

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

MICHAEL KOSOR JR., A NEVADA
RESIDENT,

Appellant,

vs.

OLYMPIA COMPANIES, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; AND GARRY V. GOETT,
A NEVADA RESIDENT,

Respondents.

Electronically Filed
Supreme Court No. ~~75669~~ 2019 01:39 p.m.
Elizabeth A. Brown
District Court Case No. ~~19-00000~~ Clerk of Supreme Court

**APPELLANT MICHAEL KOSOR JR.'S
MOTION TO EXTEND TIME TO
SUBMIT REPLY BRIEF (SECOND
REQUEST)**

Appellant, MICHAEL KOSOR JR., by and through his attorney, William H. Pruitt, Esq., of the law firm of BARRON & PRUITT, LLP, hereby moves this Court for an Order extending the time for Appellant to file his Reply Brief by 30 days pursuant to Rule 31(b)(3) of the Nevada Rules of Appellant Procedure. This is Appellant's second requested extension of time to file his Reply Brief. The Court previously approved a first request made by stipulation of the parties to extend the time for filing Appellants' Reply Brief until June 27, 2019. Accordingly, no prior requests have been denied or denied in part.

This Motion is supported by the attached Memorandum of Points and Authorities as well as the records, pleadings, and papers on file herein and any other

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evidence and oral argument this Court may entertain at the hearing of this Motion.

DATED this 26th day of June, 2019.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. PREFATORY STATEMENT/STATEMENT OF FACTS

Appellant filed his Notice of Appeal with the district court on April 19, 2018 and with the Supreme Court of Nevada on April 26, 2018. Appellant's Opening Brief was filed on February 12, 2019. Respondents' Answering Brief was filed on April 25, 2019.

On May 24, 2019, Appellant filed a stipulation and order to extend time to submit his Reply Brief. The Court approved the order and extended the time for filing Appellant's Reply Brief until Thursday, June 27, 2019. To date, no previous request for extension of time has been denied or denied in part.

Despite the best efforts of Appellant's counsel, Appellant requires additional time to file his Reply Brief and requests an extension of 30 days—until Thursday, July 27, 2019—to do so. Appellant's counsel, William H. Pruitt, Esq., was out of state for multiple extended periods.

Appellant's other counsel, Joseph Meservy, recently experienced illness personally and in his family, which interrupted the time he could dedicate to this matter, in addition to time spent away from the office for the trial academy of the State Bar of Nevada.

Accordingly, Appellant respectfully requests a 30-day extension of time—until Thursday, July 27, 2019—to file his Reply Brief.

II. LEGAL ARGUMENT

Pursuant to NRAP 26(b)(1), the Court may upon motion enlarge the time prescribed “to perform any act” by its order on a showing of good cause. NRAP 31(b), the rule governing extensions of time for filing briefs requires that the request be made no later than the due date of the brief.

Here, Appellant's Reply Brief must be filed by Thursday, June 27, 2019. However, Appellant is unable to meet that deadline and good cause exists for granting a 30-day extension. Specifically:

1. Appellant's counsel, William H. Pruitt, went out of state for multiple work, family, and continuing legal education matters, which interrupted the time he could dedicate to the matter.
2. Appellant's other counsel, Joseph Meservy, recently experienced illness both personally and in his family, which also interrupted the time he could spend working on this matter, in addition to time spent away from the office during the trial academy of the State Bar of Nevada.

Permitting Appellant's counsel additional time to draft and revise the Reply Brief constitutes good cause for an extension of time under NRAP 26(b) and 31(b). Appellant does not seek this extension in bad faith or to delay the proceedings. On that basis, Appellant respectfully requests an extension of 30 days until Thursday, July 27, 2019 to submit his Reply Brief.

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III. CONCLUSION

Based on the foregoing, Appellant respectfully requests that this Court extend the time for Appellant to submit his Reply Brief by 30 days to Thursday, July 27, 2019.

DATED this 26th day of June, 2019.

BARRON & PRUITT, LLP


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of June 2019, I served the foregoing **APPELLANT MICHAEL KOSOR JR.'S MOTION TO EXTEND TIME TO SUBMIT REPLY BRIEF (SECOND REQUEST)** upon all counsel of record:

☒ By electronically filing and serving the document(s) listed above with the Nevada Supreme Court: or

☐ By personally serving it upon him/her: or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es).

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/s/ MaryAnn Dillard

An Employee of BARRON & PRUITT,
LLP