

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Docket No. 84279

MOTION FOR 14-DAY
EXTENSION OF TIME TO FILE
ANSWERING BRIEF AND
APPENDIX

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Elizabeth A. Brown
Clerk of the Supreme Court

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 an additional 14-day (2 week) 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 June 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's 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 previously sought and was granted an extension of time in this appeal, which extended the due date of its Answering Brief and Appendix by 60 days. Prior to making that request, opposing counsel was consulted and communicated no objection to the extension. This Court granted the prior request and extended the due date of St. Jude's Answering Brief and Appendix to June 12, 2023.

St. Jude brings the instant motion to request an additional 14-day extension of time. Undersigned appellate counsel, Joseph C. Reynolds, is currently engaged as co-counsel in a jury trial in the Eighth Judicial District Court in Case No. A-18-774539-B, which commenced on May 1, 2023. The trial was originally expected to end on or about May 19, 2023.

However, it has unexpectedly extended an additional 2-weeks and is now not expected to conclude until on or about June 2, 2023.

While undersigned appellate counsel respects and understands that this Court may generally be reluctant to grant an additional extension of time, good cause exists under these unique unforeseen facts. 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 additional 14-day extension request by St. Jude.

Given the unexpected additional 14-day length of the jury trial, and no objection having been raised by opposing counsel, St. Jude respectfully requests that it be granted a 14-day extension of time so that its Answering Brief and Appendix are due on or before June 26, 2023.

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,

St. Jude respectfully requests that this Court grant its motion for an extension of time by 14 days to file its Answering Brief and Appendix, which would make them due to be filed on or before June 26, 2023.

DATED: June 2, 2023.

By: /s/ Joseph C. Reynolds

Joseph C. Reynolds (8630)
Hutchison & Steffen, PLLC
5371 Kietzke Lane
Reno, Nevada 89511
jreynolds@hutchlegal.com
(775) 853-8746

Counsel for Respondent
St. Jude Children's Research Hospital

CERTIFICATE OF SERVICE

I certify that this MOTION FOR 14-DAY 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: June 2, 2023.

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