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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

VIVIA HARRISON, AN INDIVIDUAL,

Appellant,

v.

RAMPARTS, INC., LUXOR HOTEL &
CASINO, A NEVADA DOMESTIC
CORPORATION,

Respondent.

Case Nos. 78964/80167

REPLY IN SUPPORT OF MOTION TO WAIVE FILING FEE
AND COMBINE CASES

Appellant, Vivia Harrison (“Plaintiff”), filed her motion to waive the filing fee in Case No. 80167 on the basis of NRAP 4(a)(7), which states: “No additional fees shall be required if any party files an amended notice of appeal in order to comply with the provisions of this Rule.” The referenced “Rule” is NRAP 4(a)(6),

which, in turn, states: “A premature notice of appeal does not divest the district court of jurisdiction. The court may dismiss as premature a notice of appeal filed after the oral pronouncement of a decision or order but before entry of the written judgment or order, or before entry of the written disposition of the last-remaining timely motion listed in Rule 4(a)(4). If, however, a written order or judgment, or a written disposition of the last-remaining timely motion listed in Rule 4(a)(4), is entered before dismissal of the premature appeal, the notice of appeal shall be considered filed on the date of and after entry of the order, judgment or written disposition of the last-remaining timely motion.” As such, the application of NRAP 4(a)(7) to waive the filing fee for an amended notice of appeal is dependent upon the Court’s determination of appellate jurisdiction according to NRAP 4(a)(6).

Defendant argues in its opposition that an amended notice of appeal does not relate back, yet Defendant does not address NRAP 4(a)(6) and (7). Instead, Defendant relies upon inapposite federal case law, while ignoring controlling Nevada rules. Moreover, Defendant’s opposition does not attempt to determine when a final order was entered by reviewing the written orders resolving the claims made by and against each of the parties in this litigation. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment).

In summary, once the Court resolves the jurisdictional issue in Case No. 78964, the Court should then apply NRAP 4(a)(7) to waive the filing fee for Case No. 80167, and combine the two appeals according to NRAP 3(b).

DATED this 21st day of January, 2020.

CLAGGETT & SYKES LAW FIRM

/s/ Micah Echols

By _____

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **REPLY IN SUPPORT OF MOTION TO WAIVE FILING FEE AND COMBINE CASES** with the Nevada Supreme Court on the 21st day of January, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as Follows:

Boyd B. Moss III, Esq.
Matthew G. Pfau, Esq.
Loren S. Young, Esq.
Mark B. Bailus, Esq.

/s/ Jocelyn Abrego
Jocelyn Abrego, an employee of
Claggett & Sykes Law Firm