

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

CLARK COUNTY OFFICE OF THE  
CORONER/MEDICAL EXAMINER,

Appellant,

vs.

LAS VEGAS REVIEW-JOURNAL,

Respondent.

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Elizabeth A. Brown  
Clerk of Supreme Court

SUPREME COURT CASE NO:  
74604

DISTRICT COURT CASE NO.:  
A-17-758501-W

**UNOPPOSED MOTION FOR LEAVE TO FILE ANSWERING BRIEF IN  
EXCESS OF PAGE/TYPE VOLUME LIMITATION**

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**UNOPPOSED MOTION FOR LEAVE TO FILE ANSWERING BRIEF IN  
EXCESS OF PAGE/TYPE VOLUME LIMITATION**

Respondent Las Vegas Review-Journal (the “LVRJ”), by and through its counsel, Margaret A. McLetchie, hereby moves this Court, pursuant to Nevada Rule of Appellate Procedure (“NRAP”) 32(a)(7)(D), for leave to file an Answering Brief that exceeds the type-volume limitation imposed by NRAP 32(a)(7)(A)(ii) (14,000 words). This Motion is supported by the attached declaration of counsel.

The LVRJ specifically seeks to exceed the type-volume limitation by 1,804 words. Counsel for Appellant, the Clark County Coroner’s Office (the “Coroner”) does not oppose this Motion.

The LVRJ recognizes that motions to exceed the applicable type-volume limitation are looked at with disfavor and are not routinely granted. NRAP 32(a)(7)(D)(i) (motion “will be granted only upon a showing of diligence and good cause”); *see also Hernandez v. State*, 117 Nev. 463, 467, 24 P.3d 767, 770 (2001). The LVRJ does not take this Court’s rules regarding limitations or its case load lightly. The undersigned exercised diligence (NRAP 32(a)(7)(D)(i)) by working hard to reduce the word count and unnecessary argument. For example, rather than recite the entire factual and procedural history of this case, the undersigned endeavored only to address specific factual issues of importance.

Good cause exists (NRAP 32(a)(7)(D)(i)) to permit the LVRJ to exceed the type-volume limitation. Despite extensive efforts to edit down the brief, the

undersigned determined that the exceeding the type-volume remained necessary in this case. This is a matter pertaining to the Nevada Public Records Act (the “NPRA”). Moreover, it is a complex NPRA matter and not, for example, a case pertaining to whether one statute renders the records confidential. To support its arguments against disclosure, in addition to case law, the Coroner has raised and cited numerous statutes and well as the legislative history regarding various statutes, which require addressing. *See Polk v. State*, 126 Nev. 180, 181, 233 P.3d 357, 357-58 (2010) (discussing the “unforgiving consequences resulting from a respondent’s failure to respond to all relevant issues raised on appeal”). The Coroner also cited case law and statutes from other jurisdictions that required addressing. *See Opening Brief*, pp. v – xii (8-page table of authorities detailing many cases, statutes, and other authorities).

Moreover, the Coroner’s appeal addresses, *inter alia*, not only whether the records are subject to disclosure pursuant to the NPRA but also: (1) whether a governmental entity can raise arguments in litigation it does not cite pursuant to NRS 239.0107(1)(d)(2); and (2) whether a governmental agency can charge for redacting records, which also involves extensive analysis of the applicable statutes as well as the legislative history the Coroner relies on.

This case is a very important one to the LVRJ due to its desire to obtain records to aid its investigative reporting. More importantly, this case has broader

ramifications. All the Coroner's arguments raise important questions regarding public policy, and important public policy is implicated in this NPRA matter. *See* NRS 239.001(1). The case could resolve not only the question regarding access to autopsy reports but also the other important questions noted above regarding the operation of the NPRA that could greatly impact the future operation of the NPRA. According, the LVRJ respectfully requests this Court permit it to file an Answering Brief in excess of the type-volume limitations outlined in NRAP 32(a)(7)(A)(ii).

DATED this the 13<sup>th</sup> day of August, 2018.

/s/ Margaret A. McLetchie

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*Counsel for Respondent, Las Vegas Review-Journal*

**DECLARATION OF MARGARET A MCLETCHIE**

STATE OF NEVADA                    )  
  ) ss.  
COUNTY OF CLARK                )

I, Margaret A. McLetchie, declare, pursuant to Nev. Rev. Stat. § 53.330, as follows:

1. I am counsel for Respondent Las Vegas Review-Journal (“Review-Journal”) in this matter. I have personal knowledge of all matters contained herein and am competent to testify thereto.

2. This Motion is not made for the purposes of delay, or any other improper purpose, but only to ensure that I provide competent and effective representation to the Review-Journal. *See* Nev. R. Prof. Conduct 1.1.

3. I do not take exceeding the type-volume limitation lightly. I also recognize that time and expense associated with revising a brief does not justify exceeding the type-volume limitation. Accordingly, I have exercised diligence and spent as much time as required to make the brief as concise as possible. I also enlisted multiple other attorneys in my office to help me review and edit the brief to reduce its length.

4. I determined that the remaining overage of 1,804 is necessary to address the arguments made by the Coroner.

5. On August 13, 2018, I contacted counsel for the Coroner, Micah Echols regarding my intent to file the instant motion. Mr. Echols indicated he did not oppose this motion.

I certify under the penalty of perjury that the foregoing is true and correct.

EXECUTED this the 13<sup>th</sup> day of August, 2018.

/s/ Margaret A. McLetchie

Margaret A. McLetchie, Nevada Bar No. 10931

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*Counsel for Respondent, Las Vegas Review-Journal*

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing UNOPPOSED MOTION FOR LEAVE TO FILE ANSWERING BRIEF IN EXCESS OF PAGE/TYPE VOLUME LIMITATION was filed electronically with the Nevada Supreme Court on the 13th day of August, 2018. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Steven B. Wolfson and Laura Rehfeldt  
**Clark County District Attorney's Office**

Micah S. Echols  
**Marquis Aurbach Coffing**

*Counsel for Appellant,  
Clark County Office of the Coroner/Medical Examiner*

/s/ Pharan Burchfield  
Employee of McLetchie Shell LLC