

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

APR 10 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER

Respondent/cross-appellant has filed a motion for guidance regarding subjects to be discussed at oral argument. Having considered the motion, we provide guidance as follows. The parties should be prepared to discuss the scope of the review of this court's decision in *Franchise Tax Bd. of Cal. v. Hyatt*, 130 Nev., Adv. Op. 71, 335 P.3d 125 (2014), that this court must undertake based on the Supreme Court of the United States' subsequent decision in *Franchise Tax Bd. of Cal. v. Hyatt*, 578 U.S. ___, 136 S. Ct. 1277 (2016). Furthermore, the parties should be prepared to discuss the applicability of the damages cap in NRS 41.035(1) to respondent/cross-appellant's intentional tort claims.

It is so ORDERED.

Cherry, C.J.

cc: McDonald Carano LLP/Reno
Lewis Roca Rothgerber Christie LLP/Las Vegas
Hutchison & Steffen, LLC