

IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN, AN INDIVIDUAL,

Appellant,

v.

JOEL A. STOKES, AN INDIVIDUAL,
JOEL A. STOKES AND SANDRA F.
STOKES, AS TRUSTEES OF
JIMIACK IRREVOCABLE TRUST,
AND JIMIACK IRREVOCABLE
TRUST,

Respondents,

Electronically Filed
Aug 26 2021 01:06 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 82294
District Court Case No. A-19-
799890-C

FOURTH MOTION TO EXTEND TIME TO FILE
OPENING BRIEF AND APPENDIX

COMES NOW, Appellant NONA TOBIN, by and through her attorney, JOHN W. THOMSON, ESQ. of THOMSON LAW PC, and hereby submits this fourth Motion to Extend Time to File Opening Brief and Appendix. This Motion is based on the pleadings and papers on file with the Court, and the Points and Authorities attached.

DATED this 26th day of August, 2021.

THOMSON LAW PC

/s/ John W. Thomson

JOHN W. THOMSON, ESQ.
Nevada Bar No. 5802
2450 St. Rose Pkwy, Ste 120
Henderson, NV 89074
Attorney for Appellant Nona Tobin

MEMORANDUM OF POINTS AND AUTHORITIES

I. SUMMARY OF MOTION

Appellant hereby moves to extend the due date for Appellant to file the Appendix and Opening Brief that is now due on August 26, 2021, and rescheduling it to September 29, 2021 or to a date that the Court deems proper, due to the Covid-19 outbreak on our office in the last two weeks, which continues today.

The present matter is an appeal from the eighth judicial district court. Nona Tobin filed her Notice of Appeal as an individual on November 9, 2020. The Nevada Supreme Court issued an Order Removing from Settlement Program and Reinstating Briefing on February 22, 2021. Ms. Tobin's Opening Brief and Appendix was due on April 8, 2021. Appellant filed a Motion to Extend Time to File Opening Brief on March 31, 2021. On April 1, 2021, the Court granted Appellant's Motion extending time to file her Opening Brief to May 10, 2021. Appellant needs more time to prepare her Opening Brief and Appendix.

A second Motion to Extend time was filed on June 25, 2021 and an Order granting the Motion was issued on July 6, 2021, giving Appellant until July 28, 2021 to file the Opening Brief and Appendix.

This Third Request, although unusual, was warranted due to Thomson Law PC's extraordinary circumstances and extreme need to hire qualified staff due to the shortage of labor based on the pandemic. Thomson Law PC hired four

paralegals/legal assistants since the first request was made, and three of them have been unable to keep their work commitments due to health and other unforeseen events. Thomson Law PC's recent and lengthy staffing issues have now been resolved.

Since the last request, we have had a covid-19 outbreak in our office; one attorney in the office next to me is home and very ill with CV19, and another paralegal, who's cubical is right next to my paralegal's desk, has also tested positive and has not recovered. Yesterday morning, August 25, 2021, my paralegal (although fully vaccinated) started feeling sick with a sore throat and a cough, and so she rightfully didn't come into the office. She is waiting for her test results, and is not able to work. Because of this, I am working from home.

An explanation of these Extraordinary Circumstances was sent to all counsel on August 26, 2021 asking if any opposed the extension. Brittany Wood, Esq., Melanie Morgan, Esq., and Joseph Hong, Esq. all stated in an email that they do not oppose this motion, given the circumstances, and no other opposition was voiced by other counsel.

II. LEGAL ARGUMENT

NRAP 26(b)(1)(A) states: “**(b) Extending Time. (1) By Court Order (A)** For good cause, the court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires.”

Pursuant to NRAP 31(b)(3)(B), the court shall be permitted to extend time if Tobin demonstrates extraordinary and extreme need.

This Court has discretion to extend the time for Ms. Tobin to file her Opening Brief and Appendix. Ms. Tobin has extraordinary circumstances and extreme need for an extension of time: 1) Due to a heavy caseload and backlog of the courts due to the pandemic, appellant's attorney, a sole practitioner, needs additional time to complete the brief; 2) two people in our office in the last two weeks have contracted and are very ill with Covid-19, and are still recovering; and 3) On August 24, 2021, the fourth paralegal hired a month ago, despite taking every precaution, started experiencing Covid-19 symptoms, and has not been able to work. We had set aside time this week to work on the Opening Brief and Appendix, but these extraordinary circumstances, include being compelled to try and work at home without support staff, has made this virtually impossible.

Appellant respectfully requests an additional thirty-day extension of time until September 29, 2021.

III. Conclusion

WHEREFORE, Appellant Nona Tobin by and through her attorney of record, John W. Thomson, respectfully asks this Court to enter an order granting her an extension of time to file her Opening Brief and Appendix at the earliest date by September 29, 2021.

Dated this 26th day of August, 2021.

THOMSON LAW PC

By: /s/ John W. Thomson
JOHN W. THOMSON, ESQ.
Nevada Bar No. 5802
2450 St. Rose Parkway, Suite 120
Henderson, Nevada 89074
*Attorney for Appellant Nona
Tobin as an individual*

CERTIFICATE OF SERVICE

The undersigned hereby certifies on August 26, 2021, a true and correct copy of **APPELLANT NONA TOBIN'S FOURTH REQUEST TO EXTEND TIME TO FILE OPENING BRIEF AND APPENDIX** was served via the Court's Eflex service system.

/s/ John W. Thomson
An employee of the Thomson Law PC