

Electronically Filed
Mar 17 2017 10:53 a.m.
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

**MOTION FOR ORDER DIRECTING DISTRICT COURT CLERK
TO TRANSMIT A COPY OF A PLEADING FILED UNDER SEAL**

Appellants Tawni McCrosky's, individually and as the natural parent of Lyam McCrosky (collectively as "Appellants"), respectfully request that this Court issue an order directing the District Court Clerk of the First Judicial District Court in and for Carson City to transmit a copy of the *Verified Petition for Compromise of Minor's Claim and Establishment of Special Needs Trust (Under Seal)* ("Verified Petition") filed on or about August 12, 2015.

MEMORANDUM OF POINTS AND AUTHORITIES

NRAP 28(e)(1) provides that "[e]very assertion in briefs regarding matters in the record shall be supported by a reference to the page and volume number, if any, of the appendix where the matter relied on is to be found." NRAP 28(e)(1). In their appeal, Appellants contend that even though they settled with the physician, they retained all claims against Respondent Carson Tahoe Regional Medical Center predicated upon the actions and/or omissions of the physician. This factual assertion is supported by the *Verified Petition*.

The *Verified Petition*, however, was filed under seal. Because the *Verified Petition* was filed under seal, Appellants cannot not include a copy of this document in their appendix. Appellants, therefore, respectfully request that this Court issue an order directing the District Court Clerk of the First Judicial District Court in and for Carson City to transmit a copy of the *Verified Petition* to this Court so that the record on appeal is complete.

DATED this 17th day of March, 2017.

DURNEY & BRENNAN, LTD.



PETER D. DURNEY, ESQ., #57
ALLASIA L. BRENNAN, #9766
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Reno, Nevada 89509

CERTIFICATE OF SERVICE

I certify that I am an employee of Durney & Brennan, Ltd., and that on the date shown below, pursuant to NRAP 25(d), I caused service of the foregoing document by electronically filing the same with the Clerk of the Court which serves the following party automatically:

Robert C. McBride, Esq.
CARROLL, KELLY, TROTTER
FRANZEN, McKENNA & PEABODY
8329 W. Sunset Rd., Ste. 260
Las Vegas, Nevada 89113

Additionally, I deposited in the United States mail at Reno, Nevada, a true copy of the foregoing document, addressed to:

John C. Kelly, Esq.
CARROLL, KELLY, TROTTER
FRANZEN & McKENNA
111 W. Ocean Blvd., 14th Fl.
Long Beach, California 90801-5636

DATED this 17th day of March, 2017.

/s/ Abbey C. Whitfield
ABBIEY WHITFIELD