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Elizabeth A. Brown
Clerk of Supreme Court

Attorneys for Appellant

IN THE SUPREME COURT FOR THE STATE OF NEVADA

IN THE MATTER OF THE JORDAN
DANA FRASIER FAMILY TRUST

AMY FRASIER WILSON,

Appellant,

v.

DINNY FRASIER; PREMIER TRUST,
INC.; JANIE L. MULRAIN; NORI
FRASIER; and BRADLEY L. FRASIER,
M.D.;

Respondents.

Case No. 77981

**MOTION TO STRIKE BRADLEY L. FRASIER, M.D.'S
ANSWERING BRIEF**

Pursuant to Nevada Rule of Appellate Procedure 28(j), Amy Frasier Wilson hereby moves to strike the Answering Brief of Respondent Bradley L. Frasier as being completely unsupported by reference to the record before the trial court and void of any citation to legal authority. Because the brief is essentially a presentation of

Frasier's opinions on the facts and not legal argument addressed to the court, the Court should strike the brief and exclude from consideration the varied factual arguments contained therein.

As a self-represented litigant, Frasier was not mandated to comply with Rule 28(e)(1); however, Frasier's flagrant failure to provide citation to the voluminous appendix prepared by Appellant Wilson Frasier should not be ignored or overlooked. *See* NRAP 28(e)(3) ("A pro se party is not permitted to file an appendix under Rule 30(i), and therefore is not required to comply with Rule 28(e)(1). Pro se parties are encouraged to support assertions in briefs regarding matters in the record by providing citations to the appropriate pages and volume numbers of the trial court record."). Frasier includes in his brief a section titled "History," within which Frasier offers testimony, attempting to explain his version of events to the Court without reference to or respect for the record. While Frasier was not permitted to file an appendix, he was in no manner prevented from citing to the ten volume appendix prepared, filed, and served by Appellant Frasier Wilson. The Court should not allow the flagrant disregard for the constraints of the record by considering the unsupported factual assertions in Frasier's brief.

The remainder of the brief is pervaded with Frasier's opinions as to what was done or left undone, without a single citation to legal authority to support his argument in violation of Rule 28(a)(10). Frasier makes no attempt to respond to the legal arguments raised in the Opening Brief, again attempting to testify without regard

to whether evidence was before the district court and without offering legal authority to support his opinions.

Because Frasier's brief violates Rule 28(a)(10) and ignores Rule 28(e)(1), the Court should strike Frasier's brief and refuse to consider his biased and unsupported assertions.

DATED this 9th day of October, 2019.

DOYLE LAW OFFICE, PLLC

By: /s/ Kerry S. Doyle
Kerry S. Doyle, Esq.
Nevada Bar No. 10866
Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Doyle Law Office, PLLC and that on the 9th day of October, 2019, a true and correct copy of the above **MOTION TO STRIKE BRADLEY L. FRASIER, M.D.'S ANSWERING BRIEF** was e-filed and e-served on all registered parties to the Nevada Supreme Court's electronic filing system as listed below:

Patrick Millsap
Wallace & Millsap LLC
510 W. Plumb Lane, Ste. A
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And by depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; to all participants not registered for electronic filing:

Nori Frasier
4372 Pacifica Way, Unit 3
Oceanside, CA 92056

Bradley L. Frasier, M.D.
3609 Vista Way
Oceanside, CA 92056

DATED this 9th day of October, 2019.

/s Kerry S. Doyle
Kerry S. Doyle