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IN THE SUPREME COURT OF THE STATE OF NEVADA

JSJBD CORP. D/B/A BLUE DOG'S PUB;
STUART VINCENT, AN INDIVIDUAL;
JEFFREY B. VINCENT, AN INDIVIDUAL;
AND JEFF WHITE, AN INDIVIDUAL,

Appellants/Cross-Respondents,

vs.

TROPICANA INVESTMENTS, LLC, A
CALIFORNIA LIMITED LIABILITY
COMPANY,

Respondent/Cross-Appellant.

Case No.: 80849

Appeal from the Eighth Judicial
District Court, the Honorable
Elizabeth Gonzalez Presiding

**MOTION TO STRIKE APPELLANTS/CROSS-RESPONDENTS' "NOTICE
OF SUPPLEMENTAL AUTHORITIES"**

MAC:08732-032 4307732_1

Respondent/Cross-Appellant, Tropicana Investments, LLC (“Tropicana”), by and through its counsel of record, Marquis Aurbach Coffing, hereby moves this Court for an order striking Appellants/Cross-Respondents JSJBD Corp., Stuart Vincent, Jeffrey Vincent, and Jeff White (collectively, “JSJBD”)’s “Notice of Supplemental Authorities” filed March 18, 2021. In short, JSJBD’s “Notice of Supplemental Authorities” is an improper sur-reply in disguise, filed without seeking permission from this Court to do so, and, thus, the brief should be stricken from the record.

A party is permitted to file a notice of supplemental authorities “[w]hen pertinent and significant authorities come to a party’s attention after the party’s brief has been filed,” NRAP 31(e). Further, when justified, a notice of supplemental authorities must simply set forth the citation, provide reference to the page(s) of the brief to be supplemented, and state without argument the legal proposition for which the supplemental authority is being cited. *Id.*

JSJBD’s “Notice of Supplemental Authorities” does not meet the definition of a notice of supplemental authorities under NRAP 31(e). JSJBD does not refer to any portion of any particular brief that is to be supplemented, and JSJBD does not assert that the single unpublished decision quoted in the “Notice” was only discovered after JSJBD’s final brief. Rather, JSJBD uses this filing solely to provide legal argument as to the applicability of a particular case cited in

Tropicana's reply brief. Thus, the "Notice" is plainly an improper attempt by JSJBD to have the last word in this case.

NRAP 28.1(c) provides that, in a case involving a cross-appeal, the following briefs are permitted: (1) Appellant's Opening Brief on Appeal; (2) Respondent's Answering Brief on Appeal and Opening Brief on Cross-Appeal; (3) Appellant's Reply Brief on Appeal and Answering Brief on Cross-Appeal; and (4) Respondent's Reply Brief on Cross-Appeal. Beyond these four specific briefs, "no further briefs may be filed" except if permitted by the Court. NRAP 28.1(c)(5). The last of these four briefs, Tropicana's reply on cross-appeal, was filed in this case on February 5, 2021, and JSJBD has not sought permission to file a sur-reply following that brief.

As such, JSJBD's recent "Notice of Supplemental Authorities" is actually a de facto sur-reply, filed without permission of this Court and in contravention of NRAP 28.1(c)(2). Therefore, the Court should strike the "Notice of Supplemental Authorities" from the record.

Dated this 18th day of March, 2021.

MARQUIS AURBACH COFFING

By /s/ Terry A. Moore

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO STRIKE NOTICE OF SUPPLEMENTAL AUTHORITIES** was filed electronically with the Nevada Supreme Court on the 18th day of March, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Mario Lovato, Esq.

/s/ Leah Dell

Leah Dell, an employee of
Marquis Aurbach Coffing