

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2 \* \* \* \*

3 FIESTA PALMS, LLC, a Nevada Limited  
4 Liability Company d.b.a THE PALMS  
CASINO RESORT,

5 Appellant,

6 vs.

7 ENRIQUE RODRIGUEZ, an individual,

8 Respondent.

Electronically Filed  
Nov 25 2013 03:50 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court  
No. 59630

9  
10 **APPELLANT'S SUPPLEMENTAL AUTHORITIES**  
**(ORAL ARGUMENT: December 10, 2013)**

11 Appellant hereby submits the following supplemental authorities pursuant to NRAP  
12 31(e). Oral argument is scheduled for Tuesday, December 10, 2013, before the Northern Panel.

13 Pursuant to Rule 31(e), supplemental authorities may be filed when pertinent and  
14 significant authorities come to a party's attention after the party's brief has been filed, but  
15 before a decision. Such authorities must state concisely, and without argument, the legal  
16 proposition for which each supplemental authority is cited, with the page(s) of the brief to which  
17 the supplemental authorities relate.

18 **I**

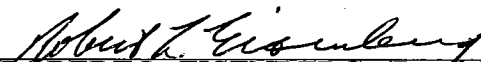
19 The following recent opinions supplement the cases at pages 6-12 of the opening brief,  
20 and pages 7-10 and 13-16 of the reply brief.

21 *Martinez v. Houston McLane Co.*, 2013 WL941799 (Tex. App. 2013), is cited for the  
22 legal proposition that owners and operators of spectator sports facilities have only a limited duty  
23 to protect spectators injured by activities or risks that are customary or expected as part of the  
24 game. *Martinez* is also cited for the legal proposition that public policy considerations include  
25 recognition that fans often want to be located as close to the action as possible, some risks are  
26 considered inherent risks of the game, and most fans who attend games are aware that objects  
27 may land in spectator areas, with the potential to cause injury. The limited duty rule comports  
28 with "everyday reality" at sporting events. *Id.* at \*4.



1 opinions were formed outside the normal course of treatment, such as when the physician has  
2 reviewed information provided by the plaintiff's attorney.

3 DATED: November 25, 2013

4  
5   
6 ROBERT L. EISENBERG (Bar # 0950)  
7 Lemons, Grundy & Eisenberg  
8 6005 Plumas Street, Third Floor  
9 Reno, Nevada 89519  
10 775-786-6868  
11 Email: [rle@lge.net](mailto:rle@lge.net)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
ATTORNEYS FOR APPELLANT

1 CERTIFICATE OF SERVICE

2  
3 I certify that I am an employee of Lemons, Grundy & Eisenberg and that on this date  
4 Appellant's **Supplemental Authorities** was filed electronically with the Clerk of the Nevada  
5 Supreme Court, and therefore electronic service was made in accordance with the master service  
6 list as follows:

7 Steven Baker  
8 John Naylor  
9 Jeffery Bendavid  
10 Marsha Stephenson  
11 Michael Wall

12 I further certify that on this date I served copies of these **Supplemental Authorities** by  
13 U.S. mail to:

14 Kenneth C. Ward  
15 Keith R. Gillette  
16 ARCHER NORRIS  
17 A Professional Law Corporation  
18 2033 North Main Street, Suite 800  
19 P.O. Box 8035  
20 Walnut Creek, California 94596-3728

21 Adam S. Davis  
22 Moran Law Firm  
23 630 S. Fourth Street  
24 Las Vegas, Nevada 89101

25 DATED this 25 day of Nov., 2013.

26  
27  
28 