

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS A. PICKENS,
INDIVIDUALLY AND AS TRUSTEE
OF THE LV BLUE TRUST,

Appellant,

vs.

DR. DANKA K. MICHAELS,
INDIVIDUALLY AND AS TRUSTEE
OF THE MICH-MICH TRUST,

Respondent;

Electronically Filed
Jan 04 2022 09:16 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

S.C. DOCKET NO.: 83491

D.C. Case No. D-17-560737-D

**MOTION FOR EXTENSION OF TIME FOR APPELLANT TO FILE
OPENING BRIEF AND APPENDIX**

Appellant, Thomas A. Pickens, Individually and as Trustee of the LV Blue Trust requests an extension of 21 days, through January 26, 2022, to file his opening brief and appendix as directed by this Court. NRAP 26(b)(1)(A). The opening brief and appendix are currently due on January 5, 2022. The original deadline of December 22, 2021 was continued by grant of a telephonic extension. NRAP 26(b)(1)(B). No extensions to Appellant have been denied or denied in part.

The current circumstances necessitate additional time. *See* NRAP 26(b)(1)(B) (a telephonic extension precludes the further extensions absent “extraordinary and compelling circumstances”). In this case, it was anticipated that the telephonic extension would provide sufficient time to address the issues contained in the instant

appeal. Unfortunately, the undersigned counsel's legal assistant who works with the undersigned on all appellate cases was diagnosed with Covid-19 just before the Christmas. She has been in quarantine and has not returned to the office. In addition, Michele LoBello, one of the partners in Appellant's counsel's firm, and one of the trial lawyers in this case has also had a Covid-19 exposure which has caused her to quarantine. Finally, there has been a significant delay in the District Court clerk's office (not due to the fault of any staff member of the trial court) in confirming the final trial exhibit list needed to complete the appendix. Appellant's counsel has been working with the Court to track down several missing trial exhibits which need to be included in the appendix and referenced in the brief. These factors, coupled with the holidays, has severely delayed the finalization of the brief and Appellant's appendix. As of this filing, those exhibits have still not been located by the Court, but counsel has been assured by Court staff that they are working on obtaining them from the Court vault.

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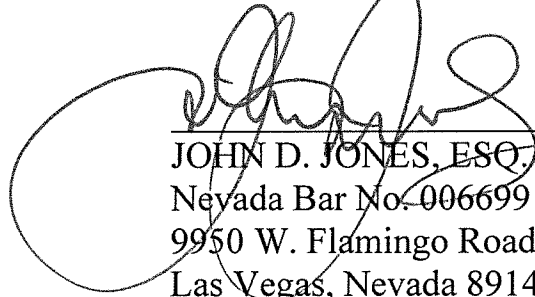
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The forgoing reasons constitute extraordinary and compelling circumstances warranting the granting of 21 additional days until January 26, 2022. This request is not intended to delay the outcome of this appeal.

Dated this 5 day of January, 2022

JONES & LOBELLO

A large, stylized handwritten signature in black ink, likely belonging to John D. Jones, is written over a horizontal line. The signature is fluid and cursive, with a large loop on the left side.

JOHN D. JONES, ESQ.

Nevada Bar No. 006699

9950 W. Flamingo Road, #100

Las Vegas, Nevada 89147

702-318-5060

Attorneys for Appellant

PROOF OF SERVICE

I, Heather Ritchie, declare:

I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed at Jones & LoBello, 9950 W. Flamingo Road, #100, Las Vegas, Nevada 89147. I am readily familiar with Jones & LoBello's practice for collection and processing of documents for delivery by way of the service indicated below.

On January 4, 2022, I served the following document:

**MOTION FOR EXTENSION OF TIME FOR APPELLANT TO FILE
OPENING BRIEF AND APPENDIX**

On the interested party(ies) in this action as follows:

ATTORNEYS FOR RESPONDENT

Jennifer V. Abrams, Esq.
Nevada Bar No. 7575
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and

Shawn M. Goldstein, Esq.
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By Mail. By placing said document in an envelope or package for collection and mailing, addressed to the person(s) at the address(es) listed above, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same date that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed on January 4, 2022, at Las Vegas, Nevada.



Heather Ritchie