

Nevada Bar No. 9807

400 N. Stephanie St., Suite 265

Office (702) 657-6000

[DFrizell@FrizellLaw.com](mailto:DFrizell@FrizellLaw.com)

### Cross-Respondents

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Elizabeth A. Brown  
Clerk of Supreme Court

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

BETTY CHAN; and ASIAN  
AMERICAN REALTY &  
PROPERTY MANAGEMENT,

Appellants/Cross-Respondents,

VS.

WAYNE WU; JUDITH  
SULLIVAN; NEVADA REAL  
ESTATE CORP.; and JERRIN  
CHIU;

### Respondents/Cross-Appellants.

[illegible]

SUPREME COURT CASE NO. 82208

District Court Case No. A-16-744109-C

Eighth Judicial District Court

(Hon. Eric Johnson)

**APPELLANTS' UNOPPOSED MOTION FOR EXTENSION OF  
TIME TO FILE COMBINED REPLY BRIEF ON APPEAL AND  
ANSWERING BRIEF ON CROSS-APPEAL  
(SECOND REQUEST)**

Appellants/Cross-Respondents BETTY CHAN (“Chan”) and ASIAN AMERICAN REALTY & PROPERTY MANAGEMENT (“Asian American”) (collectively “Appellants” or “Cross-Respondents”) seek an **extension of thirty (30) days** to file their combined reply brief on appeal and answering brief on cross-appeal (“Appellants’ Combined Brief”). To that end, they now file this,

1 *Appellants’ Unopposed Motion for Extension of Time to File Combined Reply*  
2 *Brief on Appeal and Answering Brief on Cross-Appeal (Second Request).* In  
3 support of the Motion, Appellants would respectfully show the Court as follows:  
4

5 NRAP 31(b)(3)(A) provides, in pertinent part, that “[a] motion for extension  
6 of time for filing a brief may be made no later than the due date for the brief and  
7 must comply with the provisions of this Rule and Rule 27.” Rule 31(b)(3)(A) also  
8 requires that five items (*i-v*) be included in the motion. Those items are set forth  
9 and addressed below.  
10

11 ***(i) The date when the brief is due;***

12 Appellants’ Combined Brief is currently due March 4, 2022. (*Order*  
13 *Granting Telephonic Extension* (filed Feb. 16, 2022) [hereafter “Extension Order”  
14 or “Ext. Ord.”]).  
15

16 ***(ii) The number of extensions of time previously granted (including a***  
17 ***14-day telephonic extension), and if extensions were granted, the***  
18 ***original date when the brief was due;***

19 The Court has previously granted Appellants one (1) extension of time to  
20 file their Combined Brief. (Ext. Ord.). The Combined Brief was originally due  
21 February 18, 2022. (*Order Denying Motion to Dismiss* (filed Jan. 19, 2022)  
22 [hereafter “Non-Dismissal Order” or “Non-Dism. Ord.”]).  
23

24 ***(iii) Whether any previous requests for extensions of time have been***  
25 ***denied or denied in part;***

26 None.

27 ///

1           (iv) *The reasons or grounds why an extension is necessary (including*  
2           *demonstrating extraordinary and compelling circumstances under*  
3           *Rule 26(b)(1)(B), if required); and*

4           NRAP 26(b)(1)(A) provides: “For good cause, the court may extend the  
5           time prescribed by these Rules or by its order to perform any act, or may permit an  
6           act to be done after that time expires.” NRAP 26(b)(1)(B) provides:

7  
8           Except as otherwise provided in these Rules, a party may, on or before  
9           the due date sought to be extended, request by telephone a single 14-  
10          day extension of time for performing any act except the filing of a  
11          notice of appeal. If good cause is shown, the clerk may grant such a  
12          request by telephone or by written order of the clerk. The grant of an  
13          extension of time to perform an act under this Rule will bar any  
14          further extensions of time to perform the same act unless the party  
            files a written motion for an extension of time demonstrating  
            extraordinary and compelling circumstances why a further extension  
            of time is necessary.

15       (Emphasis added).

16           For the reasons discussed below, Appellants would submit that, with this  
17           filing, they have satisfied the requirements of “good cause” and “extraordinary and  
18           compelling circumstances” under both subsections (A) and (B) of NRAP 26(b)(1).  
19           The main reason for the current extension request is that Appellants’ undersigned  
20           attorney has been dealing with an onslaught of family health and medical issues.

21           Appellants’ attorney is a solo practitioner. He has nine (9) children, seven  
22           (7) of which are currently residing with him. Although everyone must have a  
23           personal work-life balance, it has recently been very difficult for Appellants’  
24           attorney. This is especially true in light of a “perfect storm” that recently hit him.  
25  
26  
27  
28

1 Since the first 14-day extension, one of Appellants' attorney's daughters was  
2 exposed to COVID, not allowed to attend school, and became ill. Fortunately, the  
3 lab tests came back negative, but she was still ill, and Appellants' attorney had to  
4 spend a great amount of time assisting her—and dealing with the logistical fallout  
5 of having a large family exposed to the disease.  
6

7 Since the first extension, Appellants' attorney has also had to be spend a  
8 great deal of time with and for his elderly Mother, who also became very ill with a  
9 separate disease. Fortunately, his elderly Mother resides locally, but he has had to  
10 spend entire days and countless additional hours taking her to several different  
11 healthcare providers and otherwise tending to her medical and other needs.  
12 Appellants' attorney is his Mother's only child; therefore, the duties of caregiving  
13 fall squarely on his shoulders. Alternative caregiving arrangements are being  
14 sought, but things have happened very quickly. Researching alternative  
15 arrangements has also been time-consuming.  
16  
17  
18

19 In the meantime, since the first extension, Appellants' attorney's server went  
20 down at his office for an entire weekend. Fortunately, his IT techs were able to get  
21 it back up and running the next business day. However, Appellants' attorney  
22 essentially lost a weekend due merely to his computers' being down, not to  
23 mention that he was still dealing with his family's health issues over that weekend.  
24

25 Appellants' counsel reached out to Respondents' attorney about the matter.  
26 (*Exhibit 1*). Respondents' attorney said that he did not object to a thirty (30) day  
27 extension. (*Id.*). Therefore, Appellants' motion is unopposed. (*Id.*).  
28

1 (v) *The length of the extension requested and the date on which the*  
2 *brief would become due.*

3 Appellants are requesting a thirty (30) day extension, which would make the  
4 new deadline April 4, 2022.

5 WHEREFORE, Appellants/Cross-Respondents BETTY CHAN (“Chan”)  
6 and ASIAN AMERICAN REALTY & PROPERTY MANAGEMENT (“Asian  
7 American”) (collectively “Appellants” or “Cross-Respondents”) hereby request the  
8 Court as follows:  
9

- 10 1. to grant Appellants’ *Unopposed Motion for Extension of Time to File*  
11 *Combined Reply Brief on Appeal and Answering Brief on Cross-*  
12 *Appeal (Second Request)*;
- 13 2. to extend the deadline for Appellants to file their Combined Brief  
14 from March 4, 2022 (old deadline) to April 4, 2022 (new deadline);  
15 and  
16
- 17 3. to grant Appellants all such other and further relief that they justly  
18 deserve or to which they may be entitled at law or in equity.  
19

20 DATED: March 2, 2022.

21  
22 FRIZELL LAW FIRM, PLLC  
23 400 N. Stephanie St., Suite 265  
Henderson, NV 89014

24 By: /s/ R. Duane Frizell  
25 R. DUANE FRIZELL, ESQ.  
26 Nevada Bar No. 9807  
27 Attorney for Appellants/  
28 Cross-Respondents

**CERTIFICATE OF SERVICE**

I hereby certify pursuant to NRAP 25(c), that on March 2, 2022, I served a true and correct copy of the forgoing ***APPELLANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE COMBINED REPLY BRIEF ON APPEAL AND ANSWERING BRIEF ON CROSS-APPEAL (SECOND REQUEST)***, together with any and all exhibits and other attachments, via the Supreme Court's Electronic Filing System to the following:

MICHAEL A. OLSEN, ESQ.

Nevada State Bar No. 6076

THOMAS R. GROVER, ESQ.

Nevada State Bar No. 12387

KEITH D. ROUTSONG, ESQ.

Nevada State Bar No. 14944

BLACKROCK LEGAL, LLC

10155 W. Twain Ave., Suite 100

Las Vegas, Nevada 89147

*Attorneys for Respondents/Cross-*

*Appellants Wayne Wu, Judith*

*Sullivan, Nevada Real Estate Corp.,*

*and Jerrin Chiu*

*/s/ R. Duane Frizell*

**R. DUANE FRIZELL, ESQ.**

Nevada Bar. No 9807

*Attorney for Appellants/*

*Cross-Respondents*

# **EXHIBIT 1**

# **EXHIBIT 1**

## Duane Frizell

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**From:** Mike Olsen <mike@blackrocklawyers.com>  
**Sent:** Tuesday, March 1, 2022 11:48 AM  
**To:** Duane Frizell; Keith Routsong  
**Subject:** Re: Chan v. Wu

Duane:

Sorry to hear about the sick family member. Yes you can file another stip and order.

Mike



**Michael A. Olsen, Esq.**  
**Managing Partner**  
10155 West Twain Avenue, Suite 100  
Las Vegas, NV 89147  
T: 702.855.5658  
F: 702.869.8243

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**From:** Duane Frizell <dfrizell@frizelllaw.com>  
**Date:** Monday, February 28, 2022 at 9:59 PM  
**To:** Mike Olsen <mike@blackrocklawyers.com>, Keith Routsong <keith@blackrocklawyers.com>  
**Subject:** Chan v. Wu

Hi Mike and Keith:

Hope you both are surviving the apocalypse bingo of 2022.

In the meantime, as you know, I have received from the S. Ct. clerk a 14-day extension to file our brief. It is now due this coming Friday, 3/4. However, these last two weeks have been brutal. I have had to spend several days (sometimes the entire day) with a sick family member – primarily taking them to doctors' appointments and tests and lab work. That has wiped out most of the time I had to work on the brief.

Would you agree to an additional extension of 30 days? Please let me know. Thanks.

--Duane





**R. Duane Frizell, Esq.**

傅信義律師

*Attorney at Law – Licensed in Nevada, New Mexico, and Texas*

**FRIZELL LAW FIRM,  
PLLC**

400 N. Stephanie St., Suite 265 Henderson, Nevada 89014

Tel. No. (702) 657-6000 Fax No. (702) 657-0065

DFrizell@FrizellLaw.com www.FrizellLaw.com



律師事務所

中文專線 (702) 846-

2888



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