

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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3 FRANCHISE TAX BOARD OF THE
4 STATE OF CALIFORNIA,

Case No. 53264

5 Appellant/Cross-Respondent,
6 vs.

7 GILBERT P. HYATT,

Electronically Filed
Sep 29 2009 10:02 a.m.
Tracie K. Lindeman

8 Respondent/Cross-Appellant.
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11 **ERRATA TO APPELLANT/CROSS-RESPONDENT'S OPENING BRIEF**

12 On August 7, 2009, Appellant/Cross-Respondent Franchise Tax Board of the
13 State of California's ("FTB") Opening Brief was filed. FTB's Opening Brief contained
14 several typographical errors related to factual citations. FTB offers the following
15 corrections to the identification of these factual citations which were incorrect:

- 16
- 17 1. Page 7, line 26: Citation to 66 AA 16388 should be 66 AA 16388;
93 AA 23209-10.
 - 18 2. Page 8, lines 4-5: Citation to 70 AA 17465, 17481; 71 AA 17507; 72
19 AA 17790, 17793, 1784; 77 AA 19048-60, 19068-71 should be 63
AA 15659, 15742; 77 AA 19048, 19068-71.
 - 20 3. Page 9, line 15-16: Citation to 51 AA 12750(136) - 12755(156)
21 should be 47 AA 11724(136) - 11735(179).
 - 22 4. Page 12, line 15: Citation to 63 AA 16227 should be 63AA 16222-
27.
 - 23 5. Page 15, line 15: Citation to 40 AA 9880(27) should be 40 AA
24 9880(52).
 - 25 6. Page 15, line 20: Citation to 52 AA 12892(21) - 12893(22) should be
26 40 AA 9915(192-193), 9965(2) - 9966(6); 52 AA 12921(137) -
12922(138).
 - 27 7. Page 19, line 13: Citation to 44 AA 10943(65) should be 44 AA
10943(165).
 - 28 8. Page 19, line 21: Citation to 43 AA 1064 should be 43 AA 10654.

- 1 9. Page 19, line 22: Citation to 43 AA 10729(14) – 778(212) should be
- 2 44 AA 10754(114) – 778(212), 10814(3) – 868(220), 10903(2) –
- 3 948(185).
- 4 10. Page 21, line 7: Citation to 27 AA 6507 - 08 should be 27 AA 6509 -
- 5 10.
- 6 11. Page 25, footnote 19: Citation to 12 AA 298 - 99 should be 12 AA
- 7 2998 - 99.
- 8 12. Page 28, line 23: Citation to 93 AA 23037-41 should be 93 AA
- 9 23042-43.
- 10 13. Page 29, line 21: Citation to 3 AA 649-50 (50-51) should be 3 AA
- 11 649(46)-650(51).
- 12 14. Page 30, lines 8-9: Citation to 5 AA 1187 should be 5 AA 1189-90.
- 13 15. Page 44, footnote 44: Citation 52 AA 12820 (24-25) should appear
- 14 in footnote 43.
- 15 16. Page 45, footnote 46: Citation 43 AA 10601(97) should be 43 AA
- 16 10601(197).
- 17 17. Page 52, line 18: Citation to 45 AA 11190(35) - 11203(36) should be
- 18 45 AA 11190(35) - 11203(86).
- 19 18. Page 56, line 22: Citation to 44 AA 10823(40) - 10825(40) should be
- 20 44 AA 10823(40) - 10825(48).
- 21 19. Page 59, line 2-3: Citation to 43 AA 11294(66), (69) should be 92
- 22 AA 22939-45.
- 23 20. Page 91, line 7-8: Citation to 17 AA 4160 should be 18 AA 4251.

19 In addition, there are several citations in FTB’s Opening Brief to “54 AA 13401.”
20 This document was a notice sent by FTB to Hyatt in 1996. These citations, however,
21 should have referred to Plaintiff’s Trial Exhibit 112. It appears, however, that this
22 particular notice was inadvertently omitted from Appellant’s Appendix. Concurrently
23 with this Errata, FTB has filed a Motion for Leave to File a Supplemental Appellant’s

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Appendix containing this document. FTB offers the following corrections to the identification of these factual citations contained in FTB's Opening Brief:

1. Pages 5, lines 19 & 23, page 71, line 5, and page 74, line 6: Citations to 54 AA 13401 should be 1 SAA 3.

Dated this 29th day of September 2009.

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1 CERTIFICATE OF SERVICE

2 Pursuant to NRAP 25, I hereby certify that I am an employee of McDonald
3 Carano Wilson LLP, and that I served true and correct copies of the foregoing **ERRATA**
4 **TO APPELLANT/CROSS-RESPONDENT'S OPENING BRIEF** on this 29 day of
5 September, 2009 by depositing said copies in the United States Mail, postage
6 prepaid thereon; upon the following:

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