

1                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 SEAN RODNEY ORTH,

Docket No. 85229

3                   Appellant,

4                   vs.

5 THE STATE OF NEVADA,

6                   Respondent.

Electronically Filed  
May 10 2023 11:05 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

7                   **APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE**  
8                   **OPENING BRIEF AND APPENDIX**

9                   Appellant, SEAN RODNEY ORTH, by and through his attorney, C.  
10 BENJAMIN SCROGGINS, ESQ., of THE LAW FIRM OF C. BENJAMIN  
11 SCROGGINS, CHTD., hereby moves this Honorable Court for an Order extending  
12 the time to file the Opening Brief and Appendix in the above-captioned case. This  
13 Motion is made and based upon the pleadings and papers on file in this matter, the

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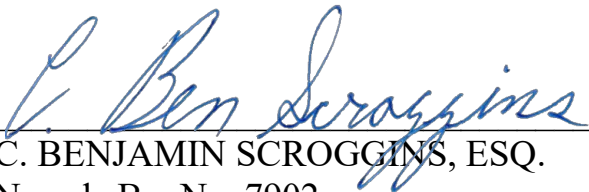
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1 following Memorandum of Points and Authorities, and upon any other argument or  
2 evidence the Court may request in considering the Motion.

3 MADE this 10th day of May, 2023.

4 **THE LAW FIRM OF**  
5 **C. BENJAMIN SCROGGINS, CHTD.**

6   
7 C. BENJAMIN SCROGGINS, ESQ.

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11 *Attorney for Appellant,*  
12 *SEAN RODNEY ORTH*

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 The due date for Appellant's Opening Brief and Appendix is May 11, 2023.  
15 Undersigned counsel and his staff have diligently obtained all records relevant to  
16 this appeal and analyzed the legal issues presented. Undersigned counsel has been  
17 working to prepare the Brief for this case concurrently with another, very  
18 complicated appellate case, Ivan Jay Andrews, Jr. v. The State of Nevada, Supreme  
19 Court of Nevada docket number 85653, which currently has a due date of May 31,  
20 2023, which was set after an extension was requested from a May 1, 2023,  
21 deadline. Additionally, undersigned counsel is preparing for a jury trial set on a

1 firm setting for May 22, 2023, in Department II of the Eighth Judicial District  
2 Court, in the case of State of Nevada v. Angelica Marsh-Hudson, Case number C-  
3 21-358005-2.

4 NRAP 26(b)(1)(A) provides that this Court may extend the time to perform  
5 any act for good cause. Appellant's counsel reached out to the Clark County  
6 District Attorney's Office for a stipulation, but was informed that no deputy has  
7 been assigned to the case because the Opening Brief has not been filed yet.

8 Appellant requests an extension of 45 (FORTY-FIVE) days, up to and including  
9 June 26, 2023, to file the Opening Brief and Appendix. Appellant submits that the  
10 above-stated reasons constitute "good cause" for the short extension requested.

11 The additional time is necessary to ensure that Appellant's claims are adequately  
12 presented to this Court and undersigned counsel can fulfill his constitutional

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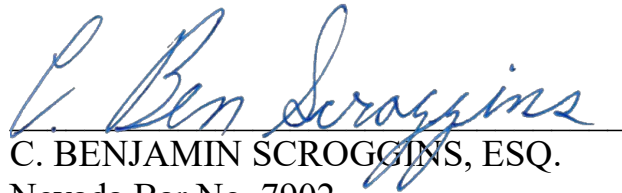
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obligations to all of his clients. No extensions have previously been requested in this case and the extension now requested should provide adequate time.

MADE this 10th day of May, 2023.

**THE LAW FIRM OF  
C. BENJAMIN SCROGGINS, CHTD.**

  
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*Attorney for Appellant,  
SEAN RODNEY ORTH*

**PROOF OF SERVICE**

I hereby certify that I caused the foregoing Motion For Extension of Time to File Opening Brief and Appendix to be served through this Court's electronic service system by filing the same through the eFlex electronic filing system to the registered e-service addresses for the Respondent, State of Nevada.

CERTIFIED this 10th day of May, 2023.

By:   
KELLY JARVI, Legal Assistant to  
C. Benjamin Scroggins, Esq.