

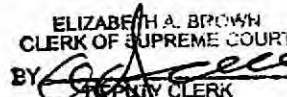
IN THE SUPREME COURT OF THE STATE OF NEVADA

ADAM ANTHONY BERNARD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83323

FILE

DEC 13 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER

The parties have filed a stipulation for a second extension of time to file the opening brief. Once a party receives a telephonic extension of time to perform an act, further extensions of time to perform that same act are barred unless the moving party files a motion for an extension of time demonstrating extraordinary and compelling circumstances in support of the requested extension. NRAP 26(b)(1)(B). Appellant previously received a telephonic extension of time to file the opening brief; accordingly, the current stipulation is improper. Nevertheless, in this instance only, the stipulation is approved. Appellant shall have until February 28, 2022, to file and serve the opening brief and appendix. No further extensions of time shall be permitted absent demonstration of extraordinary and compelling circumstances. *Id.* Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the opening brief and appendix may result in the imposition of sanctions.

It is so ORDERED.

 C.J.

cc: Pence & Associates
Attorney General/Carson City
Douglas County District Attorney/Minden