

May 15, 2019

Clerk of the Supreme Court
201 S. Carson Street
Carson City, Nevada 89701-4702
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May 15 2019 03:20 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Re: *James Nalder et al v. United Automobile Insurance Co., Case No. 70504*
Appellants' Notice of Supplemental Authority Pursuant to NRAP Rule 31(e)

Dear Ms. Dwyer:

Pursuant to Nevada Rule of Appellate Procedure 31(e), Appellants respectfully submit this Notice of Supplemental Authorities regarding the following pertinent and significant authorities that came to Appellants' attention after their briefs were filed but before a decision:

1. *Cheyenne Const., Inc. v. Hozz*, 102 Nev. 308, 720 P.2d 1224 (1986): The Court in *Cheyenne* held "[w]here special circumstances show proximate damages of an amount greater than existed on the date of the breach, a date different than the time of breach may be fixed for establishing damages." *Id.* at 312. *Cheyenne* confirms that damages are measured at the time of breach, which in this case occurred before the default judgment allegedly expired by limitation. This portion of Appellants' notice supplements the argument at pages 8-11 and 16-17 of Appellants' Opening Brief Regarding Second Certified Question of Law and pages 9-13 of Appellant's Reply Brief Regarding Second Certified Question of Law and Response to Supplemental Brief Addressing Recent Case Law.

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2. *McClandon v. Eighth Judicial Dist. Court of State in & for Cty. of Clark*, 388 P.3d 961 (Nev. 2016) (unpublished): The Court in *McClandon* held “[b]ecause civil judgments are only enforceable for a period of six years pursuant to NRS 11.190(1), Dakem was required to renew its judgment under NRS 17.214 by September 29, 2011, unless the statute of limitations period was tolled.” *Id.* at *1. NRS 17.214(1)(a) likewise refers to renewing a judgment prior to “the date the judgment expires by limitation.” These authorities confirm that the six-year period in NRS 11.190(1) functions as a statute of limitations and can therefore be satisfied and/or tolled like other such statutes. This portion of Appellants’ notice supplements the argument at pages 11-15 of Appellants’ Opening Brief Regarding Second Certified Question of Law and pages 13-18 of Appellant’s Reply Brief Regarding Second Certified Question of Law and Response to Supplemental Brief Addressing Recent Case Law.

Respectfully Submitted,

Thomas Christensen, Esq.