

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

EDGEWORTH FAMILY TRUST;  
AMERICAN GRATING, LLC; BRIAN  
EDGEWORTH AND ANGELA  
EDGEWORTH, INDIVIDUALLY,  
AND AS HUSBAND AND WIFE;  
ROBERT DARBY VANNAH, ESQ.;  
JOHN BUCHANAN GREENE, ESQ.;  
AND ROBERT D. VANNAH, CHTD,  
d/b/a VANNAH & VANNAH, and  
DOES I through V and ROE  
CORPORATIONS VI through X,  
inclusive,

Appellants,

v.

LAW OFFICE OF DANIEL S. SIMON,  
A PROFESSIONAL CORPORATION;  
DANIEL S. SIMON,

Respondents.

Electronically Filed  
May 29 2021 01:39 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court Case No. 82058

District Court Case No. A-19-807433-C

**MOTION TO EXTEND DEADLINE  
FOR OPENING BRIEF**

**(FIRST REQUEST BY MOTION)**

Pursuant to NRAP 26(b)(1)(B) and NRAP 31(b)(3), Appellants Edgeworth Family Trust, American Grating, LLC, Brian Edgeworth, Angela Edgeworth (collectively the "Edgeworths") hereby move for an order extending the deadline to file the Opening Brief from June 4, 2021 to and including June 15, 2021.

As set forth below and supported by the attached Declaration of Rosa Solis-Rainey, extraordinary and compelling circumstances support the requested brief extension. NRAP 26(b)(1)(B); NRAP 31(b)(3).

## A. EXTENUATING AND COMPELLING CIRCUMSTANCES GIVE RISE TO THE NEED FOR THE EXTENSION.

Due to an unexpected leave of absence by the Edgeworths prior appellate counsel, which developed into an indefinite period, Morris Law Group was retained by the Edgeworths' at the end of April, 2021. Solis-Rainey Decl. at ¶ 2. Morris Law Group timely filed its appearance within the week and notified the Clerk of Court that an extension to the briefing deadline would be needed. *Id.* at ¶¶ 3 - 4. Counsel was informed that the two-week telephone extension could not be requested until after the new appearance was accepted by the Court. *Id.* at ¶ 4.

Shortly after appearing in the case, health issues and unexpected personal and business responsibilities arose for counsel that confirmed that more than the two-week extension would be needed. *Id.* at ¶¶ 11 – 16. The Edgeworths' counsel reached out to prior counsel and was informed that a 30-day extension might have already been negotiated, but it could not be confirmed due to the unavailability of counsel for the other appellants. *Id.* at ¶ 6. It was later confirmed that no extension had been negotiated, and because the briefing deadline was imminent, the Edgeworths' counsel sought the 14-day telephonic extension from the Clerk. The extension was granted the same day, May 12, 2021.

Since the Edgeworths' counsel was retained, unexpected health issues arose, new unforeseen obligations came up, and due to the relaxing of COVID limitations, previously planned and scheduled travel was extended by an additional two days. *Id.* at ¶¶ 11 – 13. The additional two weeks were sought to enable the Edgeworths' counsel to adequately study the voluminous record in these proceedings, satisfy prior business obligations, and deal with the unexpected obligations that arose. *Id.* at ¶

18. Due to previously scheduled time off for staff, the Edgeworths' counsel's office is also short staffed until June 7. *Id.* at ¶ 16. The Edgeworths respectfully submit that these developments adequately demonstrate extenuating and compelling reasons to grant the additional 14-day extension previously sought.<sup>1</sup>

**B. THE ADDITIONAL EXTENSION SOUGHT IS WITHIN THE LIMITS CONTEMPLATED IN NRAP 31(b)(2) AND DOES NOT PREJUDICE ANY PARTIES.**

NRAP 31(b)(2) allows counsel to extend the briefing schedule by stipulation for no more than 30 days. Though the Edgeworths' counsel understands the provision in NRAP 26(b)(1)(B) limiting extension subsequent to obtaining a telephone extension, she mistakenly believed that since the total time sought was less than that provided in NRAP 31(b)(2), it would be less burdensome for the Court to consider a stipulation rather than a motion. Solis-Rainey Decl. ¶¶ 9 - 10. The stipulation previously submitted, though disapproved, confirms that no prejudice results to any party by the additional 14 days this motion seeks. *Id.* at ¶ 18. Together with the 14-day telephone extension obtained, the additional extension requested by this motion brings the total extension request to 28 days, which is within the limits in NRAP 31(b)(2) had the stipulation been submitted before obtaining the telephone extension. A stipulation was not submitted first due to delays in reaching counsel to

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<sup>1</sup> On May 28, 2021, the Court disapproved the submitted Stipulation requesting an additional 14 days beyond the deadline set following the telephone extension. The Court's May 28 Order set the deadline for the Opening Brief for June 4. This Motion seeks to extend that date to June 15, 2021, which is only 10 days beyond the deadline set by the Court's May 28, 2021 Order.

confirm the status of negotiations concerning the briefing schedule, and the urgency of ensuring that an extension was in place before the original deadline ran. *Id.* ¶¶ 6 - 8. This request is not made for the purpose of delaying the proceedings or to prejudice any party. *Id.* ¶¶ 18 - 19.

For the foregoing reasons, counsel for the Edgeworths respectfully asks that the Court extend the deadline to file the Opening Briefs to June 15, 2021.

	<p>MORRIS LAW GROUP</p> <p>By: <u>/s/ROSA SOLIS-RAINEY</u> Steve Morris, Bar No. 1543 Rosa Solis-Rainey, No. 7921 801 S. Rancho Drive, Ste B4 Las Vegas, Nevada 89106</p> <p><i>Attorneys for Appellants Edgeworth Family Trust; American Grating, LLC; Brian Edgeworth and Angela Edgeworth</i></p>
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## CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. P. 25 and NEFR 9(f), I certify that I am an employee of Morris Law Group; that on this date I electronically filed the foregoing **MOTION TO EXTEND DEADLINE FOR OPENING BRIEF** with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (Eflex). Participants in the case who are registered with Eflex as users will be served by the Eflex system as follows:

TO:

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*Attorneys for Respondent Law Office of Daniel S. Simon, A Professional Corporation; and Daniel S. Simon*

/s/ ROSA SOLIS-RAINEY

**DECLARATION OF ROSA SOLIS-RAINEY IN SUPPORT OF  
EDGEWORTHS' MOTION TO EXTEND DEADLINE  
FOR OPENING BRIEF**

I, Rosa Solis-Rainey, declare as follows:

1. I am an attorney and counsel of record in this matter in this matter and competent to testify as to the following matters.
2. The Edgeworths retained Morris Law Group as counsel in this matter at the end of April 2021 because their prior appellate counsel was on a leave of absence, which by then had developed into an indefinite leave.
3. On April 30, 2021, I filed our notice of appearance with the Nevada Supreme Court Clerk.
4. Since I understood from reviewing the docket that the Opening Brief was due on May 17, 2021, I informed the Clerk's office that we would be needing an extension. I inquired about obtaining a telephonic extension if I could not promptly secure a stipulation from counsel and learned I could not make the extension request until after Court accepted Morris Law Group's appearance.
5. In the meantime, I immediately began to gather the file, and prepare the appendix for drafting the brief.
6. On May 4, 2021, I was informed by prior counsel that the Vannah Appellants might have already secured a 30-day extension, which was not reflected on the docket, and which I was not immediately able to confirm because counsel was out of town.
7. Given the upcoming deadline on May 17, 2021 and my upcoming travel, I requested the 14-day telephonic extension May 12, 2021 and

advised the Clerk that I was still trying to negotiate an additional two week extension with counsel.

8. I later reached counsel for the Vannah Appellants and confirmed no extension had yet been obtained.
9. Because NRAP 31(b)(2) permits counsel to stipulate to extensions of up to 30 days, and I believed it was preferable for the Court to consider a stipulation rather than a motion, I asked counsel for the other parties to stipulate to the additional 14 day extension, which together with the 14-day telephonic extension, brought the total extension to less than the 30 days provided under NRAP 31(b)(2).
10. Counsel graciously agreed, and on May 18, 2021, I submitted the stipulated request, which I now understand should have been submitted as a motion under NRAP 26(b)(1)(B), despite the provision in NRAP 31(b)(2).
11. Shortly after being retained, I was notified that the Nevada Gaming Commission, on which I serve, would need to hold a special meeting on May 6; this was in addition to the regularly scheduled Commission meeting that I had a duty to participate in, and the two days of Gaming Control Board meetings which I already planned to attend in May.
12. In addition, what I thought were routine medical issues in late April had not cleared up by early May, and I consulted a specialist and was required to undergo specialized medical tests over a period of two days. I have since been referred to another specialist for further testing.
13. At or about the same time, I was notified that due to the improved COVID situation, the University of Notre Dame was going to allow

up to four guests for the in-person 2021 graduation, which had previously been limited to the graduate and two persons.

14. I had planned to attend only some portions of my older son's graduation festivities since there were insufficient tickets for our immediate family, but due to the new development that allowed us to all travel as a family to Indiana to be present for all of his graduation events, I extended my trip by two business days.
15. Also due to the improved COVID outlook, I was also able to confirm previously planned travel to assist my younger son to move into his off-campus housing in Houston, Texas in early June. Since he is under 21, I could not find a car company that would allow him to rent a vehicle for the move.
16. Due to previously scheduled time-off for staff, our office is also short-staffed until June 7, 2021.
17. These unexpected health issues and personal and business obligations were in addition to pre-existing client obligations, including review of the voluminous record in this case and briefing two additional sets of motions in a case related to this one.
18. The request for additional time was not, and is not, made for purpose of delay or to prejudice any party.
19. In fact, the previously submitted stipulation confirms that none of the parties will be prejudiced by the Court allowing the additional time requested.



I declare the foregoing under penalty of perjury under the laws of the State of Nevada.

Dated his 28th day of May, 2021.

/s/ ROSA SOLIS-RAINEY