

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCHISE TAX BOARD OF THE  
STATE OF CALIFORNIA,  
Appellant/Cross-Respondent,  
vs.  
GILBERT P. HYATT,  
Respondent/Cross-Appellant.

No. 53264

**FILED**

OCT 04 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING MOTION TO FILE SUR-REPLY

Respondent/cross-appellant Gilbert P. Hyatt has filed a motion requesting leave to file a sur-reply to the reply brief. An opposition has been filed. Having reviewed the motion and opposition, we deny the motion for leave to file a sur-reply and direct the clerk of this court to return, unfiled, the proposed sur-reply submitted by Hyatt on August 13, 2010, and to strike the appendix to the sur-reply filed on August 16, 2010.

It is so ORDERED.

Tracie K. Lindeman, A.C.J.

cc: Lemons, Grundy & Eisenberg  
McDonald Carano Wilson LLP/Las Vegas  
McDonald Carano Wilson LLP/Reno  
Hutchison & Steffen, LLC  
Kaempfer Crowell Renshaw Gronauer & Fiorentino  
Perkins Coie  
Attorney General/Carson City  
Multistate Tax Commission  
Utah Attorney General's Office