

In the Supreme Court of Nevada

EDWARD N. DETWILER,
Appellant,

vs.

EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND
FOR CLARK COUNTY; THE
HONORABLE RICARD SCOTTI,
DISTRICT JUDGE, DEPT. 2,

Respondent,

and

BAKER BOYER NATIONAL BANK,

Real Party in
Interest.

Electronically Filed
May 27 2020 05:59 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

District Court Case No.
A760779

MOTION TO STRIKE

Real party in interest Baker Boyer National Bank requests that the Court strike Petitioner's Emergency Motion Under NRAP Rule 27(e) to Stay Execution of Contempt Judgment Pending Review of Petition for Writ of Mandamus/Prohibition for failure to comply with the page limit.

A. Petitioner's Motion Is Double the Permitted Length

NRAP 27(d)(2) requires motions to be no more than 10 pages in

length. The petitioner has filed an “emergency” motion that runs to 20 pages. Petitioner skipped filing a motion to exceed the page limit, instead explaining in a footnote that he needs extra pages because he claims “multiple, serious violations” of constitutional rights.¹

B. The Request to Exceed Page Limits Is Disingenuous

Petitioner concurrently filed a writ petition that clocks in at 60 pages. Petitioner “cut” vast tracks from the writ petition and “pasted” them verbatim into the motion. (*Compare* Writ Petition, pp. 1–6 (introduction); 40–42 (discussing peremptory challenge); 42–43 (discussing witness exclusion) *to* Emergency Motion, pp. 1–6 (same); 9 (same); 14–16 (same).) The overage results from a refusal to edit, not complexity.

Petitioner filed a similar “emergency” motion in connection with an appeal from the same case that this Court recently dismissed.

Detwiler v. Baker Boyer National Bank, No. 81017, Document 20-17193 (May 6, 2020). That earlier motion, which was denied as moot, *id.*, adhered to the page limit. *Id.* at Document 2020-15582. Nothing has changed in the intervening weeks since petitioner filed his first “emergency” motion. Petitioner’s own prior filings demonstrate there is no

¹ There was no error below, as explained in the opposition to the motion, filed concurrently herewith.

genuine need for extra pages.

It would be unfair to limit the real party in interest to ten pages of opposition argument when the petitioner has submitted a brief that is double the page limit. This is not even close.

CONCLUSION

In conclusion, this Court should strike the pending “emergency” motion and continue the disposition of the motion until the petitioner files a motion that complies with the page limit.

Dated this 27th day of May, 2020.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ John E. Bragonje
DANIEL F. POLSENBERG (SBN 2376)
JOHN E. BRAGONJE (SBN 9519)
ABRAHAM G. SMITH (SBN 13,250)
3993 Howard Hughes Parkway
Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

Attorneys for Real Party in Interest

CERTIFICATE OF SERVICE

I certify that on May 27, 2020, I submitted the foregoing “Motion to Strike” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

Mark A. Hutchison
Michael K. Wall
Brenoch Wirthlin
HUTCHISON & STEFFEN
10080 W. Alta Drive, Suite 200
Las Vegas, Nevada 89145

Attorneys for Petitioner

/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber Christie LLP