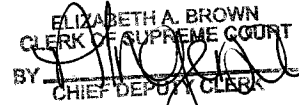


Ingersoll, Amanda

From: Chris Burk <cdb@ayonburk.com>
Sent: Wednesday, October 24, 2018 12:53 PM
To: Supreme Court Clerk
Subject: ADKT 501

FILED

OCT 24 2018

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

Dear Ms. Brown:

I am against any rule or Order that may serve to limit the ability of a civil party (plaintiff or defendant) who loses a Motion for Summary Judgment (MSJ) or Motion to Dismiss (M2D) to properly contest the lower court's decision.

I am most concerned about a lower court's improper order or improper reasoning and the losing party not having a full and fair chance to argue on appeal against that erroneous Order.

I am also concerned about the Nevada Supreme Court or Court of Appeals inability under the rule to consider certain evidence without motions or arguments that would cover additional briefing, motions for reconsideration or motions for en banc consideration. This proposed rule appears to limit the type and scope of appeal the losing party can bring.

Moreover, under the proposed changes, the party making the appeal will then be facing the lower court's erroneous Order, the opposing party's MSJ and the Reply to the Oppo of the MSJ. The losing party would only have their opposition. There could be more evidence and argument at the time of the appeal other than what is contained in the written initial opposition.

I do not see how this is fair to the losing party in any manner. This proposed rule would favor speed over analysis. I simply cannot support that.

Christopher Burk, Esq.
Nevada Bar # 8976

Ayon Burk Injury Law PLLC

Sent from my iPad