

**In the
Supreme Court of the State of Nevada**

NEVADA YELLOW CAB
CORPORATION; NEVADA
CHECKER CAB
CORPORATION; and STAR CAB
CORPORATION,

Petitioners,

vs.

THE EIGHTH JUDICIAL
DISTRICT COURT OF THE
STATE OF NEVADA, IN AND
FOR THE COUNTY OF CLARK;
and THE HONORABLE
RONALD J. ISRAEL, DISTRICT
JUDGE,

Respondents,

and

CHRISTOPHER THOMAS; and
CHRISTOPHER CRAIG,

Real Parties in
Interest.

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Case No.: A-12-661726-C

**Real Parties in Interest's
Motion to Strike
Petitioners' Reply Brief or,
in the Alternative, for
Leave to File a Sur-Reply**

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MEMORANDUM OF POINTS AND AUTHORITIES

Real Parties in Interest are loathe to ask this Court to strike a brief of an opposing party. Such motions are disfavored, often unseemly, and usually unwarranted. Most times, the abuse of an opportunity to speak is best cured by the granting to the adversary the right to speak in rebuttal, and that may be the best course in the present matter.

Petitioners' (collectively, "Yellow Cab") filed reply brief is no reply at all. It makes no mention or even passing reference to the legal arguments or factual assertions in Real Parties' answering brief. Instead, it is simply a succession of transcribed—and cherry-picked—portions of a deposition conducted on November 15, 2017—more than a month after the original filing of the writ petition, and two weeks after Real Parties filed their answering brief. The reply brief also includes an appendix, consisting of the deposition transcript which Real Parties had obviously not seen prior to their answer falling due. In other words, not only is the reply brief not actually a reply to any argument made by Real Parties, but it also included materials and discussion which Real Parties have no current opportunity to address.

Technically, the brief ought to be struck by the Court as

unresponsive and improper. In the spirit of full inquiry, however, a better solution to Yellow Cab's course of conduct would be to allow Real Parties a short period in which to file a sur-reply, in fewer than ten pages, so that it may respond to the materials that Yellow Cab has only placed before the Court at this late stage, after an answer was already been submitted.

Real Parties ask the Court, therefore, to exercise its discretion either to strike Yellow Cab's reply brief or grant a short time for Real Parties to submit a sur-reply.

DATED this 29th day of November, 2017.

**WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP**

By: /s/ Bradley S. Schragger, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November, 2017, a true and correct copy of this completed **Real Parties in Interest's Motion to Strike Petitioners' Reply Brief or, in the Alternative, for Leave to File a Sur-Reply** upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system.

By: /s/ Danielle Fresquez
Danielle Fresquez, an Employee of
**WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP**