

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOWARD SHAPIRO; AND JENNA SHAPIRO,

Appellant/Cross-Respondents,
vs.

GLEN WELT; RHODA WELT; LYNN WELT; AND MICHELLE WELT,
Respondent/Cross-Appellants.

GLEN WELT; RHODA WELT; LYNN WELT; AND MICHELLE WELT,
Appellants,
vs.

HOWARD SHAPIRO; AND JENNA SHAPIRO,
Respondents.

No. 67363

FILED

DEC 04 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

BY *[Signature]*
DEPUTY CLERK

No. 67596

ORDER DENYING MOTION

Respondents/cross-appellants have filed a motion to strike a portion of the opening brief in this appeal on the ground that it raises a new constitutional argument that was not raised in the district court and not noted in the docketing statement. Having considered the motion, we deny it. This court retains the discretion to consider claims of constitutional error raised for the first time on appeal. *In re Candelaria*, 126 Nev. 408, 415, 245 P.3d 518, 522 (2010) (it is within the court's authority to determine whether it will address constitutional issues raised for the first time on appeal). Accordingly, we deny the motion.

It is so ORDERED.

[Signature], C.J.

cc: Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas
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