

In the Supreme Court of Nevada

UNITE HERE HEALTH, a multi-employer health and welfare trust, as defined in ERISA Section 3(37); and NEVADA HEALTH SOLUTIONS, LLC, a Nevada limited liability company,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, in and for the County Clark; and the HONORABLE TIMOTHY C. WILLIAMS, District Judge,

Respondents,

THE STATE OF NEVADA COMMISSIONER OF INSURANCE, BARBARA D. RICHARDSON, in her official capacity as Receiver for the Nevada Health Co-op,

Real Parties in Interest.

Electronically Filed
Sep 01 2021 08:42 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION FOR EXTENSION OF TIME TO FILE ANSWER

Real parties in interest request an extension through November 1, 2021, to file their answer. NRAP 31(b)(3). This is the first such request. Without an extension, the brief would be due September 1, 2021.

Good cause necessitates the extension.

First, lead appellate counsel was ill for much of the last month, and the attorney tasked with drafting the answer has had a more mild

illness. Appellate counsel and their staff also spent most of the last month in a time-consuming jury trial, part of which lead counsel had to miss because of illness.

Second, as alluded to above, appellate counsel have been stretched extraordinarily thin with two simultaneous jury trials. In one of those trials, a lengthy wrongful-death case, appellate counsel unexpectedly had to play a far larger role, with issues relating to lead trial counsel's potential disqualification coming into play after trial had begun. Appellate counsel therefore had to essentially assist as co-lead trial counsel in many aspects of the case. This, of course, is addition to counsel's already taxing schedule, with hearings in other cases conducted during the trial and having to assist in several cases involving motions or orders for case-concluding sanctions. Sleep has been scarce for both the attorneys and their staff.

Third, in addition, appellate counsel have had to file responsive motions and an anti-SLAPP motion in a separate matter in which an adverse party and opposing counsel had sued appellate counsel individually and their firm for their work in prosecuting another action. The case is not just time-consuming but emotionally taxing for counsel's

having been named personally in a lawsuit.

Finally, the requested extension takes into account that one of the principal attorneys in this matter will be absent for the birth of his child. Counsel will endeavor to bring other attorneys into this matter to assist with the preparation of the brief in his absence.

Dated this 1st day of September, 2021.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/Abraham G. Smith
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CERTIFICATE OF SERVICE

I certify that on September 1, 2021, I submitted the foregoing “Motion for Extension of Time to File Answer” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

John R. Bailey
Dennis L. Kennedy
Sarah E. Harmon
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Attorneys for Petitioners

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

The Honorable Timothy C. Williams
DISTRICT COURT JUDGE – DEPT. 16
200 Lewis Avenue
Las Vegas, Nevada 89155

Respondent

/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber Christie LLP