

IN THE SUPREME COURT OF THE STATE OF NEVADA

FIRST TRANSIT, INC.; and JAY
FARRALES,

Appellants,

vs.

JACK CHERNIKOFF; and ELAINE
CHERNIKOFF,

Respondents.

Case No.: 70164

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Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Eighth Judicial District
Court, the Honorable Stefany Miley
Presiding

MOTION FOR EXTENSION OF TIME TO FILE
ANSWERING BRIEF AND APPENDIX
(Second Request)

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MAC:14620-001 3300875_1

Respondents, Jack Chernikoff and Elaine Chernikoff (collectively, “the Chernikoffs”), by and through their counsel of record, Richard Harris Law Firm and Marquis Aurbach Coffing, hereby move this Court pursuant to NRAP 31(b) for a 30-day extension of time to file their answering brief and appendix.

The Chernikoffs’ answering brief and appendix were originally due on December 22, 2017. The parties to this appeal previously stipulated to a 30-day extension, which this Court granted, making the Chernikoffs’ answering brief and appendix currently due on January 22, 2018. If this Court grants this request for a 30-day extension, the Chernikoffs’ answering brief and appendix will be due on February 21, 2018. Good cause exists for allowing the Chernikoffs to extend the filing deadline until February 21, 2018:

One of the Chernikoffs’ counsel, Ben Cloward had four trials and three mediations scheduled for December 2017 and January 2018. One particular case, *Farr v. Bowers* (District Court Case No. A-12-668945-C), was scheduled to start trial on January 8, 2018 and involved twenty-nine motions in limine. In addition, Mr. Cloward is also involved in a complex wrongful death/product defect case involving numerous defendants, *Cunnison v. First Street Boomers, et al.* (District Court Case No. A-16-731244-C), which had numerous discovery motions and expert witness disclosures to be completed during this same time period. The

particularly demanding schedule of Mr. Cloward throughout December and January has caused delay in the completion of the answering brief in the instant case.

Another of the Chernikoff's counsel, Micah Echols, has a reply brief in another appeal before this Court (Case No. 69928, *Patin v. Lee*) that is also due on January 22, 2018, and finalizing that brief has caused a delay in the completion of the brief in the instant case.

Additionally, there were a number of documents, including trial exhibits, that were not a part of the Appellants' appendix and which the Chernikoffs needed in order to effectively present their arguments to this Court. The Chernikoffs ordered copies of the District Court's official exhibits, and additional time was needed to get those from the District Court and prepare their appendix.

The Chernikoffs' appendix is now complete, and counsel is diligently working to complete the answering brief. An additional 30 days will allow the Chernikoffs' answering brief to be completed, circulated for review, and for counsel to make any needed revisions prior to filing with the Court.

Therefore, the Chernikoffs respectfully request that the deadline to file their answering brief and appendix be extended by 30 days to February 21, 2018. This

motion is submitted in good faith and for good cause shown in accordance with NRAP 31(b).

Dated this 19th day of January, 2018.

MARQUIS AURBACH COFFING

By /s/ Micah S. Echols
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF AND RESPONDENTS' APPENDIX,** were filed electronically with the Nevada Supreme Court on the 19th day of January, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Joel D. Henriod, Esq.
Daniel F. Polsenberg, Esq.
LeAnn Sanders, Esq.
Benjamin P. Cloward, Esq.

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

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/s/ Leah Dell

Leah Dell, an employee of
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