

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 SHELLY D.
KROHN,

Respondents.

Electronically Filed
August 12, 2021 11:44 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**JOINT MOTION FOR
EXTENSION OF TIME TO
FILE ANSWERING BRIEF
(FOURTH REQUEST)**

Appellants and Respondents Russell L. Nype, Revenue Plus, LLC and Shelly D. Krohn (collectively, "Respondents"), hereby file, pursuant to Nevada Rule of Appellate Procedure ("NRAP") 26(b)(1)(B) and NRAP 31(b)(3), their Joint 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 Respondents and once by unopposed motion) to March 18, 2021. On March 18,

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.)

2021, these Appellants filed their Opening Brief. As a result, Respondents' 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 Respondents on April 16, 2021, resulting in their Answering Brief currently being due on May 3, 2021. Pursuant to orders dated May 6th and 12th, 2021, and June 11, 2021, this Court granted Respondents an extension of time for their Answering Brief to August 31, 2021, to provide the parties with additional time to finalize a pending settlement.

Pursuant to NRAP 26(b)(1)(B), extraordinary and compelling circumstances exist which necessitate an additional extension of time. The parties have reached a settlement that will result in the dismissal of the appeal once the settlement is funded. Indeed, the parties have executed the approved settlement agreement and the only thing that remains is Appellant Mitchell's receipt of the monies that he will use to fund the settlement (Appellant Mitchell's signed copy of the agreement is being held in escrow pending his receipt of the settlement funds). Unfortunately, it is taking Appellant Mitchell much longer than anticipated to accumulate the agreed settlement funds. Once the funds are received, the parties will immediately exchange fully executed copies of the settlement agreement, which must then be submitted to the United States Bankruptcy Court for the District of Nevada, Case No. BK-19-15333-mkn, for that Court's approval. Respondents have already drafted that motion for the bankruptcy Court's approval, and will seek to have that motion heard on order

shortening time. Once funded 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 parties respectfully request a four-week extension of time, to September 28, 2021, for Respondents to file their Answering Brief.

DATED this 12th day of August, 2021.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing **JOINT MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF (FOURTH REQUEST)** with the Nevada Supreme Court on the 12th day of August, 2021.

Electronic service of the foregoing document shall be made in accordance with the Master Service list as follows:

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