

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER BEAVOR, AN
INDIVIDUAL,

Appellant,

vs.

JOSHUA L. TOMSHECK, AN
INDIVIDUAL,

Respondent.

Supreme Court Case No. 81964
District Court No. A-19-793405-C
Electronically Filed
Jul 07 2021 12:32 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF
(THIRD REQUEST)**

Appellant hereby moves for 21-day extension of time to file their opening brief and appendix, which is currently due July 8, 2021. If granted, the brief will be due on July 29, 2021. NRAP 31(b)(3). This brief was originally due May 25, 2021, but was extended by two weeks pursuant to NRAP 26(b)(1)(B) by a 14-day telephonic extension of time which was granted to the Appellant. Thereafter, Appellant filed its first request by motion for an extension of the briefing due date, which was granted to July 8, 2021. This is the Appellant's third request and second by motion for an extension of time to file the opening brief and appendix. No request for an extension of time has been denied or denied in part.

This is a complex appeal involving a number of parties, complex and unique issues, and an underlying case that involved a trial, a retrial and at least one complete appeal and an attempted writ and appeal. Because of these factors the preparation of the appendix has been very time consuming and lengthy. Appellant's attorneys have been diligently working on the opening brief, but a further twenty-one (21) day extension of the briefing schedule is necessary for several reasons. The undersigned counsel is also dealing with non-Covid-19 medical issues that have taken him out of the state for medical appointments and testing. Counsel is being scheduled for major surgery at the end of the month and it has been necessary to be out of the office frequently the last thirty (30) days for medical testing and to obtain medical clearances. This has impacted counsel's ability to work as many hours as needed.

Further, one of the attorneys who has been working diligently on the appeal has been affected by recovery from back surgery that has not allowed him to complete needed parts of the brief.

Under these circumstances, appellant's attorneys will be unable to finish the brief by July 8, 2021. The circumstances set forth in this motion were unforeseeable and good cause exists for a twenty-one (21) day

extension. NRCP 26 (1)(A). Appellant's attorneys firmly believe they will be able to file the opening brief within the extended time. Therefore, Appellant requests an extension until July 29, 2021. This motion is made in good faith and without the intent to delay the appeal unnecessarily.

Dated this 7th day of July 2021.

COHEN JOHNSON LLC

By: /s/ H. Stan Johnson
H. Stan Johnson, Esq.
Nevada Bar No. 0265
375 E. Warm Spring Rd, Ste. 104
Las Vegas, Nevada 89119
Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that on 7th day of July 2021, pursuant to N.E.F.R. 7, I caused the MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF (Third Request) to be filed electronically with the Clerk of the Nevada Supreme Court. Pursuant to N.E.F.R. 9, notice of an electronically filed document by the Court “shall be considered as valid and effective service of the document” on all persons who are registered users.

DATED the 7th day of July 2021.

/s/ Sarah Gondek
An employee of COHEN JOHNSON, LLC