

1 **MEMORANDUM**

2 I, JEAN J. SCHWARTZER, ESQ., am the attorney in the above-captioned
3 case. Pursuant to NRAP 31(b)(3)(B), this Court may grant a fifth
4 motion for extension of time for filing a brief upon a showing of
5 extreme need. This is Appellant's fifth request for an extension of time. This
6 request and the previous two requests total nine (9) days.
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9 Appellant's Opening Brief is due today, August 30, 2021. Appellant
10 recently asked for a three (3) day extension for counsel to have time to
11 confer with Appellant about some factual assertions in his pro per petition
12 filed in district court, which is the subject of the instant appeal. Counsel
13 was able to confer with Appellant but the information that was given during
14 the phone call necessitated more changes to the opening brief than initially
15 anticipated, including the filing of a motion to expand the record, and Appellant
16 asked for another four (4) days, which included the weekend. With respect to
17 extreme need, the Opening Brief is substantially complete but counsel needs to
18 print out the brief and shortly before do a final edit on paper. This would have been
19 completed today but for the fact that counsel's second printer broke shortly before
20 she had to leave work to pick up her kids from school. Counsel has no childcare
21 this week and her husband is litigating a murder trial so she has shortened work
22 hours. Therefore, Appellant moves for another small enlargement of time of
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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*
14 JEAN J. SCHWARTZER, ESQ
15 Nevada State Bar No. 11223
16 Law Office of Jean J. Schwartzer
17 170 S. Green Valley Pkwy. #300
18 Henderson, Nevada 89012
19 (702) 979-9941
20 Jean.schwartz@gmail.com
21 Counsel for Appellant
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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY AND AFFIRM that this document was filed
3 electronically foregoing document shall be made in accordance with the Master
4 Service List as follows:
5

6
7 AARON FORD, ESQ

8 ALEXANDER G. CHEN, ESQ.
9

10
11 BY: /s/ Jean Schwartzer
12 JEAN J. SCHWARTZER, ESQ
13 Nevada State Bar No. 11223
14 Law Office of Jean J. Schwartzer
15 170 S. Green Valley Pkwy. #300
16 Henderson, Nevada 89012
17 (702) 979-9941
18 Jean.schwartzzer@gmail.com
19 Counsel for Appellant
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