

IN THE SUPREME COURT OF NEVADA

FIRST STREET FOR BOOMERS &
BEYOND, INC.; AITHR DEALER, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT, IN AND FOR THE COUNTY
OF CLARK, STATE OF NEVADA, AND
THE HONORABLE CRYSTAL ELLER,
DISTRICT JUDGE,

Respondents,

And

ROBERT ANSARA, as Special
Administrator of the Estate of SHERRY
LYNN CUNNISON, Deceased; ROBERT
ANSARA, as Special Administrator of
the Estate of MICHAEL SMITH,
Deceased heir to the Estate of SHERRY
LYNN CUNNISON, Deceased; and
DEBORAH TAMANTINI individually,
and heir to the Estate of SHERRY LYNN
CUNNISON, Deceased, HALE
BENTON, Individually, HOMECLICK,
LLC; JACUZZI INC., doing business as
JACUZZI LUXURY BATH; BESTWAY
BUILDING & REMODELING, INC.;
WILLIAM BUDD, Individually and as
BUDDS PLUMBING; DOES 1 through

Electronically Filed
May 26 2022 06:12 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 83379

20; ROE CORPORATIONS 1 through 20;
DOE EMPLOYEES 1 through 20; DOE
MANUFACTURERS 1 through 20; DOE
20 INSTALLERS I through 20; DOE
CONTRACTORS 1 through 20; and DOE
21 SUBCONTRACTORS 1 through 20,
inclusive,

Real Party in Interest.

APPEAL

from the Eighth Judicial District Court, Clark County
The Honorable RICHARD SCOTTI, District Judge
District Court Case No. A-16-731244-C

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR EN BANC
RECONSIDERATION**
(First Written Request)

Benjamin P. Cloward, Esq. (SBN 11087)
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*Attorneys for Real Parties in Interest ROBERT ANSARA, as Special
Administrator of the Estate of SHERRY LYNN CUNNISON, Deceased;
ROBERT ANSARA, as Special Administrator of the Estate of
MICHAEL SMITH, Deceased heir to the Estate of SHERRY LYNN
CUNNISON, Deceased; and DEBORAH TAMANTINI individually, and
heir to the Estate of SHERRY LYNN CUNNISON, Deceased*

Real Parties in Interest, by and through their counsel of record, Richard Harris Law Firm, hereby move this Court pursuant to NRAP 31(b) for a 30-day extension of time to file the Real Parties in Interest's petition for en banc reconsideration.

The Real Parties in Interest's petition for en banc reconsideration was originally due on May 19, 2022. This Court granted a 14-day telephonic extension on May 11, 2022, making the petition due on June 2, 2022. If this Court grants this request for a 30-day extension, the petition will be due on July 2, 2022.

Good cause exists for allowing the Real Parties in Interest to extend the filing deadline until July 2, 2022:

1. Benjamin P. Cloward, Esq., lead counsel in this matter, has been tied up with a number of cases in addition to his normal caseload. These cases have had him out of the office in depositions and court hearings, as well as with their own impending deadlines. Mr. Cloward has or has had the following matters scheduled between the date of the filing of this motion and the petition's current deadline: *Valencia v. Kappa Sigma Fraternity, et al.* (D. Ct. Case No. A-22-848291-C), dispositive motion hearings in a large

wrongful death on May 24, 2022; *Ansara v. Desert Palace, Inc.*, dispositive motion hearing on May 25, 2022; *Valencia v. Kappa Sigma Fraternity, et al.* (D. Ct. Case No. A-22-848291-C) and *Martin v. 7-Eleven, Inc., et al.* (D. Ct. Case No. A-22-850564-B), two early case conferences on wrongful death cases on May 26, 2022; *Mendoza v. Palm Deluxe Group, et al.* (D. Ct. Case No. A-20-809943-C), two expert depositions on May 26-27, 2022 and an NRCP 30(b)(6) deposition on May 31, 2022; and *Smith v. Jacuzzi et al.*, (California D. Ct. Case No. CIVDS1821780), extensive motion work in a large punitive damages case.

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A 30-day extension will allow time to coordinate with to prepare the petition for en banc reconsideration. Therefore, Real Parties in Interest request a 30-day extension of time to July 2, 2022, to file their petition for en banc reconsideration. This motion is submitted in good faith and for good cause shown under NRAP 31(b).

DATED: May 26, 2022.

RICHARD HARRIS LAW FIRM LLP

By: /s/ Benjamin P. Cloward

Benjamin P. Cloward, Esq. (SBN 11087)

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CUNNISON, Deceased*

CERTIFICATE OF SERVICE

I certify that on May 26, 2022, I submitted the foregoing Motion for Extension of Time to File Petition for En Banc Reconsideration for filing via the Court's eFlex electronic filing system. Electronic notification will be sent to the following:

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Attorneys for Real Party in Interest, Robert Ansara

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

The Honorable Crystal Eller
District court judge – Dept. 19
200 Lewis Avenue, Las Vegas, Nevada 89155
Respondent

NOTE – DEFENDANTS HOMECCLICK, LLC; BESTWAY BUILDING & REMODELING, INC.; WILLIAM BUDD, Individually and as BUDDS PLUMBING, have previously been dismissed from this lawsuit, but the caption has not been amended/revised to reflect this. Therefore, there has been no service on these parties.

/s/ Catherine Barnhill
An Employee of Richard Harris Law Firm