

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAY KVAM,

Appellant,

v.

BRIAN MINEAU; AND LEGION
INVESTMENTS, LLC,

Respondents.

Electronically Filed
Dec 22 2020 04:10 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court Case No. 81422

District Case No. CV18-00764

**RESPONDENTS' MOTION TO EXTEND
TIME TO FILE ANSWERING BRIEF**

Respondents BRIAN MINEAU ("Mineau") and LEGION INVESTMENTS, LLC ("Legion"), by and through their counsel of record, Austin K. Sweet, Esq. and Mark H. Gunderson, Esq., file this Motion to Extend Time to File Answering Brief ("Motion"). This Motion is made and based upon NRAP 26(b), the following memorandum of points and authorities, the pleadings on file in this case, and any oral argument this Court wishes to entertain.

MEMORANDUM OF POINTS AND AUTHORITIES

Mineau and Legion have filed *Respondents' Motion to Strike Appellant's Opening Brief* ("Motion to Strike"), seeking to strike Appellant JAY KVAM ("Kvam")'s opening brief for greatly exceeding the scope authorized by NRAP 3A(b)(3) and this Court's *Order Regarding Motions*. As explained in the Motion to

Strike, only one of the fifty-pages in *Appellant's Opening Brief* actually discussed the limited issue subject to this interlocutory appeal. Mineau and Legion filed the Motion to Strike to avoid the substantial time and resources that would be incurred in responding to Kvam's lengthy opening brief, the vast majority of which is not properly before this Court and cannot be appealed until entry of final judgment.

For good cause, the court may extend the time prescribed to perform any act. NRAP 26(b)(1)(A). Good cause exists to extend the time for Mineau and Legion to file an answering brief because, if the Motion to Strike is granted, Kvam will be required to file a revised opening brief that strictly complies with NRAP 3A(b)(3) and this Court's *Order Regarding Motions*. Given the minimal argument on this issue contained in *Appellant's Opening Brief*, Kvam's revised brief should not exceed a few pages. Absent an extension of time, Mineau and Legion's answering brief will likely be due before this Court has the opportunity to rule upon the Motion to Strike, rendering the Motion to Strike moot and forcing Mineau and Legion to waste substantial time and money responding to improper issues.

For these reasons, the deadline for Mineau and Legion to file an answering brief should be extended to either: (1) if the Motion to Strike is granted, 30 days after

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the revised opening brief is filed; or (2) if the Motion to Strike is denied, 30 days after the order denying the Motion to Strike is entered. The Motion should be granted.

AFFIRMATION

The undersigned does hereby affirm that the preceding **RESPONDENTS' MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF**, filed in the Supreme Court of the State of Nevada, does not contain the social security number of any person.

DATED this 22 day of December, 2020.

GUNDERSON LAW FIRM

By: _____



Austin K. Sweet, Esq.
Nevada State Bar No. 11725
Mark H. Gunderson, Esq.
Nevada State Bar No. 2134
*Attorneys for Brian Mineau and
Legion Investments, LLC*

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c), I certify that I am an employee of the law office of Gunderson Law Firm, and that on the 22 day of December, 2020, I electronically filed a true and correct copy of the **RESPONDENTS' MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF**, with the Clerk of the Court by using the electronic filing system which will send a notice of electronic filing to the following:

Michael L. Matuska, Esq.
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2310 South Carson Street, Suite 6
Carson City, NV 89701
Attorney for Jay Kvam



Kelly Gunderson