

IN THE SUPREME COURT OF THE STATE OF NEVADA

NECHOLE GARCIA,

Appellant,

v.

EVGENY SHAPIRO,

Respondent.

Case No.: 83992-COA

Electronically Filed
Mar 04 2022 12:20 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT’S MOTION FOR PERMISSION TO ENLARGE THE TYPE-
VOLUME LIMITATION ON FAST TRACK STATEMENT**

COMES NOW, Appellant, Nechole Garcia, by and through her attorney, Emily McFarling, Esq. of McFarling Law Group, and hereby requests an Order granting Appellant’s request to enlarge the type-volume limitation on her Fast Track Statement to 12,000 words. This Motion is based upon the Memorandum of Points and Authorities and all other papers and pleadings on file herein.

DATED this 4th day of March, 2022.

McFARLING LAW GROUP

/s/ Emily McFarling

Emily McFarling, Esq.
Nevada Bar Number 8567
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
*Attorney for Appellant,
Nechole Garcia*

MEMORANDUM OF POINTS AND AUTHORITIES

NRAP 32(a)(7)(A)(ii) states that a Fast Track Statement is acceptable if it complies with the type-volume limitations stated in Rule 3C(h)(2).

NRAP 32(a)(7)(D) further states that a motion to file a brief that exceeds the applicable type-volume limitation will be granted only upon a showing of diligence and good cause. The rule further states:

(ii) A motion seeking an enlargement of the page limit or type-volume limitation for a brief shall be filed on or before the brief's due date and shall be accompanied by a declaration stating in detail the reasons for the motion and the number of additional pages, words, or lines of text requested. A motion to exceed the type-volume limitation shall be accompanied by a certification as required by Rule 32(a)(9)(C) as to the line or word count.

(iii) The motion shall also be accompanied by a single copy of the brief the applicant proposes to file.

As detailed in the first motion to expand the Fast Track Statement, the overall extensive history and facts of the case and many of the issues before this court has caused Appellant to exceed the 7,267 maximum word limitation in her Fast Track Statement.

Appellant's counsel believes to have exercised diligence in keeping Appellant Fast Track Statement limited as much as possible. While a prior motion was granted setting the limit at 21 pages, new counsel has substituted in and uses the word count, not the page limit, to meet the requirements.

Therefore, Appellant respectfully requests this Court to find good cause and allow Appellant to submit a brief up to a limit of 12,000 words.

DATED this 4th day of March, 2022.

McFARLING LAW GROUP

/s/ Emily McFarling

Emily McFarling, Esq.
Nevada Bar Number 8567
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335
Attorney for Appellant,
Nechole Garcia

CERTIFICATE OF SERVICE

I, an employee of McFarling Law Group, hereby certify that on the 4th day of March, 2022, I served a true and correct copy of Appellant's Motion for Permission to Enlarge the Type-Volume Limitation on Brief as follows:

☐ by United States mail in Las Vegas, Nevada, with First-Class postage prepaid and addressed as follows:

☒ via the Supreme Court's electronic filing and service system (eFlex):

Jennifer Isso, Esq
ji@issohugheslaw.com

/s/ Alex Aguilar
Alex Aguilar