| 1  | IN THE SUPREME COURT OF THE STATE OF NEVADA                                      |      |
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| 3  | RAYMOND RIAD KHOURY, Case Nos. 64702<br>APPELLANT, 65007                         |      |
| 4  | VS. 65172 MARGARET SEASTRAND, Electronic Filed                                   |      |
| 5  | RESPONDENT.   May 27 2015 08:44  | a.m. |
| 6  | Tracie K. Lindeman  MOTION FOR LEAVE TO FILE ANSWERI Stenking upreme C           | ourt |
| 7  | IN EXCESS OF PAGE AND TYPE-VOLUME LIMITATIONS                                    |      |
| 8  | Respondent, acting by and through her counsel, Alison Brasier, of the            |      |
| 9  | Richard Harris Law Firm, hereby moves the Court to enter its order granting her  |      |
| 10 | leave to file an opening brief that exceeds the page and type-volume limitations |      |
| 11 | prescribed by NRAP 32(a)(7)(A)(i) and (ii), to wit: a 53-page brief containing   |      |
| 12 | 18,293 words. This motion is made pursuant to NRAP 32(a)(7)(D) and is based      |      |
| 13 | on the Declaration of Alison Brasier, Esq., annexed hereto as Exhibit 1.         |      |
| 14 | DATED this 26 <sup>th</sup> day of May, 2015.                                    |      |
| 15 | RICHARD HARRIS LAW FIRM  |      |
| 16 |  |      |
| 17 | By <u>s/ Alison Brasier</u> Benjamin P. Cloward, Esq. Nevada State Bar No. 11087 |      |
| 18 | Alison Brasier, Esq.   |      |
| 19 | Nevada State Bar No. 10522<br>801 South Fourth Street                            |      |
| 20 | Las Vegas, Nevada 89101 Telephone: (702) 444-4444 Facsimile: (702) 444-4455      |      |
| 21 | Email: Benjamin(WRIChardHarrisLaw.com  |      |
| 22 | Attorneys for Respondent   |      |
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RICHARD HARRIS LAW FIRM 801 S. Fourth Street Las Vegas, NV 89101 (702) 444-4444

# MEMORANDUM OF POINTS AND AUTHORITIES

#### **FACTS**

Appellant was granted unopposed leave to file an opening brief in excess of the page and type-volume limitations set forth in NRAP 32(a)(7)(A)(i) and (ii). His opening brief raises nine issues, many of which are fact-intensive and thus are highly dependent upon an exhaustive counter-explication of the events at trial. Additionally, when respondent filed her original answering brief herein, she moved for and was granted leave to file a brief containing more words that the current version, Further, respondent's counsel has been diligent in editing the answering brief. The assistance of experienced appellate counsel was enlisted and several rounds of editing were undertaken, resulting in a reduction from nearly 20,000 words to the current number of 18,293, resulting in a reduction of almost 10% of the number of words in the original draft. Block quotes were shortened or eliminated.

The undersigned has concluded that further reduction in the content of respondent's answering brief would undermine its strength and its helpfulness to the Court. Finally, respondent will interpose no objection in the event appellant feels compelled to seek leave to file an oversize reply brief.

#### **ARGUMENT**

NRAP 32(a)(7)(D) provides that a request to file a brief in excess of the page and type-volume limits may be granted upon a showing of diligence and good cause. Respondent respectfully submits that the facts set forth above establish such diligence and good cause for her request to increase such limitations. It is further submitted that respondent's answering brief, as presently constituted, will be of assistance to the Court in its disposition of this appeal.

### **CONCLUSION**

For the foregoing reasons, respondent respectfully submits that the

| 1  | foregoing motion should be granted.                 |
|----|---|
| 2  | DATED this <u>26<sup>th</sup></u> day of May, 2015. |
| 3  | RICHARD HARRIS LAW FIRM                             |
| 4  |   |
| 5  | By <u>s/ Alison Brasier</u><br>Alison Brasier, Esq. |
| 6  | Alison Brasier, Esq.                                |
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| 1  | CERTIFICATE OF SERVICE   |
|----|--|
| 2  | I HEREBY CERTIFY that the foregoing Motion for Leave to File                                   |
| 3  | Answering Brief in Excess of Page and Type-Volume Limitations was submitted                    |
| 4  | for electronic filing with the Nevada Supreme Court on the 26th day of May,                    |
| 5  | 2015. Electronic service of this document will automatically be made in                        |
| 6  | accordance with NEFCR 9(b) to:   |
| 7  | Steven T. Jaffe, Esq.<br>Jacob S. Smith, Esq.  |
| 8  | HALL JAFFE & CLAYTON, LLP  |
| 9  | 7425 Peak Drive<br>Las Vegas, Nevada 89128   |
| 10 | Daniel F. Polsenberg, Esq. Joel D. Henriod, Esq.   |
| 11 | LEWIS ROCA ROTHGERBER, LLP<br>3993 Howard Hughes Parkway, Suite 600<br>Las Vegas, Nevada 89169 |
| 12 | Las Vegas, Nevada 89169  |
| 13 |  |

s/ Alison Brasier Alison Brasier, Esq.

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## DECLARATION OF ALISON BRASIER, ESQ.

I, Alison Brasier, make this declaration pursuant to NRS 53.045:

- 1. I am an attorney licensed to practice law in the State of Nevada and I am one of the attorneys who represent respondent Margaret Seastrand in the consolidated appeals entitled *Raymond Riad Khoury v. Margaret Seastrand*, pending in the Nevada Supreme Court as Case Nos. 64702, 65007, and 65172.
- 2. I make this Declaration on my own personal knowledge in support of respondent's Motion for Leave to File Answering Brief in Excess of Page and Type-Volume Limitations in such appeals.
- 3. The brief is a collaborative effort on the part of three attorneys, inclduing a highly experienced appellate attorney retained as a consultant. The consulting attorney has in excess of 30 years of experience as an appellate attorney in Nevada. All three attorneys expended a considerable amount of time in editing the answering brief in order to reduce it to its current size of 5 pages containing 18,293 words. As a result of these efforts, the length of the brief was reduced from nearly 20,000 words down to 18,293. This is less than the number of words contained in respondent's original answering brief, which the court granted leave to file. It is the undersigned's considered opinion that further editing would be detrimental to her client's interests and to the goal of providing optimum assistance to this Court.
- 4. This is due, in part, to the fact that appellant sought, and was granted, unopposed leave to exceed the page and type-volume limitations in its opening brief. It also must be noted that the oversized opening brief raises nine issues, some of which are fact-intensive.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the  $26^{th}$  day of May, 2015.

s/ Alison Brasier Alison Brasier, Esq.

Exhibit 1