

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDGEWORTH FAMILY TRUST; AND
AMERICAN GRATING, LLC

Appellants/Cross-Respondents,

vs.

DANIEL S. SIMON; AND THE LAW
OFFICE OF DANIEL S. SIMON, A
PROFESSIONAL CORPORATION,

Respondents/Cross-Appellants.

Supreme Court Case No. 86676
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Related Case No. 20167
Elizabeth A. Brown
Clerk of Supreme Court

(District Court A-16-738444-C)

**MOTION (SECOND) FOR AN EXTENSION OF TIME FOR FILING OF
ANSWERING BRIEF**

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Attorney for Law Office of Daniel S. Simon and Daniel S. Simon

The Law Office of Daniel S. Simon and Daniel S. Simon (hereinafter “Simon”) hereby moves for an additional 30-day extension of time for filing an Answering Brief. The first extension was requested in conjunction with Simon’s motion to consolidate the subject appeal with the related writ proceeding (case # 86467). The motion to consolidate was denied on January 5, 2024. The related writ proceeding now stands as submitted for a decision without oral argument. (January 26, 2024, Order Submitting for Decision Without Oral Argument, Case # 86467.)

Pursuant to NRAP 26(b), Simon requests an extension of time from February 4, 2024, up to and including March 5, 2024, (30 days) in which to file the Answering Brief.

Simon’s appellate counsel is a sole practitioner. Detailed work did not begin on the answering brief until after denial of the motion to consolidate, because the motion could have eliminated the need to submit an answering brief. Since denial of the motion to consolidate, counsel has been working on preparation of the answering brief; however, due to factual and other issues raised in the opening brief which were not raised in the related petition and/or which differ from positions taken in the writ proceeding and other appeals and writs, additional time is needed to provide this Court with a succinct answering brief and to prepare respondent’s appendix and

comply with NRAP 30(g). Although the work is not anticipated to take the full 30 days requested, 30 days are requested in an abundance of caution.

It is respectfully submitted that the above provides a demonstration of good cause for an extension of time. This request is not an attempt to delay or prolong the appellate proceedings and will not cause undue delay.

Therefore, the Answering Brief would then be due on or before March 5, 2024. As such, Simon respectfully requests that this motion be granted.

Dated this 2nd day of February 2024.

/s/ James R. Christensen
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of February 2024, I served a copy of the foregoing MOTION FOR EXTENSION OF TIME FOR FILING AN ANSWERING BRIEF electronically to all registered parties.

/s/ Dawn Christensen
an employee of JAMES R. CHRISTENSEN