

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TRICARICHI,

Appellant,

v.

PRICEWATERHOUSECOOPERS,
LLP,

Respondent.

Supreme Court No: 86317

Electronically Filed
Sep 18 2023 03:36 PM
Elizabeth A. Brown
Clerk of Supreme Court

**UNOPPOSED MOTION TO
EXTEND TIME TO FILE
APPELLANT'S OPENING BRIEF
AND APPENDIX**

(SECOND REQUEST)

Appellant Michael Tricarichi ("Appellant") hereby moves this Court pursuant to Nevada Rule of Appellate Procedure (NRAP) 31(b)(3) for a 60-day extension of time to file his Opening Brief and Appendix, making them due November 27, 2023.

Appellant's Opening Brief and Appendix are currently due September 28, 2023. On August 21, 2023, Appellant filed a Motion for Reconsideration in the district court pursuant to NRCP 60(b) based on newly discovered evidence ("Rule 60(b) Motion"). To allow the district court sufficient time to rule on Appellant's Rule 60(b) Motion and, if necessary, for Appellant to submit a consolidated opening brief and appendix that addresses the issues raised in the Rule 60(b) Motion, Appellant seeks to extend the time for filing his Opening Brief and Appendix by 60 days, until November 27, 2023.

As set forth below, Appellant submits that his request satisfies the criteria for an extension set forth in NRAP 31(b)(3). Respondent does not object to the relief requested.

DISCUSSION

NRAP 31(b)(3) provides that a party may request an extension of time to file a brief and that such a request must set forth: the original date the brief was due; the number of extensions previously sought and granted; the reasons why an extension is necessary; and the length of the extension sought.

In this case, Appellant's Opening Brief and Appendix were originally due on August 29, 2023. On August 17, 2023, Appellant submitted a stipulation (agreed to by Respondent PwC) to extend the due date to September 28, 2023. The Court approved that stipulation. Accordingly, this motion to extend the due date by an additional 60 days until November 27, 2023, is Appellant's second request.

Appellant requests this extension because, on August 21, 2023, Appellant filed in the district court a motion under NRCP 60(b) to relieve Appellant from the final judgment, based on newly discovered evidence. The district court initially scheduled the Rule 60(b) Motion for a hearing on September 21, 2023, but Respondent PwC requested (and Appellant stipulated to allow) additional time to respond. The district court has not yet reset the hearing, but Appellant anticipates the hearing will occur on or after November 1, 2023.

Given the circumstances, and because the district court's ruling on Appellant's Rule 60(b) Motion could affect the posture of the instant appeal, Appellant respectfully

requests this Court to extend the time to file his Opening Briefing and Appendix by 60 days to November 27, 2023.

Respondent does not object to the relief requested in this motion.

CONCLUSION

Appellant respectfully submits that good cause exists under these unique circumstances and requests that the Court grant his motion to extend the time by 60 days to file his Opening Brief and Appendix, making them due on or before November 27, 2023.

DATED this 18th day of September, 2023.

/s/ Ariel C. Johnson

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system.

Dated: September 18, 2023.

By: /s/ Kaylee Conradi
an Employee of
HUTCHISON & STEFFEN PLLC