

IN THE SUPREME COURT OF THE STATE OF NEVADA

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POPE INVESTMENTS, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY; POPE INVESTMENTS
II, LLC, A DELAWARE LIMITED
LIABILITY COMPANY; AND
ANNUITY & LIFE
REASSURANCE, LTD., AN
UNKNOWN LIMITED COMPANY,
Appellants,

vs.

CHINA YIDA HOLDING, CO., A
NEVADA CORPORATION,

Respondent.

CASE NOS. 79807 & 80709

DISTRICT COURT CASE NO.
A-16-746732-P

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Elizabeth A. Brown
Clerk of Supreme Court

**UNOPPOSED MOTION TO EXTEND TIME TO FILE OPENING BRIEF
(FOURTH REQUEST)**

COME NOW the Appellants Pope Investments, LLC, Pope Investments II, LLC, and Annuity & Life Reassurance, Ltd., by and through their counsel of record, Richard J. Pocker, Esq., of the law firm Boies Schiller Flexner LLP and Peter Chasey, Esq. of Chasey Law Offices and hereby move this Honorable Court for an extension of time to file their Opening Brief and Appendix pursuant to Rules 27 and 31 of the Nevada Rules of Appellate Procedure. This Motion is based upon

the Memorandum of Points and Authorities included herein, and the papers and pleadings on file in this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

On December 17, 2019, following an unsuccessful attempt to resolve the disputes between the parties through the Court's Settlement Program, the Court entered an Order requiring the Appellants to file their Opening Brief in Case No. 79807 by March 16, 2020. Subsequent to the entry of that Order, the Appellants filed their Notice of Appeal of the district court's Order as to the Respondent's request for attorney's fees on February 26, 2020. (This Notice of Appeal generated Case Number 80709.)

On March 9, 2020, the Appellants and the Respondent stipulated to an extension of Appellants' deadline to file the Opening Brief in Case Number 79807. The Court approved the stipulation, extending the due date for the Opening Brief in Case Number 79807 to April 15, 2020.

The Court set the due date for the Appellants' Opening Brief in Case Number 80709, the appeal regarding the district court's attorney's fee ruling, for July 1, 2020. On March 27, 2020, the Appellants moved, without opposition from the Respondent, to consolidate Case Number 79807 with Case Number 80709. The Court granted the requested consolidation on April 6, 2020, and also granted

the Appellants' additional request that the Opening Brief for the consolidated appeals be due on July 1, 2020.

On June 17, 2020 the Appellants sought a further extension of the deadline for filing of the Opening Brief, without opposition from the Respondent. The Court granted the requested extension June 24, 2020, extending the due date for the Opening Brief to and including July 22, 2020. In its Order doing so, the Court instructed that no further extensions would be granted absent extraordinary circumstances.

None of the prior three requests to adjust or extend the due date for the Opening Brief were denied. Respondent's counsel has been advised of the present request to further extend the due date for the Opening Brief to August 3, 2020, and has no opposition to the requested extension.

As the Court is well aware, the COVID 19 public health crisis has persisted beyond earlier estimations as to the date by which that crisis would be abated or resolved, disrupting the ability of business and law firms to conduct their affairs in the usual or customary fashion. Advances in remote working technology and the relaxation or adjustment of Court protocols notwithstanding, legal work of a substantive and complex variety has been more cumbersome and time consuming in the past few months. This is especially so where clients and counsel reside in different parts of the country, with sometimes conflicting schedules as to

availability, as in the present case. While Appellants' counsel has an extraordinarily capable staff, the functional challenges of working from home have complicated these appellate proceedings, especially for counsel.

In addition to the general impact of the safety measures necessary for effectively fighting the COVID-19 public health crisis, the office building in which Appellants' counsel maintains his office has reported in the past two weeks two cases of individuals working in that building having tested positive for COVID-19, including one working on the same floor as Appellants' counsel, a floor on which there are shared common areas and facilities, such as restrooms. Counsels' employees and staff (including those assisting with the Opening Brief), consistent with the strict policy of Boies Schiller Flexner, have been directed to stay away from the office and advised to self-quarantine for the appropriate time. Counsels' objective is to preserve the safety and health of staff, and this request for a brief extension is aimed at insuring that such health and safety objectives are assured, with the passage of enough time to establish the lack of infections or symptoms before having staff present in the office for the final push to assemble and file the Opening Brief and appendices. This final stage is important to the effective completion of the Brief, the possibility and frequency of remote work notwithstanding. Thus, the extension sought by Appellants is to and including August 3, 2020, a date twelve (12) days beyond the current deadline.

For the reasons set forth herein the Appellants request that the Court extend the due date for the Appellants' Opening Brief to August 3, 2020.

Dated this 10th day of July, 2020.

BOIES SCHILLER FLEXNER LLP

By: /s/ Richard J. Pocker
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- AND -

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of BOIES SCHILLER FLEXNER LLP, and that on this 10th day of July, 2020, I electronically filed and served through the Nevada Supreme Court's E-Filing System (Eflex) a true and correct copy of the above and foregoing ***UNOPPOSED MOTION TO EXTEND TIME TO FILE OPENING BRIEF (FOURTH REQUEST)*** addressed to the following:

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/s/ Shilah Wisniewski
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