

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF THOMAS S. SHADDIX, ESQ.
NEVADA BAR NO. 7905

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Elisbeth A. Brown
Clerk of Supreme Court

**RESPONDENT'S MOTION FOR
ADDITIONAL EXTENSION OF
TIME PURSUANT TO N.R.A.P.
31(b)(3) AND N.R.A.P. 26(b)(1)(B)**

Respondent in Proper Person THOMAS S. SHADDIX hereby respectfully files his RESPONDENT'S MOTION FOR ADDITIONAL EXTENSION OF TIME PURSUANT TO N.R.A.P. 31(b)(3) AND N.R.A.P. 26(b)(1)(B) with this Honorable Court. This Motion is based upon the papers and pleadings on file herein, the Declaration of Thomas S. Shaddix, Esq. pursuant to 28 U.S.C. 1746 attached hereto and such other supplemental argument as may be submitted or the Court may require.

I. THE RELIEF SOUGHT

Respondent in Proper Person respectfully requests that this Honorable Court grant him an additional extension of time of **ten (10) days** in which to file his Opening Brief in this matter. This Motion is brought in unquestionable good faith, and demonstrates *extraordinary and compelling* circumstances as mandated by N.R.A.P. 26(b)(1)(B) and as set forth hereinbelow.

II. MOTION

Respondent in Proper Person was served with a Notice of Briefing Schedule/Bar Discipline via email on June 10, 2022. The Notice of Briefing Schedule/Bar Discipline specifically stated that "[a]ny opening brief must be filed within filed within 30 days from the date of this notice."

On June 10, 2022 this Court issued a Briefing Schedule. A Motion to extend

the deadline to file an opening brief was filed by Respondent on July 11, 2022, and was granted on July 19, 2022, with a due date of today, July 25, 2022. However, for reasons as set forth below, Respondent in Proper Person is in need of additional time in which to properly prepare and file his Opening Brief.

N.R.A.P. 31(b)(3) states in pertinent part as follows:

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

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

(I) The date when the brief is due;

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

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

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

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

N.R.A.P. 26(b)(1)(B) states as follows:

(B) Except as otherwise provided in these Rules, a party may, on or before the due date sought to be extended, request by telephone a single 14-day extension of time for performing any act except the filing of a notice of appeal. If good cause is shown, the clerk may grant such a request by telephone or by written order of the clerk. **The grant of an extension of time to perform an act under this Rule will bar any further extensions of time to perform the same act unless the party files a written motion for an extension of time demonstrating extraordinary and compelling circumstances why a further extension of time is**

necessary. [Emphasis added].

Respondent in Proper Person affirmatively states the following:

- (i) The date when the brief is due is July 25, 2022 pursuant to the Order of this Court dated July 19, 2022. Accordingly, this Motion is being filed before the expiration of time in which to file an Opening Brief, which expires on July 25, 2022.
- (ii) The number of extensions of time previously granted (including a 14-day telephonic extension), and if extensions were granted, the original date when the brief was due is ONE (1).
- (iii) Whether any previous requests for extensions of time have been denied or denied in part; No previous requests for extensions of time have been denied or denied in part.
- (iv) The reasons or grounds why an extension is necessary (including demonstrating extraordinary and compelling circumstances under Rule 26(b)(1)(B)). Respondent in Proper Person has employed the services of a paralegal to assist him in the preparation of his Opening Brief in this matter. This individual had previously traveled out of state, and while out of state, this individual contracted a serious respiratory illness consistent with Covid-19. That diagnosis, although not formally confirmed as of Respondent's initial Motion for Extension filed on July 11, 2022, the diagnosis was in fact formally confirmed in the afternoon of Tuesday, July 12, 2022. Due to that delay in diagnosis and subsequent treatment with an appropriate antiviral medication, this individual's illness was severely exacerbated, and recovery was significantly

delayed, only testing negative for the Covid-19 virus as of yesterday, July 24, 2022. Respondent in Proper Person is a sole practitioner, currently without the assistance of a secretary. The record on appeal is quite voluminous in nature as this matter has been ongoing for more than two (2) years, which Respondent in Proper Person is informed and believes is due at least in part to Covid-19 restrictions and delays. Respondent in Proper Person has every intention of meaningfully responding to this matter and seeking a hearing if possible, but simply needs the requested additional brief period of time in which to do so.

- (v) To make circumstances even more extraordinary and compelling, today, July 25, 2022, Respondent in Proper Person and the paralegal he has hired to assist him in the preparation of his Opening Brief learned that Respondent did not have access to the State Bar of Nevada's website, which included without limitation Respondent's use of FastCase™. Although the factual portion and parts of the argument of Respondent's Opening Brief had been drafted, Respondent and his assistant needed to conduct additional case law research in order to finalize and file Respondent's opening brief. This was impossible under the current circumstances. Respondent was able to rectify the issue with the State Bar of Nevada, however it is unclear when Respondent's access to FastCase™ will be restored. The fact that Respondent will be locked out of FastCase™ for an undetermined period of time was confirmed on this date, July 25, 2022, by an authorized agent of the State Bar of Nevada, one Elizabeth (Liz) Pastore with the Member Services Department. Ms. Pastore informed Respondent that once her supervisor had reviewed

Respondent's reinstated access to the State Bar's website, they would submit the same to the Supreme Court and "reopen" [Respondent's] access to FastCase™. It must be noted that FastCase™ is now, and has been for a number of years, Respondent's *only* online legal research platform. There was no definite time frame given for Respondent's access to FastCase™ to be reinstated.

- (vi) Respondent in Proper Person respectfully requests an additional ten (10) days in which to file an Opening Brief; if this Motion is granted, the Opening Brief would be due on Thursday, August 4, 2022.

III. CONCLUSION

For the reasons set forth herein, Respondent in Proper Person respectfully requests that RESPONDENT'S MOTION FOR ADDITIONAL EXTENSION OF TIME PURSUANT TO N.R.A.P. 31(b)(3) AND N.R.A.P. 26(b)(1)(B) be granted in its entirety as set forth herein.

Dated this 25th day of July, 2022.

LAW OFFICE OF THOMAS S. SHADDIX

/s/ Thomas S. Shaddix

Thomas S. Shaddix, Esq.

Nevada State Bar No.: 7905

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Respondent in Proper Person

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CERTIFICATE OF COMPLIANCE

I hereby certify that this RESPONDENT’S MOTION FOR ADDITIONAL EXTENSION OF TIME PURSUANT TO N.R.A.P. 31(b)(3) AND N.R.A.P. 26(b)(1)(B) complies with the formatting requirements of N.R.A.P. 32(a)(4), the typeface requirements of N.R.A.P. 32(a)(5) and the type style requirements of N.R.A.P. 32(a)(6). This RESPONDENT’S MOTION FOR ADDITIONAL EXTENSION OF TIME PURSUANT TO N.R.A.P. 31(b)(3) AND N.R.A.P. 26(b)(1)(B) has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Times New Roman font, is 1,787 words, eight (8) pages, in length (N.R.A.P. 32(a)(7)).

I further certify that I have read this RESPONDENT’S MOTION FOR ADDITIONAL EXTENSION OF TIME PURSUANT TO N.R.A.P. 31(b)(3) AND N.R.A.P. 26(b)(1)(B), and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this RESPONDENT’S MOTION FOR ADDITIONAL EXTENSION OF TIME PURSUANT TO N.R.A.P. 31(b)(3) AND N.R.A.P. 26(b)(1)(B) complies with all applicable Nevada Rules of Appellate Procedure. I understand that I may be subject to sanctions in the event that this appellate pleading is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 25th day of July, 2022.

LAW OFFICE OF THOMAS S. SHADDIX
/s/ Thomas S. Shaddix
Thomas S. Shaddix, Esq.
Nevada State Bar No.: 7905

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DECLARATION OF THOMAS S. SHADDIX, ESQ., RESPONDENT,
PURSUANT TO 28 U.S.C. 1746 IN SUPPORT OF RESPONDENT'S
MOTION FOR ADDITIONAL EXTENSION OF TIME PURSUANT TO
N.R.A.P. 31(b)(3) AND N.R.A.P. 26(b)(1)(B)

That I have read the foregoing RESPONDENT'S MOTION FOR ADDITIONAL EXTENSION OF TIME PURSUANT TO N.R.A.P. 31(b)(3) AND N.R.A.P. 26(b)(1)(B) ; I am the Respondent in Proper Person in the above-captioned matter and am competent to testify to the matters stated herein. I hereby incorporate by reference the entirety of the Motion set forth above, and everything contained therein is true and correct to the best of my knowledge, except for those matters stated upon information and belief, and as to those matters, I believe the same are true.

Executed at Las Vegas, Nevada, this 25th day of July, 2022, under penalty of perjury pursuant to 28 U.S.C. 1746.

/s/ Thomas S. Shaddix
THOMAS S. SHADDIX

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 25, 2022, I caused a true and correct copy of the foregoing RESPONDENT’S MOTION FOR ADDITIONAL EXTENSION OF TIME PURSUANT TO N.R.A.P. 31(b)(3) AND N.R.A.P. 26(b)(1)(B) to be electronically served upon the following person(s) through the Supreme Court’s eflex service system:

BRUCE C. HAHN, ESQ.

Nevada State Bar No. 5011

State Bar of Nevada

3100 W. Charleston Blvd., Ste. 100

Las Vegas, NV 89102

Counsel for the State Bar of Nevada

/s/ Thomas S. Shaddix

LAW OFFICE OF THOMAS S. SHADDIX