

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOUR ENTERPRISES, LLC., A
NEVADA LIMITED LIABILITY
COMPANY; MULUGETA BOUR, AN
INDIVIDUAL; HILENA
MENGESHA, AN INDIVIDUAL,

Appellants,

v.

4520 ARVILLE, A CALIFORNIA
GENERAL PARTNERSHIP;
MCKINLEY MANOR, AN IDAHO
GENERAL PARTNERSHIP,

Respondents.

Case No.: 82699

Electronically Filed
Sep 21 2021 09:01 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANTS' MOTION FOR
EXTENSION OF TIME TO FILE
OPENING BRIEF**

Pursuant to Nevada Rule of Appellate Procedure 26(b)(1), Appellants Bour Enterprises, LLC, a Nevada Limited Liability Company; Mulugeta Bour, an individual; Hilena Mengesha, an Individual. ("Appellants") respectfully move this Court for a thirty (30) day extension of time, to and including, October 22, 2021, in which to file its opening brief and appendix of record in the above-captioned appeal. Appellants respectfully requests that all other current briefing deadlines likewise be extended by thirty (30) days.

By Court order entered August 11, 2021, the Opening Brief is due on September 22, 2021. Declaration of Rusty Graf, Esq. ("Graf Decl."). Appellant has

previously sought and obtained a telephonic request. Counsel for Appellee has been informed of this motion to extend the time for filing of the Opening Brief. Id. at ¶ 5.

As set forth below, and as detailed in the attached declaration, extraordinary and compelling circumstances warrant the additional extension of time being sought here, and good cause exists for the requested extension.

Due to the coronavirus pandemic, Counsel for Appellant experienced issues related to work stoppage and staff support in allowing the preparing and timely filing of the Opening Brief. In particular, the associate handling this file has left the firm. Moreover, declarant counsel has had two other appellate briefs due before the Ninth Circuit Court in the last week. Therefore, due to such hardships and good cause, the requested motion to extend is appropriate.

Furthermore, no significant delay of this matter will result from such an extension. Accordingly, no prejudice will result from the requested thirty (30) day extension.

For these reasons, Appellant respectfully requests that this motion be granted and allowed until and including October 22, 2021, in which to file its Opening Brief, and that all other current briefing deadlines likewise be extended thirty (30) days.

Dated this 20th day of September 2021.

BLACK & WADHAMS

/s/ Rusty Graf

Rusty Graf, Esq
Nevada Bar No. 6233
10777 W. Twain Ave., Suite 300
Las Vegas, NV 89135
Telephone: (702) 869-8801
Attorney for Appellant

DECLARATION OF RUSTY GRAF, ESQ.

I, Rusty Graf, do hereby declare as follows:

1. I am over the age of 18 and I am of sound mind and am fully competent and authorized to make this declaration.

2. I am an attorney licensed to practice in the State of Nevada.

3. I am legal counsel for Bour Enterprises, LLC, a Nevada Limited Liability Company; Mulugeta Bour, an individual; Hilena Mengesha, an Individual, Appellant in this matter. I submit this declaration in support of Appellant's Motion to Extend Time for Filing Opening Brief. Except as otherwise stated, the matters set forth herein are based upon my personal knowledge and I could and would testify competently thereto if called upon to do so.

4. The opening brief is due by court order on September 22, 2021.

5. I have contacted Appellee's counsel regarding this motion and informed him of the requested extension.

6. Furthermore, good cause exists to grant the instant motion as due to the coronavirus pandemic, Counsel for Appellant experienced issues related to work stoppage and staff support in allowing the preparing and timely filing of the Opening Brief. Specifically, the associate assisting on this file has left the employ of Black

& Wadhams, which caused a significant reassignment of the various workloads including this file and brief, including two appellate briefs due to the Ninth Circuit Court of appeals in the last week. Therefore, due to such hardships and good cause, the requested motion to extend is appropriate.

9. No significant delay of this matter will result from such an extension. Counsel for Appellant has requested a streamlined extension, no prejudice will result from the requested thirty (30) day extension.

10. Pursuant to Rule 31-2.2(b)(7), to my knowledge the court reporter is not in default with regard to any designated transcripts in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Las Vegas, Nevada on September 20, 2021.

s/Rusty Graf, Esq.
Rusty Graf, Esq

CERTIFICATE OF SERVICE

I certify that I am an employee of BLACK & WADHAMS and that on the 21st day of September 2021, I caused the above and foregoing document entitled

APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE OPENING

BRIEF to be served as follows:

☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and

☒ by electronic service through E-Flex of the Nevada Supreme Court's electronic filing/service system;

☐ pursuant to EDCR 7.26, to be sent via facsimile;

☐ hand delivered

to the party or their attorney(s) listed below at the address and/or facsimile number indicated below:

/s/ Diane Meeter
An Employee of Black & Wadhams