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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

TAWNI McCROSKY, individually and
as the natural parent of LYAM
McCROSKY, a minor child,

Appellants,

v.

CARSON TAHOE REGIONAL
MEDICAL CENTER, a Nevada
business entity,

Respondent.

Supreme Court Case No. 70325
District Court Case No. 13TRT000281B

APPELLANTS' MOTION FOR CONFESSION OF ERRORS

Appellants Tawni McCrosky, individually and as the natural parent of Lyam McCrosky, a minor child ("Appellants") move for a confession of errors pursuant to NRAP 31(d)(2) and submit the following Memorandum of Points and Authorities in Support of their motion.

MEMORANDUM OF POINTS AND AUTHORITIES

Appellants filed her *Opening Brief* on December 22, 2016. Respondent Carson Tahoe Regional Medical Center's ("Respondent") had until January 23,


1 2017 on which to file its *Answering Brief*. Pursuant to NRAP 26(b)(1)(B),
2 Respondent obtained a 14 day telephonic request for an extension of time in which
3 to file its *Answering Brief*. The *Answering Brief* became due on February 6, 2017.
4

5 On or about February 10, 2017, Respondent requested a stipulation from
6 Appellants to file its *Answering Brief*. Appellants agreed to an extension to and
7 including Monday February 13, 2017. To date, no *Answering Brief* has been filed.
8

9 Pursuant to NRAP 31(d)(2), "the failure of respondent to file a brief may be
10 treated by the court as a confession of error . . ." NRAP 31(d)(2). This Court,
11 therefore, is vested with discretion to grant the instant motion and to grant
12 Appellants the relief requested in their *Opening Brief*. See, e.g., *Grogan v. County*
13 *of Esmeralda*, 91 Nev. 728, 541 P.2d 1101 (1975) (granting motion for confession
14 of error and reversing district court's order for failure to file timely answering
15 brief). Appellants respectfully request that this Court do so.
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18

19 DATED this 15th day of February, 2017.
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DATED this 15th day of FEBRUARY, 2017.

of FEBRUARY, 2017.



EMPLOYEE OF DURNEY & BRENNAN, LTD.