

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

2 LAS VEGAS METROPOLITAN
3 POLICE DEPARTMENT and CANNON
4 COCHRAN MANAGEMENT
5 SERVICES, INC.

6 Appellants,

7 v.

8 ROBERT HOLLAND,

9 Respondent.
10

Supreme Court Case No.: 82843

Electronically Filed
Nov 04 2022 12:19 PM
Elizabeth A. Brown
Clerk of Supreme Court

11
12 **EMERGENCY MOTION UNDER NRAP 27(e)**

13 Appellants have good cause to request continuance of oral arguments
14 scheduled for November 8, 2022, at 11:30 a.m.
15

16 DANIEL L. SCHWARTZ, ESQ.
17 L. MICHAEL FRIEND, ESQ.
18 LEWIS BRISBOIS BISGAARD &
19 SMITH LLP
20 2300 W. Sahara Avenue, Suite 900, Box 28
Las Vegas, Nevada 89102-4375
Attorneys for Appellants
21 *Las Vegas Metropolitan Police Department*
22 *and Cannon Cochran Management*
23 *Services, Inc.*

LISA M. ANDERSON, ESQ.
GGRM LAW FIRM
2770 S Maryland Pkwy #100
Las Vegas, NV 89109
Attorney for Respondent
Robert Holland

1 **REQUEST FOR POSTPONEMENT OF ORAL ARGUMENTS**

2 This matter is currently scheduled for oral arguments en banc on Tuesday,
3 November 8, 2022, at 11:30 a.m. Per NRAP 34(a), a party may move to postpone
4 oral argument reasonably in advance of the date fixed for hearing. Given the short
5 notice, Appellants are requesting emergency relief under NRAP 27(e) based on the
6 information herein and the attached NRAP 27(e) Certificate.

7 Appellants' counsel, DANIEL L. SCHWARTZ, ESQ., was diagnosed with
8 COVID-19 on or about November 3, 2022. As a result of the illness, he is required
9 to quarantine. Therefore, he will not be able to participate in oral arguments. He
10 has discussed the matter with Respondent's counsel, LISA ANDERSON, ESQ.,
11 and she agrees to the continuance.

12 Accordingly, Appellants believe the fair and reasonable solution under the
13 circumstances is to postpone the oral arguments to the next available setting.

14 **CONCLUSION**

15 Based upon the foregoing and the attached certificate, Appellants
16 respectfully request the court to postpone the hearing scheduled for November 8,
17 2022, per NRAP 27(b) and (e).

18 Dated this 4 of November, 2022.

19 Respectfully submitted,

20 LEWIS, BRISBOIS, BISGAARD & SMITH, LLP

21 /s/ L. Michael Friend, Esq.

22 DANIEL L. SCHWARTZ, ESQ.

23 Nevada Bar No. 005125

24 L. MICHAEL FRIEND, ESQ.

25 Nevada Bar No. 011131

26 LEWIS BRISBOIS BISGAARD & SMITH LLP

27 2300 W. Sahara Avenue, Suite 900, Box 28

 Las Vegas, Nevada 89102-4375

 Attorneys for Appellants

1 **NRAP 27(e) CERTIFICATE**

2 (A) Telephone numbers and office address of the attorneys for the parties:

3
4 DANIEL L. SCHWARTZ, ESQ.
5 L. MICHAEL FRIEND, ESQ.
6 LEWIS BRISBOIS BISGAARD &
7 SMITH LLP

8 2300 W. Sahara Avenue, Suite 900, Box 28
9 Las Vegas, Nevada 89102-4375
10 (702)893-3383

11 *Attorneys for Appellants*

12 *Las Vegas Metropolitan Police Department*
13 *and Cannon Cochran Management*
14 *Services, Inc.*

LISA M. ANDERSON, ESQ.
GGRM LAW FIRM
2770 S Maryland Pkwy #100
Las Vegas, NV 89109
(702)718-5634

Attorney for Respondent
Robert Holland

15 (B) Facts showing the existence and nature of the claimed emergency:

16 Appellants' counsel, DANIEL L. SCHWARTZ, ESQ., was diagnosed with
17 COVID-19 on November 3, 2022, and will not be able to participate in oral
18 arguments. As this is an issue of great importance to Appellants and will set
19 precedence for future handling of a significant number of cases under NRS
20 617.455 and NRS 617.457 (colloquially, the Heart & Lung Bill), Appellants want
21 Mr. Schwartz to argue the matter. Therefore, substituting another attorney from the
22 firm is not feasible or fair under the circumstances. Further, Mr. Schwartz's illness
23 inhibits his ability to adequately prepare and it is unknown what his health will be
24 on the date of hearing. Therefore, participating by zoom is also not an adequate
25 alternative.

26 Accordingly, Appellants believe the only fair and reasonable answer under
27 the circumstances is to postpone the oral arguments to the next available setting.

1 (C) When and how counsel for the other parties were notified:

2 Mr. Schwartz communicated his illness and concern to Ms. Anderson on or
3
4 about November 4, 2022. Ms. Anderson graciously agreed to the postponement. In
5 addition, Ms. Anderson and GGRM Law Firm are being served electronically with
6 this motion. Undersigned counsel spoke with the clerk of the Court regarding the
7
8 situation.

9 Dated this 4 day of November, 2022.

10 Respectfully submitted,

11
12 LEWIS, BRISBOIS, BISGAARD & SMITH, LLP

13 /s/ L. Michael Friend, Esq.

14 DANIEL L. SCHWARTZ, ESQ.

15 Nevada Bar No. 005125

16 L. MICHAEL FRIEND, ESQ.

Nevada Bar No. 011131

17 LEWIS BRISBOIS BISGAARD & SMITH LLP

2300 W. Sahara Avenue, Suite 900, Box 28

18 Las Vegas, Nevada 89102-4375

19 Attorneys for Appellants

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on
3 the 4 day of November, 2022, service of the attached **EMERGENCY MOTION**
4 **UNDER NRAP 27(e)** was made this date by depositing a true copy of the same for
5 mailing, first class mail, and/or electronic service as follows:

6
7 Lisa Anderson, Esq.
8 GGRM LAW FIRM
9 2770 S. Maryland Pkwy., Ste. 100
Las Vegas, NV 89109

10 Bernadine Welsh
11 LVMPD – Health Detail
12 400 South Martin L. King Blvd., Building B
Las Vegas, NV 89106-4372

13
14 Gabriela Diaz, Claims Representative
15 CANNON COCHRAN MANAGEMENT SERVICES, INC.
16 P. O. Box 35350
Las Vegas, NV 89133-5350

17
18 /s/ L. Michael Friend
19 An employee of LEWIS, BRISBOIS,
20 BISGAARD & SMITH, LLP
21
22
23
24
25
26
27