

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT H. CAPANNA, M.D.,
Appellant/Cross-Respondent,

vs.

BEAU R. ORTH,
Respondent/Cross-Appellant.

ALBERT H. CAPANNA, M.D.,
Appellant,

vs.

BEAU R. ORTH,
Respondent.

No. 69935

FILED

DEC 05 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

No. 70227

ORDER

On November 7, 2017, appellant/cross-respondent filed his combined reply brief on appeal and answering brief on cross-appeal. The American Medical Association and the Nevada State Medical Association filed a timely motion for leave to file an amicus brief in support of appellant/cross-respondent. NRAP 29(f).

Proposed amici intend to offer their position on the arguments raised by respondent/cross-appellant regarding the constitutionality and analysis of NRS 42.021, which addresses the introduction of collateral source evidence in medical malpractice cases. No opposition has been filed. Having considered the motion, we grant it. *See Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997) (an amicus brief is appropriate where "the amicus has unique information or perspective that can help the court beyond the help that that the lawyers for the parties are able to provide"). The clerk of this court shall detach the proposed amicus brief from the motion filed on November 8, 2017, and shall file it separately.

Cause appearing, the motion for an extension of time to file the reply brief on cross-appeal is granted. NRAP 31(b)(3)(B). Respondent/cross-

appellant shall have until January 8, 2018, to file and serve the reply brief. Respondent/cross-appellant shall address the amicus brief in the reply brief. Failure to file a timely reply brief may be treated as a waiver of the right to file a reply brief. NRAP 28(c).

It is so ORDERED.

Cherry, C.J.

cc: Lauria Tokunaga Gates & Linn, LLP/Las Vegas
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