

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**  
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3                   THOMAS CASH

S.Ct. No. 82060

4                                   Appellant,

Electronically Filed  
Jun 08 2021 11:24 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

5                                   vs.  
6

7                   WILLIAM GITTERE,

8                   Warden Ely State Prison

9                                   Respondent.  
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11                                   **MOTION FOR ENLARGEMENT OF TIME**  
12                                   **(First Request)**

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14                   COMES NOW, THOMAS CASH, by and through his counsel in this  
15 matter, JEAN J. SCHWARTZER, ESQ., and moves this Court for the first time  
16 for an enlargement of time of forty-five (45) days from June 8, 2021 to file  
17 Appellant's Opening Brief, making said Brief due July 23, 2021. This motion is  
18 based upon the following memorandum and all papers and  
19 pleadings on file herein.  
20

21                   DATED this 8<sup>th</sup> day of June, 2021.  
22

23                                   /s/ Jean Schwartzer  
24                                   JEAN J. SCHWARTZER, ESQ  
25                                   Nevada State Bar No. 11223  
26                                   Law Office of Jean J. Schwartzer  
27                                   170 S. Green Valley Pkwy. #300  
28                                   Henderson, Nevada 89012  
                                  (702) 979-9941  
                                  Jean.schwartzter@gmail.com  
                                  Counsel for Appellant

1 **MEMORANDUM**

2 I, JEAN J. SCHWARTZER, ESQ., am the attorney in the above-captioned  
3 case. Pursuant to NRAP 31(b)(3)(B), this Court may grant a first motion for  
4 extension of time for filing a brief upon a showing of good cause. This is  
5 Appellant's first request for an extension of time.  
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8 Appellant's Opening Brief is due June 8, 2021. With respect to extreme need,  
9 counsel has only been able to recently speak with Appellant about some issues she  
10 needed clarified regarding his Petition filed in district court. Appellant drafted and  
11 filed his Petition pro per, was not appointed counsel, and was not given the  
12 opportunity to even be present at the hearing on his Petition. Therefore, counsel  
13 was left with a hand written pro per pleading to interpret and counsel had to rely  
14 solely upon Appellant to clarify the issues. Due to the phone use restrictions placed  
15 upon prisoners, it took quite some time for counsel to make contact with Appellant  
16 to get the needed clarification. Therefore, Appellant moves for an enlargement of  
17 time of forty-five (45) days within which to file Appellant's Opening Brief up to  
18 and including July 23, 2021. Normally counsel would not need this much additional  
19 time but her children are out of school and counsel is working fewer hours during  
20 the summer.  
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1           This Motion is made in good faith and not for the purposes of undue delay. I  
2 declare under penalty of perjury the factual representations set forth in the  
3 foregoing memorandum are true and correct.  
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5  
6           DATED this 8<sup>th</sup> day of June, 2021.  
7

8  
9                               /s/ Jean Schwartzer  
10                              JEAN J. SCHWARTZER, ESQ  
11                              Nevada State Bar No. 11223  
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16                              Jean.schwartzter@gmail.com  
17                              Counsel for Appellant  
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY AND AFFIRM that this document was filed electronically foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD, ESQ

ALEXANDER G. CHEN, ESQ.

BY: /s/ Jean Schwartz  
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