No. 85369

In the Supreme Court of Nevada

Electronically Filed
Apr 19 2023 02:32 PM
Elizabeth A. Brown
Clerk of Supreme Court

SIERRA HEALTH AND LIFE INSURANCE CO., INC.,
Defendant-Appellant,

v.

SANDRA L. ESKEW, as special administrator of the Estate of William George Eskew,
Plaintiff-Respondent.

Appeal from the Eighth Judicial District Court, Clark County
Case No. A-19-788630-C

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONDENT'S BRIEF

Respondent Sandra L. Eskew respectfully requests a 45-day extension of the time to file her response brief, from May 11, 2023, to June 26, 2023. The undersigned counsel conferred with counsel for the defendant, who stated that the defendant does not oppose this request. This is the respondent's first extension request for this brief. She submits that there is good cause for it:

1. This is an appeal from a $200 million jury verdict in an insurance bad-faith action. The defendant has filed a 73-page brief that attacks the jury's verdict on multiple grounds. The factual record is voluminous, as reflected in the fact that the defendant has filed 18 appendix volumes.

2. The lead appellate counsel for the appellants in this case, Deepak Gupta, did not participate in the trial in this matter. He and his colleagues therefore require

Docket 85369 Document 2023-12201

substantial time to familiarize themselves with the extensive record and the legal issues on appeal and prepare a brief in this Court.

3. In addition, Mr. Gupta has several pressing obligations that have taken up and will continue to take up substantial time over the next two months. These obligations will make it difficult to properly prepare the brief absent the requested extension. Specifically, Mr. Gupta and his colleagues have the following deadlines over the next two months:

- A reply brief due in the U.S. Court of Appeals for the Eleventh Circuit in *Louis v. Bluegreen*, No. 22-2217, on April 19, 2023;
- A brief in opposition to certiorari due in the United States Supreme Court in *Vidal v. Elster*, No. 22-704, on April 25, 2023;
- An oral argument in the North Carolina Supreme Court in *Miller v. LG Chem*, No. 69A22, on April 25, 2023;
- A reply brief due in the U.S. Court of Appeals for the Fourth Circuit in *Mohamed v. Bank of America*, No. 22-1954, on April 26, 2023;
- An opening brief and appendix due in the U.S. Court of Appeals for the First Circuit in *Conti v. Citizens Bank*, No. 22-1770, on April 26, 2023;
- A response brief due in the Washington Supreme Court in *Nwauzor v. The GEO Group*, No. 21-36024, on April 27, 2023;

- An opening brief and excerpts of record due in the U.S. Court of Appeals for the Ninth Circuit in *Blankinship v. Union Pacific Railroad Co.*, No. 22-16849, on May 1, 2023;
- A response brief due in the U.S. Court of Appeals for the Fourth Circuit in *Alig v. Quicken Loans*, No. 22-2289, on May 3, 2023;
- An opening brief due in the U.S. Court of Appeals for the Seventh Circuit in *Taylor v. Salvation Army*, No. 23-1218, on May 5, 2023;
- An opening brief due in the U.S. Court of Appeals for the Seventh Circuit in *Donahue v. Union Pacific Railroad*, No. 22-16847, on May 5, 2023;
- An opening brief due in the U.S. Court of Appeals for the Fifth Circuit in *Ethridge v. Samsung*, No. 23-40094, on May 10, 2023;
- A reply brief due in the Missouri Court of Appeals in *Copeland v. Western Rivers Boat Management*, No. ED111141, on May 15, 2023;
- An opening brief due in the U.S Court of Appeals for the Fifth Circuit in *Zaragoza v. Union Pacific Railroad*, No. 23-50194, on May 15, 2023;
- A reply brief due in the California Court of Appeal in *Liapes v. Facebook*, No. A164880, on May 16, 2023;
- An oral argument in the California Court of Appeal in *Kielar v. Hyndai*, No. C096773, on May 19, 2023;

- Opening brief due in the New Mexico Supreme Court in *Sanchez v. United Debt Counselors*, No. S-1-SC-39563, on May 19, 2023;
- A response brief due in the U.S. Court of Appeals for the Second Circuit in *Brown Peregrine Enterprises*, No. 22-2959, on May 23, 2023;
- An opening brief due in the U.S. Court of Appeals for the Ninth Circuit in *DeFries v. Union Pacific Railroad*, No. 21-205, on May 24, 2023;
- A response brief due in the California Court of Appeal in *McCormack v. Ford*, No. G061849, on May 29, 2023;
- A reply brief due in the U.S. Court of Appeals for the Ninth Circuit in *Anderson v. Intel*, No. 22-16268, on May 30, 2023;
- An oral argument in the Missouri Court of Appeals in *Copeland v. Western Rivers Boat Management*, No. ED111141, on June 6, 2023;
- A response brief due in the U.S. Court of Appeals for the Eleventh Circuit in *Steines v. Westgate*, on June 6, 2023;
- An answering brief due in the U.S. Court of Appeals for the Ninth Circuit in *Johnson v. Nissan*, No. 22-16644, on June 16, 2023.

///

///

For the foregoing reasons, this unopposed motion for a 45-day extension of time to file the respondent's brief should be granted.

Respectfully submitted, this 19th day of April 2023.

/S/ *MATTHEW L. SHARP*
MATTHEW L. SHARP
SBN No. 4746
MATTHEW L. SHARP, LTD.
432 Ridge Street
Reno, NV 89501
(775) 324-1500
matt@mattsharplaw.com

DEEPAK GUPTA
(*admitted pro hac vice*)
GUPTA WESSLER PLLC
2001 K Street NW, Suite 850 North
Washington, DC 20006
(202) 888-1741
deepak@guptawessler.com

DOUGLAS A. TERRY
(*admitted pro hac vice*)
DOUG TERRY LAW, PLLC
200 E. 10th Street Plaza, Suite 200
Edmond, OK 73013
(405) 463-6362
doug@dougterrylaw.com

Counsel for Respondent

CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that on April 19, 2023, I submitted the foregoing motion for filing via the Nevada Supreme Court's eFlex electronic filing system. Electronic notification will be sent to the following:

D. Lee Roberts, Jr.
Phillip N. Smith
Ryan T. Gormley,
Weinberg, Wheeler, Hudgins,
Gunn & Dial, LLC
6385 S. Rainbow Boulevard, Suite 400
Las Vegas, NV 89118
(702) 938-3838

Thomas H. Dupree Jr.
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue NW
Washington, DC 20036
(202) 955-8500

DATED this 19th day of April 2023.

/s/ Cristin B. Sharp
An employee of Matthew L. Sharp, Ltd.