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IN THE SUPREME COURT OF
THE STATE OF NEVADA

STATE OF NEVADA, DEPT. OF MOTOR
VEHICLES

Appellant,

vs.

WILLIAM JUNGE,

Respondent

Case No.: 49350

**Motion To Allow Amicus ALCU of Nevada
to File A Reply To Appellant's Response
Brief**

MOTION

Pursuant to Rule 2 of the Nevada Rules of Appellate Procedure, Amicus Curiae the American Civil Liberties Union of Nevada (ACLUN) hereby files this motion for leave to file a reply to Appellant's response brief.

On June 13, 2008, this Court issued an order inviting the ACLUN to participate as

Amicus Curiae in order to examine, *inter alia*, the constitutional free speech issues raised in this

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Motion for Amicus Reply

1 case. The ALCUN filed its brief on September 19, 2008, and Appellant State of Nevada filed a
2 response brief on December 26, 2008.

3 Rule 29 of the Nevada Rules of Appellate Procedure states that an amicus curiae cannot
4 file a reply, but this rule is not dispositive. Rule 2 allows this Court to suspend the provisions of
5 any Appellate Procedure Rule, including rule 29, for good cause. Here, good cause exists due to
6 the important constitutional issues raised by this case and the fact that Respondent is no longer
7 represented by counsel and is unable to brief the Court on these issues.
8

9 By accepting this Court's invitation to participate as amicus curiae, the ACLUN, in
10 essence, standing in as counsel for Respondent and is the only party able to challenge
11 Appellant's legal arguments and offer an opposing analysis of the law.
12

13 This case raises important constitutional issues which should be thoroughly explored
14 before reaching a decision. The ACLU of Nevada is seeking to file a reply in order to provide
15 this Court with a balanced analysis and thorough examination of these issues. This Court has the
16 power, under rule 2 of the Nevada Rules of Appellate Procedure to permit amicus curiae to file a
17 reply brief, and the ACLU of Nevada respectfully requests that it do so.
18
19
20

21 Respectfully submitted this 7th day of January, 2009


22 By: Judy C. Cox
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28

CERTIFICATE OF SERVICE

I certify that on the 8th day of January, 2009, I served a copy of this MOTION TO ALLOW AMICUS CURIAE TO FILE A REPLY BRIEF by mailing a true and correct copy thereof, addressed to each party listed below:

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An Employee of the ACLU of Nevada