

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETSMART, INC.,

Petitioner,

vs.

THE EIGHTH JUDICIAL  
DISTRICT COURT OF THE  
STATE OF NEVADA IN AND  
FOR THE COUNTY OF CLARK;  
AND THE HONORABLE  
TIMOTHY D. WILLIAMS,  
DISTRICT JUDGE,

Respondents,

and

JAMES TODD; AND RAPHAELA  
TODD,

Real Parties in Interest,

Case No. 82454

Electronically Filed  
Mar 19 2021 11:59 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION FOR EXTENSION OF TIME TO FILE REAL PARTIES  
IN INTERESTS' ANSWER TO PETITION FOR PEREMPTORY  
WRIT OR MANDATE IN THE FIRST INSTANCE, OR AN  
ALTERNATIVE WRIT OR OTHER APPROPRIATE RELIEF**  
(First Request)

Real Parties in Interest, James Todd and Raphaela Todd (“Real Parties in Interest”), by and through their counsel of record, Thomas W.

Askeroth Esq. of Claggett & Sykes Law Firm, hereby moves this Honorable Court pursuant to NRAP 31(b) for an extension of 30 days in which to file Real Parties in Interest's answer to petition for peremptory writ of mandate in the first instance, or an alternative writ or other appropriate relief.

This is the first motion for extension of Real Parties in Interest's answer. Without an extension, the answer would be due March 26, 2021. No request for additional time has been denied or denied in part. Pursuant to Rule 26, “[f]or good cause, the court may extend the time prescribed by these Rules or by its order to perform any act. . .” NRAP 26(b)(1)(A).

Good cause exists for allowing Real Parties in Interest to extend the filing deadline for their answer until Monday, April 26, 2021, for the following reason:

1. Following this Court's Order Directing Answer, Askeroth Law Group began its merger with Claggett & Sykes Law Firm which officially took place on March 1, 2021, three days after this Court's Order.

2. Real Parties in Interest's counsel, Thomas W. Askeroth Esq. did not receiving the order until recently, when Counsel for Petitioner informed the District Court of the Order directing an Answer during a settlement conference on March 18, 2021.

3. Real Parties in Interest's counsel immediately obtained a copy of the Order from this Court's online portal on March 18, 2021 and now files the instant Motion. Real Parties in Interest's counsel has taken steps to rectify the situation regarding any future delivery of US Mail to the correct address by filing a notice of change of firm name and address in this case.

4. In order for Real Parties in Interest to properly prepare their answer brief, additional time is necessary to analyze Petitioner's writ of mandamus and the record.

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This motion is submitted in good faith and for good cause shown in accordance with NRAP 26. For the foregoing reasons, Appellant respectfully requests a 30-day extension of time, until April 26, 2021, within which to file Real Parties in Interest's answer.

Dated this 19th day of March 2021.

CLAGGETT & SYKES LAW FIRM

/s/ Thomas W. Askeroth

Thomas W. Askeroth

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*Real Parties in Interest,*

*James Todd and Raphaela Todd*

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing **MOTION FOR EXTENSION OF TIME TO FILE REAL PARTIES IN INTERESTS' ANSWER TO PETITION FOR PEREMPTORY WRIT OR MANDATE IN THE FIRST INSTANCE, OR AN ALTERNATIVE WRIT OR OTHER APPROPRIATE RELIEF (First Request)** with the Nevada Supreme Court on the 19th day of March, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

**Petitioner, PetSmart, Inc.**

Michael L. Amaro (Amaro Baldwin, LLP)  
Lane S. Kay (Law Offices of Lane S. Kay)

I further certify that the foregoing document was emailed to the following:

Honorable Timothy D. Williams, District Judge  
Eighth Judicial District Court, Department XVI  
[dept16lc@clarkcountycourts.us](mailto:dept16lc@clarkcountycourts.us)

/s/ Jade Askeroth  
Jade Askeroth, an employee of  
Claggett & Sykes Law Firm