

**In the Supreme Court of Nevada**

RAYMOND RIAD KHOURY,

Appellant,

vs.

MARGARET SEASTRAND,

Respondent,

Electronically Filed  
Apr 15 2015 09:11 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**MOTION TO STRIKE RESPONDENT’S APPENDIX**

Appellant Raymond Khoury moves to strike respondent’s appendix, filed on February 13, 2015 (doc. # 2015-04837), because the majority of its contents were never filed in the district court. Any portions of the answering brief that refer to these documents should be stricken as well.

Two of the three documents in respondent’s appendix were never filed in the district court. The Court will notice that the documents beginning at R. App. 002 and R. App. 033 lack file stamps.

The record on appeal is limited to that which was filed in the district court. NRAP 10(a). That is why all documents in an appendix “shall bear the file-stamp of the district court clerk, clearly showing the date the document was filed in the proceedings below.” NRAP 30(c)(1). Indeed, “[f]iling an appendix constitutes a representation by counsel that the appendix consists of true and correct copies of the papers in the district court.” NRAP 30(g)(1).

Undersigned counsel does not wish to besmirch respondent's attorney; so, appellant does not allege that the inclusion of these documents was "willful or grossly negligent." NRAP 30(g)(1). Nevertheless, while appellant does not request that sanctions be imposed pursuant to NRAP 30(g)(1), the offending appendix, plus any portions of the answering brief that refer to it, must be stricken.

### **CONCLUSION**

The Court should strike respondent's appendix, as well as any portions of the answering brief that refer to it.

Dated this 14th day of April, 2015.

LEWIS ROCA ROTHGERBER LLP

BY: /s/ Joel D. Henriod  
DANIEL F. POLSENBERG (SBN 2376)  
JOEL D. HENRIOD (SBN 8492)  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
(702) 949-8200

STEVEN T. JAFFE (SBN 7035)  
HALL, JAFFE & CLAYTON, LLP  
7425 Peak Drive  
Las Vegas, Nevada 89128  
(702) 316-4111

*Attorneys for Appellant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 14, 2015, I submitted the foregoing  
“MOTION TO STRIKE RESPONDENT’S APPENDIX” for filing via the Court’s eFlex  
electronic filing system. Electronic notification will be sent to the following:

Richard A. Harris  
Benjamin A. Cloward  
Alison M. Brasier  
RICHARD HARRIS LAW FIRM  
801 South Fourth Street  
Las Vegas, Nevada 89101

/s/ Jessie M. Helm  
An Employee of Lewis Roca Rothgerber LLP