CLAGGETT & SYKES
LAW FIRM

October 24, 2018

Elizabeth Brown
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FILED
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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

Re: ADKT 501

Dear Ms. Brown:

I submit the following comments and concerns regarding the proposed amendment to NRAP 3A and the addition of NRAP 3F. I oppose these proposals because they will severely limit the ability of a party who loses a motion for summary judgment to properly contest the lower court's decision. Without the opportunity to submit briefing challenging the district court's order, the appellant will have no opportunity to point out erroneous reasoning 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.

Additionally, 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.

I understand the goal of the proposed amendments is to increase the Court's ability to resolve appeals in a timely manner. While I appreciate the need to timely resolve appeals I believe this may be accomplished in other ways without sacrificing a litigant's ability to be heard. Perhaps the Court can consider an abbreviated briefing schedule in the type cases covered by the proposed changes.

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/s/ JENNIFER MORALES

JENNIFER MORALES, ESQ.

18-41912