

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF SEARCH WARRANTS
REGARDING SEIZURE OF DOCUMENTS,
LAPTOP COMPUTERS, CELLULAR
TELEPHONES, AND OTHER DIGITAL
STORAGE DEVICES FROM THE PREMISES
OF LAS VEGAS BISTRO, LLC AND LITTLE
DARLINGS OF LAS VEGAS, LLC

LAS VEGAS BISTRO, LLC D/B/A LARRY
FLYNT'S HUSTLER CLUB; AND LITTLE
DARLINGS OF LAS VEGAS, LLC,

Appellants,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Respondent.

Supreme Court Case No.:
84931-COA

Electronically Filed
Apr 28 2023 11:35 AM
[District Court Case No. A-22-85107]
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Eighth Judicial District Court, Order Denying Motion Treated as
Civil Complaint Seeking Equitable Relief, Pursuant to NRS 179.085,
Honorable Jerry A. Wiese II, District Judge

**UNOPPOSED MOTION TO EXTEND TIME FOR APPELLANT
TO FILE PETITION FOR REHEARING**

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Appellants, Las Vegas Bistro, LLC and Little Darlings of Las Vegas, LLC, by and through their attorneys of record, Deanna L. Forbush, Esq. and Colleen E. McCarty, Esq. of Fox Rothschild LLP and Respondent, Las Vegas Metropolitan Police Department, by and through its attorneys of record, Nick D. Crosby and Jackie V. Nichols of Marquis Aurbach, hereby submit their Unopposed Motion to Extend Time for Appellants to File Petition for Rehearing, pursuant to NRAP 26(b)(1)(A).

This Unopposed Motion requests an extension of time to immediately file Appellants' Petition for Rehearing¹, which seeks to correct the Court's statement regarding the return of seized devices and materials made in its Order Affirming in Part, Reversing in Part and Remanding issued April 7, 2023. Appellants assert the statement does not accurately reflect the record on appeal.

This Unopposed Motion is based on the Declaration of Colleen E. McCarty, Esq., below and all pleadings and papers already on file.

DECLARATION OF COLLEEN E. MCCARTY, ESQ.

I, COLLEEN E. MCCARTY, declare under penalty of perjury under the laws of the State of Nevada that the following statements are true and correct:

¹ Appellants' Petition for Rehearing was filed on April 26, 2023 and subsequently rejected by the Court in its Notice of Rejection of Deficient Petition for Rehearing issued the same day. The Petition is ready for filing as soon as extension approval is given by the Court.

1. I am a Senior Associate with the law firm of Fox Rothschild, LLP, attorneys of record for Appellants. This Declaration is made of my own personal knowledge, and, if called, I could and would competently testify thereto.

2. I am making this Declaration in support of the foregoing Unopposed Motion to Extend Time for Appellants to File Petition for Rehearing.

3. Immediately prior to this filing, I conferred with Jackie Nichols, attorney of record for Respondent, who initially agreed to stipulate to the late filing of Appellants' Petition for Rehearing, which for good cause was filed one (1) day late. As the stipulation could not be timely filed under NRAP 26(b)(1)(B), the parties agreed submit an unopposed motion under NRAP 26(b)(1)(A).

4. This Motion to Extend Time to File Appellants' Petition for Rehearing is made in good faith and not for the purpose of unduly delaying the ultimate disposition of this case.

I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045)², that the foregoing is true and correct.

Dated this 28th day of April, 2023.

/s/ Colleen E. McCarty
COLLEEN E. MCCARTY

² NRS 53.045. Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the prescribed form.

Respectfully submitted by:

FOX ROTHSCHILD LLP

By: /s/ Colleen E. McCarty
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Metropolitan Police Department*

From: [Loffredo, Doreen](#)
To: [Loffredo, Doreen](#)
Subject: FW: Joint Motion to Extend Time to File(145138903.1)
Date: April 28, 2023 11:14:14 AM

From: Jackie V. Nichols <jnichols@maclaw.com>
Sent: April 27, 2023 5:36 PM
To: McCarty, Colleen E. <CMcCarty@foxrothschild.com>
Subject: [EXT] Re: Joint Motion to Extend Time to File(145138903.1)

Hi Colleen,

You may affix my signature.

Sent from my iPhone

On Apr 27, 2023, at 3:54 PM, McCarty, Colleen E. <CMcCarty@foxrothschild.com> wrote:

Hi Jackie,

Thanks again for your time earlier. Following our conversation, I determined that a stipulation under NRAP 26(b)(1)(B) may not be accepted, as the language of the rule requires filing of a stipulation prior to expiration of the date to be extended. In the interest of time and to be able to complete things today, I went ahead and drafted a simple unopposed motion, which I hope will meet with your approval.

Please let me know as soon as you can if the draft is acceptable or if you have concerns and believe it needs further revision. If it is ok as is, please indicate your consent to affix your e-signature.

Thanks... Colleen

Colleen E. McCarty

Attorney

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