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Electronically Filed  
Oct 04 2021 06:30 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

9 TRACY LEE CASTL ) **Supreme Court Case No: 82296**  
10 ) **District Court Case No: A742267**  
11 Appellant )  
12 vs. )  
13 )  
14 PENNYMAC HOLDINGS, LLC )  
15 )  
16 Respondent )  
17 )  
18 )

19 **APPELLANTS MOTION TO EXTEND TIME TO FILE OPENING BRIEF**

20 **(THIRD REQUEST)**

21 COMES NOW, TRACY LEE CASTL (“Appellant”) through counsel files its  
22 Motion to Extend Time to File Response to Opening Brief (the “Motion”).  
23 pursuant to NRAP 31(b).  
24  
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# MEMORANDUM OF POINTS AND AUTHORITIES

## ARGUMENT

Appellant seeks an extension of time to file its opening brief based on extraordinary circumstances. NRAP 27 and NRAP 31(b)(3) permit a party to file a motion to seek "an extension of time to file a brief."

NRAP 31(b)(3) states as follows:

(3) Motions for Extensions of Time. A motion for extension of time for filing a brief may be made no later than the due date for the brief and must comply with the provisions of this Rule and Rule 27.

(A) Contents of Motion. A motion for extension of time for filing a brief shall include the following:

(i) The date when the brief is due;

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

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

(iv) The reasons or grounds why an extension is necessary (including demonstrating extraordinary circumstances under Rule 26(b)(1)(B), if required).

### **1. The Date When the Brief is Due:**

The Response to the Cross Appellant's Opening Brief and Reply to Response to Opening Brief (the "Brief") is due on October 4, 2021.

1       **2. The number of extensions of time previously granted**  
2 **were partially granted, the original date when the brief was due on August 9,**  
3 **2021.**

4       Appellant was granted an extension by this Court based on her medical  
5 conditions and being Pro Per while she seeking the services of appellate counsel.  
6 (A true copy of her Declaration is attached as Exhibit A). The Brief  
7 was originally due on September 3, 2021. Appellant was granted a 30 day  
8 extension after requesting sixty days.  
9

10       **3. Whether any previous requests for extensions of time have been**  
11 **denied or denied in part.**

12       The Court has not denied any previous requests for extension.  
13

14       **4. The reasons or grounds why an extension is necessary (including**  
15 **demonstrating extraordinary and compelling circumstances under Rule**  
16 **26(b)(1)(B), if required)**

17       Appellant still has serious medical problems and could not complete the brief  
18 in the allotted time. Appellant reached out to counsel for assistance. Counsel  
19 recently received the file on September 30, 2021, counsel for Appellant received  
20 two large boxes of Case materials that are currently being reviewed and indexed.  
21 On Friday, October 1, 2021, counsel for Appellant contacted opposing counsel for  
22 the Respondent for a stipulation that was not denied where she needed more time  
23 to get the approval from her client. As of today's date, I have not received any  
24 response to my requested stipulation. Appellant attempted in good faith to comply  
25 with the Court's order but was stymied by her medical conditions and reached out  
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1 for assistance. Counsel cannot review the record and prepare the brief in the  
2 allotted time.

3 **The length of the extension requested and the date on which the**  
4 **brief would become due.**  
5

6 Appellant requests an additional sixty day extension from today  
7 to file the Brief, as measured from the date of the filing of this Motion. The  
8 Opening Brief would be due on December 3, 2021.  
9

10 DATED this 4<sup>nd</sup> day of October 2021.

11  
12 /s/ Byron E. Thomas  
13 BYRON THOMAS, ESQ.  
14 Nevada Bar No. 8906  
15 Law Offices of Byron Thomas  
16 3275 S. Jones Blvd., Ste. 104  
17 Las Vegas, Nevada 89146  
18 (702) 347-3103  
19 byronthomaslaw@gmail.com  
20 Attorney for Appellant  
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3 **DECLARATION OF BYRON THOMAS IN SUPPORT OF MOTION**  
4 **TO EXTEND DEADLINE TO FILE OPENING BRIEF**

5 I Byron Thomas declare as follows pursuant to Nev. R. APP. P.31(b).

- 6 1. I am licensed to practice law in the State of Nevada and registered in this  
7 court.  
8 2. I was recently engaged by the Appellant in the above entitled cause number  
9 where the Appellant had been Pro Per.  
10 3. This is my first request for an enlargement of time and I am unable to file  
11 the Opening Brief that is due on October 4 2021.  
12 4. On September 30, 2021, I received two large boxes of case materials from  
13 the Appellant that I am reviewing and indexing for the opening brief.  
14 5. On October 1, 2021, I contacted and spoke with Brittany Wood, counsel for  
15 the Respondent and requested a stipulation to opposing counsel that was  
16 unable to provide me with her position as she had to contact her client,  
17 PENNYMAC HOLDINGS, LLC.  
18 6. Upon information and belief the RESPONDENT will not be prejudiced by a  
19 sixty day extension of the filing of the opening brief, either procedurally or  
20 substantively.  
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7. This motion is based upon the demonstration of extreme, unforeseeable and extraordinary circumstances that warrant a sixty day continuance on the basis that without my legal expertise, Appellant’s medical problems have limited her ability to draft a Pro Per Brief and that the denial of my motion would be unduly harsh.

Under penalty of perjury under the laws of Nevada, I attest that the foregoing statements are true and correct.

/s/ Byron E. Thomas  
Byron E. Thomas

**Certificate of Service**

I certify that on October 4, 2021 the Motion to Extend Time was served upon  
the following via the Nevada Supreme Court's electronic filing system:

Aaron R. Maurice Esq.

Brittany Wood Esq/

/s/Byron E. Thomas

Byron Thomas Esq

## EXHIBIT A

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**TRACY LEE CASTL**

**Appellant**

**Docket No. 82296**

**vs.**

**PENNYMAC HOLDINGS, LLC**

**Respondent**

**MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

Tracy Lee Castl  
PO BOX 35937  
Las Vegas, Nevada 89133  
702 739-4464

**Appellant in Pro Per**

IN THE SUPREME COURT OF NEVADA

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TRACY LEE CASTL

Appellant

Docket No. 82296

vs.

PENNYMAC HOLDINGS, LLC

Respondent

**REPLY TO RESPONDENTS' OPPOSITION TO APPELLANTS MOTION  
FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

Tracy Lee Castl  
PO BOX 35937  
Las Vegas, Nevada 89133  
702 739-4464

**Appellant in Pro Per**

## **MEMORANDUM OF POINTS AND AUTHORITIES**

TRACY LEE CASTL in Pro Per (herein referred to as "APPELLANT") hereby submits Reply to PENNYMAC HOLDINGS, LLC opposition on the basis that this request for a second extension is based on an "emergency, extraordinary circumstances and extreme needs" due to APPELLANT'S three (3) year affliction with severe, acute, chronic, and debilitating osteomyelitis and post-traumatic stress following four (4) cranial procedures prior and subsequent to the trial with the RESPONDENT. Continuing these legal proceedings without specialized legal representation could cause harm with serious irreversible physical damage including possible death. The aforementioned can be made available for verification through extensive medical records including photographic documentation and detailed chronological physician notes supporting validity as stated herein. The APPELLANT in fact has extreme need having an extraordinary circumstance due to current ongoing medical events including complications of the Covid pandemic crisis making this matter difficult, also having added concerns with HIPPA law and the rules of the Americans with Disabilities Act.

IN THE SUPREME COURT OF NEVADA

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TRACY LEE CASTL

Appellant

Docket No. 82296

vs.

PENNYMAC HOLDINGS, LLC

Respondent

**MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

Tracy Lee Castl  
PO BOX 35937  
Las Vegas, Nevada 89133  
702 739-4464

**Appellant in Pro Per**



**MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

**AFFIDAVIT OF APPELLANT**

I Tracy Lee Castl, declare as follows pursuant to Nev. R. APP. P.31 (4)(b)(3).

1. I am the Appellant-in Pro Per in the above entitled cause number.
2. This is my first request for an enlargement of time and unable to file the Opening Brief that is due on May 10, 2021 on the basis of serious medical issues and that I have not engaged the services of an attorney that is registered to practice in the Nevada Supreme Court.
3. In good faith, I am interviewing attorneys that specialize in appellate practice that will draft and file my opening brief.
4. On the basis of the foregoing, I am requesting a 90 day extension for the reasons as stated herein.

Based on the foregoing, APPELLANT requests an extension to file the Opening Brief no less than ninety days, for good cause.

Under penalty of perjury under the laws of Nevada, I attest that the foregoing statements are true and correct.

Dated: May 9, 2021

  
Tracy Lee Castl

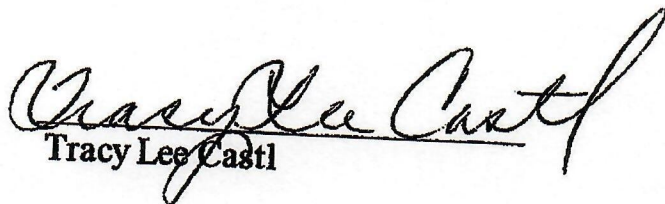
**MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF**  
**AFFIDAVIT OF APPELLANT**

I Tracy Lee Castl, declare as follows pursuant to Nev. R. APP. P.31 (4)(b)(3).

1. I am the Appellant in Pro Per in the above entitled case number.
2. This is my second request for an enlargement of time and unable to file the Opening Brief that is due on August 9, 2021 on the basis that I am waiting for transcripts of the record from Angie Calvillo, Court Reporter to the Honorable Eric Johnson. Once I have my transcripts, I will be able to engage the services of an appellate attorney that is registered to practice in the Nevada Supreme Court.
3. I am interviewing attorneys that specialize in appellate practice that will draft and file my Opening Brief.
4. I still have a serious medical issue that requires an extension.
5. On the basis of the foregoing, I am requesting a 60-day extension for the reasons as stated herein. Based on the foregoing, APPELLANT requests an extension to file the Opening Brief no less than sixty days, for good cause.

Under penalty of perjury under the laws of Nevada, I attest that the foregoing statements are true and correct.

Dated: August 7, 2021

  
Tracy Lee Castl

**Certificate of Service**

I certify that on October 2, 2021 the Motion to Extend Time was served upon the following via the Nevada Supreme Court's electronic filing system:

Aaron R. Maurice Esq.

Brittany Wood Esq/

/s/Byron E. Thomas

Byron Thomas Esq