

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Sep 14 2022 10:38 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

SARAH JANEEN ROSE,

Appellant,

vs.

DAVID JOHN ROSE,

Respondent.

S.C. No.: 84295
D.C. No.: D-17-547250-D

**MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF
(Third Request by Motion/Telephonic Request Granted)**

Respondent hereby moves for an extension of time to file his Answering Brief, which is due September 19, 2022. NRAP 31(b)(3). The Brief was originally due July 12, 2022. A 14-day telephonic extension was granted. A first request by Motion for an extension of time was filed on August 18, 2022 and denied by this Court on August 29, 2022. However, the Court did give the undersigned an additional fourteen (14) days to respond to September 12, 2022.

Subsequent, to the denial of the first request by motion, on September 2, 2022, the undersigned counsel tested positive for SARS CoV 2 VIRUS (COVID-19). As a result of counsel contracting Covid-19 a second motion for an extension was filed

on September 2, 2022. Based upon the mistaken belief that the Covid case would be mild based upon prior vaccinations and a booster shot, counsel only requested and was granted a one-week extension to September 19, 2022. Unfortunately, counsel's condition has worsened. Counsel is still testing positive based upon daily antigen tests. The virus has spread to counsel's airways requiring the use of a nebulizer multiple times per day plus a rescue inhaler. Although counsel has diligently worked on the Answering Brief, the work has been slowed by fatigue, headaches, muscle weakness and shortness of breath and other Covid-19 symptoms. Under these circumstances, counsel will not be able to complete the answering brief by September 19, 2022.

Therefore, Respondent respectfully requests a twenty-one (21) day extension of time within which to file his Answering Brief through and including, October 10, 2022. Respondent's counsel firmly believes it will be able to file the answering brief within the extended time.

This motion is made in good faith and without the intent to delay the appeal unnecessarily. See, attached Declaration of H. Stan Johnson in support of the Motion.

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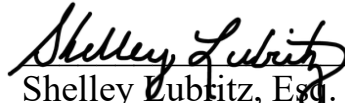
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Dated this 14th day of September 2022.

Respectfully submitted:

LAW OFFICE OF SHELLEY LUBRITZ, PLLC

A handwritten signature in cursive script, reading "Shelley Lubritz", is written over a horizontal line.

Shelley Lubritz, Esq.

Nevada Bar No. 5410

375 E. Warm Springs Road, Suite 104

Las Vegas, Nevada 89119

shelley@lubritzlawoffice.com

Attorney for Respondent

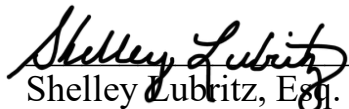
CERTIFICATE OF SERVICE

I certify on the 14th day of September 2022, pursuant to N.E.F.R. 7, I caused the **MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF** to be filed electronically with the Clerk of the Nevada Supreme Court. Pursuant to N.E.F.R. 9, notice of an electronically filed document by the Court “shall be considered as valid and effective service of the document” on the below listed persons who are registered users.

RACHEAL H. MASTEL, ESQ.
NEVADA BAR NO. 11646
3303 NOVAT STREET, SUITE 200
LAS VEGAS, NEVADA 89129
ATTORNEY FOR APPELLANT

Dated this 14th day of September, 2022.

LAW OFFICE OF SHELLEY LUBRITZ, PLLC


Shelley Lubritz, Esq.
Nevada Bar No. 5410
375 E. Warm Springs Road, Suite 104
Las Vegas, Nevada 89119
shelley@lubritzlawoffice.com
Attorney for Respondent

**DECLARATION OF H. STAN JOHNSON IN SUPPORT OF MOTION FOR
EXRTENSION OF TIME TO FILE ANSWERING BRIEF**

I, H. Stan Johnson, hereby declare under threat of penalty of perjury under the laws of the State of Nevada as follows:

1. I am a duly licensed and practicing attorney in the State of Nevada and I make this Declaration upon my personal knowledge.

2. I have assisted the attorney for the Respondent in preparing this motion for an extension of time due to the circumstances described in the motion in question. Said conditions and circumstances have made it very difficult for Respondent's counsel to complete the required work on the Respondent's answering brief and therefore it is necessary to request an additional time extension.

3. I will be assisting the Respondent's counsel in completing the work on the Respondent's answering brief to ensure that it is completed on time if the Court is inclined to grant the requested extension.

4. This motion has been brought in good faith and without the intent to delay the appeal unnecessarily.

Dated this 14th day of September 2022.

/s/ H. Stan Johnson
H. Stan Johnson, Esq.