

IN THE SUPREME COURT OF THE STATE OF NEVADA

ST. PAUL FIRE & MARINE
INSURANCE COMPANY

Appellant,

v.

NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH, PA.; ROOF DECK
ENTERTAINMENT, LLC, D/B/A
MARQUEE NIGHTCLUB,

Respondents.

) Supreme Court No: 81344

) District Court Case No: A758902

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Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR LEAVE TO FILE AN OPENING BRIEF
THAT EXCEEDS THE WORD LIMIT NRAP 32(a)(7)(D)**

Respectfully submitted this 1 day of March, 2021.

HUTCHISON & STEFFEN, PLLC



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Pursuant to NRAP 32(a)(7)(D), appellants move for permission to file an opening brief in excess of 14,000 words; to wit, 15,103 words.

NRAP 32(a)(7)(D) allows this Court to grant permission for an oversized brief. Although such motions are looked on with disfavor, appellants submit that this case is sufficiently extraordinary and compelling to justify the minimal additional length requested. This motion is supported by the detailed Declaration of counsel, attached hereto, showing diligence and good cause as required by NRAP 32(a)(7)(D)(I), and providing the information required by NRAP 32(a)(7)(D)(ii). The proposed opening brief is being submitted with this motion as required by NRAP 32(a)(7)(D)(iii).

Considering the complexity of case in district court, the facts need to be set forth in significant detail, and the issues need to be explained thoroughly to provide the court with sufficient information to properly resolve the appeal. This case involved a three week trial that ended in sanctions, a directed verdict, a jury instruction in direct derogation of established Nevada law, a judgment in excess of \$8 Million, and an attorney's fee award that is not warranted under Nevada law. This Court has consolidated two appeals, both of which now must be addressed in a single brief, and although many appeals from awards of attorney's fees are routine and require relatively limited briefing, the issue in this case is novel, and requires

extensive briefing.

Appellant's attorneys have edited the brief several times over a several day's period, removing thousands of words and eliminating meritorious issues (much to the chagrin of trial counsel) to focus the Court's attention on the most significant issues. We have attempted to limit the length of the brief without harming its ability to provide the court with enough information, and we came very close to the goal of 14,000 words. But we respectfully contend that the brief cannot be shortened any more, without negatively impacting its value to the court.

Accordingly, appellant requests permission to file an opening brief containing 15,103 words.

Respectfully submitted this 1 day of March, 2021.

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CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, PLLC and that on this date the ***MOTION FOR LEAVE TO FILE AN OPENING BRIEF THAT EXCEEDS THE WORD LIMIT NRAP 32(a)(7)(D)*** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

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DATED this 1st day of March, 2021.



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