

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEO KRAMER; AND AUDREY
KRAMER,

Appellants,

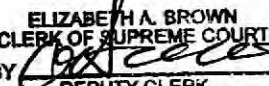
vs.

NATIONAL DEFAULT SERVICING
CORPORATION; ALYSSA
MCDERMOTT; AND BRECKENRIDGE
PROPERTY FUND 2016, LLC,
Respondents.

No. 82379

FILED

DEC 06 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER

Appellants, who are proceeding pro se, have filed a motion asking that this court take judicial notice of three documents. They have also filed a motion for leave to file a reply brief in excess of the page and type-volume limitation. See NRAP 32(a)(7)(A). Respondent Breckenridge Property Fund 2016, LLC has filed a motion to strike the motion for judicial notice and portions of the reply brief. Appellants oppose the motion.¹

Breckenridge's request to strike the motion for judicial notice is denied. Nevertheless, this court construes the motion to strike as an opposition to the motion for judicial notice and construes appellants' opposition to Breckenridge's motion as a reply in support of the motion for judicial notice. Having considered the parties' filings, the motion for judicial notice is denied. In particular, it appears the first document appellants

¹Appellants' motion and opposition exceed the page limitation of NRAP 27(d) and were inadvertently filed by the clerk of this court. Although this court has considered these documents in this instance, appellants are cautioned that future submission of documents that do not comply with applicable page limitations may be summarily rejected by the clerk or stricken by this court.

request this court to take judicial notice of is part of the record on appeal. Accordingly, this document will be considered by this court when resolving this appeal and there is no need to take judicial notice of it. The second document appellants request this court to take judicial notice of does not bear the file-stamp of the district court clerk and is dated after the filing of this appeal. Accordingly, it appears that this document was not considered by the district court in reaching its decision on the order challenged in this appeal. Appellants do not demonstrate that this court should consider this document for the first time on appeal. The third document appellants seek judicial notice of is a document filed in a bankruptcy court. Again, there is no indication that the district court considered this document in the underlying proceedings and appellants do not demonstrate that it is appropriate for consideration for the first time on appeal. *See Occhiuto v. Occhiuto*, 97 Nev. 143, 145, 625 P.2d 568, 569 (1981) (stating the general rule that courts should not take judicial notice of records in different cases, even if the cases are related). Accordingly, the clerk shall strike document numbers 21-31502, 21- 31509, 21-31511, 21-31513, and 21-31515, from this court's docket.

To date, respondent Alyssa McDermott has not filed an answering brief in this matter. However, in their docketing statement, appellants state that McDermott is not a respondent to this matter. Additionally, in the declaration of appellant Audrey Kramer attached to the motion for leave to file a reply brief in excess of the word and type-volume limitations, Kramer indicates that there are only two respondents to this matter, Breckenridge and National Default Servicing Corporation. Accordingly, unless any party objects, in writing, within 7 days of the date

of this order, the clerk shall modify the caption in this matter to remove respondent Alyssa McDermott.

Appellants' motion to file a reply brief in excess of the page and type-limitations of NRAP 32(a)(7)(A) is denied. *See* NRAP 32(a)(7)(D). The clerk shall reject the reply brief received on November 2, 2021. Appellants shall have 14 days from the date of this order to file and serve a reply brief that complies with the page or type-volume limitations of NRAP 32(a)(7)(A). Appellants are reminded that a reply brief is limited to answering any new matters set forth in the answering brief. Appellants may not cite to any documents that are not part of the record on appeal. Failure to timely file and serve a reply brief may result in the waiver of the right to file a reply brief. NRAP 28(c).

It is so ORDERED.

1. J. J. J., C.J.

cc: Audrey Kramer
Leo Kramer
Tiffany & Bosco, P.A./Las Vegas
Hutchison & Steffen, LLC/Reno
Hutchison & Steffen, LLC/Las Vegas