

NEVADA SUPREME COURT

DANIEL LAKES,

Appellant,

v.

U.S. BANK TRUST, Trustee for LSF9
Master Participation Trust,

Respondent.

Electronically Filed
Docket No. 79324
Feb 23 2020 01:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

Pursuant to NRAP 26 (b), Appellant Daniel Lakes requests an extension of time to file its Opening Brief which was due on February 24, 2020. Nevada Rules Appellate Procedure 26 (1) (A) states:

(1) By Court Order.

(A) For good cause, the court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires. But the court may not extend the time to file a notice of appeal except as provided in Rule 4(c).

Mr. Lakes seeks an additional 30 days to file its Opening Brief which was due February 24, 2020. Mr. Lakes counsel had the brief calendared for a due date of February 27, 2020. *See* attached Declaration of Doreen Spears Hartwell. Mr. Lakes' counsel sought a telephonic extension on Tuesday, February 25, 2020, and was informed by the clerk of the court that the due was February 24, 2020. *Id.* Mr. Lakes counsel believed that it was making a timely request for an extension on February 25, 2020. *Id.* Not knowing how long

FortuNet makes this request for good cause and not for the purpose of delaying the resolution of this matter.

Dated: this 25th day of February, 2020.

Hartwell Thalacker, Ltd.

/s/Doreen Spears Hartwell

Doreen Spears Hartwell, Esq.

Nevada Bar. No. 7525

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Attorneys for Appellant Daniel Lakes

DECLARATION OF DOREEN SPEARS HARTWELL, ESQ.

I, Doreen Spears Hartwell, declare under penalty of perjury of the laws of Nevada, that I have personal knowledge of the facts set forth below and that the same are true and accurate:

1. This declaration is in support of Daniel Lake's Motion for Extension of Time to Opening Brief.
2. The initial due date was February 24, 2020.
3. My office had the Opening Brief calendared for February 27, 2020.
4. I sought a two-week telephonic extension on February 25, 2020, because more time was needed to complete the brief after a family emergency resulting in my need to return to Connecticut to help with arrangements for and attendance at a funeral mid-February.
5. Despite working diligently, it became clear that I was going need more time.
6. I seek this extension in good faith and for good cause. Neither I nor my client, Mr. Lakes, wish to further delay resolution of this matter.

Dated: this 25th day of February, 2020.

/s/Doreen Spears Hartwell
Doreen Spears Hartwell

CERTIFICATE OF SERVICE

I certify that on the 25th day of February 2020, I served a copy of the above Motion for Extension of Time to File Opening Brief upon all counsel of record:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es); or
- By email to the following email addresses:

tasca@ballardspahr.com

sakaij@ballardspahr.com

Joel E. Tasca, Esq.

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U.S. Bank Trust,

Trustee for LSF9 Master Participation Trust

/s/Doreen Spears Hartwell
An Employee of Hartwell Thalacker, Ltd