

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT ELLIS LINCICOME, JR. and
VICENTA LINCICOME,

Appellant,

vs.

SABLES, LLC, A NEVADA LIMITED
LIABILITY COMPANY, AS TRUSTEE
OF THE DEED OF TRUST GIVEN BY
VICENTA LINCICOME AND DATED
5/23/2007; FAY SERVICING, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY AND SUBSIDIARY OF FAY
FINANCIAL, LLC; PROF-2013-M4
LEGAL TITLE TRUST BY U.S. BANK,
N.A., AS LEGAL TITLE TRUSTEE;
BANK OF AMERICA, N.A.;
BRECKENRIDGE PROPERTY FUND
2016, LLC, A UTAH LIMITED
LIABILITY COMPANY; NEWREZ, LLC,
D/B/A SHELLPOINT MORTGAGE
SERVICING, LLC; 1900 CAPITAL
TRUST II, BY U.S. BANK NATIONAL
ASSOCIATION; AND MCM-2018-NPL2,

Respondents.

Supreme Court No. 83261
District Court No. 18-CV-01332

Electronically Filed
Mar 15 2022 05:09 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPEAL

From the Third Judicial District Court, Department II
The Honorable Leon Aberasturi, District Judge
District Court Case No. 18-CV-01332

**MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF
(FIRST MOTION)**

ARIEL E. STERN, ESQ.
Nevada Bar No. 876
MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
PAIGE MAGASTER, ESQ.
Nevada Bar No. 15557
AKERMAN, LLP
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134
Telephone: (702) 634-5000

Attorneys for Respondent Bank of America, N.A.

Bank of America, N.A. (**BANA**) respectfully submits this motion, pursuant to NRAP 31(b)(3), requesting this court grant BANA's first motion to extend the time to file its answering brief. BANA requests an extension up to and including April 18, 2022.

Pursuant to NRAP 31(b)(3)(A), BANA submits the following information:

- i. The answering brief is currently due on March 18, 2022;
- ii. BANA received one previous telephonic extension extending the original due date of the answering brief from March 4, 2022.
- iii. No requests for extension of time have been denied.
- iv. Good cause exists to extend the time to file the answering brief. this appeal involves numerous, complex issues that stem from various claims, counterclaims, and crossclaims. *See* Docketing Statement at Section 9; Order to File Amended Docketing Statement. Further, the undersigned counsel has recently been inundated with HOA quiet title actions asserting, among other things, NRS 106.240 claims and, in many cases, seeking temporary restraining orders and/or preliminary injunctions on an emergency basis. Accordingly, counsel requests additional time to complete the answering brief. This request for additional extension is made in good faith and not for the purpose of delay; the additional time is necessary to finalize the answering brief.

v. The undersigned communicated with counsel for the appellants and does not anticipate appellants will object to the requested extension.

vi. BANA requests a thirty (30) day extension up to and including April 18, 2022, to file its answering brief.

Dated: March 15, 2022.

AKERMAN LLP

/s/ Paige Magaster

ARIEL E. STERN, ESQ.

Nevada Bar No. 876

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

PAIGE MAGASTER, ESQ.

Nevada Bar No. 15557

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

Attorneys for Respondent Bank of America, N.A.

CERTIFICATE OF SERVICE

I certify that I electronically filed on the 15th day of March, 2022, the foregoing **MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF (FIRST REQUEST)**, with the Clerk of the Court for the Nevada Supreme Court by using the CM/ECF system. I further certify that all parties of record to this appeal either are registered with the CM/ECF or have consented to electronic service.

☐ By placing a true copy enclosed in sealed envelope(s) addressed as follows:

☒ (By Electronic Service) Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF systems sends an e-mail notification of the filing to the parties and counsel of record listed above who are registered with the Court's CM/ECF system.

☒ (Nevada) I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

/s/ Patricia Larsen
An employee of AKERMAN LLP