

1
2
3
4
5
6
7
8
9
10
11
12

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

Damaso S. Puente, individually and on
behalf of the Estate of Damaso I. Puente;
Maria Puente;
Daniel Malone; and Diane Malone,
individually and on behalf of the Estate of
Christa Puente,
Appellants/Cross-Respondents,
vs.

Dave & Buster's of Nevada, Inc., d/b/a
Dave & Buster's,
Respondent/Cross Appellant.

Supreme Court No. 82554
District Court No. A813787
Electronically Filed
Aug 06 2021 11:38 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Motion for Extension to File Opening Brief and Appendix

Appellants hereby respectfully move the Court for a 30-day extension of time to file an Opening Brief pursuant NRAP 31(b)(3) and 26(b)(1)(B). The brief and appendix were originally due July 12, 2021. The Clerk previously granted a telephonic extension pursuant to NRAP 26(b)(1)(B), which extended the due date to July 26, 2021. The parties thereafter improperly stipulated to extend the deadline for Appellants' filing of an opening brief and appendix by thirty days, through August 26, 2021. The Court denied the stipulation pursuant to NRAP 36(b)(1)(B) and directed that the brief be filed on or before August 9, 2021. No additional requests for additional time have been denied or denied in part.

There are extraordinary and compelling circumstances in support of a second extension of time in this circumstance. Originally, counsel for appellants sought a

1 stipulation for extension because, due to COVID-19, counsel had accumulated
2 international travel funds that would need to be used or would be lost.
3 Accordingly, counsel had travel plans that caused an extensive absence from the
4 state during June, July and August 2021. Even though Appellant's counsel is
5 currently away, upon receiving the Court's Order of August 2, 2021, Appellant set
6 out to and intended to file the brief on or before August 9, 2021. Unfortunately, in
7 developing the brief and appendix, it was discovered that two of the necessary
8 transcripts have not been produced or filed. The requests for the transcripts were
9 made and filed on April 27, 2021. At that time, the reporter replied via email,
10 indicating that she was out of town, but would follow up upon her return. The
11 reporter has now indicated that the transcripts were not completed and has just
12 today requested another copy of the request. Accordingly, the necessary transcripts
13 are unavailable for this appeal and if a brief must be filed on or before August 9,
14 2021, it will be incomplete. Therefore, counsel believes there are extraordinary and
15 compelling circumstances to extend the time for the filing of the Opening Brief
16 through September 9, 2021.

17
18
19
20
21
22
23 Dated this 6th day of August, 2021.

24
25 Christensen Law Offices, LLC

26
27 Thomas Christensen, Esq.

28 1000 S. Valley View Blvd.

Las Vegas, NV 89120

courtnotices@injuryhelpnow.com

1
2
3
4 **CERTIFICATE OF SERVICE**

5 Pursuant to NRAP 25, I certify that I am an employee of
6 CHRISTENSEN LAW OFFICES, LLC and that on this 6th day of August, 2021,
7
8 I caused a copy of the foregoing to be filed and served as follows:

9 XX E-Served through the Court's e-service system, eFlex, to
10 all registered users in the case.
11

12
13 

14

An employee of CHRISTENSEN LAW OFFICES, LLC.
15
16
17
18
19
20
21
22
23
24
25
26
27
28