

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 *****

3 SANDS CHINA LTD., A Cayman
4 Islands corporation,

5 Petitioner,

6 v.

7 CLARK COUNTY DISTRICT
8 COURT, THE HONORABLE
9 ELIZABETH GONZALEZ,
10 DISTRICT JUDGE, DEPT. 11,

11 Respondents,

12 and

13 STEVEN C. JACOBS,

14 Real Party in Interest.

Case No.: 68265
Electronically Filed
Jul 22 2015 08:55 a.m.
(Consolidated with Case Numbers
68275 and 68309)
Tracie K. Lindeman
Clerk of Supreme Court

**MOTION FOR EXTENSION OF
TIME TO FILE ANSWER TO
WRIT PETITION (IF NECESSARY)**

15 Pursuant to Nevada Rule of Appellate Procedure 31(b)(3), Real Party in
16 Interest Steven C. Jacobs ("Jacobs") hereby moves (if necessary) for an extension of
17 time to file his Answer to Petitioner Sands China Ltd.'s ("Sands China") Petition for
18 Writ of Prohibition or Mandamus re May 28, 2015 Order.

19 Originally, the Court's June 23, 2015 Order directed Jacobs to file an answer
20 in Case Number 68265 within 20 days, or July 13, 2015. However, the Court's
21 subsequent July 1, 2015 Order consolidating the three pending writ petitions
22 directed an answer 20 days thereafter. It was unclear to Jacobs whether the July 1,
23 2015 Order only applied to Case Number 68309 or whether it also applied to
24 Case Number 68265. The due date on the online docket compounded Jacobs'
25 confusion by only showing a deadline in Case Number 68265 as July 21, 2015. No
26 other due dates were shown in Case Numbers 68275 or 68309.

27 In an abundance of caution, Jacobs' counsel contacted the Clerk's Office on
28 July 10, 2015 for clarification. Jacobs' counsel spoke to Sally in the Clerk's Office
who, after examining the online docket and the Court's Orders, stated that the online
docket due date of July 21, 2015 was correct for all three Dockets, including

1 Docket 68265. The Court's internal system showed that the first deadline in
2 Case Number 68265 was July 13, 2015 but was changed to July 21, 2015 after entry
3 of July 1, 2015 Order. It was also indicated that the NRAP 31(b)(1) telephonic five
4 day extension would be available if requested on or before July 21, 2015. None of
5 the Court's Orders specifically suspended NRAP 31(b)(1).

6 On July 20, 2015, in preparation for filing his Answer, Jacobs' counsel
7 looked at the online docket in Case Number 68265 and discovered that the due date
8 had been changed to July 13, 2015. Jacobs' counsel promptly called the Clerk's
9 Office and was informed that Jacobs' counsel was previously misinformed
10 regarding the due date and the availability of the telephonic extension. On July 21,
11 2015, Jacobs' counsel called the Clerk's Office and spoke to Sally again, who
12 confirmed the July 10th conversation and that the online docket had previously
13 shown a due date of July 21, 2015. After investigating, Sally was unable to pinpoint
14 when the online docket due date had changed after the July 10th conversation or by
15 whom.

16 Because the online docket now suggests that Jacobs' Answer in Case Number
17 68265 could be overdue, Jacobs files this Motion for Extension of Time to file his
18 Answer up today, July 21, 2015, the date previously shown on the online docket
19 and initially confirmed with the Clerk's Office.¹

20 DATED this 21st day of July, 2015.

21 PISANELLI BICE PLLC

22 By: /s/ Todd L. Bice

23 James J. Pisanelli, Esq., Bar No. 4027
24 Todd L. Bice, Esq., Bar No. 4534
25 Debra L. Spinelli, Esq., Bar No. 9695
26 Jordan T. Smith, Esq., Bar No. 12097
27 400 South 7th Street. Suite 300
28 Las Vegas, Nevada 89101

Attorneys for Real Party in Interest Steven C. Jacobs

¹ To be clear, Jacobs' counsel commends and appreciates the Clerk's Office for its review and assistance in this matter.

1 **DECLARATION OF JORDAN T. SMITH, ESQ. IN SUPPORT OF**
2 **MOTION FOR EXTENSION OF TIME TO FILE ANSWER**
3 **TO WRIT PETITION (IF NECESSARY)**

4 I, Jordan T. Smith, Esq., declare as follows:

5 1. I am an attorney with PISANELLI BICE PLLC, counsel of record for Real
6 Party in Interest, Steven C. Jacobs ("Jacobs"). I have first-hand knowledge of the
7 facts stated herein and would be competent to testified thereto if called upon to do
8 so.

9 2. On June 22, 2015, Petitioner Sands China Ltd. ("Sands China") filed
10 its Petition for Writ of Prohibition or Mandamus Re May 28, 2015 Order in the
11 Case Number 68265. Sands China subsequently filed two other writ petitions in
12 Case Numbers 68275 and 68309.

13 3. Originally, the Court's June 23, 2015 Order directed Jacobs to file an
14 answer in Case Number 68265 within 20 days, or July 13, 2015.

15 4. However, the Court's subsequent July 1, 2015 Order consolidating the
16 three pending writ petitions directed an answer 20 days thereafter.

17 5. It was unclear whether the July 1, 2015 Order only applied to
18 Case Number 68309 or whether it also applied to Case Number 68265.

19 6. The due date on the online docket compounded the confusion by only
20 showing a deadline in Case Number 68265 as July 21, 2015. No other due dates
21 where shown in Case Numbers 68275 or 68309.

22 7. In an abundance of caution, I contacted the Clerk's Office on July 10,
23 2015 for clarification. I spoke to Sally who, after examining the online docket and
24 the Court's Orders, informed me that the online docket due date of July 21, 2015
25 was correct for all three Dockets, including Docket 68265. Sally also mentioned
26 that the Court's internal system showed that the first deadline in Case Number
27 68265 was July 13, 2015 but was changed to July 21, 2015 after entry of July 1,
28 2015 Order.

9. On July 20, 2015, in preparation for filing Jacobs' Answer to Sands China's Petition, I looked at the online docket in Case Number 68265 and saw that the due date had been changed back to July 13, 2015 in Case Number 68265. I immediately called the Clerk's Office and was informed by an individual (Brandy) that the previous information given to me on July 10, 2015 regarding the due date and the availability of the telephonic extension was incorrect.

11. Despite the apparent confusion caused by the July 1 Order and the online docket regarding the due dates, I am appreciative of the help provided by the Clerk's Office. At all times, the Clerk's Office was professional and courteous.

/s/ Jordan T. Smith
JORDAN T. SMITH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of PISANELLI BICE PLLC and that, on this 21st day of July 2015, I electronically filed and served a true and correct copy of the above and foregoing **MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO WRIT PETITION** properly addressed to the following:

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Attorneys for Petitioner, Sands China Ltd.

SERVED VIA HAND-DELIERY ON 07/21/15

The Honorable Elizabeth Gonzalez
Eighth Judicial District court, Dept. XI
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

/s/ Kimberly Peets
An employee of PISANELLI BICE PLLC