

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

2 ROBERT HOLMES, III,

3 Appellant,

4 vs.

5 LAS VEGAS METROPOLITAN
6 POLICE DEPARTMENT,

7 Respondent.

Case No.: 62274 Electronically Filed
Feb 08 2016 09:44 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

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

12
13 **Marquis Aurbach Coffing**

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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 4,560
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.

DECLARATION OF MICAH S. ECHOLS, ESQ. IN SUPPORT OF
MOTION TO EXCEED WORD COUNT FOR RESPONSE TO
APPELLANTS' APPEAL STATEMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Under penalty of perjury, Micah S. Echols, Esq. hereby declares the following in support of the motion to exceed word count of LVMPD's response to Appellants' appeal statement:

1. I have personal knowledge of all matters within this Declaration. I am competent to testify to the facts herein in a court of law and, if called upon to do so, would so testify.

2. LVMPD's response contains 18 pages, which is 3 pages longer than the 15-page limit set out in this Court's December 30, 2016 order directing a response. However, LVMPD's response only contains 4,560 words, which is within the 7,000 word type-volume that is equivalent to a 15-page limit under NRAP 32(a)(7).

3. This Court should allow LVMPD to file its response with the additional page count because this appeal involves a complex set of facts pertinent to four different defendants who were all involved in an extensive burglary ring, which was the source of the funds claimed in the underlying forfeiture action.

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 4,560 words of text.

15 Dated this 5th day of February, 2016.

16 MARQUIS AURBACH COFFING

17
18 By /s/ Micah S. Echols

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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:

N/A

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

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Appellant in Proper Person

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/s/ Leah Dell

Leah Dell, an employee of
Marquis Aurbach Coffing