

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 TRI-COUNTY EQUIPMENT & LEASING
3 LLC;

4 Appellant,

5 vs.

6 ANGELA KLINKE,

7 Respondent.
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Supreme Court Case No.: 55121

District Court Case No.: 08-787-2011-134-03 p.m.

Electronically Filed
Oct 21 2011 04:03 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN SUPPORT
OF APPELLANT**

11 Pursuant to NRCP 29(a) and (c), the Livery Operators Association (herein "LOA")
12 requests leave of this Court to file a brief as *amicus curiae* in support of Appellant Tri-County
13 Equipment & Leasing, LLC. The proposed *amicus* only recently learned of this case and the
14 profound potential impact it may have on its membership. LOA requests an extension of time
15 pursuant to NRAP 29(f) within which to file its brief.

16 **INTEREST OF AMICUS CURIAE**

17 The Livery Operators Association was founded for the purpose of providing a forum for
18 the exchange and collection of information that informs, educates and promotes the livery
19 industry in Nevada. LOA members employ approximately 2,000 Nevadans and operate a fleet of
20 approximately 1,700 vehicles. LOA works to inform members of issues concerning commercial
21 transportation and, similarly, promotes the interests of its membership at the local, state and
22 federal level. LOA also seeks to promote the betterment of civil justice system to ensure
23 fairness, balance and predictability.

24 The proposed brief, offered simultaneously herewith, addresses the adverse impact upon
25 the business climate that would result if a civil litigant is permitted to recover for damages that
26 were never incurred. The brief assists the Court by providing legal analysis of persuasive
27 authority from other jurisdictions that has emerged since the Court last considered this issue and
28 that address the issues contained in this Court's September 13, 2011 order setting oral argument.

1 It also addresses the impact of actions taken during the recently concluded 2011 session of the
2 Nevada Legislature. The brief offers rational alternatives to those raised by this Court's now
3 vacated unpublished order for the trial court's handling of questions relating to damages never
4 incurred.

5 LOA therefore requests this Court grant this Motion and accept as filed its proposed brief
6 as *amicus curiae*.

7 DATED this 21st day of October, 2011.

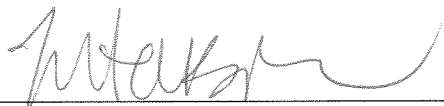
8 THORNDAL, ARMSTRONG, DELK,
9 BALKENBUSH & EISINGER

10
11 
12 James J. Jackson, Esq.
13 Nevada Bar No. 003083
14 Michael P. Lowry, Esq.
15 Nevada Bar No. 010666
16 1100 East Bridger Avenue
17 P. O. Drawer 2070
18 Las Vegas, Nevada 89125-2070
19 Tel.: (702) 366-0622
20 Fax: (702) 366-0327
21 E-Mail: jjj@thorndal.com
22 E-Mail: mlowry@thorndal.com
23 Attorneys for Amicus Curiae
24 Livery Operators Association of Las Vegas
25
26
27
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CERTIFICATE OF E-SERVICE

Pursuant to NRAP 25(a)(5)(c)(1)(D), I hereby certify that I am an employee of the law firm of THORNDAL, ARMSTRONG, DELK, BALKENBUSH & EISINGER, A Professional Corporation, and that on the 21st day of October, 2011, I e-filed through the Supreme Court E-file System the above and foregoing **MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF APPELLANT:**

NAME	TEL. & FAX NOS.	PARTY REPRESENTING
Scott A. Glogovac, Esq. Michael A. Pintar, Esq. Gregory J. Livingston, Esq. Burton, Bartlett & Glogovac 50 West Liberty Street, Suite 700 Reno, NV 89501	Tel.: (775) 333-0400 Fax: (775) 333-0412	Attorneys for Appellant Tri- County Equipment and Leasing
Charles M. Kilpatrick, Esq. Angela D. Bullentini, Esq. Kilpatrick, Johnston & Adler 412 N. Division Street Carson City, NV 89703	Tel.: (775) 883-5149 Fax: (775) 882-6114	Attorneys for Respondent Angela Klinke


An Employee of Thorndal, Armstrong, Delk,
Balkenbush & Eisinger