IN THE SUPREME COURT OF THE STATE OF NEVADA

ERICH M. MARTIN, Appellant, vs. RAINA L. MARTIN., Respondent.	Case No. 81810 Case No. **82517**

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Elizabeth A. Brown
Clerk of Supreme Court

Appeal(s) from the Eighth Judicial District Court – Family Court Division, the Honorable Rebecca L. Burton presiding

MOTION TO STAY BRIEFING, OR, IN THE ALTERNATIVE, MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S OPENING BRIEF AND APPENDIX

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Pursuant to Nevada Rule of Appellate Procedure ("NRAP") 2, Appellant, Erich M. Martin ("Erich"), hereby moves this Court to stay the briefing schedule currently in place pending the resolution of Erich's motion to consolidate case numbers 81810 and 82517. As Raina L. Martin's response to the motion is not due until April 19, 2021, it is highly unlikely that the Court will rule regarding consolidation until after the April 16, 2021 due date for Erich's opening brief.

NRAP 2 authorizes this Court to suspend the briefing schedule in this matter. Specifically, NRAP 2 states:

> On its own or a party's motion, the Supreme Court may—to expedite its decision or for other good cause—suspend any provision of these Rules in a particular case and order proceedings as it directs . . . .

Here, the instant motion seeks to promote efficiency and judicial economy. This Court typically favors consolidation of related matters. *See, e.g.*, NRAP 3(b)(2). Consolidation is sensible because it reduces the workload for this Court and the parties. Indeed, if the Court grants the pending motion to consolidate, the parties can work through a single set of briefs with a single set of appendices. In turn, this Court and its staff also will have a single set of briefs and arguments to process, instead of two separate matters. If, however, Erich files his opening brief and appendix by the April 16, 2021, due date, the time-saving and efficiency benefits of consolidation will be thwarted. Accordingly, a stay should be granted so the Court can rule upon the motion to consolidate prior to briefing.

Alternatively, if this Court is not inclined to stay briefing in the instant appeal, Erich moves this Court, pursuant to NRAP 31(b), to extend the deadline for his opening brief and appendices to thirty (30) days after the Court issues a decision regarding the pending motion. As noted above, Erich's brief is currently due on April 16, 2021. Erich has previously received one extension. Good cause supports an additional stay because it is more efficient to postpone briefing than to litigate two separate appeals.

For the foregoing reasons, Erich respectfully submits that this Court should stay briefing until it resolves the pending motion to consolidate that will impact the scope and nature of briefing in this case and case number 82517. Alternatively, if the Court is not inclined to stay briefing altogether, Erich asks that this Court extend the filing deadline for his opening brief and corresponding appendices to thirty (30) days after the Court issues an order which resolves the motion.

Dated this 9th day of April, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO STAY BRIEFING, OR, IN THE ALTERNATIVE, MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S OPENING BRIEF AND APPENDIX** was filed electronically with the Supreme Court of Nevada on the 9th day of April, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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