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IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND RIAD KHOURY,
Appellant,

vs.

MARGARET SEASTRAND,
Respondent.

Electronically Filed
Oct 21 2014 08:48 a.m.
Tracie K. Lindeman
Clerk of Supreme Court
Supreme Court No.: 64702
Supreme Court No.: 65007
Supreme Court No.: 65172

District Court Case No.: A636515

**RAYMOND KHOURY'S NRAP
32(A)(7)(D) MOTION TO EXCEED THE
TYPE-VOLUME LIMITATION**

COMES NOW Appellant, RAYMOND RIAD KHOURY, by and through his counsel of record STEVEN T JAFFE, ESQ., and JACOB S. SMITH, ESQ., of the law firm HALL JAFFE & CLAYTON, LLP, and moves this Honorable Court for leave to file an Opening Brief in excess of type-volume limitations pursuant to 32(a)(7)(A)(ii), (D). This Court may grant a motion to exceed type-volume limitation "upon a showing of diligence and good cause." NRAP 32(a)(7)(D) (i). This Motion is based upon the attached Declaration of Counsel.

DATED this 20th day of October, 2014.

HALL JAFFE & CLAYTON, LLP

By /s/ Steven T. Jaffe
STEVEN T. JAFFE, ESQ.
Nevada Bar No. 007035
JACOB S. SMITH, ESQ.
Nevada Bar No. 010231
7425 Peak Drive
Las Vegas, Nevada 89128
*Attorney for Appellant
Raymond Khoury*

1 **DECLARATION OF STEVEN T. JAFFE, ESQ.**

2 1. I am an attorney licensed to practice law in the State of Nevada. I represented
3 Appellant Raymond Khoury (“Khoury”) at trial and represent him here in the instant appeal,
4 and I am intimately familiar with the history and underlying issues of this case.

5 2. On July 26, 2013, after a ten-day jury trial, the jury returned a verdict against
6 Khoury in the amount of \$719,776.00. The district court subsequently awarded costs in the
7 amount of \$75,015.61.

8 3. The instant appeal is actually the result of the consolidation of three total
9 appeals, specifically from the denial of Khoury’s motion for new trial, judgment upon the
10 jury verdict, and order awarding costs.

11 4. The instant appeal consists of seven total issues with many associated sub-
12 issues. I have diligently endeavored to present only the most salient issues in Khoury’s
13 Opening Brief. However, as demonstrated more fully in the Brief itself, these meritorious
14 issues include whether the district court abused its discretion by allowing Plaintiff’s treating
15 physicians and experts to offer previously undisclosed opinions, whether the district court
16 abused its discretion by either permitting or precluding evidence relevant to the total cost
17 of Plaintiff’s treatment, whether the court abused its discretion by permitting Plaintiff’s
18 counsel to reference “claim” in his opening statement, whether the jury was indoctrinated
19 by Plaintiff’s counsel’s repeated reference to a hypothetical \$2,000,000 verdict during *voir*
20 *dire*, and whether the district court abused its discretion by awarding over \$75,000 in costs
21 to Plaintiff. These are issues that fly in the face of established law and precedent, and must
22 be brought before this Court for adjudication.

23 5. Many of Khoury’s issues were the culmination of over three years of litigation,
24 and it was necessary for Khoury to devote space in his Opening Brief to reference any
25 applicable associated documents and hearings preceding the issue.

26 6. With respect to the specific issue of Plaintiff’s counsel’s indoctrination of the
27 jury, this issue arose in hearings before trial and repeatedly during the three-day *voir dire*
28 during which, as illustrated more fully in Khoury’s Opening Brief, Plaintiff’s counsel

1 repeatedly asked the jury whether they could return a hypothetical verdict in the amount of
2 \$2,000,000. Consequently, this extremely fact-specific and repetitive conduct necessitated
3 that Khoury to devote to this issue over 2,700 words in the Statement of Facts alone, in
4 order to show the effect that Plaintiff's counsel's indoctrination had on the venire members.
5 Notably, this represents only fraction of what occurred during *voir dire*, which is included
6 in full in Khoury's Appendix.

7 7. I have worked diligently to pare down the issues presented in Khoury's
8 Opening Brief to only those issues most necessary for this Court's adjudication. However,
9 as the foregoing demonstrates, good cause exists to permit Khoury to file an appeal in
10 excess of the type-volume limitations of NRAP 32(a)(7)(A)(ii) for those issues that Khoury
11 believes require presentment. Khoury only requests permission to file an Opening Brief
12 containing up to 16,000 words, which is only 2,000 over what NRAP 32(a)(7)(A)(ii)
13 permits.

14 8. Therefore, counsel is requesting leave to file an Opening Brief in excess of the
15 limits otherwise allowed by this Honorable Court.

16 I declare under penalty of perjury that the foregoing is true and correct.

17 DATED this 20th day of October, 2014.

18 HALL JAFFE & CLAYTON, LLP
19

20
21 By /s/ Steven T. Jaffe
22 STEVEN T. JAFFE, ESQ.
23 Nevada Bar No. 007035
24 JACOB S. SMITH, ESQ.
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28 Attorney for Appellant
 Raymond Khoury

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I hereby certify that service of the foregoing **RAYMOND KHOURY'S NRAP 32(A)(7)(D) MOTION TO EXCEED THE TYPE-VOLUME LIMITATION** was made on this 20th day of October, 2014, by depositing a true and correct copy of the same by was served upon the parties by the Court's designated electronic filing and service program and/or by placing an original or true copy thereof in a sealed envelope, and depositing it in the U.S. Mail, postage prepaid, at Las Vegas, Nevada, addressed as follows:

Richard A. Harris, Esq.
Alison Brasier, Esq.
Benjamin P. Cloward, Esq.
RICHARD HARRIS LAW FIRM
801 S. Fourth Street
Las Vegas, Nevada 89101
Attorneys for Respondent

/s/ Coreene Drose
An Employee of
HALL JAFFE & CLAYTON, LLP