IN THE SUPREME COURT OF THE STATE OF NEVADA

FIRST TRANSIT, INC.; AND JAY
FARRALES,

Appellants,

vs.

JACK CHERNIKOFF; AND ELAINE
CHERNIKOFF,

Respondents.

No. 70164

FILED

NOV 06 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION

Appellants have filed a motion for leave to file an opening brief in excess of the type-volume limitation set forth in NRAP 32(a)(7)(A)(ii). *See* NRAP 32(a)(7)(D). According to the motion, the proposed brief contains 18,413 words. In support of the motion, appellants argue that this case raises issues of first impression dealing with important questions of public policy.

This court "looks with disfavor on motions to exceed the applicable page limit or type-volume limitation, and therefore, permission to exceed the page limit or type-volume limitation will not be routinely granted." NRAP 32(a)(7)(D)(i); *see also Hernandez v. State*, 117 Nev. 463, 467, 24 P.3d 767, 770 (2001) ("Page limits . . . are ordinary practices employed by the courts to assist in the efficient management of the cases before them" (*quoting Cunningham v. Becker*, 96 F. Supp. 2d 369, 374 (D. Del. 2000))). Rather, a motion "will be granted only upon a showing of diligence and good cause." NRAP 32(a)(7)(D)(i). We are not convinced that an opening brief in excess of the usual type-volume limitation is warranted in this case. Accordingly, the motion is denied.

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The clerk of this court shall reject the proposed opening brief received via E-Flex on October 30, 2017. Appellants shall have 15 days from the date of this order to file and serve a brief that complies with the applicable rules of appellate procedure. Thereafter, briefing shall proceed pursuant to NRAP 31(a)(1). Failure to timely file the opening brief may result in the imposition of sanctions. NRAP 28(k).

It is so ORDERED.

_____ , C.J.

cc: Lewis Roca Rothgerber Christie LLP/Las Vegas
Alverson Taylor Mortensen & Sanders
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