

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

2   HONORABLE JUDGE CATHERINE  
3   RAMSEY, NORTH LAS VEGAS  
4   MUNICIPAL JUDGE,

5                               Appellant,

6   vs.

7   THE CITY OF NORTH LAS VEGAS  
8   AND BARBARA A. ANDOLINA City  
9   Clerk of NORTH LAS VEGAS, BETTY  
10   HAMILTON, MICHAEL WILLIAM  
11   MORENO, and BOB BORGERSEN,  
12   individually and as Members of  
13   "REMOVE RAMSEY NOW,"

14                               Respondents.

SUPREME COURT NO. 68450

Electronically Filed  
Aug 25 2015 02:50 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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15                   **RESPONDENT BETTY HAMILTON, MICHAEL WILLIAM MORENO,**  
16                   **AND BOB BORGERSEN'S MOTION TO STRIKE APPELLANT'S**  
17                   **SUPPLEMENT TO THE WRIT PETITION NOW IDENTIFIED AS THE**  
18                   **APPEAL OPENING BRIEF AND REQUEST FOR SANCTIONS**

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19   Respectfully Submitted by:

20   GENTILE CRISTALLI MILLER  
21   ARMENI & SAVARESE  
22   DOMINIC P. GENTILE  
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Attorneys for Respondents  
Betty Hamilton, Michael William Moreno,  
and Bob Borgersen

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4  
5 Following the Court's issuance of an order to Appellant Judge Catherine  
6 Ramsey ("Judge Ramsey") to show cause why her original petition for writ relief  
7 should not be denied due to the challenged order being substantively appealable,  
8 Judge Ramsey did two things. She filed a Notice of Appeal on July 21, 2015, and  
9 she filed Petitioner's Response to Supreme Court Order to Show Cause on July 22,  
10 2015. In her response, Judge Ramsey specifically requested that this Court "treat  
11 the writ petition as the opening brief in the appeal docket in order to save time for  
12 the briefing process."<sup>1</sup>  
13  
14

15  
16 In its Order thereafter dated July 27, 2015, the Court granted Judge  
17 Ramsey's request, which was not qualified in any way and, in fact, resulted in the  
18 filing of an opening brief that is well in excess of the Court's limitations on brief  
19 length, without obtaining leave from the Court. Further, the Court permitted Judge  
20 Ramsey to "supplement the record,"<sup>2</sup> not submit an entirely new opening brief.  
21 This fact notwithstanding, Judge Ramsey has now filed what she styled as a  
22  
23

24 <sup>1</sup> Petitioner's Response to Supreme Court Order to Show Cause was originally  
25 filed in Docket No. Case No. 68394 as Document No. 15-22155. By Order dated  
26 July 27, 2015, the Court denied the petition in Docket No. 68394 and directed the  
27 Clerk of the Court to transfer all documents to the instant Docket No. 68450.  
28 Petitioner's Response is now Document No. 15-22697 in Docket No. 68450, and  
the quoted language appears on page 16 therein.

<sup>2</sup> See July 27, 2015 Order at p. 3.

1 Supplement to the Writ Petition Now Identified as the Appeal Opening Brief,  
2 which is in excess of fifty (50) pages, also without leave of the Court. For all of  
3 the reasons that follow, Respondents Betty Hamilton, Michael William Moreno,  
4 and Bob Borgersen (collectively “Respondents”) ask the Court at this time to direct  
5 the Clerk of the Court to immediately strike Judge Ramsey’s unauthorized  
6 Supplement to the Writ Petition Now Identified as the Appeal Opening Brief and  
7 award sanctions in the form of attorney’s fees and costs for the need to bring the  
8 instant motion.  
9

## 10 11 12 **II.**

### 13 **ARGUMENT**

14 NRAP 32(a)(7)(A)(i) limits an appellant’s opening brief to a length of either  
15 thirty (30) pages or 14,000 words, and NRAP 32(a)(7)(D) advises that requests to  
16 exceed the allowable brief length are disfavored and will only be granted upon  
17 motion that shows diligence and good cause.  
18

19 Respondents anticipate Judge Ramsey will seek to argue that the Court  
20 authorized supplemental briefing in its Order dated July 27, 2015. In fact, what the  
21 Court authorized in response to Judge Ramsey’s request to use her writ petition as  
22 her opening brief to save time, was the opportunity to supplement the record on  
23 appeal; nothing was said about supplemental briefing.  
24

25 NRAP 10 sets forth what constitutes the record on appeal. It is a precise  
26 word in appellate practice with precise requirements, which consist of the appendix  
27  
28

1 and any exhibits which cannot be copied to be included in the appendix. In no way  
2 can an authorization to supplement the record be confused with an authorization to  
3 supplement an already excessively long opening brief. Moreover, the Court  
4 calculated the timing of Respondent's answering brief from the date of its Order  
5 and acceptance of Judge Ramsey's offer to treat her writ petition as her opening  
6 brief, not from the date allowed to supplement the record. Judge Ramsey's willful  
7 disregard of the rules for filing briefs, as well as the plain language of the Court's  
8 Order dated July 27, 2015, should not be tolerated and should subject her to  
9 sanctions.  
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11  
12

13 Finally, if Judge Ramsey is allowed to file her Supplement to the Writ  
14 Petition Now Identified as the Appeal Opening Brief, she will essentially be given  
15 two bites at the apple. The admission of this additional briefing would effectively  
16 expand the argument in favor of Judge Ramsey's position to ninety-four pages,  
17 nearly triple the thirty-page limit Respondents enjoy. It is clear that Respondents  
18 would be unfairly prejudiced for this reason, as well as being burdened with having  
19 to research and prepare a response to Judge Ramsey's Supplement to the Writ  
20 Petition Now Identified as the Appeal Opening Brief.  
21  
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### 24 III.

### 25 CONCLUSION

26 For the foregoing reasons, Respondents respectfully request that this Court  
27 strike Judge Ramsey's Supplement to the Writ Petition Now Identified as the  
28

1 Appeal Opening Brief and sanction Judge Ramsey and her counsel of record for  
2 such willful disregard of NRAP 32 and the Court's direct order.  
3

4 Dated this 25<sup>th</sup> day of August, 2015.

5 GENTILE, CRISTALLI, MILLER  
6 ARMENI & SAVARESE

7 

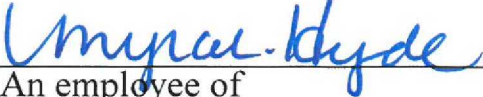
8 DOMINIC P. GENTILE  
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17 Attorneys for Respondents  
18 Betty Hamilton, Michael William  
19 Moreno, and Bob Borgersen  
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1 **CERTIFICATE OF SERVICE**

2 The undersigned, an employee of Gentile Cristalli Miller Armeni &  
3 Savarese, hereby certifies that on the 25<sup>th</sup> day of August, 2015, she served a  
4 copy of the **RESPONDENT MICHAEL BETTY HAMILTON, MICHAEL**  
5 **WILLIAM MORENO, AND BOB BORGERSEN'S MOTION TO STRIKE**  
6 **APPELLANT'S SUPPLEMENT TO THE WRIT PETITION NOW**  
7 **IDENTIFIED AS THE APPEAL OPENING BRIEF AND REQUEST FOR**  
8 **SANCTIONS**, by Electronic Service with the Nevada Supreme Court in  
9 accordance with the Master Service List, and by placing said copy in an envelope,  
10 postage fully prepaid, in the U.S. Mail at Las Vegas, Nevada, said envelope  
11 addressed to:

12 Craig A. Mueller, Esq.  
13 Mueller, Hinds & Associates  
14 600 S. Eighth Street  
15 Las Vegas, Nevada 89101  
16 [cmueller@muellerhinds.com](mailto:cmueller@muellerhinds.com)  
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18 North Las Vegas Municipal Court Judge

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26 Attorneys for The City of North Las Vegas, and  
27 Barbara Andolina, City Clerk of the City of North Las Vegas

28  
  
An employee of  
GENTILE, CRISTALLI, MILLER,  
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