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Elizabeth A. Brown  
Clerk of Supreme Court

Attorney for Appellant

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

TRACY LEE CASTL	)	<b>Supreme Court Case No: 82296</b>
	)	<b>District Court Case No: A742267</b>
Appellant	)	
	)	
vs.	)	
	)	
PENNYMAC HOLDINGS, LLC	)	
	)	
	)	
Respondent	)	
	)	
	)	

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**APPELLANT’S MOTION TO EXTEND TIME TO FILE OPENING BRIEF  
AND REQUEST FOR THE COURT TO RECONSIDER ITS DENIAL OF  
APPELLANT’S FIFTH REQUEST FOR AN EXTENSION**

**(SIXTH REQUEST)**

COMES NOW, TRACY LEE CASTL (“Appellant”) through counsel files its  
Motion to Extend Time to File Response to Opening Brief (the “Motion”).  
pursuant to NRAP 31(b).

## **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 March 1, 2022.

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

The brief was originally due on May 9, 2021. On May 24, 2021, Appellant was granted an extension by this Court based on her medical conditions and being Pro Per while she sought the services of a private attorney. On September 3, 2021 the Court denied a sixty day (60) request to extend the deadline to file the opening brief, and set a thirty (30) day deadline to file the Opening Brief. Appellant found an attorney and filed a third request for an extension which the Court ultimately approved. The Court set December 3, 2021 as the deadline to file the Opening Brief. Appellant was not financially able to pay for the transcripts in the allotted time. Thus, Appellant made a fourth request to extend the deadline which the Court granted and set January 28, 2022 as the new deadline for the opening brief. On February 14, 2022 Appellant made a fifth request which was denied, and March 1, 2022 was set as a new deadline.

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

The Court denied a sixty day request and instead set a thirty (30) day deadline, no other requests for extension were denied. The Court did not deny the fourth extension but it did grant less time than requested, and on other grounds. The

Court denied the fifth request. However, Petitioner believes that the denial was based on a misuse of terminology.

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

Appellant used the term “court reporter” in its Fifth Request for an Extension, which Appellant believes led the Court to believe that Appellant did not follow proper procedures when requesting the transcript. This is not the case Appellant followed the procedure for requesting transcripts as identified on Department XX’s website. Appellant filled out Department XX’s request for transcript, and Department XX’s form did not have a separate box or space to check for exhibits. Appellant was never told she needed to request exhibits separately. Appellant was told that an outside court reporter would prepare the transcripts and Appellant believes that is what caused the exhibits to not be included. Appellant strongly believes that if the error had been Appellant’s then there would have been an additional charge.

The exhibits still have not been provided and therefore Appellant respectfully requests that the Court reconsider its denial of the fifth request for extension.

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

Appellant requests an additional 30 day extension from today to file the Brief, as measured from the date of the filing of this Motion. The Opening Brief would be due on April 1, 2022.

DATED this first day of March 1, 2022.

/s/ Byron E. Thomas  
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**DECLARATION OF BOBBY EDGEMONT IN SUPPORT OF MOTION TO EXTEND DEADLINE TO FILE OPENING BRIEF**

- I Bobby Edgemont declare as follows pursuant to Nev. R. APP. P.31(b).
1. I am a contract paralegal retained to assist Attorney, Byron Thomas in this matter alone.
  2. I initially contacted Angie Calvillo, per the Department XX's judicial webpage. Ms. Cavillo provided me with Transcript Request form for

Department XX. It has been my experience that Transcript Requests excludes exhibits.

3. After I completed Department XX's transcript request for Ms Calvillo referred me to an outside court reporter in New York, Abba Reporting that only delivered the Trial Transcript on January 20, 2022, which did not include the trial exhibits.
4. I contacted Angie Cavillo by email at [CalvilloA@clarkcountycourts.us](mailto:CalvilloA@clarkcountycourts.us) and by phone at 702-671-4436 on February 3, 2022 and was informed via email that she would obtain the "missing exhibits referenced in trial" from the court clerk, Kathryn Hansen-McDowell that she emailed at [mcdowellk@clarkcountycourts.us](mailto:mcdowellk@clarkcountycourts.us). There was no request for additional money, there was no separate box to check for exhibits, therefore I believe that the mix up occurred because it was sent out of the department.
5. To date, I have not received the exhibits.

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

March 1, 2022

/s/ Bobby Edgemont  
Bobby Edgemont

**Certificate of Service**

I certify that on March 1, 2022 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

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