

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

JENNIFER V. ABRAMS; AND THE
ABRAMS & MAYO LAW FIRM,

Appellants,

vs.
STEVE W. SANSON; VETERANS IN
POLITICS INTERNATIONAL, INC; LOUIS
C. SCHNEIDER; AND LAW OFFICES OF
LOUIS C. SCHNEIDER, LLC

Respondents.

S.C. NO.

D.C. NO:

Electronically Filed
75987898
Oct 25 2018 04:38 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
A17-749318-C

**REPLY TO OPPOSITION TO MOTION FOR LEAVE OF COURT TO
EXCEED TYPE-VOLUME LIMITATION OF OPENING BRIEF AND
OPPOSITION TO COUNTERMOTION TO DISMISS APPEAL**

I. PROCEDURAL HISTORY

This Court granted the Appellants until October 12 to file their *Opening Brief*. On October 12, the Appellants filed the *Appendix* between 8:13 and 9:04 p.m., their *Opening Brief* at 9:13 p.m., the instant *Motion* at 9:14 p.m., and the *Motion to File Appendix IV Under Seal* at 9:15 p.m.¹ All filings were submitted for e-service at the same time that they were filed, as the *Certificates of Service* reflect.

NRAP 25(c) does not require mailing, and counsel for the parties to be served are all registered users on the e-filing system. All of the filings showed that they were accepted by the e-filing system, except for the *Opening Brief*, which was filed “pending approval.”²

The *Opening Brief*, filed contemporaneously with the *Motion*, contained a *Certificate of Compliance*, certifying compliance with NRAP 32(a)(7)(D)(ii), the type-volume limitation, and the line or word count with the caveat that the *Opening Brief* contained 16,686 words, in excess of the 14,000 word-count limit (see *Declaration* attached).

¹ See Exhibit 1, a print-out of the Supreme Court of Nevada’s Electronic Filing Status Page for this case for October 12, 2018.

² *Id.*

The next business day, October 15, all of the filings were approved by the clerk and filed except for the *Opening Brief*, which, as noted above, was held pending the Court's decision on the *Motion*. Upon being approved by the clerk, all filed papers were distributed to the Respondents through the e-filing system.

On October 17, when the Appellants discovered that the Respondents did not receive the *Opening Brief* because it was being held pending the outcome of the *Motion*, a copy was emailed and mailed to the Respondents' counsel.³ Accordingly, to suggest that the *Opening Brief* or any of the papers and/or pleadings e-filed on October 12 were not timely submitted, filed, or served is false.

Although there was a *Certification of Compliance*, and not a specific *Declaration*,⁴ a Declaration is provided contemporaneously with this *Reply* to cure any alleged technical deficiency.

³ See Exhibit 2, email to the Respondents' counsel regarding service of the *Opening Brief*.

⁴ See NRAP 32(a)(7)(D)(ii).

II. LEGAL ARGUMENT

The Respondents' attempt to dismiss the appeal based on false assertions and non-substantive technicalities should be denied.⁵ The alleged "delay" was simply a result of the time that it took for processing through the e-filing system.⁶ The Respondents' assertion that the *Opening Brief* needed to be attached to the *Motion* as an exhibit is false.⁷ There is no such requirement in NRAP 32(a)(7)(D)(iii), which only requires the *Motion* to "be accompanied by a single copy of the brief the applicant proposes to file." E-filing the *Opening Brief* contemporaneously with the *Motion* complies with the rule.

The Respondents argue that their "First Amendment Rights to Free Speech" are "threatened" by this appeal. That argument relates to the merits of this appeal, and not to the merits of this *Motion*. Even then, no such rights have been "threatened," and, as discussed in the *Opening Brief*, the Respondents have no First Amendment right to commit defamation for an illicit purpose.

⁵ See *Opposition* at 2-3.

⁶ See Exhibit 1.

⁷ See *Opposition*, page 3, footnote 4.

The Respondents' *Opposition* is premised on the notion that the Appellants "[wilfully] disregard[ed] . . . this Court's rules and this Court's Order." As shown above, the facts are plainly to the contrary, and any minor deficiencies with the *Motion* have since been cured.

Even if the papers had been filed one business day late, it would be inequitable to dismiss this appeal for such a minor delay. *Cuzdey v. State*,⁸ upon which the Respondents rely, concerns *sanctions* for both an untimely request for an extension and a subsequent 3-page opening brief, neither of which is present here. The *Opposition* is unsupported in law and is simply a way for them to try to avoid the merits of this appeal.

Huckabay Props. v. NC Auto Parts, LLC illustrates the kind of facts that could merit dismissal of an appeal.⁹ The attorneys received multiple extensions, continuously failed to comply with the extension deadlines, and failed to file their brief after this Court issued a "last warning."¹⁰

⁸ 103 Nev. 575, 747 P.2d 233 (1987).

⁹ 130 Nev. 196, 322 P.3d 429 (2014)

¹⁰ *Id.*

Here, the *Opening Brief* was timely filed and submitted for e-service on October 12, though held by the clerk pending the outcome of this *Motion*.

A. CONCLUSION

The Court should grant the *Motion* because there is good cause to do so given the complexity of the legal issues and the facts, which span three appellate filings.

Any *de minimis* procedural errors have been cured, and should not prejudice the merits of the *Motion*. In fact, NRAP 32(e) expressly contemplates that a party will be given a chance to cure any deficiency associated with a motion.

The Respondents have not suffered any prejudice, and should be required to forthwith file their answering briefs.

For these reasons, the *Motion* should be granted.

DATED this 25 day of October, 2018.

WILICK LAW GROUP


MARSHAL S. WILICK, ESQ.

Nevada Bar No. 2515
3591 East Bonanza Road, Suite 200
Las Vegas, Nevada 89110-2101
(702) 438-4100
Attorneys for Appellants

DECLARATION OF MARSHAL WILLOCK, ESQ.

1. I, Marshal S. Willock, Esq., am one of the Appellants' attorneys in the above-entitled matter.
2. I have read the pleadings and papers filed in this case by the Appellants, including the *Appellants' Opening Brief* and the *Motion For Leave of Court to Exceed Type-Volume Limitation of Opening Brief*.
3. We requested leave of the Court to exceed the type-volume limitation of the *Opening Brief* to approximately 16,686 words.
4. The additional words are needed given the complexity of issues that span three appellate filings, necessarily requiring extensive cross-referencing so that this Court is fully informed of the relevant facts in evaluating the appeal.
5. This is a "fact heavy" record and briefing – the additional length is required to adequately inform this Court of those facts and to adequately explain the complexities of the legal argument.
6. As to the assertion of inclusion of "irrelevant materials," Respondents are talking out of both sides of their mouth. In the companion *Willock* case, Sanson references Judge Duckworth's ruling in the *Ansell* divorce; now that the judge has specifically called out Sanson for his efforts at judicial corruption, Sanson wants to hide all mention from this Court.
7. The request to exceed the word count is made in good faith and not to harass or cause unnecessary delay or to needlessly increase litigation costs.

8. Based on the above, the request is made that this Court grant the *Motion For Leave of Court to Exceed Type-Volume Limitation of Opening Brief*.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.

EXECUTED this 15 day of October, 2018.

/s/ Marshal Willick, Esq.
MARSHAL WILICK, ESQ.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 25th day of October, 2018, documents entitled *Reply to Opposition to Motion for Leave of Court to Exceed Type-Volume Limitation of Opening Brief and Opposition to Countermotion to Dismiss Appeal* were filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows, to the attorneys listed below at the address, email address, and/or facsimile number indicated below:

Maggie McLetchie, Esq.
MCLECHIE SHELL LLC
701 E Bridger Avenue, #520,
Las Vegas, Nevada 89101
Attorney for *Steve W. Sanson* and
VETERANS IN POLITICS INTERNATIONAL, INC.

Joseph W. Houston, Esq.
430 S. Seventh St.
Las Vegas, Nevada 89101
Attorney for Louis C. Schneider, and
LAW OFFICES OF LOUIS C. SCHNEIDER, LLC

There is regular communication between the place of mailing and the places so addressed.


Employee of the WILICK LAW GROUP

EXHIBIT “1”

EXHIBIT “1”

EXHIBIT “1”



The SUPREME COURT of NEVADA

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user: Marshal S. Willick

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<input type="checkbox"/>	Filing ID	Docket Number	▼ Date Submitted	Document Category	Status
<input type="checkbox"/>	477190	73838	Oct 12 2018 09:15 p.m.	Motion	Accepted
	Motion Motion to File Appendix IV Under Seal				
<input type="checkbox"/>	477188	73838	Oct 12 2018 09:14 p.m.	Motion	Accepted
	Motion Motion for Leave of Court to Exceed Type-Volume Limitation of Opening Brief				
<input type="checkbox"/>	477186	73838	Oct 12 2018 09:13 p.m.	Brief	Awaiting Approval
	Brief Appellant's Opening Brief				
<input type="checkbox"/>	477184	73838	Oct 12 2018 09:04 p.m.	Appendix	Accepted
<input type="checkbox"/>	477182	73838	Oct 12 2018 09:00 p.m.	Appendix	Accepted
<input type="checkbox"/>	477180	73838	Oct 12 2018 08:54 p.m.	Appendix	Accepted
<input type="checkbox"/>	477178	73838	Oct 12 2018 08:52 p.m.	Appendix	Accepted
<input type="checkbox"/>	477176	73838	Oct 12 2018 08:39 p.m.	Appendix	Accepted
<input type="checkbox"/>	477172	73838	Oct 12 2018 08:32 p.m.	Appendix	Accepted
<input type="checkbox"/>	477170	73838	Oct 12 2018 08:13 p.m.	Appendix	Accepted

EXHIBIT “2”

EXHIBIT “2”

EXHIBIT “2”

Justin K Johnson

From: Justin K Johnson
Sent: Wednesday, October 17, 2018 2:22 PM
To: 'maggie'; jwh7408@yahoo.com
Cc: Marshal Willick; Jennifer Abrams; 'Joshua Gilmore'; Susan Russo; Julie Schoen; pharan@nvlitigation.com; Alina
Subject: RE: Ms. McLetchie and Mr. Houston: Appellants' Opening Brief
Attachments: 00262353.pdf
Follow Up Flag: Copied to Wordox (Willick WP16\ABRAMS,JENNI\EMAILS\00262963.MSG)

Ms. McLetchie and Mr. Houston,

Please see the Opening Brief as it was filed. Hard copies will also arrive by mail. Thank you for your time and attention to this matter.



Justin K. Johnson, Paralegal
Willick Law Group
3591 E. Bonanza Rd., Suite 200
Las Vegas, Nevada 89110
Phone 438-4100 ext 107; Fax 438-5311

From: maggie <maggie@nvlitigation.com>
Sent: Tuesday, October 16, 2018 3:57 PM
To: Justin K Johnson <Justin@willicklawgroup.com>; jwh7408@yahoo.com
Cc: Marshal Willick <marshal@willicklawgroup.com>; Jennifer Abrams <jabrams@theabramslawfirm.com>; 'Joshua Gilmore' <JGilmore@baileykennedy.com>; Susan Russo <SRusso@baileykennedy.com>; Julie Schoen <JSchoen@theabramslawfirm.com>; pharan@nvlitigation.com; Alina <Alina@nvlitigation.com>
Subject: RE: Ms. McLetchie and Mr. Houston: Correspondence dated 10/11/2018 Supreme Court Number 73838/75834

Please provide a copy of the opening brief. It was not attached to the motion for leave to file excess pages.

From: maggie
Sent: Thursday, October 11, 2018 3:11 PM
To: 'Justin K Johnson' <Justin@willicklawgroup.com>; jwh7408@yahoo.com
Cc: Marshal Willick <marshal@willicklawgroup.com>; Jennifer Abrams <jabrams@theabramslawfirm.com>; 'Joshua Gilmore' <JGilmore@baileykennedy.com>; Susan Russo <SRusso@baileykennedy.com>; Julie Schoen <JSchoen@theabramslawfirm.com>; pharan@nvlitigation.com; Alina <Alina@nvlitigation.com>
Subject: RE: Ms. McLetchie and Mr. Houston: Correspondence dated 10/11/2018 Supreme Court Number 73838/75834

It is always my preference to work on a joint appendix. Unfortunately, you have not provided us with any time to address your proposed appendix.

From: Justin K Johnson [mailto:Justin@willicklawgroup.com]

Sent: Thursday, October 11, 2018 2:09 PM

To: jwh7408@yahoo.com; maggie <maggie@nvlitigation.com>

Cc: Marshal Willick <marshal@willicklawgroup.com>; Jennifer Abrams <jabrams@theabramslawfirm.com>; 'Joshua Gilmore' <JGilmore@baileykennedy.com>; Susan Russo <SRusso@baileykennedy.com>; Julie Schoen <JSchoen@theabramslawfirm.com>

Subject: Ms. McLetchie and Mr. Houston: Correspondence dated 10/11/2018 Supreme Court Number 73838/75834

Good Afternoon,

Please see that attached correspondence. If you haven't already, you should receive a copy via electronic service also. Thank you for your time and attention to this very important matter.



Justin K. Johnson, Paralegal

Willick Law Group

3591 E. Bonanza Rd., Suite 200

Las Vegas, Nevada 89110

Phone 438-4100 ext 107; Fax 438-5311