

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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3       SONJIA MACK,

4                                   Appellant,

5  
6                                   vs.

7  
8       BRIAN WILLIAMS; JAMES  
9       DZURENDA; ARTHUR EMLING, Jr.;  
10      and MYRA LAURIAN;

11                                  Respondents.

Electronically Filed  
Case No.: 81513   Dec 23 2021 12:19 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPELLANT’S MOTION FOR  
EXTENSION OF TIME TO FILE  
REPLY BRIEF**

**First Request**

12  
13                   Pursuant to Nevada Rules of Appellate Procedure (“NRAP”) 26(b)(1)(B) and  
14                   31(b)(3), Appellant SONJIA MACK (“Appellant” or “Ms. Mack”) hereby submits  
15                   her first Motion for Extension of Time to File Reply Brief, which Reply Brief is  
16                   filed concurrently herewith. This Motion is based on the following Memorandum  
17                   of Points and Authorities and attached Declaration of Nathan E. Lawrence, Esq.,  
18                   counsel for Appellant.

19                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

20  
21                   **I.       INTRODUCTION**

22                   Appellant untimely filed her Reply Brief on December 22, 2021, thirty (30)  
23                   days after Respondents’ Answering Brief. Pursuant to the Court’s July 21, 2021,  
24                   Order Accepting Certified Questions, Directing Briefing, and Directing Submission

1 of Filing Fee, Appellant's Reply Brief was required twenty-one (21) days after  
2 Respondent's Answering Brief, on December 13, 2021. Appellant's untimely brief,  
3 in short, was filed late solely as a result of an internal calendaring error on the part  
4 of Appellant's counsel. In consideration of extensions granted to other parties to  
5 the instant matter and for good cause shown, Appellant hereby respectfully requests  
6 the Court grant Appellant's Motion for Extension of Time to File Reply Brief and  
7 accept Appellant's Reply Brief, filed concurrently herewith.  
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9

## 10 II. PROCEDURAL HISTORY

11  
12 1. On July 24, 2020, the U.S. District Court for the District of Nevada  
13 issued its Order Certifying Questions to the Supreme Court of Nevada.  
14

15 2. On July 21, 2021, this Court issued its Order Accepting Certified  
16 Questions, Directing Briefing, and Directing Submission of Filing Fee, setting a  
17 briefing schedule as follows:  
18

- 19 a. Appellant shall have 30 days from the date of this order to file and  
20 serve an opening brief (August 20, 2021).
- 21 b. Respondents shall have 30 days from the date of the opening brief is  
22 served to file and serve an answering brief.
- 23 c. Appellant shall then have 21 days from the date the answering brief is  
24 served to file and serve and reply brief.

25 3. On August 16, 2021, Appellant timely presented a telephonic request  
26 for extension of time to file her Opening Brief, pursuant to which, Appellant was  
27 granted until September 3, 2021, to file

28 4. On September 3, 2021, Appellant filed her Opening Brief

1           5.       On September 3, 2021, at request of Respondents' counsel, the parties  
2 stipulated to an extension of time for Respondents to file their Answering Brief until  
3 November 8, 2021.  
4

5           6.       On November 8, 2021, following filings in the intervening period of  
6 certain amicus briefs, Respondents moved the court for a fourteen-day extension of  
7 time file their Answering Brief, until November 22, 2021, which unopposed motion  
8 the Court duly granted.  
9

10           7.       On November 22, 2021, Respondents filed their Answering Brief,  
11 further to which filing, Appellant's deadline to file a Reply Brief was December 13,  
12 2021.  
13

14           8.       On December 22, 2021, due to an internal calendaring error, Appellant  
15 filed her Reply Brief.  
16

### 17           **III.   LEGAL STANDARD**

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19           NRAP 26(b)(1)(B) allows that, "[f]or good cause, the court may extend the  
20 time prescribed by these Rules or by its order to perform any act, or may permit an  
21 act to be done after that time expires." An extension of time shall be made on  
22 Motion under NRAP 31(b)(3), comporting with the following requirements:  
23

24           (A) Contents of Motion. A motion for extension of time for filing a brief  
25 shall include the following:  
26

- 27               (i) The date when the brief is due;  
28               (ii) The number of extensions of time previously granted...

1 (iii) Whether any previous requests for extensions of time have been  
2 denied or denied in part;

3 (iv) The reasons or grounds why an extension is necessary (including  
4 demonstrating extraordinary and compelling circumstances under  
5 Rule 26(b)(1)(B), if required); and

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

8 (B) ... The court will grant an initial motion for extension of time for filing  
9 a brief only upon a clear showing of good cause. The court shall not grant  
10 additional extensions of time except upon a showing of extraordinary  
11 circumstances and extreme need.

#### 12 IV. ARGUMENT

13 As noted, Appellant's Reply Brief was due on December 13, 2021, and no  
14 prior extension of time has been requested (nor, obviously, denied). The reason  
15 why the extension is simple, yet unfortunate: Appellant's counsel made an internal  
16 calendaring error, setting the deadline for thirty (30) days after the filing of  
17 Respondents' Answering Brief. By counsel's own internal calendaring, the Reply  
18 Brief was timely, though, clearly, as to the Court's calendar, it was not. As the  
19 Reply Brief is already prepared (as filed on December 22, 2021) and will be filed  
20 again concurrently with this Motion, Appellant is requesting only a ten-day  
21 extension, setting the new due date for the Reply Brief as December 23, 2021. The  
22 applicable NRAP provisions do not, for the instant matter, require a showing of  
23 extraordinary and compelling circumstances or extreme need. Counsel's internal  
24 calendaring error, constituting excusable neglect, reasonably meets the relevant  
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28

1 standard of good cause.

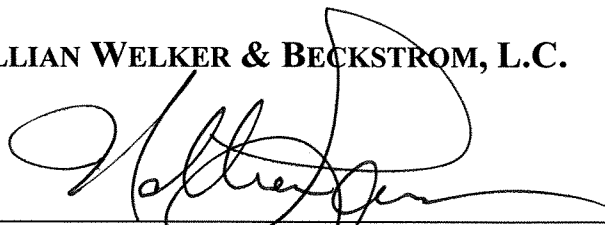
2 The Court has been generous with allowing extensions of time in the instant  
3 matter, and Appellant has made all efforts to be so as well, working with  
4 Respondents' counsel to accommodate their schedule for their Answering Brief, not  
5 opposing their prior motion for extension of time. The instant motion and request  
6 for extension is sought in good faith and not for any undue purpose of delay, nor  
7 does Appellant believe that this singular extension prejudices Respondents in any  
8 way.  
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11

## 12 V. CONCLUSION

13 Based on the foregoing, Appellant hereby respectfully requests the Court  
14 grant Appellant's Motion for Extension of Time to File Reply Brief to December  
15 23, 2021, and accept Appellant's Reply Brief, filed concurrently herewith.  
16  
17

18 DATED this 23<sup>rd</sup> day of December 2021.

19  
20 GALLIAN WELKER & BECKSTROM, L.C.



21  
22  
23 TRAVIS N. BARRICK, Esq., SBN 9257

24 NATHAN E. LAWRENCE, Esq., SBN 15060

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26 Las Vegas, Nevada 89104

27 Tel: (702) 892-3500

28 *Attorney for Appellant Sonjia Mack*

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3       SONJIA MACK,

4                                   Appellant,

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8       BRIAN WILLIAMS; JAMES  
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10      and MYRA LAURIAN;

11                               Respondents.

Case No.: 81513

**DECLARATON OF NATHAN  
E. LAWRENCE, Esq., IN  
SUPPORT OF APPELLANT’S  
MOTION FOR EXTENSION OF  
TIME TO FILE REPLY BRIEF**

12  
13  
14           I, Nathan E. Lawrence, Esq., being first duly sworn and under penalty of  
15 perjury, state as follows:

16           1.     I am a resident of Clark County, Nevada, over the age of 18 years old,  
17  
18 and I am competent to testify from my own personal knowledge concerning the  
19 matters contained herein.

20  
21           2.     I am counsel for Appellant SONJIA MACK (“Ms. Mack”) in the  
22 above-referenced matter, and I hereby make this Declaration in support of Ms.  
23 Mack’s Motion for Extension of Time to File Reply Brief (First Request).

24  
25           9.     On November 22, 2021, Respondents filed their Answering Brief,  
26 further to which filing, in accord with the Court’s July 21, 2021, Order Accepting  
27  
28

1 Certified Questions, Directing Briefing, and Directing Submission of Filing Fee,  
2 Appellant's deadline to file a Reply Brief was December 13, 2021.

3  
4 10. Due to an internal calendaring error, the deadline for the Reply Brief  
5 was set for December 22, 2021, thirty (30) days after the filing of the Answering  
6 Brief (instead of twenty-one (21), as required).

7  
8 11. Solely as a result of the noted calendaring error, Appellant's Reply  
9 Brief was untimely filed.

10  
11 12. Appellant's motion for extension of time is sought in good faith and  
12 not for any undue purpose of delay

13  
14 13. I declare under penalty of perjury under the laws of the State of Nevada  
15 that the foregoing is true and correct.

16  
17  
18 Further, Declarant sayeth naught.

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27  
28

Nathan E. Lawrence, SBN 15060  
GALLIAN WELKER & BECKSTROM, L.C.  
540 East St. Louis Avenue  
Las Vegas, Nevada 89104

# **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 23<sup>rd</sup> day of December 2021, I served a true and correct copy of the foregoing **APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF** as filed, by way of the Supreme Court’s electronic filing system to the following:

**AARON D. FORD, Attorney General**

Kiel B. Ireland (Bar No. 15368C)

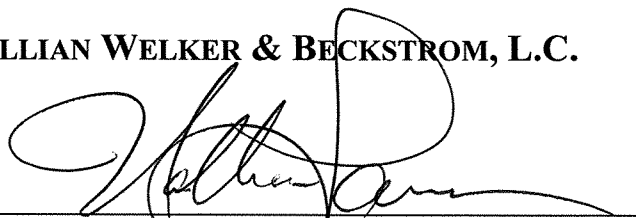
Deputy Attorney General, Office of the Attorney General

555 East Washington Avenue, Suite 3900

*Attorney for Respondents*

DATED this 23<sup>rd</sup> day of December 2021.

**GALLIAN WELKER & BECKSTROM, L.C.**



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