

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Docket No. 84279

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Elizabeth A. Brown
Clerk of Supreme Court
MOTION FOR EXTENSION
OF TIME TO FILE ANSWERING
BRIEF AND APPENDIX

THEODORE E. SCHEIDE,
III,
Appellant.

v.

ST. JUDE CHILDREN'S
RESEARCH HOSPITAL,
Respondent.

Respondent St. Jude Children's Research Hospital ("St. Jude"), by and through its counsel Joseph C. Reynolds of Hutchison and Steffen, PLLC, moves this Court pursuant to Nevada Rule of Appellate Procedure (NRAP) 31(b)(3) for a 60-day extension of time to file its Answering Brief and Appendix in this appeal.

The Answering Brief and Appendix are currently due to be filed in this Court on or before April 12, 2023. As set forth below, St. Jude submits that its request satisfies the criteria set forth in NRAP 31(b)(3) for an extension. Accordingly, St. Jude respectfully requests that its motion be granted.

DISCUSSION

NRAP 31(b)(3) provides that a party may request an extension of time to file a brief from this Court and that such a request must set forth the following: the original date the brief is due; the number of extensions previously sought and granted; the reasons why an extension is necessary; and the length of the extension sought.

Here, St. Jude has never previously sought or requested an extension of time in this appeal either telephonically or by motion. Importantly, this is its first request. The current due date of its Answering Brief and Appendix is April 12, 2023. St. Jude requests that this date be extended by 60 days up to and including June 12, 2023.

St. Jude requests this extension to accommodate the workload of its undersigned appellate counsel. Undersigned appellate counsel, Joseph C. Reynolds, is currently engaged as counsel of record in the following matters: *en banc* oral arguments before this Court scheduled for April 11, 2023, in Docket No. 84161; an Opening Brief and Appendix due to be filed in this Court on April 18, 2023, in Docket No. 85504; a Reply Brief due to be filed in this Court on May 4, 2023, in Docket No. 85110; and a jury trial set to commence on May 1, 2023, and last through May 19, 2023,

in the Eighth Judicial District Court in Case No. A-18-774539-B. While undersigned appellate counsel respects and understands that this Court is generally not inclined to grant a 60-day extension of time based on workload, the jury trial received a firm trial setting at the calendar call on April 6, 2023, which makes the stipulated 30-day extension of time provided by NRAP 31(b)(2) impracticable under these circumstances.

Importantly, undersigned appellate counsel has communicated *via* email with Bradley Hofland, Esq., of Hofland & Tomscheck, who is Appellant Theodore Scheide, III's, appellate counsel. Mr. Hofland authorized the undersigned appellate counsel to represent to this Court that he has *no objection* to the 60-day extension request by St. Jude.¹

No further requests for extensions of time are anticipated.

CONCLUSION

Additional time will allow the undersigned appellate counsel a meaningful opportunity to more fully draft and file St. Jude's Answering Brief and Appendix. Given the above considerations, St. Jude submits that good cause exists under these unique circumstances. Accordingly,

¹ On January 20, 2023, this Court granted Appellant a 60-day extension of time to file the Opening Brief and Appendix.

St. Jude respectfully requests that this Court grant its motion for an extension of time by 60 days to file its Answering Brief and Appendix, which would make them due to be filed on or before June 12, 2023.²

DATED: April 10, 2023.

By: /s/ Joseph C. Reynolds

Joseph C. Reynolds (8630)
Hutchison & Steffen, PLLC
5371 Kietzke Lane
Reno, Nevada 89511

*Counsel for Respondent
St. Jude Children's Research Hospital*

² Of note, 60 days from April 12, 2023, falls on Sunday, June 11, 2023. Accordingly, the due date has been calculated as being the following day, which is Monday, June 12, 2023. *See* NRAP 31(b)(2).

CERTIFICATE OF SERVICE

I certify that this MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF AND APPENDIX was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system.

DATED: April 10, 2023.

By: /s/ Madelyn Carnate-Peralta
An employee of Hutchison & Steffen, PLLC