

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES NALDER, Guardian ad Litem
on behalf of Cheyanne Nalder, GARY
LEWIS, individually,

Appellants,

vs.

UNITED AUTOMOBILE
INSURANCE COMPANY,

Respondent.

Case No.: 70504

Electronically Filed
Dec 20 2016 08:08 a.m.

**MOTION FOR LEAVE TO FILE
BRIEF OF AMICUS CURIAE
UNITED POLICYHOLDERS IN
SUPPORT OF APPELLANTS**

Pursuant to Nevada Appellate Rule 29, United Policyholders respectfully
moves this Honorable Court to grant leave to file the accompanying Brief of
Amici Curiae in this case.

1. Interest of Amici Curiae.

United Policyholders ("UP") is a non-profit 501(c) (3) organization founded
in 1991 that is an information resource and a voice for insurance consumers in
Nevada and throughout the United States. The organization assists and informs
disaster victims and individual and commercial policyholders with regard to every
type of insurance product. Grants from community foundations and government,
donations from individuals and businesses and volunteer attorneys, insurance

professionals, and disaster survivors support the organization's work. UP does not sell insurance or accept funding from insurance companies. UP has submitted to this Court a motion for leave to file this brief.

2. *The accompanying amicus brief is desirable and will assist this Court.*

The accompanying *amicus* brief will address the certified question presented by the Ninth Circuit Court of Appeal: Whether, under Nevada law, the liability of an insurer that has breached its duty to defend, but has not acted in bad faith, is capped at the policy limit plus any costs incurred, or is the insurer liable for all losses consequential to the insurer's breach?

This case involves important question under Nevada law regarding the remedies available to an insured when an insurer breaches its contractual duty to defend. The resolution of this issue will affect many policyholder in Nevada. Given the potential impacts to policyholder across the state, UP wishes to assist the Court by providing research on how other jurisdictions have handled this specific issue.

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1 For the foregoing reasons, *Amici* urge this Court to grant their motion for
2 leave to file the accompanying brief in this case.
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5 DATED this 19th day of December, 2016.
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22 *to Associate Counsel*

23 *Attorneys for Amicus Curiae*
24 *United Policyholders*
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/s/ Lisa Leon
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