

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT H. CAPANNA, M.D.,

Appellant/Cross-Respondent,

vs.

BEAU R. ORTH,

Respondent/Cross-Appellant.

Case No. 69935

Case No. 70227

District Court Case No. A048041

Electronically Filed
Oct 24 2017 03:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENT/CROSS-APPELLANT'S NOTICE OF SUPPLEMENTAL
AUTHORITY**

NOTICE IS HEREBY GIVEN that pursuant to NRAP 31(e), the following supplemental authority is relevant and pertinent to the legal issues addressed in Respondent/Cross-Appellant Beau Orth's Answering Brief and Opening Brief.

Pizarro-Ortega v. Cervantes-Lopez, et al., 133 Nev. Adv. Op. 37 (Jun. 22, 2017).

Respondent/Cross-Appellant hereby supplements pages 31 through 37 of his Combined Answering and Opening Brief to cite to this Court's decision in *Pizarro-Ortega*. Respondent/Cross-Appellant cites to *Pizarro-Ortega* for the legal proposition that the omission of future damages in a plaintiff's computation of damages pursuant to NRCP 16.1(a)(1)(C) is substantially harmless so long as the defendant has the opportunity to offer evidence challenging the reasonableness of

the cost of the future treatment at trial.

Respondent/Cross-Appellant also supplements pages 47 through 56 of his Combined Answering Brief to cite to this Court's decision in *Pizarro-Ortega*. Respondent/Cross-Appellant cites to *Pizarro-Ortega* for the legal proposition that arguments that appear to ask the jury to "send a message" are not impermissible golden rule arguments if counsel asks the jury to do so based on the evidence.

DATED this 24th day of October, 2017.

EGLET PRINCE

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document was filed electronically with the Nevada Supreme Court on the 24th day of October 2017. Electronic service of the foregoing **RESPONDENT/CROSS-APPELLANT'S NOTICE OF SUPPLEMENTAL AUTHORITY** shall be made in accordance with the Master Service List as follows:

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