

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN FERGASON,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

No. 62357

FILED

NOV 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER DENYING MOTION TO REINSTATE RESPONDENT'S
APPENDIX IN PART AND GRANTING MOTION FOR LEAVE TO FILE
AN AMENDED ANSWERING BRIEF*

On August 25, 2014, this court denied respondent's motion for this court to take judicial notice of all the documents included in respondent's appendix, and thus, struck respondent's appendix. The parties filed a stipulated motion to stay the briefing schedule while respondent settled the record in the district court. We granted that motion and provided respondent with 60 days to settle the record and file a supplemental appendix with this court. The district court granted respondent's motion to settle the record under NRAP 10(c) and clarified that it had considered the documents included in respondent's appendix at pages 1 through 685.

Respondent has filed a motion requesting this court reinstate pages 1 through 685 of its stricken appendix. We decline to reinstate the appendix and we deny the motion; however, appellant shall have five days from the date of this order to file a supplemental appendix. Because respondent's answering brief referenced portions of the stricken appendix that will no longer be included, respondent also included with its motion a notice of filing an amended answering brief. We construe the notice as a motion for leave to file an amended answering brief, and we grant the

motion. We direct the clerk of this court to file respondent's amended answering brief provisionally received on November 6, 2014. We hereby reinstate the briefing schedule in this appeal. Appellant shall have 30 days from the date of this order to file and serve any reply brief.

It is so ORDERED.

 C.J.

cc: Sylvester & Polednak, Ltd.
Marquis Aurbach Coffing
Clark County District Attorney