

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

2
3 CHALESE MARIE SOLINGER,

4 Appellant,

5 vs.

6 LOUIS C. SCHNEIDER, ESQ.,

7 Respondent.

SUPREME COURT NO.: 81787
District Court Case No.: D-10-582245-D
Electronically Filed
Jan 04 2021 05:06 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

9
10 **MOTION TO EXTEND TIME IN WHICH TO FILE REPLY TO APPELLANT'S**
11 **RESPONSE TO ORDER TO SHOW CAUSE**

12 COMES NOW, LOUIS SCHNEIDER, ESQ. of the LAW OFFICES OF LOUIS C.
13 SCHNEIDER, LLC, and hereby submits Motion to Extend Time in Which to File Reply
14 to Appellant's Response to Order to Show Cause. This Reply is made and based upon the
15 attached Memorandum of Points and Authorities

16
17 Dated this 4th day of January, 2021.

18
19 Respectfully submitted:

20
21 _____
 /s/ Louis C. Schneider

22 LOUIS C. SCHNEIDER, ESQ.

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

Statement of Facts/Procedural Disposition

On November 16, 2020, the Nevada Supreme Court issued an Order Modifying Caption and Order to Show Cause, directing the Appellant to show cause why the case should not be dismissed for lack of jurisdiction withing 30 days. Respondent was ordered to file a reply withing 14 days of service of the Appellant's response to the order to show cause.

The Respondent calendared his reply to be filed no later than December 30, 2020. The Appellant had 30 days to file a response, giving her until no later than December 16, 2020 for timely filing, and December 30, 2020 is 14 days after the 30-day period in which the Appellant was required to file her response.

The Respondent filed his reply on December 30, 2020. However, the reply was rejected as untimely filed, in a notice of rejection of document dated December 31, 2020. The law office of counsel for the Respondent was closed for the New Year's holiday from December 31, 2020 through January 3, 2021, re-opening on January 4, 2021, which was the day counsel for Respondent received the notice of rejection via US mail. The notice of rejection stated that the Respondent's reply was not timely filed, and, therefore, must be re-filed with a motion to extend time.

The Respondent, in calendaring the due date for his reply, assumed that the time for reply was 14 days after the 30-day time period in which the Appellant was required to

1 file her response. However, the Respondent mistakenly overlooked the wording of the
2 order to show cause, which states that the Respondent's reply is due within 14 days of
3 *service* of the Appellant's response. Because the Appellant served her response on
4 December 14, 2020, the Respondent's reply was due no later than December 28, 2020,
5 not December 30, 2020, which is the date the Respondent had calendared.
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8 The Respondent did not realize his mistake until after reading the Court's notice of
9 rejection of his reply on January 4, 2021. Thus, the Respondent submits this motion to
10 extend time to file his response.
11

12 II.

13 Legal Argument

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15 NRAP Rule 26(1)(B) states:

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

20 There is good cause to extend the time in which to allow the Respondent to file his
21 reply. The Respondent made an error in calendaring the due date to file his reply. He is
22 re-filing his reply along with this motion to extend time, per the instructions given on the
23 notice of rejection of filed document.
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Conclusion

The Respondent respectfully requests an extension of time to file his reply until May 4, 2021, as he is re-filing his reply along with his motion that date.

Dated this 4th day of January, 2021.

Respectfully submitted:

/s/ *Louis C. Schneider*

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