

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUNRISE VILLAS IX HOMEOWNERS
ASSOCIATION,

Appellant,

vs.

SIMONE RUSSO,

Respondent.

Case No. 83115 Electronically Filed
May 20 2022 03:24 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR EXTENSION OF TIME FOR OPENING BRIEF AND
APPENDIX (second request)**

Appellant hereby moves for a 14-day extension of time for the opening brief and appendix, which are now due on May 25, 2022. Appellant seeks an extension until June 8, 2022. This is appellant's second request for an extension.

This is an appeal from post-judgment orders in a personal injury case. The underlying judgment is in the amount of \$25 million. The district court proceedings were highly unusual and complex. Among other things, there was a partial settlement; a dispute concerning the scope of the settlement; a district court order determining that a portion of the settlement agreement is null and void; a default prove-up hearing resulting in the \$25 million judgment; and proceedings on appellant's motion to set aside the judgment (which the district court denied).

Because of the unusual district court proceedings, the legal issues in this appeal are complex and uncommon—in large part constituting issues of first impression in Nevada. The complexity of the appeal is reflected in the fact that the appendix will consist of 17 volumes, with 3,770 pages.

Appellant's lead appellate counsel, Robert Eisenberg, has already read and digested the lengthy record. Eisenberg has also been working on the opening brief. He has prepared a first (rough) draft, but it needs to undergo significant review and input by other attorneys on appellant's legal team. Once it is reviewed by others, the legal and appendix citations will need to be checked, and it will need significant editing before it is ready for filing.

In the time frame since the date of the last extension, counsel Eisenberg has had other important personal and professional commitments that took a great deal of time away from his ability to finish the opening brief in this case. For example, there were other appeal cases in which he was not anticipating briefs from opposing parties, but the opposing attorneys obtained extensions and eventually filed their briefs during the time frame when Eisenberg was working on the opening brief in the present case. Eisenberg needed to devote extensive time studying those briefs (and a lengthy appendix in one of the cases), which was not anticipated. Eisenberg also devoted a great deal of time working on a pro bono amicus brief in a criminal

case involving the constitutionality of a Nevada statute. This ended up being much more time-consuming than originally anticipated.

After the present case was removed from the settlement conference program, the parties decided to participate in private mediation, which took place in early May. Eisenberg spent a considerable amount of time assisting with preparation of the mediation statement, and attending the mediation in Las Vegas.

Despite all these other commitments, Eisenberg continued work on the opening brief in this case. Unfortunately, he was unable to finish the brief within the extended time. Under these circumstances, appellant contends good cause exists for a 14-day extension until June 8, 2022. This motion is being made in good faith and without any intent to delay the appeal unnecessarily.

Dated: May 20, 2022

s/ Robert L. Eisenberg
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of LEMONS, GRUNDY & EISENBERG, and on this date the foregoing document was electronically filed with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

David Sampson
Shannon Splaine
Hutchison & Steffen (John T. Steffen and Robert E. Werbicky)

DATED: May 20, 2022

/s/ Robert L. Eisenberg

Employee of LEMONS, GRUNDY & EISENBERG