

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIAMOND HALL,

Appellant,

v.

JUSTIN MARTIN,

Respondent.

Electronically Filed
Apr 06 2022 08:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No.: 83979

District Court No.: D-19-600476-C

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE FAST
TRACK STATEMENT AND APPENDIX**

COMES NOW, Appellant, Diamond Hall, by and through her attorney, Amy A. Porray, Esq. of McFarling Law Group, and hereby requests an Order extending the time to file Fast Track Statement. This Motion is based upon the Memorandum of Points and Authorities, Declaration of Amy A. Porray, Esq., and all other papers and pleadings on file herein.

DATED this 6th day of April, 2022.

McFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.
Nevada Bar Number 9596
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
*Attorney for Appellant,
Diamond Hall*

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to NRAP 26(b), for good cause, the court may extend time to perform any act prescribed in the Nevada Rules of Appellate Procedure. On or before the due date sought to be extended, a party may request by telephone a single 14-day extensions of time, and if good cause is shown, the clerk may grant such request by telephone. However, for any further extensions of time to perform, the party must file a written motion for an extension of time demonstrating extraordinary and compelling circumstances why a further extension of time is necessary.

Motions for extensions of time are governed by Rule 31(b). Subsection (3) of said Rule states that the motion shall include the following:

- (i) The date when the brief is due;
- (ii) The number of extensions of time previously granted (including a 14-day telephonic extension), and if extensions were granted, the original date when the brief was due;
- (iii) Whether any previous requests for extensions of time have been denied or denied in part;
- (iv) The reasons or grounds why an extension is necessary (including demonstrating extraordinary and compelling circumstances under Rule 26(b)(1)(B), if required); and
- (v) The length of the extension requested and the date on which the brief would become due.

Per the Court's order, the Fast Track Statement and Appendix is currently due on April 6, 2022. Appellant, through prior counsel, requested a 30-day extension,

which was granted by this Court because the transcripts had not yet been prepared. On March 14, 2022, Appellant retained instant counsel, who sought and was granted a three-week extension to file the FTS and Appendix. No requests have been denied thus far.

Diamond files the instant motion, seeking an extension of two days. The extraordinary and compelling circumstances are as follows: The undersigned's office is currently undergoing construction. This has intermittently affected the office's power, internet router, and network access. The undersigned's office's network and file access, including all document preparation are cloud-based and only accessible with internet access. The undersigned is not privy to any information about the construction company's renovation schedule.

At approximately 5:15 p.m. this evening, when the undersigned and her paralegal were revising and completing Diamond's fast track statement and appendix, the undersigned was informed by her supervising attorney that the office construction company was immediately turning off the internet router and network access off to continue their construction. The undersigned and her paralegal were then unable to access Diamond's file and complete his fast track statement and appendix. Counsel believes that she and her paralegal have also lost a portion of the work that they had done. There is no way to determine this until they have access to the network again on Thursday, April 7, 2022.

Based on the above, Diamond respectfully requests a two-day extension to file the FTS and Appendix—specifically the FTS and Appendix would be due April 8, 2022. This motion is brought in good faith and not for purposes of delay.

DATED this 6th day of April, 2022.

McFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.
Nevada Bar Number 9596
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
*Attorney for Appellant,
Diamond Hall*

DECLARATION AMY A. PORRAY, ESQ.

I, Amy A. Porray, Esq., declare under penalty of perjury under the laws of the State of Nevada that the following is true and correct:

1. I represent the Appellant in the above-entitled case.
2. I have read the attached motion and know the contents thereof; the same is true of my own knowledge, except for those matters stated upon information and belief and, as to those matters, I believe them to be true.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 USC § 1746), that the foregoing is true and correct.

DATED this 6th day of April, 2022.

McFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.
Nevada Bar Number 9596
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
Attorney for Appellant
Diamond Hall

VERIFICATION

The undersigned counsel of record certifies as follows: I hereby certify that this motion complies the requirements of NRAP 27, has been prepared in a proportionally spaced typeface using Microsoft Word–Office 365 Business in font type Times New Roman size 14, and is less than 10 pages long. I also certify that the information provided in this motion is true and complete to the best of my knowledge, information, and belief.

DATED this 6th day of April, 2022.

McFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.
Nevada Bar Number 9596
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
*Attorney for Appellant,
Diamond Hall*

NRAP 26.1 STATEMENT

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1 (a) and must be disclosed. These representations are made in order that the justices of this Court may evaluate possible disqualification or recusal.

1. All parent corporations and publicly-held companies owning 10 percent or more of the party's stock: N/A

2. Names of all law firms whose attorneys have appeared for the party or amicus in this case (including proceedings in the district court or before an administrative agency) or are expected to appear in this Court:

McFarling Law Group, Amy A. Porray, Esq.

Hitzke & Ferran, LLP, Erick Ferran, Esq.

Leavitt & Flaxman, Brandon K. Leavitt, Esq., Michael C. Flaxman, Esq., and Elizabeth Ellison, Esq.

Leavitt Family Law Group, Brandon K. Leavitt, Esq. and Elizabeth Ellison, Esq.

Patricia A. Marr, Ltd., Patricia A. Marr, Esq.

Page Law, Fred Page, Esq.

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The Grace Law Firm, Julie Raye, Esq.

3. If litigant is using a pseudonym, the litigant's true name: None.

DATED this 6th day of April, 2022.

McFARLING LAW GROUP

/s/ Amy A. Porray

Amy A. Porray, Esq.
Nevada Bar Number 9596
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
*Attorney for Appellant,
Diamond Hall*

CERTIFICATE OF SERVICE

I, an employee of McFarling Law Group, hereby certify that on the 6th day of April, 2022, I served a true and correct copy of Appellant's Motion for Extension of Time to File Fast Track Statement and Appendix as follows:

☒ via the Supreme Court's electronic filing and service system (eFlex):

Brandon K. Leavitt
Elizabeth Ellison
brandon@leavittflaxman.com
elizabeth@leavittflaxman.com

/s/ Amy A. Porray
Amy A. Porray