



1 Appellant has raised several issues in this appeal, and was allowed to file  
2 an extra-length opening brief. Specifically, appellant’s motion for permission to  
3 file its opening brief in excess of the word count limitation was granted by this  
4 Court on August 14, 2012. Although respondent believes the issues to be  
5 ordinary and without merit (not earth-shattering and precedent setting, as  
6 appellant suggests), the opening brief seriously misrepresents the facts and twists  
7 the case law to appear to present issue of substance, making it necessary to  
8 clarify the record before responding to the legal issues presented by the case.

9 The trial lasted twelve days and resulted in a 16-volume appendix, most of  
10 which is comprised of portions of the transcript of the bench trial. The medical  
11 testimony is lengthy and complex because respondent developed reflex  
12 sympathetic dystrophy (“RSD”) as a result of the injury at the Palms, meaning he  
13 treated for years with many providers, and will suffer from this condition and  
14 others that resulted directly from the incident for the rest of his life.

15 I have diligently edited the brief and I eliminated thousands of words from  
16 my initial draft. Nevertheless, the complexity of the case, the number and  
17 character of the issues pursued by appellant, and the number of string cited but  
18 irrelevant cases relied on by the Palms, have caused the brief to exceed the word  
19 limit. I respectfully believe the brief cannot be shortened any more without  
20 compromising respondent’s ability to fairly address the issues raised in the  
21 opening brief, and without impacting this Court’s ability to understand and  
22 analyze the issues accurately and efficiently.

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Accordingly, respondent requests the court grant him permission to file his answering brief containing 15,211 words; the brief is being submitted concurrently with this motion.

DATED this 31 day of October, 2012.

HUTCHISON & STEFFEN, LLC

By 

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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of HUTCHISON & STEFFEN, LLC and  
3 that this **MOTION FOR PERMISSION TO FILE ANSWERING BRIEF IN**  
4 **EXCESS OF WORD COUNT LIMITATION; CERTIFICATION OF**  
5 **COUNSEL** was filed electronically with the Clerk of the court of the Nevada  
6 Supreme Court, and therefore electronic service was made in accordance with the  
7 master service list as follows:

8 Steven Baker  
9 John Naylor  
10 Marsha Stephenson  
11 Robert Eisenberg

I further certify that on this date I served copies by U.S. mail to:

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26 DATED this 31<sup>st</sup> day of October, 2012.

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An employee of Hutchison & Steffen, LLC