

IN THE SUPREME COURT OF NEVADA

U.S. BANK N.A., AS TRUSTEE FOR
THE SPECIALTY UNDERWRITING
AND RESIDENTIAL FINANCE
TRUST MORTGAGE LOAN ASSET-
BACKED CERTIFICATES SERIES
2006-BC4,

Appellant,

vs.

THUNDER PROPERTIES, INC.; AND
WESTLAND REAL ESTATE
DEVELOPMENT AND
INVESTMENTS,

Respondents.

Supreme Court No. 81129

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Elizabeth A. Brown
Clerk of Supreme Court

Certified Question from the United States Court of Appeals for the Ninth Circuit
Case No. 17-16399

MOTION FOR EXTENSION OF TIME (SECOND REQUEST)

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U.S. Bank N.A., as trustee for The Specialty Underwriting and Residential Finance Trust Mortgage Loan Asset-Backed Certificates Series 2006-BC4, moves pursuant to NRAP 26(b)(1)(A) for an extension of time to file its opening brief. This is U.S. Bank's second extension request. U.S. Bank obtained a 14-day extension under NRAP 26(b)(1)(B).

There is good cause to grant U.S. Bank's request. This is an original jurisdiction NRAP 5 matter that raises complicated statute-of-limitations questions. The issues require detailed textual analysis of various statutory provisions as to which there is no on-point case law. The briefing—and the court's ultimate opinion—will need to consider case law on related but distinguishable issues. These complexities have necessitated additional time for researching and drafting the brief.

Apart from the complexity of the issues to be briefed, other deadlines and obligations constitute good cause for an extension. Counsel has had other appellate briefs due over the prior two weeks. In addition, counsel has appellate arguments before the Ninth Circuit scheduled for October 29, 2020, November 17, 2020, and November 20, 2020. These arguments require significant time for preparation, which overlaps with the due date for the opening brief in this matter. Finally, counsel has various cases at the trial level with ongoing briefing and discovery obligations that require direct participation due to an unexpected leave by an associated attorney. These obligations further justify an extension of time for the opening brief.

There is good cause for an extension of 30 days to file the opening brief. Counsel has made progress on the draft of the brief, and anticipates no need for a further extension. Counsel has conferred with counsel for the respondent. The respondent does not oppose the extension. For these reasons, court should extend the deadline to file the opening brief to November 25, 2020.

DATED this 23rd day of October, 2020.

AKERMAN LLP

/s/ Ariel E. Stern

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CERTIFICATE OF SERVICE

I certify that I electronically filed on October 23, 2020, the foregoing **MOTION FOR EXTENSION OF TIME (SECOND REQUEST)** with the Clerk of the Court for the Nevada Supreme Court by using the Court's electronic file and serve system. I further certify that all parties of record to this appeal are either registered with the Court's electronic filing system or have consented to electronic service and that electronic service shall be made upon and in accordance with the Court's Master Service List.

I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

/s/ Patricia Larsen
An employee of AKERMAN LLP