

WINNER & SHERROD A NEVADA LAW FIRM 1

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seeks an extension of one judicial day from the last-requested deadline.

Date that the Response Brief Is Due

The Real Party in interest's Answering Brief is currently due February 26, 2021. However, a motion was filed of February 26 to extend that deadline.

Number of Extensions Previously Sought

This is the fourth extension sought by the Real Party in Interest. No previous requests for extensions have been denied.

The Real Party in Interest's Answering Brief was initially due January 13, 2021. That was moved to February 12, 2021, pursuant to an order granting the Real Party in Interest's first request for an extension. The due date was moved to February 26, 2021, in response to the Real Party in Interest's second request.

The Real Party in interest filed a third motion, asking to extend the deadline to March 5, 2021. That motion has not yet been granted or denied.

This motion is intended to amend or replace the third request for an extension, filed on February 26, 2020, which is still pending a decision.

Under the extension sought by this motion, the Answering Brief will be due 16 Monday, March 10, 2021.

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Good Cause Exists for Granting the Continuance

NRAP 31(b)(3) states, "A motion for the extension of time for the filing of a 19 brief may be made no later than the due date for the brief and must comply with 20 the provisions of this Rule and Rule 27." NRAP 26(b)(1) further requires a 21 showing of good cause for the extension. 22

23 An extension is sought because after the first extension had requested, one of the lead attorneys working on Mr. Burgess' Answering Brief suffered a death in 24 the family. It was anticipated on February 12 that a 14-day extension would be 25 sufficient to compensate for the resulting leave of absence. Mr. Burgess' attorneys 26 have been diligently working since requesting the second extension, but additional 27 28 time is needed to complete the brief due to the complexity and importance of the Page 2 of 4 1327722 docx

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issues presented.

The petition in this case asks the court to resolve a direct conflict between a statute and a rule of civil procedure. Two parties have filed briefs supporting the petitioner's position – the petitioner, and an amicus party.

The issue presented to the court involves issues of constitutional law, and the amicus party has presented a non-comprehensive survey of other states' handling of the issue. Responding to that requires a significant investment of time. This issue is important because it will clarify the manner in which Rule 35 exams may be conducted in the future in Nevada state courts.

The Real Party in Interest's Answering Brief and Appendix are completed and are filed contemporaneously herewith.

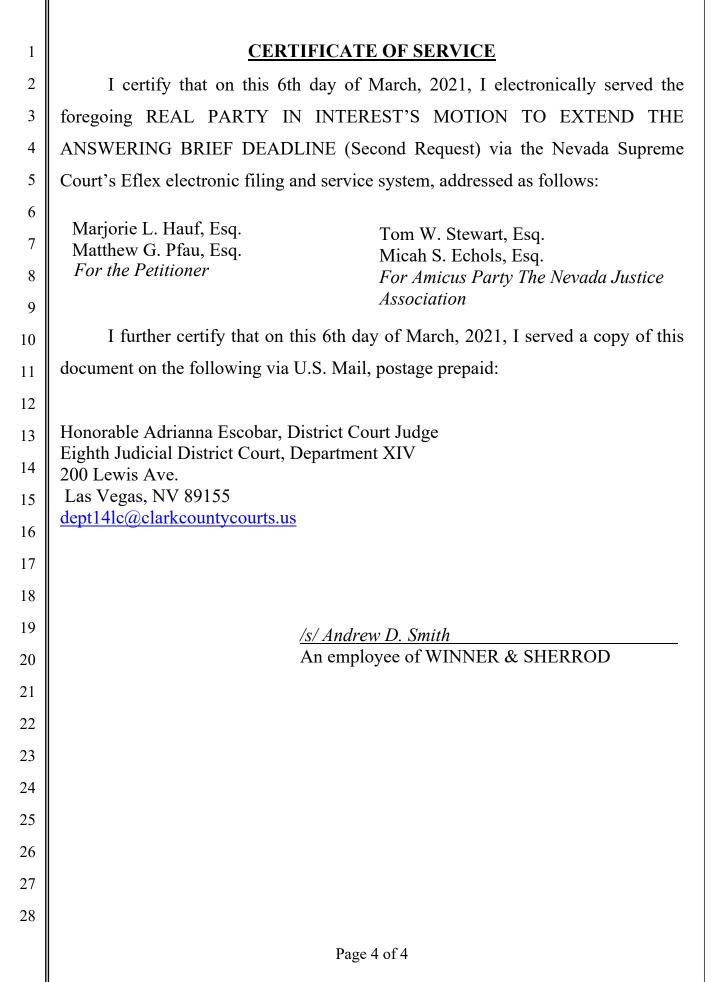
If this extension is granted, the sum of all extensions granted to the Respondent will be 54 days.

DATED this 6th day of March, 2021.

WINNER & SHERROD

/s/ Andrew D. Smith

Thomas E. Winner Nevada Bar No. 5168 Caitlin J. Lorelli Nevada Bar No. 14571 Andrew D. Smith Nevada Bar No. 8890 1117 South Rancho Drive Las Vegas, Nevada 89102 Tel: (702) 243-7000 *Attorneys for Real Party in Interest Troy Burgess*



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