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Electronically Filed  
Jul 02 2021 03:23 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

6 **IN THE SUPREME COURT**  
7 **OF THE STATE OF NEVADA**

8 \* \* \*

9 VINCENT W. HESSER, AN  
10 INDIVIDUAL,

11 Appellant,

12 vs.

13 KENNEDY FUNDING, INC., A NEW  
14 JERSEY CORPORATION,

Respondent.

Supreme Court No.: 81383

District Court Case No. A582746

15 **RESPONDENT'S UNOPPOSED<sup>1</sup> MOTION TO EXTEND THE TIME TO**  
16 **FILE RESPONDENT'S OPENING BRIEF PURSUANT TO NRAP 31(b)(3)**  
17 **(SECOND REQUEST)**

18 Respondent Kennedy Funding, Inc. ("Kennedy"), by and through its  
19 undersigned counsel files this Motion to Extend the Time to File Respondent's  
20 Opening Brief pursuant to NRAP 27 and 31, and is made and based on the record of  
21 this case and the following points and authorities.  
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27 <sup>1</sup> Movant's undersigned counsel spoke about this motion with Mr. Byron Thomas, counsel for  
28 Appellant, on June 29, 2021, who advised that Appellant did not oppose this second requested  
extension.

## **POINTS AND AUTHORITIES**

NRAP 31(b)(3)(A) allows timely motions to extend the time to file an appellate brief, providing the motion is made no later than its due date and complies with the provisions of this Rule and Rule 27.

(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); and

(v) The length of the extension requested and the date on which the brief would become due.

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

Respondent's opening brief is currently due today, July 2, 2021. This motion is therefore timely.

### **2. 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.**

This is Respondent's second requested extension; the Respondent's Opening Brief was originally due on June 2, 2021. Counsel for Appellant courteously stipulated to a 30-day extension, which was filed on June 1, 2021, and granted by

1 order of this Court on the same day. Other than the single stipulation, prior to this  
2 motion, Respondent has not sought any further extensions.

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

5 This Court has previously granted the previous requests for extensions in this  
6 case in full: a Stipulation to Extend Appellant's Opening Brief Due Date,  
7 Appellant's First and Second Motions to Extend Appellant's Opening Brief Due  
8 Date, and the Stipulation to Extend Respondent's Opening Brief Due Date.

9 There have been no requested extensions that have been denied in whole or in  
10 part.

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

14 Counsel for the Respondent has gone through significant health issues<sup>2</sup> during  
15 the past 30 days that have required doctors' visits and that have substantially  
16 interfered with the Respondent's ability to complete the opening brief. *See* Lynch  
17 Declaration at Exhibit "A". Respondent respectfully requests a second 30-day  
18 extension of time, **through and including August 2, 2021**, to file the Respondent's  
19 opening brief.  
20

21 DATED: July 2, 2021.

22 LYNCH LAW PRACTICE, PLLC

23 /s/ Michael F. Lynch  
24 Nevada Bar No. 8555  
25 3613 S. Eastern Ave.  
26 Las Vegas, NV 89169  
27 Attorney for Respondent

28 Exhibit "A"

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27 <sup>2</sup> For privacy reasons, these health issues have not been detailed in this motion, but upon the  
28 Court's request, the details will be provided for in camera review.

1 **DECLARATION OF MICHAEL F. LYNCH IN SUPPORT OF MOTION TO**  
2 **EXTEND DEADLINE TO FILE OPENING BRIEF**

3 I, Michael F. Lynch, declare:

4 1. 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 2. I am the attorney for Respondent Kennedy Funding. During the month  
8 of June 2021, I received doctors' treatment for health conditions, which health  
9 conditions have substantially interfered with my ability to complete the opening  
10 brief.

11 3. I personally spoke with Counsel for the Appellant, Byron Thomas, who  
12 advised me that Appellant does not oppose this requested extension.

13 4. I respectfully request a second 30-day extension of time, through and  
14 including August 2, 2021, to file the Respondent's opening brief.

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

16 Dated: July 2, 2021.

17 /s/ Michael F. Lynch  
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**CERTIFICATE OF SERVICE**

I certify that on this day, the foregoing document was served upon the following party via the Nevada Supreme Court’s electronic filing system:

LAW OFFICES OF BYRON THOMAS  
BYRON E. THOMAS, ESQ.  
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Attorney for Appellant

Dated: July 2, 2021.

/s/Michael F. Lynch