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IN THE SUPREME COURT OF THE STATE OF NEVADA

G7P&T, a Nevada general partnership,

No.: 45195

Appellant,

District Court Case #A487950

vs.

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DOUGLAS R. JOHNSON; DEBRA A.
JOHNSON; PHILLIP J. ANDREWS; JOHNSON
INVESTMENT, LLC; AND DOES 1-20,
INCLUSIVE,

JAN 23 2006

Respondents.

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EMERGENCY JOINT MOTION TO EXTEND BRIEFING DEADLINE

Respondents DOUGLAS R. JOHNSON; DEBRA A. JOHNSON; PHILLIP J. ANDREWS
and JOHNSON INVESTMENT, LLC (collectively "Respondents") and Appellant G7P&T
("Appellant") jointly request that this Court extend the deadline by which Respondents must file
their Answering Brief an additional 30 days for good cause clearly shown.

On October 4, 2005, this Court approved the parties' joint motion extending the time for
Respondents to file the Answering Brief an additional 30 days beyond the time provided in NRAP
31(a)(1).¹ Shortly before the Answering Brief was due, the parties entered into a tentative
settlement of this matter, and began to document that settlement. Because the documentation could
not be completed before the deadline for the Answering Brief, the parties moved for, and this Court
granted, an additional 38 day extension, giving the Respondents until January 30, 2006 to file and
serve their Answering Brief. Unfortunately, the settlement documentation stalled because the
parties could not resolve all of the issues between them. It was not until January 18, 2006, that the
parties realized that they had reached an impasse and would not be able to settle the dispute. This
leaves Respondents only 12 days to prepare and file their Answering Brief, which both parties

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¹ See Nevada Supreme Court Order Granting Extension of Time, Filed January 11, 2006.

06-01652

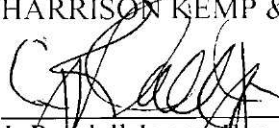
1 agree is patently unfair to Respondents in light of the issues that must be addressed in the
2 Answering Brief. Accordingly, the parties jointly move for another 30 day extension of the
3 Answering Brief, so that Respondents can properly prepare that brief.

4 NRAP 31(a)(1) provides that, "Applications for extensions of time beyond that to which
5 the parties are permitted to stipulate are not favored, and will be considered only on motion for
6 good cause clearly shown" The parties believe that these circumstances constitute good
7 cause, and that this Court should grant the Respondents an additional 30 days to file their
8 Answering Brief. Counsel and the parties themselves have made strong efforts to settle this matter.
9 However, due to the complexity of the transaction at issue, and the nature of this dispute, the
10 parties could not resolve all of their disputes. Moreover, this case involves significant issues of
11 Nevada real estate law; it would benefit the state for this Court to consider and rule upon those
12 issues after full briefing. Finally, this Court has often stated that matters should be resolved on
13 their merits, rather than because of procedural defaults. See Hansen v. Universal Health Services
14 of Nevada, 112 Nev. 1245, 1247, 924 P.2d 1345, 1346 (1992); see also, Cohen v. Mirage, Inc., 119
15 Nev. 1, 23, 62 P.3d 720, 736 (2003).


16 Because this Court should encourage good faith attempts to settle such as these, and for all
17 of the above mentioned reasons, justice and fairness dictate that the deadline for filing the
18 Respondents' Answering Brief be extended from January 30, 2006 to March 1, 2006. Otherwise,
19 Respondents will be unfairly prejudiced in their ability to present their position to this Court.

20 RESPECTFULLY SUBMITTED this 19th day of January, 2006.

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