

**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  
Feb 13 2018 02:16 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.

*McCrosky v. Carson Tahoe Reg'l Med. Ctr.*, 133 Nev. Adv. Rep. 115, 408 P.3d 149 (Dec. 28, 2017).

Respondent/Cross-Appellant hereby supplements pages 1 through 2 of his Reply Brief on Cross-Appeal to cite to this Court's decision in *McCrosky*. Respondent/Cross-Appellant cites to *McCrosky* for the legal proposition that this Court has the authority to decide the constitutionality of NRS 42.021 even though Respondent/Cross-Appellant was not aggrieved by the application of NRS 42.021 at trial.

This is so because the constitutionality of NRS 42.021 “...will almost certainly arise again” either on remand in this case or from another future medical malpractice case. *McCrosky*, 133 Nev. Adv. Rep. at \*13.

DATED this 13th day of February, 2018.

**EGLT PRINCE**

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that this document was filed electronically with the Nevada Supreme Court on the 13th day of February 2018. 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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