

IN THE SUPREME COURT OF THE STATE OF NEVADA

Supreme Court Case No. 80693

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Elizabeth A. Brown
Clerk of Supreme Court

DAVID J. MITCHELL; BARNET
LIBERMAN; LAS VEGAS LAND
PARTNERS, LLC; MEYER
PROPERTY LTD.; ZOE PROPERTY,
LLC; LEAH) PROPERTY, LLC;
WINK ONE, LLC; District Court No.
A-16-740689-B AQUARIUS
OWNER, LLC; LVLP HOLDINGS,
LLC; LIBERMAN HOLDINGS, LLC;
LIVE WORKS TIC SUCCESSOR,
LLC; AND CASINO COOLIDGE,
LLC,

Appellants,

vs.

RUSSELL L. NYPE; REVENUE
PLUS,) LLC; AND SHELLEY D.
KROHN,

Respondents.

**MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF
(First Request)**

Appellants hereby move for 45-day extension of time to file their opening brief and appendix, which is due February 3, 2021. If granted, the brief will be due on March 19, 2021. NRAP 31(b)(3). This is the first

such motion. The parties previously stipulated to a briefing schedule with an original deadline of February 3, 2021. No request for an extension of time has been denied or denied in part.

This is a very large and complex appeal involving many parties and complex issues, including fraudulent conveyance claims, alter ego claims, and civil conspiracy claims; that involved complex real estate acquisition and development transactions for as many as fifty parcels and involving more than \$70,000,000 in investments over a period of many years. The judgement on appeal is in excess of \$20,000,000.

The record on appeal is very large and the preparation of the appendix has also taken a tremendous amount of time and effort to complete. There are in excess of six (600) hundred trial exhibits in this case and a number of post-trial motions which impact the size and complexity of the appeal.

Appellants' attorneys have been diligently working on the opening brief, but a further forty-five (45) day extension of the briefing schedule is necessary for several reasons.

Appellants' counsel's office has been greatly affected by the Covid-19 epidemic. Several attorneys and staff have tested positive for the

virus in the last 60 days. This has required quarantining attorneys and staff at different times and has made it very difficult to work on an appeal of this magnitude effectively. In addition, those that were impacted by Covid-19 have been unable to work normal workdays due to fatigue and other side effects.

The undersigned counsel is dealing with non-Covid-19 medical issues that have taken him out of the office numerous times for medical appointments and have impacted his ability to work efficiently. Counsel has needed diagnostic testing, followed by therapy and different treatment modalities. Counsel is still treating. Counsel is working full time, but work is more difficult and the work on this appeal is taking longer than normal.

Further, one of firm's key staff who has been working diligently on the multi-volume appendix, had to work remotely at home for over a month when his spouse tested positive for Covid-19 and they both had symptoms of Covid-19. He is also involved in preparation of the opening brief itself. His efficiency was impacted by needing to work remotely at home.

Under these circumstances, appellants' attorneys will be unable to finish the brief by February 3, 2021. The circumstances set forth in this motion were unforeseeable and good cause exists for a 45-day extension. NRCP 26 (1)(A). Appellants' attorneys firmly believe they will be able to file the opening brief within the extended time.

Therefore, respondent requests an extension until March 19, 2021. This motion is made in good faith and without the intent to delay the appeal unnecessarily.

Dated this 2nd day of February 2021

COHEN JOHNSON

By: /s/ H. Stan Johnson
H. Stan Johnson, Esq.
Nevada Bar No. 0265
375 E. Warm Spring Road, Suite 104
Las Vegas, Nevada 89119
Attorneys for Appellants

CERTIFICATE OF SERVICE

I certify that on 2nd day of February, 2021, pursuant to N.E.F.R. 7, I caused the **MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF** to be filed electronically with the Clerk of the Nevada Supreme Court. Pursuant to N.E.F.R. 9, notice of an electronically filed document by the Court “shall be considered as valid and effective service of the document” on the below listed persons who are registered users.

JOHN W. MUIJE & ASSOCIATES
JOHN W. MUIJE, ESQ.
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ATTORNEYS FOR RESPONDENTS

DATED the 2nd day of February, 2021.

/s/ Sarah Gondek _
An employee of
COHEN JOHNSON, LLC