

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
Feb 11 2022 11:48 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

11 Pursuant to NRAP 27 and NRAP 31(b) (3) and prior orders of this
12 Court, Appellants advise this Court of updated event schedule in the
13 other appeal involving these litigants and move for an extension of
14 time of 1 judicial day to file their opening brief.
15

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

17 Appellants advise this Court of events since this Court's ruling
18 of January 28, 2022 and request an extension of time of 1 judicial day
19 to file their opening brief due to illness and equipment problems.
20 Currently, the opening brief is due on February 11, 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 requested an additional 60 days in order to consolidate their two
27 appeals, from cases numbered 83253 and 83763 and to continue with the
28

1 settlement process still underway in case 83763. This request was
2 denied on January 28, 2022.

3 Since that order, the schedule for the settlement conference has
4 changed, at the request of the Settlement Judge and not by Appellants.
5 The parties and the Judge have agreed to hold the Settlement Conference
6 on February 18, 2022 at 9:00 am. This request for a very short
7 extension of time does not modify the schedule in the 83763 appeal in
8 any way.
9

10 The new date of for the filing of the opening brief would be
11 February 14, 2022, with the day falling on a Saturday.

12 As Counsel stated in an earlier motion, Counsel for Appellants had
13 very ill health and other obstacles and was recovering. Since the
14 ruling of January 28, 2022, Counsel has been working diligently to file
15 the opening brief on or before February 11, 2022.

16 a) Counsel has hired one associate and has been attempting to hire
17 more staff. Counsel has been unable to hire additional staff.
18

19 b) For the last two weeks, Counsel has been very ill with an
20 unknown illness. Counsel tried to get to see a physician for a
21 thorough check up, but was unable to secure an appointment until
22 February 16, 2022.

23 c) The opening brief is 95% complete. Counsel is having problems
24 with supporting equipment including the printer and certain software
25 necessary to process the appendix. Counsel needs an additional day to
26 put the appendix together, by hand, if necessary.
27
28

1 Appellants have made 2 prior requests for an extension to file
2 their opening brief. One was granted for 14 days, one was denied for
3 60 days, which would have been that long only to accommodate a
4 settlement conference and consolidation of both appeals.

5 **DECLARATION OF ANDREW WASIELEWSKI IN SUPPORT OF MOTION FOR EXTENSION**
6 **TO FILE OPENING BRIEF, THIRD REQUEST**

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

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

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

16 3. Since the order denying my request, I have been experiencing
17 lingering health issues, however I have been working diligently to
18 complete the opening brief.

19 4. The opening brief is nearly complete, but for the insertion
20 of the cites to the appendix. The appendix is late due to problems
21 I am having with support equipment and software. I require one
22 additional day to resolve these and submit the brief and appendix.

23 5. The settlement conference date has been changed to February
24 18, 2022 at the request of the settlement conference judge. This
25 small request for a 1 day delay does not impact the settlement
26 conference. Further, as the delay is over a weekend, I do not
27
28

1 believe this continuance would prejudice any party preparing for the
2 settlement conference in the other appeal.

3 6. Even if this opening brief were related to the issues in the
4 February 18, 2022 settlement conference, I do not believe that this
5 delay of 1 judicial delay would be a material impact at all.

6 7. The January 28, 2022 Order required me to comply with
7 requirement to file the Request for Transcript with this Court. I
8 complied with that Order in a timely manner.

9 8. "I declare under penalty of perjury that the foregoing is
10 true and correct."
11

12 /s/ Andrew Wasielewski

13
14 ANDREW WASIELEWSKI, Esq.

15 **III. POINTS AND AUTHORITIES**

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

18 NRAP 31 states in pertinent part:

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

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

26 (i) The date when the brief is due;

27 (ii) The number of extensions of time
28 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

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

3 The Opening brief was originally due on December 29, 2021. One
4 extension was granted to file the Opening brief. One request was made
5 for an extension of time to file the transcript request. That request
6 was granted and the Request for Transcript was filed timely per that
7 order.

8 A second request for a 60 day extension in this case to file the
9 opening brief has been opposed and denied.

10 An extension is necessary for the following reasons:

11 a) Appellants would like one additional day to finish the appendix
12 in a proper manner.

13 b) Appellants' opening brief is complete, but for the citations to
14 the appendix. Counsel's equipment broke during the preparation
15 of the appendix. Counsel is prepared to put the appendix
16 together, by hand if necessary, but needs one more judicial day
17 to do so.

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

20 The new date of the opening brief and appendix would be February
21 14, 2022, if Appellants' current motion is granted. The settlement
22 conference in appeal 83763 will occur on February 18, 2022.

23 **IV. CONCLUSION**

24 Therefore, as Counsel has shown good cause for why this extension
25 is requested and the request is in compliance with NRAP 31, Appellants
26

request approval of their motion.

Dated this 11th day of February, 2022

Attorney for Appellants

THE WASIELEWSKI LAW FIRM, LTD.

/s/ Andrew Pastwick, #9146

By: _____
for ANDREW WASIELEWSKI, ESQ.
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 February 11, 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