

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Oct 23 2020 03:32 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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.

**Supreme Court Case Nos.:
79807 and 80709**

District Court Case No.:
A-16-746732-P

**UNOPPOSED MOTION TO EXTEND TIME TO FILE ANSWERING
BRIEF
(SECOND REQUEST)**

Pursuant to Nevada Rule of Appellate Procedures 31(b)(3), Respondent China Yida Holding Co. ("Respondent"), by and through its counsel of record Holland & Hart, LLP, files this Unopposed Motion to Extend Time to file its Answering Brief. This Motion is based on the following Memorandum of Points and Authorities, and the papers and pleadings on file in this matter.

MEMORANDUM OF POINTS & AUTHORITIES

On October 9, 2019, Appellants Pope Investments, LLC, Pope Investments II, LLC, and Annuity & Life Reassurance, Ltd. (collectively "Appellants"), filed their Notice of Appeal in Case No. 79807. On February 26, 2020, Appellants filed their Notice of Appeal in Case Number 80709. On April 6, 2020, this Court

1 granted Appellants' Motion to Consolidate Case Nos. 79807 and 80709, and
2 extended the briefing scheduling. On August 11, 2020, Appellants filed their
3 Opening Brief and Joint Appendix.

4 On September 14, 2020, this Court granted the parties' Stipulation to
5 extend the time for Respondent to file its answering brief. Pursuant to the
6 Stipulation, Respondent's answering brief is due on or before October 26, 2020.
7 Respondent now moves for a 30-day extension of time to file its answering brief.
8 The parties' Stipulation to extend the time for Respondent to file its answering
9 brief is the only request Respondent has made to extend the time to file its
10 answering brief, and this was not denied.

11 Respondent requests a 30-day extension to file its answering brief due to
12 counsels' preparation for an upcoming bench trial in the United States District
13 Court for the District of Nevada. Respondent's counsel, Joshua M. Halen, was
14 preparing for and took the California State Bar Examination on October 5th and
15 6th. Upon returning, Respondent's counsel, Joshua M. Halen and J. Robert Smith,
16 have both been requested by other attorneys in their firm to assist and prepare for
17 a bench trial in *Chemeon Surface Technology v. Metalast International, Inc.*, Case
18 No. 3:15-cv-00294-CLB (D. Nev.). Trial is set to begin November 9, 2020, and
19 both Messrs. Smith and Halen have been involved in drafting the trial brief,
20 preparing exhibits, researching legal issues, and preparing witnesses for trial. The
21 unexpected request to assist in preparation for trial, as well as commitments to
22 other responsibilities, has taken away from their ability to draft an answering brief
23 in this matter. Thus, the additional time requested for filing the answering brief is
24 to allow counsel to adequately assist and prepare for the upcoming bench trial and
25 prepare the answering brief in this matter.

26 Counsel for Respondent spoke with counsel for Appellants, Richard
27 Pocker, on October 22, 2020, Mr. Pocker agreed to Respondent's request for a
28 30-day extension.

1 Accordingly, Respondent requests a 30-day extension to file its answering
2 brief. The granting of this Motion would make Respondent's brief due on or
3 before Wednesday, November 25, 2020.

4
5 DATED this 23rd day of October 2020

6 HOLLAND & HART LLP

7
8 /s/ J. Robert Smith

9 J. Robert Smith, NV Bar No. 10992

10 Joshua M. Halen, NV Bar No. 13885

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14 *Attorneys for Respondent*
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I hereby certify that I am an employee of Holland & Hart LLP, and that on October 23, 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 **STIPULATION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF**, addressed to the following:

Attorneys for Respondents

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