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May 23, 2008

Via Facsimile No: 702-212-8086  
Erik Fitting, Esq.  
Erik Fitting & Associates Limited  
9421 Crown Vista Lane  
Las Vegas, Nevada 89117

Re: **Furer v. Furer**

Dear Mr. Fitting:


As you know, I am co-counsel for Andrew Furer in the above-referenced matter. Today I received a copy of your Opposition to Mr. Furer's Motion to Strike or in the Alternative your Reply in Support of Mrs. Furer's Motion to Associate Counsel. As you know, as an officer of the Court, you are compelled to honor and abide by the provisions of Rule 11 of the Nevada Rules of Civil Procedure.

On page 3 of your pleading, you state "Mr. Furer's Notice of Appeal was dismissed". That statement is untrue. In fact, that statement violates Rule 11. Mr. Furer's Notice of Appeal has not been dismissed and your misstatement is inappropriate and in violation of Rule 11.

Your reliance on Hill v. Warden is curious. Hill v. Warden was decided in 1980, twenty-four years before Rule 4 of the Nevada Rules of Appellate Procedure was amended. If you would have taken the time and made the effort to contact the Nevada Supreme Court Clerk's office, you would have easily learned that Mr. Furer's appeal is presently pending in the Nevada Supreme Court.

I believe, under these circumstances, you are ethically compelled to correct your misstatement to Judge Weller immediately. Should you not rectify your misstatement to the Court, please understand that we will be filing the appropriate Rule 11 motion. This letter is intended to provide you notice pursuant to NRCP 11(c).

Should you have any questions, please advise.

Yours very truly,  
  
KENT R. ROBISON

KRR:mrw  
cc: Shawn Maslar, Esq.  
Robert Lunck, Esq.  
Janice Cho, Esq.  
Andy Furer  
Carlos F. Negrete

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