

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRISTINA PAULOS,

Appellant,

vs.

FCH1, LLC, A NEVADA LIMITED
LIABILITY COMPANY; LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT, A GOVERNMENT
ENTITY; JEANNIE HOUSTON; AN
INDIVIDUAL; AND AARON BACA,
AN INDIVIDUAL,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court
Case No.: 74912

Appeal from the Eighth Judicial District
Court, the Honorable Rob Bare
Presiding.

MOTION TO TRANSMIT VIDEO EXHIBITS

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MOTION TO TRANSMIT VIDEO EXHIBITS

Respondents, the Las Vegas Metropolitan Police Department and Officer Aaron Baca (cumulatively the “LVMPD Respondents”), by and through their attorneys of record, the law firm of Marquis Aurbach Coffing, hereby move this Court for an order to transmit video disks in accordance with Nevada Rule of Appellate Procedure (“NRAP”) 30(d).

Under NRAP 30(c), appendices to this Court are limited to *documents* in the form that Rule 32(b) requires. Accordingly, the plain language of the Rule indicates that parties may not submit video or audio disks as part of their appendices. NRAP 30(d), however, provides a method by which parties may move this Court “to direct the district court clerk to transmit the original exhibits” that could not be reproduced in an appendix. This Court generally will grant the requested order if “the exhibits are relevant to the issues raised on appeal” and “the [C]ourt’s review of the original exhibits is necessary to the determination of the issues.” NRAP 30(d).

In this case, high-quality video cameras at the Palms Casino recorded the events on August 7, 2011, which led up to Appellant Cristina Paulos’ encounter with the Respondents as well as the encounter itself. This footage provided an objective timeline that was crucial to the parties’ understanding of the facts

because Ms. Paulos has little memory of the incident and the events in question happened quickly. The video footage was then provided as an exhibit to several motions, *see* 1 AA 237, 3 AA 700-01, and 5 AA 1220-21, and was discussed throughout the Federal District Court order that Judge Bare found preclusive. *See* 4 AA 791-808. As evidenced by his reference to what the “video show[ed],” *see* 7 AA 1676, the record confirms that Judge Bare also considered the video footage in making his decisions.

Because the video footage is the best evidence of what occurred on August 7, 2011, this Court should order the Eighth Judicial District Court Clerk to transmit the video disks that were attached as Exhibit 6 to the LVMPD Respondents’ January 6, 2016, Motion for Summary Judgment.¹ Indeed, while the LVMPD Respondents’ appreciate the inconvenience that comes with video exhibits, the proverbial picture (or video) is worth a thousand words in this case. More importantly, the video is likely to help this Court address critical issues, including the reasonableness of the Respondents’ actions and Paulos’ (in)ability to prove that continued contact with the ground caused her injuries.

¹ If Exhibit 6 is unavailable, Exhibit B to the LVMPD Respondents’ May 19, 2015, Motion to Dismiss or, Alternatively, Motion for Summary Judgment is a viable alternative since it is a verbatim copy of the same footage.

So, for the foregoing reasons, the LVMPD Respondents respectfully request that this Court order transmissions of the video disks in accordance with NRAP 30(d).

Dated this 10th day of January, 2019.

MARQUIS AURBACH COFFING

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO TRANSMIT VIDEO EXHIBITS** was filed electronically with the Nevada Supreme Court on the 10th day of January, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Co-chairs of Appellate Litigation Section
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I further certify that I mailed a copy of this document with a copy of the video disk, postage prepaid, addressed as follows:

N/A

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing