

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES NALDER, GUARDIAN AD
LITEM ON BEHALF OF CHEYANNE
NALDER; AND GARY LEWIS,
INDIVIDUALLY,

Appellants,

vs.

UNITED AUTOMOBILE INSURANCE
COMPANY,

Respondent.

No. 70504

FILED

JAN 23 2019

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


ORDER REGARDING MOTIONS

This is a certified question concerning the scope of liability for an insurer when the insurer is found to have breached its duty to defend but that it did not act in bad faith. Appellants have filed a motion to strike portions of respondent's supplemental answering brief and appendix as including facts beyond the scope of the certification order. *See, e.g., In re Fountainbleau Las Vegas Holdings, LLC*, 127 Nev. 941, 956, 267 P.3d 786, 795 (2011). Respondent opposes the motion and argues that the material is appropriately provided to give the court context. *See, e.g., Brady, Vorweck, Ryder & Caspino v. New Albertson's, Inc.*, 130 Nev. 632, 635, n.4, 333 P.3d 229, 230 n.4 (2014).

Having considered the arguments of the parties, the court concludes that review of the issues raised in the motion is more appropriately undertaken in connection with this court's consideration of the merits of the certified question. *Cf. Taylor v. Barringer*, 75 Nev. 409, 410, 344 P.2d 676 (1959). Accordingly, the motion to strike is denied without prejudice to this court's consideration of the issue on disposition of the merits.

Respondent's motion for leave to file a supplemental brief addressing recent case law is granted. The clerk of this court shall file the "Supplemental Brief Addressing Recent Case Law" received via e-flex on January 16, 2019. Appellants shall have 15 days from the date of this order to file and serve a reply that addresses both the original answering brief and the supplemental brief. No extensions of time will be granted.

It is so ORDERED.¹

 C.J.

cc: Eglet Prince
Christensen Law Offices, LLC
Atkin Winner & Sherrod
Cole, Scott & Kissane, P.A.
Lewis Roca Rothgerber Christie LLP/Las Vegas
Pursiano Barry Bruce Lavelle, LLP
Laura Anne Foggan
Boyle Leonard, P.A.
Matthew L. Sharp, Ltd.

¹Appellants' motion to stay briefing pending resolution of the motion to strike is denied as moot.