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Dec 14 2020 11:08 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

5
6 **DISTRICT COURT**

7 * * *

8 **CLARK COUNTY, NEVADA**

9 CURTIS WILSON, an individual,
10 Plaintiff,

11 vs.

12 LAS VEGAS METROPOLITAN
POLICE
13 DEPARTMENT, a governmental
agency,
14 POLICE OFFICER E. VONJAGAN,
Badge
No. 16098, an employee of the
15 Metropolitan
Police Department; POLICE OFFICER
16 TENNANT, Badge No. 9817, an
employee of
17 the Metropolitan Police Department,
and
DOES I through X,

18
19 Defendant(s).

SUPREME COURT CASE

NO. 81940

DISTRICT COURT CASE NO.:

A-19-805368-C

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21 **APPELLANT'S REQUEST TO EXTEND TIME TO DOCKETING**
22 **STATEMENT**

23 Now comes Appellant, Curtis Wilson, through its counsel of record,
24 Brandon L. Phillips, Esq., of the firm BRANDON L. PHILLIPS, ATTORNEY AT

1 LAW, PLLC, and hereby respectfully requests that this honorable Court extend the
2 time for Appellant to file the Docketing Statement.

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4 The Docketing Statement should have been filed on in November of 2020,
5 but unfortunately, Mr. Phillips the solo practitioner and counsel for the Appellant
6 was diagnosed with the Covid virus. Obviously, during this period Mr. Phillips had
7 to remain quarantined and focused most of his efforts on his recovery. Further, due
8 to the complications of the global pandemic and the present situation of Mr.
9 Phillips, the staff was reduced and precautions were taken to ensure the safety of
10 all that may have come into contact with Mr. Phillips during this period. There was
11 not intent to delay the filing of the Docketing Statement or disregard the Supreme
12 Court's Order to file the Docketing Statement in a timely. Therefore, the Appellant
13 respectfully requests that this Court not enter sanctions against Appellant and allow
14 the Docketing Statement, that is attached hereto as Exhibit 1, to be filed within
15 three (3) days of the Order on the instant Motion.
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17 **PROCEDURAL HISTORY**

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19 1. This case was decided on Respondents' Motion to Dismiss.
- 20 2. It remains Appellant's position that the Court should have afforded
21 Wilson tolling while he exhausted the administrative remedies afforded
22 to him by law.
- 23 3. The Court entered Notice of Entry of Findings of Facts and Conclusions
24 of Law on September, 14, 2020.

1 4. Appellant timely filed his Notice of Appeal on October 12, 2020.

2 5. On November 4, 2020, Appellant filed the Case Appeal Statement.

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5 **STATUTORY AUTHORITY**

6 **RULE 31. FILING AND SERVICE OF BRIEFS.**

7 **(a) Time for Serving and Filing Briefs.** Unless a different briefing schedule
8 is provided by a court order in a particular case or by these or any other court
9 rules, parties shall observe the briefing schedule set forth in this Rule.

10
11 **(3) Motions for Extensions of Time.** A motion for extension of time for
12 filing a brief may be made no later than the due date for the brief and must comply
13 with the provisions of this Rule and Rule 27.

14 **(A) Contents of Motion.** A motion for extension of time for filing a
15 brief shall include the following:

- 16 (i) The date when the brief is due;
17 (ii) The number of extensions of time previously granted (including a 5-
18 day telephonic extension), and if extensions were granted, the original date when
19 the brief was due;
20 (iii) Whether any previous requests for extensions of time have been
21 denied or denied in part;
22 (iv) The reasons or grounds why an extension is necessary; and
23 (v) The length of the extension requested and the date on which the brief
24 would become due.

21 Appellant admits that the date, as Ordered by the Supreme Court, came and
22 went when Appellant's Counsel was infected with the Coronavirus. As the
23 diagnosis was sudden and unexpected, Mr. Phillips having to quarantine all of the
24

1 responsibilities fell to his two person staff while he recovered. It was not
2 Appellant's intent to ignore or take the Supreme Court's Order lightly.

3
4 There has been no harm to the Respondents as there was no substantial
5 delay, in fact, the Court generally allows for an oral two week extension and the
6 Docketing Statement is now complete and ready to be filed.

7 Respectfully, this Motion is brought in good faith. Appellant deserves to
8 have his Appeal heard on the merits.

9 **CONCLUSION**

10 As stated herein, counsel Phillips respectfully requests that this Court extend
11 the time to file the Docketing Statement and/or accept the Docketing Statement
12 filed as Exhibit 1 hereto.
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14
15 /s/ Brandon L. Phillips
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22 blp@abetterlegalpractice.com
23 Attorney for Appellant R. Balinski
24

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2 **PROOF OF SERVICE**

3 This is to certify that on the 14th day of December, 2020, I caused to be served **PLAINTIFF'S**
4 **MOTION TO EXTEND TIME TO FILE DOCKETING STATEMENT**, by the method
5 indicated below, and addressed to the following:

6 **Document Served: Motion**

7 **Person(s) Served:**

8 LYSSA S. ANDERSON
Nevada Bar No. 5781
9 RYAN W. DANIELS
Nevada Bar No. 13094
10 KAEMPFER CROWELL
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000

11
12 ☐ Via Facsimile:
☐ Mail
☐ Personal Delivery
13 ☒ Electronic Notice

14
15 s. Brandon L. Phillips
16 An employee of BRANDON L. PHILLIPS,
ATTORNEY AT LAW, PLLC
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