

**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

District Court No. : CV-C-17-439  
Electronically Filed  
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Clerk of Supreme Court

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

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**SECOND 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 14 days in which to file his reply to Real Party in Interest, Diane Schwartz's, answer to petition for a writ of mandamus.

Dr. Garvey filed his petition for a writ of mandamus on September 23, 2021. Plaintiff Schwartz's answer was originally due on November 12, 2021. She moved for a 30 day extension of time and the deadline was extended to December 13, 2021. Plaintiff Schwartz filed a second motion to extend the time to file her answer to December 27, 2021, which this Court granted. The answer was filed on December 21, 2021. Amicus Curiae Nevada Hospital Association, Valley Health System, LLC, Renown Regional Medical Center, Renown South Meadows Medical Center, Dignity Health D/B/A St. Rose Dominican Hospital – Rose de Lima, St. Rose Dominican Hospital-Siena, and St. Rose Dominican Hospital- San Martin filed an amicus curiae brief on January 4, 2022. Dr. Garvey's reply to Plaintiff Schwartz's answer is currently due on February 3, 2021, pursuant to a single prior 30 day extension of time due to counsel being out of the office and the office being closed over the holiday season. If this Court grants this request for an extension of 14 days, Dr. Garvey's reply will be due on February 17, 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 was closed for the holidays on December 23, 2021, December 24, 2021, December 30, 2021, and December 31, 2021. Additionally, the lead attorney drafting the brief was out of the office from December 23, 2021 until January 3, 2022, the day before the reply originally was due.

3. Since the answer was filed, the attorneys working on this matter have experienced numerous unforeseeable events including a sudden and unexpected death in the family as well as COVID-19 illnesses. Unfortunately, these events have hampered the progress on the draft of the reply brief.

4. Plaintiff Schwartz filed a complex answer to the petition for writ of mandamus together with separate a two volume appendix. The answer addresses numerous grounds for denial of the writ.

5. As indicated in the writ petition and the brief of amicus curiae, the issue raised in this writ proceeding is an important question necessitating a guidance by this Court. The additional requested time of 14 days will allow for the completion of the reply to the answer, permit counsel to confer with the client

regarding the assertions raised in the 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 14 day extension of time, until February 17, 2022, within which to file and serve his reply to Schwartz's answer to the petition for a writ of mandamus.

DATED this 25th day of January, 2022

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ Alissa N. Bestick

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of January, 2022, I served the foregoing  
**MOTION FOR EXTENSION OF TIME TO FILE REPLY TO ANSWER TO  
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