

IN THE SUPREME COURT OF THE STATE OF NEVADA

HARVEST MANAGEMENT SUB LLC,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
LINDA MARIE BELL,

Respondents,

and

AARON M. MORGAN; AND DAVID E.
LUJAN,

Real Parties in Interest.

Case No. 80827
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Jan 07 2021 04:08 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO CONTINUE ORAL ARGUMENT HEARING AND
CLARIFY SCOPE OF ARGUMENT**

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Attorneys for Real Party in Interest, Aaron M. Morgan

Real Party in Interest Aaron M. Morgan (“Morgan”), by and through his attorneys of record, Claggett & Sykes Law Firm and Richard Harris Law Firm, hereby moves this Court pursuant to NRAP 34(a) to continue the oral argument hearing currently set for February 11, 2021 at 2:00 p.m.

According to NRAP 34(a), “[a] motion to postpone the argument must be filed reasonably in advance of the date fixed for hearing.” The Court just set this case for oral argument on January 5, 2021—which was two days ago. And, the hearing is 35 days away. So, Morgan satisfies the timing component of NRAP 34(a).

Good cause exists to continue this oral argument hearing until the next available setting by the Southern Nevada Panel, preferably at least two weeks after the current oral argument date. Appellate counsel for Morgan, Micah Echols, who will argue this case, was involved in a car crash at the latter part of 2019. Unfortunately, his injuries have been ongoing, and he has a scheduled medical procedure on Thursday, February 11, 2021—which is the same day the Court has set this case for argument. Since there will be some needed time for recovery, Morgan and his counsel ask this Court to reschedule the argument at least two weeks after the current February 11, 2021 hearing date.

Additionally, Morgan also asks the Court to clarify the scope of the oral argument. When Morgan filed his answer in this case, he combined it with a cross-petition. The Court procedurally rejected the cross-petition in its order

dated August 25, 2020. Instead, the Court directed Morgan to file a separate writ petition in place of the cross-petition. Morgan's separate writ petition is docketed as Case No. 81975. Morgan's writ petition in Case No. 81975 asks for affirmative relief based upon the same factual and procedural background, which this Court ordered Harvest Management Sub LLC ("Harvest") to answer on December 16, 2020. The Court's December 16, 2020 order acknowledges that the issues in Case No. 81975 are related to this case. Morgan did not move to consolidate the two cases because the briefing schedules are different. However, Morgan believes that because of the Court's acknowledgement in the December 16, 2020 order, the two proceedings are clustered, which Morgan understands to mean that the same panel of Justices will decide both cases.

Since only Case No. 80837 is scheduled for argument (given that Case No. 81975 is still in briefing), presumably only Harvest's affirmative relief is before the Court in this current oral argument. However, to avoid a potential second oral argument for Case No. 81975, Morgan asks the Court to clarify whether it would like to hear Morgan's affirmative requested relief in the oral argument for this case (Case No. 80837). Morgan does not anticipate any additional time needed at the hearing to argue his requested affirmative relief, if allowed by the Court. If the Court intends to limit the oral argument hearing to only the briefing in Case No. 80837, Morgan would only ask the Court to clarify that the two cases have been clustered.

Upon these grounds, Morgan and his counsel ask the Court to continue the current oral argument hearing at least two weeks beyond the current February 11, 2021 hearing date. Morgan and his counsel also ask this Court to clarify whether it would like the oral argument limited to the briefing in Case No. 80837 or if the Court would also like to hear Morgan's affirmative relief requested in Case No. 81975.

Dated this 7th day of January 2021.

CLAGGETT & SYKES LAW FIRM

By /s/ Micah S. Echols
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Aaron M. Morgan*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **MOTION TO CONTINUE ORAL ARGUMENT HEARING AND CLARIFY SCOPE OF ARGUMENT** was filed with the Supreme Court of Nevada on the 7th day of January 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Benjamin Cloward
Bryan Boyack
Dennis Kennedy
Andrea Champion
Sarah Harmon

I further certify that the foregoing document was mailed via U.S. Mail to the following:

Honorable Linda Marie Bell, District Court Judge
Eighth Judicial District Court, Department 7
200 Lewis Avenue
Las Vegas, Nevada 89155

David E. Lujan
651 McKnight Street, Apt. 16
Las Vegas, Nevada 89501

/s/ Anna Gresl

Anna Gresl, an employee of
Claggett & Sykes Law Firm