

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2
3 FRANCHISE TAX BOARD OF THE
STATE OF CALIFORNIA,

4 Appellant/Cross-Respondent

5 v.

6 GILBERT P. HAYTT,

7 Respondent/Cross-Appellant.

FILED

Case No. 53264 · AUG 11 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malme
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9 **NOTICE OF SUBMISSION OF FTB'S EMBEDDED APPEAL BRIEFS**

10 Please take notice that pursuant to NRAP 28(e) and 30(f)(2), and for the
11 convenience of the Court in reviewing the large and unwieldy record in this case,
12 Appellant/Cross-Respondent Franchise Tax Board of the State of California ("FTB")
13 hereby submits its embedded Opening and Reply Briefs in electronic form. As noted in
14 FTB's Reply Brief, FTB has provided these embedded briefs in order to assist the Court
15 in verifying every factual and legal citation in its briefs. See Appellants' Reply Brief at
16 3 n.12. We also believe these embedded briefs will save an enormous amount of time
17 for the Court and its staff in reviewing legal authorities and appendix pages cited in the
18 briefs. The appendices filed by the parties consist of 235 volumes (approximately
19 58,000 pages), and there are hundreds of legal authorities cited in the briefs. By using
20 the embedded briefs, these cited materials can be obtained and viewed directly from the
21 briefs, without the necessity of going to other sources outside the briefs (such as
22 Westlaw or the separate appendix discs that the parties submitted with their briefs).

23 In order to assist the Court in using these embedded briefs, FTB provides the
24 following explanation and instructions:

25 An electronic brief (or "e-brief") is a PDF file that contains a legal brief as well
26 as all of the referenced material in the brief, such as case law, appendix pages, prior

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1 briefs, statutes, etc. Each citation has been hyperlinked, and clicking on a link will
2 bring you to a different page in the document that contains the referenced material.¹

3 The e-briefs have been loaded onto the DVD-ROM disc submitted herewith.
4 Place the disc into your computer, go to “My Computer,” double-click on your DVD
5 drive (usually drive D), and drag and drop the PDF files to your Desktop. (You can also
6 move them to “My Documents” or any other location that you prefer.)

7 Once the e-briefs have been transferred to your computer, simply double-click on
8 one of the files to open it. If you receive a message that “this file appears to use a new
9 format that this version of Acrobat does not support,” just click OK to disregard the
10 message.

11 To use the e-brief, scroll through the pages to read the brief as you would any
12 other document. When you get to a citation to the appendix or to a legal authority, it
13 will be underlined in blue as an embedded hyperlink. If you want to review the
14 document cited in the brief, simply click on the blue citation and it will jump you
15 forward in the document to the referenced legal authority or appendix page. To return
16 back to the page in the brief that you were viewing prior to clicking on the hyperlink,
17 click the back arrow button on the toolbar (which will be either green or blue,
18 depending on the version of Acrobat that you have.)²

19 Sometimes, if you have scrolled a few pages into the legal authority or the
20 document you are reviewing at the appendix location, you will need to click on the back
21 arrow button a few extra times to return to the actual brief page from which you started.

22
23 ¹ In order to open the e-briefs, you must have Adobe Acrobat. If you do not
24 already have a copy of Acrobat, go to www.adobe.com and find the “Get Adobe
Reader” button. Follow the instructions to download and install the program.

25 ² If you do not have the back arrow button at all on your toolbar, you may need
26 to add the “Page Navigation” toolbar. To do this, right-click anywhere on an empty part
27 of Acrobat’s toolbar and make sure “Page Navigation” is checked. If at this point you
28 still do not have the back arrow button, right-click again on your toolbar, choose “More
Tools,” scroll down until you find the “Previous View” and “Next View” options, and
checkmark both of them. Click **OK**, and you should now see the back arrow button.

1 FTB respectfully submits these embedded briefs and instructions for the convenience of
2 the Court and in the interest of providing an efficient and accurate method for the Court
3 to review the extensive record in this case.

4 DATED: August 11, 2010.

5
6 By: 

7 PAT LUNDVALL (NSBN 3761)
8 MEGAN STARICH (NSBN 11284)
9 2300 West Sahara Avenue, Suite 1000
10 Las Vegas, NV 89102
11 Telephone No. (702) 873-4100
12 Facsimile No. (702) 873-9966

13 ROBERT L. EISENBERG (NSBN 0950)
14 LEMONS, GRUNDY, & EISENBERG
15 6005 Plumas Street, Suite 300
16 Reno, Nevada 89519
17 Telephone No.: (775) 786-6868
18 Facsimile No. (775) 786-9716

19 Attorneys for Defendant
20 Franchise Tax Board of the State of California


21 MCDONALD-CARANO-WILSON
22 100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
23 P.O. BOX 2670 • RENO, NEVADA 89502-2670
24 PHONE 775-788-2000 • FAX 775-788-2020

 **MCDONALD-CARANO-WILSON**
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I hereby certify, under penalty of perjury, that I am an employee of McDonald Carano Wilson LLP and that on this date I caused to be delivered in the United States mail, enclosed in a sealed envelope, upon which first class postage was fully prepaid and affixed thereto, a true copy of the Notice of Submission of FTB's Embedded Appeal Briefs, addressed to the individual listed below at his last known business address as follows:

Peter C. Bernhard, Esq.
Kaempfer Crowell Renshaw
Gronauer Fiorentino
8345 West Sunset Road, Suite 250
Las Vegas, NV 89113
Attorneys for Gilbert P. Hyatt

Mark A. Hutchison, Esq.
Hutchison & Steffen
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
Attorneys for Gilbert P. Hyatt

Donald J. Kula, Esq.
Perkins Coie
1888 Century Park East, Suite 1700
Los Angeles, CA 90067-1727
Attorneys for Gilbert P. Hyatt

Bruce J. Fort, Counsel
Multistate Tax Commission
444 N. Capitol Street, N.W., Suite 425
Washington, D.C. 20001-8699

C. Wayne Howle
Solicitor General, State of Nevada
Local Counsel
100 North Carson Street
Carson City, NV 89701

Clark L. Snelson
Utah Assistant Attorney General
160 East 300 South 5th Floor
Salt Lake City, UT 84114

DATED: August 11, 2010


