

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2
3 GABRIEL J. DALEY

4 Appellant,

5 Vs.

6 ENCORE GROUP OF PROFESSIONALS, LLC,

7 ENCORE GROUP OF CALIFORNIA, LLC

8 ENCORE GROUP OF NEVADA, LLC

9 ENCORE GROUP OF TEXAS, LLC

10 ENCORE GROUP OF HAWAII, LLC

11 JOHN JACKSON;

12 TERRY JACKSON;

13 Respondents.

Supreme Court No. 84745

District Court No. A735644

Electronically Filed
Jul 07 2022 05:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

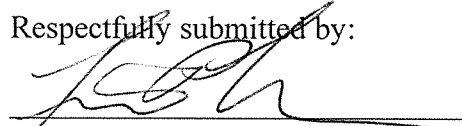
14 **MOTION FOR EXTENSION OF TIME TO FILE**

15 **OPPOSITION TO MOTION TO DISMISS**

16 COMES NOW, Timothy P. Thomas, Esq., attorney for Appellant, GABRIEL J. Daley,
17 moves this Court for an Order granting an extension of time of five (5) days from the date the
18 Opposition to Motion to Dismiss due, to wit: July 5, 2022, and extend the time to and including,
19 five (5) days, for filing of the Opposition to Motion to Dismiss. This motion is made and based
20 upon NRAP 26 and 27, the Declaration of Timothy P. Thomas, Esq., filed herewith, and the
21 Points and Authorities attached hereto.
22

23 DATED this 7th day of July, 2022.

24 Respectfully submitted by:

25 

26 Timothy P. Thomas, Esq.
27 1771 E. Flamingo Rd., Ste. B-212
28 Las Vegas, NV 89119

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POINTS AND AUTHORITIES

Time for serving and Filing Opposition to Motion to Dismiss was set by Notice issued on June 28, 2022 stating:

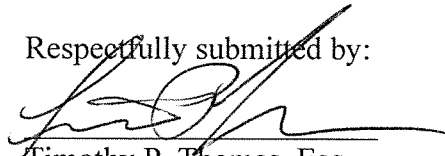
Appellant shall file the docketing statement with the Clerk of the Supreme Court within 7 days of the date of this notice. See NRAP 14. An original and 2 copies shall be filed, together with proof of service on all parties. NRAP 14(b). Failure to file a docketing statement may result in the imposition of sanctions, including the dismissal of this appeal. NRAP 14(c).

Gabriel J. Daley Docketing Statement was currently due on July 5, 2022. This is the first request for an extension of time. The instant case is an appeal from the district court's *granting Judgment on Motion to Enforce Settlement Agreement for Plaintiff and Third-Party Defendants, and award of attorney's fees and costs.*

The Motion to Dismiss was inadvertently calendared with the deadline 7 days from July 6, 2022 rather than July 28, 2022. I received the certificate of service for the Motion to Dismiss on July 6, 2022. Counsel discovered the error and prepared to file the Opposition to Motion to Dismiss on July 8, 2022. Counsel respectfully request that this court permit him ten (5) days to properly draft and submit the Opposition to Motion to Dismiss based upon excusable request.

DATED this 7th day of July, 2022.

Respectfully submitted by:


Timothy P. Thomas, Esq.

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DECLARATION OF TIMOTHY P. THOMAS
IN SUPPORT OF MOTION FOR EXTENSION OF TIME
TO FILE DOCKETING STATEMENT

I, TIMOTHY P. THOMAS, ESQ., being first duly sworn, deposes and states:

1. I am an attorney duly licensed to practice law in the State of Nevada. I am counsel for the Appellant in the above-entitled matter. I have personal knowledge of all matters contained herein and am competent to testify thereto. Gabriel J. Daley Opposition to Motion to Dismiss was due on July 5, 2022. This is the first request for an extension of time. The instant case is an appeal from the district court's *granting Judgment on Motion to Enforce Settlement Agreement for Plaintiff and Third-Party Defendants, and award of attorney's fees and costs.*
2. The Motion to Dismiss was inadvertently calendared with the deadline 7 days from July 6, 2022 rather than July 28, 2022. I received the certificate of service for the Motion to Dismiss on July 6, 2022. Counsel discovered the error and prepared to file the Opposition to Motion to Dismiss on July 8, 2022.
3. Therefore, Counsel respectfully requests that this Court permit him ten (10) days in order to properly draft and submit the Docketing Statement.
4. That this motion is made in good faith and not for purposes of delay.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 7th day of July, 2022.



Timothy P. Thomas, Esq.

CERTIFICATE OF SERVICE

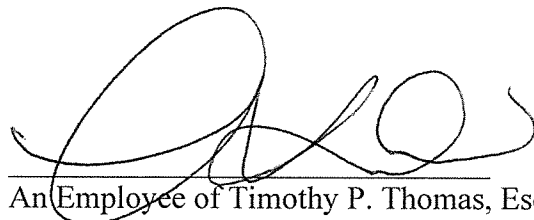
I hereby certify and affirm that this document was filed electronically with the Supreme Court of the State of Nevada on July 07, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Phil Emerson, Esq.
EMERSON LAW GROUP
1055 Whitney Ranch Drive, Suite 120
Henderson, NV 89014
Kent Woods, Esq.

LAW OFFICE OF KENT WOODS, LLC
197 E. California Ave #300
Las Vegas, NC 89104
Janet Trost, Esq.

SUPREME COURT OF NEVADA, CLERKS OFFICE
201 S CARSON STREET, SUITE 201
CARSON CITY, NV 89701

BY:

A handwritten signature in black ink, appearing to read 'Timothy P. Thomas', is written over a horizontal line.

An Employee of Timothy P. Thomas, Esq.