

Case No. 79396

In the Supreme Court of Nevada

Estate of MARY CURTIS, deceased; LAURA LATRENTA, as Personal Representative of the Estate of MARY CURTIS; and LAURA LATRENTA, individually,

Appellants,

vs.

SOUTH LAS VEGAS MEDICAL INVESTORS, LLC, dba LIFE CARE CENTER OF SOUTH LAS VEGAS f/k/a LIFE CARE CENTER OF PARADISE VALLEY; SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP; LIFE CARE CENTERS OF AMERICA, INC.; and CARL WAGNER, Administrator,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

MOTION FOR JUDICIAL NOTICE OF RELATED PROCEEDINGS

Respondents ask this Court to take judicial notice of related proceedings in two cases:

- *Estate of Mary Curtis, et al. v. South Las Vegas Medical Investors, LLC, et al.*, District Court Case No. A-17-750520-C
4: Defendants' motion for summary judgment (1 R. App. 1) and plaintiffs' opposition (1 R. App. 131); plaintiffs' motion for prima facie claim of punitive damages (1 R. App. 98); and the transcript from the hearing on the motion for summary judgment (1 R. App. 174)

- *Estate of Mary Curtis, et al. v. South Las Vegas Medical Investors, LLC, et al.*, Supreme Court Case No. 77810: The docketing statement from the appeal in this first case (1 R. App. 198)

Collectively, the brief refers to this first action and appeal as *Curtis I*. This appeal is from a second district court action (*Curtis II*), where the principal issue on appeal is whether the judgment in *Curtis I* creates claim preclusion barring this second action.

This Court may take judicial notice of records in another case that bear a “close relationship” to this case. *Occhiuto v. Occhiuto*, 97 Nev. 143, 145, 625 P.2d 568, 569 (1981). The *fact* of these related proceedings (separate from the question of the parties’ contentions within the proceeding) is accurate and undisputed. *See* NRS 47.130(2). Taking judicial notice is appropriate in these circumstances. *See Mack v. Estate of Mack*, 125 Nev. 80, 91, 206 P.3d 98, 106 (2009); *Lindsey v. Lindsey*, 200 So. 2d 643, 643–44 (Fla. Dist. Ct. App. 1967); *Commonwealth ex rel. Branch v. Branch*, 104 A.2d 183, 184–85 (Pa. Super. Ct. 1954); *State ex rel. LeCompte v. Keckler*, 628 N.W.2d 749, 754 & n.7 (S.D. 2001).

Here, it is important for the Court's preclusion analysis to see the proceedings in the underlying action. Judicial notice of these filings and hearing transcript is therefore appropriate.

Dated this 20th day of April, 2020.

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CERTIFICATE OF SERVICE

I certify that on April 20, 2020, I submitted the foregoing MOTION FOR JUDICIAL NOTICE OF RELATED PROCEEDINGS for filing *via* the Court's eFlex electronic filing system. Electronic notification will be sent to the following:

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