

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 **FRANCHISE TAX BOARD OF THE**
3 **STATE OF CALIFORNIA,**

4 Appellant/Cross-respondent,

5 v.

6 **GILBERT P. HYATT,**

7 Respondent/Cross-appellant.

Supreme Court Case No. 53264

District Court Case No. 382999
Notice of Cross-Appeal Filed March 4, 2009
Tracie K. Lindeman
Clerk of Supreme Court

Electronically Filed
Oct 22 2014 02:14 p.m.

9 **APPEAL**

10 from the Eighth Judicial District Court, Clark County
11 **THE HONORABLE JESSIE WALSH, District Judge**

12
13 **RESPONDENT GILBERT P. HYATT'S MOTION FOR PERMISSION TO**
14 **FILE ANSWER IN EXCESS OF WORD LIMIT**

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28 *Appellant Gilbert P. Hyatt*

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1 Pursuant to NRAP 40(b)(3), Respondent Gilbert P. Hyatt (“Respondent” or
2 “Hyatt”) moves for permission to file an answer (to the FTB’s petition for rehearing)
3 in excess of 4,667 words. The proposed answer, which is being submitted with this
4 motion, contains 8,072 words.

5 On October 7, 2014, this Court granted the FTB’s motion allowing its petition
6 for rehearing to be filed with 8,132 words. The FTB then filed its petition,
7 containing 8,132 words. This Court’s Order of October 7, 2014 also provides that
8 Hyatt may file an answer by October 22, 2014 to the FTB’s petition for rehearing.

9 Hyatt requests the excess words for his answer in order to fully and efficiently
10 address the issues raised in the FTB’s oversized petition for rehearing. NRAP
11 40(b)(3) allows the court to grant permission for an oversized petition for rehearing,
12 or in this case, an answer to a petition for rehearing.

13 This case is sufficiently extraordinary and compelling to justify the additional
14 length, and here it is necessary in light of the FTB’s oversized petition. In its motion
15 for the additional words for its petition, the FTB argued that its petition raised
16 “significant issues relating to matters we [the FTB] believe the court overlooked or
17 misapprehended in the opinion.” Hyatt’s attorneys have edited the answer several
18 times, and we have attempted to limit the length of the answer, while fully addressing
19 the numerous issues raised in the FTB’s petition. The answer is already shorter than
20 the FTB’s petition. We respectfully contend that the requested additional words to
21 are necessary in light of the size of, and issues raised in, the FTB’s oversized
22 petition.

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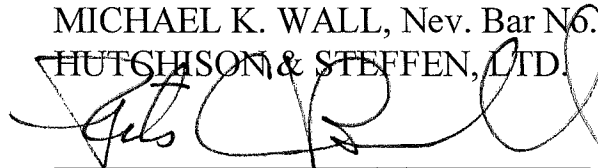
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1 Accordingly, we request this Court to grant permission for Hyatt to file an
2 answer containing 8,072 words.

3
4 DATED: October 22, 2014.

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that I am an employee of KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO and that on this ____ day of _____, I caused the above and foregoing document entitled **RESPONDENT GILBERT P. HYATT'S MOTION FOR PERMISSION TO FILE ANSWER IN EXCESS OF WORD LIMIT** to be served by the method(s) indicated below:

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

upon the following person(s):

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