

IN THE SUPREME COURT OF THE STATE OF NEVADA

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IN THE MATTER OF THE ADMINISTRATION OF THE SSJ'S ISSUE TRUST,	Case No.: 85927	Electronically Filed May 23 2023 09:18 AM Elizabeth A. Brown Clerk of Supreme Court
IN THE MATTER OF THE ADMINISTRATION OF THE SAMUEL S. JAKSICK, JR. FAMILY TRUST.	District Court Case No. PR17-00445 PR17-00446	
SAMUEL JAKSICK, INDIVIDUALLY AND AS CO- TRUSTEE OF THE SAMUEL S. JAKSICK, JR. FAMILY TRUST, AND AS TRUSTEE OF THE SSJ'S ISSUE TRUST, Appellant, vs. JAMES S. PROCTOR, CPA, CFE, CVA, CFF IN HIS CAPACITY AS THE APPOINTED TRUSTEE OF THE JAKSICK FAMILY TRUST; KEVIN RILEY, INDIVIDUALLY AND AS FORMER TRUSTEE OF THE SAMUEL S. JAKSICK, JR. FAMILY TRUST, AND AS TRUSTEE OF THE WENDY A. JAKSICK 2012 BHC FAMILY TRUST; MICHAEL S. KIMMEL, INDIVIDUALLY AND AS CO-TRUSTEE OF THE SAMUEL S. JAKSICK, JR. FAMILY TRUST; TODD B. JAKSICK, INDIVIDUALLY AND AS CO-TRUSTEE OF THE SAMUEL S. JAKSICK, JR. FAMLY		

TRUST, AND AS TRUSTEE OF THE SSJ'S ISSUE TRUST; AND WENDY JAKSICK, INDIVIDUALLY, Respondents.	
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**APPELLANT'S MOTION TO DEEM OPENING BRIEF AS TIMELY OR  
ALTERNATIVELY, SECOND MOTION FOR EXTENSION OF TIME  
TO FILE OPENING BRIEF**

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**APPELLANT'S MOTION TO DEEM OPENING BRIEF AS TIMELY OR  
ALTERNATIVELY, SECOND MOTION FOR EXTENSION OF TIME  
TO FILE OPENING BRIEF**

Pursuant to NRAP 27 and 31(b)(3), Appellant Stanley Jaksick respectfully requests that his already submitted Opening Brief be deemed timely filed or that an extension be granted so that the identical Opening Brief submitted again herewith can be filed.

After a telephonic extension was granted until May 22, 2023 pursuant to NRAP 26(b)(1)(B), Appellant successfully filed Volumes I and II of the Appendixes on May 22, 2023, but inadvertently did not successfully file the Opening Brief at the same time. The Opening Brief was submitted to this Court approximately twenty minutes after the 11:59 pm deadline.

In accordance with the general policy of resolving matters on the merits, the Appellant asks the Court to consider its Opening Brief. There is no prejudice to Appellees who have received a copy of the Opening Brief and minimal delay, if any, in these proceedings as the Opening Brief was already lodged. Thus, there is good cause to consider the merits of the Opening Brief, which the Appellant attempted to timely file, rather than to reach an opposite result.

Accordingly, the Appellant respectfully requests that its already submitted Opening Brief be deemed timely or alternatively for an extension to be granted so that the identical (except for an amended Certificate of Service) Opening Brief submitted again herewith can be filed with the Court.

### **AFFIRMATION**

The undersigned does hereby affirm that the preceding document does not contain the Social Security number of any person.

Respectfully submitted on May 23, 2023.

MCDONALD CARANO LLP

By: /s/ Adam Hosmer-Henner  
Adam Hosmer-Henner, Esq. (NSBN 12779)  
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Reno, Nevada 89501  
*Attorneys for Stanley Jaksick*

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD CARANO LLP and that on May 23, 2023, a true and correct copy of the foregoing was e-filed and e-served on all registered parties to the Supreme Court's electronic filing system.

DATED: May 23, 2023.

By /s/ Pamela Miller  
An Employee of McDonald Carano LLP