

IN THE SUPREME COURT OF THE STATE OF NEVADA

PEGGY CAIN, AN INDIVIDUAL; JEFFREY CAIN,
AN INDIVIDUAL; AND HELI OPS INTERNATIONAL,
LLC, AN OREGON LIMITED LIABILITY COMPANY,

Appellants,

vs.

Electronically Filed
Feb 02 2017 08:08 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

No. 69333

RICHARD PRICE, AN INDIVIDUAL; AND MICKEY
SHACKELFORD, AN INDIVIDUAL,

Respondents.

PEGGY CAIN, AN INDIVIDUAL; JEFFREY CAIN,
AN INDIVIDUAL; AND HELI OPS INTERNATIONAL,
LLC, AN OREGON LIMITED LIABILITY COMPANY,

Appellants,

vs.

No. 69889

RICHARD PRICE, AN INDIVIDUAL; AND MICKEY
SHACKELFORD, AN INDIVIDUAL,

Respondents.

PEGGY CAIN, AN INDIVIDUAL; JEFFREY CAIN,
AN INDIVIDUAL; AND HELI OPS INTERNATIONAL,
LLC, AN OREGON LIMITED LIABILITY COMPANY,

Appellants,

vs.

No. 70864

RICHARD PRICE, AN INDIVIDUAL; AND MICKEY
SHACKELFORD, AN INDIVIDUAL,

Respondents.

MOTION TO EXCEED WORD COUNT LIMIT FOR REPLY BRIEF

Pursuant to NRAP 32(a)(7)(D), appellants hereby move for permission to file a reply brief in excess of the type-volume limitation for such a brief. Appellants seek permission to file a brief consisting of 8,316 words. The proposed brief is being submitted with this motion.

CERTIFICATION OF COUNSEL (NRAP 32(a))

Appellants' opening brief complied with the allowable word limit. The opening brief was as concise as possible, providing appendix citations for all factual and procedural assertions.

Respondents' answering brief (RAB) contains 13,864 words. But unlike the opening brief, the RAB fails to comply with the requirement for appendix citations for each assertion in the brief regarding matters in the record. For many assertions, there are no appendix citations at all. And for many other assertions, the appendix citations are incomplete or inaccurate. Because of the manner in which the RAB is written, appellants' proposed reply brief needs to deal with missing, incomplete and inaccurate appendix citations in the answering brief, thereby increasing the length of the reply brief.

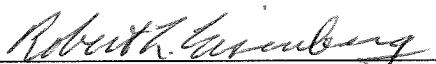
The answering brief also contains arguments that appellants believe are conclusory and not cogently developed. Thus, appellants feel compelled to

present a reply brief that thoroughly addresses these arguments, with complete legal and factual discussions, adding to the length of the reply brief.

Even with the enlarged number of words in the proposed reply brief, the brief will still be significantly shorter than the answering brief, and only 19 percent more than the usual word limit. Appellants' counsel has tried to avoid duplicate arguments from the opening brief, and he has diligently attempted to edit the brief and to cut as much as possible, without impacting the quality of the brief.

Accordingly, appellants request permission to file a reply brief consisting of 8,316 words.

DATED: Feb. 1, 2017


ROBERT L. EISENBERG (# 0950)
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519
775-786-6868
Email: rle@lge.net
ATTORNEYS FOR APPELLANTS

CERTIFICATE OF SERVICE

I certify that I am an employee of Lemons, Grundy & Eisenberg and that on this date the foregoing motion was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Rich Oshinski
rick@oshinskiforsberg.com
Attorney for Respondents

Michael Matuska
mlm@matuskalawoffices.com
Attorney for Appellants

Mark Forsberg
mark@oshinskiforsberg.com
Attorney for Respondents

DATED: 2/1/17

