

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

2
3 DENNIS VINCENT STANTON,
4 Appellant/Cross-Respondent,

5
6 vs.

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8 TWYLA MARIE STANTON,
9 Respondent/Cross-Appellant.
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Supreme Court Case No.: 80910

Electronically Filed
District Court Case No.: CV-0039304
Apr 09 2021 02:43 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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12 **MOTION TO EXTEND DEADLINE TO FILE ANSWERING BRIEF**

13 Respondent/Cross-Appellant Twyla Marie Stanton, by and through her
14 undersigned counsel, hereby files this Motion to Extend Deadline to File Answering
15 Brief (“Motion”) pursuant to NRAP 27 and NRAP 31(b)(3).
16

17 Dated this 9th of April 2021.

18 /s/ Christopher P. Burke, Esq.
19 Christopher P. Burke, Esq.
20 218 S. Maryland Parkway
21 Las Vegas, NV 89101
22 (702) 385-7987
23 att@cburke.lvcoxmail.com
24 Attorney for Respondent/
25 Cross-Appellant
26 Twyla Marie Stanton
27
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 “A motion for extension of time for filing a brief may be made no later than the
3 due date for the brief and must comply with the provisions of this Rule and Rule 27.”
4 NRAP 31(b)(3). A motion for extension of time for filing a brief shall include the
5 following:

- 6 (i) The date when the brief is due;
7 (ii) The number of extensions of time previously granted (including a
8 14-day telephonic extension), and if extensions were granted, the
9 original date when the brief was due;
10 (iii) Whether any previous requests for extensions of time have been
11 denied or denied in part;
12 (iv) The reasons or grounds why an extension is necessary (including
13 demonstrating extraordinary and compelling circumstances under Rule
14 26(b)(1)(B), if required); and
15 (v) The length of the extension requested and the date on which the
16 brief would become due.

17 NRAP 31(b)(3)(A).

18 **i. Current Deadline for Answering Brief**

19 This Motion is timely as Mrs. Stanton’s answering brief is currently due on
20 April 12, 2021. *See* Dkt. No. 20-46743.

21 **ii. No Previous Extensions Granted**

22 No previous requests have been made to extend the deadline to file Mrs.
23 Stanton’s answering brief . *See* Declaration of Christopher P. Burke, Esq., attached
24 hereto as **Exhibit “1”** (“Burke Declaration”), at ¶4. The briefing schedule was
25 suspended on June 22, 2020 per the Court’s Order Regarding Pro Bono Counsel and
26 Directing Transmission of the Record. *See* Dkt. No. 20-23118. Notice of Appearance
27 of *pro bono* counsel for Mrs. Stanton was filed on July 14, 2020. *See* Dkt. No.
28 20-25831. Notice of Appearance of *pro bono* counsel for Mr. Stanton was filed on

1 October 7, 2020. *See* Dkt. No. 20-36749. The briefing schedule was reinstated on
2 October 13, 2020 and ordered Mr. Stanton’s opening brief to be filed within 90 days.
3 *See* Dkt. No. 20-37479. On December 29, 2020 Mr. Stanton filed a Motion to Extend
4 Deadline to File Opening Brief and Appendix. *See* Dkt. No. 20-46743. That motion
5 was granted on January 8, 2021. *See* Dkt. No. 21-00677.

6 **iii. No Previous Extension Requests Denied**

7 Since no previous requests have been made to extend the deadline to file Mrs.
8 Stanton’s answering brief, no such requests have been denied. *See* Burke Declaration
9 at ¶5. No requests for any extensions of any other deadlines have been denied. *Id.*

10 **iv. Reasons Why Extension is Necessary**

11 There are at least three reasons why it is necessary to extend the deadline to file
12 Mrs. Stanton’s answering brief. *See* Burke Declaration at ¶6.

13 First, unlike appeals where counsel was involved in the underlying litigation,
14 I have had to review the trial court record to understand the issues on appeal. This
15 review has added to the time necessary to prepare Mrs. Stanton’s answering brief.
16 *Id.* at ¶7. This review has added to the time necessary to prepare Mrs. Stanton’s
17 answering brief. *Id.*

18 Second, Mrs. Stanton’s counsel is involved in other contested litigation that has
19 caused additional delays that has added to the time necessary to prepare Mrs.
20 Stanton’s answering brief. *See* Burke Declaration at ¶8.

21 Third, because of Covid, the meetings between Mrs. Stanton and attorney
22 Burke have been intermittent thereby delaying completion of the answering brief. *See*
23 Burke Declaration at ¶9.

24 **v. Requested Extension**

25 Pursuant to NRAP 31(b)(3)(B), Mrs. Stanton is requesting that the deadline to
26 file her answering brief be extended by 30 days based upon the clear showing of good
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1 cause set forth above.

2 If this Motion is granted, the new due date to file Mrs. Stanton's answering
3 brief would be May 12, 2021.

4
5 Dated this 9th of April 2021.

6 /s/ Christopher P. Burke, Esq.
7 Christopher P. Burke, Esq.
8 218 S. Maryland Parkway
9 Las Vegas, NV 89101
10 (702) 385-7987
11 *atty@cburke.lvcoxmail.com*
12 *Attorney for Respondent/*
13 *Cross-Appellant*
14 *Twyla Marie Stanton*
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EXHIBIT “1”

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DECLARATION OF CHRISTOPHER P. BURKE, ESQ.

I, Christopher P. Burke, Esq., do hereby voluntarily state under penalty of perjury as follows:

1. I am an attorney at the Law Office of Christopher P. Burke and counsel of record for Respondent/Cross-Appellant Twyla Marie Stanton.

2. I have personal knowledge of the matters set forth herein, with the exception of those stated to be made upon information and belief, and as to those I believe them to be true to the best of my knowledge. If called to do so, I could and would testify competently to the matters set forth herein.

3. Mrs. Stanton's answering brief is currently due on April 12, 2021.

4. No previous requests have been made to extend the deadline to file Mrs. Stanton's answering brief.

5. Since no previous requests have been made to extend the deadline to file Mrs. Stanton's answering brief, no such requests have been denied. No requests for any extensions of any other deadlines have been denied.

6. There are at least three reasons why it is necessary to extend the deadline to file Mrs. Stanton's answering brief.

7. First, unlike appeals where counsel was involved in the underlying litigation, I have had to review the trial court record to understand the issues on appeal. This review has added to the time necessary to prepare Mrs. Stanton's answering brief.

8. Second, Mrs. Stanton's counsel is involved in other contested litigation that has caused additional delays that has added to the time necessary to prepare Mrs. Stanton's answering brief.

9. Third, because of Covid, the meetings between Mrs. Stanton and attorney Burke have been intermittent thereby delaying completion of the answering brief.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 9th day of April 2021.

/s/ Christopher P. Burke, Esq.
Christopher P. Burke, Esq.

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