

IN THE SUPREME COURT OF THE STATE OF NEVADA

PANORAMA TOWERS
CONDOMINIUM UNIT
OWNERS' ASSOCIATION, a
Nevada non-profit corporation,

Appellant,

vs.

LAURENT HALLIER, an
individual; PANORAMA
TOWERS I, LLC, a Nevada
limited liability company;
PANORAMA TOWERS I MEZZ,
LLC, a Nevada limited liability
company; and M.J. DEAN
CONSTRUCTION, INC., a
Nevada corporation,

Respondents.

Case No. 80615

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Apr 19 2021 05:23 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S FIRST MOTION FOR EXTENSION TO FILE REPLY BRIEF

Appellant Panorama Towers Condominium Unit Owners' Association, a Nevada non-profit corporation, respectfully requests a 30-day extension to file its Reply Brief, which would otherwise have been due on April 12, 2021.

I. Good Cause Exists for the Timing of Appellant's First Extension Request.

NRAP 26(b)(1) allows this Court to “permit an act to be done after the time expires” upon a showing of good cause. Excusable neglect on the part of Appellant’s counsel resulted in counsel either not receiving the Answering Brief or failing to properly calendar the Reply Brief filing deadline, which resulted in Appellant’s failure to move for an extension on or before April 12, 2021. Appellant’s counsel has spoken with the Respondents’ appellate counsel and they indicated they have no objection or intent to oppose this Motion.

Appellant’s counsel of record from the Kemp Jones firm spent all of March and the first part of April preparing for and participating in a multi-week bench trial. In addition, the firm’s staff tasked with calendaring deadlines for this matter inadvertently failed to do so because they were unintentionally left off the Supreme Court service list. Recent staff turnover resulted in this matter being re-assigned. The newly assigned assistant was inadvertently omitted from the Supreme Court’s eFlex filing system. Thus, that staff member did not receive the Answering Brief and was unaware of the reply deadline.

On April 16, 2021, the Kemp Jones lawyers noticed the Answering Brief had been filed while they were occupied with trial and their staff inadvertently failed to calendar the Reply Brief deadline. Upon recognizing these issues, the Kemp Jones lawyers took immediate action in an effort to address the issue.

As a result of COVID-19, Appellant counsel Francis Lynch has been residing outside of the United States for past nine months. Consequently, Mr. Lynch has been unable to maintain a physical office within the State of Nevada and has been forced to rely exclusively upon a minimal local staff that works remotely. As a result of the foregoing, and due to an unnoticed error in the service address for Mr. Lynch's mailbox, Mr. Lynch's local staff did not receive the Answering Brief and did not calendar the deadline to file the Reply Brief.

Appellant counsel Scott Williams resides out of state and has been admitted to practice in Nevada *pro hac vice* for purposes of this case. Although the certificate of service for the Answering Brief indicates that he was served through the Supreme Court's eFlex filing system, the certificate does not identify an email address for Mr. Williams, and in

fact, neither he nor anyone else in his office received the Answering Brief by electronic service.

Based on the foregoing, good cause exists for Appellant's counsel's inadvertent failure to timely file the Reply Brief or timely move for a first extension.

Moreover, the requested 30-day extension will not lengthen this appeal, impact the judicial proceedings, or prejudice Respondents. First, due to the trial obligations of the Kemp Jones lawyers, Appellant had always intended to seek additional time to file its Reply Brief. Therefore, the calendaring oversight did not adversely impact any other briefing deadlines or prolonged the appellate process. Second, there is no risk of prejudice to Respondents. An extension will not impact the underlying district court action. Additionally, Respondents made four requests for extensions of time for the filing of their Answering Brief for various reasons. As a matter of professional courtesy, Appellant did not oppose any of those requests.

II. Good Cause Exists to Grant Appellant's First Extension Request.

NRAP 31(b)(3)(B) allows this Court to grant extensions upon a showing of good cause. This request is Appellant's first request for an

extension of time concerning the Reply Brief. Counsel's review of the Answering Brief and completion of the Reply Brief has been delayed for several reasons. Most importantly, Appellant's counsel at Kemp Jones were consumed with preparations for and participation in a multi-week bench trial that did not finish until early April and thereafter involved post-trial briefing. This trial delayed counsel's ability to review the Answering Brief and prepare the Reply Brief. Oversights related to the service list for Appellant's other counsel caused similar delays in review and preparation of the Reply Brief.

Under these circumstances, Appellant respectfully requests a 30-day extension. If the Court grants this request, then Appellant's Reply Brief would be due on May 12, 2021; 30 days after its original due date.

DATED: April 19, 2021

/s/ Michael Gayan

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of April, 2021, I served a copy of this APPELLANT'S FIRST MOTION FOR EXTENSION TO FILE REPLY BRIEF upon all counsel of record via electronic service:

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/s/ Ali Augustine