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Counsel for Appellants

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Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ILIESCU, individually, JOHN
ILIESCU, JR. and SONNIA SANTEE
ILIESCU, as Trustees of the JOHN
ILIESCU, JR. AND SONNIA ILIESCU
1992 FAMILY TRUST AGREEMENT,

Appellants

vs.

MARK B. STEPPAN,

Respondent.

Supreme Court No. 68346

Washoe County Case No. CV07-00341
(Consolidated w/CV07-01021)

**ERRATA TO RULE 28.2
CERTIFICATE OF
COMPLIANCE; MOTION TO
ALLOW ACCEPTANCE OF 234
WORD EXTRA-LONG BRIEF,
OR ALTERNATIVE REMEDY;
AND DECLARATION OF
COUNSEL**

COMES NOW, the undersigned, as counsel for the Appellants, and state
and declare under NRAP 32(a)(7)(D)(ii), as follows:

While preparing the Attorney's Rule 28.2 Certificate for Appellant's
Opening Brief, which was filed on May 13, 2016, the office of the undersigned
utilized Microsoft Word software to run the word count, but inadvertently failed to

modify the settings to count the words in the footnotes. This resulted in a word count of 13,873 words being set forth in the Certificate, when in fact 14,234 words are counted when the words in the footnotes are included. This is 234 more words than are allowed by NRAP 32(a)(7)(A)(ii). Opposing counsel has recently brought to the attention of the undersigned that the brief contained more words than stated. (Opposing counsel's count was 14,709 words, but upon rechecking, I continue to count 14,234.) The undersigned apologizes for this inadvertent error.

Based on the foregoing, the Appellants hereby file this correction to their Certificate, and the undersigned makes the declarations set forth above and below.

Appellants also hereby request under NRAP 32(a)(7)(D)(i) that the brief be accepted in its oversized length, and that 234 more words be allowed in the brief, for good cause shown. As a Rule NRAP 32(a)(7)(D)(i) request is typically only allowed before the brief is filed, the Appellants also hereby request permission to seek this relief late, under NRAP 26(b)(1)(A), which allows extensions of time for all matters other than the Notice of Appeal, for good cause shown. This request is made by this declaration of counsel pursuant to NRAP 32(a)(7)(D)(ii).

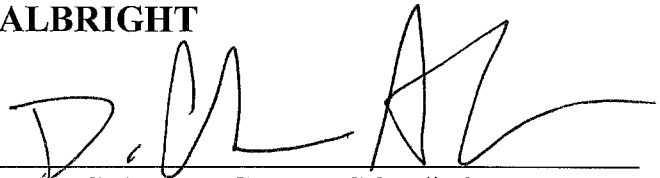
Good cause is demonstrated for both requests in that the erroneously lengthy submission was made on the basis of inadvertence and excusable error, rather than intentionally; the matter on appeal is fairly complex, and involves a significant amount of money (with a mechanic's lien in excess of \$4.5 million being

appealed); the underlying suit included both claims and counterclaims; and the appeal presents important questions of law and fact as to architectural liens for un-noticed offsite work, liened for by a party who held a license to perform the work, but whose non-Nevada registered employer was, Appellants allege, the real party in interest, whose invoices were being liened for, such that a lengthy brief was appropriate to fully address the subject issues. Importantly, only 234 extra words are being requested.

Alternatively, the undersigned moves and requests that its footnotes be stricken from its brief in order to allow the brief to conform with the original Rule 28.2 Certificate, and comply with NRAP 32(a)(7)(A)(ii), as opposed to any draconian sanction or remedy.

The undersigned makes the foregoing statements as a declaration and certifies to its accuracy pursuant to NRAP 32(a)(7)(D)(ii), this 1st day of July, 2016.

**ALBRIGHT, STODDARD, WARNICK &
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A handwritten signature in black ink, appearing to read 'D. M. A.', written over a horizontal line.

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ERRATA TO RULE 28.2 CERTIFICATE/
RULE 32(a)(9)(C) CERTIFICATE

1. I certify that the Appellants Opening Brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Times New Roman font.

2. I further certify that the Appellant's Opening Brief, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), is proportionately spaced, has a typeface of 14 points and contains 14,234 words; and that it would contain 13,873 words if footnotes were deleted.

3. Finally, I certify that I have read the Appellant's Opening Brief, and, to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that the Appellant's Opening Brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page of the transcript or appendix where the matter relied on is to be found. I understand that I may be

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subject to sanctions in the event the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 1st day of July, 2016.

**ALBRIGHT, STODDARD, WARNICK &
ALBRIGHT**

A handwritten signature in black ink, appearing to read 'D. Chris Albright', written over a horizontal line.

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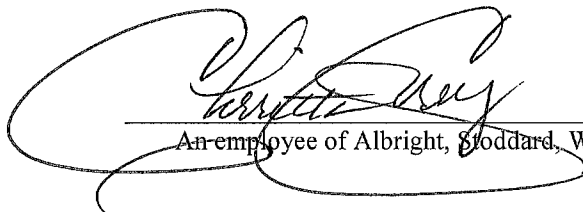
Counsel for Appellants

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c), I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK & ALBRIGHT, and that on this 1ST day of July, 2016, service was made by the following mode/method a true and correct copy of the foregoing **ERRATA TO RULE 28.2 CERTIFICATE OF COMPLIANCE; MOTION TO ALLOW ACCEPTANCE OF 234 WORD EXTRA-LONG BRIEF, OR ALTERNATIVE REMEDY; AND DECLARATION OF COUNSEL**, to the following person:

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Attorney for Respondent Mark Steppan

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