

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS A. PICKENS,
INDIVIDUALLY AND AS TRUSTEE
OF THE LV BLUE TRUST,

Appellant,

vs.

DR. DANKA K. MICHAELS,
INDIVIDUALLY AND AS TRUSTEE
OF THE MICH-MICH TRUST,

Respondent.

Electronically Filed
Jan 18 2022 04:02 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

S.C. DOCKET NO.: 83491
D.C. Case No. D-17-560737-D

**EMERGENCY MOTION FOR EXTENSION OF TIME FOR
APPELLANT TO FILE OPENING BRIEF AND APPENDIX
(SECOND REQUEST)**

Appellant, Thomas A. Pickens, Individually and as Trustee of the LV Blue Trust requests an extension of 21 days, through January 26, 2022, to file his opening brief and appendix as directed by this Court. NRAP 26(b)(1)(A). The opening brief and appendix are currently due on January 26, 2022, based upon Appellant's First Motion for Extension of Time filed on January 4, 2021 which was granted by this Court on January 5, 2022. The original deadline of December 22, 2021 was continued by grant of a telephonic extension. NRAP 26(b)(1)(B). No extensions to Appellant have been denied or denied in part.


The current circumstances necessitate additional time. *See* NRAP 26(b)(1)(B) (a telephonic extension precludes the further extensions absent "extraordinary and

compelling circumstances”). The Court also noted that any additional extension will only be grant only on showing of extraordinary and compelling circumstances. The undersigned counsel tested positive for Covid as of January 12, 2022, and has no idea how long he will be out of the office. See Test Results, attached as Exhibit “1.” This has severely delayed the finalization of the brief and Appellant’s appendix.

The forgoing reasons constitute extraordinary and compelling circumstances warranting the granting of 21 additional days until February 16, 2022. This request is not intended to delay the outcome of this appeal.

Dated this 18th day of January, 2022

JONES & LOBELLO

 Nevada State Bar #12964

JOHN D. JONES, ESQ.

Nevada Bar No. 006699

9950 W. Flamingo Road, #100

Las Vegas, Nevada 89147

702-318-5060

Attorneys for Appellant

PROOF OF SERVICE

I, Rebecca Armington, declare:

I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed at Jones & LoBello, 9950 W. Flamingo Road, #100, Las Vegas, Nevada 89147. I am readily familiar with Jones & LoBello's practice for collection and processing of documents for delivery by way of the service indicated below.

On January 18, 2022, I served the following document:

**EMERGENCY MOTION FOR EXTENSION OF TIME FOR
APPELLANT TO FILE OPENING BRIEF AND APPENDIX
(SECOND REQUEST)**

On the interested party(ies) in this action as follows:

ATTORNEYS FOR RESPONDENT

Jennifer V. Abrams, Esq.
Nevada Bar No. 7575
The Abrams & Mayo Law Firm
6252 South Rainbow Blvd., #100
Las Vegas, NV 89118
702-222-4021

and

Shawn M. Goldstein, Esq.
Nevada Bar No. 9814
GOLDSTEIN FLAXMAN, PLLC
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145
702-919-1919

By Mail. By placing said document in an envelope or package for collection and mailing, addressed to the person(s) at the address(es) listed above, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same date that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed on January 18, 2022, at Las Vegas, Nevada.

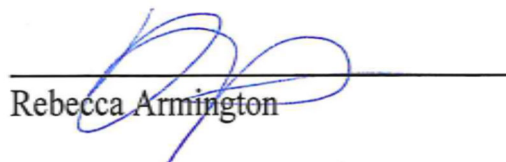
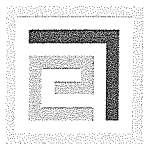

Rebecca Armington

Exhibit 1



COVID-19 MOLECULAR PATHOLOGY REPORT

PATIENT:

Name John Jones

Phone [REDACTED]

Address 9950 W Famingo Road Suite 100 Las Vegas NV 89147

DOB [REDACTED]

Gender Male

Age 53

SPECIMEN:

Order Number 325040 1

Collected Date 01/12/2022

Collection Time 8:37 AM PST

Reported Date 01/12/2022

Reported Time 9:26 AM PST

PROVIDER:

JONATHAN BAKTAR MD

2051 NORTH RAINBOW BLVD

SUITE 100

LAS VEGAS NEVADA 89108

Phone (702) 800 2723

Jonathan Baktari, MD

PATIENT RESULT: Positive

SPECIMEN:

SARS CoV-2 RT-PCR, Nasopharyngeal swab

ASSAY: ACCULA SARS-CoV-2 (COVID-19) RT-PCR

LABORATORY REFERENCE RANGE: Negative



ACCULA COVID 19 test has not been FDA cleared or approved; it has been authorized by the FDA under an Emergency Use Authorization (EUA) for use by authorized laboratories. This test has been authorized only for the detection of nucleic acid from SARS CoV 2, not for any other viruses or pathogens. The ACCULA COVID 19 test is only authorized for the duration of the declaration that circumstances exist justifying the authorization of emergency use of unapproved diagnostic devices for detection and/or diagnosis of COVID 19 under Section 564(b)(1) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb 3(b)(1), unless the authorization is terminated or revoked sooner.

Same-Day COVID-19 PCR Testing

This test will determine if you are currently infected with SARS-CoV-2, the virus that causes COVID-19. The CDC recommends you discuss your test results with your primary care provider and employer if you are using this test to discuss whether to return to work. This test has not been cleared or approved by the Food and Drug Administration but has been authorized by the FDA under an Emergency Use Authorization.

What does it mean if you have a positive result?

If you have a positive test result, you are currently infected with SARS-CoV-2, the virus that causes COVID-19, and can spread it to other individuals. If your test is **positive** but **had no symptoms**, you can be around others after 10 days have passed since you have tested as long as you continue to remain symptom-free. Until then stay home and self-isolate, separate yourself from other household members and pets making sure to not share household items like cups, utensils or towels. Do not go to public places or use public transport until the 10 days have passed. If your test is **positive** and **you are experiencing symptoms**:

1. **Stay home and self-isolate- DO NOT** leave your home, except to get medical care. If there are other people in your household who do not have COVID-19, please try to separate yourself from them in a different room or area of your household, and wear a face covering if you must be around other people (see [CDC isolation instructions](#)). Do not share household items like utensils or towels. Do not go to public places or use public transportation including taxis or ride sharing.
2. **Monitor your symptoms-** most people with COVID-19 have mild symptoms like fever, coughing, muscle aches, fatigue, headaches and sore throat *and do not require medical attention. If you develop worsening of symptoms, trouble breathing, bluish lips, persistent pain or pressure in the chest, onset of new confusion* or any other symptoms that are severe or concerning seek immediate medical care.
*This is not a complete list of all possible symptoms.
3. **When can I safely be around others?**
You may be around others **IF** it has been at least 10 days since symptoms appeared **AND** you have been without a fever for at least 24 hours not using fever reducing medication **AND** symptoms have improved.

What does it mean if you have a negative result?

A negative test result indicates that at the time of testing, SARS-CoV-2, the virus that causes COVID-19, was not detected in your sample. A negative result may occur if you are tested early in your illness. If your test is **negative** and you **had no symptoms** and you **had no potential exposures** to COVID-19, you should still monitor yourself for symptoms and still employ proper precautions to prevent the spread of COVID-19, such as wearing a facial covering, maintaining social distancing, and washing your hands frequently. If your test is **negative** and you **had a potential exposure** to COVID-19, you should stay home for 14 days after your last exposure to that person. If your test is **negative** and **you are experiencing symptoms**:

1. **Stay home and self-isolate- DO NOT** leave your home, except to get medical care. If there are other people in your household who do not have COVID-19, please try to separate yourself from them in a different room or area of your household, and wear a face covering if you must be around other people (see [CDC isolation instructions](#)). Do not share household items like utensils or towels. Do not go to public places, use public transportation including taxis or ride sharing.
2. **Monitor your symptoms-** most people with COVID-19 have mild symptoms like fever, coughing, muscle aches, fatigue, headaches and sore throat *and do not require medical attention. If you develop worsening of symptoms, trouble breathing, bluish lips, persistent pain or pressure in the chest, onset of new confusion* or any other symptoms that are severe or concerning seek immediate medical care.
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