

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Case No.: 84699
Electronically Filed
Dec 06 2022 11:45 PM
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO EXTEND TIME
TO FILE OPENING BRIEF
(SECOND REQUEST)**

V.

Appellee.

DECLARATION OF ALLISON R. SCHMIDT, ESQ.

1) I am an attorney licensed to practice before all courts in the State of Nevada, and
counsel of record for Appellant in this appeal.

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

2 3) I make this Declaration in support of Appellant's Motion to Extend Time to File
3 Opening Brief and make it on my own personal knowledge, except as to those
4 matters stated upon information and belief and, as to those matters, I believe them
5 to be true.
6

7 4) The current due date for Appellee's Opening Brief was December 6, 2022.
8

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

11 6) Due to the large amount of complex issues raised in this appeal, and the
12 uniqueness of the issues, the briefing is taking much longer than expected, as there
13 is little case law in Nevada concerning the issues at hand, and the Appellant has been
14 required to research nationally.
15

16 7) Additionally, following the thanksgiving holiday, I was out of the office with
17 RSV, a respiratory infection that I have only recently returned from.
18

19 8) I believe the additional time will allow the best briefing to be submitted to this
20 Court and do not anticipate seeking any further extensions. Based on the above,
21 Appellant asserts good cause exists to extend the due date of the Opening Brief from
22 December 6, 2022 by fourteen (14) days to December 20, 2022.
23

24 9) This is Appellant's second request to extend the time to file the Brief, following
25 the first telephonic request. This request is not made in bad faith or for the purpose
26 of delay.
27
28

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 /s/ Allison R. Schmidt
6 Allison R. Schmidt, Esq.

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.

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

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

15 (ii) The number of extensions of time previously granted
16 (including a 5-day telephonic extension), and if extensions
17 were granted, the original date when the brief was due;

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

20 (iv) The reasons or grounds why an extension is necessary;
21 and

22 (v) The length of the extension requested and the date on
23 which the brief would become due.

24 Appellant's opening brief was presently due on December 6, 2022. Appellant
25 asserts, based on the declaration of counsel, that good cause exists for one further
26 extension, to December 20, 2022. This motion was properly filed before the time to
27 file the brief expired.

28 . . .

. . .

