

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMY COLLEEN LUCIANO
N/K/A AMY HANLEY,

Appellant,

v.

FRANK LUCIANO,

Respondent.

Electronically Filed
Mar 29 2022 02:33 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No.: 83522

District Court No.: D598320

**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF
AND APPENDIX**

COMES NOW, Respondent, Frank Luciano, by and through his attorneys', Emily McFarling, Esq. of McFarling Law Group and Julio Vigoreaux, Esq. of The Law Offices of Julio Vigoreaux, Jr. and hereby requests an Order extending the time to file Respondent's Response Brief. This Motion is based upon the Memorandum of Points and Authorities, Declaration of Emily McFarling, Esq., and all other papers and pleadings on file herein.

DATED this 29th day of March, 2022.

MCFARLING LAW GROUP

/s/ Emily McFarling, Esq.

Emily McFarling, Esq.
Nevada Bar Number 8567
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
*Attorney for Respondent,
Frank Luciano*

**LAW OFFICES OF JULIO
VIGOREAUX Jr.**

/s/ Julio Vigoreaux, Esq.

Julio Vigoreaux, Jr, Esq.
Nevada Bar Number 15347
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
*Attorney for Respondent,
Frank Luciano*

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to NRAP 26(b), for good cause, the court may extend time to perform any act prescribed in the Nevada Rules of Appellate Procedure. On or before the due date sought to be extended, a party may request by telephone a single 14-day extensions of time, and if good cause is shown, the clerk may grant such request by telephone. However, for any further extensions of time to perform, the party must file a written motion for an extension of time demonstrating extraordinary and compelling circumstances why a further extension of time is necessary.

Motions for extensions of time are governed by Rule 31(b). Subsection (3) of said Rule states that the motion shall include the following:

- (i) The date when the brief is due;
- (ii) The number of extensions of time previously granted (including a 14-day telephonic extension), and if extensions were granted, the original date when the brief was due;
- (iii) Whether any previous requests for extensions of time have been denied or denied in part;
- (iv) The reasons or grounds why an extension is necessary (including demonstrating extraordinary and compelling circumstances under Rule 26(b)(1)(B), if required); and
- (v) The length of the extension requested and the date on which the brief would become due.

Per the Court's order, the Answering Brief and Appendix was due February 23, 2022, but not filed until February 28, 2022. Respondent requested a telephonic

extension and it was granted by the Clerk. The original brief and appendix due date was February 15, 2022. No requests have been denied thus far.

Respondent needed an extension to file the brief and appendix because his attorney Julio Vigoreaux, Esq. had a death in the family just prior to the brief due date. Attorney Vigoreaux's son died unexpectedly. This caused him to miss the deadline to file his answering brief. Respondent believes these reasons demonstrate an extraordinary and/or compelling circumstance.

As such, Respondent retroactively and respectfully requests a 5-day extension to the file the Answering Brief and Appendix—specifically the brief and appendix was due on February 23, 2022 and filed on February 28, 2022.

DATED this 29th day of March, 2022.

MCFARLING LAW GROUP

/s/ Emily McFarling, Esq.

Emily McFarling, Esq.

Nevada Bar Number 8567

6230 W. Desert Inn Road

Las Vegas, NV 89146

(702) 565-4335

Attorney for Respondent,

Emily McFarling

DECLARATION EMILY MCFARLING, ESQ.

I, Emily McFarling, Esq., declare under penalty of perjury under the laws of the State of Nevada that the following is true and correct:

1. I represent the Respondent in the above-entitled case.
2. I have read the attached motion and know the contents thereof; the same is true of my own knowledge, except for those matters stated upon information and belief and, as to those matters, I believe them to be true.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 USC § 1746), that the foregoing is true and correct.

DATED this 29th day of March, 2022.

MCFARLING LAW GROUP

/s/ Emily McFarling

Emily McFarling, Esq.
Nevada Bar Number 8567
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
Attorney for Respondent
Frank Luciano

CERTIFICATE OF SERVICE

I, an employee of McFarling Law Group, hereby certify that on the 29th day of March, 2022, I served a true and correct copy of Respondent's Motion for Extension of Time to File Brief and Appendix as follows:

☐ by United States mail in Las Vegas, Nevada, with First-Class postage prepaid and addressed as follows:

☒ via the Supreme Court's electronic filing and service system (eFlex):

Charles R. Zeh, Esq.
pete@crzehlaw.com

/s/ Alex Aguilar
Alex Aguilar