

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

DEC 12 2017

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

ORDER DENYING MOTION

Appellants have filed a motion to submit a video CD identified as "trial exhibit A2" as volume 12 of their appendix. Appellants have provided this court with a CD they represent to be trial exhibit A2. It appears that the CD was admitted as an exhibit below and considered by the district court.

When an exhibit that is part of the trial court record is necessary for this court's review of an issue presented on appeal and that exhibit cannot be reproduced in an appendix, the parties may file a motion asking this court to direct the district court clerk to transmit the original exhibit. NRAP 30(d). The purpose of these requirements is to ensure that this court considers only those documents and exhibits that were part of the trial court record and therefore properly included in the appellate court record. See NRAP 10(a), (b)(1); see generally *Carson Ready Mix. v. First Nat'l Bank*, 97 Nev. 474, 635 P.2d 276 (1981).

We deny the motion, and direct the clerk of this court to return, unfiled, the supplemental appendix received on November 29, 2017. Appellants may file a motion that complies with NRAP 30(d).

It is so ORDERED.

Cherry, C.J.

cc: Lewis Roca Rothgerber Christie LLP/Las Vegas
Alverson Taylor Mortensen & Sanders
Cloward Hicks & Brasier PLLC
Charles Allen Law Firm
Marquis Aurbach Coffing