

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

2 SEAN RODNEY ORTH,

3                   Appellant,

4                   vs.

5 THE STATE OF NEVADA,

6                   Respondent.

Docket No. 85229

Electronically Filed  
Aug 22 2023 01:08 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

7                   **APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE**

8                   **APPENDIX**  
9                   **(FOURTH REQUEST)**

10                   Appellant, SEAN RODNEY ORTH, by and through his attorney, C.  
11 BENJAMIN SCROGGINS, ESQ., of THE LAW FIRM OF C. BENJAMIN  
12 SCROGGINS, CHTD., hereby moves this Honorable Court for an Order extending  
13 the time to file the remaining Opening Brief Appendix Volumes 8 through 13 in  
14 the above-captioned case. This is the fourth request for an extension of time to file  
15 the Appendix in this case. This Motion is made and based upon the pleadings and  
16 papers on file in this matter, the following Memorandum of Points and Authorities,

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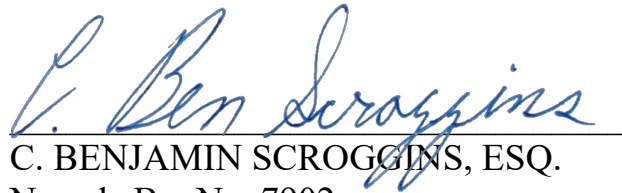
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1 and upon any other argument or evidence the Court may request in considering the  
2 Motion.

3 MADE this 22nd day of August, 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 On or about August 15, 2023, Appellant's Counsel submitted for electronic  
15 filing, Opening Brief and Appellant's Opening Brief Appendix Volumes 1-10. A  
16 rejection notice was sent on August 16, 2023, with regards to the 8<sup>th</sup> Volume.

17 Although counsel worked diligently to correct the Volume capacity for each  
18 rejected volume, it turns out that counsel was unable to successfully upload for  
19 electronic filing on the newly desired due date to correct the subject appendix.

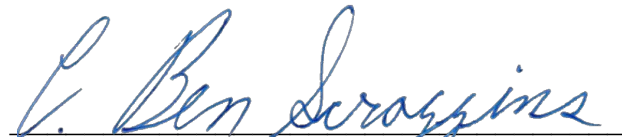
20 Counsel attempted to electronically file the corrected volumes to Opening  
21 Brief but was unsuccessful in all attempts. Counsel's assistant worked into the late

1 evening attempting to electronically submit the documents, but all efforts were  
2 unsuccessful. Undersigned counsel respectfully seeks this continuance on the  
3 grounds of the court's e-filing portal would not accept the corrected volumes due  
4 to the file size having been too large.

5 Even upon compressing, optimizing and reducing the file size, the appendix  
6 exhibits per volume were not able to be uploaded due to file size. The volumes in  
7 question have now been copied to CD Rom and undersigned counsel's assistant  
8 will deliver them immediately to the Supreme Court.

9 MADE this 22nd day of August, 2023.

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

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20 *Attorney for Appellant,*  
21 *SEAN RODNEY ORTH*

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CERTIFIED this 22nd day of August, 2023.

By: Kelly Jarvi  
Kelly Jarvi, Legal Assistant to  
C. Benjamin Scroggins, Esq.

Kelly Jarvi, *Legal Assistant to*  
*C. Benjamin Scroggins, Esq.*