

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Supreme Court Case No. 80693

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Electronically Filed  
Nov 29 2021 04:07 p.m.  
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.

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**MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF  
(FIRST REQUEST)**

Appellant hereby moves for 90-day (ninety) extension of time to file their Reply Brief, which is currently due November 29, 2021. If granted,

the brief will be due on February 28, 2022<sup>1</sup>. NRAP 31(b)(3). This is the first request for an extension of the Reply Brief deadline. No request for an extension of time has been denied or denied in part.

This is a complex appeal involving a number of parties and complex and unique issues, as well as hundreds of exhibits. Respondents Appendix contains 65 volumes by itself. The Appellants' Opening Brief was originally due on January 4, 2021 but was extended twice to March 18, 2021. On March 18, 2021, Appellant's filed their Opening Brief. Respondent's 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 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 formalize a pending settlement. On August 12, 2021, the parties filed a joint motion for an additional extension of time, which was granted on August 23, 2021, granting Respondents an extension of time to file their Answering Brief

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<sup>1</sup> A 90-day extension would set the due date to February 27, 2022 which is a Sunday, The next court day would be February 28, 2022.

to September 28, 2021. Respondents requested an additional request to extend their deadline to October 28, 2021 which was granted by this Court. In total, Respondents requested five extensions of time. The Respondents filed their Answering Brief on October, 28, 2021, which set the deadline for the Respondent's to file their Reply Brief by November 29, 2021.

Appellant's attorneys have been diligently working on the opening brief, but a further ninety (90) day extension of the briefing schedule is necessary for several reasons.

The undersigned counsel has recently undergone very major emergency surgery which has already kept him out of the office for three months and will likely continue for two to three months more. Counsel is undergoing rehab, follow-up appointments, and different treatment modalities. As a result, counsel has not been able to return to full-time work.

Further, one of firm's key attorneys who assists on most appellate briefs and who has also been working diligently on this appeal has also been required to be out of the office and out of the state to deal with medical issues of a close friend that will require life-long, 24/7 health

care. It is necessary for the attorney to be there at this critical time as he is the legal guardian.

These events have not allowed this employee to work on this Reply Brief as expected. His further absence has delayed Counsel's efforts in completing this Reply Brief.

Additionally, Counsel's remaining staff resources have been monopolized completing another Reply Brief in Supreme Court Case 81964, which is due December 13, 2021. After this Brief is completed, Counsel's remaining attorneys will be able to turn their attention to the brief due in this matter if the extension is granted.

Under these circumstances, appellant's attorneys will be unable to finish the brief by November 29, 2021. The circumstances set forth in this motion were unforeseeable and good cause exists for a 90-day extension. NRCP 26 (1)(A). Appellant's remaining attorneys firmly believe they will be able to file the reply brief within the extended time.

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Therefore, Appellant requests an extension until February 28, 2022. This motion is made in good faith and without the intent to delay the appeal unnecessarily.

Dated this 29th day of November 2021.

COHEN JOHNSON LLC

By: /s/ H. Stan Johnson

H. Stan Johnson, Esq.

Nevada Bar No. 0265

375 E. Warm Spring Rd, Ste. 104

Las Vegas, Nevada 89119

*Attorneys for Appellant*

## **CERTIFICATE OF SERVICE**

I certify that on 29th day of November, 2021, pursuant to N.E.F.R. 7, I caused the MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF (First Request) 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 all persons who are registered users.

DATED the 29th day of November, 2021.

/s/ Sarah Gondek

An employee of COHEN JOHNSON, LLC