

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOMBARDIER
TRANSPORATATION
(HOLDINGS) INC.,

Appellant,

vs.

NEVADA LABOR COMMISSIONER;
THE INTERNATIONAL UNION OF
ELEVATOR CONSTRUCTORS; and
CLARK COUNTY,

Respondents.

Supreme Court No.: 71101
Electronically Filed
Oct 13 2017 10:15 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S MOTION FOR EXTENSION OF TIME
TO FILE OPENING BRIEF AND APPENDIX

Appellant Bombardier Transportation (Holdings), Inc., by and through its counsel, Jackson Lewis P.C., hereby moves this Court for an order extending the time in which to submit its Opening Brief and Appendix by twenty-one (21) days. This Motion is made and based upon Rule 26(b) of the Nevada Rules of Appellate Procedure, the following memorandum of points and authorities and exhibits thereto, the pleadings and papers on file herein, and any oral argument the Court may allow.

I. RELIEF SOUGHT

Appellant hereby seeks an Order extending the time in which to submit its Opening Brief and Appendix by twenty-one (21) days from October 13, 2017, up to and including November 3, 2017.

II. DISCUSSION

This appeal arises from an underlying case, in the District Court of Clark County, in the matter *Bombardier Transportation (Holdings) Inc. v. Nevada Labor Commissioner; The International Union of Elevator Constructors; and Clark County*, in the Supreme Court of the State of Nevada, Case No. 71101.

Pursuant to this Court's September 13, 2017 Order Granting Motion for extension, Appellant's Opening Brief and Appendix are currently due October 13, 2017. Undersigned counsel represented another client in a representation hearing before the National Labor Relations Board in Alamogordo, New Mexico on October 11, 2017, and has spent the last several days preparing for the same. The undersigned also has arbitrations scheduled on October 19, 2017 and October 25 and 26, 2017. And, one of the undersigned's colleague who had been working on this matter left the firm.

Appellant therefore requests an extension of time in which to complete and file its Opening Brief and Appendix. Counsel for Respondent Clark County does not oppose the request. Counsel for the Union responded to the undersigned's email, but as of the time of the filing of this motion the Union's counsel had not received

instructions from his client as to its position. Counsel for the Labor Commissioner did not respond to state its opposition or agreement to this request. It is being filed now in an abundance of caution. The request is made in good faith and not for purposes of delay.

Dated this 13th day of October, 2017.

JACKSON LEWIS P.C.

/s/ Paul T. Trimmer
GARY C. MOSS, Bar # 4340
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Attorneys for Appellants/Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Jackson Lewis P.C., and that on this 13th day of October, 2017, I caused to be served via the Nevada Supreme Court's electronic filing and service system, a true and correct copy of the above foregoing **APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF AND APPENDIX** to the following:

<p>Robert E. Werbicky, Esq. Deputy Attorney General mflatley@ag.nv.gov Adam Paul Laxalt, Esq. Bureau of Business and State Services Business and Taxation Division 100 North Carson Street Carson, City, Nevada 89701 (775) 684-1218 (office) (775) 684-1156 (facsimile) <i>Attorneys for State of Nevada Office of the Labor Commissioner</i></p>	<p>Richard G. McCracken, Esq. rmccracken@dcbsf.com Andrew J. Kahn, Esq. ajk@dcbsf.com McCracken, Stemerman & Holsberry 1630 South Commerce Street Suite A-1 Las Vegas, Nevada 89102 (702) 386-5107 (office) (702) 386-9848 (facsimile) <i>Attorneys for The International Union of Elevator Constructors</i></p>
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/s/ Emily Santiago
Employee of Jackson Lewis P.C.