

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL KIRSCH; AND SIU YIP,

Appellants,

v.

PETER G. TRABER; JAMES C.
CZIRR; JACK W. CALLICUTT;
GILBERT F. AMELIO; KEVIN D.
FREEMAN; ARTHUR R.
GREENBERG; ROD D. MARTIN;
JOHN F. MAULDIN; STEVEN
PRELACK; HERMAN PAUL
PRESSLER, III; DR. MARC RUBIN;
AND GALECTIN THERAPEUTICS,
INC., A NEVADA CORPORATION,

Respondents.

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Supreme Court No. 70854

District Court Case No. A706397

RESPONDENTS' NRAP 14(f) RESPONSE TO DOCKETING STATEMENT

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Respondents¹ submit this response per NRAP 14(f) to Appellants' Docketing Statement.

Appellants misstate the issues to be decided in this appeal (Docketing Statement pp. 4-5), which are in fact far fewer and less complex than Appellants suggest. The sole *material* issue to be decided can more concisely be stated as follows: “Whether the Nevada District Court committed reversible error in ruling that the final judgment of the Georgia Federal Court had preclusive effect requiring dismissal of the appealed action under issue preclusion standards articulated by the Nevada Supreme Court.” Appellants’ statement of the issues on appeal misleadingly lists multiple overlapping and duplicative purported issues to be decided, many of which incorporate immaterial matters that need not be decided in this appeal. *See, e.g.*, Issue 5 (hypothesizing that the Georgia Federal Court’s ruling “was based on an incorrect finding” even though the truth or falsity of that hypothesis would not impact the preclusion analysis under Nevada law; *see, e.g.*, *Edwards v. Ghandour*, 123 Nev. 105, 116, 159 P.3d 1086, 1093 (2007) (holding that a final judgment retains its preclusive effect “whether the decision be right or wrong”)). Appellants also make repeated and confusing reference to the undefined

¹ “Respondents” are Peter G. Traber, James C. Czirr, Jack W. Callicutt, Gilbert F. Amelio, Kevin D. Freeman, Arthur R. Greenberg, Rod D. Martin, John F. Mauldin, Steven Prelack, Herman Paul Pressler, III, Dr. Marc Rubin, and Galectin Therapeutics, Inc.

and foreign concept of “reverse-preclusive” effect. The appealed order recognized a preclusive effect of the Georgia Federal Court’s final judgment, not a “reverse-preclusive” effect.

Appellants also incorrectly state that the appealed order “reversed” the Nevada District Court’s August 10, 2015 Order (Docketing Statement p. 4). The appealed order did not “reverse” the August 10, 2015 Order; instead, it applied Nevada issue preclusion standards to issue a final judgment of dismissal of the appealed action based on the preclusive effect of the final judgment of dismissal issued by the Georgia Federal Court.

Respectfully submitted this 6th day of September, 2016.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Appearance was filed electronically with the Nevada Supreme Court on the 29th of July, 2016. Electronic service of the foregoing document will be made in accordance with the Notification List to:

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Dated: September 6, 2016

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