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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEON KHIABANI, an individual; ARIA
KHIABANI, an individual; SIAMAK
BARIN, as Executor of the Estate of
Kayvan Khiabani, M.D. (Decedent), the
Estate of Kayvan Khiabani, M.D.
(Decedent); SIAMAK BARIN, as
Executor of the Estate of Katayoun Barin,
DDS (Decedent); and the Estate of
Katayoun Barin, DDS (Decedent);

Appellants

vs.

MOTOR COACH INDUSTRIES, INC.,

Respondent.

Nev. Sup. Ct. Case No. 86417

District Court Case No. A-17-
755977-C
Dept. No. XIV

**MOTION TO EXTEND
DEADLINE TO FILE OPENING
BRIEF**

(THIRD REQUEST)

Appellants, by and through their attorneys of record, hereby move for a thirty-day extension of time to file their opening brief and appendix pursuant to NRAP 31 and NRAP 26.

Appellants' opening brief and appendix was originally due on October 9, 2023. On that same day, Appellants requested and received a 14-day extension via telephone under NRAP 31(b)(1). The new deadline for the opening brief was October 23, 2023.

Despite their best efforts, counsel were unable to prepare the brief by the new deadline. On October 23, 2023, Appellants submitted a stipulation requesting an additional thirty days to review the record and complete the opening brief and appendix. On October 31, 2023, this Court disapproved the stipulation because Appellants' prior telephonic request required them to seek further extensions via motion. *See* NRAP 31(b)(1). Pursuant to the Court's order disapproving the stipulation, the new deadline for the opening brief and appendix was November 7, 2023.

By this Motion, Appellants respectfully request an additional 30-day extension to allow them time to sufficiently review the record and complete the opening brief and appendix. If the extension is granted, the opening brief and appendix would be due on December 7, 2023.

Good cause exists to grant Appellants' request for an additional extension of time, which is necessary due to extraordinary and compelling circumstances. *See* NRAP 26(b)(1). On September 6, 2023, counsel with primary responsibility for preparing the opening brief and appendix started a four-week jury trial in *Gallagher*,

et al. v. AffinityLifestyles.com, Inc., et al., Eighth Jud. Dist. Case No. A834485. The four-week trial was preceded by more than five weeks of hearings on approximately 116 pretrial motions. The pretrial motion hearings were set on special settings and lasted nearly all day on almost every day of the more than five-week period.

In light of the extraordinary pretrial motion schedule, four-week jury trial, and post-trial issues, counsel have been unable to sufficiently review the record and complete the opening brief and appendix by the original October 9 deadline or extended November 7 deadline. Appellants submit that this appeal involves important issues, and they seek additional time to thoroughly review and brief the same. Accordingly, Appellants respectfully request that the deadline to file their opening brief and appendix be extended 30 days to **December 7, 2023**.

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As demonstrated by the 10/23/23 stipulation, Respondent did not oppose Appellants' prior request for a thirty-day extension to file their opening brief and appendix. Appellants do not seek this extension in bad faith or to delay the proceedings.

DATED this 7th of November, 2023.

KEMP JONES, LLP

/s/ Eric Pepperman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Kemp Jones LLP, and pursuant to NRAP 25(b) and NEFCR 9, that on this 7th day of November, 2023, I electronically filed the foregoing MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Courts E-Filing system (Eflex), Participants in the case who are registered with Eflex as users will be served by the Eflex system as follows:

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