

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE SANSON, AN INDIVIDUAL;
AND ROB LAUER, AN
INDIVIDUAL,

Appellants,

v.

LAWRA KASSEE BULEN,

Respondent.

Electronically Filed
Sep 07 2021 09:05 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

SUPREME COURT CASE NO. 82393

Dist. Court Case No. A-18-784807-C

**APPELLANTS' REPLY IN SUPPORT OF MOTION TO DEEM FAILURE
OF RESPONDENT TO FILE AN ANSWERING BRIEF AS CONFESSION
OF ERROR AND OPPOSITION TO RESPONDENT'S FOURTH MOTION
TO EXTEND THE TIME TO FILE RESPONDENT'S ANSWERING BRIEF**

I. REPLY POINTS AND AUTHORITIES

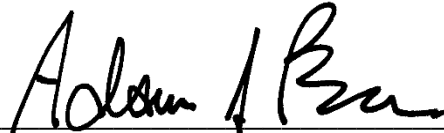
Appellants Sanson and Lauer will not belabor the points made in recent briefing to this court. Instead, Sanson and Lauer will only note that Respondent Bulen's counsel concedes he missed yet another last-chance deadline provided to him by this Court. While yet another extension to file Respondent's Answering Brief is sought, it is clear that Respondent's counsel does not take this Court's deadlines seriously.¹ The Supreme Court has already held that actual prejudice to

¹ Respondent Bulen's counsel suggests this Court should be forgiving because he is handling this matter pro bono. Although that should not affect this Court's ruling, for what it is worth, counsel for Sanson and Lauer is also working pro bono here because he feels the legal issue in the appeal needs clarification. Yet Sanson and

the opposing party need not be established to deem failure to file a brief as a confession of error because repeatedly missing deadlines wastes the court's resources, slows adjudication of cases and prompt administration of justice, and abuses opposing counsel's time by serially litigating over deadlines, extensions and the like. *Kitchen Factors v. Brown*, 91 Nev. 308, 308, 535 P.2d 677, 677 (1975) (finding failure to file an answering brief as confession of error because "[t]o indulge respondents further would not only delay final resolution of appellant's claim, but would also preclude our assigning other, more concerned litigants the hearing time now scheduled for this cause."). The Court might believe in second chances, but here we have a request for a *fourth* chance after multiple deadlines have been missed. For this reason, Sanson and Lauer continue to assert that confession of error is warranted at this point and oppose the Fourth Motion for Extension of Time submitted by Respondent Bulen.

Dated this 7th day of September, 2021.

BREEDEN & ASSOCIATES, PLLC



ADAM J. BREIDEN, ESQ.

Nevada Bar No. 008768

376 E. Warm Springs Road, Suite 120

Las Vegas, Nevada 89119

Attorney for Appellants Sanson & Lauer

Lauer's counsel has repeatedly been forced to spend his valuable time just to try to get an Answering Brief filed by the Respondent.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of September 2021, I served a copy of the foregoing legal document entitled **APPELLANTS' REPLY IN SUPPORT OF MOTION TO DEEM FAILURE OF RESPONDENT TO FILE AN ANSWERING BRIEF AS CONFESSION OF ERROR** the method indicated below:

X	Pursuant to NRAP 25(c), by electronically serving all counsel and e-mails registered to this matter on the Supreme Court Electronic Filing System.
	<p>Pursuant to NRCP 5, by placing a copy in the US mail, postage pre-paid to the following counsel of record or parties in proper person:</p> <p style="text-align: center;">Lawra Kasee Bulen Brandon L. Phillips, Esq. BRANDON L. PHILLIPS ATTORNEY AT LAW PLLC 1455 E. Tropicana Avenue, Suite 750 Las Vegas, Nevada 89119 <i>Attorneys for Respondent</i></p>
	Via receipt of copy (proof of service to follow)

An Attorney or Employee of the firm:

/s/ Kristy L. Johnson
BREEDEN & ASSOCIATES PLLC