

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK J. GARDBERG, ESQ., IN HIS
CAPACITY AS RECEIVER FOR, AND
ACTING ON BEHALF OF, FLAMINGO-
PECOS SURGERY CENTER, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Appellant,

vs.

WILLIAM D. SMITH M.D., AN
INDIVIDUAL; AND SHELDON
FREEDMAN, M.D., AN INDIVIDUAL,

Respondents.

MARK J. GARDBERG, ESQ., IN HIS
CAPACITY AS RECEIVER FOR, AND
ACTING ON BEHALF OF, FLAMINGO-
PECOS SURGERY CENTER, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Appellant,

vs.

WILLIAM D. SMITH M.D., AN
INDIVIDUAL; AND SHELDON
FREEDMAN, M.D., AN INDIVIDUAL,

Respondents.

No. 83556

Electronically Filed
Jan 10 2022 11:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

No. 83805

**MOTION FOR EXTENSION OF TIME TO REQUEST TRANSCRIPT OF
PROCEEDINGS**

Mark J. Gardberg, solely in his capacity as Receiver for, and acting on behalf of Flamingo-Pecos Surgery Center, LLC, a Nevada Limited Liability Company, appearing by and through his attorney, Mohamed A. Iqbal, Jr. of the law firm Iqbal

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Law PLLC, hereby respectfully moves this Honorable Court for a 14-day extension of time to file Appellant's Request for Transcript of Proceedings, presently due on December 24, 2021 (this "Motion"). In support of this Motion, Appellant avers as follows:

1. On December 10, 2021, this Honorable Court entered an order consolidating the above-captioned appeals and establishing a 14-day deadline for Appellant to request transcript of proceedings, among other things.
2. As a result of, and consistent with, the December 10 Order, Appellant had until December 27, 2021 to request transcript of proceedings in the District Court and to file a file-stamped copy of the transcript request form in this Honorable Court (14 days from December 10 was Friday, December 24, Christmas Eve, making the deadline Monday, December 27).
3. Because the filing deadline for transcripts coincided with the Christmas Holiday season and an unexpected and marked increase in COVID cases, undersigned counsel suffered staffing issues at the firm. Specifically, counsel's office manager and law clerk both tested positive for COVID and were out of the office. Separately, undersigned counsel has been dealing with his own health issues.
4. Given the above, undersigned counsel had difficulty in assuming the administrative responsibilities and managing multiple active matters. Undersigned counsel realized the omission and filed a request for transcripts in the district court on January 2, 2022.
5. On January 3, 2022, this Honorable Court rejected the transcript request, noting that the filing was untimely, needed to be accompanied by a motion for extension of time to be filed within 5 days, and failed to identify the court

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reporter on the transcript form. A copy of the Notice is attached hereto as **Exhibit A**.


6. This Honorable Court stayed proceedings pursuant to an order dated January 6, 2022. Out of an abundance of caution and in order to comply with the January 3 Notice, undersigned counsel submits the instant Motion.
7. Consistent with this Court's January 3 Notice, undersigned counsel respectfully submits the instant Motion accompanied by amended file-stamped copies of the transcript request forms, attached hereto as **Exhibit B**.
8. Undersigned counsel respectfully requests that this Honorable Court grant a 14-day extension from the December 27, 2021 deadline to file transcript requests—by January 10, 2022—and accept the attached filed transcript request forms as timely filed.

WHEREFORE, Appellant respectfully requests that this Honorable Court enter an Order granting this Motion.

Dated January 10, 2022.

Respectfully submitted,

IQBAL LAW PLLC

By: 
Mohamed A. Iqbal, Jr. (NV10623)
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorneys for Appellant

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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE I certify that I am an employee of IQBAL LAW PLLC and that on, January 10, 2022, I caused a true and correct copy of the **MOTION FOR EXTENSION OF TIME TO REQUEST TRANSCRIPT OF PROCEEDINGS** to be served as follows:

___ By placing the 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; and/or

___ Pursuant to NEFCR 9, to be sent via facsimile; and/or

X Pursuant to NEFCR 9, by transmitting via the Court's electronic filing services by the document(s) listed above to the Counsel set forth on the service list.

/s/ Marie-Claire Alsanjakli
An employee of Iqbal Law PLLC

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EXHIBIT A

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**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

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WILLIAM D. SMITH, M.D., AN INDIVIDUAL;
AND SHELDON FREEDMAN, M.D., AN
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Supreme Court No. 83556/83805
District Court Case No. A750926

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NOTICE OF REJECTION OF DEFICIENT TRANSCRIPT REQUEST

TO: Iqbal Law, PLLC \ Mohamed A. Iqbal, Jr.

Your transcript request has been rejected for the following reason:

The document is untimely and must be accompanied by a motion for extension of time.

Court recorder/reporter is not identified on the transcript request form. See NRAP 3C(d); NRAP 3E(c); NRAP 9(a)(3)(C).

Please submit a corrected transcript request that fully complies with the applicable rule and any necessary motion within 5 days from the date of this notice.

DATE: January 03, 2022

Elizabeth A. Brown, Clerk of Court

By: Amanda Ingersoll
Deputy Clerk

Notification List

Electronic

Iqbal Law, PLLC \ Mohamed A. Iqbal, Jr.
Cook & Kelesis \ Marc P. Cook

Paper

Cook & Kelesis \ George P. Kelesis