

Nevada Supreme Court
201 South Carson Street
Suite 201
Carson City
Nevada 89701 USA

FILED

APR 29 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

Tuesday 26 April 2022

Ref Case Number 76422 Gavin Cox & Minh Hanh Cox V MGM Grand Hotel LLC et al. Supreme Court State of Nevada

Dear Honors,

We are acting Per Se as the applicants in the above – captioned matter.

Due to our counsel no longer representing us and not filing for a notice of withdrawal, we have lost ten days so respectfully ask the Court to consider a ten-day extension for filing the documents for a rehearing.

Following the Advance opinion dated April 14 2022, we are respectfully requesting a rehearing as our counsel are no longer representing us.

We understand that counsel were supposed to file a notice of withdrawal and have not done so which means we have lost 10 days to file our request for a rehearing.

We respectfully are filing this rehearing on the following basis:

We respectfully believe that the Supreme court has concluded their decision based on misrepresentation of fact, and a false narrative by the defence specifically that a joint filed appendix was submitted to the supreme court Ref 18-27551 dated 19 July 2018. This is in reference to Dr Garbus D.O as to why Mr Cox sometimes has assistance walking and sometimes not, wears prisms in his glasses, and has a problem with tracking and convergence

This is not a re-argument regarding offer of proof. This is a new argument in defence to Rule 3.3 Candor towards the tribunal.

- (A) A lawyer shall not knowingly
- (1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer
 - (2) Other evidence that the lawyer knows to be false, if a lawyer, if the lawyer's client, or witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

The defence put forth to the tribunal a false narrative that Mr Cox was feigning his injuries, specifically impeachment by contradiction, in the way he walks inside and outside of the court.

The rules state that the defence must not write briefs with a false narrative if the medical evidence proves otherwise with the intention of misrepresenting facts to the tribunal.

The majority allowed Sub Rosa video qualifying it on the basis of impeachment by contradiction.

We respectfully bring to the courts attention that Sub Rosa video was played to the lower court that specifically showed David Copperfield Lawyer Elaine Fresche dressed in cleaning gloves, jeans and head scarf actively participating in altering the accident site in preparation for the jury visit.

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Further, the entire defence team were there (not Team Construction) watching Ms Fresche actively participating in the spoliation of evidence.

Further, David Copperfield staff/ MGM staff Backstage staff were physically putting up extra lighting outside the external door on the outside path of the route making it further lighter.

This behaviour is tantamount to impeachment by contradiction as the defence during trial and as stated on the advance opinion that Mr Cox lied about the lighting stating it was dark.

This jury visit was briefly mentioned in the first oral, heavily documented in the briefs, but never questioned again by the justices even though that Sub Rosa video was played to the lower court.

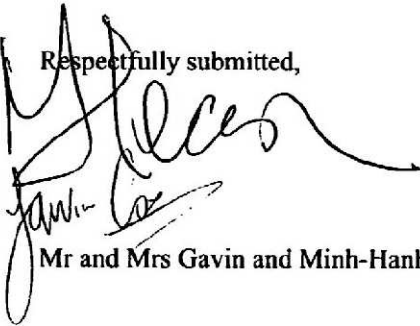
This is a clear example of impeachment by contradiction, and we respectfully ask the court to look at this Sub Rosa video and take it into consideration in the same respect as to all Sub Rosa video.

We respectfully agree with the dissenting justices, Parraguirre and Stilich, that the majority have erred in relation to legislation and flexible bifurcation and the misstating of the record.

This is not a vexatious request; we respectfully believe that the majority have concluded their opinion on a false narrative and misrepresented facts.

We respectfully believe there has been a grave miscarriage of justice and that a rehearing is warranted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Gavin Cox', written over a horizontal line.

Mr and Mrs Gavin and Minh-Hanh Cox

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Cc All counsel of record (via electronic communication)