

IN THE SUPREME COURT OF THE STATE OF NEVADA

JSJBD CORP, d/b/a Blue Dogs Pub, a)	Case No.: 80849
Nevada corporation, STUART VINCENT,)	
JEFFREY VINCENT, and JEFF)	(Dist. Ct. No. A-18-785311-B)
WHITE)	
)	
Appellants,)	
)	
vs.)	
)	
TROPICANA INVESTMENTS, LLC, a)	
California limited liability company,)	
)	
Respondent.)	
_____)	
)	
AND CROSS-APPEAL.)	
_____)	

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Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE
THE COMPLETED OPENING BRIEF AND APPENDIX**

Pursuant to Nevada Rule of Appellate Procedure 26(b), and otherwise, Appellants requests an extension, and leave, for filing Appellants' Opening Brief and Appellants' Appendix. This motion (along with Brief and Appendix) was previously submitted and filed along with Opening Brief and Appendix, and is being re-filed separately per filing requirements.

Good cause exists to grant the extension and allow the filing of the Opening Brief and Appendix. The deadlines in this appeal have changed have changed, although without granting additional time. For example, the Order Setting Briefing was served on May 19, 2020. When reviewing various deadlines on August 7, 2020,

counsel noticed that the file stamp on such Order had a date of May 11, 2020, even though the Court's system of electronic filing did not serve it until May 19, 2020, which was the date originally used for calculating the calendaring of the opening brief. By recollection, Appellants' counsel has never previously experienced such a delay in service of a document filed with the Nevada Supreme Court. Recognizing the unexpectedly short deadline, on August 7, 2020, Appellants' counsel requested an two-week extension per 26(b)(1)(B). During such call, Appellants' counsel inquired about the discrepancy between the filing stamp, and the service, of the May 11, 2020 Order Setting Deadlines, and was informed that there had been issues during such time period with the Court's electronic system of service, which had delayed service of some documents.

Before expiration of the present deadline, Appellants' counsel contacted Respondent's counsel and requested a stipulation for an extension of time, to which such counsel agreed. In this case, counsel for both sides have generally granted the courtesy of reasonable extensions of time. In reviewing the rules, however, because a prior extension had been granted, it appears that no further extension can be sought via stipulation. *See* NRAP 26(b)(1)(B). Appellants' counsel noted the same in communications to Respondent's counsel, i.e. that it appeared such Stipulation could not be filed. Accordingly, Appellants' counsel sought to finalize the briefing and submit such finalized briefing with the present motion requesting an extension.

Appellants seek to submit and file the Opening Brief, which ordinarily requires substantially more time to prepare and finalize than subsequent briefing in light of the need to provide the district court records and citations throughout. This case is on appeal after a five-day trial that occurred in the district court in November of 2019. The appendix that has been prepared, and which seeks to comply with the court's brevity requirements while also including transcripts and pertinent parts of the records, nevertheless contains 3,453 pages. Such Appendix is divided into 14-separate volumes that comply with this Court's page limitation requirement for each. It further contains an index that was also time-consuming, as it references the contents of the Appendix alphabetically and by page citation in accordance with the rules of appellate procedure. Preparing the appendix and citations consumed more time than is ordinarily the case in light of trial court record.

With the citations throughout the Opening Brief, such briefing enables this Court to more readily review the district court determination. Preparing such appendix also permits the Opening Brief to cite to the Appendix that has already been prepared, with little need for a supplemental appendix. The Appendix includes approximately the same number of filings by both sides in this case, as it is expected that Respondents would seek to reference their filings in response to the Opening Brief. The remaining briefs will likely need no significant supplementation citing to the court record.

Rather than make a late request without briefing, Appellants seek to make the request with the finalized Opening Brief and Appendix, thereby showing that Appellants' briefing on appeal has been completed and that there will be no further request for extension from Appellants. Appellants' Opening Brief and Appendix are being submitted, separately, along with this motion.

Over the last several days while attempting to finalize the Opening Brief, additional time has been required due to the need to finalize citations to Nevada and other caselaw, further citations to the record / Appendix, citations in the table of contents, and citations in a table of authorities. Each change alters the index and table of contents, etc. The current Opening Brief provides substantial citations to lengthy appendices and to legal authorities that that should assist the Court. The lengthy process of finalizing the Opening Brief also involves dealing with other case commitments that are unavoidable in light of the lengthy nature of the process.

Appellants' Opening Brief is otherwise submitted in accordance with the rules of appellate procedure. The Opening Brief involved time-consuming efforts, and, because it is properly drafted, presents proper and compelling arguments.

The policy of hearing matters on their merits is present in this case, and no prejudice has been visited upon any parties, especially in light of the stay of proceedings during the Court-mandated settlement conference process that the

parties attended in good faith. The present brief provides briefing that will allow the Court and the parties to otherwise efficiently review the legal questions in this case.

Appellants respectfully requests the extension, and leave to file, Appellants' Opening Brief and Appellants' Appendix.

DATED: September 4, 2020.

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CERTIFICATE OF SERVICE

I hereby certify that, on September 4, 2020, I submitted **APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE THE COMPLETED OPENING BRIEF AND APPENDIX** for service via electronic service to the parties registered for service with the Nevada Supreme Court in this matter, including the following:

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