

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2 Margaret Reddy, Mohan Thalamarla,
3 Max Global, INC.

Supreme Court No. 83253

4 Appellants,

5 vs.

6 MEDAPPEAL, LLC, an Illinois
7 limited liability company

8 Respondent.

Electronically Filed
Jan 12 2022 11:23 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

9 **APPELLANTS MOTION TO EXTEND TIME TO FILE OPENING BRIEF**
10 **SECOND REQUEST**

11 Pursuant to NRAP 27 and NRAP 31(b) (3) and prior orders of this
12 Court, Appellants move for an extension of time to file their opening
13 brief as a consolidated appeal after their appeals are consolidated and
14 after the settlement conference process has reached a conclusion.
15

16 **I. STATEMENT OF THE ISSUE.**

17 Appellants request an extension of time to file their opening
18 brief after their two appeals have been consolidated and after the
19 settlement process has concluded. Currently, the opening brief is due
20 on January 12, 2022.

21 **II. FACTS.**

22 One request for an extension has already been granted by the
23 clerk, the orally requested 14-day extension. Originally the opening
24 brief was due to be filed on December 29, 2021. The first extension
25 allowed the opening brief to be filed on January 12, 2022. Appellants
26 request an additional 60 days in order to consolidate their two
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1 appeals, from cases numbered 83253 and 83763 and to continue with the
2 settlement process still underway in case 83763.

3 The new date of for the filing of the opening brief would be March
4 14, 2022, with the 60th day falling on a Sunday.

5 As Counsel stated in an earlier motion, Counsel for Appellants had
6 cancer surgery and was recovering. Since the beginning of October,
7 Counsel has had a very difficult period of three months with the
8 following occurring:
9

10 a) Counsel's associate became widowed after she lost her husband
11 in July. Her only relative, her minor son lived with her alone. In
12 the middle of October, she became partially paralyzed due to breast
13 cancer that metastasized and dissolved / partially dissolved 4 back
14 vertebrae. This led to emergency back surgery to repair her spine and
15 fuze many vertebrae together.

16 b) While in the hospital for her back and cancer surgery, the same
17 associate had to have emergency surgery a second time to repair her
18 perforated stomach. She is still wheel chair bound.
19

20 c) Counsel spent Thanksgiving and Christmas holidays out of state
21 with his family and his father-in-law who has advanced dementia.

22 d) On or about December 7, 2021, Counsel's son has been identified
23 by his school (he is 10 years old) for potentially having learning
24 disabilities. He had to take time out to attend numerous conferences
25 with the school and with his doctors.
26

27 e) On December 16, 2021, Counsel was robbed and the contents of
28 his storage unit were stolen during the day that the management

1 companies of the storage unit location changed from one company to
2 another; without notice to Counsel.

3 f) One of Counsel's client's, who he is trustee for, died in the
4 month of December. Additional issues arose to assist the family of the
5 client during this difficult time.

6 Appellants have made a prior request for an extension to file
7 their opening brief.

8 **DECLARATION OF ANDREW WASIELEWSKI IN SUPPORT OF MOTION FOR EXTENSION**
9 **TO FILE OPENING BRIEF, SECOND REQUEST**

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

12 1. I am over the age of 18 years and have personal knowledge of
13 the facts stated herein, except for those stated upon information and
14 belief, and as to those, I believe them to be true.

15 2. I am the Counsel for the Defendants Margaret Reddy, Mohan
16 Thalamarla and Max Global herein. I have been in the practice of law
17 since 1996 and I am competent to testify as to the facts stated
18 herein in a court of law and will so testify if called upon.

19 3. Between July and September of 2021, I developed an unusual
20 fast growth on my hip. During the month of September of 2021, I
21 developed pain in my hip and went into the hospital for an emergency
22 surgery on or about September 20, 2021. Due to other medical
23 complications, my surgery was postponed until October 7, 2021 in the
24 State of Florida.

25 4. While still very much in pain and feeling poorly, my
26 associate began to lose feeling in her legs. This occurred shortly
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1 after she became widowed, when her husband died in July of 2021. In
2 assisting her, while still recovering from my own surgery, it became
3 harder and harder for her to walk. She went to the hospital and had
4 emergency surgery herself to repair her broken back and remove some
5 of the stage 4 breast cancer than dissolved or partially dissolved 4
6 different vertebrae.

7 5. I spent the holidays, Thanksgiving, Christmas and New Years
8 out of the State of Nevada with family. I and my wife help to take
9 care of her father, who has severely advanced dementia.
10

11 6. On or about December 7, 2021, my son was identified has
12 having severe issues with math in school. Previously, having been
13 an exceptional student, he is now at risk of failing and required me
14 to go to his school and his doctors to help him with these problems.
15

16 7. In December of 2021, I had a client pass away, who I am the
17 trustee for. I assisted the family with all their new requirements
18 that needed to be attended to due to his passing. On December 16,
19 2021 I was the victim of a robbery at my storage unit on the day
20 that the management companies switched. All of these serious
21 issues, all occurring nearly about the same time have made settling
22 this case and consolidating these appeals difficult prior to now.

23 8. "I declare under penalty of perjury that the foregoing is
24 true and correct."
25

26 /s/ Andrew Wasielewski

27 ANDREW WASIELEWSKI, Esq.
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III. POINTS AND AUTHORITIES

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

NRAP 31 states in pertinent part:

"A motion for extension of time for filing a brief may be made no later than the due date for the brief and must comply with the provisions of this Rule and Rule 27.

(A) Contents of Motion. A motion for extension of time for filing a brief shall include the following:

(i) The date when the brief is due;

(ii) The number of extensions of time previously granted (including a 5-day telephonic extension), and if extensions were granted, the original date when the brief was due;

(iii) Whether any previous requests for extensions of time have been denied or denied in part;

(iv) The reasons or grounds why an extension is necessary; and

(v) The length of the extension requested and the date on which the brief would become due"

The Opening brief was originally due on December 29, 2021. One extension was granted to file the Opening brief but the undersigned made one request for an extension to file the transcript request.

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

An extension is necessary for the following reasons:

a) Appellants would like to exhaust every possible opportunity to settle this case. In the event that the cases are consolidated, Appellants need about 60 days to ensure all schedules are coordinated to brief the settlement conference and conduct it.

1 b) Appellants have a reasonable belief that the appeals may be
2 settled and thus should be given a chance to settle the
3 entirety of their appellate issues.

4 c) Appellants allege that for all these reasons, the requested for
5 extension of time is appropriate and warranted.

6 d) To further complicate matters, Appellants' Counsel has been out
7 of Nevada undergoing medical testing and surgery in Florida,
8 had an associate with severe medical issues, has had a client
9 die and has other significant family and work-related issues in
10 the last 3 months.
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12 The new date of the opening brief and appendix would be March 14,
13 2022, if Appellants' current motion is granted.

14 **IV. CONCLUSION**

15 Therefore, as Counsel has shown good cause for why this extension
16 is requested and the request is in compliance with NRAP 31, Appellants
17 request approval of their motion.
18

19 Dated this 12th day of January, 2022

20 Attorney for Appellants

21 THE WASIELEWSKI LAW FIRM, LTD.

22 /s/ Andrew Pastwick, #9146

23 By: _____
24 for ANDREW WASIELEWSKI, ESQ.
25 Nevada Bar #6161
26 8275 S. Eastern Ave #200-818
27 Las Vegas, NV 89123
28 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