

IN THE SUPREME COURT OF THE STATE OF NEVADA

LN MANAGEMENT LLC SERIES 5105
PORTRAITS PLACE,

Appellant,

vs.

GREEN TREE LOAN SERVICING LLC,
Respondent.

No. 69477

FILED

DEC 14 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION

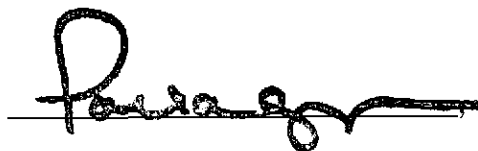
Appellant has filed a motion to strike two arguments from the answering brief on the basis that these arguments are irrelevant to the issues raised by appellant and were not (1) raised in the district court, (2) raised in a cross-appeal, (3) identified in a response to the docketing statement, or (4) timely noticed pursuant to NRAP 44.

Having considered the motion and opposition, we deny the motion. *See Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049, 1052 n.1 (2015) (rejecting the contention that this court lacks jurisdiction to address an issue raised only by respondent and in the absence of a cross-appeal); *Beazer Homes Holding Corp., v. Dist. Court*, 128 Nev. 723, 729 n.1, 291 P.3d 128, 132 n.1 (2012) (this court will review constitutional arguments and issues not raised below in appropriate circumstances); *In re Candelaria*, 126 Nev. 408, 415, 245 P.3d 518, 522 (2010) (exercising discretion to consider a constitutional issue despite failure to comply with NRAP 44); NRAP 14(f) (allowing, but not requiring, a respondent to file a response to the docketing statement if it strongly disagrees with the appellant's issues to be raised on appeal).

Appellant's motion for an extension of time to file the reply brief is granted. NRAP 31(b)(3). Appellant shall have 30 days from the

date of this order to file and serve the reply brief. Failure to file a timely reply brief may be treated as a waiver of the right to file a reply brief. NRAP 28(c).

It is so ORDERED.

 C.J.

cc: Kerry P. Faughnan
Wolfe & Wyman LLP