

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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3 JAMES D. BALODIMAS, M.D., and  
4 JAMES D. BALODIMAS, M.D., PC,

5 Petitioner,  
6 vs.

7 THE EIGHTH JUDICIAL DISTRICT  
8 COURT of the State of Nevada, in and  
9 for the County of Clark, and the  
HONORABLE JERRY A. WISE,  
District Court Judge,

10 Respondents,

11 and

12 REPUBLIC SILVER STATE  
13 DISPOSAL, INC., ANDREW M  
14 CASH, M.D.; ANDREW M. CASH,  
15 M.D., P.C. aka ANDREW MILLER  
16 CASH, M.D., P.C.; DESERT  
17 INSTITUTE OF SPINE CARE,  
18 LLC, a Nevada Limited Liability  
19 Company LAS VEGAS  
20 RADIOLOGY, LLC, a Nevada  
21 Limited Liability Company;  
22 BRUCE A. KATUNA, M.D.;  
23 ROCKY MOUNTAIN  
24 NEURODIAGNOSTICS, LLC, a  
25 Foreign Limited Liability  
26 Company; DANIELLE MILLER  
27 aka DANIELLE SHOPSHIRE; and  
28 NEUROMONITORING  
ASSOCIATES, INC.,

Real Parties in Interest.

Electronically Filed  
Jan 27 2017 01:43 p.m.  
Supreme Court Case No. 72123  
Elizabeth A. Brown  
Clerk of Supreme Court  
District Case No. A-16-738123-C

BRUCE A. KATUNA, M.D.  
AND ROCKY MOUNTAIN  
NEURODIAGNOSTICS, LLC'S  
MOTION FOR LEAVE TO JOIN  
JAMES D. BALODIMAS, M.D. AND  
JAMES D. BALODIMAS, M.D., P.C.'S  
PETITION FOR WRIT OF  
MANDAMUS

JAMES R. OLSON, ESQ.  
Nevada Bar No. 000116  
MAX E. CORRICK, II  
Nevada Bar No. 006609  
STEPHANIE M. ZINNA, ESQ.  
Nevada Bar No. 011488

9950 West Cheyenne Avenue  
Las Vegas, NV 89129  
*Attorneys for Real Parties in Interest*  
*Bruce A. Katuna, M.D. and*  
*Rocky Mountain Neurodiagnostics, LLC*

Law Offices of  
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A Professional Corporation  
9950 West Cheyenne Avenue  
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1 Real Parties in Interest, Bruce A. Katuna, M.D. and Rocky Mountain  
2 Neurodiagnostics, LLC ("Katuna"), by and through its attorneys of record,  
3 OLSON, CANNON, GORMLEY, ANGULO & STOBERSKI, and hereby  
4 respectfully request leave to join Petitioners James D. Balodimas, M.D. and James  
5 D. Balodimas, M.D., P.C.'s Petition for Writ of Mandamus.

6 This Motion is made and based upon all the papers, pleadings and records  
7 on file herein, and such oral argument, testimony and evidence which may be  
8 presented upon the hearing of this matter. Katuna adopt the following as set forth  
9 in James D. Balodimas, M.D. and James D. Balodimas, M.D., P.C.'s Petition for  
10 Writ of Mandamus:

- 11 (A) The relief sought;
- 12 (B) The facts and procedural history;
- 13 (C) The issue presented;
- 14 (D) The reasons the court should hear the issue;
- 15 (E) The reasons the writ should issue, including the points and authorities  
16 set forth;
- 17 (F) The arguments presented, including the lower court's failure to follow  
18 NRS 17.225(3), as the statute of limitations had run pursuant to NRS  
19 41A.097 for any medical malpractice claim. The applicable statute of  
20 limitations on claims stemming from medical malpractice was July  
21 12, 2014. Republic did not seek a release of potential claims until  
22 July 6, 2015, and did not file suit for contribution until June 27, 2016.

23 Pursuant to NRAP 21(e), this document is accompanied by a check in the

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1 amount of Two Hundred Fifty Dollars and no cents (\$250.00), made payable to  
2 the Clerk of the Supreme Court.

3 DATED this 27 day of January, 2017.

4 OLSON, CANNON, GORMLEY  
5 ANGULO & STOBERSKI

6 By

7 JAMES R. OLSON, ESQ.  
8 Nevada Bar No. 000116  
9 MAX E. CORRICK, II  
10 Nevada Bar No. 006609  
11 STEPHANIE M. ZINNA, ESQ.  
12 Nevada Bar No. 011488  
13 9950 West Cheyenne Avenue  
14 Las Vegas, NV 89129  
15 Attorneys for Real Parties In Interest  
16 Bruce A. Katuna, M.D. and  
17 Rocky Mountain Neurodiagnostics, LLC  
18  
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## VERIFICATION

Under penalty of perjury, the undersigned declares that he is the attorney of record for Real Party in Interest Katuna named in the foregoing Petition and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and that as such matters he believes them to be true. This verification is made by the undersigned attorney pursuant to NRS 15.010, on the grounds that the matter stated, and relied upon, in the foregoing Petition are all contained in prior pleadings and other records of the District Court, true and correct copies of which have been attached to James D. Balodimas, M.D. and James D. Balodimas, M.D., P.C.'s Petition for Writ of Mandamus.

DATED this 27 day of January, 2017.

  
JAMES R. OLSON

SUBSCRIBED AND SWORN to before  
me this 27<sup>th</sup> day of January, 2017

  
NOTARY PUBLIC in and for said  
County and State



**CERTIFICATE OF COMPLIANCE**

I hereby certify that this Motion for Leave to Join James D. Balodimas, M.D. and James D. Balodimas, M.D., P.C.'s Petition for Writ of Mandamus complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the typestyle requirements of NRAP 32(a)(6) because this Motion has been prepared in a proportionally spaced typeface using WordPerfect X4 Times New Roman 14 pt. font. I further certify that this Motion complies with the page or type volume limitations of NRAP 32(a)(7).

I hereby certify that I have read this Motion, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this Motion complies with all applicable Nevada Rules of Appellate Procedure, in particular, NRAP 28(e), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page of the transcript or appendix where the matter relied on is to be found. 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 27 day of January, 2017.

OLSON, CANNON, GORMLEY  
ANGULO & STOBERSKI

By \_\_\_\_\_

JAMES R. OLSON, ESQ.  
Nevada Bar No. 000116  
MAX E. CORRICK, II  
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STEPHANIE M. ZINNA, ESQ.  
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9950 West Cheyenne Avenue  
Las Vegas, NV 89129  
Attorneys for Real Partis In Interest  
Bruce A. Katuna, M.D. and  
Rocky Mountain Neurodiagnostics,  
LLC



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3 **CERTIFICATE OF SERVICE**

4 On the 21 day of January, 2016, the undersigned, an employee of  
5 Olson, Cannon, Gormley, Angulo & Stoberski, hereby served a true copy of  
6 Real Parties In Interest BRUCE A. KATUNA, M.D. and ROCKY  
7 MOUNTAIN NEURODIAGNOSTICS, LLC's Motion to Join in Petitioners  
8 James D. Balodimas, M.D. and James D. Balodimas, M.D., P.C.'s Petition  
9 for Writ of Mandamus, to the parties listed below via the EFP Program,  
10 pursuant to the Court's Electronic Filing Service Order (Administrative  
11 Order 14-2) effective June 1, 2014, and or mailed:

12 Kim Irene Mandelbaum, Esq.  
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17 M.D.; James D. Balodimas, M.D.,  
P.C.; and Las Vegas Radiology

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16 Attorneys for Defendants Andrew  
17 M. Cash, M.D.; Andrew M. Cash,  
M.D., P.C. aka  
18 Andrew Miller Cash, M.D., P.C.  
and  
19 Desert Institute of Spine Care, LLC  
20

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<p>Anthony D. Lauria, Esq.          Lauria Tokunaga Gates &amp; Linn          1755 Creekside Oaks Drive, #240          Sacramento, CA 95833          and          601 South Seventh Street          Las Vegas, NV 89101          P: 702-387-8633          F: 702-387-8635  <a href="mailto:alauria@lgtlaw.net">alauria@lgtlaw.net</a>          Attorneys for Defendant Danielle Miller          a/k/a Sanielle Shopshire</p>	

  
 An Employee of Olson Cannon Gormley  
 Angulo & Stoberski