

IN THE SUPREME COURT OF THE STATE OF NEVADA

MEI-GSR HOLDINGS, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
D/B/A GRAND SIERRA RESORT,

Appellant,

vs.

PEPPERMILL CASINOS, INC., A
NEVADA CORPORATION, D/B/A
PEPPERMILL CASINO; AND RYAN
TORS, AN INDIVIDUAL,

Respondents.

No. 70319

FILED

FEB 10 2017

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

O R D E R

Appellant has filed a motion for leave to file an opening brief in excess of the type-volume limitation. See NRAP 32(a)(7)(A)(ii) (establishing a limitation of 14,000 words). The motion and certificate of compliance included with the submitted brief indicates that the brief contains either 18,084 or 18,184 words. In support of the motion, counsel for appellant states that this case was lengthy and involved numerous novel issues of law.

This court “looks with disfavor on motions to exceed the applicable page limit or type-volume limitation, and therefore, permission to exceed the page limit or type-volume limitation will not be routinely granted.” NRAP 32(a)(7)(D)(i); *see also Hernandez v. State*, 117 Nev. 463, 467, 24 P.3d 767, 770 (2001) (“Page limits . . . are ordinary practices employed by the courts to assist in the efficient management of the cases before them.” (quoting *Cunningham v. Becker*, 96 F. Supp. 2d 369, 374 (D. Del. 2000))). Rather, a motion “will be granted only upon a showing of diligence and good cause.” NRAP 32(a)(7)(D)(i).

While we appreciate the nature of the issues raised and the history of this case, we are not convinced that a brief in excess of the usual type-volume limitation is warranted. Accordingly, the motion is denied. The clerk of this court shall reject the opening brief received on January 4, 2017. Appellant shall have 20 days from the date of this order to file and serve an opening brief that complies with either the standard page limitation (not more than 30 pages) or type-volume limitation (not more than 14,000 words).¹ See NRAP 32(a)(7)(A). Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1). Failure to timely file an opening brief may result in the imposition of sanctions. NRAP 31(d).

Cause appearing, the opposed motion to file certain volumes of the appendix under seal is granted. The clerk shall file volumes 2-7, 9, and 11-16, received on January 11, 2017, under seal. SRCR 3. Should it be determined during the disposition of this appeal that any of the documents contained within the sealed volumes were made available to the public during the trial of this matter, or at any other time, this court may direct that the documents be unsealed. Alternatively, respondents may file a motion to unseal any documents that were made available to the public. The motion must specifically identify any such documents and contain a citation to the portion of the record where the document was made public.

It is so ORDERED.

Cherry, C.J.

¹The stipulation for an extension of time to file the answering brief is disapproved as moot.

cc: Cohen Johnson Parker Edwards
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Robison Belaustegui Sharp & Low
Ryan Tors