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IN THE SUPREME COURT OF THE STATE OF NEVADA

LANCE GILMAN,
Appellant/Cross-Respondent,

No. 81726

vs.
SAM TOLL,
Respondent/Cross-Appellant.

LANCE GILMAN,
Appellant/Cross-Respondent,

No. 81874

vs.
SAM TOLL,
Respondent/Cross-Appellant.

**RESPONDENT/CROSS-APPELLANT SAM TOLL'S RESPONSE TO
MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO
DISMISS APPELLANT/CROSS-RESPONDENT'S APPEALS**

COMES NOW, Respondent/Cross-Appellant SAM TOLL, and hereby
responds to the March 17, 2021 Motion for Extension of Time to Respond to Toll's

March 8, 2021 Motion to Dismiss the appeals of LANCE GILMAN in Docket Nos. 81726 and 81874 due to repeated instances of non-compliance with the Nevada Rules of Appellate Procedure (“NRAP”) in the course of this case, and that Mr. Gilman’s appeal is based on a frivolous grounds – that a statement that a person has made about himself may be defamatory if made by someone else.

NRAP 27(a)(3)(A) provides a 7-day response time to motions. Gilman’s response to Toll’s Motion to Dismiss was due on Monday, March 15, 2021. But none was filed on or before this date. During the period the Motion to Dismiss was pending, counsel for Mr. Gilman did not contact Toll's counsel to request any stipulation of an extension of time to respond under NRAP 26(b)(2). Under both NRAP 26(b)(2) and NRAP 26(b)(1)(B), requests for extensions of time are only available on or before the due date sought to be extended. The primary basis for Toll’s Motion to Dismiss is that Gilman has repeatedly failed to meet deadlines, obey court orders, or to file the joint appendix in this matter such that it complies with the Court’s rules.

While the undersigned attorneys for Toll sympathize with Mr. Flangas for his loss, the Motion for Extension lacks any specific facts that explain or justify why the deadline to respond to the Motion to Dismiss was not met or why an extension before the due date was not sought. In light of the fact that several

deadlines have already been missed, the Court deserves an explanation as to why no timely response or request for extension was made to Toll's Motion to Dismiss.

Further, an extension of two weeks to respond to the Motion to Dismiss is prejudicial to Toll, as the due date for Toll's response brief is April 1, 2021, and resolution of the issues in Toll's Motion to Dismiss are necessary for this appeal to proceed because the appendixes filed by Gilman on March 2, 2021 and March 5, 2021 do not comply with the requirements of NRAP 30. If the Court is inclined to grant Gilman's Motion, Toll requests that the Court also grant Toll an additional 30 days from April 1, 2021 to file his answering brief on appeal and opening brief on cross-appeal.

WHEREFORE, the Respondent/Cross-Appellant SAM TOLL requests that the Court deny the Motion. In the alternative, if the Motion is granted, Toll requests that this Court grant Toll an additional 30 days from April 1, 2021 to file his answering brief on appeal and opening brief on cross-appeal.

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Dated this Thursday, March 18, 2021:

By: 

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CERTIFICATE OF SERVICE

Pursuant to NRCP 25(c), I certify that on the date indicated below, I caused service to be completed by:

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_____ delivery via Reno/Carson Messenger Service;

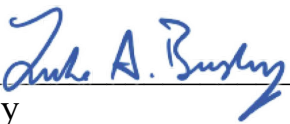
_____ sending via Federal Express (or other overnight delivery service);

_____ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,

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a true and correct copy of the foregoing pleading addressed to:

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By: 
Luke Busby

Dated: 3/18/2021