

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAIMON MONROE,

Appellant,

vs.

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,

Respondent.

Case No.: 62264 Electronically Filed
Feb 08 2016 09:04 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

**MOTION TO EXCEED PAGE LIMIT OF RESPONSE TO
APPELLANT'S APPEAL STATEMENT**

Marquis Aurbach Coffing

Micah S. Echols, Esq.

Nevada Bar No. 8437

Adele V. Karoum, Esq.

Nevada Bar No. 11172

10001 Park Run Drive

Las Vegas, Nevada 89145

Telephone: (702) 382-0711

Facsimile: (702) 382-5816

mechols@maclaw.com

akaroum@maclaw.com

Attorneys for Respondent,

Las Vegas Metropolitan Police Department

1 Respondent, Las Vegas Metropolitan Police Department (“LVMPD”), by
2 and through its attorneys of record, Marquis Aurbach Coffing, hereby moves
3 this Court pursuant to NRAP 32(a)(7) to exceed the page limit for its response
4 to Appellant’s appeal statement, which is timely-filed along with this motion.

5 In its December 30, 2016 order directing a response, this Court limited
6 LVMPD’s response to 15 pages. A type-volume limitation of 7,000 words is
7 equivalent to a 15-page limit under NRAP 32(1)(7). In addition, NRAP 32 does
8 allow a party to exceed the page limit by permission of the Court and “upon a
9 showing of diligence and good cause.”

10 In the instant case, LVMPD’s response contains 18 pages and 4,360
11 words of text. Even though LVMPD’s response exceeds the page limit by 3
12 pages, the word count is within the 7,000-word type-volume equivalent to 15
13 pages that is set out under NRAP 32(a)(7). Due to the numerous legal issues
14 and the complexity of the record raised in this appeal, LVMPD requests
15 permission to file under a 7,000-word type-volume limit, rather than the 15-
16 page limit as stated in this Court’s order directing a response. Alternatively,
17 LVMPD requests that the Court allow the additional pages due to the numerous
18 legal issues and complexity of the record raised in this appeal.

19 Good cause exists to allow LVMPD’s response to exceed the page-limit
20 and to be filed under the type-volume limit. The following reasons are outlined
21 in greater detail in the attached declaration of Micah S. Echols.

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23

4. The history of the parties' actions leading to and involving the instant litigation spans nearly a decade and includes judgments and orders from multiple cases, both criminal and civil.

1 5. Even a brief factual history of the underlying forfeiture case
2 involves reference to and explanation of the proceedings and outcome of the
3 various criminal cases of the four defendants and fills numerous pages.

4 6. Counsel for LVMPD has reviewed and revised and omitted as
5 much information as possible, but have not been able to draft a response below
6 the 15-page threshold set out in this Court's December 30, 2015 order directing
7 a response. However, LVMPD does meet the alternative type-volume threshold
8 of 7,000 words as set out under NRAP 32(a)(7).

9 Dated this 5th day of February, 2016.

10 
11 Micah S. Echols, Esq.

12 Therefore, for diligence and good cause shown, and according to
13 NRAP 32(a)(7), this Court should allow LVMPD to file its response to
14 Appellant's appeal statement consisting of 18 pages and 4,360 words of text.

15 Dated this 5th day of February, 2016.

16 MARQUIS AURBACH COFFING

17
18 By /s/ Micah S. Echols

19 Micah S. Echols, Esq.
20 Nevada Bar No. 8437
21 Adele V. Karoum, Esq.
22 Nevada Bar No. 11172
23 10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Respondent,
Las Vegas Metropolitan Police
Department

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO EXCEED PAGE
LIMIT OF RESPONSE TO APPELLANT'S APPEAL STATEMENT** was
filed electronically with the Nevada Supreme Court on the 5th day of February,
2016. Electronic Service of the foregoing document shall be made in
accordance with the Master Service List as follows:

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I further certify that I served a copy of this document by mailing a true
and correct copy thereof, postage prepaid, addressed to:

Damon Monroe
Inmate ID: 38299
HDSP
P.O. Box 650
Indian Springs, NV 89070
Appellant in Proper Person

Thomas Moreo, Esq.
District Attorney
200 Lewis Ave, 3rd Floor
Las Vegas, NV 89155

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing