

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

2 OSCAR HERNANDEZ,)
3)
4 Appellant,)
5)
6 vs.)
7)
8 THE HOME DEPOT, INC.; AND)
9 RIGID TOOL COMPANY)
10 and DOES I - V, and ROE)
11 CORPORATIONS I - V, inclusive,)
12)
13)
14 Respondents.)

SUPREME COURT CASE NO. 87794

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Elizabeth A. Brown
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15 **APPELLANT'S REPLY BRIEF**

16 /s/ *David Sampson*

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RIGID's Answering Brief also failed to address why it should not be held liable as a supplier of the subject nail gun. *See, Ford Motor Co. v. Trejo*, 402 P.3d 649, 653 (Nev. 2017) (holding that strict product liability applies to the suppliers of goods) (citing *Shoshone Coca-*

1 *Cola Bottling Co. v. Dolinski*, 82 Nev. 439, 442, 420 P.2d 855, 857 (1966). Having invited and
2 solicited the use of the product in question, RIGIS should be held liable for any harms caused by
3 any defects.
4

5 This matter is very simple, when a party holds itself out as the manufacturer, gives every
6 indication to the public that it is the manufacturer, is directly responsible for the product being
7 in the stream of commerce, and benefits financially from the product being in the stream of
8 commerce, that party cannot escape liability when the product is defective and harms someone.
9 Nothing in RIGID's Answering Brief alters these realities.
10

11 **CONCLUSION**

12 For the foregoing reasons this Court should hold that Nevada does impose strict products
13 liability on an entity whose only involvement with a defective or unreasonably dangerous
14 product is to license its trademark to be used to market the product and where the product and
15 packaging prominently display its trademark.
16

17
18 DATED THIS 12th day of June, 2024

19 LAW OFFICE OF DAVID SAMPSON, LLC.

20
21 BY: /s/ *David Sampson*

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DATED this 12th day of June, 2024.

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/s/ Amanda Nalder
An employee of THE LAW OFFICE OF DAVID
SAMPSON, LLC.