

IN THE SUPREME COURT OF NEVADA

Case Nos. 58504, 59208 and 59423

JENNY RISH,

Appellant,

vs.

WILLIAM JAY SIMAO, individually; and  
CHERYL ANN SIMAO, individually and as  
husband and wife,

Respondents.

Electronically Filed  
Jul 17 2012 09:40 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**STATUS REPORT REGARDING TRIAL TRANSCRIPTS  
AND UNOPPOSED MOTION FOR EXTENSION**

As appellant has previously apprised the Court, completion of the opening brief has been hindered by the fact that material portions of the trial transcript were missing. Those transcripts were just completed and filed one judicial day ago.

To have sufficient time with the new transcripts, which number approximately 250 pages, appellant moves to extend the deadline to file the opening brief by 30 days, until August 15. NRAP 31(b)(3).<sup>1</sup> (The brief is due to be filed on July 16.)

Respondent's counsel represents that they not oppose this motion.

(Undersigned appreciates their courtesy.)

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<sup>1</sup> Pursuant to NRAP 31(b)(3)(A)(ii), appellant informs that this is technically the fifth motion for extension (and the deadline had previously by extended by stipulation). Nevertheless, these are extremely unusual circumstances. Appellant cannot proceed with filing the opening brief without an opportunity to address a

(continued)

The previously missing transcripts of the bench conferences are material. This is an appeal from an order striking defendant's answer based upon defense counsel's purported failure to abide by pre-trial orders. When Judge Walsh issued that sanction, she expressly referred to warnings she claimed to have given during bench conferences. (*See* 3/31/11 Tr. 112.) Thus, the transcripts of bench conferences may be as significant here as they were in *BMW v. Roth*, 127 Nev. \_\_\_, 252 P. 3d 649, 656 (2011). As appellate counsel were not at trial, moreover, time is necessary to digest the transcripts, and to give them reasonable attention in both the factual discussion and arguments in the opening brief.

DATED this 16th day of July 2012.

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/s/ Joel D. Henriod

By: \_\_\_\_\_

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complete set of trial transcripts.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that this document was filed electronically with the Nevada Supreme Court on the 16<sup>th</sup> day of July, 2012, electronic service of the foregoing STATUS REPORT REGARDING TRIAL TRANSCRIPTS AND UNOPPOSED MOTION FOR EXTENSION shall be made in accordance with the Master Service List as follows:

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