and filing) of the transcripts. Because Appellant could not predict when the District Court's court recorder would complete this process, especially given the substantial record, the recency of the DC Order, and the absence of an explicit deadline, Appellant filed a Second Motion to Extend Time to File Opening Brief and Appendix on October 6, 2021 (the "Second Motion").⁹

6. In the Second Motion, Appellant requested that this Court vacate the then-current deadline of October 11, 2021, direct the District Court to provide notice to the parties and to this Court when the transcripts would be prepared and filed, and extend the time for filing of the opening brief and appendix.

7. On October 13, 2021, after the October 11 deadline had lapsed, the court recorder filed an "Affidavit & Request for Extension of Time to File Transcripts" (the "Recorder's Request").¹⁰ The court recorder stated that she had been unaware of any outstanding transcript requests in this case until September 30, 2021, when she received a copy of the First SC Order.¹¹ Recognizing time constraints, noting the voluminous record in this case and citing personnel shortage, the court recorder sought a 60-day extension to file the transcripts.

⁹ The Second Motion is attached hereto as **Exhibit 3**.

¹⁰ The Recorder's Request is attached hereto as **Exhibit 4**.

¹¹ The court recorder mistakenly referred to the First SC Order as the "August 23" Order. The Recorder's Request, at 1.

8. On October 21, 2021, this Court issued the Second SC Order,¹² deciding Appellant’s Second Motion and the Recorder’s Request. Specifically, this Court ordered that the court recorder “*shall have 60 days from the date of this order* to file the requested transcripts in the district court and deliver copies to the requesting party.”¹³ Differently put, the court recorder had until Monday, **December 20, 2021** to file the requested transcripts. This Court further ordered that, “[w]ithin the same period, [the court recorder] *shall file a notice* with this court that the completed transcripts have been filed and delivered.”¹⁴ Critically, this Court observed that the court recorder’s “[f]ailure to timely file and deliver the requested transcripts and file the certificate of delivery *may result in the imposition of sanctions*.”¹⁵

9. Relatedly, this Court also granted the Second Motion, ordering that “Appellant shall have 120 days from the date of this order to file and serve the opening brief and appendix.”¹⁶ Thus, the due date for Appellant’s filing of the opening brief and appendix is currently set for Friday, **February 18, 2022**. The Court cautioned that “[n]o further extensions of time shall be permitted absent demonstration of extraordinary circumstances and extreme need.”¹⁷

¹² The Second SC Order is attached hereto as **Exhibit 5**.

¹³ *Id.* at 1 (emphasis added).

¹⁴ *Id.* (emphasis added).

¹⁵ *Id.* (emphasis added).

¹⁶ *Id.*

¹⁷ *Id.*

10. Notwithstanding the plain language of the Second SC Order, the court recorder failed to file all the requested transcripts by December 20, 2021. Indeed, the court recorder filed only seven (7) out of the 19 requested transcripts by the December 20 deadline.¹⁸ As of the date of this instant Motion—that is, 24 days past the December 20 deadline for filing the transcripts—the court recorder still has not filed three (3) transcripts requested by Appellant.¹⁹ As a result, the court recorder also has been unable to file a notice with this Court that the completed transcripts have been filed and delivered.

11. The court recorder's delay in executing the plain language of the Second SC Order and contravening its directive, constitutes extraordinary circumstances. The delay has cut into undersigned counsel's time—60 days from the December 20 deadline—for reviewing the transcripts and preparing and filing Appellant's opening brief and appendix. Rather than the 60 days ordered by the Second SC Order, Appellant currently has **only 36 days**—and is still missing a few transcripts.

12. Appellant respectfully notes that, like the first two, the instant Motion is necessitated solely because of the court recorder's delay in preparing and filing the

¹⁸ Specifically, the court recorder filed six (6) transcripts on December 10, 2021, and one (1) on December 16, 2021. Thereafter, the court recorder filed one (1) transcript on December 27, 2021, two (2) on January 3, 2022, three (3) on January 4, 2022, and three (3) on January 10, 2022.

¹⁹ The outstanding transcripts requested by Appellant relate to the following trial dates: December 11, 2019, December 13, 2019, and December 18, 2019.

requested transcripts. This time, the court recorder simply failed, without an *expressed* justification,²⁰ to meet the deadlines of the Second SC Order.

13. As this Honorable Court will recognize, undersigned counsel has been diligent in protecting Appellant’s rights by seeking to meet a foundational responsibility of all appellants—transcript preparation²¹—since February 27, 2020—nearly two years ago; and seeking, via the filing of *six (6) separate* applicable motions,²² the filing of such transcripts necessary to meaningfully prosecute this appeal.

14. Moreover, this is a complex case with a voluminous record. Appellant has an extreme need to be thorough and to review the multiple transcripts requested for purposes of this appeal.

15. Based on the foregoing, specifically the court recorder’s inability to comply with the filing deadline set forth in the Second SC Order, Appellant respectfully

²⁰ Undersigned counsel is sympathetic to the possibility that there may well be a justification for this delay, but the court recorder has not provided one, and has not filed anything since the Recorder’s Request.

²¹ Appellant has an affirmative obligation to ensure that the applicable, necessary transcripts for an appeal are prepared. *See generally Huckabay Props., Inc. v. NC Auto Parts, LLC*, 322 P.3d 429, 434 (2014)(internal citations omitted).

²² Appellant has filed four (4) with this Court: the August 19, 2021 Transcript Motion (*see, supra*, ¶ 2 at 2); the August 23, 2021 Time-Extension Motion (¶ 3 at 3); the October 6, 2021 Second Motion (¶ 7 at 3-4); and the instant Motion; and two (2) before the District Court: a February 24, 2020 motion for leave to proceed *in forma pauperis* (“IFP Motion”) and a supplemental IFP Motion on April 28, 2020.

Original Appellant Joe N. Brown was a Vietnam War veteran and retired bricklayer whose monthly income consisted entirely of approximately \$1,400 in social security payments. Joe subsequently passed away on January 16, 2021, and Appellant Mollette maintains the appeal in his stead.

requests that this Court compel the court recorder to prepare and file the three (3) remaining transcripts by January 28, 2022.

16. Appreciating this Court's directive that no further extensions of time would be permitted absent demonstration of extraordinary circumstances and extreme need, Appellant respectfully submits that these conditions have been met and therefore requests, based upon the court recorder's delay, that this Honorable Court extend the current deadline of February 18, 2022 for filing the opening brief and appendix and direct that Appellant shall have **60 days from the filing of the last transcript by the court recorder** to file the opening brief and appendix.

17. Appellant should have the same opportunity and right granted to every other diligent appellant who is not responsible for the relevant delays: sufficient time following the completed filing of the transcripts to prepare an opening brief and appendix.

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

Dated January 13, 2022.

Respectfully submitted,

IQBAL LAW PLLC

A handwritten signature in black ink, appearing to read 'Mohamed A. Iqbal, Jr.', written over a horizontal line.

MOHAMED A. IQBAL, JR.
Nevada Bar No. 10623
Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that I am an employee of IQBAL LAW PLLC and that on January 13, 2022, I caused a true and correct copy of the **THIRD 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 *[Signature]*
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.¹

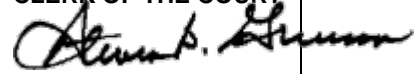
T. J. Anderson, C.J.

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

¹Appellant'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

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 27th, 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 4th day of October, 2021.
23

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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

EXHIBIT 3

EXHIBIT 3

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.

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SPECIAL ADMINISTRATOR
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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, 2021.¹

¹ 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, 2020.²
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")³ resolved both motions⁴ and set October 11, 2021 as the deadline for the opening brief and appendix.

² 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.

³ The Order is attached hereto as **Exhibit 1** for convenient reference.

⁴ 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.”⁵
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”).⁶
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,

⁵ *Id.* at 1-2.

⁶ 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



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 4

EXHIBIT 4

FILED

OCT 13 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

SPECIAL ADMINISTRATOR
SHOLANDA MOLLETTE,

Appellant,

vs.

GNL CORP,

Respondent.

Supreme Court No. 80581

District court Case No. A-16-739887-C

DEPT NO. XXXI

AFFIDAVIT & REQUEST FOR EXTENSION OF TIME TO FILE TRANSCRIPTS

I, LARA CORCORAN, Court Recorder, Department XXXI, Eighth Judicial District Court, Las Vegas, Nevada, respectfully request of this Honorable Court that the due date for completion of any requested transcripts in the above matter be extended for the reasons set forth below.

This Court Recorder began working in Department XXXI in January of 2021. I was not aware that there were any outstanding transcripts requests in this matter. I became aware of this outstanding request on September 30th, 2021, when I was given a copy of the most recent order from the Supreme Court, filed August 23rd, 2021, directing the requested transcripts to be prepared.

Upon a reviewing the case in Odyssey, I saw that Mr. Brown had filed Plaintiff's Notice of Clarification Regarding Transcripts for Appellate Review on June 3rd, 2020, and immediately contacted Judge Kushner regarding preparation of the requested transcripts; who drafted the Court's Second Order Regarding Requests

OCT 13 2021

21-29484

1 for Transcripts Pursuant to Plaintiff's Motion for Leave to Proceed In Forma
2 Pauperis on Appeal, filed October 4th, 2021 [see attached document].

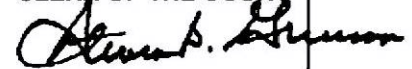
3 I additionally contacted an outside vendor to assist with typing Mr.
4 Brown's request as personnel shortages in District Court would not allow the request
5 to be typed in house. Due to the voluminous amount of transcripts requested and
6 time constraints on the vendor, who is currently typing a daily death penalty trial
7 transcript, this Court Recorder is asking for the due date for the completion and filing
8 of the requested transcripts in District Court to be 60 days from the date of the filing
9 of this Affidavit and Request.

10 This request is made in good faith and not for purposes of delay.

11 Dated this 7th day of October, 2021.

12
13 

14 LARA CORCORAN,
15 Court Recorder, Department XXXI
16 Eighth Judicial District Court
17 Regional Justice Center
18 Las Vegas, Nevada 89155
19 (702) 671-0897
20
21
22
23
24
25



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.

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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
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1 portion of the day/hearing that "would be helpful to the adjudication or appellate
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5 If the person is required to have proceedings reported or recorded,
6 or if the court determines that the reporting, recording or
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10 county in which the action is pending but at a reduced rate as set
11 by the county.

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

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

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 27th, 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 4th day of October, 2021.
23

24 
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

EXHIBIT 5

EXHIBIT 5

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.

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

OCT 21 2021

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

No. 81151

ORDER

Court recorder Lara Corcoran's motion requesting an extension of time to prepare the transcripts requested in these consolidated appeals is granted as follows. NRAP 9(c)(4). Ms. Corcoran shall have 60 days from the date of this order to file the requested transcripts in the district court and deliver copies to the requesting party. See NRAP 9(c)(1)(A). Within the same time period, Ms. Corcoran shall file a notice with this court that the completed transcripts have been filed and delivered. The notice must comply with NRAP 9(c)(2). Failure to timely file and deliver the requested

transcripts and file the certificate of delivery may result in the imposition of sanctions. NRAP 9(c)(5); NRAP 13(b).

Appellant's motion for a third extension of time to file the opening brief and appendix is granted to the following extent. NRAP 31(b)(3)(B). Appellant shall have 120 days from the date of this order to file and serve the opening brief and appendix. No further extensions of time shall be permitted absent demonstration 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, including the dismissal of this appeal. NRAP 31(d). All other relief requested in appellant's motion is denied.

It is so ORDERED.

1. Sanderth, C.J.

cc: Iqbal Law, PLLC
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC/Las Vegas
Lara Corcoran, Court Recorder