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FILED

FEB 24 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

TODD ROB BEN,

Appellant,

VS.

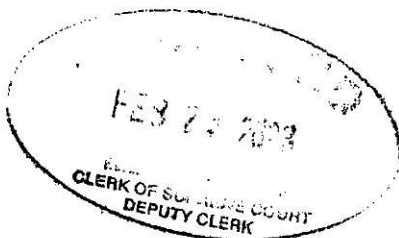
THE ESTATE OF THOMAS JOSEPH
HARRIS; AND THOMAS J. HARRIS
TRUST,

Respondents.

Supreme Court Case No.: 86096

**APPELLANT'S EX PARTE
REQUEST TO E-FILE LARGE
OPENING BRIEF**

District Court Case No.: 2022-PB-
00119



23-05751

1 Appellant, Todd Robben, *in pro se* and *in forma pauperis* respectfully requests
2 the Court the allow him to electronically file his extra large opening brief. The
3 Appellant is familiar with e-filing and PDF documents with bookmarks. Appellant has
4 current cases in the State of California and Federal Courts which both use e-filing
5 (True-filing and PACER CM/ECF) and the Appellant was approved in both cases.
6

7 Appellant is indigent and cannot afford to print and mail large envelopes costing
8 of \$25.00 dollars or more per mailing. E-filing ensures a cost effective remedy to make
9 sure the Court and all Parties are timely served true copies of the record. Appellant
10 asserts his First Amendment right to access the Court and Fourteenth Amendment
11 due-process and equal-protection. The ban against pro se litigant from using the
12 Court's e-filing system amounts to discrimination against pro se and indigent litigant
13 and a violation of said Constitutional Rights.
14

15 The United States Supreme Court made it clear at that time that "there can be
16 no equal justice where the kind of an appeal a man enjoys 'depends on the amount of
17 money he has.'" Douglas v. California, 372 US 353 – Supreme Court 1963.
18

19 Appellant requests the Court to allow him to file a brief that may exceed any
20 page or word count since he has elected to challenge the constitutionality of two
21 statutes NRS 155.165 vexatious litigant, and NRS 132.185 the Nevada will & estate
22 statute as both being unconstitutional.
23

24 To be constitutional, any state law abridging a fundamental right must meet
25 both criteria of the strict scrutiny standard: the law must be necessary to achieve an
26

1 actual, compelling state interest, and it must be narrowly tailored, Johnson v.
2 California (2005) 543 U.S. 499, 505.

3
4 The briefing will attack the primary and all other issues including the motion to
5 strike Respondents motions for summary judgment and dismissal. Since review is *de*
6 *novo*, the Appellant would encourage the court to read the Petition anew subsequent
7 filings anew and issue a ruling *de novo* based on the judge not even considering
8 anything since he determined Appellant lacked standing because of the previous
9 Supreme Court order in 84948.
10

11 The appeal briefing will basically reiterate the briefs and motions already plead
12 with the thrust on the issue of standing (an interested person), no lawyer assigned, no
13 claim or issue preclusion, no hearsay and all evidence was admissible including the
14 letter indicating the previous trust existed called the Thomas and Olga Harris Trust,
15 and two affidavits plus the Appellant's affidavit and verified petition prove the Appellant
16 was named a beneficiary and there was presumed undue influence and undue
17 influence by Jeff D. Robben upon Thomas J Harris in the previous trust. The
18 Respondent did not provide any evidence to counter the Appellant's facts.
19

20 Appellant will present a comprehensive argument persuading the Court to
21 declare NRS 155.165 on Nevada Constitution and U.S. First Amendment access to
22 the court, right to petition and redress grievance along with U.S. Fourteenth
23 Amendment due-process and equal- protection.
24

25 The Appellant will expand upon other constitutional issues with the vexatious
26 litigant statute and as it is applied to the Appellant including violations of the contracts
27
28

1 clause of the U.S. Constitution and ex post facto since a violation may include
2 contempt (civil or criminal) or excessive fines (Eight Amendment). NRS 155.165 is
3 vague and arbitrary. As in this instant case, the Appellant has a legitimate legal claim
4 supported by admissible evidence. The Court must consider the subjective intent of
5 the Appellant as opposed to the objective standard.
6

7 The amount case law supporting the Appellant is staggering on the main issues
8 on appeal and the constitutional issues with two statutes.
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13 Respectfully signed under penalty of perjury,
14

15 
16 /s/ Todd Robben

17 February 19, 2023
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4
5 **CERTIFICATE OF SERVICE**
6

7 I, Stephen James Robben, declare under penalty of perjury under the law of the
8 State of Nevada that the following is true and correct copy of the filed document. That
9 on January 03, 2023, service of the document was made pursuant to NRCP 5(b) by
10 depositing a email to: F. McClure Wallace, counsel for Respondent,
11 mcclure@wallacemillsap.com
12
13

14 DATED February 19, 2023
15

16 Submitted By: /s/ Stephen James Robben
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