

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARELL L. MOORE; AND CHARLENE)
A. MOORE, INDIVIDUALLY AND AS)
HUSBAND AND WIFE,)
Appellants,)
vs.)
JASON LASRY, M.D. INDIVIDUAL;)
AND TERRY BARTIMUS, RN, APRN,)
Respondents.)

Electronically Filed
Supreme Court No. 81659
Oct 16 2020 01:52 p.m.
Elizabeth A. Brown
District Court Reference No. A766426
Clerk of Supreme Court

APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE
DOCKETING STATEMENT

Appellants hereby request pursuant to NRAP 14(d) that this Court extend the time to file the docketing statement so that it may be filed concurrently with this motion or in the alternative shortly afterwards. The brief was due on October 5, 2020. No extensions have previously been requested and thus none have been denied.

This extension is necessary to allow full and proper consideration of the docketing statement of these matters to this Court. The filing of the docketing statement was delayed because Appellant erroneously but in good faith believed the deadline for filing the docketing statement was 10/9/2020. Appellant learned when attempting to file the docketing statement on 10/9/2020 that it was overdue. Appellant was notified on 10/12/2020 that it was rejected as untimely. Appellant now respectfully requests an extension to allow the filing of the docketing statement.

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Such an extension is contemplated in the Nevada Rules of Appellate Procedure. NRAP 14(d); NRAP 26(b). Granting this extension will best serve justice by allowing for an adjudication on the merits. NRAP 1(c)(“These Rules shall be liberally construed to secure the proper and efficient administration of the business and affairs of the courts and to promote and facilitate the administration of justice by the courts.”); *see also Hotel Last Frontier Corp. v. Frontier Props.*, 79 Nev. 150, 155, 380 P.2d 293, 295 (1963) (noting “the basic underlying policy to have each case decided upon its merits.”) Allowing such an extension would further uphold this Court’s longstanding policy in preventing a forfeiture due to excusable neglect. *See e.g. Cicerchia v. Cicerchia*, 77 Nev. 158, 161, 360 P.2d 839, 841 (1961) (“this court is quite indulgent in setting aside defaults in consequence of 'excusable neglect' of attorneys...”)

Thus, Appellant respectfully requests that this Court grant this motion and accept the docketing statement filed concurrently with this motion or shortly thereafter.

Atkinson Watkins & Hoffmann, LLP

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25(b), I certify that I am an employee Atkinson Watkins & Hoffmann, LLP and that on this 16th day of October, 2020, I served a true and correct copy of the foregoing **APPELLANTS' MOTION FOR EXTENSION OF TIME** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☐ to be sent via facsimile (as a courtesy only); and/or
- ☐ to be hand-delivered to the attorneys at the address listed below:
- ☒ to be submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

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By /s/ Erika Jimenez
An employee of Atkinson Watkins & Hoffmann, LLP

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