

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 LARSY, MD, INDIVIDUAL; AND
TERRY BARTMUS, RN, APRN,
INDIVIDUAL,

Respondents.

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Jun 21 2021 02:52 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 81659

**APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE
OPENING BRIEF AND APPENDIX (Third Request)**

Appellants hereby respectfully request pursuant to NRAP 26(b) that this Court extend the time to file the Opening Brief. The brief is due on June 21, 2021. No extensions have previously been denied, and this is the third request. Appellants respectfully request an extension up to and including July 21, 2021.¹

This extension is necessary because of a change in counsel. Mr. Daniel Polsenberg had been expected to prepare the necessary briefing in place of Morris Law Center. However, shortly after agreeing to work on the case while conducting due diligence, Mr. Polsenberg determined that he represented a party in a different

¹ Appellants respectfully request an extension of 30 days.

case that held interests adverse to clients of Mr. Arntz. Mr. Polsenberg determined that this created at least the possibility of a conflict of interest or similar ethical concerns. *See* NRPC 1.7(a)(2).² After extensive discussions, Mr. Polsenberg determined that he wished to avoid any possibility of even the appearance of impropriety and wanted to maintain unimpeachable ethics. Accordingly, it was determined that Mr. Polsenberg would not assist in the briefing. With the absence of Mr. Polsenberg's assistance, it is impossible for remaining counsel to complete a thorough and complete brief within the remaining time. Accordingly, Counsel respectfully requests a brief extension to allow for thorough briefing.

This is contemplated in the Nevada Rules of Appellate Procedure. NRAP 26(b). Granting this extension will best serve justice by allowing for an adjudication on the merits with a well-prepared brief. NRAP 1(c); *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").

Thus, Appellants respectfully request that this Court grant this motion and accept submission of the brief and related appendix.

² “ (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:...(2) There is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.”

Dated this 21st day of June, 2021.

E. BREEN ARNTZ, CHTD.

By: /s/ E. Breen Arntz
E. Breen Arntz, Esq.
Nevada Bar No. 3853

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(b), I certify that I am an employee of the law firm and that on this 21st day of June, 2021, I served a true and correct copy of the foregoing **APPELLANT'S MOTION FOR EXTENSION OF TIME (Third Request)** 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/ E. Breen Arntz
An employee of E. Breen Arntz, Chtd.