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3 IN THE SUPREME COURT OF THE STATE OF NEVADA 4 * * * * Electronically Filec 4 LAS VEGAS RADIOLOGY, LLC, a Elizabeth A. Brown 5 LAS VEGAS RADIOLOGY, LLC, a Elizabeth A. Brown 6 Petitioner Clerk of Supreme 7 Petitioner Supreme 8 Vs. EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for the County of Clark, and the HONORABLE JERRY A. WIESE, District Court Judge, EIGHTH JUDICIAL DISTRICT COURT CASE NO.: A-16-738123-C 12 Respondents, FETTIONER LAS VEGAS 13 REPUBLIC SILVER STATE DISPOSAL, INC.; ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D.; C. aka ANDREW MLLER CASH, M.D.; P.C.; DESERT INSTITUTE OF SPINE CARE, LLC, a PETITION FOR WRIT OF 14 CASH, M.D.; P.C.; DESERT INSTITUTE OF SPINE CARE, LLC, a BALODIMAS, M.D., P.C.; IAMES D. BALODIMAS, M.D.; JAMES D. BALODIMAS, M.D.; Nevada Bar No. 318 20 KIM IRENE MANDELBAUM, ESQ. Nevada Bar No. 4581 <th>1</th> <th></th> <th></th>	1		
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8 VS. 9 THE EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for the County of Clark, and the HONORABLE JERRY A. WIESE, District Court Judge, EIGHTH JUDICIAL DISTRICT COURT CASE NO.: A-16-738123-C 11 District Court Judge, PETITIONER LAS VEGAS RADIOLOGY, LLC, A NEVADA LIMITED LIABILITY COMPANY'S MOTION FOR LEAVE TO JOIN JAMES D. BALODIMAS, M.D., P.C. 'S DISPOSAL, INC.: ANDREW M. LEAVE TO JOIN JAMES D. BALODIMAS, M.D., P.C. 'S PETITION FOR WRIT OF MANDAMUS 12 Respondents, 13 REPUBLIC SILVER STATE DISPOSAL, INC.: ANDREW M. CASH, M.D., P.C. aka ANDREW MILLER 15 CASH, M.D., P.C.; IAMES D. BALODIMAS, M.D., P.C.; IAMES D. BALODIMAS, M.D., P.C.; IAMES D. BALODIMAS, M.D., P.C.; IAMES D. BALODIMAS, M.D.; 17 JAMES D. BALODIMAS, M.D., P.C.; IAMES D. BALODIMAS, M.D., P.C.; BRUCE A. KATUNA, M.D.; 19 ROCK YMOUNTAIN NEUROMONITORING ASSOCIATES, INC., 21 KIM IRENE MANDELBAUM, ESQ. Nevada Bar No. 318 MARIE ELLERTON, ESQ. Nevada Bar No. 4581 25 KIM IRENE MANDELBAUM, ESQ. Nevada Bar No. 4581 26 MANDELBAUM, ELLERTON & ASSOCIATES 2012 Hamilton Lane Las Vergas, Nevada 89106		Petitioner	
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10 COURT of the State of Nevada, in and for the County of Clark, and the HONORABLE JERRY A. WIESE, District Court Judge, 11 Respondents, 12 Respondents, 13 REPUBLIC SILVER STATE DISPOSAL, INC.; ANDREW M. CASH, M.D., P.C. aka ANDREW MILLER CASH, M.D., P.C. aka ANDREW MILLER INSTITUTE OF SPINE CARE, LLC, a Nevada Limited Liability Company; JAMES D. BALODIMAS, M.D., P.C.; LAS VEGAS RADIOLOGY, LLC, a Nevada Limited Liability Company; BRUCE A. KATUNA, M.D.; ROCKYMOUNTAIN, NEURODIAGNOSTICS, LLC, a Colorado Limited Liability Company; DANIELLE MILLER aka DANIELLE SHOPSHIRE; and NEUROMONITORING ASSOCIATES, INC., 14 KIM IRENE MANDELBAUM, ESQ. Nevada Bar No. 318 16 KIM IRENE MANDELBAUM, ESQ. Nevada Bar No. 4581 17 Real Parties in Interest.			
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13 REPUBLIC SILVER STATE DISPOSAL, INC.; ANDREW M. CASH, M.D., ADDREW M. CASH, M.D., P.C. aka ANDREW MILLER CASH, M.D., P.C.; DESERT INSTITUTE OF SPINE CARE, LLC, a BALODIMAS, M.D., P.C.'S PETITION FOR WRIT OF MANDAMUS 16 Nevada Limited Liability Company; JAMES D. BALODIMAS, M.D., P.C.; LAS VEGAS RADIOLOGY, LLC, a MANDAMUS 17 JAMES D. BALODIMAS, M.D., P.C.; LAS VEGAS RADIOLOGY, LLC, a MANDAMUS 18 Nevada Limited Liability Company; BRUCE A. KATUNA, M.D.; ROCKYMOUNTAIN NEURODIAGNOSTICS, LLC, a Colorado Limited Liability Company; DANIELLE MILLER aka DANIELLE SHOPSHIRE; and NEUROMONITORING ASSOCIATES, INC., Nevada Bar No. 318 MARIE ELLERTON, ESQ. Nevada Bar No. 4581 MANDELBAUM, ELLERTON & ASSOCIATES 2012 Hamilton Lane Las Vegas, Nevada 89106	11	District Court Judge,	
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 CASH, M.D.; ANDREW M. CASH, M.D., P.C. aka ANDREW MILLER CASH, M.D., P.C.; DESERT INSTITUTE OF SPINE CARE, LLC, a Nevada Limited Liability Company; JAMES D. BALODIMAS, M.D.; JAMES D. BALODIMAS, M.D., P.C.; LAS VEGAS RADIOLOGY, LLC, a Nevada Limited Liability Company; BRUCE A. KATUNA, M.D.; ROCKYMOUNTAIN NEURODIAGNOSTICS, LLC, a Colorado Limited Liability Company; DANIELLE MILLER aka DANIELLE SHOPSHIRE; and NEUROMONITORING Real Parties in Interest. KIM IRENE MANDELBAUM, ESQ. Nevada Bar No. 318 MARIE ELLERTON, ESQ. Nevada Bar No. 4581 MANDELBAUM, ELLERTON & ASSOCIATES 2012 Hamilton Lane Las Vegas, Nevada 89106 	13	REPUBLIC SILVER STATE	BALODIMAS, M.D. AND JAMES
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 ¹⁶ Nevada Limited Liability Company; JAMES D. BALODIMAS, M.D.; JAMES D. BALODIMAS, M.D., P.C.; LAS VEGAS RADIOLOGY, LLC, a ¹⁸ Nevada Limited Liability Company; BRUCE A. KATUNA, M.D.; ¹⁹ ROCK YMOUNTAIN NEURODIAGNOSTICS, LLC, a ²⁰ Colorado Limited Liability Company; DANIELLE MILLER aka DANIELLE ²¹ SHOPSHIRE; and NEUROMONITORING ²² ASSOCIATES, INC., ²³ Real Parties in Interest. ²⁴ ²⁵ KIM IRENE MANDELBAUM, ESQ. Nevada Bar No. 318 MARIE ELLERTON, ESQ. Nevada Bar No. 4581 ²⁶ MANDELBAUM, ELLERTON & ASSOCIATES 2012 Hamilton Lane Las Vegas, Nevada 89106 	15	CASH, M.D., P.C.; DESERT	
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 BRUCE A. KATUNA, M.D.; ROCKYMOUNTAIN NEURODIAGNOSTICS, LLC, a Colorado Limited Liability Company; DANIELLE MILLER aka DANIELLE SHOPSHIRE; and NEUROMONITORING ASSOCIATES, INC., Real Parties in Interest. KIM IRENE MANDELBAUM, ESQ. Nevada Bar No. 318 MARIE ELLERTON, ESQ. Nevada Bar No. 4581 MANDELBAUM, ELLERTON & ASSOCIATES 2012 Hamilton Lane Las Vegas, Nevada 89106 	17	JAMES D. BALODIMAS, M.D.; JAMES D. BALODIMAS, M.D., P.C.;	
 BRUCE A. KATUNA, M.D.; ROCKYMOUNTAIN NEURODIAGNOSTICS, LLC, a Colorado Limited Liability Company; DANIELLE MILLER aka DANIELLE SHOPSHIRE; and NEUROMONITORING ASSOCIATES, INC., Real Parties in Interest. KIM IRENE MANDELBAUM, ESQ. Nevada Bar No. 318 MARIE ELLERTON, ESQ. Nevada Bar No. 4581 MANDELBAUM, ELLERTON & ASSOCIATES 2012 Hamilton Lane Las Vegas, Nevada 89106 	18	LAS VEGAS RADIOLOGY, LLC, a Nevada Limited Liability Company;	
 SHOPSHIRE; and NEUROMONITORING ASSOCIATES, INC., Real Parties in Interest. KIM IRENE MANDELBAUM, ESQ. Nevada Bar No. 318 MARIE ELLERTON, ESQ. Nevada Bar No. 4581 MANDELBAUM, ELLERTON & ASSOCIATES 2012 Hamilton Lane Las Vegas, Nevada 89106 	19	BRUCE A. KATUNA, M.D.; ROCKYMOUNTAIN	
 SHOPSHIRE; and NEUROMONITORING ASSOCIATES, INC., Real Parties in Interest. KIM IRENE MANDELBAUM, ESQ. Nevada Bar No. 318 MARIE ELLERTON, ESQ. Nevada Bar No. 4581 MANDELBAUM, ELLERTON & ASSOCIATES 2012 Hamilton Lane Las Vegas, Nevada 89106 	20	NEURODIAGNOSTICS, LLC, a Colorado Limited Liability Company:	
 22 NEUROMONITORING ASSOCIATES, INC., 23 <u>Real Parties in Interest.</u> 24 25 <u>KIM IRENE MANDELBAUM, ESQ.</u> Nevada Bar No. 318 MARIE ELLERTON, ESQ. Nevada Bar No. 4581 26 <u>MANDELBAUM, ELLERTON & ASSOCIATES</u> 2012 Hamilton Lane Las Vegas, Nevada 89106 	21	DANIELLE MILLER aka DANIELLE	
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2012 Hamilton Lane Las Vegas, Nevada 89106		Nevada Bar	r No. 4581
Attorneys for Petitioner/Real Party in Interest Las Vegas Radiology. LLC		2012 Hami	ilton Lane
	28	Attorneys for Petitioner	/Real Party in Interest
		Lus regus Ku	

Petitioner Las Vegas Radiology, LLC (Petitioner) by and through its attorneys
 of record, KIM IRENE MANDELBAUM, ESQ. and MARIE ELLERTON, ESQ., of
 MANDELBAUM, ELLERTON & ASSOCIATES, hereby respectfully requests leave
 to join James D. Balodimas, M.D. and James D. Balodimas, M.D., P.C.'s Petition for
 Writ of Mandamus.

This Petition is made and based upon the paper and pleadings on file herein
submitted with James D. Balodimas, M.D. and James D. Balodimas, M.D., P.C.'s
Petition for Writ of Mandamus, and such other documentary evidence as may be
presented and any oral arguments at the time of the hearing of this matter. Petitioner
thus hereby adopts the following as set forth in James D. Balodimas, M.D. and James
D. Balodimas, M.D., P.C.'s Petition for Writ of Mandamus:

(A) the relief sought;

(B) the facts and procedural history necessary to understand the issues
presented by the petition;

(C) the issue presented;

(D) the reasons why the court should hear the issue; and

(E) the reasons why the writ should issue, including the points and legalauthorities.

Pursuant to NRAP 21(e), this document is accompanied by a check in the amount of Two Hundred Fifty Dollars and no cents (\$250.00), made payable to the Clerk of the Supreme Court. DATED this $\underline{/9}$ day of January, 2017 MANDELBAUM, ELLERTON & ASSOCIATES By: JE MANDELBAUM, ESO. Nevada Bar No. 318 MARIE ELLERTON, ESQ. Nevada Bar No. 4581 2012 Hamilton Lane Las Vegas, Nevada 89106 Attorneys for Petitioner/Real Party in Interest Las Vegas Radiology, LLC

VERIFICATION

1	VERIFICATION		
2	Under penalty of perjury, the undersigned declares that she is the attorneys for		
3	Petitioner named in the foregoing Petition and knows the contents thereof; that the		
4	pleading is true of her own knowledge, except as to those matters stated on		
5	information and belief, and that as such matters she believes them to be true. This		
6	verification is made by the undersigned attorney pursuant to NRS 15.010, on the		
7	ground that the matters stated, and relied upon, in the foregoing Petition are all		
8	contained in the prior pleadings and other records of the District Court, true and		
9	correct copies of which have been attached to James D. Balodimas, M.D. and James		
10	D. Balodimas, M.D., P.C.'s Petition for Writ of Mandamus.		
11	EXECUTED this 10^{4} day of January, 2017.		
12	, ,		
13	Marin Seconton		
14	Marie Ellerton, Esq.		
15	SUBSCRIBED AND SWORN to before me		
16	this <u>1916</u> day of January, 2017.		
17	REBECCA DALY Notary Public, State of Nevada		
18	NOTARY PUBLIC in and for NOTARY PUBLIC in and for		
19	said County and State		
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NRAP 28.2 ATTORNEY'S CERTIFICATE OF COMPLIANCE

I. I hereby certify that this brief complies with the formatting requirements
 of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style
 requirements of NRAP 32(a)(6) because:

[X] It has been prepared in proportionally spaced typeface using
WordPerfect X5 in 14 point Times New Roman font.

7 2. I further certify that this brief complies with the page-or type-volume
8 limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by
9 NRAP 32(a)(7)(C), it is:

[X] Proportionally spaced, has a typeface font of 14 points or more, and
contains 204 words.

I hereby certify that I have read Petitioner, Las Vegas Radiology, LLC's 3. 12 MOTION FOR LEAVE TO JOIN JAMES D. BALODIMAS, M.D. AND JAMES D. 13 BALODIMAS, M.D., P.C.'S PETITION FOR WRIT OF MANDAMUS, and to the 14 best of my knowledge, information, and belief, it is not frivolous or interposed for any 15 improper purposes. I further certify that this brief complies with all applicable 16 Nevada Rules of Appellate Procedure, in particular NRAP 28(e), which requires 17 every assertion in the brief regarding matters in the record to be supported to a 18 reference to the page of the transcript or appendix where the matter relied on is to be 19 found.

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I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure. DATED this $\frac{19}{10}$ day of January, 2017. MANDELBAUM, ELLERTON & ASSOCIATES By: Kim Irene Mandelbaum, Esq. Nevada Bar No.: 318 Marie Ellerton, Esq. Nevada Bar No.: 4581 2012 Hamilton Lane Las Vegas, Nevada 89106 Attorneys for Petitioner Las Vegas Radiology, LLC

NRAP 17 ROUTING STATEMENT

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2	This matter does not fall into one of the categories presumptively assigned to
3	the Court of Appeals pursuant to NRAP 17 & 21, either by virtue of its subject matter
4	or under NRAP 17(b)(8). Instead, this case should be heard by the Supreme Court
5	pursuant to NRAP 17(a)(1) because it invokes the Nevada Supreme Court's original
6	juris dictionunderArticle6\$4oftheNevadaConstitution, N.R.S.\$34.160andN.R.S.
7	§34.320.
8	EXECUTED this day of January, 2017.
9	MANDELBAUM, ELLERTON & ASSOCIATES
10	Ma Sm 1
11	By; // Mue, Cleven Kim Irene Mandelbaum, Esq.
12	Nevada Bar No.: 318 Marie Ellerton, Esq.
13	Nevada Bar Nó.: 4581 2012 Hamilton Lane
14	Las Vegas, Nevada 89106 Attorneys for Petitioner Las Vegas Radiology, LLC
15	Las Vegas Radiology, LLC
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CERTIFICATE OF SERVICE 1 I hereby certify that on this <u>19</u>th day of January 2017, service of a true and 2 correct copy of the foregoing PETITIONER LAS VEGAS RADIOLOGY, LLC, 3 A NEVADA LIMITED LIABILITY COMPANY'S MOTION FOR LEAVE TO 4 JOIN JAMES D. BALODIMAS, M.D. AND JAMES D. BALODIMAS, M.D., 5 **P.C.'S PETITION FOR WRIT OF MANDAMUS** was made as indicated below: 6 **K** by depositing in the United States Mail, first-class postage prepaid, at 7 Las Vegas, Nevada, enclosed in a sealed envelope: 8 9 Adam Laxalt, Esq. Attorney General Nevada Department of Justice The Honorable Jerry A. Wiese **Eighth Judicial District Court** 10 Department XXX 100 North Carson Street 11 Carson City, Nevada 89701 Counsel for Respondent/Real Party in Interest **Regional Justice Center** 200 Lewis Avenue 12 Las Vegas, Nevada 89155 The Honorable Jerry A. Wiese 13 Respondent David Barron, Esq. BARRON & PRUITT, LLP 14 Robert C. McBride, Esq. 3890 West Ann Road CARROLL, KELLY, TROTTER, ET 15 North Las Vegas, Nevada 89031 8329 West Sunset Road, Suite 260 16 John H. Cotton, Esq. Michael D. Navratil, Esq. Las Vegas, Nevada 89113 Attorneys for Defendant 17 JOHN H. COTTON & ASSOCIATES Andrew M. Cash, M.D. 18 7900 W. Sahara Ave., Suite 200 Las Vegas, Nevada 89117 Attorneys for Petitioners James Olsen, Esq. 19 OLSEN, CANNON, GORMLEY, 20 Tony Lauria, Esq. LAURIA, TOKUNAGA, ET. AL. 1755 Creekside Oaks Dr., #240 **ANGULO & STOBERSKI** 9950 West Cheyenne Avenue 21 Las Vegas, Nevada 89129 Sacramento, California 95833 Attorneys for Defendant Danielle Miller aka Danielle 22 Attorneys for Defendants Bruce Katuna, M.D. and Rocky Mountain 23 Shopshire **Neurodiagnostics** 24 James Murphy, Esq. LAXALT & NOMURA, LTD. 6720 Via Austi Parkway, Suite 430 Las Vegas, Nevada 89119 Attorneys for Defendant Neuromonitoring Associates 25 DRAAL 26 An Employee of Mandelbaum. Ellerton & 27 Associates 28