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**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.

Electronically Filed
Dec 06 2021 11:15 a.m.
Supreme Court No. 82554
District Court No. A813787
Elizabeth A. Brown
Clerk of Supreme Court

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Motion for Extension

Appellant moves the Court for an Extension of Time and asks the Court to
consider the late filed Reply Brief that was filed in this case on December 3, 2021.
The Reply Brief was originally due October 8, 2021. The parties previously
stipulated to extend the deadline pursuant to NRAP 31(b)(2). As a result of that
stipulation and resulting Order, the brief was due November 8, 2021. Appellants
then moved for and the Court granted an extension of the deadline for filing the
Reply Brief through November 22, 2021. NRAP 31(b)(3).

Unfortunately, the week of November 22, 2021, Appellants' counsel had
several unforeseen and unexpected circumstances that resulted in an error in that
the Reply Brief was not timely filed. First, since the pandemic, Appellant's
counsel's office has necessarily reduced in size and now consists of only one

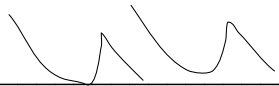
1 support staff position and two attorneys. Over the weekend preceding the
2 November 22, 2021 deadline, the daughter of the support staff was diagnosed with
3 COVID-19 and was in the hospital. This resulted in quarantine of their entire
4 family and concern about the office being exposed. No one was actually in the
5 office on November 22, 2021 and the deadline was overlooked. Lead counsel was
6 out of town that week for the Thanksgiving holiday; however, upon arrival at the
7 family gathering, it was discovered that some members of the family also tested
8 positive for COVID-19. This resulted in quarantine for some and rearrangement of
9 plans for other members of the family. The one associate attorney in the office,
10 although she remained in Las Vegas, was over burdened with support staff duties
11 and also had to print, bind, prepare and mail extensive paper briefs requested by the
12 9th Circuit Court (on a 7 day deadline during this holiday week that only included
13 three business days.) Appellant believes the totality of circumstances described
14 above demonstrate extraordinary and compelling circumstances supporting a
15 further extension of time.
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22 Upon realizing that the deadline was missed, Appellant's counsel contacted
23 the Respondent's counsel requesting agreement with the late filing of the brief.
24 Respondent's counsel agreed that it should be filed by Friday, December 3, 2021
25 and that he did not plan to move to strike as untimely. Appellant served and filed
26 the Reply brief on that day, however, it was rejected as untimely, prompting this
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1 Motion. Appellant believes the issues raised in this appeal are ones of public
2 importance and that the matter should be fully heard and decided on the merits,
3 including the Reply brief. Appellants and their counsel thank the Court in advance
4 for its consideration of this request in light of these circumstances.
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7 Dated this 6th day of December, 2021.

8 Christensen Law Offices, LLC

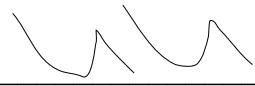
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11 _____
12 Thomas Christensen, Esq.
13 1000 S. Valley View Blvd.
14 Las Vegas, NV 89120
15 courtnotices@injuryhelpnow.com

16 **Certificate of Service**

17 I hereby certify that on the 6th day of December, 2021, a true and correct
18 copy of the foregoing was served upon Michael Lowry, Esq., by electronic service
19 through the Nevada Supreme Court's electronic filing system. All registered users
20 for the case were thereby served.
21

22 Dated this 6th day of December, 2021.

23 Christensen Law Offices, LLC

24 
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28 Las Vegas, NV 89120
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