

EXHIBIT 1

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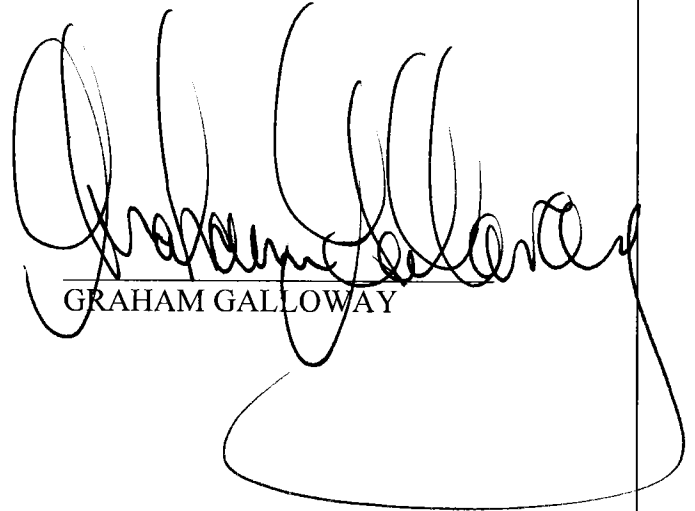
Affidavit of Graham Galloway

STATE OF NEVADA)
) ss
COUNTY OF WASHOE)

GRAHAM GALLOWAY, being duly sworn under penalty of perjury, deposes and states
as follows:

1. Affiant is the President of the Nevada Justice Association.
2. Affiant has personally had to address the issue of medical costs write-downs and
the collateral source rule on multiple occasions.
3. Multiple members of the Nevada Justice Association have informed Affiant that
they too have had to address the issue of medical cost write-downs in their cases.

Further your affiant sayeth not.



GRAHAM GALLOWAY

SUBSCRIBED AND SWORN TO before me
this 10 day of May, 2011.



NOTARY PUBLIC



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2
3 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

Electronically Filed
May 10 2011 12:39 p.m.
Tracie K. Lindeman

4
5 TRI-COUNTY EQUIPMENT &
6 LEASING, LLC,

7 Appellant,

Case No.: 55121

8 vs.

9 ANGELA KLINKE,

10 Respondent,
11 _____/

12 **MOTION TO PUBLISH DECISION**

13 The Nevada Justice Association, pursuant to NARP 36(f), requests the Court publish its
14 *Order of Affirmance* in Tri-County Equipment & Leasing, LLC v. Angela Klinke, case number
15 55121 (hereafter *Order of Affirmance*). The Court's *Order of Affirmance* clarifies this Court's
16 prior ruling in Proctor v. Castelletti, 112 Nev. 88, 911 P.2d 853 (1996), by making clear the
17 collateral source rule prohibits evidence of reduced medical expenses or medical cost write-
18 downs.

19 Petitioner believes the *Order of Affirmance* involves an issue of public importance
20 beyond the parties to the case. NARP 36(c)(3). The *Order of Affirmance* by the Court also
21 constitutes a matter of first impression under NARP 36(c)(1) in that it decides the issue of the
22 application of the collateral source rule to medical costs write-downs for the first time.

23
24 The Nevada Justice Association is an association composed primarily of lawyers in the
25 State of Nevada who dedicate the majority of their practice to representing Plaintiffs in

1 personal injury actions. The Nevada Justice Association advocates on behalf of the rights of
2 injured persons and other victims, and has provided *amicus curiae* briefs to the Supreme Court
3 on a variety of issues relating to injured persons and personal injury litigation. Graham
4 Galloway brings this motion as President of the Nevada Justice Association.

5 As the Affidavit of Graham Galloway shows, the issue addressed by the *Order of*
6 *Affirmance* has been raised in multiple cases in which Mr. Galloway and many other members
7 of the Association have been involved. In fact, the issue of medical cost write-downs
8 addressed in the *Order of Affirmance* has been raised routinely by defendants who argue the
9 California Court of Appeals decision in Hanif v. Housing Authority of Yolo County, 200
10 Cal.Ap.3d 635, 246 Cal.Rptr. 192 (Cal.App. 1988) should be applied in Nevada. Clarification
11 of this issue by the Court will prevent this issue from being continuously relitigated in the
12 District Courts. Accordingly, the Nevada Justice Association requests the Supreme Court of
13 the State of Nevada publish its *Order of Affirmance*.
14

15 DATED this 10th day of May, 2011.

16 NEVADA JUSTICE ASSOCIATION

17 By: /s/ Graham Galloway
18 GRAHAM GALLOWAY
19 406 N. Nevada St.
20 Carson City, NV 89703
21
22
23
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CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I certify that I am an employee of GALLOWAY & JENSEN and that on this date I served a true and correct copy of the preceding document addressed to the following:

Scott Glogovac
Burton, Bartlett & Glogovac
50 W. Liberty St., Ste. 700
Reno, NV 89501

Ernie Johnston
Kilpatrick, Johnston & Adler
412 N. Division St.
Carson City, NV 89703

☒ **BY U.S. MAIL:** I deposited for mailing in the United States mail, with postage fully prepaid, an envelope containing the preceding document at Reno, Nevada, in the ordinary course of business.

☐ **BY FACSIMILE**

☐ **BY PERSONAL SERVICE:** I personally delivered the preceding document by hand delivery to the offices of the address named above.

☐ **BY MESSENGER SERVICE:** I delivered the preceding document to Reno Carson Messenger Service for delivery to the offices of the address named above.

DATED this 10th day of May, 2011

/s/ Jennifer Folmer