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Tracie K. Lindeman  
Clerk of Supreme Court

Attorneys for Appellant Steven C. Jacobs

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

STEVEN C. JACOBS,

Appellant,  
v.

SHELDON ADELSON, in his  
individual and representative capacity,

Respondent.

Sup. Ct. Case No. 58740

District Court Case No.  
A-10-627691

**APPELLANT'S MOTION TO  
FILE REPLY IN SUPPORT OF  
APPEAL**

On January 17, 2012, this Court entered an Order permitting Appellant Steven C. Jacobs ("Jacobs") to file his Opening Brief on December 19, 2011. It directed, Respondent Sheldon Adelson ("Adelson") to file his Answering Brief by January 30, 2012. The Order further stated that Jacobs was to "proceed in accordance with NRAP 31(a)(1)" in filing his reply brief. Thereafter, Adelson's Answering Brief was entered on January 31, 2012, and electronically served on Jacobs' counsel the same day.

1 Pursuant to NRAP 31(a)(1)(C), Jacobs had thirty days to file and serve the  
2 Reply brief. Additionally, pursuant to NRAP 26(c), Jacobs' counsel understood  
3 that three additional days would be added to this deadline, since the brief was  
4 served by electronic services. As NRAP 26(c) states:

5 When a party is required or permitted to act within a  
6 prescribed period after a paper is served on that party, 3  
7 calendar days are added to the prescribed period unless the  
8 paper is delivered on the date of service stated in the proof of  
9 service. ***For purposes of this Rule, a paper that is served  
electronically is not treated as delivered on the date of  
service stated in the proof of service.***

8 (Emphasis added).

9 In light of these Rules, Jacobs believes that his Reply Brief was due on  
10 March 5, 2012. Accordingly, Jacobs' counsel attempted to file the Reply on that  
11 date. However, the Court's system for electronic filing was not working and would  
12 not permit Jacobs to file his brief. Nonetheless, Jacobs counsel emailed a copy of  
13 the Reply to Adelson's counsel on March 5, 2012 and informed counsel that the  
14 electronic filing system was not working.

15 The following day, March 6, 2012, Jacobs' counsel contacted the Clerk of  
16 the Court and informed them that the electronic filing system had been down the  
17 day before. The Clerk's office confirmed that they were aware of the issue and  
18 instructed counsel to file the Reply. However, the Clerk's office later contacted  
19 Jacobs' counsel and stated that the Reply had been due on March 1, 2012, and that  
20 Motion for extension would need to be submitted before the Court could accept the  
21  
22

1 Reply. The Clerk's office stated that despite NRCP 26(c), parties do not receive  
2 three additional days for electronic service and directed Jacobs' counsel to ADKT  
3 404. However, Jacobs' counsel has not been able to locate anything within ADKT  
4 404, or elsewhere, modifying the provisions of NRAP 26(c).

5 Accordingly, Jacobs hereby requests that the Court permit Jacobs to file the  
6 Reply as of March 5, 2011. If NRAP 26(c) applies, then Jacobs' Reply is timely.  
7 However, if NRAP 26(c) does not apply, then good cause exists to permit Jacobs  
8 to file his Reply as of March 5, 2012.

9 DATED this 6th day of March, 2012.

10 PISANELLI BICE, PLLC

11 /s/ Todd L. Bice

12 Todd L. Bice, Esq., Bar No. No. 4534  
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14 Attorneys for Appellant Steven C. Jacobs  
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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I am an employee of Pisanelli Bice, PLLC, and  
3 pursuant to Nev, R. App. P. 25(b) and NEFR 9(d), that on this date I electronically  
4 filed the foregoing Appellant's Motion To File Reply In Support Of Appeal with  
5 the Clerk of the Court for the Nevada Supreme Court by using the Nevada  
6 Supreme Courts E-Filing system (Eflex), Participants in the case who are  
7 registered with Eflex as users will be served by the Eflex system as follows:

8 Steve Morris, Esq.  
9 Morris Law Group  
300 South Fourth Street, Suite 900  
Las Vegas, NV 89101

10 *Attorneys for Sheldon Adelson*

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Justin C. Jones, Esq.  
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11 *Attorneys for Las Vegas Sands Corp.*

12 I further certify that the ensuing are not registered with the Eflex system and  
13 will be served Appellant's Motion To File Reply In Support Of Appeal via United  
14 States Mail, postage prepaid, on the date and to the addressee(s) shown below:

15 Patricia Glaser, Esq.  
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17 *Attorneys for Defendant Sands China, Ltd.*

18 DATED this 6th day of March, 2012.

19 /s/ Z. Sotelo

20 Employee of Pisanelli Bice, PLLC