

IN THE SUPREME COURT OF NEVADA

JENNY RISH,

Appellant,

vs.

WILLIAM JAY SIMAO, individually; and
CHERYL ANN SIMAO, individually and as
husband and wife,

Respondents.

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Clerk of Supreme Court

MOTION TO EXCEED TYPE-VOLUME LIMITATION

Pursuant to NRAP 32(a)(7)(D), appellant moves for leave to file a reply brief exceeding the type-volume limitation set out in NRAP 32(a)(7)(A)(ii) by 5,434 words.

As both parties to this appeal have observed, this case presents fact-intensive issues that hinge upon a nuanced understanding of the trial record. The briefing is necessarily lengthy in order to allow for a detailed discussion of the record. Indeed, this reply brief is responding to an answering brief which is, itself, 80 pages long and exceeds the type volume limitation by over 6,000 words.

This reply brief also addresses multiple issues which call for extended briefing. In addition to a nuanced factual discussion, the brief addresses the legality of imposing outcome-determinative sanctions for violation of an order *in limine* (which includes a full discussion of the eight-factor *Young* test), the

appropriateness of the district court's general damage award, the propriety of awarding attorney's fees, and the appropriate assignment of the case upon remand should the Court order a new trial.

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2007 with 14 point, double-spaced Times New Roman font.

2. I further certify that this brief complies with the page-or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more and contains 12,433 words.

DATED this 1st day of July 2013.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document was filed electronically with the Nevada Supreme Court on the 1st day of July, 2013, electronic service of the foregoing MOTION TO EXCEED TYPE-VOLUME LIMITATION shall be made in accordance with the Master Service List as follows:

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