

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCHISE TAX BOARD OF THE  
STATE OF CALIFORNIA,  
Appellant/Cross-Respondent,  
vs.  
GILBERT P. HYATT,  
Respondent/Cross-Appellant.

No. 53264

**FILED**

**MAY 11 2012**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

ORDER SCHEDULING ADDITIONAL ORAL ARGUMENT

Oral argument was held in this matter on May 7, 2012. This court has determined that additional oral argument would assist in the resolution of this matter. Accordingly, the clerk of this court shall schedule this matter for oral argument on Monday, June 18, 2012, at 10:00 a.m., at the courtroom in Carson City. Argument shall be limited to 60 minutes.

The parties should be prepared to address the following issues:

- (1) Did Hyatt adequately demonstrate and present to the jury intentional torts or bad-faith conduct by FTB, including whether the jury was instructed or made findings as to bad-faith conduct?
- (2) Did the district court improperly allow consideration of the audit conclusions at trial?
- (3) Did the district court abuse its discretion in excluding evidence offered by FTB to refute the adverse inference from spoliation of evidence?
- (4) Is FTB entitled to statutory caps on damages and immunity from punitive damages under comity principles?

(5) Are punitive damages available in this case under the common law?

(6) Did the district court err in ruling that the statute of limitations for all of Hyatt's claims, except his fraud claim, had not expired?

It is so ORDERED.

Cherry, C.J.

cc: McDonald Carano Wilson LLP/Reno  
McDonald Carano Wilson LLP/Las Vegas  
Lemons, Grundy & Eisenberg  
Lewis & Roca, LLP/Las Vegas  
Perkins Coie  
Hutchison & Steffen, LLC  
Kaempfer Crowell Renshaw Gronauer & Fiorentino  
Multistate Tax Commission  
Attorney General/Carson City  
Utah Attorney General's Office