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Elizabeth A. Brown
Clerk of Supreme Court

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

14 VINCENT HESSER

) **Supreme Court Case No.: 81383**

15 Appellant/Cross-Respondent

) **District Court Case No.: A582746**

16 vs.

17 KENNEDY FUNDING, INC.,

18 Respondents

19 **MOTION TO EXTEND TIME TO FILE OPENING BRIEF**
20 **(SECOND REQUEST)**

21 COMES NOW, the APPELLANT VINCENT HESSER (“Appellant”)and files
22 this Motion to Extend Time to File Opening Brief (the“ Motion”).

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POINTS AND AUTHORITIES

ARGUMENT

Appellant seeks an extension of time to file its opening brief. Good cause exist that justify the granting of this second request. NRAP 27 and NRAP 31(b)(3) permit a party to file a motion to seek "an extension of time to file a brief."

NRAP 31(b)(3) states as follows:

(3) Motions for Extensions of Time. A motion for extension of time for filing a brief may be made no later than the due date for the brief and must comply with the provisions of this Rule and Rule 27.

(A) Contents of Motion. A motion for extension of time for filing a brief 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).

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1 **1. The Date When the Brief is Due:**

2 The Brief is due on April 23, 2021.

3 **2. The number of extensions of time previously granted**
4 **(including a 14-day telephonic extension), and if extensions were granted, the**
5 **original date when the brief was due;**

6 Appellant was granted an extension once via stipulation. The Brief
7 was originally due on March 24, 2021. The Court granted the Stipulation and set
8 the date for the Opening Brief to April 23, 2021.

9 **3. Whether any previous requests for extensions of time have been**
10 **denied or denied in part.**

11 The Court has not denied any previous requests for extension.

12 **4. 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);**

15 Appellant's counsel obtained his second Covid-19 vaccine on April 20, 2021
16 and is suffering from side-effects, such as extreme headaches, body soreness and
17 fatigue. See the Declaration attached hereto as Exhibit "1." This has interfered with
18 Appellant's ability to complete the Opening Brief Therefore, Appellant seeks an
19 extension until April 29, 2021 To complete the Opening Brief.

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EXHIBIT “1”

1 **DECLARATION OF BYRON THOMAS IN SUPPORT OF MOTION**
2 **TO EXTEND DEADLINE TO FILE OPENING BRIEF.**

3 I am over the age of eighteen (18) and I am competent to make this
4 declaration. I make this declaration based on personal knowledge. I am an attorney
5 licensed to practice law in the State of Nevada, and I am in good standing.
6

7 I am the attorney for Appellant Vince Hesser. I received my second dose of
8 the Covid-19 vaccine on April 20, 2021, and I have been suffering from side-effects,
9 such as extreme headaches, body soreness, nausea, and fatigue. This has interfered
10 with my ability to complete the Opening Brief, Therefore, Appellant seeks an
11 extension to complete the Opening Brief.
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13 I respectfully request an extension until April 29, 2021 to file the opening
14 brief.
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16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on this 23rd day of April 2021
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19 /s/ Byron E. Thomas

20 Byron E. Thomas
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Certificate of Service

I certify that on April 23, 2021 that the Motion to Extend Time to File
Opening Brief was served upon the following via the Nevada Supreme Court's
electronic filing system:

Michael F. Lynch
Lynch Law Practice, PLLC
3613 S. Eastern Ave.,
Las Vegas, NV 89169-3344
Attorney for Respondent

/s/Byron E. Thomas