

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Nov 19 2021 03:27 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

EDGEWORTH FAMILY TRUST;
AMERICAN GRATING, LLC,

Appellants,

v.

DANIEL S. SIMON, AND THE
LAW OFFICE OF DANIEL S.
SIMON, A PROFESSIONAL
CORPORATION,

Respondents.

Supreme Court Case No. 83260

District Court Case Nos.
A-16-738444-C and
A-18-767242-C

**MOTION TO EXTEND
DEADLINE TO FILE OPENING
BRIEF**

Pursuant to NRAP 31(b)(3), Appellants respectfully move for an order extending the time to file the opening brief in Case No. 83260 for sixty days or until the time set for filing the opening brief in Case No. 83258, for which briefing is currently suspended. The opening brief in 83260 is currently due on November 23, 2021. No prior extensions have been requested. A sixty-day extension would result in a new deadline of January 22, 2022.

This request is an effort to conserve judicial resources because this case, No. 83260, is identical to case No. 83258, as we pointed out in the motion to consolidate these cases on August 2, 2021, which has not been acted on by the Court. Consolidation would bring these identical cases together for appeal and benefit the Court and the parties by enabling the

filing of one set of briefs rather than two sets of briefs. Two appeals were docked because two cases were consolidated in the district court without a lead case designation and the same district court orders disposing of the issues on appeal was filed in both cases. Appellants thus filed a Notice of Appeal in each of the two underlying cases out of an abundance of caution. Two appeals remain pending because the motion to consolidate has not been decided.

Briefing in Case No. 83258 was suspended pending resolution of a jurisdictional issue raised by the Court. That same jurisdictional issue was not raised in this identical case (No. 83260) and for this reason, briefing was not suspended in Case No. 83260. In the interest of judicial economy and to preserve litigation resources, Appellants ask that the deadline to file the opening brief in this case, 83260, be extended for 60 days or suspended pending disposition of the motion to consolidate and reinstatement of a briefing schedule in the identical case (No. 83258).

Granting the requested extension would not prejudice any party.

	<p>MORRIS LAW GROUP</p> <p>By: <u>/s/STEVE MORRIS</u></p> <p>Steve Morris, Bar No. 1543 Rosa Solis-Rainey, No. 7921 801 S. Rancho Drive, Ste B4 Las Vegas, Nevada 89106</p> <p><i>Attorneys for Appellants Edgeworth Family Trust; American Grating, LLC</i></p>
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CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. P. 25 and NEFR 9(f), I certify that I am an employee of Morris Law Group; that on this date I electronically filed the foregoing **MOTION TO EXTEND DEADLINE TO FILE OPENING BRIEF** with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (Eflex). Participants in the case who are registered with Eflex as users will be served by the Eflex system as follows:

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Dated this 19th day of November, 2021.

/s/ GABRIELA MERCADO