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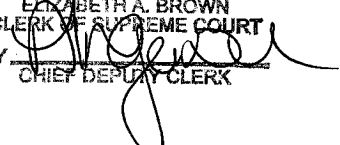
October 24, 2018

*Via Facsimile Only*

Clerk of the Nevada Supreme Court  
Attn: Elizabeth Brown  
201 S. Carson Street  
Carson City, Nevada 89701

**FILED**

**OCT 24 2018**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
CHIEF DEPUTY CLERK

Re: Public Comments for ADKT 501

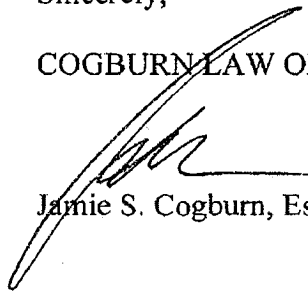
Dear Ms. Brown:

On behalf of our firm, Cogburn Law Offices, I wanted to submit the following comments and concerns regarding the proposed amendment to NRAP 3A and the addition of NRAP 3F. I understand and appreciate the effort to expedite certain appeals, but the rule changes as proposed limit the ability of a party who loses a motion for summary judgment to properly contest the lower court's decision. If there is no briefing, the appellant will have no opportunity to point out erroneous reasoning on the part of the lower court, or the failure of the court to consider certain evidence without filing motions for additional briefing, motions for reconsideration or motions for en banc consideration. Moreover, under the proposed changes, the appellant will essentially be at a three to one disadvantage. The Court will have the underlying motion for summary judgment and the moving party's reply, as well as the lower court's order, versus the non-moving party's opposition. This will create an almost insurmountable burden for an appellant to overcome.

As indicated, the desire to expedite the appeals process is needed and appreciated, but our office believes there are other changes that could be made to allow all parties the ability to be heard in a fair manner. For example, there could be an expedited briefing schedule or elimination of the mediation program requirements. I appreciate your consideration of our comments.

Sincerely,

COGBURN LAW OFFICES

  
Jamie S. Cogburn, Esq.

JSC/aq



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18-41840