

**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 ex rel. THE COUNTY OF  
ELKO, AND THE HONORABLE  
KRISTIN N. HILL,

Respondent,

and

DIANE SCHWARTZ, individually and  
as Special Administrator of the Estate  
of DOUGLAS R. SCHWARTZ,  
deceased,

Real Party In Interest.

Supreme Court No. 83533 Electronically Filed  
Dec 22 2021 03:14 p.m.  
District Court No. : Elizabeth A. Brown  
CVC-17-439 Clerk of Supreme Court

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**MOTION FOR EXTENSION OF TIME TO FILE REPLY TO ANSWER TO  
PETITION FOR WRIT OF MANDAMUS**

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**MOTION FOR EXTENSION OF TIME TO FILE REPLY  
TO ANSWER TO PETITION FOR WRIT OF MANDAMUS**

Petitioner, DAVID GARVEY, M.D., by and through his counsel of record, respectfully moves this Honorable Court, pursuant to NRAP 26, for an extension of 30 days in which to file his reply to Real Party in Interest, Diane Schwartz's, answer to petition for a writ of mandamus filed December 21, 2021.

Plaintiff Schwartz's answer was originally due on November 12, 2021 and was extended by 30 days to December 13, 2021. It was again extended by motion to December 27, 2021. Dr. Garvey's reply to the answer is due January 4, 2021. This is his first motion for extension of time regarding the reply. As such, no request for additional time has been denied or denied in part. If this Court grants this request for an extension of 30 days, Dr. Garvey's reply will be due on February 3, 2022.

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

1. Dr. Garvey's lead counsel, Keith A. Weaver and Alissa N. Bestick, entered their appearance on September 23, 2021.
2. Dr. Garvey is represented by Lewis Brisbois Bisgaard & Smith, LLP. Lewis Brisbois will be closed for the holidays for four days including December 23, 2021, December 24, 2021, December 30, 2021, and December 31, 2021.
3. Additionally, attorneys working on this case will be out of the office from December 23, 2021 until January 3, 2022, the day before the reply is due.
4. The plaintiff filed an answer to the petition for writ of mandamus together with a two volume appendix. The answer is a complex brief addressing both procedural and substantive grounds for denial of the writ.

5. The additional requested time of 30 days will allow lead appellate counsel to complete the reply to the answer and confer with co-counsel and the client on the positions taken in the final draft of the Schwartz reply to the 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, Dr. Garvey respectfully requests a 30 day extension of time, until February 3, 2022, within which to file and serve his reply to Schwartz's answer to the petition for a writ of mandamus.

DATED this 22nd day of December, 2021

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ Keith A. Weaver

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of December 2021, I served the foregoing **MOTION FOR EXTENSION OF TIME TO FILE REPLY TO ANSWER TO PETITION FOR WRIT OF MANDAMUS** via electronic mail to all parties on the current service list:

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By /s/ Emma L. Gonzales

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I did cause a true and correct copy of **MOTION FOR EXTENSION OF TIME TO FILE REPLY TO ANSWER TO PETITION FOR WRIT OF MANDAMUS** to be placed in the United States Mail, with first class postage prepaid thereon, and addressed as follows:

Honorable Kriston Hill  
Elko County District Court Department 1  
571 Idaho Street,  
Elko, NV 89801

By /s/  
An Employee of  
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