

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

Electronically Filed  
Apr 26 2021 12:39 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

JOSEPH FOLINO, an individual, and  
NICOLE FOLINO, an individual,

Appellants,

vs.

TODD SWANSON, an individual, TODD  
SWANSON, Trustee of the SHIRAZ  
TRUST; the SHIRAZ TRUST, a Trust of  
unknown origin, and LYON  
DEVELOPMENT, LLC, a Nevada Limited  
Liability Company,

Respondents.

**RESPONDENTS' MOTION FOR EXTENSION OF TIME  
TO FILE ANSWERING BRIEF ANSWERING BRIEF AND  
RESPONDENTS' SUPPLEMENTAL APPENDIX  
(FIRST REQUEST)**

Respondents, Todd Swanson, individually and as Trustee of the Shiraz Trust, the Shiraz Trust and Lyon Development, LLC (hereinafter collectively referred to as "Swanson") by and through its attorney of record, Jay T. Hopkins, Esq., Christopher Young, Esq. and Christopher Young, P.C. hereby respectfully moves this Court for a 30-day extension of time to file its Answering Brief and Respondent's Supplemental Appendix pursuant to NRAP 31(b)(3). Swanson's

Answering Brief is currently due on April 26, 2021.

On April 2, 2021, this Court granted Swanson a telephonic extension to file the Answering Brief, from April 8, 2021 to May 26, 2021. This is Swanson's first request for an extension beyond the 14-day telephonic request.

Good cause exists to grant Swanson's motion for a 30-day extension.

Swanson received Appellants' (the "Folinos") Opening Brief and corrected Joint Appendix on or about March 12, 2021. The Joint Appendix was different than the Joint Appendix discussed with the Folinos' counsel during a previous meet and confer.

After considerable review of the entire Joint Appendix filed by the Folinos, Swanson noted it contained documents which were not filed in the district court and, therefore, were not part of the district court record. Swanson also noted that a portion of the Opening Brief contained arguments based on the inappropriately filed appendix documents. In addition, the Joint Appendix appears to be missing documents filed with the district court which are necessary for the instant appeal, thus requiring Swanson to file Respondents' Supplemental Appendix.<sup>1</sup>

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<sup>1</sup> Review of the 3757 page Joint Appendix is continuing. But it appears at this time that the Joint Appendix does not contain all of Plaintiffs' Second Amended Complaint, Swanson's Motion to Dismiss/Summary Judgment regarding Plaintiffs' Second Amended Complaint and the district court's November 7, 2019 ruling on Swanson's motion.

On March 18, 2021, Swanson moved to strike JA000001-000248 of the Joint Appendix and portions of the Folinos' Opening Brief. The Opening Brief contained extensive argument supported only by the inappropriate Joint Appendix documents. Therefore, in an abundance of caution and to avoid delays in the event this Court denied Swanson's motion, counsel began drafting the Answering Brief, addressing the entire context of the Folinos' Opening Brief as filed.

On April 16, 2021, this Court granted Swanson's motion, striking JA000001-000248 of the Joint Appendix and ordering the Court to disregard the references to the stricken portion of the Joint Appendix.

The Opening Brief's heavy reliance on the inappropriate Joint Appendix documents requires counsel to restructure the Answering Brief to comport with the stricken documents and the Court's order to disregard the unsupported fact statements and related arguments. Doing so requires significant, additional time.

Based on the above, Swanson respectfully requests a 30-day extension to file its Answering Brief from April 26, 2021 up to and including May 26, 2021. This motion is submitted in good faith and not intended to cause any delay or prejudice to any party.

DATED this 26<sup>th</sup> day of April, 2021.

/s/ Jay T. Hopkins, Esq.

Nevada Bar No. 3223

Christopher Young, Esq.

Nevada Bar No. 7961  
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*Attorneys for Respondents Todd Swanson,  
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Trust, and the Shiraz Trust*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of April, 2021, the foregoing  
**RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE  
ANSWERING BRIEF AND RESPONDENTS' SUPPLEMENTAL APPENDIX  
(FIRST REQUEST)** was electronically submitted for filing and transmitted via email  
to the following interested parties:

**Contact**

Rusty Graf, Esq.  
Christopher Young, Esq.

**Email**

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[cyoung@cotomlaw.com](mailto:cyoung@cotomlaw.com)

Dated this 26<sup>th</sup> day of April, 2021.

/s/ Jay T. Hopkins, Esq.