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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * *

FCH1, LLC, A NEVADA LIMITED
LIABILITY COMPANY F/K/A FIESTA
PALMS, LLC, D/B/A THE PALMS
CASINO RESORT,

Appellant,

vs.

ENRIQUE RODRIGUEZ, AN
INDIVIDUAL,

Respondent.

Electronically Filed
Feb 06 2013 02:56 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

No. 59630

**MOTION FOR PERMISSION TO FILE REPLY BRIEF IN EXCESS OF
WORD COUNT LIMITATION; CERTIFICATION OF COUNSEL**

Pursuant to NRAP 32(a)(7)(D), appellant hereby moves for permission to file a reply brief that is 889 words longer than the 7,000 word limit for a reply brief. The proposed brief, which contains 7,889 words, is being submitted concurrently with the filing of this motion.

CERTIFICATION OF COUNSEL

Pursuant to NRAP 32(a), appellant's counsel hereby provides the following certification stating the reasons for this motion.

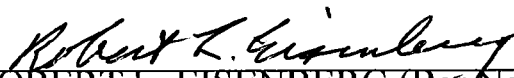
This appeal involves a very unusual personal injury case that resulted in a judgment of more than \$6 million. There are serious issues that are unusual, precedent-setting, and of statewide significance. After considering these factors, this court allowed an opening brief that exceeded the word limitation by 852 words, and an answering brief that exceeded the word limitation by 1,211 words.

The answering brief seriously misrepresents the nature of several contentions made by the Palms in the opening brief. Additionally, the answering brief presents inaccurate and incomplete recitations of evidence in the appendix; the brief frequently provides no appendix citations for its factual statements; and the brief contains

1 incomplete and/or inaccurate statements regarding legal authorities. These significant
2 deficiencies in the answering brief have created the need for the Palms to present
3 rebuttal facts and arguments that have increased the size of the reply brief.

4 The Palms is requesting only 889 extra words, which is an enlargement of
5 approximately 13 percent. Even with the extra words, the reply brief will still contain
6 7,322 words less than respondent's answering brief. Counsel for the Palms has edited
7 the brief to the extent possible, and we respectfully contend that the brief cannot be
8 shortened any more, without impacting the court's ability to understand and analyze the
9 issues accurately and efficiently. Accordingly, the Palms requests the court to grant
10 permission to file the brief containing 7,889 words; the brief is being submitted
11 concurrently with this motion.

12 DATED: Feb. 6, 2017

13
14 
15 ROBERT L. EISENBERG (Bar No. 0950)
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ATTORNEYS FOR APPELLANT

CERTIFICATE OF SERVICE

I certify that I am an employee of Lemons, Grundy & Eisenberg and that on this date Appellants' **Motion for Permission to File Reply Brief in Excess of Word Count Limitation; Certification of Counsel** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Steven Baker
J. Randall Jones
Jennifer C. Dorsey
Marsha Stephenson
Michael Wall

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

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DATED this 6th day of Feb., 2013.