IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES PARSONS, INDIVIDUALLY AND AS SPECIAL ADMINISTRATOR OF THE ESTATE OF CAROLYN LEE PARSONS; ANN-MARIE PARSONS Appellants,

VS.

COLT'S MANUFACTURING COMPANY LLC; COLT DEFENSE LLC; DANIEL DEFENSE INC.; PATRIOT ORDNANCE FACTORY; FN AMERICA; NOVESKE RIFLEWORKS LLC; CHRISTENSEN ARMS; LEWIS MACHINE & TOOL COMPANY; LWRC INTERNATIONAL LLC; DISCOUNT FIREARMS AND AMMO LLC; DF&A HOLDINGS, LLC; MAVERICK INVESTMENTS, LP; SPORTSMAN'S WAREHOUSE; GUNS AND GUITARS INC. Respondents.

No. 81034

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CLERY OF LUPREME COURT

BY

DEPUTY CLERK

ORDER ACCEPTING CERTIFIED QUESTIONS, DIRECTING BRIEFING, AND DIRECTING SUBMISSION OF FILING FEE

This matter involves legal questions certified to this court, under NRAP 5, by the United States District Court for the District of Nevada. Specifically, the U.S. District Court has certified the following questions to this court:

- 1. Under Nevada law, can a plaintiff assert a negligence per se claim predicated on violations of criminal federal and state machine gun prohibitions absent evidence of legislative intent to impose civil liability?
- 2. Does a plaintiff asserting a wrongful death claim premised on allegations that firearms manufacturers and dealers knowingly violated federal and state machine gun prohibitions have "a

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cause of action against the manufacturer or distributor of any firearm... merely because the firearm or ammunition was capable of causing serious injury, damage or death, was discharged and proximately caused serious injury, damage or death[,]" under Nevada Revised Statutes § 41.131?

3. Does Nevada Revised Statutes § 41.131 allow a wrongful death claim premised on allegations that firearms manufacturers and dealers knowingly violated federal and state machine gun prohibitions because the statute is "declaratory and not in derogation of the common law"?

(Alterations in original).

In determining whether to accept a certified question, this court considers three factors: (1) will this court's answer be determinative of part of the federal case, (2) is there any clearly controlling Nevada precedent, and (3) will the answer help settle important questions of law. Volvo Cars of N. Am., Inc. v. Ricci, 122 Nev. 746, 751, 137 P.3d 1161, 1164 (2006); see also NRAP 5(a). Having considered the factors, we accept the certified questions.

Appellants shall have 30 days from the date of this order to file and serve an opening brief addressing the certified questions. Respondents shall have 30 days from the date the opening brief is served to file and serve any answering briefs. Appellants shall then have 21 days from the date the last-filed answering brief is served to file and serve any reply brief. The parties' briefs shall comply with NRAP 28, 28.2, 31(c), and 32. See NRAP 5(g)(2). The parties may file a joint appendix containing any portions of the record before the U.S. District Court that are necessary to this court's resolution of the certified questions and were not already provided to this court with the Certification Order and the Amended Certification Order. See NRAP 5(d), (g)(2).

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Lastly, in any proceeding under NRAP 5, fees "shall be the same as in civil appeals... and shall be equally divided between the parties unless otherwise ordered by the certifying court." NRAP 5(e). The U.S. District Court's orders do not address the payment of this court's fees. Accordingly, appellants and respondents shall each tender to the clerk of this court, within 14 days from the date of this order, the sum of \$125, representing half of the filing fee. See NRAP 3(e); NRAP 5(e).

It is so ORDERED.

Pickering

Pickering

Pickering

J.

Gibbons

Hardesty

Atiguic

Stiglich

Cadish

Silver

cc: Koskoff, Koskoff, & Bieder, PC
Matthew L. Sharp, Ltd.
Friedman Rubin/Bremerton
Evans Fears & Schuttert LLP
Pisciotti Malsch
Dorsey & Whitney, LLP
Williams Mullen/Raleigh
The Chiafullo Group, LLC
Renzulli Law Firm, LLP
The Amin Law Group, Ltd.
Swanson, Martin & Bell LLP

Spencer Fane LLP/Las Vegas Williams Mullen/Richmond Lincoln, Gustafson & Cercos Murchison & Cumming, LLC/Las Vegas Snell & Wilmer, LLP/Las Vegas Clerk, U.S. District Court, District of Nevada