

In the Supreme Court of Nevada

FIRST TRANSIT, INC.; and JAY
FARRALES,

Appellants,

vs.

JACK CHERNIKOFF; and ELAINE
CHERNIKOFF,

Respondents.

Electronically Filed
Oct 31 2017 12:07 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO EXCEED THE TYPE-VOLUME LIMITATION
FOR “APPELLANTS’ OPENING BRIEF”**

Appellants First Transit, Inc. and Jay Farrales move to exceed the word limit on their opening brief by 4,413 words (a total of 18,413 words). *See* NRAP 32(a)(7)(D).

A longer brief is appropriate because this is a case of first impression on important questions and deals with issues of public policy. Specifically, at issue is whether or not heirs in a wrongful-death case can avoid apportionment of negligence to the decedent, required under NRS 41.141’s instruction to apportion the negligence of “plaintiff’s decedent” when there is no pending claim on behalf of the decedent’s estate. Another question is whether or not a common carrier has a more stringent

duty of care for rendering emergency aid. Appellants have endeavored to provide authorities from multiple jurisdictions to inform the Court's decision.

The appeal also presents the question of whether the \$15 million verdict was grossly excessive and the result of passion and prejudice. Addressing that issue appropriately within the framework of *Lioce v. Cohen*, 124 Nev. 1, 174 P.3d 970 (2008), also involves extensive discussion. Thus, appellants request leave to exceed the word count limit.

Dated this 30th day of October, 2017.

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CERTIFICATE OF SERVICE

I certify that on October 30, 2017, I submitted the foregoing “Motion to Exceed the Type-Volume Limitation for “Appellants’ Opening Brief” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

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