

In the Supreme Court of Nevada

A CAB SERIES LLC f/k/a/ A CAB, LLC,

Appellant,

vs.

MICHAEL MURRAY; and MICHAEL
RENO, individually and on behalf of
others similarly situated,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT’S OPENING BRIEF AND APPENDIX**

Appellant requests a 30-day extension of time in which to file the opening brief and appendix, until and including January 26, 2024.

NRAP 31(b)(3). The opening brief is currently due December 27, 2023.

This is the second request by motion. Previously, the parties stipulated to a 30-day extension and appellant moved for a subsequent 30-day extension.

Extraordinary circumstances and extreme need necessitate this extension. Appellate counsel has a draft of the opening brief completed, which attorney John McCormick-Huhn worked diligently to produce (including while visiting his terminally ill family member over the Christmas holiday).

However, an extension of time is required to ensure that the excerpts of record are complete and correct, and to finalize the draft. Trial counsel, who has necessary input on the trial proceedings and underlying facts, has had a family medical emergency that has prevented her from reviewing appellate counsel's current draft. Because appellate counsel did not participate in the trial proceedings, trial counsel's input regarding the accuracy of the factual assertions is critical.

Relatedly, undersigned counsel Abraham Smith, who was planning to finalize the brief, was unable to do so after his entire family fell ill with a serious case of flu and strep, which incapacitated him and required him to miss nearly a week of work and necessitated multiple visits to the emergency room and urgent care for each of his young children, his wife, and himself. Although the family is nearly recovered, work on the brief was also derailed by a long-planned out-of-state travel for the holidays.

In addition, the paralegal responsible for compiling the appendix in compliance with the Court's rules is out of the country for the holidays to visit with her family. She worked diligently to begin preparing the appendix. However, she was unable to complete it prior to leaving

the country because of the various delays faced by appellate counsel and the ongoing revisions.

As this Court surely appreciates, this time of the year (although precious) is already complicated with travel plans and family commitments. But the extra commitments become even more complicated when unforeseen health issues and emergencies arise.

The additional time will enable counsel to ensure that the opening brief is factually accurate. Despite respondents' previous assertions to the contrary, this is a complex case with an expansive record. It has involved various appeals, including one that resulted in the following opinion issued by this Court: *A Cab, LLC v. Murray*, 137 Nev. 805, 501 P.3d 961 (2021). The case is also factually interconnected to a companion case, *Dubric v. A Cab, LLC*, Clark County District Court Case No. A-15-721063-C.

Appellant anticipates respondents' counsel will unfairly label this motion as a delay tactic. It is not. The final judgments entered by the district court have both been tainted by respondents urging the district court to rush to enter judgment. Here, appellate counsel seeks not to

rush, but to be deliberate and accurate in its work so that this appeal can finally put to rest longstanding issues.

Appellant sincerely appreciates the Court's consideration.

Dated this 27th day of December, 2023.

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CERTIFICATE OF SERVICE

I certify that on December 27, 2023, I submitted the foregoing
“Motion for Extension of Time to File Appellant’s Opening Brief
and Appendix” for filing *via* the Court’s eFlex electronic filing system.

Electronic notification will be sent to the following:

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