

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN BONHAM,  
Appellant/Cross-Respondent,  
  
v.  
  
STATE OF NEVADA ex rel.  
NEVADA DEPARTMENT OF  
CORRECTIONS, CHARLES  
DANIELS, TIM GARRETT, and  
CARTER POTTER  
  
Respondent/Cross-Appellant.

Case No. 86217  
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Elizabeth A. Brown  
Clerk of Supreme Court  
**RESPONDENTS/CROSS-  
APPELLANTS' MOTION TO  
EXTEND THE TIME TO FILE A  
COMBINED ANSWERING BRIEF  
ON APPEAL AND OPENING  
BRIEF ON CROSS-APPEAL  
(First Request)**

Respondents/Cross-Appellants State Of Nevada ex rel. Nevada Department of Corrections, Charles Daniels, Tim Garrett, and Carter Potter, State of Nevada and the Nevada Department of Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Samuel L. Pezone Jr., Deputy Attorney General, hereby move, pursuant to Nev. R. App. P. 26(b)(1) and 31(b)(3), to extend the time to file a response brief until August 10, 2023. This motion is based on the following Points and Authorities, the good cause set forth in the Declaration of Samuel L. Pezone Jr., and the pleadings and papers filed in this matter.

## **DECLARATION OF SAMUEL L. PEZONE JR.**

I, Samuel L. Pezone Jr., declare under penalty of perjury that the following is true and correct of my own personal knowledge and if called to testify in this matter would testify as follows:

1. I am a Deputy Attorney General assigned to represent the respondents/cross-appellants in this matter.

2. On March 29, 2023, this Court ordered that “[r]espondents/cross-appellants shall have until July 6, 2023, to file and serve a combined answering brief on appeal and opening brief on cross-appeal,” and thus the brief was due on July 6, 2023.

3. Counsel for Respondents/Cross-Appellants has been unable to expend the time necessary to complete the combined brief despite diligently attempting to do so. Counsel has faced numerous deadlines in other cases due to his increased caseload, which now includes more than fifty open cases, as the result of the departure of multiple deputy attorney generals. Counsel has also been required to assist other Deputies in managing their caseload while those Deputies prepared for multiple trials during the month of June. Despite working long hours, Counsel for Respondents/Cross-Appellants has not yet completed his review of the record necessary to draft the combined brief.

4. No request for extensions have been denied or denied in part.

5. Based on the foregoing, and due to the substantially increased nature of counsel for Respondents’/Cross-Appellant’s workload, good

cause is showing to grant an extension until August 10, 2023, to file Respondents'/Cross-Appellants' combined answering brief on appeal and opening brief on cross-appeal.

DATED this 6<sup>th</sup> day of July, 2023.

By: /s/ Samuel L. Pezone Jr.  
SAMUEL L. PEZONE JR  
Deputy Attorney General

## **I. POINTS AND AUTHORITY**

Nev. R. App. R. 26(b)(1)(A) provides: “For good cause, the court may extend the time prescribed by these Rules or by its order to perform any act, or may permit an act to be done after that time expires.” In *Moseley v. Eighth Judicial Dist. Court ex rel. Cnty. of Clark*, 124 Nev. 654, 668 n.66, 188 P.3d 1136, 1146 n.66 (2008), the Nevada Supreme Court explained that “Good cause generally is established when it is shown that the circumstances causing the failure to act are beyond the individual's control.”

Here, counsel for Respondents/Cross-Appellants has “good cause” for not timely filing the combined answering brief on appeal and opening brief on cross-appeal. Counsel has diligently attempted to timely complete the combined brief, working long hours, but has simply been unable to do so because of the need to simultaneously draft both answering and opening brief, and the substantial nature of counsel’s workload, which has only increased since the departure of multiple

Deputy Attorney Generals, resulting in a caseload of more than fifty open cases. Accordingly, Respondents/Cross-Appellants respectfully request that the extension be granted for good cause. *See White v. Conaghan*, 135 Nev. 737, 445 P.3d 856, 2019 WL 3729795, at \*1 (2019) (explaining that the Court granted a motion for extensions of time, even though the party failed to file brief by new deadline, was then ordered to file brief two weeks after new deadline, and then failed to meet that deadline, despite the court cautioning that the appeal could be dismissed).

## II. CONCLUSION

For the forgoing reasons, good cause appearing, counsel for Respondents/Cross-Appellants respectfully request to extend the time to file the combined answering brief on appeal and opening brief on cross-appeal until August 10, 2023.

DATED this 6th day of July, 2023.

AARON D. FORD  
Attorney General

By: /s/ Samuel L. Pezone Jr.  
SAMUEL L. PEZONE JR. (Bar No. 15978)  
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*Attorneys for Respondents/Cross-Appellants*

## CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 6th of July 2023, I caused to be deposited for mailing a true and correct copy of the foregoing, **RESPONDENTS'/CROSS-APPELLANTS' MOTION TO EXTEND THE TIME TO FILE A COMBINED ANSWERING BRIEF ON APPEAL AND OPENING BRIEF ON CROSS-APPEAL**, to the following:

Bryan Bonham, #60575  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070  
Plaintiff, Pro Se

/s/ Jennifer N. Briones  
An employee of the  
Office of the Attorney General