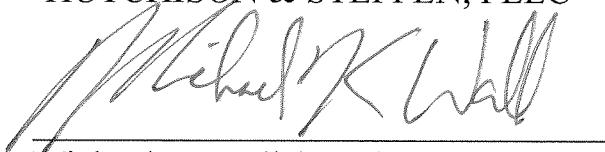


filed. Appellant submits the Declaration of attorney Michael K. Wall to it's motion, which is attached hereto as Exhibit 1.

Respectfully submitted this 2 day of March, 2020.

HUTCHISON & STEFFEN, PLLC

A handwritten signature in black ink, appearing to read "Michael K. Wall", is written over a horizontal line.

Michael K. Wall (2098)

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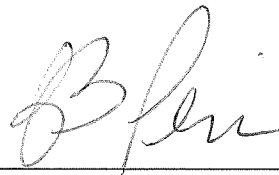
CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, PLLC and that on this 2nd day of March, 2020, date the ***APPELLANT'S ERRATA TO MOTION FOR LEAVE TO FILE AN OPENING BRIEF THAT EXCEEDS THE WORD LIMIT NRAP 32(a)(7)(D)*** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

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An employee of Hutchison & Steffen, PLLC

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EXHIBIT PAGE ONLY

EXHIBIT 1

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

DECLARATION OF COUNSEL MICHAEL K. WALL

1. I am an attorney with Hutchison & Steffen, PLLC. I am counsel for appellant in this matter, and I have personal knowledge of the facts set forth herein.

2. This case arises from an underlying personal injury action, that resulted in an excess verdict in favor of the plaintiff. Several insurance carriers entered into and funded a settlement in the personal injury action, reserving their rights as against each other. Appellant St. Paul then brought this action against two of the other insurers, and against the nightclub where the torts were committed that resulted in the personal injury action. St. Paul's claims arise through subrogation to the rights of its insured, Cosmopolitan, against each of the defendants. The district court granted summary judgment in favor of one insurer, and in favor of the nightclub.

3. This appeal presents several issues of first impression and significance importance to the jurisprudence of Nevada. The issues are complex, and require full briefing so as to equip this Court with important information and arguments necessary to proper resolution.

4. The amount of the settlement in the underlying personal injury action is confidential, but the amount in controversy in this litigation is substantial.

5. Although the appendix in this case will be moderate in size, the issues are complex, and close examination of the documents was required. The appendix documents have been carefully selected so as not to overburden the Court.

6. Appellant has raised substantial issues regarding the district court's errors. Appellant has forgone other issues in order to heed this Courts admonitions in *Hernandez v. State*, 117 Nev. 463, 464–68, 24 P.3d 767, 768–70 (2001), including “that the weeding out of weaker issues is widely recognized as one of the hallmarks of effective appellate advocacy.” The issues raised are important, and each could have been the subject of a separate appeal and brief of substantial length, but must be fitted here into a single brief.

7. Appellant has heeded the instructions of *Blandino v. Eighth Judicial Dist. Court*, 466 P.3d 539 (Nev. 2020) (unpublished), to use diligence in editing the draft. The brief has been edited and re-edited numerous times to remove thousand of words (and entire issues) in an attempt to be concise without losing continuity.


8. It is counsel's belief that this case cannot be presented fairly with a shorter brief. Despite serious efforts and diligence, appellants does not believe the multiple separate issues can be effectively presented in fewer words.

////

9. I declare the foregoing to be true under penalty of perjury for the laws of the State of Nevada.

DATED this 2 day of March, 2021.

HUTCHISON & STEFFEN, PLLC.

A handwritten signature in dark ink, appearing to read "Michael K. Wall", is written over a horizontal line.

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