

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY DEPARTMENT
OF AVIATION,

VS.

SOUTHERN NEVADA LABOR
MANAGEMENT COOPERATION
COMMITTEE, AND OFFICE OF
THE LABOR COMMISSIONER

NO: 83252

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Dec 06 2021 02:01 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO EXTEND
ANSWERING BRIEF DUE DATE

Southern Nevada Labor Management Cooperation Committee (“LMCC”)
moves the Court for a 30-day extension in which to file an Answering Brief.

Dated December 6, 2021.

CHRISTENSEN JAMES & MARTIN

By: /s/ Evan L. James

Evan L. James, Esq. (7760)

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Attorneys for Respondent

NRAP 26.1 DISCLOSURE

In accordance with NRAP 26.1, the undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this Court may evaluate possible disqualifications or recusal.

1. LMCC is a federal Taft-Hartley trust fund existing under the authority of 29 U.S.C. §§ 175a(a) and 186(c)(6) and pursuant to a collective bargaining agreement (“CBA”) between the International Union of Painters and Allied Trades District Council No. 16, Local Union No. 159 (“Union”) and various contractors and construction trade organizations and is not affiliated with any corporation. The names of the current Trustees or alternate Trustees who manage the LMCC are Robert Williams, Daniel Lincoln, Jason Lamberth, Thomas Pfundstein, Terry Mayfield, Albert Carrillo, Harold Daly, and Mike Davis.
2. The only law firm that has appeared or is expected to appear for LMCC in this case is Christensen James & Martin, 7440 W. Sahara Ave., Las Vegas, Nevada 89117.
3. If litigant is using a pseudonym, the litigant’s true name: N/A

RULE 31(b)(3)(A) INFORMATION

- (i) The LMCC's Answering Brief is due on December 19, 2021.
- (ii) No extensions have been requested or granted.
- (iii) No extension requests have been denied or granted.
- (iv) The Clarke County Department of Aviation ("DOA") filed its opening brief on November 19, 2021. Counsel for the LMCC had scheduled time to prepare and file the Answering Brief by December 19, 2021, as required by Nev. R. App. Proc. 31(a)(1)(B). LMCC's counsel is also counsel in the Eighth Judicial District Court Case of *Clarke v. Service Employees International Union, et al.*, Case No. A-17-794942-C ("*Clarke Case*"). The *Clarke Case* Judge was presented with additional motions (not from LMCC's Counsel) and elected to have additional hearings in November and December 2021 for which preparation was/is required. LMCC's counsel is also counsel before the National Labor Relations Board ("NLRB") case of *Who-Dun-It Plastering, Inc. and Operative Plasterers' and Cement Masons' International Association, Local 797*, Case No. 28-CA-281011 ("*Cement Masons Case*"). The NLRB unexpectedly and near the end of November 2021, directed the undersigned to prepare and file a position statement by December 3, 2021 regarding unfair labor practices. These unexpected, time sensitive, and necessary *Clarke Case* matters and *Cement Masons Case* matters have substantially drained the allotted time that was scheduled to prepare the LMCC's Answering

Brief. In addition, the undersigned became aware of subsequent legislative history regarding the matters at issue in this Case. Reviewing that legislative history was necessary but consumed scheduled briefing time. Counsel has a duty to inform the Court of the legislative history and will do so in the LMCC's Answering Brief. Multiple requests to the DOA's counsel for a stipulated extension have gone unanswered. Based upon LMCC Counsel's remaining December 2021, schedule and expected briefing matters in other cases, the 14-day extension request available under Rule 31(b)(1) appears insufficient.

(v) A 30-day extension is requested, which will make January 18, 2022, the due date for the LMCC's Answer Brief.

Dated December 6, 2021.

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Attorneys for Respondent

ATTORNEY'S CERTIFICATE

I, Evan L. James, hereby certify the following:

- (1) I have read the brief;
- (2) To the best of my knowledge, information and belief, the brief is not frivolous or interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
- (3) To the best of my knowledge, the brief complies with all applicable Nevada Rules of Appellate Procedure, including the requirement of Rule 28(e) that every assertion in the briefs regarding matters in the record be supported by a reference to the page and volume number, if any, of the appendix where the matter relied on is to be found; and
- (4) The brief complies with the formatting requirements of Rule 32(a)(4)-(6), and either the page- or type-volume limitations stated in Rule 32(a)(7).

Dated December 6, 2021.

CHRISTENSEN JAMES & MARTIN

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Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on the date the above document was filed with the Court, it was served in accordance with NRAP 25(c)(1)(E) upon the following individuals:

Mark J. Ricciardi, Esq.	mricciardi@fisherphillips.com
Allison L. Khell, Esq.	akheel@fisherphillips.com
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/s/ Evan L. James
Evan L. James, Esq.