

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

2
3 IN THE MATTER OF: THE
4 DUCKWORTH FAMILY TRUST, Dated
5 March 12, 2015.

Electronically Filed
Oct 07 2021 11:53 a.m.
Supreme Court No. 82314
Elizabeth A. Brown
Clerk of Supreme Court

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7 _____
8 KYLA DUCKWORTH,

9 Appellant,

10 v.

11 CARY DUCKWORTH, TRUSTEE;
12 AND TARA DUCKWORTH,

13 Respondents.

14 **MOTION FOR EXTENSION OF TIME TO FILE THE ANSWERING BRIEF ON**
15 **APPEAL**
16 **(First Request)**

17 Respondent, CARY DUCKWORTH (“CARY”), hereby moves for a brief, thirty-day
18 extension of time from the date of filing this Motion under NRAP 26 for filing the
19 Answering Brief on Appeal (“Answering Brief”) to the Appellant’s Opening Brief filed
20 September 14, 2021.
21

22 The Answering Brief is due by October 14, 2021. If granted a brief, thirty (30) day
23 extension from the date of filing this Motion is granted, the Answering Brief will be due by
24 November 13, 2021, with the next judicial day being November 15, 2021. This is the first
25 motion for extension for the Answering Brief. The request is made in good faith and not for
26 purposes of delay.
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1 NRAP 31(b)(3) states in relevant part as follows:

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

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

- 7 (i) The date when the brief is due;
- 8 (ii) The number of extensions of time previously granted
(including a 5-day telephonic extension), and if extensions were
9 granted, the original date when the brief was due;
- 10 (iii) Whether any previous requests for extensions of time have
11 been denied or denied in part;
- 12 (iv) The reasons or grounds why an extension is necessary; and
- 13 (v) The length of the extension requested and the date on which
14 the brief would become due.

15 **(B) Motions in All Appeals Except Child Custody, Visitation, or
16 Capital Cases.** Applications for extensions of time beyond that to
17 which the parties are permitted to stipulate under Rule 31(b)(2) are not
18 favored. The court will grant an initial motion for extension of time for
19 filing a brief only upon a clear showing of good cause. The court shall
20 not grant additional extensions of time except upon a showing of
21 extraordinary circumstances and extreme need.

22 As the record demonstrates, this case was highly contentious and detailed on the
23 issues. The facts surrounding the case were particular and distinct, many of first impression.

24 Cary's counsel continues to work on the Answering Brief.

25 While the attorneys for the Respondent are diligently working on the Answering
26 Brief, due to the complexity of this case, it has required extensive time to conduct research
27 on very complex law involving the appealability of factual findings and non-final orders,
28 and review and identification of the relevant portions of the transcripts, and submissions by
the Appellant, all of which has taken longer than initially anticipated. Therefore, Counsel

1 requests a brief, thirty-day extension, until November 15, 2021, the first available judicial
2 day thirty (30) days after October 13, 2021.
3

4 This motion is being submitted in good faith, and without the intent to cause undue
5 delay in the appeal.
6

7 Dated this 7 day of October 2021.

8 DAWSON & LORDAHL PLLC
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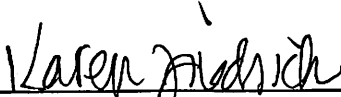
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CERTIFICATE OF SERVICE

I certify that on the 7th day of October 2021, I served a copy of this MOTION FOR
EXTENSION OF TIME TO FILE THE ANSWERING BRIEF ON APPEAL (FIRST
Request) upon all counsel of record by the Nevada Supreme Court's electronic filing
system:

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