

IN THE SUPREME COURT OF THE STATE OF NEVADA

W L A B INVESTMENT GROUP, LLC,

Appellant,

v.

TKNR, INC., a California Corporation, and
CHI ON WONG aka CHI KUEN WONG,
an individual, and KENNY ZHONG LIN,
aka KENZHONG LIN aka KENNETH
ZHONGLIN aka WHONG K. LIN aka
CHONG KENNY LIN aka ZHONGLIN, an
individual, and LIWEHELEN CHEN aka
HELEN CHEN, an individual and YAN
QIU ZHANG, an individual and
INVESTPRO LLC dba INVESTPRO
REALTY, a Nevada Limited Liability
Company, and MANCHAU CHENG, an
individual, and JOYCE A. NICKRANDT,
an individual, and INVESTPRO
INVESTMENTS LLC, a Nevada Limited
Liability Company, and INVESTPRO
MANAGER LLC, a Nevada Limited
Liability Company and JOYCE A.
NICKDRANDT, an individual and does 1
through 15 and roe corporation I-XXX,

Respondents.

SC Case No. 82835 / 83051

DC Case No.: A-18-785917-G
Electronically Filed
Dec 23 2021 01:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**From the Eighth Judicial District Court
The Honorable Adrianna Escobar, District Judge**

**MOTION TO EXTEND BRIEFING SCHEDULE FOR RESPONDENTS
(FIRST REQUEST)**

Michael B. Lee, Esq. (NSB 10122)

Michael Matthis, Esq. (NSB 14582)

MICHAEL B. LEE, P.C.

I. INTRODUCTION

Respondents, TKNR, INC. (“TKNR”), CHI ON WONG (“Wong”), KENNY ZHONG LIN (“Lin”), LIWEHELEN CHEN (“Chen”), YAN QIU ZHANG (“Zhang”), INVESTPRO LLC dba INVESTPRO REALTY (“Investpro Realty”), MANCHAU CHENG (“Cheng”), JOYCE A. NICKRANDT (“Nickrandt”), INVESTPRO INVESTMENTS LLC (“Investpro Investments”), and INVESTPRO MANAGER LLC (“Investpro Manager”) (collectively referred to as “Respondents”), by and through its counsel of record, the law firm of Michael B. Lee, P.C., hereby moves for an extension of the briefing schedule to allow Respondents additional time to file its Answering Brief.

Appellant’s Opening Brief was filed on **November 18, 2021**. Respondents’ Answering Brief is due 30 days following the filing of the Opening Brief, which would have been December 18, 2021. See Nev. R. App. Pro. § 31(a)(1)(B). As December 18, 2021 was a Saturday, Respondent’s Answering Brief was due on the “next day that is not a Saturday, Sunday, or legal holiday[,]” which would have been **December 20, 2021**. See Id. at § 26(a)(1). However, Respondents’ counsel committed a calendaring error, mistakenly calendaring the due date of Respondents’ Answering Brief as **December 28, 2021**. As a result, Respondents filed their Answering Brief on December 21, 2021. Respondents now respectfully request this Honorable Court grant a two-week extension for Respondents to file

their Answering Brief. If granted, the new deadline for filing the Respondents' brief would then be **January 3, 2022**. This is the first request for extension of time made by Respondents.

II. ANALYSIS

Respondents seek an extension of the briefing schedule in this appeal to make the Respondent's Answering Brief due **January 3, 2022**, instead of the previous deadline of **December 20, 2021**.

Here, Respondents' counsel of record mis-calendared the due date for the Answering Brief and, as a result, failed to timely file the Answering Brief by December 20, 2021. Respondents' counsel had calendared December 28, 2021 as the due date for the Respondents' Answering Brief based on the Order Consolidating Appeals and Reinstating Briefing that was filed on August 30, 2021 ("Order"). The Order directed the Appellant's Opening Brief to be filed with 90 days of the Order, i.e., November 28, 2021. Respondents' counsel tentatively scheduled the Respondents' brief to be 30 days from that date, i.e., December 28, 2021. Unfortunately, it appears Respondents' counsel failed to update the due date for the Respondents' Answering Brief following the filing of the Appellant's Opening Brief, leading to the untimely filing by Respondents.

The calendaring error and untimely filing by Respondents' counsel, amounts to excusable neglect. Had Respondents been aware of the mistake, they would

have either had the Answering Brief filed on or before December 20, 2021, or, at the very least, requested a telephonic extension pursuant to Nev. R. App. Pro. § 31(b)(1). As Respondents were unaware of the calendaring mistake, they filed their Answering Brief on December 21, 2021. However, it was rejected as untimely, and Respondents were directed to file a motion for extension of time.

In light of the aforementioned timeline, Respondents respectfully request they be permitted to file their Answering Brief up to and including January 3, 2021. Respondents represent that they do not intend to seek any further extensions of time in this matter and are confident they can have the brief filed prior to the deadline. Respondents further submit that the requested extension is not sought for the purpose of delay or any improper purpose.

III. CONCLUSION

Based on the foregoing, Respondents respectfully request this Honorable Court grant its Motion to Extend Briefing Schedule for Respondents' Answering Brief, extending the deadline to January 3, 2021.

Dated this 23 day of December, 2021.

MICHAEL B. LEE, P.C.

/ s/ Michael Matthis

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VERIFICATION

Under penalty of perjury, of the laws of Nevada, the undersigned declares that he is the attorney for the Respondents named in the foregoing Respondents' Brief and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and that as to such matters he believes them to be true. This verification is made by the undersigned attorney, pursuant to NRS § 15.010, on the ground that the matters stated, and relied upon, in the foregoing Motion to Extend Time (First Request) and Exceed Page Limit are all contained in the prior pleadings and other records of this Court and/or the District Court.

Dated this 23 day of December, 2021.

/s/ Michael Matthis
MICHAEL MATTHIS, ESQ.

CERTIFICATE OF MAILING

I hereby certify, under penalty of perjury, that I am an employee of Michael B. Lee, P.C., and that I caused to be electronically filed on this date, a true and correct copy of the foregoing document with the Clerk of the Court using the ECF system, which will automatically e-serve the same on the attorneys of record set forth below.

MICHAEL B. LEE, P.C.
Attorneys for Respondents

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Dated this 23 day of December, 2021.

/s/ Michael Matthis
An employee of MICHAEL B. LEE, P.C.