

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS K. KIEREN, JR., an individual,

Appellant,

v.

STATE OF NEVADA, ex rel., CHARLES DANIEL, Director of Nevada Department of Corrections; RANDALL GILMER, Nevada Department of Corrections Division of Public Safety,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court Case No. **85442**

(First Judicial District Court
Case No. 21 OC 00177 1B)

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
OPENING BRIEF AND MOTION TO PARTIALLY WITHDRAW**

[Second Request]

Appellant DENNIS K. KIEREN, JR., by and through his pro-bono counsel, the law firm of Greenberg Traurig, LLP, moves to extend time for Appellant to file his Opening Brief under NRAP 31(b)(3), extending Appellant's deadline to submit the Opening Brief by thirty (30) days until April 26, 2024. Relatedly, Appellant moves for permission for Glenn Meier, Esq. to withdraw and to recognize this motion as Alayne Opie, Esq.'s notice of appearance in his place and stead.

I. The Court Should Extend the Time to File the Opening Brief

NRAP 31(b)(3) requires movants to explain certain matters in a motion to extend time. The Opening Brief is due on March 27, 2024, and this request is the

second request for an extension to file an Opening Brief. This request is not made to delay the proceedings, and no previous requests for extension of time have been denied. Whether judged under a good cause or a compelling and extraordinary circumstances standard, the Court should approve this extension. Lead counsel on this case, Glenn Meier, decided to leave Greenberg Traurig, LLP, to pursue other endeavors. Thus, Appellant could not complete the Opening Brief at this time. New lead counsel, Alayne Opie, needs time to review the record on appeal and legal issues. Appellant contemporaneously moves the Court to allow Mr. Meier to withdraw, and to accept Ms. Opie's notice of appearance as lead counsel. *Infra*, at II. Appellant seeks thirty (30) additional days to file the Opening Brief. As extended, the Opening Brief would be due on Friday, April 26, 2024.

II. The Court Should Allow Mr. Meier to Withdraw and Accept Ms. Opie's Notice of Appearance in his Place

SCR 46 governs motions to withdraw in civil appeals. *See* NRAP 46(e)(3) ("The motion shall clearly state the reasons for the attorney's withdrawal consistent with SCR 46 and RPC 1.16."); *see also Aldabe v. Aldabe*, 84 Nev. 392, 441 P.2d 691 (1968). Nevada Rule of Professional Conduct 1.16(b) states that an attorney may be allowed to withdraw from employment if: "(1) [w]ithdrawal can be accomplished without material adverse effect on the interests of the client; . . . [or if] (7) Other good cause for withdrawal exists." RPC 1.16(b). In the present case, Mr. Meier decided to leave Greenberg Traurig, LLP, Appellant's pro-bono counsel,

to pursue other endeavors. Mr. Meier served as lead counsel on this case, but Ms. Opie is taking over as lead counsel. Given this change in staffing, additional time is necessary for Ms. Opie to become familiar with the circumstances in the record. Greenberg Traurig, and undersigned counsel, are not seeking to withdraw from the case. Appellant contends that RPC 1.16(b) has been satisfied. Likewise, Appellant will not suffer any adverse consequences because Greenberg Traurig remains on the case. Undersigned counsel contends that these circumstances constitute good cause to grant withdrawal. Appellant requests that this Motion be treated as Ms. Opie's notice of appearance, Nevada Bar No. #12623.

DATED this 27th day of March, 2024.

GREENBERG TRAURIG, LLP

/s/ Elliot T. Anderson

Elliot T. Anderson, Esq.
Nevada Bar No. 14025
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: andersonel@gtlaw.com

Pro-Bono Counsel for Appellant

CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I am an employee of GREENBERG TRAURIG, LLP, that in accordance therewith, I caused the foregoing *Unopposed Motion for Extension of Time to File Opening Brief and Motion to Partially Withdraw [Second Request]* to be filed and served via the Supreme Court's e-filing system on March 27, 2024, and by mailing it first class mail with sufficient postage prepaid, to the following address:

Dennis Keith Kieren, Inmate No. 51697
LEGAL MAIL
Lovelock Correctional Facility
1200 Prison Road
Lovelock, NV 89419

/s/ Andrea Flintz
An employee of Greenberg Traurig, LLP