

IN THE SUPREME COURT OF THE STATE OF NEVADA

Nathan Ohm, Petitioner,)	Supreme Court Case No.: 81960
)	
)	Electronically Filed
vs.)	Mar 30 2021 04:40 p.m.
)	Elizabeth A. Brown
)	Clerk of Supreme Court
Eighth Judicial District Court, and the)	
Honorable Kathleen Delaney, District)	
Court Judge,)	DECLARATION IN OPPOSITION TO
Respondents,)	REAL PARTY IN INTEREST'S
)	MOTION TO STRIKE AS UNTIMELY
and)	
)	
City of Henderson,)	
Real Party in Interest.)	
_____)	

COMES NOW, Petitioner NATHAN OHM, by and through his attorney of record, KELSEY BERNSTEIN, ESQ. of Nevada Defense Group, hereby submits this Declaration in Opposition to Real Party in Interest's Motion to Strike as Untimely.

DATED this 30 day of March, 2021.

NEVADA DEFENSE GROUP

By: Kelsey Bernstein

Kelsey Bernstein, Esq.
Nevada Bar No.: 13825
Nevada Defense Group
714 S. Fourth Street
Las Vegas, NV 89101
Attorney for Appellant

MEMORANDUM/DECLARATION

Counsel, Kelsey Bernstein, is a duly licensed attorney in the State of Nevada and has been retained to represent Petitioner Nathan Ohm in the instant proceedings.

On March 24, 2021, Petitioner submitted a Reply in Support of Petition for Writ of Certiorari.

On March 30, 2021, Real Party in Interest City of Henderson filed a Motion to Strike said Reply as untimely, contending it was due on March 8, 2021.

Petitioner filed the Reply based on the internal filing deadline set forth by the Nevada Supreme Court, which indicated said Reply was due on or before March 24, 2021.

Petitioner's reliance on the filing deadline provided by the Supreme Court, even if incorrect, was done in good faith and not for the purposes of delay.

Had Petitioner's Reply been untimely per the Court's filing deadline, said Reply would have been automatically rejected at the time of filing, but the Reply was filed and accepted on March 24, 2021.

Petitioner's reliance on the Court's filing should be accepted as good cause to excuse the brief inadvertent extension.

Petitioner's Reply should not be stricken, as any error in the filing deadline was made in good faith, and both Petitioner and Real Party in Interest agree this is a significant issue of statewide public importance that deserves full substantive briefing on the issues raised ("City agrees acceptance is appropriate because the District Court passed a judgment upon the constitutionality of a city ordinance, it is an issue of first impression, and a ruling would resolve a split amongst the Eighth Judicial District...This is a matter of statewide importance that requires clarification for victims of domestic violence") (Answer to Petition, 8).

I declare under penalty of perjury that the information set forth in this Memorandum is true and correct.

DATED this 30 day of March, 2021.

NEVADA DEFENSE GROUP

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