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IN THE SUPREME COURT OF THE STATE OF NEVADA

Margaret Reddy, Mohan Thalamarla, Max Global, INC.

Appellants,

vs.

MEDAPPEAL, LLC, an Illinois limited liability company

Respondent.

Supreme Court No. 83253

Electronically Filed Jan 12 2022 07:26 p.m. Elizabeth A. Brown Clerk of Supreme Court

### APPELLANTS MOTION TO EXTEND TIME TO FILE TRANSCRIPT REQUEST

Pursuant to NRAP 26(b)(1)(A) and NRAP 27 and prior orders of this Court, Appellants move for an extension of time to file transcript request in accordance with the facts, points and authorities sited herein.

### I. STATEMENT OF THE ISSUE.

Appellants request an extension of time to file the transcript request in this Court to January 13, 2022 in accordance with the prior order of this Court to file and serve the Appellants' Transcript Request Form, 14 days from the date of the order, September 30, 2021.

### II. FACTS.

Counsel for Appellants had just had cancer surgery and was recovering. On the date that the transcript request was due, Counsel filed the request for the transcripts with the appropriate court reporters for the District Court departments in which the various hearings were held. Transcripts were ordered timely, pursuant to NRAP 9(a)(3), Appellants ordered the transcripts pursuant to the district

 court transcript order form prescribed for use by Department XIV, were paid for and have been filed in the Register of Actions in the underlying District Court case, case numbered A-19-792836-C.

However, due to his recovery from surgery in which he had received general anesthesia to have his cancer removed, he was still groggy and feeling poorly. The Request for Transcript was not filed with the Supreme Court.

In order to properly advise this Court going forward that the transcripts were filed for properly, Counsel requests approval to file the attached transcript request form as soon as is possible, along with the invoice provided showing the transcripts were filed upon payment by Appellants.

Appellants have not made a prior request for an extension to file this request. Appellants previously complied with the order to request the transcripts on or before October 14, 2021 however, through excusable neglect, due to illness and surgery, failed to file the document with this Court.

### DECLARATION OF ANDREW WASIELEWSKI IN SUPPORT OF MOTION FOR EXTENSION

ANDREW WASIELEWSKI, declares, pursuant to NRS § 53.045, under penalty of perjury, that the following is true and correct:

- 1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true.
- 2. I am the Counsel for the Defendants Margaret Reddy, Mohan
  Thalamarla and Max Global herein. I have been in the practice of law

since 1996 and I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

- 3. Between July and September of 2021, I developed an unusual fast growth on my hip. During the month of September of 2021, I developed pain in my hip and went into the hospital for an emergency surgery on or about September 20, 2021. Due to other medical complications, my surgery was postponed until October 7, 2021 in the State of Florida.
- 4. While still very much in pain and feeling poorly, on October 14, 2021, I filed the Transcript Request Form with the District Court, utilizing the form prescribed by Department XIV it approved for this purpose.
- 5. In Exhibit 1, I have attached the emails communicated between myself and the court reporters for Department XIV and the Discovery Commissioner regarding the transcripts.
- 6. I later received the invoices for the transcripts prepared by those reporters. Shortly thereafter, the invoices were paid.
- 7. I attach the Register of Actions for case A-19-792836-C showing the transcripts were filed in this case.
- 8. "I declare under penalty of perjury that the foregoing is true and correct."

/s/ Andrew Wasielewski

ANDREW WASIELEWSKI, Esq.

### III. POINTS AND AUTHORITIES

### A. APPELLANTS COMPLY WITH THE PROCEDURE TO REQUEST AN EXTENSION OF TIME TO FILE THE REQUEST FOR TRANSCRIPT

NRAP 26(b)(1)(A) states in pertinent part:

"(A) For good cause, the court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires. But the court may not extend the time to file a notice of appeal except as provided in Rule 4(c)."

The request was originally due on October 14, 2021. No extensions were previously granted to file this request. The briefing schedule was suspended for settlement purposes. Appellants and Respondent were not able to settle and Appellants filed a second appeal. That appeal is currently in the settlement program and Appellants think that settlement is possible. As Appellants filed two appeals regarding the same underlying matter, they will move in the other appeal to consolidate both appeals and to place both appeals into the settlement program currently being conducted in the second appeal, 83763.

Separately, in this appeal, Appellants will move separately to stay the filing of the opening brief until after the cases are consolidated and after the settlement program has been successful or the consolidated appeal is deemed not ripe / appropriate for settlement by the Supreme Court Settlement Judge.

No extension in this case has been denied in any form.

An extension is necessary for the following reasons:

a) Appellants would like to comply with proper procedure to show that the transcript request form was filed properly on October

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14, 2021, with the District Court, the transcripts were made, were paid for and were filed in the underlying case.

- b) Appellants allege that for all these reasons, the requested for extension of time is appropriate and warranted.
- c) To further demonstrate excusable neglect, Appellants' Counsel has been out of Nevada undergoing cancer screening and cancer surgery in Florida in October of 2021 and sick during October for weeks after his surgery.

The new date of request would be the date this request for extension is approved or as soon as January 13, 2022. Appellants have attached the form, the emails to and from both court reporters for Department XIV and the Discovery Commissioner, the invoices and the register of actions showing the transcripts were filed in Exhibit 1.

### IV. CONCLUSION

Therefore, as Counsel has shown good cause for why this extension is requested and the request is in compliance with NRAP 9 and NRAP 26, Appellants request approval of their motion.

Dated this 12th day of January, 2022 Attorney for Appellants

> THE WASIELEWSKI LAW FIRM, LTD. /s/ Andrew Pastwick, #9146

By:\_ ANDREW WASIELEWSKI, ESQ. for Nevada Bar #6161 8275 S. Eastern Ave #200-818 Las Vegas, NV 89123 Attorney for Appellants

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY AND AFFIRM that this document was filed electronically with the Nevada Supreme Court on January 12, 2022. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

STEPHEN HABERFELD, Esq. Supreme Court Settlement Judge

Zachary Ball, Esq.

Attorney for Respondent

-6-

### Exhibit 1



<u> PROTRODHIM CORRESPONDAN</u>	
RECEIVED:	
FILED:	
PAGES:	
BILLED:	
COMMENTS:	

### EIGHTH JUDICIAL DISTRICT COURT

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89155
p 702.671.4582

Stacey Ray
Court Recorder/Transcriber
Department 14
rays@clarkcountycourts.us

### TRANSCRIPT/CD ORDER FORM

CASE #: A-19-792836 - C
NAME OF CASE: Medappea) LCC U Weinstein
NAME OF CASE: Medapped LCC U Weinstein  8/6/19/8/1/20/19/9/20/19/10/20/19/10/20/19/6/25/20  DATE OF HEARING: 8/6/19/9/20/19/20/19/10/20/20/10/20/20/20/20/20/20/20/20/20/20/20/20/20
PLEASE CHECK REQUEST(S): $\times$ CD (\$2) $\times$ Transcript $4/30/30/30$
***DEADLINE FOR TRANSCRIPT: Ordinary (00 [Se 8/26/21]  NAME OF REQUESTING PARTY: M (1401et Reddy 2)   1/21
TELEPHONE NUMBER: (702) 490 - 851)
EMAIL ADDRESS: <u>Andrew C weslow, com</u>
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### Fees Schedule per NRS 3.370:

Recording fee - \$40 per hour (for civil cases for both CDs and transcript requests.) CD/DVD - \$2 or thumb drive - \$5
Ordinary Course Transcript - \$3.80 per page (30 days)
Expedited Transcript - \$5.01 per page (4 days), \$6.01 per page (2 days),
\$8.03 per page (24 hours)

\*\*\* Transcripts must be paid for at the Cashier's cage located on the 3<sup>rd</sup> floor of the RJC near Jury Services before they will be filed and released. Please make check(s) payable to: <u>Clark County Treasurer</u>

### Re: A-19-792836-C Transcript order form



From Andrew Wasielewski <andrew@wazlaw.com>

To Ray, Stacey <RayS@clarkcountycourts.us>

Date 2021-10-14 17:13

Stacey,

Was there court at all on August 27? There is a notice of hearing order in the register of actions for a hearing on that date, but there is no entry in the register of actions.

Sincerely,

Andrew Wasielewski, Esq. The Wasielewski Law Firm, LTD. 8275 South Eastern Avenue, Suite 200-818 Las Vegas, NV 89123 (702) 490-8511

On 2021-10-14 16:19, Ray, Stacey wrote:

I found the 8/19/21 hearing. I will get that done as well. The only thing I see around the 8/27/20 is a status check on chambers calendar for 8/26/20 which was vacated. And it is not on the calendar for the 8/27/20 date. Also, the 12/8/20 matter was not heard in front of the Judge. It was done via minute order and was sent to all parties on 12/9/20. Just so we're on the same page, I will be preparing the following transcripts: 8/1/19 8/6/19 8/20/19 12/12/19 9/17/20 11/10/20 12/17/20 8/19/21 8/26/21 8/31/21 Please confirm that I've got all the dates needed. Thanks! Stacey Ray Court Recorder to The Honorable Adriana Escobar District Court, Department XIV 702-671-4422 rays@clarkcountycourts.us From: Andrew Wasielewski <andrew@wazlaw.com> Sent: Thursday, October 14, 2021 3:58 PM To: Ray, Stacey <RayS@clarkcountycourts.us> Subject: Re: A-19-792836-C Transcript order form Importance: High [NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.] Hello Stacey, There was a hearing on 8/19/21, even though it appears on the register of actions that there was not one. I will contact Commissioner Truman's reporter for that transcript. I cannot see anything happened on 8/27/20, but there was an order for a hearing for that date. Can you see if on the Court's docket for that day that anything was done on this case, but it just got left off the register for some reason? Sincerely, Andrew Wasielewski, Esq. The Wasielewski Law Firm, LTD. 8275 South Eastern Avenue, Suite 200-818 Las Vegas, NV 89123 (702) 490-8511 On 2021-10-14 15:49, Ray, Stacey wrote:

Received.
Looking over the request I see that the 6/25/20 hearing was heard by the discovery commissioner. You will have to contact her recorder, haakf@clarkcountycourts.us, to order that transcript.
For the 8/27/20 and 8/19/21 dates, I don't see any hearings that were heard that day. You may want to verify that you have the correct dates.
For the 4/29/21 date, that hearing has already been transcribed, and you can obtain a copy via Odyssey.
I will begin working on the others. Let me know if you have any questions.
Thank you.
Stacey Ray
Court Recorder to
The Honorable Adriana Escobar
District Court, Department XIV
702-671-4422
rays@clarkcountycourts.us
From: Andrew Wasielewski <andrew@wazlaw.com> Sent: Thursday, October 14, 2021 3:35 PM To: Ray, Stacey <rays@clarkcountycourts.us> Subject: A-19-792836-C Transcript order form Importance: High</rays@clarkcountycourts.us></andrew@wazlaw.com>
[NOTICE: This message originated outside of Eighth Judicial District Court DO NOT CLICK on links or open attachments unless you are sure the content is safe.]
Hello Stacey,  Here is the request for Transcripts in the Medappeal Case, A-19-792836-C, forwarded from Margaret.  Sincerely,
Andrew Wasielewski, Esq. The Wasielewski Law Firm, LTD.
8275 South Eastern Avenue, Suite 200-818
Las Vegas, NV 89123
(702) 490-8511
On 2021-10-14 13:19, Ray, Stacey wrote:

	Please find the attached order form. Make sure you specify the turn-around time according to the fee schedule at the bottom of the form.
	Thanks.
	Stacey Ray
	Court Recorder to
	The Honorable Adriana Escobar
	District Court, Department XIV
	702-671-4422
	rays@clarkcountycourts.us
Γ.	

### Fwd: RE: A-19-792836-C Transcript order form

Andrew Wasielewski <andrew@wazlaw.com>

To

<haakf@clarkcountycourts.us>

Date

2021-10-14 16:00

Priority Highest

Hello,

I just received your email from Department XIV. Can you please do the transcript in this case from June 25, 2020? Sincerely,

Andrew Wasielewski, Esq. The Wasielewski Law Firm, LTD. 8275 South Eastern Avenue, Suite 200-818 Las Vegas, NV 89123 (702) 490-8511

Subject: RE: A-19-792836-C Transcript order form

2021-10-14 15:49

----- Original Message -----

To:

"Ray, Stacey" <RayS@clarkcountycourts.us> 'Andrew Wasielewski' <andrew@wazlaw.com>

Received.

Looking over the request I see that the 6/25/20 hearing was heard by the discovery commissioner. You will have to contact her recorder, haakf@clarkcountycourts.us, to order that transcript.

For the 8/27/20 and 8/19/21 dates, I don't see any hearings that were heard that day. You may want to verify that you have the correct dates.

For the 4/29/21 date, that hearing has already been transcribed, and you can obtain a copy via Odyssey.

I will begin working on the others. Let me know if you have any questions.

Thank you.

Stacey Ray

Court Recorder to

The Honorable Adriana Escobar

District Court, Department XIV

702-671-4422

rays@clarkcountycourts.us

From: Andrew Wasielewski <andrew@wazlaw.com>

Sent: Thursday, October 14, 2021 3:35 PM

To: Ray, Stacey <RayS@clarkcountycourts.us>

Subject: A-19-792836-C Transcript order form

Importance: High

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello Stacey,

Here is the request for Transcripts in the Medappeal Case, A-19-792836-C, forwarded from Margaret. Sincerely,

Andrew Wasielewski, Esq. The Wasielewski Law Firm, LTD. 8275 South Eastern Avenue, Suite 200-818 Las Vegas, NV 89123 (702) 490-8511

On 2021-10-14 13:19, Ray, Stacey wrote:

Please find the attached order form. Make sure you specify the turn-around time according to the fee schedule at the bottom of the form.

Thanks.

Stacey Ray

Court Recorder to

The Honorable Adriana Escobar

District Court, Department XIV

702-671-4422

rays@clarkcountycourts.us

### RECORDER'S BILLING INFORMATION

CASE #	A-19-792836							
CASE NAME:	Medappeal v Weinstein							
HEARING DATE:	June 25, 2020							
DEPARTMENT - RECORDER:	DISCOVERY - FRANCESCA HAAK, EXT. 4642							
ORDERED BY: FIRM: EMAIL:	Andrew Wasielewski, Esq. The Wasielewski Law Firm, LTD. 8275 South Eastern Avenue, Suite 200-818 Las Vegas, NV 89123 (702) 490-8511							
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# EIGHTH JUDICIAL DISTRICT COURT TRANSCRIPTION PURCHASE

26658

## RECEIPT OF PAYMENT

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CASE NUMBER: A 792	988	CASE NAME: Medappeal
HEARING DATE: $6/25$	/20 DEPA	MENT: Discovery

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TOTAL AMOUNT DUE	127.40

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Approade 155566 Res

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### DATE OF INVOICE: 11/15/21

### TRANSCRIBER'S BILLING INFORMATION

CASE #	A-19-792836-C
CASE NAME:	Medappeal, LLC v Weinstein et al.
HEARING DATE:	See below
DEPARTMENT #	District Court, Dept. XIV
COURT RECORDER:	Stacey Ray
PHONE #:	(702) 671-4422
ORDERED BY:	Andrew Wasielewski, Esq.
FIRM:	224,
EMAIL:	andrew@wazlaw.com
HEARING DATES:	
8/1/19	1 hour recording fee \$40/11 pages @\$3.80 = \$81.80
8/6/19	1 hour recording fee \$40/11 pages @\$3.80 = \$81.80
8/20/19	1 hour recording fee \$40/14 pages @\$3.80= \$93.20
12/12/19	1 hour recording fee \$40/12 pages @\$3.80= \$85.60
9/17/20	1 hour recording fee \$40/20 pages @\$3.80=\$116.00
11/10/20	1 hour recording fee \$40/13 pages @\$3.80= \$89.40
*12/17/20	2 hour recording fee \$80
8/19/21	1 hour recording fee \$40/4 pages @\$3.80= \$55.20
8/26/21	1 hour recording fee \$40/11 pages @\$3.80= \$81.80
8/31/21	1 hour recording fee \$40/7 pages @\$3.80= \$66.60
4/	TOTAL: \$831.40
*please see JD Reporting invoice for transcript fee	

PAYABLE TO	Make check payable to:
COUNTY:	Clark County Treasurer
	County Tax ID#: 88-600028
	Include case number on check
	Mailing Address:
	Regional Justice Center
	Fiscal Services
	Attn: Jennifer Garcia
	200 Lewis Ave.
	Las Vegas, NV 89155
	Billing Email/Phone Number:
	RJCCashiers@clarkcountycourts.us/702-671-4507
	TRANSCRIPTS WILL NOT BE FILED OR RELEASED
	UNTIL PAYMENT IS RECEIVED

### **Case Information**

A-19-792836-C | Medappeal LLC, Plaintiff(s) vs. David Weinstein, Defendant(s)

Case Number

Court

Judicial Officer

A-19-792836-C

Department 14

Escobar, Adriana

File Date

Case Type Intentional Misconduct

Case Status

04/12/2019 Ir

Closed

### **Party**

Third Party Defendant Liberty Consulting & Management Services LLC

Plaintiff

Medappeal LLC

Active Attorneys ▼

Lead Attorney Ball, Zachary T

Retained

Inactive Attorneys ▼

Attorney

Freedman, Jay

Retained

Defendant Weinstein, David

Address 125 E. Harmon Ave. Unit 322 Las Vegas NV 89109 Inactive Attorneys ▼ Lead Attorney Carbajal, Hector J., II

- . .

Retained

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11/11/2021 Amended ▼
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Amended - AMEN (CIV)

Comment

[228] Plaintiffs Amended Application for Examination of Judgment Debtor Margaret Reddy

11/19/2021 Opposition and Countermotion ▼

Opposition and Countermotion - OPPC (CIV)

Comment

[229] Defendants' Opposition to Plaintiff's Motion to Enforce Agreement to Amend Judgment and Countermotion for Attorney's Fees and Costs for Violation of the Stay and for Enforcing an Unauthorized Statement

12/01/2021 Recorders Transcript of Hearing ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment

[230] Recorder's Transcript of Hearing Re: Defendant's Motion to Dismiss for Lack of Personal Jurisdiction heard 8-1-19

12/01/2021 Recorders Transcript of Hearing ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment

[231] Recorder's Transcript of Hearing Re: Defendant David Weinstein and Medasset Corporation's Motion to Dismiss heard 8-6-19

12/01/2021 Recorders Transcript of Hearing ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment

[232] Recorder's Transcript of Hearing Re: Defendants Kevin Brown and Visionary Business Brokers, LLC Motion to Dismiss for Lack of Personal Jurisdiction heard 8-20-19

12/01/2021 Recorders Transcript of Hearing ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment

[233] Recorder's Transcript of Hearing Re: Request for Hearing on Motion for Partial Dismissal Filed by Defendants David Weinstein and Medasset Corporation heard 12-12-19

12/01/2021 Recorders Transcript of Hearing ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment [234] Recorder's Transcript of Hearing Re: Objection to Discovery Commissioner's Report heard 11-10-20 12/01/2021 Recorders Transcript of Hearing ▼ Recorders Transcript of Hearing - RTRAN (CIV) Comment [235] Transcript of Proceedings: Motion to Extend the Time to Oppose Plaintiffs' Motion to Dismiss or, In the Alternative, Motion for Summary Judgment heard on 12-17-20 12/01/2021 Recorders Transcript of Hearing ▼ Recorders Transcript of Hearing - RTRAN (CIV) Comment [236] Recorder's Transcript of Hearing Re: Calendar Call heard 8-19-12/01/2021 Recorders Transcript of Hearing ▼ Recorders Transcript of Hearing - RTRAN (CIV) Comment [237] Recorder's Transcript of Hearing Re: Defendants Motion for Stay of Execution of Judgment Pending Appeal heard 8-26-21 12/01/2021 Recorders Transcript of Hearing ▼ Recorders Transcript of Hearing - RTRAN (CIV) Comment [238] Recorder's Transcript of hearing: All Pending Motions heard 9-17-20 12/01/2021 Recorders Transcript of Hearing ▼ Recorders Transcript of Hearing - RTRAN (CIV) Comment [239] Recorder's Transcript of Hearing Re: Medappeal's Motion for Attorney Fees and Costs heard 8-31-21

12/03/2021 Opposition ▼

Opposition - OPPS (CIV)

Comment

[240] Plaintiff Medappeal LLC's Opposition to Defendants' Countermotion for Attorney's Fees

Judicial Officer Escobar, Adriana Hearing Time 3:00 AM Result Minute Order - No Hearing Held 12/22/2021 Motion for Examination of Judgment Debtor ▼ Judicial Officer Escobar, Adriana Hearing Time 3:00 AM Cancel Reason Vacated - per Order Comment Plaintiff's Application for Examination of Judgment Debtor Margaret Reddy 01/04/2022 Motion for Examination of Judgment Debtor ▼ Judicial Officer Escobar, Adriana Hearing Time 10:00 AM Cancel Reason Vacated Comment Plaintiff's Application for Examination of Judgment Debtor Mohan Thalmarla 01/05/2022 Minute Order ▼ Minutes - Minute Order Judicial Officer Escobar, Adriana **Hearing Time** 3:00 AM Result Minute Order - No Hearing Held 01/06/2022 Motion to Enforce ▼

Minute Order

Judicial Officer Escobar, Adriana