

IN THE SUPREME COURT OF THE STATE OF NEVADA

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AHED SAID SENJAB,

Appellant,

vs.

MOHAMAD ALHULAIBI,

Respondent.

S.C. No.:

D.C. Case No.:

81515

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Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT’S RESPONSE TO
RESPONDENT MOHAMAD ALHULAIBI’S “MOTION TO
RECONSIDER, VACATE OR MODIFY THAT ACTION PURSUANT
TO NRAP 27(b) THIS HONORABLE COURT’S OCTOBER 1, 2020
ORDER OR IN THE ALTERNATIVE TO GRANT RESPONDENT
AN EXTENDED TIME FOR BRIEFING AND ADDITIONAL WORD
VOLUME”**

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I. INTRODUCTION

Ahed Siad Senjab responds to the untimely motion of Respondent Mohamad Alhulaibi, and requests that this Court:

1. Deny Respondent's Motion in Part;
2. Take notice of her partial non-opposition; and
3. To grant any other relief this court may deem appropriate.

II. FACTS

Appellant has no objections to the basic facts as presented in Respondent's Statements of Facts and Procedures.

The relevant relationship facts are that the Legal Aid Center of Southern Nevada recognizes the National Immigrant Women's Advocacy Project, Inc. ("NIWAP") as a national organization devoted to providing technical assistance and training to the legal community, including legal services

providers, regarding the rights of immigrant women, and relies on it for guidance and updates as it pertains to immigrant women.

The relevant procedural facts are that on September 25, NIWAP filed a “Motion for Leave to File Brief of Amicus Curiae In Support of Plaintiff-Applicant and Reversal of the Judgment Below.” Any *Opposition* was due by October 2.

The Court granted the *Motion* on October 1. On October 15, 2020, Mohamad filed his *Motion*.

This Response follows:

III. RESPONSE TO MOTION

A. The *Motion* is Untimely

Mohamad's Motion (at 3) notes that he had until October 2, 2020 to respond to the *Motion for Leave to File Brief of Amicus Curiae*. He did not do so, curiously stating that his basis for filing his motion two weeks late is that this Court granted NIWAP's *Motion* a day prior to the due date to oppose it.

Waiting two weeks after the court rules on an amicus request to oppose granting that motion would make Mohamad's motion, under any analysis, untimely.

B. Partial Opposition

Respondent's whole argument revolves around the assertion that "the Appellant has extended their brief" while he "remains extremely restricted."

Mohamad is already untimely – our Fast Track brief was filed September 21, making his response due 21 days later – on October 12. On October 9, the clerk’s office entered an order granting telephonic extension permitting the response to be filed by October 19. Mohamad filed his response shortly before midnight on October 19.

The current motion appears to be mainly an effort to prevent this Court from having access to all the pertinent information to the issues at hand.

1. Mohamad had remedies other than seeking reconsideration of the order.

Mohamad could have and should have simply requested an extension of time or permission to expand his page limits; if asked, we would have stipulated to such a request.

2. The Amicus Brief was not “an extension of the Opening Brief.”

Every amicus brief – necessarily – asserts a legal position which may support one side or another of a legal argument; that does not make the amicus submission an “extension” of a party’s brief. In this case, amicus has submitted a perspective, and interest, considerably beyond that of Ahd, going to matters of policy only tangentially concerning her.

Mohamad conflates supporting a particular legal outcome and supporting a particular litigant. They are not, however, the same thing. As NIWAP’s amicus brief makes clear, the position it advocates is intended to address a potential problem faced by an entire class of individuals, i.e., the creation of an unfounded barrier to family court access by immigrants.

3. April Green signed the Amicus Brief to avoid delays in the fast track process.

The National Immigrant Women's Advocacy Project has no staff attorneys in Nevada. Getting *pro hac vice* admission is necessarily a time-consuming process.¹

The Legal Aid Center is the primary provider of *pro bono* legal services in Southern Nevada, and has been so since its merger with the original *Pro Bono Project* many years ago. The Legal Aid Center stands ready to act as

¹ Pursuant to NRAP 29(b):

If an amicus brief is prepared by an attorney who is not a member of the State Bar of Nevada, that attorney must move for permission to appear before the Supreme Court or Court of Appeals under SCR 42 and comply with Rule 46(a).

local counsel for other pro bono service providers who make appearances in Nevada's courts.

Frankly, we cannot tell what impropriety Mohamad is vaguely alluding to, but there is nothing whatsoever sinister in the Nevada pro bono provider acting as counsel for other pro bono agencies wishing to participate in proceedings here. The two cases discussed at pages 5-6 of Mohamad's motion (*Chicago Board of Trade and Trade Union*) each involve entities that had at least an indirect financial interest in the outcome of their respective cases and are irrelevant; there is no such concern with pro bono advocacy organizations.

In this case, the amicus brief was drafted by the National Immigrant Women's Advocacy Project and was submitted by the Legal Aid Center of Southern Nevada. The situation is much like a District Attorney's Office and attorney advocacy organizations filing amicus briefs supporting or opposing

the State’s position in a case.² No party to the case has “authored” an amicus brief, and Mohamad’s complaints are misplaced.

As this Court has explained, “representing an amicus curiae is not the equivalent of representing a ‘litigant’ in an appeal.”³ The National Immigrant Women’s Advocacy Project is not a litigant in this case and was allowed to file a brief in this appeal as a “friend of the court.”⁴

² See, e.g., *McConnell v. State*, 121 Nev. 25, 107 P.3d 1287 (2005) (amicus briefs of the Clark County District Attorney and Nevada Attorneys for Criminal Justice); *Landreth v. Malik*, 127 Nev. 175, 251 P.3d 163 (2011) (amicus briefs of the Family Law Section of Nevada State Bar and Nevada District Court Judges’ Association).

³ See *City of Las Vegas Downtown Redevelopment Agency v. Hecht*, 113 Nev. 632, 638, 940 P.2d 127 (1997).

⁴ See *Ainsworth v. Combined Ins. Co. of Am.*, 105 Nev. 237, 265-66, 774

The fact that local counsel that filed the amicus brief also represented the appellant has no bearing on the appropriateness of NIWAP's submission. For example, in *Ainsworth*, this Court found that there was no inference of impropriety where the attorney that signed the amicus brief on behalf of the amici simultaneously represented the chief judge who presided over the appeal because the attorney had only limited involvement in the case. As in this case, the attorney "did not author the amicus brief, but merely signed it...because she was the only [person] available who could do so in time to insure that the brief was promptly filed."⁵

P.2d 1003 (1989), *abrogated on other grounds by Powers v. Un. Servs. Auto Ass'n*, 114 Nev. 690, 962 P.2d 596 (1998).

⁵ *Ainsworth, supra*, 105 Nev. at 265.

**C. Appellant, Ahed's Non- Opposition to Respondent's request
for an extension of time and type-volume.**

The actual purpose of Mohamad's motion appears to be an aggressive feint as cover for requesting leave for permission to submit a longer fast track response. Since the brief is now filed, some of the motion appears moot.

It would have been preferable for Mohamad to have not wasted everyone's time and simply made that request. Subject to this Court's discretion, we have no objection to whatever extensions of time or allowance of additional text this Court believes is reasonable to permit Mohamad to respond to both our Fast Track Statement and the Amicus Curiae Brief.

IV. CONCLUSION

Based on the foregoing, Ahed requests this Court:

1. Deny Respondent's Motion in Part;
2. Take notice of her partial non-opposition; and
3. Grant any other relief this court may deem appropriate.

Dated this 20th day of October, 2020.

Respectfully submitted, , ,
WILLICK LAW GROUP



Marshal S. Willick, Esq.
Attorneys for Appellant

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of WILLICK LAW GROUP and that on this 20th day of October, 2020, a document entitled *Appellant's Response to Respondent Mohamad Alhulaibi's "Motion to Reconsider, Vacate or Modify That Action Pursuant to Nrap 27(b) this Honorable Court's October 1, 2020 Order or in the Alternative to Grant Respondent an Extended Time for Briefing and Additional Word Volume"* 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, to the attorneys listed below at the address, email address, and/or facsimile number indicated below:

David Markman, Esq.
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/s/ Justin K. Johnson

An Employee of WILICK LAW GROUP

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