

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

STEVE EGGLESTON,

Appellant,

v.

GEORGINA STUART; CLARK  
COUNTY, NEVADA, LISA  
CALLAHAN; AND BRIAN  
CALLAHAN,

Respondents.

Electronically Filed  
Sep 14 2020 11:34 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court No.: 80838

District Court No.: D-15-508989-P

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF  
AND APPENDIX**

COMES NOW, Appellant, Steven Eggleston, by and through his attorney, Emily McFarling, Esq. of McFarling Law Group, and hereby requests an Order extending the time to file Opening Brief. This Motion is based upon the Memorandum of Points and Authorities, Declaration of Emily McFarling, Esq., and all other papers and pleadings on file herein.

DATED this 11<sup>th</sup> day of September, 2020.

**McFARLING LAW GROUP**

/s/ Emily McFarling

Emily McFarling, Esq.  
Nevada Bar Number 8567  
6230 W. Desert Inn Road  
Las Vegas, NV 89146  
(702) 565-4335  
*Attorney for Appellant,  
Steve Eggleston*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

Pursuant to NRAP 26(b), for good cause, the court may extend time to perform any act prescribed in the Nevada Rules of Appellate Procedure. On or before the due date sought to be extended, a party may request by telephone a single 14-day extensions of time, and if good cause is shown, the clerk may grant such request by telephone. However, for any further extensions of time to perform, the party must file a written motion for an extension of time demonstrating extraordinary and compelling circumstances why a further extension of time is necessary.

Motions for extensions of time are governed by Rule 31(b). Subsection (3) of said Rule states that the motion shall include the following:

- (i) The date when the brief is due;
- (ii) The number of extensions of time previously granted (including a 14-day telephonic extension), and if extensions were granted, the original date when the brief was due;
- (iii) Whether any previous requests for extensions of time have been denied or denied in part;
- (iv) The reasons or grounds why an extension is necessary (including demonstrating extraordinary and compelling circumstances under Rule 26(b)(1)(B), if required); and
- (v) The length of the extension requested and the date on which the brief would become due.

Per the Court's Instructions/Notice Regarding Deadline dated April 8, 2020, the Opening Brief was originally due August 6, 2020. On August 3, 2020, Appellant

in proper person requested a 14-day extension and it was granted by the Clerk making the new due date August 20, 2020. No requests have been denied thus far.

Appellant, who currently resides in London, attempted to file his Opening Brief in proper person by hiring a runner service. However, for reasons not clear or known to Appellant or to the undersigned at this time, the Brief did not get filed. Appellant discovered this fact after his deadline had passed as a result of undersigned counsel reviewing the register of actions.

Appellant retained the undersigned counsel today to represent him in this appeal. Undersigned filed a Notice of Appearance today.

Appellant needs an extension to file the brief and appendix given that his Opening Brief did not get filed for reasons out of his control. Moreover, now that Appellant has counsel, he further requests this extension to allow her to time to review and if it appears warranted, update his brief. Appellant believes these reasons demonstrate an extraordinary and compelling circumstance.

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As such, Appellant respectfully requests a 30-day extension from the date of this Motion to the file the Opening Brief and Appendix—specifically the brief and appendix would be due October 12, 2020.

DATED this 11<sup>th</sup> day of September, 2020.

**McFARLING LAW GROUP**

/s/ Emily McFarling

Emily McFarling, Esq.  
Nevada Bar Number 8567  
6230 W. Desert Inn Road  
Las Vegas, NV 89146  
(702) 565-4335  
*Attorney for Appellant,  
Steve Eggleston*

**DECLARATION EMILY MCFARLING, ESQ.**

I, Emily McFarling, Esq., declare under penalty of perjury under the laws of the State of Nevada that the following is true and correct:

1. I represent the Appellant in the above-entitled case.
2. I have read the attached motion and know the contents thereof; the same is true of my own knowledge, except for those matters stated upon information and belief and, as to those matters, I believe them to be true.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 USC § 1746), that the foregoing is true and correct.

DATED this 11th day of September, 2020.

**MCFARLING LAW GROUP**

/s/ Emily McFarling

Emily McFarling, Esq.  
Nevada Bar Number 8567  
6230 W. Desert Inn Road  
Las Vegas, NV 89146  
(702) 565-4335  
*Attorney for Appellant*  
*Steve Eggleston*

**CERTIFICATE OF SERVICE**

I, an employee of McFarling Law Group, hereby certify that on the 14th day of September, 2020, I served a true and correct copy of Appellant's Motion for Extension of Time to File Brief and Appendix as follows:

☒ by United States mail in Las Vegas, Nevada, with First-Class postage prepaid and addressed as follows:

Brian Callahan  
300 Ashley Dr.  
New York, IL 60451  
*Respondent in Proper Person*

Lisa Callahan  
300 Ashley Dr.  
New York, IL 60451  
*Respondent in Proper Person*

☒ via the Supreme Court's electronic filing and service system (eFlex):

OLSON CANNON GORMLEY &  
STOBERSKI  
Felicia Galati, Esq.  
*Attorneys for Respondents,  
Georgina Stuart and Clark County*

/s/ Christiane Smith  
Christiane Smith