

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

vs.

BABYLYN TATE, individually,

Respondent.

Electronically Filed
Feb 05 2021 09:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 79424

**APPELLANTS DESIRE EVANS-WAIAU AND GUADALUPE
PARRA-MENDEZ'S MOTION TO EXCEED TYPE-VOLUME
LIMITATION FOR REPLY BRIEF**

Appellants Desire Evans-Waiau and Guadalupe Parra-Mendez (“Appellants”), by and through their counsel of record, Dennis M. Prince and Kevin T. Strong of PRINCE LAW GROUP, hereby respectfully request leave pursuant to NRAP 28(g) and NRAP 32(a)(7)(D)(ii) to file a reply brief that exceeds the 7,000 type-volume limitation set forth in NRAP 32(a)(7)(A)(ii). Appellants’ Reply Brief is 1,966 words above the type-volume limitation. Although Appellants’ counsel recently moved this Court to exceed the type-volume limitation in an unrelated matter, this has not typically been counsel’s practice. Nevertheless, Appellants’ counsel

respectfully submits that extenuating circumstances support this request.

As this Court is aware, Respondent Babylyn Tate (“Respondent”) was granted leave to file her Answering Brief in excess of the type-volume limitation by 1,849 words. *See* Respondent’s Opening Brief, at Attorney’s Certificate, xviii. Respondent sets forth several novel arguments in her Answering Brief, which were not previously contemplated by Appellants’ counsel. These arguments necessarily required Appellants to substantively address each of them. Respondent’s Answering Brief also made it necessary for Appellants to provide this Court with a more complete picture of Appellant Desire Evans-Waiiau’s medical history and treatment related to the subject collision. The accuracy of her medical history is particularly relevant to the improper lawyer-driven and medical buildup arguments Respondent’s trial counsel made. Those arguments are at issue here. Respondent presented certain factual discrepancies that are unsupported by the record, which Appellants also needed to clarify, especially considering the lengthy factual record before this Court.

Appellants’ counsel spent numerous hours to satisfy the 7,000 type-volume limitation. To ensure Appellants effectively articulate their legal arguments and the supporting factual bases, they respectfully must submit a brief that exceeds the type-volume limitation. Appellants’ request to

exceed the type-volume limitation by 1,966 words is not excessive when compared to the 1,849-word request made by Respondent given both are so close together in amount. Although above the type-volume limitation, Appellants' Reply Brief sets forth their arguments in the most detailed and concise manner possible to assist this Court with its ultimate decision.

Based on the foregoing, Appellants respectfully request this Court to grant their Motion.

DATED this 5th day of February, 2021

Respectfully Submitted,

PRINCE LAW GROUP

/s/ Kevin T. Strong
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Desire Evans-Waiiau and
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**DECLARATION OF KEVIN T. STRONG IN SUPPORT OF
APPELLANTS DESIRE EVANS-WAIAU AND GUADALUPE
PARRA-MENDEZ’S MOTION TO EXCEED TYPE-VOLUME
LIMITATION FOR REPLY BRIEF**

STATE OF NEVADA)
) ss.:
COUNTY OF CLARK)

1. I, Kevin T. Strong, declare, under penalty of perjury, that I am an attorney duly licensed to practice law in the State of Nevada and an attorney with Prince Law Group, counsel for Appellants Desire Evans-Waiiau and Guadalupe Parra-Mendez (“Appellants”).

2. Appellants respectfully move this Court to exceed the type-volume limitation for their Reply Brief pursuant to NRAP 28(g) and NRAP 32(a)(7)(D)(ii). I believe good cause and diligence supports Appellants' request.

3. In response to Respondent Babylyn Tate’s (“Respondent”) Answering Brief, which is 15,849 words, Appellants request to submit a reply brief that contains 8,966 words.

4. Respondent sets forth several novel arguments in her Answering Brief. These arguments necessarily required Appellants' counsel to substantively address each of them, particularly because they were not previously contemplated in Appellants' Opening Brief.

5. Respondent's Answering Brief also made it necessary for Appellants' counsel to provide this Court with a more complete picture of Appellant Desire Evans-Waiiau's medical history and treatment related to the subject collision. The accuracy of her medical history is particularly relevant to the improper lawyer-driven and medical buildup arguments Respondent's trial counsel made. Those arguments are at issue here.

6. Respondent presented certain factual discrepancies that are unsupported by the record, which Appellants' counsel also needed to clarify, especially considering the lengthy factual record before this Court.

7. Attorney Dennis Prince and I spent numerous hours to satisfy the 7,000 type-volume limitation. To ensure Appellants effectively articulate their legal arguments and the supporting factual bases, they respectfully must submit a brief that exceeds the type-volume limitation.

8. Appellants' request to exceed the type-volume limitation by 1,966 words is not excessive when compared to the 1,849-word request made by Respondent given both are so close together in amount.

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9. Although exceeding the type-volume limitation, Appellants' Reply Brief sets forth their arguments in the most detailed and concise manner possible to assist this Court with its ultimate decision.

DATED this 5th day of February, 2021.

/s/ Kevin T. Strong
KEVIN T. STRONG
Nevada Bar No. 12107
PRINCE LAW GROUP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document was filed electronically with the Supreme Court of Nevada on the 5th day of February 2021. Electronic service of the foregoing document entitled **APPELLANTS DESIRE EVANS-WAIAU AND GUADALUPE PARRA-MENDEZ'S MOTION TO EXCEED TYPE-VOLUME LIMITATION FOR REPLY BRIEF**

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