

IN THE SUPREME COURT OF THE STATE OF NEVADA

McDONALD CARANO WILSON LLP,
a Nevada limited liability partnership,

Appellant,

vs.

THE BOURASSA LAW GROUP, LLC, a
Nevada limited liability corporation;
OASIS LEGAL FINANCE, LLC, an
Illinois limited liability company;
CALIFORNIA BACK SPECIALISTS
MEDICAL GROUP, INC., a California
corporation; CALIFORNIA MINIMALLY
INVASIVE SURGERY CENTER, INC., a
California corporation; THOUSAND
OAKS SPINE MEDICAL GROUP, INC.,
a California corporation; CONEJO
NEUROLOGICAL MEDICAL GROUP,
INC., a California corporation; and
MEDICAL IMAGING MEDICAL
GROUP INC., a California corporation,

Respondents.

No. 64658

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APPELLANT'S RESPONSE
TO ORDER TO SHOW Supreme Court
CAUSE

GEORGE F. OGILVIE, ESQ.

Nevada Bar No. 3552

PATRICK J. MURCH, ESQ.

Nevada Bar No. 10162

RORY T. KAY, ESQ.

Nevada Bar No. 12416

McDONALD CARANO WILSON LLP

2300 West Sahara Avenue, Suite 1200

Las Vegas, Nevada 89102

Telephone: (702) 873-4100

Attorneys for McDonald Carano Wilson LLP

McDonald Carano Wilson LLP submits its response to the order to show cause that the Court entered in this matter on August 18, 2014.

I. RELEVANT FACTS

This appeal arises out of the district court's denial of McDonald Carano's motion to adjudicate and enforce an attorney charging lien in an interpleader action that the Bourassa Law Group, LLC (the Bourassa Firm) filed to adjudicate the rights of the potential claimants to \$55,000.00 in settlement proceeds that resulted from the settlement of a personal injury lawsuit.¹ Among those potential claimants was Steven Zlatt, M.D., Inc. (Zlatt), a California corporation that apparently provided medical services to the plaintiff in the personal injury litigation.

After service of process was effectuated on the parties that were named as defendants in the interpleader action, the Bourassa Firm and McDonald Carano began obtaining default judgments against the defendants who did not respond to the Bourassa Firm's complaint and/or McDonald Carano's cross-claim. On September 12, 2012, the Bourassa Firm attempted to obtain a default judgment against Zlatt, but inadvertently failed to amend the body of a prior default judgment document to include Zlatt's name (the title of the document referenced Zlatt, but the body referenced Los Angeles Orthopaedic Institute, Inc.). Accordingly, default judgment was not entered against Zlatt. Neither the district

¹ The district court held that, under Argentina Consol. Mining Co. v. Jolley Urga, et al., 125 Nev. 527, 216 P.3d 779 (2009), McDonald Carano could not adjudicate its lien in the interpleader action because McDonald Carano withdrew from representing the client prior to judgment or settlement.

court nor any of the parties to the interpleader action noticed the error prior to the time that the Court entered the order to show cause.

Upon receipt of the order to show cause, the Bourassa Firm filed an application in the district court for the entry of a default judgment against Zlatt. The district court granted the application and entered default judgment against Zlatt on September 4, 2014. A copy of the default judgment is attached as Exhibit 1.

II. CONCLUSION

Based on the foregoing, the jurisdictional defect that the Court identified in the order to show cause has been resolved, and the rights of all potential claimants to the settlement proceeds have been fully and finally adjudicated. Accordingly, McDonald Carano requests that the Court reinstate the briefing schedule and permit McDonald Carano to continue to prosecute the appeal.

Dated: September 3, 2014.

McDONALD CARANO WILSON LLP

By: 

George F. Ogilvie, Esq. (#3552)

Patrick J. Murch, Esq. (#10162)

Rory T. Kay, Esq. (#12416)

2300 West Sahara Avenue, Ste. 1200

Las Vegas, Nevada 89102

Attorneys for McDonald Carano Wilson LLP

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the law firm of McDonald Carano Wilson LLP and, on September 3rd, 2014, I caused a copy of the foregoing **APPELLANT'S RESPONSE TO ORDER TO SHOW CAUSE** to be served, via U.S. Mail, upon the following:

Michelle L. Abrams, Esq.
Abrams Probate & Planning Group
530 South Fourth Street
Las Vegas, Nevada 89101

and

Colby D. Beck, Esq.
Boyack, Beck and Taylor
401 North Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Attorneys for Oasis Legal Finance, LLC

Mark J. Bourassa, Esq.
Christopher W. Carson, Esq.
The Bourassa Law Group, LLC
8668 Spring Mountain Road, Suite 101
Las Vegas, Nevada 89117

Attorneys for The Bourassa Law Group, LLC

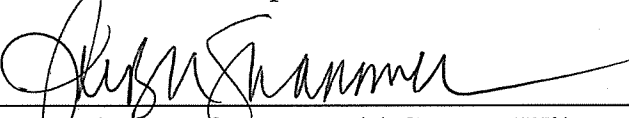
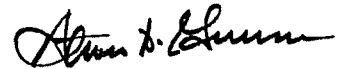

An employee of McDonald Carano Wilson LLP

EXHIBIT 1



CLERK OF THE COURT

JUDG

MARK J. BOURASSA, ESQ.

Nevada Bar No. 7999

CHRISTOPHER W. CARSON, ESQ.

Nevada Bar No. 9523

THE BOURASSA LAW GROUP, LLC

8668 Spring Mountain Road, Suite 101

Las Vegas, Nevada 89117

Telephone: (702) 851-2180

Facsimile: (702) 851-2189

mbourassa@bourassalawgroup.com

ccarson@bourassalawgroup.com

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE BOURASSA LAW GROUP, LLC

Plaintiff,

vs.

CALIFORNIA BACK SPECIALISTS MEDICAL GROUP, INC., a California corporation; CALIFORNIA MINIMALLY INVASIVE SURGERY CENTER, an unknown entity; CONEJO NEUROLOGICAL MEDICAL GROUP, INC., a California corporation; LOS ANGELES ORTHOPAEDIC INSTITUTE, INC., a California corporation; MEDICAL IMAGING MEDICAL GROUP, an unknown entity; MOUNTAIN VIEW SURGICAL CENTER, INC., a California corporation; CHARLES K. NEAL, an individual; QUEST DIAGNOSTICS WEST HILLS, a foreign Delaware corporation; SCREEN ACTORS GUILD, INC., a California corporation; THOUSAND OAKS SPINE MEDICAL GROUP, INC., a California corporation; STEVEN ZLATT, M.D., INC., a California corporation; OASIS LEGAL FINANCE, LLC, a foreign Illinois limited liability company; McDONALD CARANO WILSON LLP, a Nevada limited liability partnership; IMAGING CENTER OF THE VALLEY AT SHERMAN OAKS COMMUNITY HOSPITAL, LTD., A CALIFORNIA LP, a California limited partnership; VALLEY OPEN MRI, LLC, a California limited liability company; and DOES I-V, inclusive; and ROE CORPORATIONS VI-X, inclusive,

Defendants.

Case No.: A651563

Dept. No.: XXVIII

**AMENDED DEFAULT JUDGMENT AS
TO DEFENDANT
STEVEN ZLATT, M.D., INC.**

8/21/14 (B)

McDONALD CARANO WILSON LLP, a
Nevada limited liability partnership,

Counterclaimant,

vs.

THE BOURASSA LAW GROUP, LLC, a Nevada
limited liability company; and DOES I-V,
inclusive; and ROE CORPORATIONS VI-X,
inclusive,

Counterclaim Defendants.

McDONALD CARANO WILSON LLP, a
Nevada limited liability partnership,

Cross-Claimant,

vs.

CALIFORNIA BACK SPECIALISTS MEDICAL
GROUP, INC., a California corporation;
CALIFORNIA MINIMALLY INVASIVE
SURGERY CENTER, an unknown entity;
CONEJO NEUROLOGICAL MEDICAL
GROUP, INC., a California corporation; LOS
ANGELES ORTHOPAEDIC INSTITUTE, INC.,
a California corporation; MEDICAL IMAGING
MEDICAL GROUP, an unknown entity;
MOUNTAIN VIEW SURGICAL CENTER, INC.,
a California corporation; CHARLES K. NEAL, an
individual; QUEST DIAGNOSTICS WEST
HILLS, a foreign Delaware corporation; SCREEN
ACTORS GUILD, INC., a California corporation;
THOUSAND OAKS SPINE MEDICAL GROUP,
INC., a California corporation; STEVEN ZLATT,
M.D., INC., a California corporation; OASIS
LEGAL FINANCE, LLC, a foreign Illinois limited
liability company; IMAGING CENTER OF THE
VALLEY AT SHERMAN OAKS COMMUNITY
HOSPITAL, LTD., A CALIFORNIA LP, a
California limited partnership; VALLEY OPEN
MRI, LLC, a California limited liability company;
and DOES I-V, inclusive; and ROE
CORPORATIONS VI-X, inclusive,

Cross-Claim Defendants.

DEFAULT JUDGMENT AS TO DEFENDANT
STEVEN ZLATT, M.D., INC.

This matter came before the Court pursuant to the Application for Entry of Judgment by Default as against Defendant STEVEN ZLATT, M.D., INC. on file herein by Plaintiff, THE BOURASSA LAW GROUP, LLC.

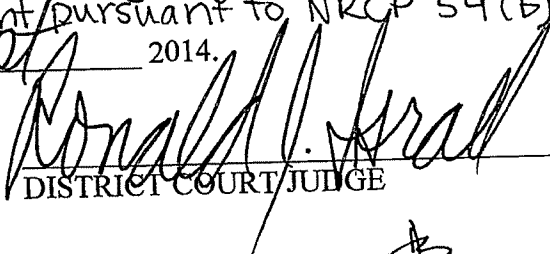
Defendant, STEVEN ZLATT, M.D., INC., having been duly served with Summons and Complaint in this action and having failed to timely answer or otherwise respond to the same or enter any appearance in this action, Default having been duly entered against said Defendant by the Court Clerk, and good cause appearing therefore, it is hereby:

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The Application for Entry of Default Judgment against the STEVEN ZLATT, M.D., INC. is hereby GRANTED;

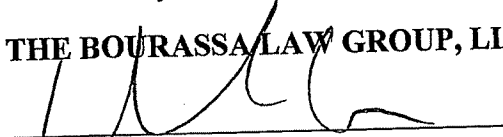
2. Judgment is entered in favor of the Plaintiff and against the Defaulting Party on each of the Plaintiff's respective claims against the Defaulting Party;

3. Any interest that the Defaulting Party has or may have in or to any amount of the Settlement Proceeds is foreclosed. 4. There being no just reason for delay, this is certified as a final judgment pursuant to NRCP 54(b).
DATED this 2 day of Sept 2014.


DISTRICT COURT JUDGE

Submitted by:

THE BOURASSA LAW GROUP, LLC


MARK J. BOURASSA, ESQ.

Nevada Bar No. 7999

TRENT L. RICHARDS, ESQ.

Nevada Bar No. 11448

8668 Spring Mountain Road, Suite 101

Las Vegas, Nevada 89117

Telephone: (702) 851-2180

Facsimile: (702) 851-2189

Attorneys for Plaintiff