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Elizabeth A. Brown
Clerk of Supreme Court

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IN THE SUPREME COURT OF THE STATE OF NEVADA

ABC RECYCLING INDUSTRIES, LLC)	Supreme Court Case No.: 83027
Appellant)	District Court Case No.: A-20-
vs.)	818624-J
STATE ENVIRONMENTAL)	
COMMISSION, a political)	
subdivision of the State of Nevada;)	MOTION TO EXTEND TIME TO
NEVADA DIVISION OF)	FILE OPENING BRIEF
ENVIRONMENTAL PROTECTION,)	
a political subdivision of the State of)	
Nevada, and DOES I through X and)	
ROE CORPORATIONS XX through)	
XXX)	
Respondents		

20 COMES NOW, the APPELLANT ABC RECYCLING INDUSTRIES, LLC
21 (“Appellant”)and files this Motion to Extend Time to File Opening Brief (the“
22 Motion”).
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2 **POINTS AND AUTHORITIES**

3 **ARGUMENT**

4
5 Appellant seeks an extension of time to file its opening brief. Good cause exist
6 that justify the granting of this second request. NRAP 27 and NRAP 31(b)(3)
7 permit a party to file a motion to seek "an extension of time to file a brief."
8

9 NRAP 31(b)(3) states as follows:

10 (3) Motions for Extensions of Time. A motion for extension of
11 time for filing a brief may be made no later than the due date for the
12 brief and must comply with the provisions of this Rule and Rule 27.

13 (A) Contents of Motion. A motion for extension of time for
14 filing a brief shall include the following:

15 (i) The date when the brief is due;

16 (ii) The number of extensions of time previously granted
17 (including a 14-day telephonic extension), and if extensions were
18 granted, the original date when the brief was due;

19 (iii) Whether any previous requests for extensions of time
20 have been denied or denied in part;

21 (iv) The reasons or grounds why an extension is necessary
22 (including demonstrating extraordinary and compelling circumstances
23 under Rule 26(b)(1)(B), if required).

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2 **1. The Date When the Brief is Due:**

3 The Brief is due today November 24, 2021.
4

5 **2. The number of extensions of time previously granted**
6 **(including a 14-day telephonic extension), and if extensions were granted, the**
7 **original date when the brief was due;**

8 Appellant was granted an extension once via stipulation. The Brief
9 was originally due on October 25, 2021. The Court granted the Stipulation and
10 extended the deadline to file the Opening Brief to November 24, 2021.
11

12 **3. Whether any previous requests for extensions of time have been**
13 **denied or denied in part.**

14 The Court has not denied any previous requests for extension.
15

16 **4. The reasons or grounds why an extension is necessary (including**
17 **demonstrating extraordinary and compelling circumstances under Rule**
18 **26(b)(1)(B), if required);**

19 Appellant's counsel took the Covid 19 booster and is experience adverse
20 effects of headaches, nausea, and extreme fatigue. These symptoms have made it
21 difficult to complete the opening brief in the allotted time. Appellant request and
22 additional twenty-one (21) days to complete the opening brief.
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EXHIBIT “A

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2 **DECLARATION OF BYRON THOMAS IN SUPPORT OF MOTION**
3 **TO EXTEND DEADLINE TO FILE OPENING BRIEF.**

4 I am over the age of eighteen (18) and I am competent to make this
5 declaration. I make this declaration based on personal knowledge. I am an attorney
6 licensed to practice law in the State of Nevada, and I am in good standing.
7

8 I am the attorney for Appellant ABC Recycling, LLC.

9 I took the Covid 19 booster, and I am experiencing adverse effects of
10 headaches, nausea, and extreme fatigue. These symptoms have made it difficult to
11 complete the opening brief in the allotted time. Appellant requests an additional
12 twenty-one (21) days to complete the opening brief.
13

14 I respectfully request an extension until December 15, 2021 to file the
15 opening brief.
16

17 I declare under penalty of perjury that the foregoing is true and correct.
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19 Executed on this 24^h day of November 2021

20 /s/ Byron E. Thomas

21 Byron E. Thomas
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Certificate of Service

I certify that on November 24, 2021 that the Motion to Extend Time to File Opening Brief was served upon the following via the Nevada Supreme Court’s electronic filing system:

Daniel Nubel
Attorney for Respondents

/s/Byron E. Thomas