

IN THE SUPREME COURT OF THE STATE OF NEVADA

LYUDMYLA ABID,

Appellant,

vs.

SEAN ABID,

Respondent.

Electronically Filed
Sep 26 2016 09:10 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

S.C. DOCKET NO.: 69995

District Court Case No. D-10-424830-Z

**MOTION TO STRIKE APPELLANT'S REPLY TO FAST TRACK
RESPONSE**

COMES NOW Respondent, Sean Abid, by and through his attorneys, John D. Jones, Esq., of the law firm of BLACK & LOBELLO, and files his Motion to Strike Appellant's Reply to Fast Track Response.

DATED this 26 day of September, 2016.

BLACK & LOBELLO



JOHN D. JONES, ESQ.

Nevada Bar No. 006699

10777 West Twain Avenue, Suite 300

Las Vegas, Nevada 89135

702-869-8801

Attorneys for Respondent,

SEAN ABID

POINTS AND AUTHORITIES

The Reply currently before the Court is a perfect example of Appellant seeking a second bite of the apple. Respondent feared this would happen and expressed said fears in his Opposition to the Motion for Permission to File a Reply.

The court order granting appellant's motion stated as follows:

Respondent raised a new argument in his fast track response that the district court should have admitted tape recordings that the expert witness relied on. See, e.g., NRAP 28(c) ("A reply brief ... must be limited to answering any new matter set forth in the opposing brief.") (Emphasis added)

Respondent assumed that based upon this clear and unambiguous directive from this Court that the Reply to Fast Track Response would have been solely limited to the issue raised in Respondent's Fast Track Response of whether the District Court should have admitted the tapes into evidence.

Unfortunately, Appellant ignored this Court's directive and filed a Reply that did not even mention the issue of whether the tapes should have been admitted. Moreover, the Reply was due on the 21st of September and not filed until the 22nd.

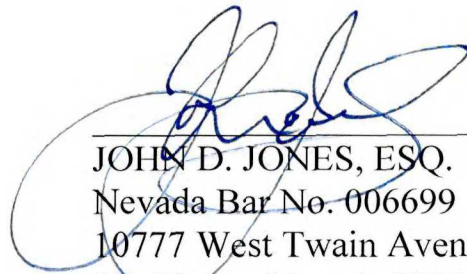
///

///

As such, Appellant's Reply should be stricken, Appellant should be sanctioned for willfully violating this Court's order and attorney fees should be awarded to Respondent for having to review the improper Reply and file this Motion.

DATED this 26 day of September, 2016.

BLACK & LOBELLO



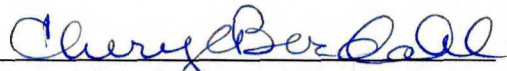
JOHN D. JONES, ESQ.
Nevada Bar No. 006699
10777 West Twain Avenue, Suite 300
Las Vegas, Nevada 89135
702-869-8801
Attorneys for Respondent,
SEAN ABID

CERTIFICATE OF MAILING

The foregoing “Motion to Strike Appellant’s Reply to Fast Track Response” in the above-captioned matter was served this date by mailing a true and correct copy thereof, via first class mail, postage prepaid and addressed as follows:

Radford J. Smith, Esq.
RADFORD SMITH CHTD.
2470 St. Rose Pkwy. Suite 206
Henderson, NV 89074
*Attorney for Appellant
Lyudmyla Abid*

Dated this 26th day of September, 2016


Cheryl Berdahl
an Employee of Black & LoBello