

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

BENJAMIN B. CHILDS

Petitioner,

v.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK, THE  
HONORABLE ADRIANA ESCOBAR,

Respondents,

WLAB INVESTMENT, LLC, TKNR, INC.,  
a California Corporation, and  
CHI ON WONG aka CHI KUEN WONG,  
an individual, and KENNY ZHONG LIN,  
aka KEN ZHONG LIN aka KENNETH  
ZHONG LIN aka WHONG K. LIN aka  
CHONG KENNY LIN aka ZHONG LIN,  
an individual, and LIWE HELEN CHEN  
aka HELEN CHEN, an individual and YAN  
QIU ZHANG, an individual and  
INVESTPRO LLC dba INVESTPRO  
REALTY, a Nevada Limited Liability  
Company, and MAN CHAU CHENG, an  
individual, and JOYCE A. NICKRANDT,  
an individual, and INVESTPRO  
INVESTMENTS LLC, a Nevada Limited  
Liability Company, and INVESTPRO  
MANAGER LLC, a Nevada Limited  
Liability Company and JOYCE A.  
NICKDRANDT, an individual and does 1  
through 15 and roe corporation I-XXX,

Real Parties in Interest

Supreme Court No: 82967

District Court No: A-18-785917-C  
Electronically Filed  
Aug 02 2021 10:53 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

## REPLY TO OPPOSITION TO MOTION TO STRIKE REAL PARTIES IN INTEREST'S APPENDIX

NRAP 30(b) is very specific that non-essential documents should not be in an appendix.

(b) Contents of the Appendix. Except as otherwise required by this Rule, **all matters not essential to the decision of issues presented by the appeal shall be omitted.** Brevity is required; the court may impose costs upon parties or attorneys who unnecessarily enlarge the appendix.

NRAP 30(b)(4) has a similar restriction for a Respondent's Appendix to "be limited to those documents necessary to rebut appellant's position on appeal which are not already included in appellant's appendix."

Petitioner's position is that opposing counsel, and ultimately the Respondent Court, completely failed to comply with the mandatory requirements of NRCP 11. Nowhere in the 1,849 pages of the Appendix filed July 22, 2021 by real parties in interest are any of the following documents required by NRCP 11.

1. A Rule 11 motion must be made separately from any other motion.
2. A motion describing the specific conduct that allegedly violates NRCP 11(b).
3. A motion served on Petitioner but not filed with the court 21 days before filing.
4. A document wherein the court makes express findings of fact and law to establish why there is a violation of Rule 11.
5. Any indication that the sanction imposed was limited by NRCP (c)(4) to that which deters the attorney and/or party from the conduct and that the sanction included only those attorney fees and expenses directly related to the violation.

Thus, every one of the 1,849 pages in the real parties in interest is not essential and must be omitted under NRAP 30(b).

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## OTHER ARGUMENTS IN THE OPPOSITION ARE SPECIOUS

Real parties in interest incorrectly dismiss the duplicate filings identified in the Motion as irrelevant. Identifying their Appendix as the same name as Petitioner's Appendix is confusing, and is not irrelevant as claimed in the Opposition. What is also not irrelevant is designating that their Appendix as for an appeal when this case is not an appeal.

## CONCLUSION

Granted, Petitioner is required to prove a negative; that being that opposing counsel in district court, and the Respondent Court, failed to comply with the mandatory NRCP 11 requirements set forth above. Why 1,849 pages of documents were filed as a response appendix by real parties in interest is a mystery, since those pages lack any evidence of complying with the subject NRCP 11 requirements. This both proves that the documents in response appendix are not essential, and that the Petition is well founded in law and fact and should be granted.

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The 7<sup>th</sup> Circuit addressed the provision of excess documentation as follows :

We are not required to scour through hundreds of pages of deposition transcript in order to verify an assortment of facts, each of which could be located anywhere within the multiple depositions cited. As we have cautioned time and again, "[j]udges are not like pigs, hunting for truffles buried in [the record]." United States v. Dunkel, 927 F.2d 955, 956 (7th Cir.1991); see also Corley v. Rosewood Care Ctr., Inc. of Peoria, 388 F.3d 990, 1001 (7th Cir.2004) ("[W]e will not root through the hundreds of documents and thousands of pages that make up the record here to make his case for him."). Friend v. Valley View Cmty. Unit Sch. Dist. 789 F.3d 707 (7<sup>th</sup> Cir. 2015)

Petitioner's Motion to Strike should be granted.

/s/ Benjamin B. Childs

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BENJAMIN B. CHILDS, ESQ.  
Nevada Bar # 3946  
Petitioner

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## CERTIFICATE OF SERVICE

### SERVICE BY MAILING

I hereby certify that on this August 2, 2021, I served this REPLY TO OPPOSITION TO MOTION TO STRIKE REAL PARTIES IN INTEREST'S APPENDIX, with Exhibits, upon the following parties by placing a true and correct copy thereof in the United States Mail, priority mail, in Las Vegas, Nevada with first class postage fully prepaid:

Honorable Adriana Escobar  
Nevada Eighth Judicial District Court  
Department 14  
200 Lewis Ave.  
Las Vegas, NV 89155

Aaron Ford, Esq.  
Attorney General  
Nevada Department of Justice  
100 North Carson Street  
Carson City, NV 89701

### SERVICE THROUGH THE ELECTRONIC FILING SYSTEM

The below attorneys representing real parties in interest were served through the electronic filing system upon filing in lieu of mailing.

Steven L. Day, Esq  
Day & Nance

Michael B. Lee, Esq.  
Michael Mathis, Esq.  
Michael B. Lee, P.C.

/s/ Benjamin B. Childs

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Benjamin B. Childs  
Nevada Bar No. 3946  
Petitioner