

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL FOLEY,
Appellant,
vs.
PATRICIA FOLEY,
Respondent.

No. 69997

FILED

DEC 21 2016

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


ORDER REINSTATING BRIEFING

This court referred this matter to the Pro Bono Committee of the State Bar of Nevada's Appellate Litigation Section for the selection of pro bono counsel to represent the parties for this appeal. Respondent was found to be ineligible. Appellant is eligible and has not filed an objection to the appointment. On November 15, 2016, attorneys Daniel F. Polsenberg and Abraham G. Smith of Lewis Roca Rothberger Christie LLP filed a notice of appearance on behalf of appellant as his pro bono counsel. Accordingly, we set forth the following schedule for the requesting of transcripts and briefing in this appeal.

Appellant shall have 14 days from the date of this order to determine the transcripts necessary for a review of this appeal and to file either a transcript request form or a supplemental certification that no transcripts are requested under NRAP 9(a). As appellant is now a client of a program for legal aid, *see* NRS 12.015(1)(b), appellant's counsel is directed to follow NRS 12.015(3) for obtaining any necessary transcripts at county expense. Appellant shall have 90 days from the date of this order to file and serve the opening brief and appendix. *See* NRAP 28; NRAP 30; NRAP 31(a)(1). Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1). Because the trial court record has been filed in this appeal,

the parties are permitted, but not required, to cite to that record in lieu of filing joint or separate appendices with their briefs. *Compare* NRAP 10(a) (governing transmission of trial court record), *with* NRAP 30 (setting forth requirements for appendices). Although this matter will be scheduled for oral argument upon completion of briefing, counsel may notify this court in writing if counsel believes that oral argument is undesirable or unnecessary.

It is so ORDERED. .

 C.J.

cc: Lewis Roca Rothgerber Christie LLP/Las Vegas
Patricia Foley
Legal Aid Center of Southern Nevada, Barbara E. Buckley,
Executive Director
Anne R. Traum, Coordinator, Appellate Litigation Section,
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