

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE
OF THEODORE ERNEST SCHEIDE,
JR., DECEASED

THEODORE E. SCHEIDE, III,
Appellant,
vs.

ST. JUDGE CHILDREN'S
RESEARCH HOSPITAL,
Respondent.

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Elizabeth A. Brown
Supreme Court No. 84279 of Supreme Court
District Court Case No. P-14-082619-E

MOTION FOR EXTENSION OF TIME TO FILE
OPENING BRIEF

COMES NOW, BRADLEY J. HOFLAND, ESQ., attorney for THEODORE E. SCHEIDE, III, Appellant, and hereby respectfully moves this Court for an Order granting an extension of time in which to prepare and file Appellant's Opening Brief in this above-entitled case before this Honorable Court.

This motion is made and based on the Declaration of Bradley J. Hofland, Esq., attached hereto and is made in good faith and not to delay justice.

DATED this 10th day of January, 2023.

HOFLAND & TOMSHECK

By: /s/ Bradley J. Hofland

BRADLEY HOFLAND
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ATTORNEY FOR APPELLANT

MEMORANDUM OF POINTS AND AUTHORITIES

In accordance with NRAP 31(b)(3), pertaining to the filing and service of Briefs, and NRAP 27, which is referenced in NRAP 31 and pertains to Motions filed with this Honorable Court, this Motion is being submitted requesting an extension of time in which to prepare and file Appellant's Opening Brief.

NRAP 31(b)(3) provides:

(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.

At present, the time scheduled to file Appellant's Opening Brief is January 11, 2023. Notably, no extensions have previously been requested or provided, no telephonic extensions have been requested or obtained, and the instant motion is the first request for an extension in which to file Appellant's Opening Brief.

A. An extension of time to file an Opening Brief is both necessary and warranted.

At present, the undersigned is counsel for appellants and/or respondents in nine (9) active appeals¹. A few of those appeals require immediate attention. Of note, just this month, the undersigned must file a Reply Brief in case number 85054 on or before January 13, 2023. Also, the undersigned represents the appellant in case number 84427, and because of extensions of time were obtained by the respondent (both by way of a telephonic request as provided for in NRAP 26(b)(1)(B) *and* as a result of a motion for an extension filed thereafter) the undersigned must now file a Reply Brief in that case on or before January 26, 2023.

Additionally, in the last few months, the undersigned has been involved with three (3) multi-day trials. The preparation needed for such trials, coupled with the time required for the examination of witnesses and presentation of evidence, did not allow a great deal of time for other legal projects. The undersigned has diligently attended to his cases, but is in need of additional time to file an Opening Brief in this action.

Lastly, in addition to the demands of the above, and dealing with the holidays, the undersigned law firm, in recent months, has also been required to address health and COVID related issues, sicknesses and staff shortages, vacations and other

¹ Supreme Court case numbers 85097, 85054, 84967, 84817, 84487, 84427, 84350, 84279, and 84140.

absences from the State, all of which impacted, to one extent or another, the ability to meet deadlines in their ordinary, expected, and preferred manner. Lastly, the undersigned is the only attorney involved in the above referenced appeals, but must also address the ongoing demands of maintaining a practice of law as noted above.

Currently, the Opening Brief in the instant matter is scheduled to be filed with this Honorable Court on or before January 11, 2023. In light of the demands referenced herein, the limited resources available to counsel, and the facts and circumstances described *supra*, the undersigned does not have the ability to file an adequate Opening Brief on the date scheduled and respectfully requests a ninety (90) day extension, until March 13, 2023, in which to file an Opening Brief.

This motion is being submitted in good faith and without the intent to cause undue delay in the appeal.

Dated this 10th day of January, 2023.

Respectfully submitted,

/s/ Bradley J. Hofland

BRADLEY HOFLAND

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Attorney for Appellant

CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Appellate Procedure 25(c), that I am an employee of Hofland & Tomsheck, and that on this day, the 10th day of January, 2023, I served the foregoing MOTION FOR EXTENSION OF TIME TO APPELLANT'S OPENING BRIEF was made through Eflex electronic filing system. Electronic notification will be sent to the following:

Todd L. Moody
Russel J. Geist
The Honorable Gloria Sturman

/s/ Nikki Warren
Nikki Warren
An Employee of Hofland & Tomsheck