

In the Supreme Court of Nevada

TRUDI LEE LYTLE and JOHN ALLEN LYTLE, as
trustees of the Lytle Trust,
Appellants,

vs.

SEPTEMBER TRUST, DATED MARCH 23, 1972;
GERRY R. ZOBRIST AND JOLIN G. ZOBRIST, as
trustees of the GERRY R. ZOBRIST AND JOLIN G.
ZOBRIST FAMILY TRUST; RAYNALDO G. SANDOVAL
AND JULIE MARIE SANDOVAL GEGEN, as Trustees
of the RAYNALDO G. AND EVELYN A. SANDOVAL
JOINT LIVING AND DEVOLUTION TRUST DATED
MAY 27, 1992; DENNIS A. GEGEN AND JULIE S.
GEGEN, husband and wife, as joint tenants,
Respondents.

Electronically Filed
Feb 07 2024 09:13 PM
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR EXTENSION OF TIME
TO FILE APPELLANTS' OPENING BRIEF AND APPENDIX**

Appellants request a 61-day extension of time in which to file their opening brief and appendix, until April 8, 2024. NRAP 31(b)(3). This is the first such motion. The brief was previously extended by stipulation from January 8, 2024, to the current deadline of February 7, 2024. NRAP 31(b)(2). No requests for extensions of time have been denied or denied in part.

Good cause—indeed, extreme need—necessitates the requested extension. Mr. Smith, who is responsible for drafting this brief, has

suffered an unusual spate of illnesses since mid-December. He had strep twice, followed by flu A, and is still not recovered from an ear infection that began nearly three weeks ago. This has required several doctors' appointments and follow-up appointments, on top of the pain, hearing loss, and general inconvenience.

The attorney most familiar with the record below, with whom Mr. Smith intended to collaborate on the brief, was occupied in back-to-back trials all of January, which involvement was longer and more involved than anticipated. His ability to work on the brief and coordinate with appellants was severely impacted.

Added to this, another senior attorney with whom the responsible attorney works on most matters was unexpectedly on a temporary leave of absence, throughout most of January. While he has recently returned, his unexpected absence impacted the workload of other attorneys in the group.

These events were entirely unforeseen, and the limited capacity of these group members has greatly impacted the work for the remaining attorneys.

The additional time will enable counsel to ensure that the factual record is made appropriately clear, the brief is concise, and that it adequately represents the authorities needed to address the issues raised in this appeal. Appellants will make every effort to file the brief on or—if possible—even before the requested deadline.

Appellants sincerely appreciate the Court’s consideration.

Dated this 7th day of February, 2024.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Abraham G. Smith

DANIEL F. POLSENBERG SBN 2376)

DAN R. WAITE (SBN 4078)

ABRAHAM G. SMITH (SBN 13,250)

3993 Howard Hughes Pkwy, Ste. 600

Las Vegas, Nevada 89169

(702) 949-8200

Attorneys for Appellants

CERTIFICATE OF SERVICE

I certify that on February 7, 2024, I submitted the foregoing “Motion for Extension of Time to File Appellants’ Opening Brief and Appendix” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

Kevin B. Christensen
Wesley J. Smith
Laura J. Wolff
CHRISTENSEN JAMES & MARTIN
7440 W. Sahara Avenue
Las Vegas, Nevada 89117

Attorneys for Respondent

/s/ Emily D. Kapolnai
An Employee of Lewis Roca Rothgerber Christie LLP