

1 issues; even if the panel's decision addresses these issues, either side in the instant
2 appeal may argue why the instant appeal presents different issues requiring a
3 different result from what the Landry panel decides;

- 4
- 5 4. The FTB's opening brief raises many issues not present in the Landry case, e.g., the
6 doctrine of comity, the sufficiency of the particularly egregious conduct found by the
7 jury to justify compensatory damages, and the award of punitive damages, among
8 others; and
- 9 5. The parties in the Landry appeal, like all litigants, are entitled to a decision in accord
10 with the Court's processes, and holding up a decision because another case might
11 involve one or more of the same legal theories would, in effect, paralyze the
12 adjudication process. In addition, the FTB's proposal that the briefs in the instant
13 case be submitted to the panel in Landry, apparently as some sort of informal
14 supplemental or *amicus* briefs, would be unfair to the Landry litigants who have
15 first-hand knowledge of the facts and legal issues they have presented to the Court
16 and set a dangerous precedent of allowing any party with a similar issue pending in
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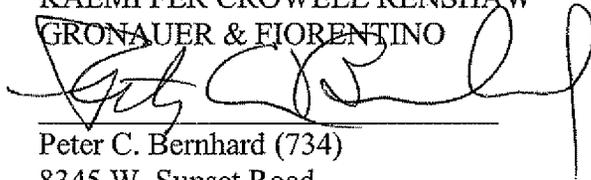
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1 an unrelated case to bring its briefs in as part of the unrelated appellate record,
2 without giving the actual litigants the opportunity to argue why the briefs of
3 strangers should or should not be given any weight by the panel.

4 DATED: December 14, 2009.

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1 **CERTIFICATE OF COMPLIANCE**

2 I hereby certify that I have read **HYATT'S RESPONSE TO FTB'S NOTICE OF**
3 **RELATED CASE AND REQUEST FOR NOTIFICATION TO PANEL IN XTREME**
4 **FAITH ACADEMY V. LANDRY, CASE NO. 52044 OF THIS MATTER**, and to the best of
5 my knowledge, information, and belief, it is not frivolous or interposed for any improper
6 purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate
7 Procedure, and in particular NRAP 28(e), which requires every assertion in the brief regarding
8 matters in the record to be supported by a reference to the page of the transcript or appendix
9 where the matter relied on is to be found. I understand that I may be subject to sanctions in the
10 event that the accompanying brief is not in conformity with the requirements of the Nevada
11 Rules of Appellate Procedure.
12

13 DATED: December 14, 2009.

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRAP 25, I certify that I am an employee of **KAEMPFER CROWELL**
3 **RENSHAW GRONAUER & FIORENTINO** and that on this ^{Wk} day of December, 2009, I
4 caused the above and foregoing document entitled **HYATT'S RESPONSE TO FTB'S**
5 **NOTICE OF RELATED CASE AND REQUEST FOR NOTIFICATION TO PANEL IN**
6 **XTREME FAITH ACADEMY V. LANDRY, CASE NO. 52044 OF THIS MATTER** to be
7 served by the method(s) indicated below:
8

- 9 _____ via U.S. mail, postage prepaid;
- 10 X _____ via Federal Express;
- 11 _____ via hand-delivery;
- 12 _____ via Facsimile;

13 to the attorney(s) listed below at the address indicated:

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