	IN THE CUDDEN	E COURT
1	<u>IN THE SUPREME COURT</u> <u>FOR THE STATE OF NEVADA</u>	
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3	PHILIP J. FAGAN, JR., an individual, and	Case No.: 84699 Electronically Filed
4	as Trustee of the PHILIP J. FAGAN, JR. 2001 TRUST,	Dec 06 2022 11:45 PM
5	2001 11(051,	Elizabeth A. Brown Clerk of Supreme Court
6	Appellant,	MOTION TO EXTEND TIME TO FILE OPENING BRIEF
7	v.	(SECOND REQUEST)
8 9	AAL-JAY, INC.,	
10	Appellee.	
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15	Appellants PHILIP J. FAGAN, JR.,	an individual, and as Trustee of the
16	PHILIP J. FAGAN, JR. 2001 TRUST (here	einafter "Fagan") hereby submits this
17 19	Motion to Extend the Time to File Opening	ng Brief from December 6, 2022 to
18 19	December 20, 2022. This Motion is based or	n the attached Memorandum of Points
20	and Authorities and all papers on file herein.	
21		
22	DECLARATION OF ALLISC	<u>DN R. SCHMIDT, ESQ.</u>
23	I, Allison R. Schmidt, pursuant to NRS	\$ 53.045, hereby declare under penalty
24	of perjury as follows:	
25 26	1) I am an attorney licensed to practice before	e all courts in the State of Nevada, and
26 27	counsel of record for Appellant in this appeal	
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		Docket 84699 Document 2022-38378

2) I am the attorney responsible for the day-to-day handling of this matter.

3) I make this Declaration in support of Appellant's Motion to Extend Time to File Opening Brief and make it on my own personal knowledge, except as to those matters stated upon information and belief and, as to those matters, I believe them to be true.

4) The current due date for Appellee's Opening Brief was December 6, 2022.

5) The brief was previously due on Monday, November 21, 2022, and Appellant was
granted a telephonic extension to December 6, 2022.

6) Due to the large amount of complex issues raised in this appeal, and the
uniqueness of the issues, the briefing is taking much longer than expected, as there
is little case law in Nevada concerning the issues at hand, and the Appellant has been
required to research nationally.

7) Additionally, following the thanksgiving holiday, I was out of the office with
RSV, a respiratory infection that I have only recently returned from.

8) I believe the additional time will allow the best briefing to be submitted to this
Court and do not anticipate seeking any further extensions. Based on the above,
Appellant asserts good cause exists to extend the due date of the Opening Brief from
December 6, 2022 by fourteen (14) days to December 20, 2022.

9) This is Appellant's second request to extend the time to file the Brief, following
the first telephonic request. This request is not made in bad faith or for the purpose
of delay.

1	I declare under penalty of perjury under the laws of the State of Nevada that	
2	the foregoing is true and correct to the best of my knowledge and belief.	
3	Executed this 6th day of December, 2022.	
4		
5	<u>/s/ Allison R. Schmidt</u> Allison R. Schmidt, Esq.	
6 7	MEMORANDUM OF POINTS & AUTHORITY	
8	NRAP 31(b)(3) states in pertinent part:	
9	A motion for extension of time for filing a brief may be	
10	made no later than the due date for the brief and must	
11	comply with the provisions of this Rule and Rule 27. (A) Contents of Motion. A motion for extension of time	
12	for filing a brief shall include the following:	
13	(i) The date when the brief is due;	
14	(ii) The number of extensions of time previously granted (including a 5-day telephonic extension), and if extensions	
15	were granted, the original date when the brief was due;	
16	(iii) Whether any previous requests for extensions of time have been denied or denied in part;	
17	(iv) The reasons or grounds why an extension is necessary;	
18	and (v) The length of the extension requested and the date on	
19	which the brief would become due.	
20	Appellant's opening brief was presently due on December 6, 2022. Appellant	
21	asserts, based on the declaration of counsel, that good cause exists for one further	
22	assents, based on the declaration of counsel, that good cause exists for one further	
23	extension, to December 20, 2022. This motion was properly filed before the time to	
24	file the brief expired.	
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1	CONCLUSION	
2	Based on the above, Appellant respectfully requests that this Court grant its	
3	Motion to Extend Time to File Opening Brief and set December 20, 2022, as the	
4	new due date for Mr. Fagan's Brief.	
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6 7	DATED this 6th day of December, 2022.	
8	a/ Allison D. Sahmidt	
9	<u>s/ Allison R. Schmidt</u> Allison R. Schmidt	
10	Nevada Bar No. 10743 BLACK & WADHAMS	
11	Nevada Bar No. 10743	
12	10777 West Twain Avenue, 3rd Floor Las Vegas, Nevada 89135	
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15	Attorney for Appellant	
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CERTIFICATE OF SERVICE I certify that I electronically filed on the 6th day of December, 2022, the foregoing APPELLANT'S MOTION TO EXTEND TIME TO FILE OPENING BRIEF (SECOND REQUEST) with the Clerk of the Court for the Nevada Supreme Court by using the CM/ECF system. I further certify that all parties of record to this appeal either are registered with the CM/ECF or have consented to electronic service. [] By placing a true copy enclosed in sealed envelope(s) addressed as follows: [X] (By Electronic Service) Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF systems sends an e-mail notification of the filing to the parties and counsel of record listed above who are registered with the Court's CM/ECF system. Service via electronic notification will be sent to the following: OGONNA M. BROWN, ESQ. /s/ Allison R. Schmidt Page 5 of 5