

In the Supreme Court of Nevada

LYNN YAFCHAK, STATUTORY HEIR AND SPECIAL
ADMINISTRATOR TO THE ESTATE OF JOAN YAFCHAK,
DECEASED,

Appellants,

vs.

SOUTH LAS VEGAS MEDICAL INVESTORS, LLC,
D/B/A LIFE CARE CENTER OF SOUTH LAS VEGAS,
ERRONEOUSLY NAMED AS LIFE CARE CENTERS OF
AMERICA, A FOREIGN CORPORATION,

Respondents,

Electronically Filed
Oct 20 2021 09:45 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF
AND
MOTION FOR LEAVE TO REQUEST EXTENSION AFTER THE DEADLINE**

Respondent requests an extension of 30 days, through November 15, 2021, to file its answering brief. NRAP 31(b)(3)(C); NRAP 26(b)(1)(A). This is the first such motion. The brief was due on October 15, 2021. No requests for extension of time have been denied or denied in part.

Undersigned counsel entered their appearance recently. The additional time will enable counsel to familiarize themselves thoroughly with the issues, the record, and relevant authorities. The extension also will allow respondent to address points and authorities the Nevada Justice Association may raise in its amicus brief, which is due on November 10, 2021.

Appellant also seeks leave to make this request to extend the

deadline for the answering brief out of time and to have the extension applied retroactively. *See* NRAP 26(b)(1)(A) (“For good cause, the court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires.”) The extension was not sought before the October 15 deadline due to a lapse in communication stemming from the early paternity leave of the attorney coordinating Lewis Roca’s retention. When Abraham Smith’s wife suffered complications in her pregnancy, he was required to take family leave much sooner than anticipated. Although the failure to file the motion on time certainly was not his fault, the deadline was missed in the shuffle. Meanwhile, trial counsel at Hall Prangle & Schoonveld reasonably expected that Lewis Roca would procure the extension. Respondent appreciates the Court’s indulgence.

Dated this 20th day of October, 2021.

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CERTIFICATE OF SERVICE

I certify that on October 20, 2021, I submitted the foregoing “*Motion for Extension of Time to File Answering Brief and Motion for Leave to Request Extension After the Deadline*” for e-filing and service *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

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Via U.S. Mail:

The Honorable Judge Crystal Eller
Eighth Judicial District Court
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/s/ Emily D. Kapolnai
An Employee of Lewis Roca Rothgerber Christie LLP