

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

Electronically Filed
Oct 22 2014 01:05 p.m.
McDonald Carano Wilson LLP's
Motion to Preclude Unrepresented
Entities from Participating in Appeal

Appellant McDonald Carano Wilson LLP moves for the entry of an order precluding any unrepresented entities from filing any documents and/or otherwise participating in this appeal.

RELEVANT FACTS AND ARGUMENT

On June 27, 2014, the Court entered an order directing respondents California Back Specialists Medical Group, Inc., California Minimally Invasive Surgery Center, Inc., Thousand Oaks Spine Medical Group, Inc., Conejo Neurological Medical Group,

Inc., and Medical Imaging Medical Group, Inc. (collectively, the Chiu Entities)¹ to “retain counsel and cause counsel to file a notice of appearance” in this matter within 45 days of the date of entry of that order. See Order Regarding Counsel, Removing Appeal from Settlement Program and Reinstating Briefing (June 27, 2014), on file with the Court.² The Court cited NRAP 46(b), State v. Stu’s Bail Bonds, 115 Nev. 436, 436 n. 1, 991 P.2d 469, 470 n. 1 (1999) (business entities may not file documents in proper person), and Sunde v. Contel of California, 112 Nev. 541, 542-43, 915 P.2d 298, 299 (1996) (nonlawyers may not represent entities in court) in the order. Id.

More than 45 days have passed since the order was entered, and the Chiu Entities have not retained counsel or caused counsel to file a notice of appearance in this matter. Accordingly, the Court should enter an order precluding any of the Chiu Entities from filing a response to McDonald Carano’s opening brief, filing a joinder to any response brief filed by any of the other respondents, and/or otherwise participating in this appeal.

Dated: October 22, 2014.

McDONALD CARANO WILSON LLP

By: 

George F. Ogilvie III, Esq. (#3552)

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Attorneys for McDonald Carano Wilson LLP

¹ The Chiu Entities are California entities that are owned and/or controlled by non-party John C. Chiu, M.D.

² The order was entered after Nevada attorney Jacqueline M. McQuigg, who was identified as counsel for the Chiu Entities in the case appeal statement and the docketing statement, filed a letter stating that she never represented any of the parties in this matter, and that she believed that California attorney James T. Studer or a principal of the Chiu Entities improperly used her name on documents that were filed in the district court proceedings.

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this motion complies with the formatting requirement of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point font and Times New Roman style

2. I further certify that this motion complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the motion exempted by NRAP 32(a)(7)(C), it does not exceed 10 pages.

3. Finally, I hereby certify that I have read this motion, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this motion complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the motion regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied upon is to be found. I understand that I may be subject to sanctions in the event that this motion is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated: October 22, 2014.

McDONALD CARANO WILSON LLP

By: 

George F. Ogilvie III, Esq. (#3552)

Patrick J. Murch, Esq. (#10162)

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Las Vegas, Nevada 89102

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of McDonald Carano Wilson LLP and, on October 22, 2014, I caused a copy of the foregoing **McDONALD CARANO WILSON LLP'S MOTION TO PRECLUDE UNREPRESENTED ENTITIES FROM PARTICIPATING IN APPEAL** to be electronically filed with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (EFlex). Participants in this case who are registered with EFlex as users will be served by EFlex.

I further certify that I caused a copy of the same document to be served, via U.S. Mail, upon the following:

California Back Specialists Medical Group, Inc.
California Minimally Invasive Surgery Center
Thousand Oaks Spine Medical Group, Inc.
Conejo Neurological Medical Group, Inc.
Medical Imaging Medical Group

c/o John C. Chiu, M.D.
1001 Newbury Park Road
Newbury Park, California 91320
Registered Agent for the Chiu Entities

Michelle L. Abrams, Esq.
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Counsel for Oasis Legal Finance, LLC



/s/ Jill M. Berghammer
An employee of McDonald Carano Wilson LLP