

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN BONHAM,  
Appellant/Cross-Respondent,  
  
v.  
  
STATE OF NEVADA ex rel.  
NEVADA DEPARTMENT OF  
CORRECTIONS, CHARLES  
DANIELS, TIM GARRETT, and  
CARTER POTTER  
  
Respondent/Cross-Appellant.

Case No. 86217  
Electronically Filed  
Oct 11 2023 04:50 PM  
Elizabeth A. Brown  
Clerk of Supreme Court  
**RESPONDENTS/CROSS-  
APPELLANTS' MOTION TO  
EXTEND THE TIME TO FILE A  
REPLY BRIEF ON CROSS-  
APPEAL  
(First Request)**

Respondents/Cross-Appellants State Of Nevada ex rel. Nevada Department of Corrections, Charles Daniels, Tim Garrett, and Carter Potter, State of Nevada and the Nevada Department of Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Samuel L. Pezone Jr., Deputy Attorney General, hereby move, pursuant to Nev. R. App. P. 26(b)(1) and 31(b)(3), to extend the time to file a reply brief on cross-appeal for forty-six (46) days from October 11, 2023, until Monday, November 27, 2023 (adding two days to a forty-five day extension due to the intervening holiday and weekend). This motion is based on the following Points and Authorities, the good cause set forth in the Declaration of Samuel L. Pezone Jr., and the pleadings and papers filed in this matter.

## **DECLARATION OF SAMUEL L. PEZONE JR.**

I, Samuel L. Pezone Jr., declare under penalty of perjury that the following is true and correct of my own personal knowledge and if called to testify in this matter would testify as follows:

1. I am a Deputy Attorney General assigned to represent the respondents/cross-appellants in this matter.

2. On July 12, 2023, this Court ordered that “[r]espondents/cross-appellants shall have until August 10, 2023, to file and serve a combined answering brief on appeal and opening brief on cross-appeal.” Respondents/Cross-Appellants filed their Combined Answering Brief and Opening Brief on Cross-Appeal on August 10, 2023.

3. On September 12, 2023, Appellant/Cross-Respondent filed a combined reply brief and answering brief on cross-appeal. NRAP 31(a)(1)(c) provides that a “reply brief must be served and filed within 30 days after the respondent’s [answering] brief is served.” A reply brief on cross-appeal is due October 11, 2023.

4. Counsel for Respondents/Cross-Appellants has been unable to expend the time necessary to complete the reply brief despite diligently attempting to do so. Counsel has faced numerous deadlines in other cases due to his increased caseload, which now includes more than fifty open cases, as the result of the departure of multiple deputy attorney generals. Despite working long hours, Counsel for Respondents/Cross-

Appellants has not yet completed his review of the record necessary to draft the combined brief.

5. No requests for extension have been denied or denied in part.

6. Based on the foregoing, and due to the substantially increased nature of counsel for Respondents'/Cross-Appellant's workload, good cause is showing to grant an extension until November 27, 2023, to file Respondents'/Cross-Appellants' reply brief on cross-appeal.

DATED this 11<sup>th</sup> day of October, 2023.

By: /s/ Samuel L. Pezone Jr.  
SAMUEL L. PEZONE JR  
Deputy Attorney General

## I. POINTS AND AUTHORITY

Nev. R. App. R. 26(b)(1)(A) provides: "For good cause, the court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires." In *Moseley v. Eighth Judicial Dist. Court ex rel. Cnty. of Clark*, 124 Nev. 654, 668 n.66, 188 P.3d 1136, 1146 n.66 (2008), the Nevada Supreme Court explained that "Good cause generally is established when it is shown that the circumstances causing the failure to act are beyond the individual's control."

Here, counsel for Respondents'/Cross-Appellants has "good cause" for not timely filing the reply brief on cross-appeal. Counsel has diligently attempted to timely complete the brief, working long hours, but

has simply been unable to do so because of the substantial nature of counsel's workload, which has only increased since the departure of multiple Deputy Attorney Generals, resulting in a caseload of more than fifty open cases. Accordingly, Respondents/Cross-Appellants respectfully request that the extension be granted for good cause. *See White v. Conaghan*, 135 Nev. 737, 445 P.3d 856, 2019 WL 3729795, at \*1 (2019) (explaining that the Court granted a motion for extensions of time, even though the party failed to file brief by new deadline, was then ordered to file brief two weeks after new deadline, and then failed to meet that deadline, despite the court cautioning that the appeal could be dismissed).

## II. CONCLUSION

For the forgoing reasons, good cause appearing, counsel for Respondents/Cross-Appellants respectfully request to extend the time to file a reply brief on cross-appeal until Monday, November 27, 2023.

DATED this 11th day of October, 2023.

AARON D. FORD  
Attorney General

By: /s/ Samuel L. Pezone Jr.  
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## CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 11th of October, 2023, I caused to be deposited for mailing a true and correct copy of the foregoing, **RESPONDENTS'/CROSS-APPELLANTS' MOTION TO EXTEND THE TIME TO FILE A REPLY BRIEF ON CROSS-APPEAL**, to the following:

Bryan Bonham, #60575  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070  
Plaintiff, Pro Se

/s/ Jennifer N. Briones  
An employee of the  
Office of the Attorney General