

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS CASH

S.Ct. No. 82060

Appellant,

Electronically Filed
Aug 30 2021 09:11 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

VS.

WILLIAM GITTERE,

Warden Ely State Prison

Respondent.

MOTION FOR ENLARGEMENT OF TIME
(Fifth Request)

COMES NOW, THOMAS CASH, by and through his counsel in this matter, JEAN J. SCHWARTZER, ESQ., and moves this Court for the fourth time for another small enlargement of time of two (2) days from August 30, 2021 to file Appellant's Opening Brief, making said Brief due September 1, 2021. This motion is based upon the following memorandum and all papers and pleadings on file herein.

DATED this 30th day of August, 2021.

/s/ Jean Schwartz
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MEMORANDUM

I, JEAN J. SCHWARTZER, ESQ., am the attorney in the above-captioned case. Pursuant to NRAP 31(b)(3)(B), this Court may grant a fifth motion for extension of time for filing a brief upon a showing of extreme need. This is Appellant's fifth request for an extension of time. This request and the previous two requests total nine (9) days.

Appellant's Opening Brief is due today, August 30, 2021. Appellant recently asked for a three (3) day extension for counsel to have time to confer with Appellant about some factual assertions in his pro per petition filed in district court, which is the subject of the instant appeal. Counsel was able to confer with Appellant but the information that was given during the phone call necessitated more changes to the opening brief than initially anticipated, including the filing of a motion to expand the record, and Appellant asked for another four (4) days, which included the weekend. With respect to extreme need, the Opening Brief is substantially complete but counsel needs to print out the brief and shortly before do a final edit on paper. This would have been completed today but for the fact that counsel's second printer broke shortly before she had to leave work to pick up her kids from school. Counsel has no childcare this week and her husband is litigating a murder trial so she has shortened work hours. Therefore, Appellant moves for another small enlargement of time of

1 (two (2) days within which to file Appellant's Opening Brief up to and including
2 September 1, 2021. Counsel apologizes for these unexpected delays totaling nine
3 (9) days. This Motion is made in good faith and not for the purposes of undue
4 delay. I declare under penalty of perjury the factual representations set forth
5 in the foregoing memorandum are true and correct.
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10 DATED this 30th day of August, 2021.
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13 /s/ Jean Schwartzer
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AARON FORD, ESQ

ALEXANDER G. CHEN, ESQ.

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