

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

2       DARIA HARPER; DANIEL WININGER,

Supreme Court Case No. 82158

3                                   Appellants,

4       vs.

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Elizabeth A. Brown  
Clerk of Supreme Court

5       COPPERPOINT                                   MUTUAL  
6       INSURANCE HOLDING COMPANY,  
7       an Arizona corporation; COPPERPOINT  
8       GENERAL INSURANCE COMPANY,  
9       an Arizona corporation; LAW OFFICES  
10      OF MARSHALL SILVERBERG, P.C., a  
11      California corporation; KENNETH  
12      MARSHALL SILVERBERG aka  
13      MARSHALL SILVERBERG aka K.  
14      MARSHALL SILVERBERG,

15                                   Respondents.

16                                   **APPELLANTS' REPLY TO RESPONDENTS' OPPOSITION TO**  
17                                   **MOTION FOR EXTENSION TO FILE APPELLANTS' REPLY BRIEF**

18               Respondents oppose Appellants' Motion for a 31-day extension of time to file  
19       their Reply Brief on the grounds that (1) this is a second request, (2) delay and (3) the  
20       appeal involves the same legal points raised in the parties' respective points and  
21       authorities filed with the District Court. Each is discussed below.

22               Appellants interpreted NRAP 31(b)(3)(A)(ii) to refer to the brief in issue because  
23       it refers to the original date when the brief was due. This is the first request for an  
24       extension of Appellants' Reply Brief. Appellants' apologize if they misinterpreted the  
25       rule's requirement. If so, this is their second request; the first having been a request for  
26       a two-week extension to file their opening brief that was granted.

27               Appellants are not delaying. As mentioned, they obtained a two-week extension  
28       from June 18, 2021, to July 1, 2021, to file their opening brief. But they filed the brief  
     on June 21, 2021, *i.e.*, three days into their 14-day extension. If Appellants' intent is to  
     delay, they would have filed their opening brief on the last day of the extension.  
     Further, Respondents neither claim any prejudice would result to them as a result of the  
     requested extension nor do they posit any inappropriate reason or benefit that

1 Appellants would gain from their request being granted.

2 Finally, Respondents contend that Appellants do not need the requested time  
3 because the same points raised in the appeal were raised in the parties' respective points  
4 and authorities filed with the District Court. But appellate writing is much more than  
5 to "simply change the trial points and authorities into an appellate format." *In re*  
6 *Marriage of Shaban*, 88 Cal.App.3d 398, 401, 105 Cal.Rptr.2d 863, 865 (2001). In that  
7 case, the appellant contended the award of attorney's fees had been excessive on that  
8 basis. The California Court of Appeal began by declaring: "We reject that contention  
9 in the strongest possible terms." *Id.* It labeled the argument "remarkable" and  
10 concluded: "It is a contention the members of this panel, or any appellate or reviewing  
11 court, are particularly situated to reject out of hand. . . . [¶] Appellate work is most  
12 assuredly not the recycling of trial level points and authorities." *Id.* at 408, 105  
13 Cal.Rptr.2d at 870. The court then delineated the differences. *Id.* That explains why  
14 Respondents requested and were granted a 14-day extension to file their Answering  
15 Brief. And Respondents err. For example, they have submitted a Supplemental  
16 Appendix composed of a document that was not filed with the District Court and thus  
17 never considered by that court. This results in additional research and analysis.

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1 For all of the reasons stated in the moving papers and this reply, Appellants  
2 request the Court grant their motion for an extension of time to file their Reply Brief  
3 from September 3, 2021, to October 4, 2021.

4 DATED this 27th day of August, 2021.

5 Respectfully submitted,

6 /s/ Jason R. Maier

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**CERTIFICATE OF SERVICE**

I certify that on the 27th day of August, 2021, this document was electronically filed with the Nevada Supreme Court, thus electronic service of the foregoing **APPELLANTS’ REPLY TO RESPONDENTS’ OPPOSITION TO MOTION FOR EXTENSION TO FILE APPELLANTS’ REPLY BRIEF** shall be made in accordance with the Master Service List as follows:

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