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Tropicana Investments, LLC

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Elizabeth A. Brown
Clerk of Supreme Court

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, Case No.: 80849

AN INDIVIDUAL; AND JEFF WHITE,

AN INDIVIDUAL,

Appellants/Cross-Respondents,

vs.

TROPICANA INVESTMENTS, LLC, A

CALIFORNIA LIMITED LIABILITY

COMPANY,

Respondent/Cross-Appellant.

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

**RESPONDENT/CROSS-APPELLANT, TROPICANA INVESTMENTS,
LLC'S RESPONSE TO JSJBD'S OBJECTION TO BILL OF COSTS**

Appellant/Cross-Respondent JSJBD's Objection to Tropicana's Bill of Costs cites to NRAP 39(e) as listing "the costs that can be asserted in a bill of costs," and then goes on to assert that the costs included in Tropicana's Verified Bill of Costs are not listed under NRAP 39(e). However, NRAP 39(e) concerns costs that are taxable in the District Court. Tropicana will be seeking to recover the costs listed in that rule after the remittitur is issued, but the rule is inapplicable to the current Verified Bill of Costs.

The rule that applies here is NRAP 39(c), which provides that certain costs are taxable "in the Supreme Court or Court of Appeals," and which entitles a party to file an itemized and verified bill of costs with the clerk of the Supreme Court within 14 days after entry of judgment. NRAP 39(c)(1), (3). Further, NRAP 39(c) specifically states that the following costs are taxable in this fashion: (1) "[t]he cost of producing necessary copies of briefs or appendices," and (2) "[t]he actual costs of round trip transportation for one attorney, actually attending arguments before the Supreme Court or Court of Appeals, between the place where the district court is located and the place where the appeal is argued" NRAP 39(c)(1), (2).

Therefore, JSJBD has offered no meritorious basis to object to the costs listed in Tropicana's Verified Bill of Costs. As articulated in the affidavit of counsel, Tropicana's Verified Bill of Costs seeks to recover less than \$500 in costs,

including reasonable, necessary, and actually incurred costs of printing the briefs and appendices and costs for one attorney to travel from Las Vegas to the oral argument. The Court should overrule the objection and award the requested costs in full.

Dated this 21st day of April, 2022.

MARQUIS AURBACH

By: /s/ Collin M. Jayne
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **RESPONDENT/CROSS-APPELLANT, TROPICANA INVESTMENTS, LLC'S RESPONSE TO JSJBD'S OBJECTION TO BILL OF COSTS** was filed electronically with the Nevada Supreme Court on the 21st day of April, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Mario Lovato, Esq.

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A

/s/ Krista Busch

An employee of Marquis Aurbach