

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF RENO,

Appellant,

vs.

TEVA PHARMACEUTICALS USA,
INC.; CEPHALON, INC.; ENDO
HEALTH SOLUTIONS, INC.; ENDO
PHARMACEUTICALS INC.;
ALLERGAN USA, INC.;
ALLERGAN FINANCE, LLC F/K/A
ACTAVIS, INC. F/K/A WATSON
PHARMACEUTICALS, INC.;
WATSON LABORATORIES, INC.;
ACTAVIS PHARMA, INC. F/K/A
WATSON PHARMA, INC.; AND
ACTAVIS LLC,

Respondents.

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Elizabeth A. Brown
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Supreme Court Case No.: 85412

**MOTION FOR EXTENSION OF TIME
(Second Request)**

Appellant CITY OF RENO hereby moves the Court to enter an order granting it a 60-day extension of time, *i.e.*, to and including April 17, 2023 within which to file and serve its opening brief. Appellant and Respondents previously stipulated to a 120-day extension for the Appellant to file and serve its opening brief. After

reviewing the stipulation, the Court granted the Appellant a 30-day extension. If the Court grants the instant Motion for Extension of Time, it will result in an overall extension of 90 days.

This motion is made pursuant to NRAP 31(a)(1) and is based on the accompanying memorandum of points and authorities.

Dated this 7th day of February, 2023.

/s/ Robert T. Eglet

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MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTS

Appellant, CITY OF RENO (“Appellant”), caused the instant appeal to be filed on September 26, 2022. On September 28, 2022, this Court assigned this matter to the Settlement Program. This Court issued an Order Removing Case from Settlement Program and Reinstating Briefing on October 18, 2022. Pursuant to the Briefing Schedule, Appellant’s Opening Brief and Appendix were originally due on January 16, 2023. Appellant and Respondents submitted a stipulation and request for a 120-day extension of time for filing the opening brief on January 4, 2023.¹ This Court issued an Order on January 9, 2023, granting a 30-day extension for the Appellant’s Opening Brief and Appendix. Accordingly, the Appellant’s Opening Brief and Appendix are currently due on February 16, 2023.

Counsel for Appellant represents the State of Nevada in its opioid litigation against Respondents. *See State of Nevada v. McKesson Corporation, et al.*, Eighth Judicial District Court, Case No. A-19-796755. Counsel for Respondents in this matter are counsel for the same parties in the State of Nevada’s litigation. Trial in the State of Nevada’s litigation is set to begin on May 1, 2023. Accordingly, Appellant and Respondents are presently engaged in pre-trial motion practice,

¹ The Court noted that respondents Endo Health Solutions, Inc. and Endo Pharmaceuticals, Inc. did not sign the stipulation submitted on January 4, 2023. As noted in the Case Appeal Statement, Endo Health Solutions, Inc. and Endo Pharmaceuticals, Inc. submitted a Notice of Suggestion of Bankruptcy and Stay Proceedings in the District Court on August 17, 2022.

exhibit preparation, and evaluation of initial jury questionnaires. Appellant and Respondents' original stipulated request for the 120-day extension was made and based upon the fact that Appellant and Respondent are engaged in significant pre-trial work in the State of Nevada's opioid litigation. As noted above, the original deadline for Appellant's opening brief was January 16, 2023. Dispositive Motions in the State of Nevada's litigation were due and filed on January 20, 2023.

The upcoming deadlines in the State of Nevada's litigation are as follows:

- February 9, 2023 – Motions in Limine Due, the parties estimate that they will submit a total of 80 Motions in Limine.
- February 14, 2023 – Oppositions to Dispositive Motions Due, the State of Nevada filed nine (9) Dispositive Motions and the Defendants (including Respondents) filed eight (8) Dispositive Motions.
- February 17, 2023 – Parties to submit the stipulated excusals from the first half of the Ability to Serve Jury Questionnaires.
- February 24, 2023 – Replies in Support of Dispositive Motions Due.
- February 24, 2023 - Parties to submit the stipulated excusals from the second half of the Ability to Serve Jury Questionnaires.
- February 28, 2023 – Oppositions to Motions in Limine Due.
- March 3, 2023 – NRC 16.1(a)(3) disclosures of exhibits and witnesses due.

- March 7, 2023 – Replies in Support of Motions in Limine Due.
- March 16-17, 2023 – Hearings on Dispositive Motions.
- March 28-29, 2023 – Hearings on Motions in Limine.

Appellant’s and Respondents’ Counsel are working diligently on preparing the relevant pre-trial matters in the State of Nevada’s litigation. Appellant does not request this extension for any dilatory motive nor to cause unreasonable delay.

II. ARGUMENT

NRAP 31(b)(3) permits a party to an appeal to submit a motion for extension of time so long as the motion is submitted “no later than the due date for the brief.”

The rule requires the Motion to include the following:

- (i) The date when the brief is due – February 16, 2023.
- (ii) The number of extensions of time previously granted – Once pursuant to the January 9, 2023, Order, the original deadline of the Appellant’s opening brief was January 16, 2023.
- (iii) Whether any previous requests have been denied in whole or in part – the parties previously stipulated to, and requested, a 120-day extension. This Court granted a 30-day extension on the parties’ stipulation.
- (iv) The reasons or grounds why an extension is necessary – Appellant’s Counsel is currently engaged in pre-trial preparations in the State of Nevada’s opioid litigation pursuant to the schedule set forth above.

There are near-weekly pre-trial deadlines in the State of Nevada's litigation demanding Appellant's Counsel's attention and participation. Accordingly, Appellant requests an extension of time in which to submit its opening brief.

- (v) The length of time requested and the date on which the brief would be due – Appellant respectfully requests a 60-day extension so that its opening brief would be due on April 17, 2023.

Appellant's request for an extension of time is made in good faith and is not made to cause undue delay or for any dilatory motive.

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III. CONCLUSION

For the foregoing reasons, appellant respectfully requests the Court to grant its Motion and enter its order extending the time within which it may file and serve its opening brief to and including April 17, 2023.

Dated this 7th day of February, 2023.

/s/ Robert T. Eglet

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of EGLET ADAMS, and that on this 7th day of February, 2023, a copy of the **MOTION FOR EXTENSION OF TIME (Second Request)**, was electronically filed with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (Eflex) and electronically served on the following individuals:

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