

Electronically Filed  
Apr 11 2022 08:39 a.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") was due on April 5, 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. The Court denied the 7th Request as well. The current due date was April 5, 2022.

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**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 Appellants motion on the basis that the district court did not provide the exhibits and that the Appellant did not demonstrated extraordinary circumstances. The Court denied the Seventh Request

**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 is cognizant of the fact that this matter has been pending for a year, and that the Court has been very conscious of the desire to hear this matter on the merit. But the Appellant's medical concerns are very legitimate and have impeded the ability to complete the Opening Brief.

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 with me about her appeal. Appellant will bring in additional

counsel that is more familiar with Appellant and can assist in communicating with the Appellant. These issues communications issues also lead to the untimeliness of the this Motion to Extend.

Therefore, Appellant asks for a brief 30 day delay from April 5, 2022 to file the Opening Brief. Appellant anticipates that this will be the last request. In addition, Appellant requests that the Court refrain from sanctions as the medical condition of Appellant has caused her serious financial issues and Counsel is undertaking this appeal reduced rates.

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

Appellant requests an additional 30 day extension from April 4, 2022 to file the Brief. The Brief would be due on May 6, 2022.

DATED this 11<sup>th</sup> day of April 2022.

/s/ Byron E. Thomas

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**Certificate of Service**

I certify that on April 11, 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