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IN THE SUPREME COURT OF THE STATE OF NEVADA

TRI-COUNTY EQUIPMENT & LEASING, LLC  
  
Appellant,  
  
vs.  
  
ANGELA KLINKE,  
  
Respondent.

Electronically Filed  
Sep 21 2010 02:37 p.m.  
Tracie K. Lindeman  
Case No. 55121

APPEAL FROM JUDGMENT – FIRST JUDICIAL DISTRICT COURT  
STATE OF NEVADA, COUNTY OF CARSON CITY  
HONORABLE JAMES T. RUSSELL, DISTRICT COURT JUDGE

**APPELLANT’S SUPPLEMENT TO REPLY BRIEF**

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Attorney for Appellant  
Tri-County Equipment and Leasing

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**APPELLANT'S SUPPLEMENT TO REPLY BRIEF**

In both its Opening Brief and in its Reply Brief, Appellant Tri-County Equipment & Leasing, LLC, has cited to a case from the Federal District Court for the Western District of Virginia titled McAmis v. Wallace, 980 F.Supp. 181 (W.D. Va. 1997). See Opening Brief, at pp. 14-15, and Reply Brief, at pp. 15-16. Although McAmis has not been overruled and remains precedent in the Western District of Virginia, a federal court in the same district declined to follow the McAmis holding on the relevant issue. See Wright v. Smith, 641 F.Supp.2d 536 (W.D.Va. 2009). Appellant does not believe the Wright opinion undermines or otherwise affects the instructive value in the present appeal of the McAmis court's reasoning and approach to the pertinent issue. However, in the interest of complete disclosure, Appellant hereby brings the Wright opinion to the attention of the Court. The Wright case was not cited in Appellant's briefs as it only came to the attention of Appellant subsequent to the filing of the Reply Brief.

DATED this 21<sup>st</sup> day of September, 2010.

BURTON, BARTLETT & GLOGOVAC

By: 

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that I have read the supplemental appellate brief, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 21<sup>st</sup> day of September, 2010.

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**CERTIFICATE OF SERVICE**

Pursuant to NRAP 25(1)(b), I certify that I am an employee of the law offices of Burton, Bartlett & Glogovac, 50 W. Liberty St., Suite 700, Reno, NV 89501, and that on the 21 day of September, 2010 I served the foregoing document(s) described as follows:

**APPELLANT'S SUPPLEMENT TO REPLY BRIEF**

On the party(s) set forth below by:

  X   Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.

       Personal delivery.

       Facsimile (FAX) to the number listed below.

       Federal Express or other overnight delivery.

addressed as follows:

Charles Kilpatrick, Esq.  
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Carson City, NV 89703

DATED this 21 day of September, 2010.

Monica Evans  
Monica Evans