

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEAN RODNEY ORTH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 85229

**FILED**

OCT 31 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY                       
DEPUTY CLERK

*ORDER*

Appellant has filed a motion for a second extension of time to file the reply brief. Once a party receives a telephonic extension of time to perform an act, further extensions of time to perform that same act are barred unless the moving party files a motion for an extension of time demonstrating extraordinary and compelling circumstances in support of the requested extension. NRAP 26(b)(1)(B); NRAP 31(b)(3)(A)(iv). Appellant previously received a telephonic extension of time to file the reply brief and does not demonstrate extraordinary and compelling circumstances warranting a second extension. Nevertheless, in this instance only, the motion is granted to the following extent. Appellant shall have until November 22, 2023, to file and serve the reply brief. Failure to timely file and serve the reply brief may be construed as a waiver of the right to file a reply. NRAP 28(c).

Counsel is advised that a telephonic extension of time to file a document should only be sought when counsel reasonably believes the document will be filed within the additional time afforded by the telephonic extension. A telephonic extension should not be utilized when counsel believes a further extension motion may be necessary. Counsel is also advised that motions for extensions of time must contain all information

required by NRAP 31(b)(3)(A). Future non-compliant motions may be summarily denied.

It is so ORDERED.

Shiglin, C.J.

cc: The Law Firm of C. Benjamin Scroggins, Chtd.  
Attorney General/Carson City  
Clark County District Attorney