

**In the Supreme Court of Nevada**

DEKKER/PERICH/SABATINI LTD; NEVADA  
BY DESIGN, LLC d/b/a NEVADA BY DESIGN;  
MELROY ENGINEERING, INC. d/b/a MSA  
ENGINEERING CONSULTANTS; JW ZUNINO  
& ASSOCIATES, LLC; NINYO & MOORE,  
GEOTECHNICAL CONSULTANTS;  
RICHARDSON CONSTRUCTION, INC.; THE  
GUARANTEE COMPANY OF NORTH  
AMERICA USA; and JACKSON FAMILY  
PARTNERSHIP LLC d/b/a STARGATE  
PLUMBING,

Petitioners,

*vs.*

THE EIGHTH JUDICIAL DISTRICT COURT of  
the State of Nevada, in and for the  
County of Clark; and THE HONORABLE  
TREVOR L. ATKIN, District Judge,

Respondents,

and

CITY OF NORTH LAS VEGAS,

Real Party in Interest.

Electronically Filed  
Dec 06 2021 10:51 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION FOR EXTENSION TO FILE AMICUS  
BRIEF IN SUPPORT OF *EN BANC* RECONSIDERATION**

Proposed amici Laurent Hallier, Panorama Towers I, LLC,  
Panorama Towers I Mezz, LLC, and M.J. Dean Construction, Inc. request  
an extension through January 5, 2022 to file its brief in support of the  
petition for *en banc* reconsideration, filed November 29, 2011. NRAP

29(f). Amici also ask that this Court defer ruling on the petition until the filing of that petition. This is the first such request. Without an extension, the brief would be due December 6, 2021.

Good cause warrants the additional time. The panel's decision in this case is closely tied to and served as precedent in the *en banc* Court's opinion in amici's appeal, *Panorama Towers Condo. Ass'n v. Hallier*, 137 Nev., Adv. Op. 67, \_\_\_ P.3d \_\_\_ (Nov. 10, 2021) (Dkt. No. 80615), in which the Court assumed the validity and applicability of AB 421's retroactivity provision and treated it as a change in the law and that should have been applied in a post-judgment motion under NRCP 59(e). The briefs in that *Panorama Towers* appeal also addressed extensively the merits of AB 421, including its applicability and constitutionality, and cited authorities and arguments different from those briefed and considered in this *Dekker/Perich/Sabatini* writ petition.

This Court has regularly allowed the appearance of amici on rehearing or *en banc* reconsideration. *See Powers v. United Services Auto. Ass'n*, 115 Nev. 38, 41 & n.2, 979 P.2d 1286, 1288 & n.2 (1999) (granting appearance of amici on rehearing); *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. 606, 608, 245 P.3d 1182, 1184 (2010) (same).

In light of the close relationship between that case and this one, amici submit that their perspective of the underlying issues would be valuable. They wish to see this case finally resolved by the *en banc* court before determining its application in the *Panorama Towers* appeal. If the panel opinion in this writ petition is vacated, the decision in the *Panorama Towers* case predicated upon the panel opinion here must be reevaluated, as well. Amici have requested a similar extension of time to file their petition for rehearing in the *Panorama Towers* appeal.

In addition, respondents' appellate counsel has had to take significant time away from this matter to deal with medical issues involving counsel's newborn son. The attorneys who ordinarily would have worked on this amicus brief have been under extraordinary pressures dealing with a trial which unexpectedly has continued past the Thanksgiving holiday and is now expected to conclude later this week. Amici's lead appellate counsel has also had to take time preparing for an oral argument before this Court on December 7, 2021.

Amici appreciate the parties' and this Court's courtesy in considering the requested extension. The requested extension will enable

the important issues in both cases to be streamline and present for the *en banc* Court's review.

Dated this 6th day of December, 2021.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/Abraham G. Smith

DANIEL F. POLSENBERG (SBN 2376)

JOEL D. HENRIOD (SBN 8492)

ABRAHAM G. SMITH (SBN 13250)

3993 Howard Hughes Parkway

Suite 600

Las Vegas, Nevada 89169

(702) 949-8200

PETER C. BROWN (SBN 5887)

JEFFREY W. SAAB (SBN 11,261)

DEVIN R. GIFFORD (SBN 14,055)

BREMER WHYTE BROWN & O'MEARA LLP

1160 N. Town Center Drive, Suite 250

Las Vegas, Nevada 89144

(702) 258-6665

*Attorneys for Laurent Hallier, Panorama  
Towers I, LLC, Panorama Towers I Mezz,  
LLC, and M.J. Dean Construction, Inc.*

## CERTIFICATE OF SERVICE

I certify that on December 6, 2021, I submitted the foregoing  
“Motion for Extension to File Amicus Brief in Support of *En Banc*  
Reconsideration” for filing *via* the Court’s eFlex electronic filing system.

Electronic notification will be sent to the following:

John T. Wendland  
Anthony D. Platt  
W&D LAW, LLP  
861 Coronado Center Drive, Ste. 231  
Henderson, NV 89052  
*Attorneys for Petitioners  
Dekker/Perich/Sabatini Ltd. and  
Nevada By Design, LLC d/b/a  
Nevada By Design*

Jeremy R. Kilber  
W&D LAW, LLP  
861 Coronado Center Drive, Ste 231  
Henderson, NV 89052  
*Attorneys for Petitioner  
MSA Engineering Consultants*

Jorge A. Ramirez  
Jonathan C. Pattillo  
WILSON ELSEER MOSKOWITS EDELMAN  
& DICKER, LLC  
6689 Las Vegas Blvd. South, Ste 200  
Las Vegas, NV 89119  
*Attorneys for Petitioner Ninyo & Ninyo  
& Moore Geotechnical Consultants*

Aleem A. Dhalla  
SNELL & WILMER  
3883 Howard Hughes Parkway, Suite  
1100  
Las Vegas, NV 89169  
*Attorney for Real Party in Interest City  
of North Las Vegas*

Dylan P. Todd  
Lee H. Gorlin  
CLYDE & CO., LLP  
3960 Howard Hughes  
Parkway, Suite 500  
Las Vegas, NV 89169

*Attorneys for Petitioner  
JW Zunio & Associates, LLC*

Shannon G. Splaine  
Paul D. Ballou  
LINCOLD, GUSTAFSON &  
CERCOS,  
3960 Howard Hughes  
Parkway, Suite 200  
Las Vegas, NV 89169

Philip Goodhart  
THORNDAL ARMSTRONG DELK  
BALKERBUSH & EISINGER  
1100 E. Bridger Ave.  
Las Vegas, NV 89101

*Attorneys for Petitioner  
Jackson Family Partnership  
LLC dba Stargate Plumbing*

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

The Honorable Judge Veronica Barisich  
Eighth Judicial District Court  
Department No. 5, Phoenix Building  
Courtroom 11th Floor 110  
330 S. 3rd Street  
Las Vegas, NV 89101  
[dept05lc@clarkcountycourts.us](mailto:dept05lc@clarkcountycourts.us)

/s/ Emily Kapolnai  
An Employee of Lewis Roca Rothgerber Christie LLP