

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

Electronically Filed
Feb 05 2021 09:44 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

UNOPPOSED MOTION TO EXTEND TIME TO FILE REPLY BRIEF
(THIRD REQUEST)

COME NOW the Appellants Pope Investments, LLC, Pope Investments II, LLC, and Annuity & Life Reassurance, Ltd. (hereinafter “Appellants”), 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 February 10, 2021 in which to file their Reply Brief 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

This Unopposed Motion to Extend Time to File Reply Brief seeks an extension of due date for the Appellants' Reply Brief from February 5, 2021 to February 10, 2021, an extension of merely five (5) calendar days. Good cause exists for the granting of this Motion, a motion which is not opposed by the Respondent.

The Appellants filed their Opening Brief on August 11, 2020. Following a series of three (3) extensions, unopposed by the Appellants and granted by the Court, the Respondent filed its Answering Brief on December 9, 2020. The Appellants' Reply Brief was originally due by January 8, 2021, a date determined by the applicable Nevada Rules of Appellate Procedure. On December 18, 2020, the parties filed a Stipulation agreeing to an extension of the reply due date to January 29, 2021. The Court approved that Stipulation on that same date, extending the due date to January 29, 2021, as requested. On January 21, 2021, the Appellants filed an Unopposed Motion to Extend Time to File Reply Brief to February 5, 2021, which this Court approved on January 26, 2021.

The Appellants seek the brief five (5) day extension requested in this Unopposed Motion for reasons related to the ongoing COVID-19 public health

crisis, and recent medical events regarding staff. Since the time of the December 18 Stipulation, staff members of Appellants' law firm have been exposed to the COVID-19 virus, necessitating self-quarantines and the inability to assist with office activities attendant to the Reply Brief, or any other task requiring work in the office. In addition, undersigned counsel's Legal Assistant (a crucial participant in the completion of the Reply Brief) has suffered, and is recovering from a concussion sustained in a fall in late December.

Appellants seek the extra five (5) days for completion of the Reply Brief to permit applicable quarantine periods to expire so as to permit active participation by staff in the assembling and filing of the Reply Brief, and to insure the recovery of the injured Legal Assistant. Any delay resulting from the short extension is clearly outweighed by the interests of maintaining the health and safety of counsels staff, avoiding jeopardy to counsel and his staff in making sure the Reply Brief is filed timely in accordance with all applicable rules. Moreover, the Appellants' Reply Brief will be the final filing in the present case before its submission to the Court for decision. The short five (5) day pause in submission of this matter to the Court is a small price to pay for the continuation of responsible measures to insure the safety of staff and counsel.

The prior requests to adjust and extend the due date for the Reply Brief were not denied, nor is any request, aside from this Unopposed Motion, pending at this

time before the Court. As noted earlier, Respondents' counsel has been advised of the present request to further extend the due date to February 10, 2021, and has no opposition to the request.

These are no ordinary times, and flexibility in the Court's schedule is often times necessary in the interests of justice. For the reasons set forth herein the Appellants request that the Court extend the due date for the Appellants' Reply Brief to February 10, 2021.

Dated this 5th day of February, 2021.

BOIES SCHILLER FLEXNER LLP

By: /s/ Richard J. Pocker
RICHARD J. POCKER, ESQ.
Nevada Bar No. 3568
300 S. Fourth St., Suite 800
Las Vegas, Nevada 89101

- AND -

CHASEY LAW OFFICES
PETER L. CHASEY, ESQ.
Nevada Bar No. 7650
3295 N. Fort Apache Rd., Suite 110
Las Vegas, Nevada 89129
Attorneys for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of BOIES SCHILLER FLEXNER LLP, and that on this 5th day of February, 2021, 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 REPLY BRIEF (THIRD REQUEST)*** addressed to the following:

J. Robert Smith, Esq.
Joshua M. Halen, Esq.
Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
Attorneys for Petitioner, China Yida Holding, Co.

/s/ Shilah Wisniewski
SHILAH WISNIEWSKI
An employee of Boies Schiller Flexner LLP