

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL A. TRICARICHI,
Appellant,
v.
PRICEWATERHOUSECOOPERS, LLP,
Respondent.

MICHAEL A. TRICARICHI,
Appellant,
v.
PRICEWATERHOUSECOOPERS, LLP,
Respondent.

MICHAEL A. TRICARICHI,
Appellant,
v.
PRICEWATERHOUSECOOPERS, LLP,
Respondent.

Supreme Court No. 86317
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Supreme Court No. 87835

APPEAL

**From the Eighth Judicial District Court
The Honorable Joanna S. Kishner District Judge**

**MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF
(First Request)**

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Attorneys for PricewaterhouseCoopers LLP

Introduction

Appellee, PricewaterhouseCoopers LLP (“PwC”), respectfully moves for a thirty-day extension of time in which to file its Answering Brief. This is PwC’s first request. The current deadline is May 8, 2024. PwC requests that it be permitted to file its Answering Brief up to and including June 7, 2024. As explained below, this request is supported by good cause.¹

Relevant Factual Background

Appellant Michael Tricarichi’s appeal was docketed more than one year ago, on March 27, 2023. His Opening Brief and Appendix were originally due on August 29, 2023. On August 17, 2023, the parties stipulated (i.e., with PwC’s agreement) to extend Tricarichi’s deadline thirty days, under NRAP 31(b)(2), which stipulation the Court approved on August 18, 2023. On September 18, 2023, PwC agreed not to oppose Tricarichi’s subsequent request for an additional extension of sixty days, making the new deadline November 27, 2023. Then, February 6, 2024, after granting a motion to consolidate appeals and resolving an order to show cause regarding jurisdiction, the Court issued a new deadline to file the Opening Brief and Appendix sixty days following its order, which deadline was April 8, 2024.

¹ Indeed, a first extension of 30 days is permitted as a matter of course by agreement of the parties under NRAP 31(b)(2) without a showing of good cause.

Tricarichi filed his Opening Brief on April 8, 2024 – 378 days after his appeal was docketed, and 223 days after his first deadline to file the Brief. Soon after, PwC’s counsel contacted Tricarichi’s counsel to request a single thirty-day extension of time to file its Answering Brief. *See* Exhibit 1. Despite Tricarichi’s enjoying the benefit of multiple stipulated or unopposed extensions as well as procedural delays, which combined to afford him many months to complete his Opening Brief, Tricarichi’s counsel refused to grant the professional courtesy of even a single extension to PwC without the unacceptable condition that PwC cease any execution on its judgment during that time. PwC thus respectfully moves the Court for this relief.

Legal Argument

Good cause amply supports PwC’s request for what should be a routine first extension to file its Answering Brief. This appeal is comprised of three appeals, arising from a verdict following a bench trial, post-judgment motion practice, and an attorneys’ fees award. As such, the record is voluminous, and Tricarichi has raised numerous legal issues. Undersigned counsel had work-related travel from April 9 through April 12 as well as April 30-May 3, which cannot be moved, as well as an emergency motion involving the stay of the sale of a property before the Ninth Circuit, due Friday, April 25. Most importantly, however, PwC simply requires

adequate time to prepare its Brief in this substantial, high-value, and long-fought case, as well as to allow sufficient time for client review.

Further, the strings Tricarichi attaches to secure his agreement to PwC's request for a single extension are particularly unreasonable because PwC's right to execute on its judgment without further delay has been both established by the district court, and more recently this Court, when it denied Tricarichi's request for a stay without posting a bond. As part of that contested motion practice, PwC showed that Tricarichi has dissipated more than 90% of his net worth since 2019 in an attempt to avoid execution on judgments against him. *See, e.g.,* Opp'n to Emergency Motion to Stay Enforcement Pending Appeal Without Bond, attached exhibits. After an extended period during which PwC could not execute, and while Tricarichi continued to dissipate his assets, PwC should not be expected to forego its substantive right to execute on its judgment in exchange for what should be a routine courtesy.

Conclusion

PwC respectfully requests an additional thirty days to file its Answering Brief, modestly extending the deadline from May 8 to June 7, 2024. This extension is not sought for the purpose of delay or any improper purpose. And, as this Court has already ruled that Tricarichi is not entitled to a stay of execution without a bond, his

attempt to secure the same by withholding professional courtesies is no sound basis to deny PwC's request.

DATED: April 23, 2024

SNELL & WILMER L.L.P.

/s/ Kelly H. Dove

(Counsel list continued on next page)

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*Attorneys for PricewaterhouseCoopers
LLP*

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On April 23, 2024, I caused to be served a true and correct copy of the foregoing **MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF (First Request)** upon the following by the method indicated:

- ☐ **BY E-MAIL:** by transmitting via e-mail the document(s) listed above to the e-mail addresses set forth below and/or included on the Court's Service List for the above-referenced case.
- ☒ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.
- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below:

/s/ Maricris Williams
An Employee of SNELL & WILMER L.L.P.

4878-3679-3271

EXHIBIT 1

EXHIBIT 1

Dove, Kelly

From: Scott F. Hessell <shessell@sperling-law.com>
Sent: Monday, April 22, 2024 7:07 AM
To: Dove, Kelly; Ariel C. Johnson; Austin, Bradley
Cc: Byrne, Pat; Chris Landgraff; Randy Hart; Kaylee Conradi
Subject: RE: Stipulation for Extension - Tricarichi

[EXTERNAL] shessell@sperling-law.com

Yes.

From: Dove, Kelly <kdove@swlaw.com>
Sent: Sunday, April 21, 2024 10:23 PM
To: Scott F. Hessell <shessell@sperling-law.com>; Ariel C. Johnson <ajohnson@hutchlegal.com>; Austin, Bradley <baustin@swlaw.com>
Cc: Byrne, Pat <pbyrne@swlaw.com>; Chris Landgraff <chris.landgraff@bartlitbeck.com>; Randy Hart <randyjhart@gmail.com>; Kaylee Conradi <kconradi@hutchlegal.com>
Subject: RE: Stipulation for Extension - Tricarichi

Hello Scott,

Could you please clarify if your agreement to a stipulated 30-day extension is conditioned on PwC's agreement not to execute during that timeframe?

Thank you,
Kelly

Kelly H. Dove (she/her/hers)
office: 702.784.5286 | mobile: 702.328.9452
kdove@swlaw.com

Snell & Wilmer
swlaw.com | [disclaimer](#)

From: Scott F. Hessell <shessell@sperling-law.com>
Sent: Wednesday, April 17, 2024 11:20 AM
To: Dove, Kelly <kdove@swlaw.com>; Ariel C. Johnson <ajohnson@hutchlegal.com>; Austin, Bradley <baustin@swlaw.com>
Cc: Byrne, Pat <pbyrne@swlaw.com>; Chris Landgraff <chris.landgraff@bartlitbeck.com>; Randy Hart <randyjhart@gmail.com>; Kaylee Conradi <kconradi@hutchlegal.com>
Subject: RE: Stipulation for Extension - Tricarichi

[EXTERNAL] shessell@sperling-law.com

Kelly

We are fine with the stipulation but we ask that PwC agree not to execute on the judgment during the 30 additional days it is requesting (from May 7-June 8).

Scott

From: Dove, Kelly <kdove@swlaw.com>
Sent: Tuesday, April 16, 2024 11:16 AM
To: Ariel C. Johnson <ajohnson@hutchlegal.com>; Austin, Bradley <baustin@swlaw.com>
Cc: Byrne, Pat <pbyrne@swlaw.com>; Chris Landgraff <chris.landgraff@bartlitbeck.com>; Scott F. Hessell <shessell@sperling-law.com>; Randy Hart <randyjhart@gmail.com>; Kaylee Conradi <kconradi@hutchlegal.com>
Subject: Stipulation for Extension - Tricarichi

Hello,

Would you agree to stipulation to an extension of 30 days for our Answering Brief? A stipulation is attached for your consideration. Please let me know if you have any questions.

Many thanks.
Kelly

Kelly H. Dove (she/her/hers)
office: 702.784.5286 | mobile: 702.328.9452
kdove@swlaw.com
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swlaw.com | [disclaimer](#)

From: Ariel C. Johnson <ajohnson@hutchlegal.com>
Sent: Friday, April 5, 2024 11:49 AM
To: Austin, Bradley <baustin@swlaw.com>
Cc: Byrne, Pat <pbyrne@swlaw.com>; Dove, Kelly <kdove@swlaw.com>; Chris Landgraff <chris.landgraff@bartlitbeck.com>; Scott F. Hessell <shessell@sperling-law.com>; Randy Hart <randyjhart@gmail.com>; Kaylee Conradi <kconradi@hutchlegal.com>
Subject: Proposed Joint Appendix to Opening Brief - Tricarichi

[EXTERNAL] ajohnson@hutchlegal.com

Brad,

Looking ahead to Monday's deadline for our client's Opening Brief in the Tricarichi Appeal, and pursuant to NRAP 30(a), attached please find a proposed Joint Appendix for your review and consideration.

Please review and advise whether your client is agreeable to its form and content or whether your client would prefer to submit its own appendix with its briefing.

If we have not received confirmation by noon on Monday (4/8/24), we will assume that your client has chosen to submit its own appendix with its briefing, and our client will a separate appendix to his brief.

Sincerely,

Ariel

Ariel C. Johnson
Senior Counsel



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(702) 385-2500
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