

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES NALDER, GUARDIAN AD
LITEM ON BEHALF OF
CHEYANNE NALDER; AND GARY
LEWIS, INDIVIDUALLY,

Appellants,

vs.

UNITED AUTOMOBILE
INSURANCE COMPANY,

Respondent.

Case No. 70504

Electronically Filed
Dec 24 2018 02:10 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANTS' REPLY IN SUPPORT OF MOTION TO STAY BRIEFING
PENDING THIS COURT'S DECISION ON APPELLANTS' MOTION TO
STRIKE PORTIONS OF RESPONDENT'S SUPPLEMENTAL ANSWERING
BRIEF TO SECOND CERTIFIED QUESTION AND APPENDIX**

Appellants JAMES NALDER, GUARDIAN AD LITEM ON BEHALF OF CHEYANNE NALDER and GARY LEWIS, INDIVIDUALLY ("Appellants"), by and through their attorneys of record, Dennis M. Prince, Esq. and Kevin T. Strong, Esq. of EGLET PRINCE, and Thomas F. Christensen, Esq. and Richard V. Christensen, Esq. of CHRISTENSEN LAW OFFICES, hereby submit their Reply in Support of Motion to Stay Briefing Pending this Court's Decision on Appellants' Motion to Strike Portions of Respondent's Supplemental Answering Brief to Second Certified Question and Appendix.

Appellants properly requested this Court to stay briefing pending resolution of the pending motion to strike. Appellants should not have to substantively respond to the various irrelevant facts contained in Respondent United Automobile Insurance Company's ("UAIC") Answering Brief because Appellants believe this Court will strike them from UAIC's Answering Brief. UAIC's contention that Appellants sought to delay the filing of their Opening Brief to file subsequent judicial actions as a form of gamesmanship has no basis in reality. Appellants have in no way attempted to divest this Court of its jurisdiction to determine the certified question of law before it because none of these subsequent actions undermine Appellants' arguments before this Court. None of the subsequent actions at issue seek relief from the lower courts that in any way invades this Court's authority to resolve the pending certified question of law. As such, *Millen v. Eighth Judicial Dist. Court*, 122 Nev. 1245, 1257 (2006) and *Dias v. State*, 95 Nev. 719 (1979) are not applicable to Appellants' request. UAIC simply continues to perpetuate a negative view of Appellants' actions to this Court without any factual basis. UAIC's failure to address the basis for requesting a stay of the briefing, namely to determine the scope of facts that Appellants have to respond to in their Reply Brief, justifies this Court to grant a stay of briefing until the motion to strike is resolved.

...

II.

CONCLUSION

Based on the foregoing, Appellants respectfully request this Court to **GRANT** their Motion to Stay Briefing.

DATED this 24th day of December, 2018.

EGLT PRINCE

/s/ *Dennis M. Prince*

DENNIS M. PRINCE, ESQ.

Nevada Bar No. 5092

KEVIN T. STRONG, ESQ.

Nevada Bar No. 12107

400 South Seventh Street, 4th Floor

Las Vegas, Nevada 89101

Attorneys for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document was filed electronically with the Nevada Supreme Court on the 24th day of December, 2018. Electronic service of the foregoing **APPELLANTS' REPLY IN SUPPORT OF MOTION TO STAY BRIEFING PENDING THIS COURT'S DECISION ON APPELLANTS' MOTION TO STRIKE PORTIONS OF RESPONDENT'S SUPPLEMENTAL ANSWERING BRIEF TO SECOND CERTIFIED QUESTION AND APPENDIX** shall be made in accordance with the Master Service List as follows:

Thomas Christensen, Esq.
**CHRISTENSEN LAW
OFFICES, LLC**
1000 S. Valley View Blvd.
Las Vegas, Nevada 89107
Attorney for Appellants

Thomas Winner, Esq.
Matthew Douglas, Esq.
ATKIN WINNER & SHERROD
1117 S. Rancho Drive
Las Vegas, Nevada 89102
Attorneys for Respondent

Scott A. Cole, Esq.
Thomas E. Scott, Esq.
COLE, SCOTT & KISSANE
9150 S. Dadeland Blvd., #1400
Las Vegas, NV 89101
Attorneys for Respondent