

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZURICH AMERICAN INS. CO., et al.

Appellants,

vs.

IRONSHORE SPECIALTY INS. CO.,

Respondent.

Case No.: 81428

Electronically Filed
Feb 04 2021 03:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO EXTEND DEADLINE TO FILE APPELLANTS' REPLY BRIEF

FIRST REQUEST

Appellants Zurich American Insurance Company and American Guarantee & Liability Ins. Company (collectively "Appellants"), pursuant to NRAP 31(b)(3) hereby move for an extension to file the Reply Brief. The requested extension is based on the following:¹

(1) It had been Appellant's understanding that the Reply Brief was due on February 11, 2021 pursuant to NRAP 31(a), which generally affords Appellants thirty (30) days to file the Reply Brief following the filing of the Answering Brief (which was filed with this Court on January 12, 2021). Upon inquiring on February 4, 2021 as to whether counsel for Respondent would stipulate to a thirty (30) day extension of time of until March 15, 2021 to file the Reply brief given the complexity of the issues and arguments raised in the Answering Brief, Appellants were provided a copy of this Court's September 11, 2021 Order in which it is stated that the Reply Brief shall be filed within 21 days. Assuming the latter Order is controlling (which it appears to), the deadline to file the Reply Brief was February 2, 2021.

(2) No prior extensions have been requested.

(3) No prior extensions have been denied.

(4) The extension is needed based on the various considerations, including the following:

¹ While Respondent's position as to the instant requested extension is not known, it is expected that Respondent will not oppose the request given that prior extensions have been routinely afforded by each side upon request and as a courtesy. Given circumstances, Appellants elected to proceed with the instant motion rather than waiting for a position from Respondent.

1 (a) The Answering Brief cites to and relies upon decisional law from over twenty
2 five (25) separate jurisdictions in support of the position that a majority rule exists nationwide that
3 should apply to the claims in this case. Time is needed to analyze the decisional law from these
4 jurisdiction and evaluate the impact, if any, it has on the claims at issue.

5 (b) Counsel for the Appellants has been extremely busy with deadlines in other
6 matters that have limited the ability to perform the necessary research and work needed to fully and
7 completely analyze and evaluate the issues and arguments raised in the Answering Brief. While
8 counsel for Appellants has started with the preparation of the Reply Brief, additional time is needed
9 to complete it given the focus needed on other matters coupled with the impact that the COVID-19
10 pandemic has had on work.

11 (c) Once a draft of Reply Brief is completed, multiple individuals associated with
12 Appellants will be reviewing the brief in order to analyze and evaluate the positions taken. Time is
13 needed, therefore, to permit for this vetting process to occur and be completed.

14 (5) Appellants request an extension of until March 15, 2021 to file the Reply Brief based on
15 thirty (30) days from February 11, 2021. Appellants, however, defer to this Court if a shorter
16 extension is preferred.

17 To the extent needed, Appellants can expound on and/or amplify on the circumstances
18 warranting the requested extension. Otherwise, for the reasons set forth herein, it is respectfully
19 submitted that good cause exists to grant the motion and extend the deadline to file the Reply Brief.

20 Dated: February 4, 2021

MORALES FIERRO & REEVES

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23 By: /s/ William C. Reeves
William C. Reeves
MORALES FIERRO & REEVES
600 S Tonopah Drive, Suite 300
Las Vegas, NV 89106
Attorneys for Appellants

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Supporting Declaration


I, William Reeves, declare as follows:

1. I am an attorney with Morales Fierro & Reeves, counsel for Appellants.

2. I prepared the instant motion and declare under penalty of perjury that the information contained herein is true and correct based on my own personal knowledge.

Executed in Concord, California on the date specified below.

Dated: February 4, 2021



William C. Reeves

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PROOF OF SERVICE

I, William Reeves, declare that:

I am over the age of eighteen years and not a party to the within cause.

On the date specified below, I served the following document:

MOTION TO EXTEND DEADLINE TO FILE APPELLANTS' REPLY BRIEF
FIRST REQUEST

Service was effectuated in the following manner:

- _____ BY FACSIMILE:
- 9 XXXX BY ELECTRONIC MAIL pursuant to the Court's electronic filing protocol
- 10 _____ BY MAIL: By placing a true copy thereof enclosed in a sealed envelope addressed
- 11 as follows:

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

Dated: February 4, 2021



William Reeves