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Elizabeth A. Brown
Clerk of Supreme Court

7
8 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

9
10 MAIDE, L.L.C. d/b/a GENTLE
SPRING CARE HOME; SOKHENA K.
HUCH; MIKI N. TON,

Case No.: 81804

11 Appellants,

12 vs.

13 CORINNE R. DILEO, as Special
Administrator for the Estate of Thomas
14 DiLeo; THOMAS DILEO, JR., as
Statutory Heir to Thomas DiLeo; and
15 CINDY DILEO, as Statutory Heir to
Thomas DiLeo,

16 Respondents.

17
18 **MOTION FOR EXTENSION OF TIME TO FILE**
RESPONDENTS' ANSWERING BRIEF

19 Respondents Corinne R. Dileo, as Special Administrator for the Estate of
20 Thomas Dileo, Thomas Dileo, Jr., as Statutory Heir to Thomas Dileo, and Cindy
21 Dileo, as Statutory Heir to Thomas Dileo, ("Respondents"), by and through their

1 counsel of record, Jamie S. Cogburn, Esq., and Hunter S. Davidson, Esq. of Cogburn
2 Law, hereby move this Court, pursuant to NRAP 31(b), for its untimely motion for
3 extension of time of 14-days to file their answer to appellant’s opening brief.

4 **I. INTRODUCTION**

5 Respondent’s Answering Brief was originally due on March 12, 2021. If this
6 Court grants this request for a 14-day extension, Respondent’s Answering Brief will
7 be due on March 26, 2021. A telephonic request for extension of time has also been
8 requested for the Answering Brief.

9 Good cause exists for allowing Respondents to extend the filing deadline for
10 their Answering Brief to March 26, 2021, and to allow the late filing of their Motion
11 for Extension of Time to File Respondents’ Answer to Appellant’s Opening Brief.

12 On March 11, 2021, staff from Respondents’ Counsel, Cogburn Law,
13 contacted the Clerk’s Office of the Nevada Supreme Court and requested a
14 telephonic extension of fourteen (14) days. *See* Exhibit 1 (Declaration of
15 Respondents’ Counsel’s paralegal, Noel C. Raleigh (“Ms. Raleigh”). This was the
16 first time an extension was requested. Ms. Raleigh spoke to Sandy at the Clerk’s
17 Office who advised her that the extension was approved and provided Respondents’
18 with a deadline of March 26, 2021, to file their Answering Brief.

19 Ms. Raleigh subsequently checked the Appellate Case Management System a
20 few days later and confirmed that the “Due Dates” section listed “03/26/2021” as
21 the deadline for the Answering Brief.

1 Respondents filed their Answering Brief on March 26, 2021.

2 On April 8, 2021, after The Nevada Justice Association filed a Motion For
3 Extension of Time to File Motion For Leave To File Amicus Brief, and after
4 Appellents' filed an Opposition to the same, Respondents' Counsel contacted the
5 Nevada Supreme Court Clerk's Office to ask why an order granting the two-week
6 telephonic extension for Respondents' Answering Brief was never filed.

7 Ms. Raleigh spoke to Monique at the Clerk's Office. Monique advised that
8 this particular case is under her supervision with regard to the filed documents. She
9 advised as follows:

10 (a) An order should have been entered.

11 (b) Once the due date is updated you can no longer see it or
12 backtrack. Thus, she cannot confirm the due date was 3/26/2021
13 in the system. However, she is the one that receives the briefs
14 and that one of the first things she verifies is that the deadline has
15 been met.

16 (c) Had the Answering Brief been late she would not have filed it.

17 The Court did not reject the documents as "untimely."

18 The Clerk's office suggested that Respondents' Counsel file a response to
19 explain what happened with regard to the telephonic extension. This office has
20 elected to file this instant Motion To Extend Time "later than the due date."

1 **II. LEGAL ARGUMENT**

2 The Nevada Rules of Appellate Procedure provide as follows:

3 **Motions for Extensions of Time.** A motion for extension of time for
4 filing a brief may be made no later than the due date for the brief and
must comply with the provisions of this Rule and Rule 27.

5 (A) Contents of Motion. A motion for extension of
6 time for filing a brief shall include the following:

7 (i) The date when the brief is due;

8 (ii) The number of extensions of time previously
9 granted (including a 14-day telephonic
extension), and if extensions were granted, the
original date when the brief was due;

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

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

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

16 *See Nev. R. App. P. 31(b)(3).*

17 While NRAP 31(b)(3) provides that “[a] motion for extension of time for
18 filing a brief may be made no later than the due date for the brief . . .”, NRAP
19 26(b)(1)(A) states “[f]or good cause, the court may extend the time prescribed by
20 these Rules or by its order to perform any act, or may permit an act to be done after
21 that time expires.” (emphasis added).

1 Respondents maintain that “good cause” exists for permitting this Motion to
2 be “made later than the due date for the brief,” because neither Respondents nor their
3 Counsel had any reason to suspect—at the time the March 12, 2021, deadline
4 expired—that Respondents would have any need to file such a Motion, as the clerk’s
5 office had given a telephonic two-week extension through March 26, 2021.
6 Respondents could not foresee that the Order granting the extension would not be
7 subsequently filed.

8 It was only upon receipt of the file-stamped Motion for Extension of Time to
9 File Motion for Leave to File Amicus Brief of The Nevada Justice Association and
10 Appellants' Opposition to Nevada Justice Association's Motion for Extension of
11 Time to File Motion for Leave to File Amicus Brief, that Respondents’ Counsel
12 learned that the Order Granting the telephonic extension to file answering brief had
13 never been filed.”

14 **III. CONCLUSION**

15 Respondents’ Answering Brief was technically timely submitted via the e-flex
16 system on March 26, 2021, after a telephonic extension was requested and approved
17 on March 11, 2021, as evidenced by the sworn Declaration of Respondents’
18 counsel’s staff submitted herewith. Exhibit 1.

19 Respondents therefore respectfully request that this Court find, pursuant to
20 NRAP 26(b)(1)(A), that “good cause” exists for permitting the filing of this Motion
21 To Extend Time “later than the due date” for the Answering Brief, and that this Court

1 grant Respondents' request, pursuant to NRAP 31(b)(3), to extend the time for filing
2 of the Answering Brief for Fourteen Days, to March 26, 2021, to match the
3 "Electronic[] Fil[ing]" date of the Answering Brief.

4 Dated this 8th day of April, 2021.

5 COGBURN LAW

6
7 By: /s/Hunter S. Davidson
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14 *Attorneys for Plaintiff*
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing **MOTION FOR EXTENSION OF TIME TO**
3 **FILE RESPONDENTS' ANSWERING BRIEF** was filed electronically with the
4 Nevada Supreme Court on the 8th day of April, 2021. Electronic Service of the
5 foregoing document shall be made in accordance with the Master Service List as
6 follows:

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Nevada Justice Association

17
18 /s/Noel C. Raleigh
An employee of Cogburn Law

EXHIBIT 1

EXHIBIT 1

EXHIBIT 2

EXHIBIT 2

CALL REPORTS



Summary User Activity Phone Number Activity Caller Activity

[Back to User Activity](#) Noel Raleigh

EXPORT

March 11, 2021

Search...

Total Call Volume	Inbound Volume	Outbound Volume	Total Duration	Inbound Duration	Outbound Duration	Average Duration
21	14	7	00:48:30	00:21:14	00:27:16	00:03:44

From	To	Start Time	Answer Time	End Time	Duration	Disposition	Direction	Recordings
Joseph Troiano (115)	Noel Raleigh (171)	Mar 11, 2021, 4:22:43 pm	--	Mar 11, 2021, 4:22:46 pm	--:--:--	Non-selected User Clearing	INBOUND	
Joseph Troiano (115)	Noel Raleigh (171)	Mar 11, 2021, 4:22:43 pm	Mar 11, 2021, 4:22:46 pm	Mar 11, 2021, 4:33:07 pm	00:10:21	Normal Call Clearing	INBOUND	
Noel Raleigh (171)	7022554185	Mar 11, 2021, 4:15:55 pm	Mar 11, 2021, 4:16:26 pm	Mar 11, 2021, 4:17:18 pm	00:00:52	Normal Call Clearing	OUTBOUND	
Noel Raleigh (171)	7024869300	Mar 11, 2021, 3:52:24 pm	Mar 11, 2021, 3:52:30 pm	Mar 11, 2021, 3:54:17 pm	00:01:48	Normal Call Clearing	OUTBOUND	
Carolina Avila-Islas (103)	Noel Raleigh (171)	Mar 11, 2021, 3:31:09 pm	--	Mar 11, 2021, 3:31:29 pm	--:--:--	Normal Call Clearing	INBOUND	
Carolina Avila-Islas (103)	Noel Raleigh (171)	Mar 11, 2021, 3:31:09 pm	--	Mar 11, 2021, 3:31:29 pm	--:--:--	Normal Call Clearing	INBOUND	
Joseph Troiano (115)	Noel Raleigh (171)	Mar 11, 2021, 2:31:41 pm	--	Mar 11, 2021, 2:31:54 pm	--:--:--	Non-selected User Clearing	INBOUND	
Joseph Troiano (115)	Noel Raleigh (171)	Mar 11, 2021, 2:31:41 pm	Mar 11, 2021, 2:31:54 pm	Mar 11, 2021, 2:37:27 pm	00:05:33	Normal Call Clearing	INBOUND	
Ana Mendoza (157)	Noel Raleigh (171)	Mar 11, 2021, 2:19:36 pm	--	Mar 11, 2021, 2:19:54 pm	--:--:--	Non-selected User Clearing	INBOUND	
Ana Mendoza (157)	Noel Raleigh (171)	Mar 11, 2021, 2:19:36 pm	Mar 11, 2021, 2:19:54 pm	Mar 11, 2021, 2:21:30 pm	00:01:36	Normal Call Clearing	INBOUND	
Noel Raleigh (171)	18002252467	Mar 11, 2021, 12:10:43 pm	Mar 11, 2021, 12:10:47 pm	Mar 11, 2021, 12:28:38 pm	00:17:52	Normal Call Clearing	OUTBOUND	
Noel Raleigh (171)	7025959222	Mar 11, 2021, 12:01:31 pm	Mar 11, 2021, 12:01:42 pm	Mar 11, 2021, 12:04:56 pm	00:03:14	Normal Call Clearing	OUTBOUND	
Noel Raleigh (171)	7024665772	Mar 11, 2021, 11:46:27 am	Mar 11, 2021, 11:46:38 am	Mar 11, 2021, 11:48:33 am	00:01:55	Normal Call Clearing	OUTBOUND	
Ana Mendoza (157)	Noel Raleigh (171)	Mar 11, 2021, 11:44:28 am	--	Mar 11, 2021, 11:44:36 am	--:--:--	Non-selected User Clearing	INBOUND	

Cogburn Law Outbound Call Report for Noel Raleigh

From	To	Start Time	Start Time (local)	Answer Time	Answer Time (local)	End Time	End Time (local)	Duration	Disposition	Direction
Noel Raleigh(171)	7024869300	2021-03-11 T23:52:24.532294Z	2021-03-11 T15:52:24.532 PST	2021-03-11 T23:52:30.182633Z	2021-03-11 T15:52:30.182 PST	2021-03-11 T23:54:17.416428Z	2021-03-11 T15:54:17.416 PST	108	16	OUTBOUND
Noel Raleigh(171)	18002252467	2021-03-11 T20:10:43.723643Z	2021-03-11 T12:10:43.723 PST	2021-03-11 T20:10:47.240516Z	2021-03-11 T12:10:47.240 PST	2021-03-11 T20:28:38.357808Z	2021-03-11 T12:28:38.357 PST	1072	16	OUTBOUND
Noel Raleigh(171)	7025959222	2021-03-11 T20:01:31.185160Z	2021-03-11 T12:01:31.185 PST	2021-03-11 T20:01:42.120284Z	2021-03-11 T12:01:42.120 PST	2021-03-11 T20:04:56.085697Z	2021-03-11 T12:04:56.085 PST	194	16	OUTBOUND
Noel Raleigh(171)	7024665772	2021-03-11 T19:46:27.747396Z	2021-03-11 T11:46:27.747 PST	2021-03-11 T19:46:38.782674Z	2021-03-11 T11:46:38.782 PST	2021-03-11 T19:48:33.494807Z	2021-03-11 T11:48:33.494 PST	115	16	OUTBOUND
Noel Raleigh(171)	7025613052	2021-03-11 T19:42:33.510364Z	2021-03-11 T11:42:33.510 PST	2021-03-11 T19:43:07.186230Z	2021-03-11 T11:43:07.186 PST	2021-03-11 T19:44:22.540221Z	2021-03-11 T11:44:22.540 PST	76	16	OUTBOUND