

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN DATTALA,

Appellant,

vs.

PRECISION ASSETS; ACRY  
DEVELOPMENT LLC; AND WFG  
NATIONAL TITLE INSURANCE  
COMPANY,

Respondents.

No. 84762

Electronically Filed  
Jan 18 2023 07:22 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION TO STRIKE APPELLANT'S  
SUPPLEMENTAL AUTHORITY**

Respondent Precision Assets moves to strike appellant John Dattala's notice of supplemental authority, which exceeds the scope of NRAP 31(e).

The purpose of NRAP 31(e) is to allow the parties to bring to the attention of the court new legal authorities that were not available at the time the parties prepared their respective briefs. Here, all of the cases Dattala includes in his notice of supplemental authority predates his opening brief by years, if not decades. In fact, at least one of the cases that Dattala provides—*Allison Steel Mfg. Co. v. Bentonite, Inc.*, 86 Nev. 494, 499, 471 P.2d 666, 669 (1970)—was already cited and discussed by Respondent in the answering brief. These authorities thus had come to

Dattala attention—or by reasonable diligence should have come to his attention—during the 120 days available to him before filing his opening brief and the time allotted for his reply. Given the express language of the rule, this court should strike Dattala’s supplemental authority. *See, e.g., Sanchez v. Wal-Mart Stores, Inc.*, 125 Nev. 818, 829 n.7, 221 P.3d 1276, 1284 n.7 (2009) (refusing to consider arguments raised in the appellants’ supplemental brief because they exceeded the scope of NRAP 31 because the authorities cited “w[ere] available when their reply brief was filed”).

Further, Dattala’s filing is merely an attempt to bolster his argument that Precision Assets is not a bona fide purchaser, which again violates NRAP 31(e), “[t]he notice shall further state concisely and without argument the legal proposition for which each supplemental authority is cited.” NRAP 31(e) is not intended to allow a party to reargue or provide additional analysis of issues already presented in the briefs filed with the court.

This court should not license Dattala's attempt to use Rule 31 to file what is substantively a supplemental brief, and should strike his filing.

Dated this 18th day of January 2023.

**CLAGGETT & SYKES LAW FIRM**

/s/ Charles L. Finlayson

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## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **MOTION TO STRIKE APPELLANT’S SUPPLEMENTAL AUTHORITY** with the Supreme Court of Nevada on the 18th day of January 2023. I will electronically serve the foregoing document in accordance with the Master Service List as follows:

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