

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID GARVEY, M.D., AN
INDIVIDUAL,

Petitioner,

vs.

THE FOURTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF ELKO; AND THE
HONORABLE KRISTON N. HILL,
DISTRICT JUDGE,

Respondents,

and

DIANE SCHWARTZ, INDIVIDUALLY
AND AS SPECIAL ADMINISTRATOR
OF THE ESTATE OF DOUGLAS R.
SCHWARTZ,

Real Party in Interest.

No. 83533

Electronically Filed
Nov 09 2021 03:12 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

***MOTION FOR EXTENSION OF TIME TO FILE REAL PARTY IN
INTEREST'S ANSWER TO PETITION FOR WRIT OF MANDAMUS***

Real Party in Interest, Diane Schwartz, individually and as special administrator of the Estate of Douglas R. Schwartz ("Schwartz"), by and through her counsel of record, respectfully moves this Honorable Court, pursuant to NRAP 26, for an extension of 30 days in which to file Schwartz's answer to petition for a writ of mandamus.

Schwartz's answer was originally due on November 12, 2021. This is her first motion for extension of time. No request for additional time has been denied or denied in part. If this Court grants this request for an extension of 30 days, Schwartz's answer will be due on Monday, December 13, 2021.

Good cause exists to grant the requested extension for the following reasons:

1. Schwartz's lead appellate counsel, Micah S. Echols, Esq., and David P. Snyder, Esq., entered their appearance on October 20, 2021.

2. When Mr. Echols and Mr. Snyder entered their appearance, they were in the middle of post-verdict motion practice in Clark County Nevada, District Court in *Encarnacion Espana v. Republic Silver State Disposal, Inc.*, Case No. A-18-782026-C.

3. In the underlying case *Diane Schwartz v. David Garvey, M.D.*, et al., Case No. CV-C-17-439, the parties were set to begin trial on November 2, 2021. However, at the Defendant's request, the trial date was vacated. But, the parties previously briefed and argued approximately 50 motions during the week of November 2, 2021.

4. Due to these lengthy matters, both Mr. Echols and Mr. Snyder have been unable to complete Schwartz's answer to the writ petition.

5. The additional requested time of 30 days will allow lead appellate counsel to complete the answer and confer with co-counsel and the client on the positions taken in the final draft of Schwartz's answer to petition for a writ of mandamus.

This motion is submitted in good faith and for good cause shown in accordance with NRAP 26(b)(1)(A). For the foregoing reasons, Schwartz respectfully requests a 30-day extension of time, until December 13, 2021, within which to file and serve her answer to the petition for a writ of mandamus.

Dated this 9th day of November 2021.

CLAGGETT & SYKES LAW FIRM

By /s/ Micah S. Echols
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*Attorneys for Real Party in Interest,
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *MOTION FOR EXTENSION OF TIME TO FILE REAL PARTY IN INTEREST'S ANSWER TO PETITION FOR WRIT OF MANDAMUS* with the Supreme Court of Nevada on the 9th day of November 2021. I will electronically serve the foregoing document in accordance with the Master Service List as follows:

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I further certify that the foregoing document was mailed via U.S. mail to the following:

Hon. Kriston N. Hill Kathleen E. Delaney, District Court Judge
Fourth Judicial District Court, Department 1
571 Idaho Street, Elko, Nevada 89801

/s/ Anna Gresl

Anna Gresl, an employee of
CLAGGETT & SYKES LAW FIRM