

1 MARK G. SIMONS, ESQ.  
Nevada Bar No. 5132  
2 MSimons@SHJNevada.com  
SIMONS HALL JOHNSTON PC  
3 6490 S. McCarran Blvd., Ste. F-46  
Reno, Nevada 89509  
4 Telephone: (775) 785-0088  
Facsimile: (775) 785-0087

5 *Attorneys for Waste Management of Nevada, Inc.*

Electronically Filed  
May 14 2020 10:54 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

9 WASTE MANAGEMENT OF  
10 NEVADA, INC.,

11 Appellant,

12 v.

13 WEST TAYLOR STREET, LLCA, a  
14 limited liability company,

15 Respondent.  
16

**Supreme Court No.: 80841**  
(District Court Case No. CV12-02995)

**MOTION FOR EXTENSION OF  
TIME TO FILE DOCKETING  
STATEMENT**

17 Appellant Waste Management of Nevada, Inc. ("Waste Management") by  
18 and through its attorney Mark G. Simons of Simons Hall Johnston PC, hereby  
19 moves this court for an extension of time to and including May 12, 2020, to file  
20 its Docketing Statement in this matter. The Docketing Statement was due April  
21 13, 2020. This is Appellant's first request for an extension.  
22

23  
24 On May 12, 2020, Waste Management submitted its Docketing Statement  
25 for filing with the Nevada Supreme Court. The clerk of the Court filed its Notice  
26

1 of Rejection due to the filing being “untimely” and “must be accompanied by a  
2 motion for extension of time.” This Motion follows.

3  
4 On March 12, 2020, Governor Sisolak issued a Declaration of Emergency  
5 to facilitate the State’s response to the COVID-19 pandemic. On March 31,  
6 2020, the State of Nevada Executive Department’s Declaration of Emergency  
7 Directive 009 (“Directive 009”) was issued. See **Exhibit 1**. Section 1 of  
8 Directive 009 specifically states:  
9

10 Any specific time limit for the commencement, filing, or service of process  
11 of any legal action, notice, motion, or other process or proceedings, whether  
12 promulgated by statute, ordinance, order, rule, or regulation, or part thereof,  
13 is hereby tolled from the date of this Directive until 30 days from the date  
14 the state of emergency declared on March 12, 2020 is terminated.

15 Id. at Section 1. To date, the State of Emergency is still in place and has not been  
16 lifted.

17 As understood by Waste Management’s counsel, Directive 009 tolled the  
18 time period to file the Docketing Statement. Thus, the Docketing Statement  
19 submitted for filing on May 12, 2020, should be accepted as timely. If Waste  
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1 Management's counsel misunderstood the application of Directive 009, it is  
2 requested that good cause be found to grant the Motion to Extend.  
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4 Dated this 4<sup>th</sup> day of May, 2020.


5 SIMONS HALL JOHNSTON PC  
6 6490 S. McCarran Blvd., #F-46  
7 Reno, Nevada, 89509

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9 MARK G. SIMONS  
10 *Attorney for Appellant*  
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☒ by using the Supreme Court Electronic Filing System:

DATED: This 14 day of May, 2020.

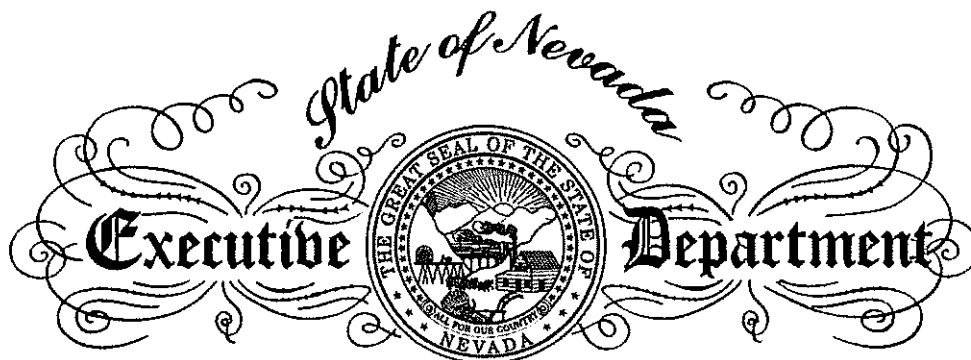
  
JODI ALHASAN

**EXHIBIT LIST**

NO.	DESCRIPTION	PAGES
1	Directive 009	2

**EXHIBIT 1**

**EXHIBIT 1**



## DECLARATION OF EMERGENCY

### DIRECTIVE 009

**WHEREAS**, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

**WHEREAS**, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

**WHEREAS**, the World Health Organization (WHO) and United States Centers for Disease Control and Prevention (CDC) have advised that there is a correlation between density of persons gathered and the risk of transmission of COVID-19; and

**WHEREAS**, as of March 31, 2020, the State of Nevada Department of Health and Human Services is reporting 1,113 positive cases of COVID-19, and 17 deaths resulting from COVID-19; and

**WHEREAS**, close proximity to other persons is currently contraindicated by public health and medical best practices to combat COVID-19; and

**WHEREAS**, efforts to treat, prevent, or reduce the spread of COVID-19 may make it medically necessary and reasonable to require individuals to remain in isolation or quarantine at their homes or otherwise remain indoors; and

**WHEREAS**, for the reasons stated herein, courts across Nevada, in consultation with the Chief Justice of the Nevada Supreme Court, have limited their operations to essential matters during the pendency of the COVID-19 pandemic; and

**WHEREAS**, certain legal actions and proceedings are subject to timelines and requirements that are impracticable during a period of a public health emergency and reduced court operations; and

**WHEREAS**, certain governmental and quasi-governmental licenses and permits require periodic renewal and may expire during a time when governmental resources necessary for renewal are unavailable or less accessible to the public; and

**WHEREAS**, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

**WHEREAS**, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

**WHEREAS**, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada":


**NOW THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020 Emergency Declaration,

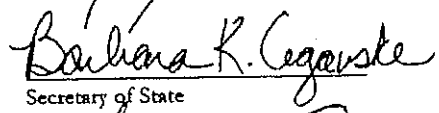
IT IS HEREBY ORDERED THAT:

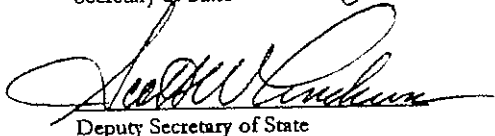
- SECTION 1: Any specific time limit for the commencement, filing, or service of process of any legal action, notice, motion, or other process or proceeding, whether promulgated by statute, ordinance, order, rule, or regulation, or part thereof, is hereby tolled from the date of this Directive until 30 days from the date the state of emergency declared on March 12, 2020 is terminated.
- SECTION 2: All licenses and permits issued by the State of Nevada, Boards, Commissions, Agencies, or political subdivisions of the State of Nevada that expire or are set to expire during the period the Declaration of Emergency dated March 12, 2020 is in effect shall be extended for a period of 90 days from the current expiration date, or 90 days from the date the state of emergency declared on March 12, 2020 is terminated, whichever is later, if reduced government operations due to the state of emergency makes timely renewal of the license or permit impracticable or impossible.
- SECTION 3: Any person who is subject to the provisions of NRS 76.130 and whose annual business license renewal fee becomes due during the period the Declaration of Emergency dated March 12, 2020 is in effect shall be entitled to a period of 60 days from the date the state of emergency declared on March 12, 2020 is terminated to pay the fee without suffering any of the consequences or penalties resulting from the application of subsections 4 and 5 of that statute. This provision shall be construed to include the penalties described in Title 7 of NRS for failure to timely file an annual list of the persons with managerial authority or control over a business entity; except that no person who has paid the fee required by NRS 76.130 prior to the due date as extended by this Directive shall be entitled to a refund thereof by virtue of this order.
- SECTION 4: This Directive shall remain in effect until the state of emergency declared on March 12, 2020 is terminated or unless renewed by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 31<sup>st</sup> day of March, in the year two thousand twenty.

  
Governor of the State of Nevada

  
Secretary of State

  
Deputy Secretary of State