

IN THE SUPREME COURT FOR THE STATE OF NEVADA

ABEL CÁNTARO CASTILLO,

Appellant,

vs.

WESTERN RANGE ASSOCIATION,

Respondent.

Electronically Filed
Jul 21 2023 10:24 AM
CASE NO. 85926 Elizabeth A. Brown
Clerk of Supreme Court
U.S. District Court Case No.:
3:16-cv-00237-RCJ-CLB

**PLAINTIFF’S OPPOSITION TO AMERICAN SHEEP INDUSTRY
ASSOCIATION, INC. AND NEVADA WOOL GROWERS
ASSOCIATION’S MOTION FOR LEAVE
TO FILE *AMICUS CURIAE* BRIEF**

On July 17, 2023, American Sheep Industry Association, Inc. (“ASI”) and Nevada Wool Growers Association (“NWG”; collectively, the “Sheep Industry”) moved this Court for leave to file an *amicus curiae* brief in support of Respondent Western Range Association (“WRA”) under Rule 29 of the Nevada Rules of Appellate Procedure. The Sheep Industry’s *amicus curiae* brief is both untimely and unfairly prejudicial to Appellant, and therefore Appellant respectfully requests this Court deny the Sheep Industry’s motion for leave to file an *amicus curiae* brief.

Respondent WRA’s answering brief was filed on June 26, 2023. Under Nev. R. App. P. 29(f), the time for filing an *amicus curiae* brief is “no later than **7 days**

after the brief of the party being supported is filed.” (emphasis added).

Accordingly, the Sheep Industry’s brief should have been filed by **July 3, 2023**, at the latest. By filing on July 17, 2023, the Sheep Industry is **14 days** beyond the time allotted for filing an *amicus curiae* brief under Rule 29. In fact, July 17, 2023, was the day that Appellant’s reply brief was originally due, until the court granted Appellant an extension on July 13, 2023. Two additional weeks of time to file an *amicus curiae* brief is hardly the “brief extension of time” the Sheep Industry requests the Court grant *nunc pro tunc*. Had Appellant not requested an extension of time, he would have had to respond to an *amicus* brief filed the same day his reply brief was due. The Sheep Industry does not suggest that it was unaware of this litigation previously or provide any reason for it seeking an extension *nunc pro tunc*.

Moreover, as the Sheep Industry concedes, *amicus* briefs are permitted where *amici* have unique information or perspective that could aid the Court. However, there is no explanation for why the two organizations of sheep ranchers who seek to file the *amicus* brief have any different information or perspective from the Western Range Association which has already been fully heard by the Court (after obtaining its own 60-day extension).

As the would-be *amicus* has not shown any reason supporting a *nunc pro tunc* extension, nor any reason why its information and perspective differ from that

of Western Range, and Appellant would be prejudiced by having to respond to additional arguments presented in the *amicus curiae* brief in a limited amount of time, Appellant requests the Court deny the Sheep Industry leave to file an *amicus curiae* brief.

Dated: July 21, 2023

Respectfully Submitted,

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/s/Christine E. Webber

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Cohen, Milstein, Sellers & Toll PLLC and that on the 21st day of July, 2023, a true and correct copy of the above **OPPOSITION TO AMERICAN SHEEP INDUSTRY ASSOCIATION, INC. AND NEVADA WOOL GROWERS ASSOCIATION MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF** was e-filed and e-served on all registered parties to the Nevada Supreme Court's electronic filing system as listed below:

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DATED this 21st day of July, 2023.

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