

IN THE SUPREME COURT OF NEVADA

SATICOY BAY LLC SERIES 2818
CALLE DEL ORO, a Nevada Limited
Liability Company,

Appellant,

v.

WILMINGTON SAVINGS FUND
SOCIETY, FSB, NOT IN ITS
INDIVIDUAL CAPACITY BUT
SOLELY AS OWNER TRUSTEE
FOR CSMC 2017-RPL2 TRUST, a
National Association,

Respondents.

Supreme Court Docket No. 84239

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Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO EXTEND TIME TO FILE OPENING BRIEF AND

APPENDIX

(Second Request, following prior Telephonic Extension)

COMES NOW, Appellant, SATICOY BAY LLC SERIES 2818 CALLE DEL ORO, (“Saticoy”) by and through its attorneys, ROGER P. CROTEAU & ASSOCIATES, LTD., and hereby presents its Motion to Extend Time to File Reply Brief, requesting a second extension (beyond that previously granted by a telephonic extension) of time to thirty (30) days from the current deadline of July 14, 2022, or until such other date that the court deems appropriate. This Motion is made and

based upon the attached Memorandum of Points and Authorities, the attached exhibits, the declaration of counsel, and all papers and pleadings on file herein.

Dated this 13th day of July, 2022.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Christopher L. Benner, Esq.

Roger P. Croteau, Esq.

Nevada Bar No. 4958

Christopher L. Benner, Esq.

Nevada Bar No. 8963

2810 West Charleston Blvd., Suite 67

Las Vegas, Nevada 89102

Attorney for Appellant

MEMORANDUM OF POINTS AND AUTHORITIES

A. STATEMENT OF THE FACTS

1. Saticoy caused the instant appeal to be filed on February 15, 2022.
2. On February 22, 2022, this Court assigned this matter to the Settlement Program.
3. On April 1, 2022, this Court issued an Order Removing Case from Settlement Program and Reinstating Briefing schedule.
4. On June 29, 2022, Saticoy requested and obtained a two-week extension by telephonic request to extend the time to file and serve the Opening Brief and Appendix until July 14, 2022.
5. The parties have resolved the matter, and have reached a settlement.

6. The parties are effectuating the settlement terms, and seek additional time to finalize the settlement before a dismissal of the appeal.
7. Saticoy is requesting an extension of 29 days in which to file its Opening Brief and Appendix, or otherwise resolve the matter, after the currently set deadline of July 14, 2022, namely, to August 12, 2022.
8. No prior extensions have been denied, in whole or in part.

B. STATEMENT OF THE LAW

NRAP 31(b) provides in pertinent part as follows:

(2) Stipulations. Unless the court orders otherwise, in all appeals except child custody, visitation, or capital cases, the parties may extend the time for filing any brief for a total of 30 days beyond the due dates set forth in Rule 31(a)(1) by filing a written stipulation with the clerk of the Supreme Court on or before the brief's due date. No extensions of time by stipulation are permitted in child custody, visitation, or capital cases.

(3) Motions for Extensions of Time. A motion for extension of time for filing a brief may be made no later than the due date for the brief and must comply with the provisions of this Rule and Rule 27.

(A) Contents of Motion. A motion for extension of time for filing a brief 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.

C. ARGUMENT

As set forth above, Saticoy's counsel seeks to obtain an extension of the due date for the Opening Brief and Appendix that is presently due on July 14, 2022, and was originally due on June 29, 2022. This is not a child custody, visitation, or capital case. This is the second extension of time that has been requested, excluding the prior telephonic request. The prior telephonic request was granted. The requested length of the extension is for twenty-nine (29) days. The reasons are set forth below.

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This matter concerns the interpretation of NRS 10.240. Due to recent case law and the efforts of both parties, the parties have resolved the matter in principle. The requested extension will allow the parties to effectuate the settlement. At this juncture the parties anticipate a dismissal before the proposed deadline.

CONCLUSION

Based upon the foregoing, Saticoy respectfully requests that the deadline to file the Opening Brief and Appendix be extended an additional 29 days, to August 12, 2022, or another date that the Court deems appropriate.

Dated this 13th day of July, 2022.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Christopher L. Benner, Esq.

Roger P. Croteau, Esq.

Nevada Bar No. 4958

Christopher L. Benner, Esq.

Nevada Bar No. 8963

2810 West Charleston Blvd., Suite 67

Las Vegas, Nevada 89102

Attorney for Appellant

DECLARATION OF CHRISTOPHER L. BENNER

CHRISTOPHER L. BENNER, being first duly sworn, deposes and says that:

1. That I am an attorney for the Appellant, SATICOY BAY LLC SERIES 2818 CALLE DEL ORO (“Saticoy”), in the above-captioned matter.

2. Of the following facts, I know them to be true of my own knowledge unless stated upon information and belief, in which case I possess a good faith belief that such facts are true and correct.
3. Saticoy caused the instant appeal to be filed on February 15, 2022.
4. On February 22, 2022, this Court issued an Order Removing Case from Settlement Program and Reinstating Briefing schedule.
5. The parties have resolved the matter, and are in the process of effectuating the terms of the settlement; the parties anticipate the settlement terms being resolved prior to the proposed extended deadline.
6. Saticoy is requesting an extension of 29 days in which to file its Opening Brief and Appendix, or otherwise resolve the matter, after the currently set deadline of July 14, 2022, namely, to August 12, 2022.
7. No prior extensions have been denied.
8. I have contacted counsel for Respondent, WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR CSMC 2017-RPL2 TRUST, counsel for Respondent has stated their agreement to the requested extension as set forth in this Motion.

CERTIFICATE OF SERVICE

In accordance with NRAP 25, I hereby certify that on June 13, 2022, I caused a copy of the **MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF AND APPENDIX (Second Request)** to be filed and served electronically via the Court's E-Flex System to the following:

Kent F. Larsen, Esq.
Karl L. Nielson, Esq.
SMITH LARSEN & WIXOM
Hills Center Business Park
1935 Village Center Circle
Las Vegas, Nevada 89134
Attorneys for Respondent Wilmington Savings
Fund Society FSB, not in its individual capacity
but solely as owner Trustee for CSMC 2017-RPLTrust

/s/ Joe Koehle

An Employee of ROGER P. CROTEAU &
ASSOCIATES