

IN THE SUPREME COURT OF THE STATE OF NEVADA

A CAB SERIES, LLC, ADMINISTRATION
COMPANY,

Appellant,

v.

MICHAEL MURRAY; MICHAEL
RENO, and WELLS FARGO BANK NA,

Respondents.

Case No. : 84472

District Case No.: 2022-00011-C
Electronically Filed
Sep 28 2022 02:37 p.m.

Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT'S MOTION FOR AN
EXTENSION OF TIME TO FILE
OPENING BRIEF
(SECOND REQUEST)**

Appellant A Cab Series, LLC, Administration Company respectfully moves this Court pursuant to NRAP 31(b)(3) for an extension of time for a period of 60 days from the current due date within which to file their opening brief. The opening brief is presently due to be filed on or before October 3, 2022. This extension of time would make the opening brief due on or before December 2, 2022.

This is appellant's second request for an extension of time. The parties previously stipulated to a 30 day extension which was granted by the Court on September 4, 2022.

The decision by the district court below was based in part upon the fact that a decision was made by another district court department in *Murray v. A Cab LLC, et al* Eighth Judicial District Court, Clark County, Case No. A-12-669926-C. (The "Murray matter") This decision was reversed and remanded by this court in Case No. 77050, *A Cab LLC v. Michael Murray et al*. Further consideration and determination are still pending, for until recently the Murray matter was stayed. The existence and amount of the primary judgment are at issue, as there was a competing class action *Dubric v. A Cab LLC, et al* Eighth Judicial District Court,

1 Clark County, A-15-721063-C, which was challenged on appeal and affirmed by
2 the Nevada Supreme Court.

3 Recently Judge Maria Gall has requested additional briefing on the issue of
4 the amended judgment, and a motion for declaratory relief as to the amount of the
5 judgment at issue. However counsel for A Cab in that matter has asked for a
6 further stay of proceedings as counsel for Murray has requested en banc review of
7 the affirmation of the *Dubric* judgment, and PLAN (Progressive Leadership
8 Alliance of Nevada) has requested permission to file amicus curiae brief in the
9 matter. Counsel for A Cab in the *Murray* matter believe finality on *Dubric* is
10 critical before the motions concerning the judgment in the Murray matter can
11 proceed. While it is likely that only once there is resolution on the judgment that
12 there can be an evidentiary hearing, there has not even been a scheduling of this
13 hearing or a determination of how this can proceed.

14 It is likely that the clarity on this issue may not be reached for another 30 to
15 60 days. As a result, it has been difficult to complete the complex task of a
16 Supreme Court opening brief. Because of the nature of the claims and the process
17 by which the judgment below was entered, this case is far more complex than most.

18 Further, because the motion to quash in the *Murray* matter is the determining
19 predicate for the lack of jurisdiction and collateral estoppel, it is important to have
20 clarity and some direction in briefing this before the court. It is not in the best use
21 of judicial resources to determine an issue on appeal which could be rendered more
22 clear by the decision of a court below.

23 Based on the calendars of counsel, and the delays caused by the other
24 matters, it has been particularly difficult for counsel to coordinate and prepare the
25 brief. Counsel has had issues with elderly parents and personal health issues,
26 including unforeseen illness and dental surgery, which have deprived him of the
27 time to prepare this brief.

1 Appellate counsel has been involved in multiple matters with briefing
2 deadlines over the past 60 days, and has lost significant time from the office due to
3 health issues. That has not allotted him the time necessary to prepare the brief
4 currently due. An additional 60 day extension is sought as it seems possible a
5 further thirty day extension might not be sufficient, and as not to further burden the
6 court. This request is presented in good faith, and not for purposes of delay or any
7 other improper reason.

8 Dated this 28th day of September, 2022

9 CORY READE DOWS & SHAFER

10 By: /s/ Jay A. Shafer

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I certify that on this 28TH day of September 2022, that APPELLANT’S MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF was filed electronically with the Clerk of the Nevada Supreme Court and therefore electronic service was made in accordance with the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure and the maser service list as follows:

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Elizabeth Arthur
Authorized Representative of CORY READE DOWS & SHAFER