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4 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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6 **ALI PIROOZI, M.D.,**

7 **Petitioner**

**Nevada Supreme Court**  
**Case No.: 64946**

**EJDC Case No.: A - 616728 - C**

9 **EIGHTH JUDICIAL DISTRICT**  
10 **COURT OF THE STATE OF**  
11 **NEVADA, IN AND FOR THE**  
12 **COUNTY OF CLARK, and THE**  
13 **HONORABLE JAMES BIXLER,**  
14 **DISTRICT COURT JUDGE**

15 **Respondent.**

**REAL PARTY IN INTEREST,**  
**MARTIN BLAHNIK, M.D.'S**  
**JOINDER TO ALI PIROOZI, M.D.'S**  
**EMERGENCY PETITION FOR**  
**WRIT OF MANDAMUS**

**FILED**

**MAR 18 2014**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

15 **TIFFANI D. HURST and BRIAN**  
16 **ABBINGTON, jointly and on behalf of**  
17 **their minor child, MAYROSE LILI-**  
18 **ABBINGTON HURST; MARTIN**  
19 **BLAHNIK, M.D.,**

20 **Real Parties in Interest.**

21  
22 COMES NOW Real Party in Interest Martin Blahnik, M.D. ("Dr. Blahnik"), by and  
23 through his counsel of record, Robert C. McBride, Esq., and Heather S. Hall, Esq., of the  
24 law firm of Mandelbaum, Ellerton & McBride and hereby submits his Joinder to  
25 Petitioner Ali Piroozi, M.D.'s Emergency Petition for Writ of Mandamus that was  
26 submitted to this Honorable Court on February 4, 2014 and accepted on February 5, 2014.  
27 Therein, Petitioner sets out that "the issue in this Petition is limited in scope to the  
28 questions of: (1) Whether or not settling former defendants in a medical malpractice case

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DETACHED FROM MOTION FILED 2/19/14 AND FILED SEPARATELY  
PER ORDER FILED 3/11/14.

1 who was alleged to be negligent can be placed on the jury verdict form so that a jury can  
2 properly allocate fault to the settling defendants per NRS 41A.0435; and (2) whether or  
3 not remaining defendants in a medical malpractice case can do more than simply argue  
4 no negligence or 100% negligence of settling defendants." Petitioner states, "Respondent  
5 in this case improperly Ordered that, pursuant to NRS 41.141 and Banks v. Sunrise  
6 Hospital, 120 Nev. 822, o02 P.3d 52 (2004), the remaining Defendants could not: (1)  
7 Allocate fault to settling defendants; nor (2) place the settling defendants on the verdict  
8 form. Respondent further held that, the remaining Defendants could only argue to a jury  
9 that they were not at fault and/or that the settling defendants were 100% at fault."

10 This Joinder is made and based upon the papers and pleadings on file herein, such  
11 other documentary evidence as may be presented and any oral arguments at the time of  
12 the hearing of this matter. Real Party in Interest Martin Blahnik, M.D., agrees with and  
13 hereby expressly adopts and incorporates by reference, as if fully set out herein, the  
14 Introduction, Statement of Facts, Issues Presented, Statement of Reasons Why This Court  
15 Should Issue a Writ of Mandamus, and Conclusion contained within Petitioner Ali  
16 Piroozi, M.D.'s Emergency Petition for Writ of Mandamus.

17 Dr. Blahnik, sets forth the following additional facts to those stated in the  
18 Emergency Petition for Writ of Mandamus, in order to describe his involvement in the  
19 care of MayRose Lili Abbington-Hurst:

20 At the times pertinent, Dr. Blahnik was a neonatologist at Sunrise Hospital and  
21 Medical Center. (App. 5.) He was the admitting physician of record for MayRose Hurst.  
22 (App. 13-14.) Although Dr. Blahnik was the neonatologist that was at Sunrise Hospital  
23 on the day the child was born, she was cared for by various neonatologists until the time

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1 of her discharge. Dr. Blahnik was not involved in MayRose's care after July 13, 2008.  
2 (App. 13, 18, & 21.)

3 DATED this 14<sup>th</sup> day of February, 2014.

4 MANDELBAUM, ELLERTON & McBRIDE

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1 **CERTIFICATE OF COMPLIANCE**

2 1. I hereby certify that this brief complies with the formatting requirements of  
3 NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style  
4 requirements of NRAP 32(a)(6) because:  
5

6 [X] It has been prepared in proportionally spaced typeface using Word Perfect  
7 in 14 point Times New Roman font.  
8

9 2. I further certify that this brief complies with the page-or type-volume  
10 limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by  
11 NRAP 32(a)(7)(C), it is:

12 [X] Proportionally spaced, has a typeface font of 14 points or more, and contains  
13 425 words.  
14

15 3. I hereby certify that I have read Petitioner Ali Firoozi, M.D.'s Emergency  
16 Petition for Writ of Mandamus and Real Party in Interest Martin Blahnik, M.D.'s Joinder  
17 thereto, and to the best of my knowledge, information, and belief, it is not frivolous or  
18 interposed for any improper purposes. I further certify that this brief complies with all  
19 applicable Nevada Rules of Appellate Procedure, in particular N.R.A.P. 28(e), which  
20 requires every assertion in the brief regarding matters in the record to be supported to a  
21 reference to the page of the transcript or appendix where the matter relied on is to be  
22

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1 found. I understand that I may be subject to sanctions in the event that the accompanying  
2 brief is not in conformity with the requirements of the Nevada Rules of Appellate  
3 Procedure.

4 DATED this 14<sup>th</sup> day of February, 2014.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 14 day of February, 2014, I forwarded a copy of the above and foregoing **REAL PARTY IN INTEREST, MARTIN BLAHNIK, M.D.'S JOINDER TO ALI PIROOZI, M.D.'S EMERGENCY PETITION FOR WRIT OF MANDAMUS** as follows:

X by depositing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, enclosed in a sealed envelope; or  
\_\_\_\_ by facsimile transmission as indicated below;  
\_\_\_\_ Via hand-delivery; or  
\_\_\_\_ both U.S. Mail and facsimile TO:

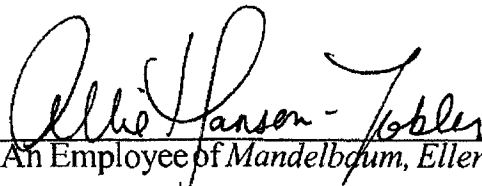
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