

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

2
3 HILLSBORO ENTERPRISES INC, A NEVADA
4 CORPORATION; MOBILE BILLBOARDS,
5 LLC, A NEVADA LIMITED LIABILITY
6 COMPANY; EBVB HOLDINGS, INC., A
NEVADA LIMITED LIABILITY COMPANY;
VINCE BARTELLO, AN INDIVIDUAL; AND
ERICA BARTELLO, AN INDIVIDUAL.

7 Appellant,,

8
9 vs.

10 SEAN FITZGERALD,

11 Respondents,

Supreme Court No. 79686 Electronically Filed
District Court Case No. CV 20-00012 Oct 23 2020 12:38 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
**MOTION TO EXTEND TIME TO FILE
REPLY BRIEF (SECOND REQUEST)**

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13 Appellants, HILLSBORO ENTERPRISES INC, MOBILE BILLBOARDS, LLC, A;
14 EBVB HOLDINGS, INC., VINCE BARTELLO, AND ERICA BARTELLO and through their
15 counsel of record, CARRIE E. HURTIK, ESQ. and JONATHON R. PATTERSON, ESQ. of the
16 law firm HURTIK & ASSOCIATES, LTD, respectfully moves this Court for a Sixty (30) day
17 extension of time to and including November 7, 2020, to file their Reply brief. The brief is
18 currently due on October 23, 2020. The Appellant has previously received a Two(2) week
19 extension from the Supreme Court Clerk. This Motion is made pursuant to NRAP 27 and 31.
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22 **I.**

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **A. Facts**

25 Appellants VINCE and ERICA BARTELLO are small business owners who operate a
26 Mobile Billboard service in the Las Vegas area. This is an appeal taken from a Judgement
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1 following a Jury Trial in the underlying action, *Sean Fitzgerald v. Hillsboro Enterprises, Inc. et*
2 *al, A-15-716570-C*. The Notice of Appeal was filed on September 27, 2019. Thereafter, the matter
3 was placed in the Settlement Program. A settlement was not reached and therefore the matter was
4 place back on a briefing schedule.

5 On July 24, 2020 the Appellants filed their Opening Brief and Appendix. On September 8,
6 2020 the Respondents filed their Answering Brief. A Notice of Deficient Brief was filed and a
7 corrected Answering Brief was filed the next day on September 9, 2020. The Reply Brief was due
8 on October 9, 2020. The Appellants received a Two(2) week telephonic extension to file the Reply
9 Brief.

10 The Appellants are requesting an additional Two (2) weeks extension, to November 7,
11 2020, to file their Reply Brief. One (1) of our staff members has been diagnosed with Covid-19,
12 along with her father. This staff member was present in the office and could have infected other
13 staff members. Additionally, much of our staff is related to each other increasing the chances of
14 Covid-19 infection. Our firm's paralegal has already developed Covid-19 symptoms and is
15 quarantining herself and her husband (who is also an employee of Hurtik Law & Associates) and
16 awaiting test results. Due to the disruption of staff and firm resources the Appellants are requesting
17 the Two (2) week extension to November 7, 2020 file the Reply Brief.

18 DATED this 22nd day of October 2020.

19
20 **HURTIK LAW & ASSOCIATES**

21 /s/ Jonathon R. Patterson

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23 **CARRIE E. HURTIK, ESQ.**

24 Nevada Bar No. 7028

25 **JONATHON R. PATTERSON, ESQ.**

26 Nevada Bar No. 9644

27 Attorneys for Appellant,

28 HILLSBORO ENTERPRISES INC,
MOBILE BILLBOARDS, LLC, EBVB
HOLDINGS, INC., VINCE BARTELLO,
AND ERICA BARTEL

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2 **DECLARATION OF JONATHON R. PATTERSON ESQ.**

3 Jonathon R. Patterson Esq., under penalty of perjury, deposes and states as follows:

4 1. I have personal knowledge of all matters stated herein and would competently be
5 able to testify thereto if called to do so.

6 2. I am an Associate Attorney of Hurtik Law & Associates, LTD and counsel for
7 appellants.
8

9 3. One (1) members of our staff and their immediate relative have recently tested
10 positive for COVID-19. Another staff member is exhibiting Covid-19 symptoms. The remaining
11 staff and attorneys including my self have been tested and are awaiting results of that testing.

12 4. These events have created disruption in our office with some employees choosing
13 to work remotely and at least one dealing with the effects of Covid-19 infection.
14

15 4. As a result of these events, an extension is needed to compete the Reply Brief and
16 a Two (2) week extension is requested.

17 6. This Motion is not made for the purpose of delay, or any other improper purpose.

18 Executed on October 22, 2020

19 By: /s/ Jonathon R. Patterson
20 Jonathon R. Patterson
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CERTIFICATE OF SERVICE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, JONATHON R. PATTERSON declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6767 West Tropicana Ave., Suite #200, Las Vegas, Nevada, 89103

I hereby certify that on October 22, 2020, I served a true and correct copy of the foregoing document described as **MOTION TO EXTEND TIME TO FILE OPENING BRIEF (FIRST REQUEST)** on the party listed below:

James P. Kemp, Esq.
KEMP & KEMP
7435 W. Azure Drive, Ste. 110
Las Vegas, NV 89130
(702) 258-1183 Telephone
(702) 258-6983 Facsimile
Attorneys for Plaintiff,
Sean Fitzgerald Attorneys for Respondent



VIA ELECTRONIC SERVICE: by transmitting via electronic service maintained by court's electronic filing system, on whom it is served at the electronic service address as last given by that person on any e-document which he/she has filed in the action and served on the party making the service. The copy of the document served by electronic service bears a notation of the date and time of transmission and the electronic mail address to which transmitted. A confirmation of the electronic service containing the electronic mail addresses to which the e-document(s) was/were transmitted will be maintained with the e-document(s) served.

I declare under penalty of perjury that the foregoing is true and correct.
Executed at Las Vegas, Nevada on October 22, 2020.

/s/ Jonathon R. Patterson
JONATHON R. PATTERSON an employee of
HURTIK LAW & ASSOCIATES