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2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**  
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<p>4 JOSEPH FOLINO, an individual, and 5 NICOLE FOLINO, an individual 6 7 Appellants, 8 v. 9 TODD SWANSON, an individual; 10 TODD SWANSON, Trustee of 11 SHIRAZ TRUST; SHIRAZ TRUST, A 12 Trust of unknown origins; LYONS DEVELOPMENT, LLC, a Nevada limited liability company, 13 Respondents.</p>	<p>S.C. DOCKET No. 81831 Electronically Filed Nov 19 2021 04:09 p.m. Elizabeth A. Brown Clerk of Supreme Court</p> <p><b>MOTION FOR RECONSIDERATION OF ORDER SUBMITTING APPEAL WITHOUT ORAL ARGUMENT</b></p>
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16 COMES NOW, Appellants, JOSEPH FOLINO and NICOLE FOLINO, by  
17 and through their attorney of record, Rusty Graf, Esq. of the law firm of Black &  
18 Wadhams., and hereby submit this Motion for Reconsideration of Order Submitting  
19 Appeal without Oral Argument pursuant to Rule 34(f) and Rule 27 of the Nevada  
20 Rules of Appellate Procedure (“NRAP”). This Motion is based upon the attached  
21 points and authorities, the statement of the facts of the Appellants, and any oral  
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1 representations and/or omissions; (3) that the affidavit of Aaron Hawley, which  
2 allegedly provided support for Respondents' summary judgement motion(s), was  
3 disproved by his own deposition testimony presented to the district court, thereby  
4 negating its application to *Nelson v. Heer*; and (4) that the unrepaired and  
5 undisclosed basement ceiling leak was not related to Appellants' claims and clearly  
6 erroneously ignored by the district court.  
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9 **II. LEGAL ARGUMENT**

10 Nevada Rules of Appellant Procedure (NCAP), Rule 34(f), Oral Argument,  
11 allows for a court to order a case submitted for decision on the briefs, without oral  
12 argument. Under rule 27(b), Disposition of a Motion for a Procedural Order, the court  
13 may act on a motion for a procedural order at any time without awaiting a response.  
14 Rule 27 states a party adversely affected by the court's, or the clerk's, action may file  
15 a motion to reconsider, vacate or modify that action. Timely opposition filed after the  
16 motion is granted in whole or in part does not constitute a request to reconsider,  
17 vacate, or modify the disposition; a motion requesting that relief must be filed.  
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21 **III. CONCLUSION**

22 Based on the foregoing Nevada Rules of Appellant Procedure, Appellants  
23 respectfully requests that the Court grant this motion for reconsideration of its order  
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