

Brenoch Wirthlin, Esq. (NV Bar No. 10282)
Traci L. Cassity, Esq. (NV Bar NO. 9648)
Hutchison & Steffen, PLLC
10080 W. Alta Dr., Suite 200
Las Vegas, Nevada 89145;
Phone: 702.385.2500
Fax: 702.385.2086
bwirthlin@hutchlegal.com; tcassity@hutchlegal.com

Electronically Filed
Jan 18 2022 09:34 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

*Attorneys for Respondents/Cross-Appellants Sig Rogich, a/k/a Sigmund Rogich,
Individually and as Trustee of The Rogich Family Irrevocable Trust, and
Imitations, LLC*

IN THE SUPREME COURT OF THE STATE OF NEVADA

NANYAH VEGAS, LLC, a Nevada
Limited Liability Company,

Appellants,

vs.

SIG ROGICH, a/k/a SIGMUND
ROGICH, Individually and as Trustee of
The Rogich Family Irrevocable Trust;
ELDORADO HILLS, LLC, a Nevada
Limited Liability Company; TELD,
LLC, a Nevada Limited Liability
Company; PETER ELIADES,
Individually and as Trustee of The
Eliades Survivor Trust of 10/30/08; and
IMITATIONS, LLC, a Nevada Limited
Liability Company,

Respondents.

AND RELATED MATTERS.

Supreme Court Case No.
79917

Eighth Judicial District Court
Case No.: A-13-686303-C

Eighth Judicial District Court
Case No.: A-16-746239-C

**RESPONDENT/CROSS
APPELLANT ROGICH
PARTIES' RESPONSE TO
APPELLANT'S MOTION
FOR LEAVE TO FILE
REPLY BRIEF IN
EXCESS OF TYPE-
VOLUME LIMITATION**

Come now Respondents/Cross-Appellants Sig Rogich, a/k/a Sigmund

1 Rogich, Individually and as Trustee of The Rogich Family Irrevocable Trust,
2 and Imitations, LLC (collectively the “Rogich Parties”) and hereby submit their
3 response to Appellant Nanyah Vegas, LLC’s (“Nanyah” or “Appellant”) Motion
4 For Leave to File Reply Brief in Excess of Type-Volume Limitation (“Motion”).
5 This opposition is brought pursuant to NRAP 32 and is based upon the
6 following memorandum of points and authorities and all papers and pleadings
7 on file herein.
8
9

10 DATED this 18th day of January, 2022.

11 HUTCHISON & STEFFEN

12 By: /s/ Brenoch Wirthlin
13 BRENOCH R. WIRTHLIN, ESQ. (10282)
14 TRACI L. CASSITY, ESQ. (9648)
15 10080 WEST ALTA DRIVE, SUITE 200
16 LAS VEGAS, NEVADA 89145
17 *Attorneys for the Rogich Parties*

18 ///

19 ///

20 ///

21
22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23
24 **I. STATEMENT OF FACTS**

- 25 1. Appellant sought and obtained leave to file an opening brief with over
26 4,000 words in excess of the stated limit under NRAP 32.
27

1 2. In its Motion Appellant asserts that the Rogich Parties' Answering Brief
2 and Cross-Appeal Opening Brief ("Rogich Parties' Brief") consisted of
3 18,500 words. *See* Motion at p. 2, and Declaration of Mark G. Simons in
4 Support of Motion for Leave to File Reply Brief in Excess of Type-Page
5 Limitation at ¶ 12.

6
7
8 3. This statement by Appellant is inaccurate.

9 4. In fact, as noted in the Rogich Parties' Brief, calculating the word count in
10 the Rogich Parties' Brief consistent with NRAP 32(a)(7)(C) makes clear
11 that the Rogich Parties' Brief contained 16,098 words.

12
13 5. Appellant has filed its Motion seeking to file its Reply Brief and
14 Answering Brief to Cross Appeal ("Appellant's Reply Brief") which is
15 again in excess of the stated limits.
16

17 **II. ARGUMENT**

18 NRAP 32(a)(7)(D) provides in relevant part:
19

20 (D) Permission to Exceed Page Limit or Type-Volume Limitation.

21 (i) The court looks with disfavor on motions to exceed the
22 applicable page limit or type-volume limitation, and therefore,
23 permission to exceed the page limit or type-volume limitation will
24 not be routinely granted. A motion to file a brief that exceeds the
25 applicable page limit or type-volume limitation will be granted only
26 upon a showing of diligence and good cause. ...
27
28

(ii) A motion seeking an enlargement of the page limit or type-volume limitation for a brief shall be filed on or before the brief's due date and shall be accompanied by a declaration stating in detail the reasons for the motion and the number of additional pages, words, or lines of text requested. ...

Nev. R. App. P. 32.

Appellant's Motion relies on inaccurate representations concerning the number of words included in the Rogich Parties' Brief. Appellant's Motion is devoid of a detailed showing of good cause or diligence as to the relief sought. Appellant's proposed Reply Brief appears to largely be cut and pasted from its opening brief and will increase the time and expense required for the Rogich Parties to respond to the Appellant's Reply Brief. To the extent the Motion is based upon inaccurate statements, the Rogich Parties oppose such relief.

III. CONCLUSION

For all these reasons, the Rogich Parties respectfully submit the Motion should be denied.

DATED this 18th day of January, 2022.

HUTCHISON & STEFFEN

By: /s/ Brenoch Wirthlin

BRENOCH R. WIRTHLIN, ESQ. (10282)
TRACI L. CASSITY, ESQ. (9648)
10080 WEST ALTA DRIVE, SUITE 200
LAS VEGAS, NEVADA 89145
Attorneys for the Rogich Parties

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRAP 25(c)(1)(B), I certify that I am an employee of Hutchison
3 & Steffen on the 18th day of January, 2022, I submitted the foregoing
4 **RESPONDENT/CROSS APPELLANT ROGICH PARTIES' RESPONSE TO**
5 **APPELLANT'S MOTION FOR LEAVE TO FILE REPLY BRIEF IN**
6 **EXCESS OF TYPE-VOLUME LIMITATION** to the Supreme Court of
7 Nevada's electronic filing system and/or by depositing a true and correct copy in
8 the U.S. Mail, first class postage prepaid, and addressed to the following at their
9 last known addresses:
10

11 Joseph Liebman, Esq.
12 Dennis Kennedy, Esq.
13 Bailey Kennedy
14 8984 Spanish Ridge Avenue
15 Las Vegas, NV 89148
16 DKennedy@BaileyKennedy.com
17 JLiebman@BaileyKennedy.com

18 *Attorneys for Eldorado Hills, LLC, Teld, LLC a Nevada limited liability*
19 *company; Peter Eliades, individually and as Trustee of The Eliades*
20 *Survivor Trust of 10/30/08*

21 Mark G. Simons, Esq.
22 SIMONS HALL JOHNSTON
23 6490 S. McCarran Blvd, Suite F-46
24 Reno, NV 89509
25 msimons@shjnevada.com
26 *Attorneys for appellant Nanyah Vegas, LLC*

27 /s/ Jon Linder
28 An employee of Hutchison & Steffen