

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Dec 26 2023 04:47 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

In the Matter of the Petition of CLA  
PROPERTIES LLC.

CLA PROPERTIES LLC,  
Appellant,  
vs.  
SHAWN BIDSAL,  
Respondent.

**MOTION FOR EXTENSION OF TIME FOR  
ANSWERING BRIEF (SECOND REQUEST)**

Respondent, Shawn Bidsal hereby moves for a 30-day extension of time for respondent's answering brief, which is presently due on January 3, 2024. There was one prior extension, which was granted pursuant to a stipulation. If this motion is granted, which the Appellant has said will not be opposed, <sup>1</sup> the answering brief will be due on February 2, 2024.

As described in the Appellant's unopposed Motion for Extension of Time for Opening Brief and Appendix (Second Request), filed on September

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<sup>1</sup> See, **Exhibit "1"**.

15, 2023,<sup>2</sup> which Second Request for a 43-day extension was granted by this Court,<sup>3</sup> this matter arises out of a commercial business dispute involving the purchase and sale of interests in a business entity.

Procedurally (a 30,000 foot view), an arbitration was held in 2019, which award was confirmed by the District Court and later affirmed by this Court in 2022. In the meantime, however, a second arbitration proceeding was held in early 2020, because the parties could not agree upon what the purchase price was under a buy-sale provision in an operating agreement between the parties. An arbitration award was again issued and affirmed by the District Court, which was again appealed to this Court (these consolidated appeals), resulting in the filing on November 3, 2023, of Appellant's Opening Brief, with its 39 volume appendix, consisting of almost 9,000 pages.

Upon receipt of the massive appendix accompanying the Opening Brief, counsel for Bidsal has been diligently working on preparing an Answering Brief, but will be unable to complete this task, given the enormity of the record on appeal, intermittent time conflicts presented by a busy litigation and appellate practice. More specifically, significant time was spent by the undersigned, preparing (i) for oral argument held on December 4, 2023,

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<sup>2</sup> Which followed a stipulated first extension of 30 days.

<sup>3</sup> See, Order Granting Motion filed on September 22, 2023.

before the Ninth Circuit Court of Appeals in *SFR Investments Pool 1, LLC v. Bank of America, N.A.*, case number 22-16472; and (ii) a reply brief to two answering briefs, also before the Ninth Circuit Court of Appeals in *Liveline, LLC v. Bay Point Capital Partners, LP (In re Afflalo)*, case number 23-15815, that was filed on December 20, 2023. This, coupled with the Thanksgiving, Christmas, and New Years' holidays, has made it impossible to complete the Answering Brief by January 3, 2023.

Respondent's request for a 30-day extension is almost two weeks shorter than the 43-day extension that the Appellant sought through its motion, but is now needed by the Respondent to put the parties on equal footing by reason of events that made it impossible for the parties to complete a thorough briefing of the issues presented in this appeal.

Accordingly, Bidsal requests an extension until February 2, 2024, to file the Answering Brief. This motion is made in good faith and without an intent to unnecessarily delay the appeal.

DATED this 26<sup>th</sup> day of December, 2023.

/s/ Douglas D. Gerrard, Esq.  
DOUGLAS D. GERRARD (SBN 4613)  
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## **CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of GERRARD COX LARSEN, and on this date the forgoing document was electronically filed with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the Court's Master Service List.

DATED this 26<sup>th</sup> day of December, 2023.

/s/ Kaytlyn M. Johnson  
Kaytlyn M. Johnson, An Employee of  
Gerrard Cox Larsen

# EXHIBIT 1

## Gary Milne

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**From:** Robert L. Eisenberg, Esq <rle@lge.net>  
**Sent:** Tuesday, December 26, 2023 1:20 PM  
**To:** Gary Milne; Todd E. Kennedy  
**Cc:** Doug Gerrard; James E. Shapiro  
**Subject:** RE: CLA Properties v. Bidsal

The court will only approve one stipulated extension for a brief, as indicated in the clerk's notice of 12/4/2023. But if you file a motion, I will not oppose it.

Bob

LEMONS,  
GRUNDY &  
EISENBERG



Robert L. Eisenberg  
Attorney at Law  
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**From:** Gary Milne <GMilne@gerrard-cox.com>  
**Sent:** Tuesday, December 26, 2023 12:51 PM  
**To:** Robert L. Eisenberg, Esq <rle@lge.net>; Todd E. Kennedy <tkennedy@kclawnv.com>  
**Cc:** Doug Gerrard <DGerrard@gerrard-cox.com>; James E. Shapiro <JShapiro@smithshapiro.com>  
**Subject:** CLA Properties v. Bidsal

Bob and Todd,

Hope you had a nice Christmas. Would you be willing to stipulate to a 30-day extension for the Answering Brief, moving the due date from Jan. 3 to Feb. 2?

Please advise, thanks.

Gary

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