

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID ALVAREZ VENTURA,

Appellant,

vs.

JOHN H. GANSER, M.D. LIC #9279;
AND GOMEZ, KOZAR, McELREATH
AND SMITH, A PROFESSIONAL
CORPORATION,

Respondents.

No. 81850

Electronically Filed
Jul 29 2021 01:42 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR SECOND EXTENSION OF TIME
TO FILE ANSWERING BRIEF**

Respondents hereby move for a 30-day extension to file the answering brief, which is presently due on August 2, 2021. If granted, the answering brief would be due on September 2, 2021. This is respondents' second requested extension, the first having been granted pursuant to a stipulation of the parties. This court approved the extension by Notice Motion/Stipulation Approved of June 25, 2021. No requests for additional time have been denied in this case.

This is a professional negligence action involving the interpretation and application of the medical expert affidavit requirement of NRS 41A.071 and the statutory *res ipsa loquitur* exception to the affidavit requirement. The issues in this appeal are important, not merely for the parties, but for professional negligence

litigants statewide, thus requiring a thorough analysis of the law and the facts underlying this appeal. The additional time is necessary to address the factual assertions, legal arguments and authorities raised in the opening brief in the thorough and succinct manner expected and required by this court.

Respondents' counsel has been diligently working on the answering brief, which still needs additional preparation and finalization. Unfortunately, due to professional and family commitments and unforeseen scheduling conflicts, respondents' attorney will be unable to complete the answering brief by the August 2, 2021 due date, despite her best efforts. Respondents' counsel is confident that the brief can be finished and filed without another extension.

Accordingly, respondents request an extension until September 2, 2021. This motion is made in good faith and without the intent to delay the appeal unnecessarily.

DATED: July 29, 2021

/s/ Alice Campos Mercado
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CERTIFICATE OF SERVICE

I hereby certify that the within *Motion for Second Extension of Time to File Answering Brief* was filed electronically with the Nevada Supreme Court on this date. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Attorney for Appellant

Dated: July 29, 2021

/s/ Margie Nevin
Margie Nevin