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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 REPLY IN**  
**SUPPORT OF EMERGENCY**  
**MOTION FOR RELIEF**  
**UNDER NRAP 27(e)**

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

MAC:15765-001 3835347\_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’ reply in support of emergency motion for relief under NRAP 27(e), which is filed along with this motion.

NRAP 27(d)(2) limits a reply to a motion to 5 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 reply brief to comply with *either* a page limitation of 15 pages *or* a word-count limitation of 7,000 words, which is the equivalent of about 467 words per page. Under an equivalent word-count limitation, a reply to a motion would be compliant if it contained 2,334 words or less. In the instant case, Appellants’ reply in support of emergency motion for relief contains 7 pages and 1,629 words of text, which would be compliant under an equivalent word-count limitation to the page-count limitation of 5 pages. Good cause exists to allow the reply in support of emergency motion for relief to exceed the page-limit by 2 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 REPLY IN SUPPORT OF  
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 incorporated 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), and this Court granted Appellants' motion to exceed the word count for their emergency motion, allowing 15 pages and 3,568 words.

5. Respondent's opposition consisted of 19 pages and 4,339 words and raised numerous opposing arguments that will require additional space to address.

6. Appellants' reply in support of motion for relief consists of 7 pages and 1,629 words, which exceeds the page limitation by 2 pages, but would be compliant under a similar word-count limitation as provided by NRAP 32(a)(7).

7. Although I have worked diligently to edit the reply in support of Appellants' motion for relief as concisely and cogently as possible, the additional 2 pages are needed to adequately present Appellants' arguments for this Court's consideration.

8. 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.

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



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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 reply in support of emergency motion for relief under NRAP 27(e) consisting of 7 pages and 1,629 words of text.

Dated this 3rd day of September, 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 REPLY IN SUPPORT OF EMERGENCY MOTION FOR RELIEF UNDER NRAP 27(e)** was filed electronically with the Nevada Supreme Court on the 3rd day of September, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Gabrielle Hamm, Esq.  
Michael Lehnors, Esq.  
Frank Gilmore, Esq.  
Jeffrey Hartman, Esq.  
Erika Pike Turner, Esq.  
Stephen A. Davis, 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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/s/ Leah Dell  
Leah Dell, an employee of  
Marquis Aurbach Coffing