

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID J. MITCHELL; LAS VEGAS
LAND PARTNERS, LLC; MEYER
PROPERTY LTD.; ZOE PROPERTY, LLC;
LEAH PROPERTY, LLC; WINK ONE,
LLC; AQUARIUS OWNER, LLC; LVLP
HOLDINGS, LC; ANDLIVE WORKS TIC
SUCCESSOR, LLC,

Appellants,

vs.

RUSSELL L. NYPE, REVENUE PLUS,
LLC, AND SHELL D. KROHN,

Respondents.

Supreme Court No. 80693

Electronically Filed
Apr 30 2021 04:35 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

RESPONDENTS' MOTION FOR EXTENSION OF TIME

TO FILE ANSWERING BRIEF (SECOND REQUEST)

Respondents Russell L. Nype and Revenue Plus, LLC (collectively the "Nype Parties"), hereby file, pursuant to Nevada Rule of Appellate Procedure ("NRAP") 26(b)(1)(B) and NRAP 31(b)(3), their Motion for Extension of Time to File Answering Brief.

The remaining Appellants¹ Opening Brief was originally due on or about January 4, 2021, but was extended twice (once by stipulation joined by the Nype Parties and once by unopposed motion) to March 18, 2021. On March 18, 2021, these Appellants filed their Opening Brief. As a result, the Nype Parties' Answering Brief was originally due on April 19, 2021. Pursuant to NRAP 26(b)(1)(B), a 14-day telephonic extension of time was granted to the

¹ On February 26, 2021, this Court entered an order removing Liberman Holdings, LLC, as an appellant in this appeal and dismissing Casino Coolidge, LLC's and Barnet Liberman's appeals. (*See February 26th Order at 1.*)

Nype Parties on April 16, 2021, resulting in their Answering Brief currently being due on May 3, 2021.

However, pursuant to NRAP 26(b)(1)(B), extraordinary and compelling circumstances exist which necessitate an additional extension of time. Specifically, during the last two weeks, Mitchell, the Las Vegas Land Partners, LLC's bankruptcy Trustee, and Nype have reached verbal agreement as to all material terms of a settlement. Execution copies of a settlement agreement have been approved by all parties' counsel and circulated for signature. Two of the three parties have already signed the agreement, and counsel for the remaining party has indicated that his client intends to sign the agreement. Once that occurs, likely within the next day or two, the Settlement Agreement must be submitted to the United States Bankruptcy Court for the District of Nevada, Case No. BK-19-15333-mkn, for that Court's approval. The Nype Parties and the Bankruptcy Trustee have already drafted that motion for the bankruptcy Court's approval, and will seek to have that motion heard on order shortening time. If fully consummated and approved by the bankruptcy court, the settlement will result in the dismissal of this appeal.

Accordingly, to preserve the parties' resources in these circumstances where it appears likely that this appeal will soon be dismissed, the Nype Parties respectfully request a sixty-day extension of time, to July 2, 2021, to file their Answering Brief.² The Nype Parties represent

² If the Court is unwilling to grant the fully amount of time requested in this motion, the Nype Parties respectfully request at least thirty days to file their brief from the order resolving this Motion. This amount of time is necessary for the Nype Parties' counsel to adequately brief this complex appeal.

that the appellants' New York counsel has advised them that they have no objection to the requested extension, given the parties' substantial progress towards achieving the contemplated and agreed settlement.

DATED this 30th day of April, 2021.

JOHN W. MUIJE & ASSOCIATES

By: 

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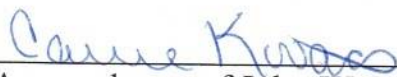
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Attorneys for *Respondents*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing
**RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE
ANSWERING BRIEF (SECOND REQUEST)** with the Nevada Supreme Court
on the 30th day of April, 2021. Electronic service of the foregoing document shall
be made in accordance with the Master Service list as follows:

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