EXHIBIT A

EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISH NETWORK DERIVATIVE LITIGATION. JACKSONVILLE POLICE AND FIRE PENSION FUND, Appellant, vs. CHARLES W. ERGEN; GEORGE R. BROKAW; THOMAS A. CULLEN; JAMES DEFRANCO; R. STANTON DODGE; CANTEY M. ERGEN; KYLE J. KISER; CHARLES M. LILLIS; DAVID K. MOSKOWITZ; TOM A. ORTOLF; AND CARL E. VOGEL, Respondents.	Supreme Court Case No.: 69012 District Court Case No.: A-13-686775-B *Consolidated with:* Supreme Court Case No.: 69729

Appeal from Eighth Judicial District Court, State of Nevada, County of Clark
The Honorable Elizabeth Gonzalez, District Court Judge

DECLARATION OF DAVID J. FREEMAN, ESQ. IN SUPPORT OF THE SLC'S MOTION FOR LEAVE TO EXCEED THE PAGE AND TYPE-VOLUME LIMITATIONS IN THE ANSWERING BRIEF

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DECLARATION OF DAVID J. FREEMAN, ESQ. IN SUPPORT OF THE SLC'S MOTION FOR LEAVE TO EXCEED THE PAGE AND TYPE-VOLUME LIMITATIONS IN THE ANSWERING BRIEF

I, David J. Freeman, Esq., under penalty of perjury under the law of the State of Nevada, declare as follows:

1. I am at least 18 years of age and am competent to testify to the matters set forth in this Declaration. I have personal knowledge of the matters stated in this Declaration, except for those matters that are stated on information and belief, and as to those matters, I believe them to be true based on my investigation of the matter. I would provide competent testimony to the matters stated in this Declaration if called upon to do so.

2. I am an attorney of the law firm Holland & Hart llp and one of the attorneys for Respondent, the SPECIAL LITIGATION COMMITTEE OF NOMINAL DEFENDANT DISH NETWORK CORPORATION (the "SLC").

3. Good cause exists for this Court to permit the SLC to file an Answering Brief in excess of the page and type-volume limitations set forth in NRAP 32(a)(7)(A).

4. On March 10, 2016, this Court granted appellant Jacksonville Police and Fire Pension Fund's ("Jacksonville") motion to file a consolidated Opening Brief with respect to Supreme Court Case Nos. 69012 and 69729 and granted leave to exceed the page and type-volume limitations of NRAP 32(a)(7)(A)(i) and (ii) by authorizing the filing of a 45-page or 21,000-word Opening Brief.

5. Jacksonville does not oppose the SLC's Motion to exceed the page and word limitations and agrees that the SLC should be provided with the same 45-page or 21,000-word limitations previously granted by this Court on March 10, 2016 with respect to the Opening Brief.

6. On or about May 26, 2016, Jacksonville filed its 83-page Opening Brief pursuant to the Court's March 10, 2016 order. This page length amounts to an additional *53 pages* in excess of the limitations set forth in NRAP 32(a)(7)(A)(i) and (ii). Although 83 pages, the Opening Brief satisfied the 21,000 word limit prescribed by the Court's order.

7. Although the SLC is working diligently to present its Answering Brief in a concise and well-organized manner, extending the page and word limitations of the Answering Brief is imperative to allow the SLC the opportunity to fully respond to Jacksonville's 83-page Opening Brief, which identified five distinct issues for the Court's review and raised numerous arguments to challenge the lower court's rulings with respect to these issues.

8. To protect nominal defendant DISH Network Corporation's interests and defend the judgment entered in DISH Network Corporation's favor, the SLC is preparing an Answering Brief with thorough and comprehensive analysis in response to each section of the Opening Brief.

9. In order to provide these comprehensive responses to issues raised in

the Opening Brief, the SLC requires additional pages and words.

10. This matter concerns two separate appeals that were consolidated (Supreme Court Case Nos. 69012 and 69729), and involves a voluminous record.

11. Jacksonville's Opening Brief addressed the consolidated appeals and exceeded the page and type-volume limitations of NRAP 32(a)(7)(A)(i) and (ii) pursuant to the Court's March 10, 2016 order.

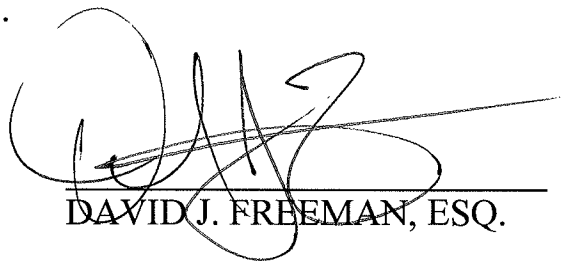
12. In response and as indicated above, the SLC will likewise file a single Answering Brief.

13. In order to address the consolidated appeals and respond to Jacksonville's arguments in a single Answering Brief, the SLC, like Jacksonville, requires extra length.

14. Under these considerations and pursuant to NRAP 32(a)(7)(D), good cause supports this Court authorizing the SLC to file an Answering Brief consisting of no more than 45 pages or 21,000 words consistent with the leave previously granted to Jacksonville.

I declare under penalty of perjury that the foregoing is true and correct

DATED this 10th day of June, 2016.



DAVID J. FREEMAN, ESQ.

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IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISH NETWORK DERIVATIVE LITIGATION.

JACKSONVILLE POLICE AND FIRE PENSION FUND,

Appellant,

vs.

CHARLES W. ERGEN; GEORGE R. BROKAW; THOMAS A. CULLEN; JAMES DEFRANCO; R. STANTON DODGE; CANTEY M. ERGEN; KYLE J. KISER; CHARLES M. LILLIS; DAVID K. MOSKOWITZ; TOM A. ORTOLF; AND CARL E. VOGEL,

Respondents.

Supreme Court Case No.: 69012

District Court Case No.: A-13-686775-B

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Supreme Court Case No.: 69729

Appeal from Eighth Judicial District Court, State of Nevada, County of Clark
The Honorable Elizabeth Gonzalez, District Court Judge

THE SLC'S MOTION FOR LEAVE TO EXCEED THE PAGE AND TYPE-VOLUME LIMITATIONS IN THE ANSWERING BRIEF

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THE SPECIAL LITIGATION COMMITTEE OF NOMINAL DEFENDANT DISH NETWORK CORPORATION (the "SLC"), by and through its counsel of record, hereby submits this MOTION FOR LEAVE TO EXCEED THE PAGE AND TYPE-VOLUME LIMITATIONS IN THE ANSWERING BRIEF (the "Motion").

DATED this 10th day of June, 2016.

HOLLAND & HART LLP

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MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE SLC'S MOTION FOR LEAVE TO EXCEED THE PAGE AND TYPE-VOLUME LIMITATIONS IN THE ANSWERING BRIEF

NRAP 32(a)(7)(A) sets forth the applicable length for an answering brief, providing in relevant part that:

> **(i) Page Limitation.** Unless it complies with Rule 32(a)(7)(A)(ii) or permission of the court is obtained under Rule 32(a)(7)(D), an opening or answering brief shall not exceed 30 pages, and a reply brief shall not exceed 15 pages.
>
> **(ii) Type-Volume Limitation.** An opening or answering brief is acceptable if it contains no more than 14,000 words, or if it uses a monospaced typeface, and contains no more than 1,300 lines of text. ...

Good cause exists for this Court to permit the SLC to file an Answering Brief in excess of the page and type-volume limitations set forth above. *See* Declaration of David J. Freeman, Esq. in Support of Respondent's Motion for Leave to Exceed the Page and Type-Volume Limitations in the Answering Brief, attached hereto as **Exhibit A** ¶ 3.

First, appellant Jacksonville Police and Fire Pension Fund ("Jacksonville") does not oppose the SLC's Motion to exceed the page and word limitations and agrees that the SLC should be provided with the same 45-page or 21,000-word limitations previously granted by this Court on March 10, 2016 with respect to the Opening Brief.[1] Exhibit 1 ¶ 5.

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[1] On March 10, 2016, this Court granted Jacksonville's motion to file a consolidated Opening Brief with respect to Supreme Court Case Nos. 69012 and 69729 and granted leave to exceed the page and type-volume limitations of NRAP

Second, although the SLC is working diligently to present its Answering Brief in a concise and well-organized manner, extending the page and word limitations of the Answering Brief is imperative to allow the SLC the opportunity to fully respond to Jacksonville's *83-page* Opening Brief,[2] which identified five distinct issues for the Court's review and raised numerous arguments to challenge the lower court's rulings with respect to these issues. Exhibit 1 ¶ 7. To protect nominal defendant DISH Network Corporation's interests and defend the judgment entered in DISH Network Corporation's favor, the SLC is preparing an Answering Brief with thorough and comprehensive analysis in response to each section of the Opening Brief. *Id.* ¶ 8. In order to provide these comprehensive responses to issues raised in the Opening Brief, the SLC requires additional pages and words. *Id.* ¶ 9.

Third, this matter concerns two separate appeals that were consolidated (Supreme Court Case Nos. 69012 and 69729), and involves a voluminous record. Exhibit 1 ¶ 10. Jacksonville's Opening Brief addressed the consolidated appeals and exceeded the page and type-volume limitations of NRAP 32(a)(7)(A)(i) and (ii) pursuant to the Court's March 10, 2016 order. *Id.* ¶ 11. In response and as

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32(a)(7)(A)(i) and (ii) by authorizing the filing of a 45-page or 21,000-word Opening Brief. Exhibit 1 ¶ 4.

[2] On or about May 26, 2016, Jacksonville filed its 83-page Opening Brief pursuant to the Court's March 10, 2016 order. Exhibit 1 ¶ 6. This page length amounts to an additional *53 pages* in excess of the limitations set forth in NRAP 32(a)(7)(A)(i) and (ii). *Id.* Although 83 pages, the Opening Brief satisfied the 21,000 word limit prescribed by the Court's order. *Id.*

indicated above, the SLC will likewise file a single Answering Brief. *Id.* ¶ 12. In order to address the consolidated appeals and respond to Jacksonville's arguments in a single Answering Brief, the SLC, like Jacksonville, requires extra length. *Id.* ¶ 13.

Under these considerations and pursuant to NRAP 32(a)(7)(D), good cause supports this Court authorizing the SLC to file an Answering Brief consisting of no more than 45 pages or 21,000 words consistent with the leave previously granted to Jacksonville. Exhibit 1 ¶ 14.

Based on all of the foregoing reasons, this Court should grant the SLC's unopposed request for leave to file an Answering Brief consisting of no more than 45 pages or 21,000 words.

DATED this 10th day of June, 2016.

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