## IN THE SUPREME COURT OF THE STATE OF NEVADA

| | |
|---|---|
| JSJBD CORP, d/b/a Blue Dogs Pub, a Nevada corporation, STUART VINCENT, JEFFREY VINCENT, and JEFF WHITE<br><br>Appellants,<br><br>vs.<br><br>TROPICANA INVESTMENTS, LLC, a California limited liability company,<br><br>Respondent.<br><br>AND CROSS-APPEAL. | Case No.: 80849<br><br>(Dist. Ct. No. A-18-783311-B) |



## APPELLANTS' / CROSS-RESPONDENTS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF

Pursuant to NRAP 27, as well as the Court's April 2, 2021 Order[1] herein, JSJBD Corp. and the related individual parties (collectively, "JSJBD") move for leave to file a supplemental brief, a copy of which is attached hereto.

Tropicana Investments ("Tropicana") has filed a cross-appeal in this matter. Tropicana argues[2] in its Reply Brief in Support of its Cross-Appeal that JSJBD's

[1] *See* Order at 1 ("[W]ithin 7 days . . . appellant may file a motion for leave to file a supplemental brief to address arguments made in the reply brief on cross-appeal regarding arguments not raised in the district court.").

[2] Trop. Reply Br. Cross-Appeal at 1-2.

arguments[3] responding to Tropicana's cross-appeal should be ignored. In making such argument, Tropicana cites case law[4] for a proposition for which it does not stand. Tropicana also fails to cite locations in the record where JSJBD actually presented pertinent arguments in the district court. JSJBD seeks to submit its supplemental brief in order to provide the correct case law and to provide proper citations to the record.

Tropicana's argument that JSJBD's arguments in support of the district court judgment are drastic and prejudicial to JSJBD, as Tropicana demands that JSJBD's arguments responding to Tropicana's cross-appeal be ignored. Tropicana makes such argument in the final brief that is ordinarily permitted, which means that JSJBD has no opportunity to respond absent supplemental briefing. The supplemental brief that JSJBD attaches hereto provides legal authority that is on point, and which shows that Tropicana's citation to *Old Aztec Mine* is poorly-made, as *Old Aztec Mine* is in applicable. Further, Tropicana provides citations to the district court record wherein it actually presented arguments on the issue.

JSJBD's supplemental brief provides numerous legal authorities from this court, as well as the United States Supreme Court and other courts. At five pages,

---

[3] *See, e.g.*, JSJBD's Reply Br. / Ans. Br. on Cross-Appeal at 47-48, 55-56.
[4] *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981).

the supplemental brief is succinct and straightforward. Allowing the supplemental briefing furthers the policy of determining matters on the merits.

Accordingly, JSJBD requests this motion be granted such that leave is granted for the attached supplemental brief to be filed herein.

DATED: April 9, 2021.

LOVATO LAW FIRM, P.C.

/s/ Mario Lovato

MARIO P. LOVATO
Nevada Bar No. 7427
7465 W. Lake Mead Blvd. Ste 100
Las Vegas, NV 89129
(702) 979-9047
mpl@lovatolaw.com
Attorney for Appellants /
Respondents on Cross-Appeal

## CERTIFICATE OF SERVICE

I hereby certify that, on April 9, 2021, I submitted **APPELLANTS' / CROSS-RESPONDENTS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF** for service via electronic service to the parties registered for service with the Nevada Supreme Court in this matter, including the following:

Terry A. Moore
Marquis Aurbach Coffing
10001 Park Run Dr.
Las Vegas, NV 89145
Attorneys for Defendant / Counterclaimant
Tropicana Investments, LLC

/s/ Mario Lovato
An employee of Lovato Law Firm, P.C.