

IN THE SUPREME COURT OF THE STATE OF NEVADA

SPANISH HEIGHTS ACQUISITION
COMPANY, LLC; SJC VENTURES
HOLDING COMPANY, LLC, d/b/a SJC
VENTURES, LLC,

Petitioners,

v.

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

Respondents,

CBC PARTNERS I, LLC; CBC
PARTNERS, LLC; 5148 SPANISH
HEIGHTS, LLC; KENNETH ANTOS
AND SHEILA NEUMANN-ANTOS;
DACIA, LLC,

Real Parties In Interest.

Electronically Filed
Sep 28 2021 04:58 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 83526
District Court Case No. A-20-813439-B

**MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO EMERGENCY MOTION TO STAY UNDER NRAP 27(e)
FOR STAY OF ORDER ON INJUNCTIVE RELIEF RELATED TO
FORECLOSURE OF THE PROPERTY AT ISSUE
AND ORDER APPOINTING RECEIVER OVER SJC VENTURES
HOLDING COMPANY, LLC**

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CBC Partners I, LLC; 5148 Spanish Heights, LLC; Kenneth Antos; and Sheila Neumann-Antos, Real Parties in Interest, pursuant to NRAP 31(b)(3), by and through its attorneys of record, the law firm Mushkin & Coppedge, hereby requests 14 days, through October 12, 2021, to file their Response to the Emergency Motion to Stay Under NRAP 27(e) For Stay of Order on Injunctive Relief Related to Foreclosure of the Property at Issue and Order Appointing Receiver Over SJC Ventures Holding Company, LLC (the “Response”). This is the first written request by the Real Parties for an extension of time. The Response is currently due on September 28, 2021. No written extensions have been denied or denied in part. In support of this request, the Real Parties advise this Court of the following:

1. Counsel for the Real Parties requested a telephonic extension on September 22, 2021.¹

2. Initially, Mr. Coppedge spoke to a clerk named Dana and was advised that the Real Parties did not need to file an opposition to the Motion for Stay in Case No. 83407 because it had been rejected in that case.

3. Mr. Coppedge was then referred to a gentleman in the Clerk’s office regarding the telephonic request for an extension.

¹ These facts are supported by the Declaration of L. Joe Coppedge in Support of Motion for an Extension of Time filed herewith.

4. Mr. Coppedge was advised by the gentleman clerk that the telephonic extension was granted, and was provided October 12, 2021 as the new due date for the Response to the Motion for Stay in Case No. 83526.

5. Mr. Coppedge was further advised that there would be some notation on the Court's docket memorializing the new due date.

6. In reliance upon the granting of the telephonic extension, the paralegal primarily responsible, for this matter for the Real Parties, took three (3) pre-planned vacation days away from the office from September 23 through September 27, 2021.

7. When she returned to the office on September 28, 2021, she reviewed the Supreme Court docket in Case No. 83526 and noted no telephonic extension was reflected on the Court's docket.

8. Mr. Coppedge then called the Clerk's office again, on the afternoon of September 28, 2021, to verify the Real Parties' request for a telephonic extension to file the Response to the Motion for Stay and to confirm the October 12, 2021 due date that was previously provided.

9. Mr. Coppedge initially spoke to a female clerk, who referred him to the same gentleman clerk he spoke to on September 22, 2021.

10. During this second conversation, Mr. Coppedge learned the gentleman clerk's name is Andrew.

11. After Andrew acknowledged the previous discussion regarding the granting of a telephonic extension, he stated he needed to speak to a supervisor because the relief in the Motion for Stay was requested by October 4, 2021.

12. After the call to Andrew dropped, Andrew called Mr. Coppedge back after speaking with a supervisor.

13. Andrew apologized for the mistake, but advised Mr. Coppedge that after speaking to a supervisor, the request for an extension of time to file the Response to the Motion for Stay would have to be by written motion.

Respondent respectfully submits that Appellants will suffer no prejudice as a result of this requested extension. Therefore, because counsel for the Real Parties reasonably believed that a telephonic extension had been granted, there is good cause to grant this written request for an extension of time to file Real Parties in Interest's Response to the Motion for Stay. The undersigned respectfully requests that the Court allow 14 additional days, through October 12, 2021, to prepare, file and serve the Response.

DATED this 28th day of September, 2021.

MUSHKIN & COPPEDGE

/s/Michael R. Mushkin

MICHAEL R. MUSHKIN, ESQ.

Nevada Bar No. 2421

L. JOE COPPEDGE, ESQ.

Nevada State Bar No. 4954

6070 S. Eastern Avenue, Suite 270

Las Vegas, Nevada 89119

**DECLARATION OF L. JOE COPPEDGE IN SUPPORT OF
MOTION FOR EXTENSION OF TIME**

Declarant, upon penalty of perjury, states as follows:

1. I am an attorney with the law firm of Mushkin & Coppedge, attorneys for the Real Parties in Interest, CBC Partners I, LLC; 5148 Spanish Heights, LLC; Kenneth Antos; and Sheila Neumann-Antos.

2. I make this declaration in support of the Real Parties in Interest's Motion for an Extension of Time.

3. I called the Clerk's office on September 22, 2021 to request a telephonic extension of the time to file a response to the Emergency Motion Under NRAP 27(e) for Stay of Order on Injunctive Relief Related to Foreclosure of the Property at Issue and Order Appointing Receiver Over SJC Ventures Holding Company ("Motion for Stay") filed in two related cases – Case No. 83407 and the present matter, Case No. 83526.

4. Initially, I spoke to a clerk named Dana. I was advised that we did not need to file an opposition to the Motion for Stay in Case No. 83407 because the Motion for Stay had been rejected in that case.

5. I was then referred to a gentleman in the Clerk's office whose name I do not get at that time regarding the telephonic request for an extension.

6. I was advised by the gentleman clerk that the telephonic extension was granted, and I was provided October 12, 2021 as the new due date for the opposition to the Motion for Stay in Case No. 83526.

7. I was further advised that there would be some notation on the docket

memorializing the new due date.

8. In reliance upon the stated granting of the telephonic extension, our firm's paralegal who is primarily responsible for this matter, took three (3) pre-planned vacation days away from our office from September 23 through September 27, 2021.

9. When she returned to the office on September 28, 2021, she reviewed the Supreme Court docket in Case No. 83526 and noted that no telephonic extension was reflected on the docket.

10. I then called the Clerk's office again on the afternoon of September 28, 2021 to verify our request for a telephonic extension to file a response to the Motion for Stay and to confirm the October 12, 2021 due date I was previously provided.

11. I spoke initially to a female clerk, who referred me to who I believe to be the same gentleman clerk I spoke to on September 22, 2021.

12. During this second conversation, I learned the gentleman clerk's name is Andrew.

13. In speaking with Andrew, I refreshed his memory of our telephone conversation on September 22, 2021.

14. I believe Andrew acknowledged our previous discussion regarding the granting of a telephonic extension, but stated he needed to speak to a supervisor because the relief in the Motion for Stay was requested by October 4, 2021.

15. After the call to Andrew dropped, he called me back after speaking with a supervisor.

16. Andrew apologized for the mistake, but advised me that after speaking to a supervisor, the request for an extension of time to respond to the Motion for Stay would have to be by written motion.

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

DATED this 28th day of September, 2021.

/s/L. Joe Coppedge
L. JOE COPPEDGE

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(d), I certify that on this 28th day of September, 2021, I served a true and correct copy of the foregoing **Motion For Extension of Time to File Response to Emergency Motion to Stay Under NRAP 27(e) For Stay of Order on Injunctive Relief Related to Foreclosure of the Property at Issue and Order Appointing Receiver Over SJC Ventures Holding Company, LLC** as follows:

- ☐ [] by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ [X] via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;
- ☐ [] via hand-delivery to the addressee listed below;
- ☐ [] via facsimile;
- ☐ [] by transmitting via email to the email address set forth below.

/s/Karen L. Foley
An Employee of
Mushkin & Coppedge