

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

A CAB, LLC, and A CAB SERIES LLC,

Appellants

vs

MICHAEL MURRAY, and MICHAEL  
RENO, Individually and on behalf of others  
similarly situated,

Respondents.

)  
) SUPREME COURT  
) CASE # 77050  
) Electronically Filed  
) Aug 07 2020 12:11 p.m.  
) Elizabeth A. Brown  
) Clerk of Supreme Court  
) District Court  
) Case No.: A-12-669926-C  
)  
) **RESPONDENTS' RESPONSE TO**  
) **APPELLANT'S MOTION TO**  
) **FILE AN OPENING BRIEF**  
) **THAT EXCEEDS THE WORD**  
) **LIMIT NRAP 32(a)(7)(D)**

**DECLARATION**

Leon Greenberg, an attorney duly licensed to practice law in the State of Nevada, hereby affirms, under penalty of perjury, that:

1. I am one of the attorneys for the respondents and currently their sole appellate counsel. The statements made in this declaration are based upon my personal knowledge and personal observations.

**I am requesting the time for respondents to file an answering brief under NRAP 31(a)(1)(B) commence on the date the court decides this motion.**

2. Pursuant to NRAP 31(a)(1)(B) the respondents' brief is due

within 30 days of the date the appellant's brief is served. That rule does not expressly address the situation posed by appellant's NRAP 32(a)(7)(D) motion that may, or may not, be granted. It would be unfair to require respondents to commence preparation of their answering brief (and even potentially complete and file the same) when it is still unknown if that motion will be granted or appellant will be directed to file a revised, shorter, opening brief. Accordingly, I am asking the Court in its Order deciding this motion to direct that respondents' time to file an answering brief as provided for under NRAP 31(a)(1)(B) shall commence on the date of that Order (it will be due 30 days thereafter unless otherwise extended).

**I do not believe the relief sought by the motion  
is warranted or the Court would be well served by  
my submission of arguments opposing the motion on its merits.**

3. I do not believe I can address the merits of appellant's (and there is but *one* appellant in this case<sup>1</sup>) motion without explaining, at some length,

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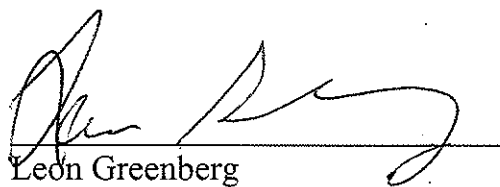
<sup>1</sup> There is only one appellant in this case despite appellant's claim "A Cab Series LLC" is a separate entity from "A Cab LLC." *See, Response to Order to Show Cause Why Portions of Appellant's Appeal Should Not Be Dismissed*, filed January 8, 2020, p. 6-7, fn.5 and this Court's *Order Partially Dismissing Appeal, Amending Caption and Reinstating Briefing*, filed March 6, 2020, p. 1, granting appellant's unopposed request to add A Cab Series LLC as an appellant. As the district court properly found, A Cab Series LLC and A Cab LLC are one entity, the former being the current, and amended, name of the latter.

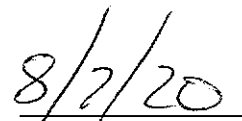
the wholly fallacious, even frivolous, nature of many of the arguments made in this appeal by appellant. Those arguments are based on, with all due respect to appellant's counsel whom I must presume is proceeding in good faith, completely inaccurate characterizations of proceedings in, or facts that were before, the district court. This is illustrated in the declaration of counsel in support of that motion, paragraphs 3 through 7 referring to the district court proceedings involving, among other things, a "*sua sponte*" and "extraordinary summary judgment" entered by the district court "although no motion for summary judgment was pending"; "an order adding a defendant after entry of final judgment, who was never named and served"; an order granting summary judgment when "there is no evidence to support summary judgment"; and an order wherein "Judge Cory enjoined Judge Delaney from proceeding with the competing case in her department." None of these assertions are correct, some have no relevancy to this appeal, and with all due respect to appellant's counsel who I do not want to impugn, constitute, at best, erroneous conclusions drawn from the record.

4. As an officer of the Court I am duty bound to advise the Court the proposed excess length of the appellant's opening brief is not justified and its allowance would constitute an unnecessary burden upon the Court. Yet

appellant's right to make its arguments to the Court must be respected and I do not contend that every issue it proposes to raise is frivolous. The problem is in discerning between the arguments it proposes that have some colorably proper basis for consideration on appeal and those that do not. I cannot assist the Court in discerning the same without dwelling, at some length, into the record and the issues proposed to be raised by appellant. I do not believe the Court would be well served, or seeks or desires, in the context of this motion, such an attempt on my part. Such an attempt would involve a reply by the appellant and burden the Court with deciding, as part of this motion, arguments going to the merits of the issues proposed to be raised in this appeal. I apologize for my inability to be more helpful to the Court in deciding this motion.

I affirm the foregoing is true under the penalty of perjury.

  
Leon Greenberg

  
Date

PROOF OF SERVICE

The undersigned certifies that on August 7, 2020 he served the  
within:

**RESPONDENTS' RESPONSE TO APPELLANT'S MOTION TO FILE AN  
OPENING BRIEF THAT EXCEEDS THE WORD LIMIT NRAP 32(a)(7)(D)**

by court electronic service to:

TO:

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/s/ Leon Greenberg  
Leon Greenberg