

**SUPREME COURT
STATE OF NEW MEXICO**

No. S-1-SC-37231

SUSAN L. SIEBERT,
Plaintiff-Appellee,

VS.

**REBECCA C. OKUN, M.D., AND
WOMEN'S SPECIALISTS OF NEW MEXICO, LTD.,**
Defendants-Appellants.

**DEFENDANTS-APPELLANTS' RESPONSE TO MOTION TO AMEND
PLAINTIFF-APPELLEE'S ANSWER BRIEF**

Plaintiff-appellee Susan Siebert's motion for leave to amend her Answer Brief to include an appendix should be denied because Rule 12-318 NMRA prohibits parties from attaching documents to briefs and establishes length limitations for briefs.

1. Siebert filed her Answer Brief on April 8, 2019 and filed her motion requesting leave to amend her brief to include an omitted appendix on April 9, 2019. Siebert's motion should be denied because Rule 12-318(F)(4) NMRA precludes parties from attaching documents to briefs.

2. In addition, although Siebert has not provided Defendants-appellees with a copy of the appendix, Siebert's counsel informed them that the appendix includes citations to case law. Rule 12-318(F) NMRA limits the length of an answer brief to 35 pages or 11,000 words. Siebert should not be permitted to evade this limitation by including citations to legal authorities in an appendix. Rules 12-318(A)-(B) and 23-112 NMRA also require parties to cite legal authorities in the text of a brief – not in an appendix.

For the foregoing reasons, Siebert's motion must be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing response was electronically filed in the Court's Odyssey filing system, which caused all counsel of record to be electronically served, on this 10th day of April, 2019.

/s/ Dana S. Hardy