

Electronically Filed  
Mar 17 2022 10:46 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

## **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 17, 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. Appellant made a sixth request that was denied based on the exhibits not being ordered by the Clerk's Office.

**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. On March 10, 2022, court denied Appellant's motion on the basis that the district court did not provide the exhibits and that the Appellant did not demonstrated extraordinary circumstances.

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

The Appellant followed the direction of the district court, and the exhibits were obtained. However, as the court is aware Appellant has serious neurological issues due to having multiple surgeries that is causing her to have cognitive impairment and constant migraines where she is currently having serious difficulty with her concentration and memory in communicating about her appeal.

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**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 17, 2022.

DATED this 17<sup>th</sup> day of March , 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 have been in contact with the Appellant that has communicated with me about her neurological issues, head injuries and the bone removed in her skull.
3. I was told that the Appellant is seeking medical treatment to alleviate her pain so that we can finish her opening brief in the next 30 days.

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

March 17, 2022

/s/ Bobby Edgemont  
Bobby Edgemont

**Certificate of Service**

I certify that on March 17, 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