

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 64702

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

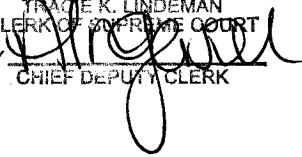
No. 65007

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

No. 65172

**FILED**

MAY 15 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER GRANTING MOTION*

This is an appeal from a judgment on a jury verdict in a personal injury action. Appellant has moved to strike two of the three documents included in respondent's' appendix on the ground that they were not part of the record before the district court and to strike portions of the answering brief that address or discuss the documents. Respondent opposes the motion and asks this court to take judicial notice of the documents or to defer ruling on appellant's motion until respondent can have the documents filed in the district court. Respondent further requests that if we grant appellant's motion that we also strike portions of appellant's opening brief that implicate the contents of the disputed

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documents. Having considered the documents before this court and the arguments of counsel, we grant appellant's motion as follows and deny respondent's counter-motion.

This court is generally limited in its review to the district court record. See NRAP 10; *Carson Ready Mix v. First Nat'l Bank*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981). Respondent concedes that two of the documents contained in the appendix were not part of the district court record. Accordingly, we grant appellant's motion and strike Exhibit A, pages 2-26, and Exhibit C, pages 33-41 of respondent's appendix.<sup>1</sup> In addition, rather than strike portions of the answering brief that refer to the stricken documents, we strike the entire brief and direct respondent to file an amended answering brief that does not contain references to the stricken documents. Respondent shall have 20 days from the date of this order to file and serve the amended answering brief. Appellant may then file a reply brief pursuant to NRAP 31(a)(1)(C).<sup>2</sup> We deny respondent's request that this court take judicial notice of the stricken documents. See *Kelly v. TRPA*, 109 Nev. 638, 653 n. 18, 855 P.2d 1027, 1037 n. 18 (1993); *Carson Ready Mix*, 97 Nev. at 476-77, 635 P.2d at 277 (noting that this court may only consider matters appearing in the record on appeal).

We decline to strike portions of the opening brief as requested by respondent. We nonetheless will generally not consider such passages

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<sup>1</sup>Exhibit B, pages 28-32 is filed-stamped by the district court; accordingly, it is part of the district court record, and we decline to strike it.

<sup>2</sup>We deny as moot appellant's motion for an extension of time to file the reply.

in our resolution of the appeal. *See Mack*, 125 Nev. at 91, 206 P.3d at 106  
("We will generally not consider on appeal statements made by counsel  
portraying what purportedly occurred below.")

It is so ORDERED.

1. Sanders, C.J.

cc: Lewis Roca Rothgerber LLP/Las Vegas  
Hall Jaffe & Clayton, LLP  
Richard Harris Law Firm