

THE COURT OF APPEALS OF THE STATE OF NEVADA

In re Search Warrants Regarding
Seizure of Documents

Case No. 84931-COA

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Elizabeth A. Brown
Clerk of Supreme Court

**Motion to Strike Respondent Las Vegas Metropolitan Police Department's
Response to Las Vegas Review-Journal Inc.'s Motion to Order Publication
of Unpublished Opinion Entered on April 7, 2023**

Joel E. Tasca
Nevada Bar No. 14124
David E. Chavez
Nevada Bar No. 15192
Madeleine Coles
Nevada Bar No. 16216
BALLARD SPAHR LLP
1980 Festival Plaza Drive, Suite 900
Las Vegas, Nevada 89135

Attorneys for Third Party Movant Las Vegas Review-Journal, Inc.

I. INTRODUCTION

The Las Vegas Review-Journal, Inc. (the “Review-Journal”) filed a motion for this Court to reissue the order entered in this case on April 7, 2023, as a published opinion pursuant to NRAP 36(f). This Court did not direct or request any party to respond to the motion for publication. However, on July 21, 2023, Respondent Las Vegas Metropolitan Police Department (“Metro”) filed a response in opposition to the motion for publication. The Rules of Appellate Procedure do not permit a response to be filed unless requested by this Court, and therefore Metro’s response should be stricken.

II. ARGUMENT

The Review-Journal filed its motion for publication pursuant to NRAP 36(f), which allows “any interested person” to file a motion to reissue an unpublished order as an opinion to be published in the *Nevada Reports*. That rule also provides that “[n]o response to such a motion [for publication] shall be filed unless requested by the court.” NRAP 36(f)(2). This Court did not request a response to the Review-Journal’s motion, nor did Metro request leave from this Court to file one. Indeed, Metro’s response does not even *address* Rule 36(f)(2) or give any explanation as to why a response should be allowed when this Court did not request it. The response should be stricken.

In the alternative, if this Court decides to consider Metro's response, the Review-Journal respectfully requests that the Court permit the Review-Journal to file a reply in support of its motion for publication.

III. CONCLUSION

Metro violated the Rules of Appellate Procedure when it filed its opposition to the Review-Journal's motion for publication because this Court never invited such an opposition under Rule 36(f)(2). Therefore, this Court should strike Metro's improper response. In the alternative, the Review-Journal respectfully requests the opportunity to file a reply in support of its motion for publication.

Dated: August 11, 2023

By: /s/ Joel E. Tasca

Joel E. Tasca, Esq.

Nevada Bar No. 14124

David E. Chavez, Esq.

Nevada Bar No. 15192

Madeleine Coles, Esq.

Nevada Bar No. 16216

BALLARD SPAHR LLP

1980 Festival Plaza Drive, Suite 900

Las Vegas, Nevada 89135

*Attorneys for Third Party Movant Las Vegas
Review-Journal, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically with the Nevada Supreme Court on August 18, 2023. The following case participants were served electronically by the Eflex system. Case participants who are registered with Eflex will be served by the Eflex system and other parties, listed below, who are not registered with the Eflex will be served with a copy of the foregoing via hand delivery or U.S. Mail.

Nick D. Crosby, Esq. Jackie V. Nichols, Esq. MARQUIS AURBACH 10001 Park Run Drive Las Vegas, Nevada 89145 Attorneys for Respondent <i>Attorneys for Respondent</i>	Danna Forbush, Esq. Colleen McCarty, Esq. FOX ROTHSCHILD LLP 1908 Festival Plaza Drive, Suite 700 Las Vegas, Nevada 89135 Zachary M. Youngsma SHAFFER & ASSOCIATES, P.C. 3800 Capital City Boulevard Suite 2 Lansing, Michigan 48906 Attorneys for Appellants
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/s/ Adam Crawford

An employee of BALLARD SPAHR LLP