

IN THE SUPREME COURT OF THE STATE OF NEVADA

GRUPO FAMSA, S.A. DE C.V.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE ROB
BARE, DISTRICT JUDGE,

Respondents,

and

B.E. UNO, LLC,

Real Party in Interest.

No. 68626

FILED

NOV 13 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

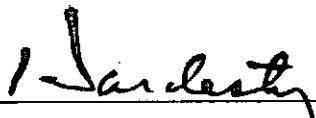
ORDER

Currently pending before the court is a motion to strike supplemental authorities¹ and a supplemental appendix filed by real party in interest. Petitioner contends that the documents included in the supplemental appendix were not presented to the district court. Real party in interest opposes the motion, arguing that the documents included in the supplemental appendix are relevant to the issues raised in the petition and support and clarify the evidence presented in the district court. Real party in interest states that it is not attempting to introduce new evidence, but also indicates, both in its opposition and in its supplemental authorities, that the majority of the documents were not presented to or considered by the district court. Real party in interest

¹Although the document is entitled "supplemental authorities," it is not a notice of supplemental authorities as contemplated by NRAP 31(e). Rather, it is a supplement to the answer to the petition based on the supplemental appendix.

does not directly dispute that most of the documents were not submitted to the district court. It appears that a few of the documents in the supplemental appendix were filed in the district court; it also appears that these documents are included in petitioner's appendix. Under these circumstances, we conclude that real party in interest fails to demonstrate that the supplemental appendix is appropriate. *See Carson Ready Mix v. First Nat'l Bank*, 97 Nev. 474, 635 P.2d 276 (1981) (this court will not consider any documentation not properly appearing in the district court record). Accordingly, we grant the motion to strike. The clerk of this court shall strike the supplemental appendix and supplemental authorities filed in this court on October 16, 2015. Real party in interest's alternative motion to supplement its answer to the petition for writ of prohibition with the documents in the supplemental appendix and/or for leave to file those documents is denied.

It is so ORDERED.

, C.J.

cc: Fennemore Craig Jones Vargas/Las Vegas
Levinson Arshonsky & Kurtz, LLP
Goold Patterson