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

October 24, 2018

Elizabeth Brown
Clerk of the Nevada Supreme Court
nvscclerk@nvcourts.nv.gov

SENT VIA E-MAIL ONLY

Re: ADKT 501

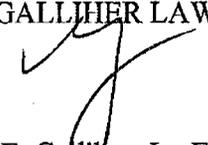
Dear Ms. Brown:

I submit the following comments and concerns regarding the proposed amendment to NRAP 3A and the addition of NRAP 3F. I am opposed to these proposals in that they will severely limit the ability of a party who loses a motion for summary judgment to properly contest the lower court's decision. If there is to be 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.

I understand the goal of the proposed amendments is to increase the Court's ability to resolve appeals in a timely manner, but I believe that 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 of cases covered by the proposed changes.

Very truly yours,

THE GALLIHER LAW FIRM


Keith E. Gallihier, Jr., Esq.

KEG/dpm

18-41925