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Elizabeth A. Brown  
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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

VINCENT HESSER ) **Supreme Court Case No.: 81383**  
Appellant/Cross-Respondent ) **District Court Case No.: A582746**  
vs. )  
KENNEDY FUNDING, INC., )  
Respondents )

**MOTION TO EXTEND TIME TO FILE OPENING BRIEF**  
**(THIRD REQUEST)**

COMES NOW, the APPELLANT VINCENT HESSER (“Appellant”)and files  
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 29, 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. The Court granted the Appellant's  
9 April 23, 2021 request for an extension.

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

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

13       **4. The reasons or grounds why an extension is necessary (including**  
14 **demonstrating extraordinary and compelling circumstances under Rule**  
15 **26(b)(1)(B), if required);**

16       Appellant's counsel obtained his second Covid-19 vaccine on April 20, 2021  
17 and is suffering from side-effects, such as extreme headaches, body soreness and  
18 fatigue. The symptoms have not cleared up as quickly as Appellant's counsel had  
19 hoped. Counsel suffers from allergies, which could explain why the symptoms  
20 continue. See the Declaration attached hereto as Exhibit "1." This has interfered  
21 with Appellant's ability to complete the Opening Brief. In an abundance of caution,  
22 Appellant seeks an extension until May 3, 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. The symptoms did  
10 not abate as quickly as I had hope. This has interfered with my ability to complete  
11 the Opening Brief within the original extension period. Therefore, Appellant seeks  
12 another extension to complete the Opening Brief.  
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15 In an abundance of caution, I respectfully request an extension until May 3,  
16 2021 to file the opening brief.

17 I declare under penalty of perjury that the foregoing is true and correct.  
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19 Executed on this 29th day of April 2021

20 /s/ Byron E. Thomas

21 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