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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERICH M. MARTIN,

Appellant,

vs.

RAINA L. MARTIN,

Respondent.

Case No. 81810

Appeal from the Eighth Judicial District Court, the Honorable Rebecca L. Burton Presiding

ERICH M. MARTIN,

Appellant,

vs.

RAINA L. MARTIN,

Respondent.

Case No. 82517

Appeal from the Eighth Judicial District Court, the Honorable Rebecca L. Burton Presiding

**REPLY IN SUPPORT OF MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR REHEARING**

(Second Request)

Appellant Erich Martin (Erich), by and through his counsel of record, previously moved this Court pursuant to NRAP 26(b)(1) and NRAP 40(a)(1) for a 30-day extension of time to file his petition for rehearing. Erich argued that “good cause” existed under NRAP 26(b)(1) and NRAP 40(a)(1) to extend the filing

deadline by 30 days based upon various circumstances, including (1) a sudden and unexpected family emergency in his counsel’s family, requiring an absence from the office and out of state travel, (2) pre-planned vacation and travel plans for the holidays (prior to the family emergency), (3) expected travel out of state in January 2023 to attend to the same family emergency, and (4) other scheduled mediations, depositions, hearings, and briefing deadlines in other cases in the first few weeks of January.

Respondent Raina Martin (Raina) opposed the motion. In it, Raina devoted most of her factual background and arguments to issues not presently before this Court, such as collection of the disability payment arrearages¹ and the reasons why the district court and this Court’s decisions were correct.² Neither of those arguments address the relevant standard and inquiry—whether there is good cause based upon the circumstances to extend the filing deadline. NRAP 26(b)(1); NRAP 40(a)(1). While Raina made some passing remarks that Erich and his counsel are “abus[ing]” “court processes” and engaging in “another ploy to delay the inevitable,”³ all are made without any support whatsoever and fly entirely in

¹ Response, at 1-3 and 5-6.

² *Id.* at 4-5 and 6-7

³ *Id.* at 4.

the face of the fact that this Court regularly grants 30-day extensions on briefing deadlines and such requests are ordinarily not perceived to be abuses, ploys, or improper delay. Here, good faith circumstances have arisen—particularly Erich’s counsel’s family emergency—which constitute good cause under NRAP 26(b)(1) and NRAP 40(a)(1) for a 30-day extension of time to file Erich’s petition for rehearing. Accordingly, Erich respectfully requests that this Court grant the motion and extend the deadline to file his petition for rehearing until February 2, 2023

Dated this 10th day of January, 2023.

MARQUIS AURBACH

By /s/ Chad F. Clement
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **REPLY IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REHEARING** was filed electronically with the Nevada Supreme Court on the 10th day of January, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List.

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

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/s/ Lennie Fraga _____
an employee of Marquis Aurbach