

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF: THE W.N.
CONNELL AND MARJORIE T.
CONNELL LIVING TRUST, DATED
MAY 18, 1972,

JACQUELINE M. MONTOYA; AND
KATHRYN A. BOUVIER,

Appellants,

vs.

ELEANOR C. AHERN A/K/A
ELEANOR CONNELL HARTMAN
AHERN,

Respondent.

No 71577

District Court Case No.
P-09-066425-T

Appeal from the Eighth Judicial
District Court, The Honorable
Gloria Sturman Presiding

Electronically Filed
Sep 05 2017 11:17 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR AN ORDER ALLOWING APPELLANTS TO
RESPOND TO MARQUIS AURBACH COFFING'S AMICUS CURIAE
BRIEF IN SUPPORT OF RESPONDENT'S ANSWERING BRIEF**

Appellants, Jacqueline M. Montoya and Kathryn A. Bouvier ("Appellants"),
hereby move this Honorable Court for an order allowing them to respond to Marquis
Aurbach Coffing's ("MAC") Amicus Curiae Brief in Support of Respondent's
Answering Brief (the "Amicus Brief").

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This motion is supported by the memorandum of points and authorities found herein below.

Dated this 5th day of September 2017.

RUSHFORTH LEE & KIEFER, LLP

By: 

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MEMORANDUM OF POINTS AND AUTHORITIES

I. Background

1. On August 15, 2017, MAC filed its Motion for Leave to File the Amicus Brief (the “Motion”).

2. The Motion attached the proposed Amicus Brief as an exhibit.

3. On August 29, 2017, the Court entered its order granting the Motion.

4. The order granting the Motion instructed the Clerk of the Court to file the Amicus Brief, which was accomplished on August 29, 2017.

5. No further orders regarding the Amicus Brief or Appellants’ ability to respond to the same have been issued by the Court.

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II. Argument

NRAP 29, which governs amicus filings, does not expressly address a party's right to respond to an amicus brief. Nevertheless, NRAP 29(g) states that an "amicus may not file a reply brief." The text of this section clearly implies that a response to an amicus brief is contemplated by the applicable rule, even if such is not expressly stated. With the above in mind, Appellants request that the Court issue an order granting Appellants the opportunity to respond to the Amicus Brief. The Appellants also ask that such order specify the deadline by which Appellants' response must be filed.

III. Conclusion

For the aforementioned reasons, the Appellants ask that this Honorable Court issue an order allowing Appellants to respond to MAC's Amicus Brief and which specifies the deadline for said response.

Dated this 5th day of September 2017.

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Certificate of Service


I hereby certify that I electronically filed and served the foregoing **MOTION FOR AN ORDER ALLOWING APPELLANTS TO RESPOND TO MARQUIS AURBACH COFFING'S AMICUS CURIAE BRIEF IN SUPPORT OF RESPONDENT'S ANSWERING BRIEF** with the Clerk of the Court of the Supreme Court of Nevada by using the Court's Electronic Filing System on September 5, 2017 upon the following:

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