

In the Supreme Court of Nevada

DESIRE EVANS-WAIAU, individually;
GUADALUPE PARRA-MENDEZ,
individually,

Appellants,

vs.

BABYLYN TATE ,

Respondent,

Electronically Filed
Sep 05 2020 12:19 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO EXCEED WORD LIMIT FOR ANSWERING BRIEF

Respondent Babylyn Tate requests leave under NRAP 28(g) and NRAP 32(a)(7)(D) to file an answering brief that exceeds the 14,000 word limit in NRAP(32)(a)(7)(A)(ii). Tate’s answering brief contains 1,849 words. Respondent seeks this request for the following reasons.

Appellants’ opening brief presents five distinct issues for the Court, each of which raises a number of independent supporting arguments. In presenting these arguments, appellants’ brief was only four words from the limit. (*See* AOB at 77 (certifying that the brief contained 13,996 words).) And, as is frequently the case, respondent required more words to untangle the web created by the opening brief.

Moreover, this appeal is factually intensive, and the trial involved a “battle of the experts.” This necessarily required a discussion of the

issues and facts presented by the experts, along with the corresponding legal analysis. The answering brief needed to provide the background and evidence that supported the verdict and that demonstrates the absence of any prejudice arising from the purported errors. Additionally, the brief needed to provide the foundation for the jury instruction appellants contest.

To permit the Court to have a proper briefing on all five issues and their numerous corresponding arguments, respondent exceeded the standard word limits. Respondent has presented all relevant authorities and considerations in this important appeal as thoroughly and succinctly as possible.

Dated this 5th day of September, 2020.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Joel D. Henriod
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**DECLARATION OF JOEL HENRIOD IN SUPPORT OF
MOTION TO EXCEED WORD LIMIT FOR ANSWERING BRIEF**

STATE OF NEVADA }
COUNTY OF CLARK }

1. I, Joel Henriod, under penalty of perjury, declare that I am a Nevada licensed lawyer with Lewis Roca Rothgerber Christie LLP and that I am counsel for respondent Babylyn Tate.

2. Tate requests leave under NRAP 28(g) and NRAP 32(a)(7)(D) to file an answering brief that exceeds the 14,000 word limit in NRAP(32)(a)(7)(A)(ii) by 1,849 words.

3. Respondent’s brief contains 15,849 words, responding to a 13,996-word opening brief.

4. Appellants’ opening brief presents five distinct issues for the Court, each of which raises a number of independent supporting arguments. In presenting these arguments, appellants’ brief was only four words from the limit. (*See* AOB at 77 (certifying that the brief contained 13,996 words).) And, as is frequently the case, respondent required more words to untangle the web created by the opening brief.

5. Moreover, this appeal is factually intensive, and the trial involved a “battle of the experts.” This necessarily required a

discussion of the issues and facts presented by the experts, along with the corresponding legal analysis. The answering brief needed to provide the background and evidence that supported the verdict and that demonstrates the absence of any prejudice arising from the purported errors. Additionally, the brief needed to provide the foundation for the jury instruction appellants contest.

Dated this 5th day of September, 2020.

/s/ Joel D. Henriod

JOEL D. HENRIOD

CERTIFICATE OF SERVICE

I certify that on September 5, 2020, I submitted the foregoing
“Motion to Exceed Word Limit for Answering Brief” for filing *via* the
Court’s eFlex electronic filing system. Electronic service shall be made
in accordance with the Master Service List as follows:

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