

EXHIBIT “3”

EXHIBIT “3”

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

RAYMOND RIAD KHOURY,
Appellant,
vs.
MARGARET SEASTRAND,
Respondent.

Supreme Court No. 65172
District Court Case No. A636515

**EXEMPTION FROM SETTLEMENT PROGRAM -
NOTICE TO FILE DOCUMENTS**

TO: Hall Jaffe & Clayton, LLP \ Steven T Jaffe
Hall Jaffe & Clayton, LLP \ James E Harper
Hall Jaffe & Clayton, LLP \ Jacob S. Smith
Richard Harris Law Firm \ Richard A. Harris
Richard Harris Law Firm \ Alison M. Brasier
Richard Harris Law Firm \ Benjamin P. Cloward

Upon review of this matter, it has been determined that this appeal will not be assigned to the settlement program. Accordingly, appellant(s) shall have fifteen (15) days from the date of this notice to comply with NRAP 9(a).

Appellants shall have 120 days from the date of this notice to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

DATE: March 10, 2014

Tracie Lindeman, Clerk of Court

By: Sonia Navarro
Deputy Clerk

Notification List

Electronic

Hall Jaffe & Clayton, LLP \ Steven T Jaffe
Hall Jaffe & Clayton, LLP \ James E Harper
Hall Jaffe & Clayton, LLP \ Jacob S. Smith
Richard Harris Law Firm \ Benjamin P. Cloward

Paper

Richard Harris Law Firm \ Richard A. Harris
Richard Harris Law Firm \ Alison M. Brasier

14-07548

EXHIBIT “2”

EXHIBIT “2”

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

RAYMOND RIAD KHOURY,
Appellant,
vs.
MARGARET SEASTRAND,
Respondent.

Supreme Court No. 65007
District Court Case No. A636515

**EXEMPTION FROM SETTLEMENT PROGRAM -
NOTICE TO FILE DOCUMENTS**

TO: Hall Jaffe & Clayton, LLP \ Steven T Jaffe
Hall Jaffe & Clayton, LLP \ James E Harper
Richard Harris Law Firm \ Richard A. Harris
Richard Harris Law Firm \ Alison M. Brasier
Richard Harris Law Firm \ Benjamin P. Cloward

Upon review of this matter, it has been determined that this appeal will not be assigned to the settlement program. Accordingly, appellant(s) shall have fifteen (15) days from the date of this notice to comply with NRAP 9(a).

Appellants shall have 120 days from the date of this notice to file and serve the opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

DATE: February 18, 2014

Tracie Lindeman, Clerk of Court

By: Sonia Navarro
Deputy Clerk

Notification List

Electronic
Hall Jaffe & Clayton, LLP \ Steven T Jaffe
Hall Jaffe & Clayton, LLP \ James E Harper
Richard Harris Law Firm \ Benjamin P. Cloward

Paper
Richard Harris Law Firm \ Richard A. Harris
Richard Harris Law Firm \ Alison M. Brasier

EXHIBIT “1”

EXHIBIT “1”


IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND RIAD KHOURY,
Appellant,
vs.
MARGARET SEASTRAND,
Respondent.

No. 64702

FILED

FEB 06 2014

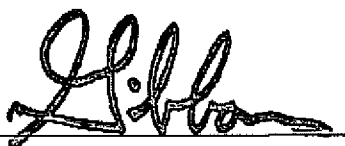
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

**ORDER REMOVING FROM SETTLEMENT PROGRAM
AND REINSTATING BRIEFING**

Pursuant to the recommendation of the settlement judge and good cause appearing, this appeal is removed from the settlement program. See NRAP 16. Accordingly, we reinstate the deadlines for requesting transcripts and filing briefs.

Appellant shall have 15 days from the date of this order to file and serve a transcript request form. See NRAP 9(a).¹ Further, appellant shall have 90 days from the date of this order to file and serve the opening brief and appendix.² Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

 C.J.

¹ If no transcript is to be requested, appellant shall file and serve a certificate to that effect within the same time period. NRAP 9(a).

² In preparing and assembling the appendix, counsel shall strictly comply with the provisions of NRAP 30.

cc: John Walter Boyer, Settlement Judge
Hall Jaffe & Clayton, LLP
Richard Harris Law Firm

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IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND RIAD KHOURY,

Appellant,

vs.

MARGARET SEASTRAND,

Respondent.

Supreme Court No.: 64702

Supreme Court No.: 65007

Supreme Court No.: 65172

District Court Case No.: A636515

Electronically Filed
Apr 22 2014 03:25 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**MOTION TO CONSOLIDATE BRIEFING
SCHEDULE**

10 Appellant, RAYMOND RIAD KHOURY, by and through his counsel of record STEVEN T. JAFFE,
11 ESQ., JAMES E. HARPER, ESQ., and JACOB S. SMITH, ESQ., of the law firm of HALL JAFFE &
12 CLAYTON, LLP, hereby submits his motion to consolidate the briefing schedules for Supreme Court cases
13 64702, 65007, and 65172.

14 These appeals were filed separately, as necessitated by the separate entries of judgment submitted
15 on the jury verdict, order awarding fees, and order denying Appellant's motion for new trial.

16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17 **I. INTRODUCTION AND FACTS**

18 This appeal stems from a final judgment in an auto accident case. On March 9, 2010, Appellant
19 Raymond Khoury ("Appellant") was the driver of an Infiniti SUV when he unintentionally rear-ended
20 Respondent Margaret Seastrand ("Respondent"), who was driving her Honda mini-van. Liability was
21 stipulated prior to trial, and during a 10-day jury trial, the jury was presented with evidence regarding the
22 severity of the impact and the alleged causation of injuries to Respondent.

23 The trial and the resulting post-trial motions have resulted in the filing of three separate appeals
24 which all arise from the same district court case. These separate appeals have resulted in three separate
25 deadlines for the submission of opening briefs. Through this motion, Appellant moves the court to
26 consolidate the briefing schedule for these separate appeals and set the deadline for filing the opening brief
27 and appendix as July 8, 2014.

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1 **II. RELEVANT PROCEDURAL HISTORY**

2 Trial in this matter took place from July 15 through July 26, 2013. Following the conclusion of trial
3 and the jury's deliberations, the jury entered an award for Respondent in the amount of 719,776.00.
4 Respondent entered judgment in the same amount on November 5, 2013, submitted a proposed
5 memorandum of costs, and filed her motion for fees and costs. On November 25, 2013, Appellant filed his
6 motion for new trial, thereby staying the deadline to file his appeal.

7 On December 10, 2013, the trial court heard Respondent's motion for fees and costs, denying her
8 request for attorney's fees, and awarding costs and interest in the amount of \$75,015.61. On December 24,
9 2013, Respondent appealed the judgment entered following trial (Case No. 64702). On January 10, 2014,
10 an order reflecting the district court's award of costs was entered. Appellant appealed this ruling on
11 February 10, 2014 (Case No. 65007).

12 On January 23, 2014, the district court denied Appellant's motion for new trial. Thereafter, an order
13 reflecting this ruling was entered, and on March 4, 2014, Appellant appealed the court's ruling on the
14 Motion for New Trial (Case No. 65172).

15 The briefing schedules for the above appeals set deadlines for filing the respective opening briefs
16 are May 7, 2014, June 18, 2014, and July 8, 2014. (*See* Order Removing From Settlement Program and
17 Reinstating Briefing dated February 6, 2014, attached as Exhibit 1; *See also* and Exemptions from
18 Settlement Program and Notice to File Documents dated February 18, 2014 and March 10, 2014, attached
19 as Exhibits 2, and 3, respectively.)

20 On February 21, 2014, Appellant filed his request for Transcripts, and on April 1, 2014, the parties
21 stipulated to consolidate the appeals for Supreme Court Case Numbers 64702, 65007, 65172, which
22 stipulation remains pending before this Court. On April 14, 2014, Court Reporter Kristy Clark requested
23 a 30-day extension of time to prepare the requested transcripts. This Motion now follows.

24 **III. LEGAL ARGUMENT**

25 NRAP 26(b)(1) provides the court the authority "to extend the time prescribed by these Rules or by
26 its order to perform any act" provided that good cause is shown. Here there is good cause for consolidating

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1 the briefing schedules for the three separate appeals and moving the date of the opening brief on all issues
2 to July 8, 2014.

3 As set forth above, there is a pending stipulation to consolidate which was presented to the court on
4 April 1, 2014. The stipulation is based on the fact that all three appeals arise from the same district court
5 case and involve the same Appellant and Respondent. This stipulation, if granted, would consolidate the
6 various issues from the three separate appeals into a single case. It would only be logical, then, to have a
7 consolidated briefing schedule.

8 Moreover, the court-reporter's recent request for a 30-day extension of time to prepare the transcripts
9 will provide the parties with the final transcripts on or about May 14, 2014. However, the current deadline
10 for filing the opening brief in Case No. 64702 is currently set for May 7, 2014, which is a week before the
11 final trial transcripts will be available to the parties. Of course, it will be impossible for the parties to
12 provide an appendix and an opening brief without a complete set of the final transcripts. Also, the deadline
13 for filing opening briefs in Case No. 65007 is a mere 34 days after the anticipated receipt of the remaining
14 trial transcripts. This is an insufficient amount of time to both review and analyze two weeks of trial
15 transcripts, prepare an appendix of documents, and prepare a thorough opening brief on the numerous issues
16 raised in the respective case appeal statements.

17 The deadline for filing opening briefs for Case No. 65172 is currently scheduled for July 8, 2014.
18 This date is 55 days after the anticipated receipt of the final trial transcripts, which should provide counsel
19 with sufficient time to review the transcript materials, prepare the necessary appendices, and prepare an
20 opening brief.

21 It should be noted that counsel for Respondent does not have any objection to consolidating the
22 briefing schedules and setting the deadline for Appellant's opening brief as July 8, 2014. Accordingly,
23 Appellant respectfully submits that good cause exists to consolidate the briefing schedules in the three
24 appeals stemming from the same district court case and set the deadline for filing Appellant's opening brief
25 and appendix as July 8, 2014.

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1 **IV. CONCLUSION**

2 For the foregoing reasons, and because the three appeals stem from the same district court case and
3 involve the exact same parties, and further because the parties will not have a complete set of the finalized
4 trial transcripts until on or about May 14, 2014, Appellant submits that good cause exists for consolidation
5 of the briefing schedules, and respectfully requests that the briefing schedules for Supreme Court Case Nos.
6 64702, 65007, 65172 be consolidated, and that the deadline to file and serve the opening brief and appendix
7 for all three appeals be set as July 8, 2014.

8 DATED this 22 day of April, 2014.

9 HALL JAFFE & CLAYTON, LLP


10
11 By 

12 STEVEN T. JAFFE, ESQ.
13 Nevada Bar No. 007035
14 JAMES E. HARPER, ESQ.
15 Nevada Bar No. 009822
16 JACOB S. SMITH, ESQ.
17 Nevada Bar No. 010231
18 7425 Peak Drive
19 Las Vegas, Nevada 89128
20 Attorneys for Appellant,
21 Raymond R. Khoury
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRAP 25, I hereby certify that service of the foregoing **MOTION TO CONSOLIDATE**
3 **BRIEFING SCHEDULE** was made on this 22nd day of April, 2014, by depositing a true and correct copy
4 fo the same by was served upon the parties by the Court's designated electronic filing and service program
5 and/or by placing an original or true copy thereof in a sealed envelope, and depositing it in the U.S. Mail,
6 postage prepaid, at Las Vegas, Nevada, addressed as follows:

7 Richard A. Harris, Esq.
8 Alison Brasier, Esq.
9 Benjamin P. Cloward, Esq.
10 RICHARD HARRIS LAW FIRM
11 801 S. Fourth Street
12 Las Vegas, Nevada 89101
13 *Attorneys for Respondent*

14 
15 _____
16 An Employee of
17 HALL JAFFE & CLAYTON, LLP
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