

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

---

**KIM BLANDINO,**

Appellant,

vs.

**STATE OF NEVADA,**

Appellee.

Electronically Filed  
Feb 15 2023 12:55 PM  
Elizabeth A. Brown  
Clerk of Supreme Court  
Supreme Court No.: 84433  
District Court Case No.: 2023-04658

**SECOND MOTION FOR ENLARGEMENT OF TIME**

COMES NOW Appellant KIM BLANDINO, by JOSEPH Z. GERSTEN, ESQ. of THE GERSTEN LAW FIRM PLLC, and moves this Court for an enlargement of time within which to file the Appellant's Opening Brief and Appendix. This motion is based on the following memorandum and declaration of counsel and all papers and pleadings on file herein.

Dated this 15<sup>th</sup> day of February 2023.

Respectfully submitted,

  
JOSEPH Z. GERSTEN  
NV Bar #13876  
The Gersten Law Firm PLLC  
9680 W Tropicana Avenue #146  
Las Vegas, NV 89147  
702-857-8777  
joe@thegerstenlawfirm.com

## **MEMORANDUM**

I, JOSPEH Z. GERSTEN, am a duly licensed attorney in the State of Nevada and am employed by The Gersten Law Firm PLLC. Appellant's Counsel is requesting a minimum 90-day extension of time in which to file his Opening Brief and Appendix under NRAP 26(b)(1)(A) and NRAP 31(b)(3). Appellant's Opening Brief and Appendix are currently due February 16, 2023. This is the Appellant's Second request for an extension of time in this case.

This is an Appeal from a jury verdict in the Eight Judicial District Court, Department XII, the Honorable Leavitt, J. presiding.

As this Court is aware, Counsel has previously filed a Motion to Withdraw from representing the Appellant / Defendant in this matter citing an irreparable conflict. This was denied. Subsequently, this Counsel filed a similar motion in the District Court for similar, but even more pronounced conflicts with the Appellant / Defendant. This was denied by Leavitt, J. However, the conflict and inability to effectively communicate with the Appellant / Defendant remain. In fact, the issues have only gotten worse. As well, this Counsel also represents this Defendant in a third action pending in Justice Court Department 2, in front of the Honorable Sciento, J., within which another request to withdraw was also denied.

Counsel previously asked for and was granted a continuance from this Court. In their grant this Court stated, "[g]iven the length of this initial extension request, no further extensions shall be permitted absent extraordinary

circumstances and extreme need. NRAP 31(b)(3)(B).” This Counsel now prays this Court allow for a further extension in light of the current extraordinary circumstances and extreme need. The relationship between the Counsel and the Defendant has deteriorated to open hostilities. Communication between Counsel and Defendant is essentially nonexistent, and when it is there have been very personal and unnecessary remarks made assailing Counsel’s work, record, family, and religion.<sup>1</sup> This Counsel is simply on his own to prepare the Opening Brief and Appendix and has not been able to put together a cogent document for this Court to consider. This Counsel has been tormented by his relationship with the Defendant with no relief in sight. While this Counsel is very mindful of this Courts prior admonishment, this Counsel can offer that he has been trying diligently to prepare the necessary documents, but simply has not been able to, based on Defendant’s positions.

As a result, this Counsel simply needs more time to prepare Appellant / Defendant’s Opening Brief and Appendix. This Counsel cannot prepare the necessary documents to file in this Court with the current situation. Again, this Counsel implores this Court to grant this enlargement so as to prepare said documents and not embarrass himself, or this Court.

---

<sup>1</sup> This Counsel will present any and all specific references this Court would like to review in a sealed affidavit at this Court’s request.

Please understand this Counsel has been trying to extremely hard to comply with this Court's rulings and provide competent effective representation to the Appellant. This Counsel is simply at his wit's end trying to provide the necessary representation to his client, while at the same time providing appropriate respect and diligence to this tribunal. Please understand the position this Counsel is in and grant this request.

Due to the above-described circumstances, the Counsel respectfully requests a minimum additional 90-days, within which to file his Opening Brief.

This motion is made in good faith and not for purposes of undue delay. The Appellant also notes that the State will not be prejudiced by the extension, as it was a ruling against the Appellant that is the subject of this appeal.

I declare under penalty of perjury that the factual representations set forth in the foregoing memorandum are true and correct.

Dated this 15<sup>th</sup> day of February 2023.

  
JOSEPH Z. GERSTEN  
NV Bar #13876  
The Gersten Law Firm PLLC  
9680 W Tropicana Avenue #146  
Las Vegas, NV 89147  
702-857-8777  
joe@thegerstenlawfirm.com

## CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 15<sup>th</sup> day of February 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

STEVEN B. WOLFSON  
District Attorney Clark County  
200 Lewis Street, 3<sup>rd</sup> Floor  
Las Vegas, NV 89101

AARON FORD  
Nevada Attorney General  
100 North Carson Street  
Carson City, Nevada 89701  
775-684-1265

BY Joseph Z. Gersten  
Employee of The Gersten Law Firm PLLC