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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUPERPUMPER, INC., an Arizona
corporation; EDWARD BAYUK, individually
and as Trustee of the EDWARD BAYUK
LIVING TRUST; SALVATORE MORABITO,
an individual; and SNOWSHOE
PETROLEUM, INC., a New York corporation,

Appellants,

vs.

WILLIAM A. LEONARD, Trustee for the
Bankruptcy Estate of Paul Anthony Morabito,

Respondent.

Case No.: 79355

MOTION TO EXCEED PAGE
LIMIT FOR EMERGENCY
MOTION FOR RELIEF
UNDER NRAP 27(e)

Appeal from the Eighth Judicial
District Court, the Honorable
Connie J. Steinheimer Presiding

MAC:15765-001 3830181_1

Appellants, Superpumper, Inc.; Edward Bayuk, individually and as Trustee of the Edward Bayuk Living Trust; Salvatore Morabito; and Snowshoe Petroleum, Inc. (“Appellants”), by and through their attorneys of record, Marquis Aurbach Coffing, hereby move this Court pursuant to NRAP 32(a)(7) to exceed the page limit for Appellants’ emergency motion for relief under NRAP 27(e), which is timely-filed along with this motion.

NRAP 27(d)(2) limits a motion to 10 pages. However, NRAP 32(a)(7) allows a party to exceed the page limit by permission of the Court and “upon a showing of diligence and good cause.” Additionally, NRAP 32(a)(7) allows a brief to comply with *either* a page limitation of 30 pages *or* a word-count limitation of 14,000 words, which is the equivalent of about 467 words per page. Under an equivalent word-count limitation, a motion would be compliant if it contained 4,667 words or less. In the instant case, Appellants’ emergency motion for relief contains 15 pages and 3,568 words of text, which would be compliant under an equivalent word-count limitation to the page-count limitation of 10 pages. Good cause exists to allow the emergency motion for relief to exceed the page-limit by 5 pages for the reasons set forth in the following declaration of counsel for Appellants:

DECLARATION OF MICAH S. ECHOLS, ESQ. IN SUPPORT OF
MOTION TO EXCEED PAGE LIMIT FOR
EMERGENCY MOTION FOR RELIEF UNDER NRAP 27(e)

Micah S. Echols, Esq., declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I am an attorney with the law firm of Marquis Aurbach Coffing, and counsel of record for Appellants.

3. The instant appeal raises numerous issues due to the complexity and length of the litigation below.

4. Appellants' emergency motion for relief necessarily incorporates the substance of the issues raised in the instant appeal in order to adequately argue the likelihood of success on appeal as required by NRAP 27(e).

5. Appellants' motion for relief consists of 15 pages and 3,568 words, which exceeds the page limitation by 5 pages, but would be compliant under a similar word-count limitation as provided by NRAP 32(a)(7).

6. Although I have worked diligently to argue all of the issues raised by Appellants motion for relief as concisely and cogently as possible, the additional

5 pages are needed to adequately present those issues for this Court's consideration.

7. Based upon good cause, Appellants request that this Court extend the page limit of Appellants' motion for relief under NRAP 27(e) and allow it to be filed.

8. I declare under penalty of perjury that the foregoing is true and correct.



Micah S. Echols, Esq.

Therefore, for diligence and good cause shown, and according to NRAP 32(a)(7), this Court should allow Appellants to file their emergency motion for relief under NRAP 27(e) consisting of 15 pages and 3,568 words of text.

Dated this 28th day of August, 2019.

MARQUIS AURBACH COFFING

By /s/ Micah S. Echols

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO EXCEED PAGE LIMIT FOR EMERGENCY MOTION FOR RELIEF UNDER NRAP 27(e)** was filed electronically with the Nevada Supreme Court on the 28th day of August, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Gabrielle Hamm, Esq.
Michael Lehnert, Esq.
Frank Gilmore, Esq.
Jeffrey Hartman, Esq.
Erika Pike Turner, Esq.

Debbie Leonard, Esq.
Settlement Judge

I further certify that I served a copy of this document by emailing a true and correct copy thereof, addressed to:

Gerald M. Gordon, Esq.
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Teresa M. Pilatowicz, Esq.
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/s/ Leah Dell

Leah Dell, an employee of
Marquis Aurbach Coffing