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Elizabeth A. Brown
Clerk of Supreme Court

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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
(FOURTH 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 was due on April 29, 2021. Appellant asked for an additional
3 extension to May 3, 2021, however the Court has not ruled on that decision.
4

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

8 Appellant was granted an extension once via stipulation. The Brief
9 was originally due on March 24, 2021. The Court granted the Stipulation and set
10 the date for the Opening Brief to April 23, 2021. The Court granted the Appellant's
11 April 23, 2021 request for an extension to April 29, 2021. Appellant requested an
12 extension until May 3, 2021 on April 29, 2021. The Court has not ruled on the
13 extension.
14

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

17 The Court has not denied any previous requests for extension.
18

19 **4. The reasons or grounds why an extension is necessary (including**
20 **demonstrating extraordinary and compelling circumstances under Rule**
21 **26(b)(1)(B), if required);**

22 Appellant's counsel has completed and filed the Opening Brief. However,
23 Appellant is experiencing computer trouble and cannot upload the appendix.
24 Appellant has attempted to trouble shoot the issue for but does not have the requisite
25 skill to fix the issue.
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DATED this 3rd day of May 2021.

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EXHIBIT “1”

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

4 I am over the age of eighteen (18) and I am competent to make this
5 declaration. I make this declaration based on personal knowledge. I am an attorney
6 licensed to practice law in the State of Nevada, and I am in good standing.
7

8 I am the attorney for Appellant Vince Hesser . I have completed and filed the
9 Opening Brief. However, I am experiencing computer trouble and cannot upload
10 the appendix. Appellant has attempted to trouble shoot the issue but does not have
11 the requisite skill to fix the issue.
12

13 In an abundance of caution, I respectfully request an extension until May 4,
14 2021 to file the opening brief.
15

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

17 Executed on this 3rd day of May 2021
18

19 /s/ Byron E. Thomas

20 Byron E. Thomas
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Certificate of Service

I certify that on May 3, 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