

IN THE SUPREME COURT OF THE STATE OF NEVADA

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JAMES D. BALODIMAS, M.D., and
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,

Petitioners

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,

Respondents,

REPUBLIC SILVER STATE
DISPOSAL, INC.; ANDREW M.
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.;
DANIELLE MILLER aka DANIELLE
SHOPSHIRE; and NEURO-
MONITORING ASSOCIATES, INC.,

Real Parties in Interest.

Electronically Filed
Apr 25 2017 01:25 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
NEVADA SUPREME COURT
CASE NO.: 59556

EIGHTH JUDICIAL DISTRICT
COURT CASE NO.: A-16-738123-C

PETITIONER LAS VEGAS
RADIOLOGY, LLC'S JOINDER TO
PETITIONER'S BALODIMAS'
RESPONSE TO ANSWER TO
PETITION FOR WRIT OF
MANDAMUS AND WRIT OF
PROHIBITION

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
Attorneys for Petitioner/Real Party in Interest
Las Vegas Radiology, LLC

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2 On February 1, 2017, this Honorable Court filed its Order Granting Las Vegas,
3 Radiology, LLC's Motion for Leave to Join James D. Balodimas, M.D. and James D.
4 Balodimas, M.D., P.C.'s Petition for Writ of Mandamus. In that Order the Court
5 stated that the caption would be amended to remove Las Vegas Radiology, LLC;
6 Bruce A. Katuna, M.D.; and Rocky Mountain Neurodiagnostics, LLC as real parties
7 in interest and to include them as petitioners.

8 Petitioners James D. Balodimas, M.D. and James D. Balodimas, M.D., P.C.
9 have now filed their Response to Answer to Petition for Writ of Mandamus and Writ
10 of Prohibition.

11 Petitioner Las Vegas Radiology, LLC (Petitioner) by and through its attorneys
12 of record, Kim Irene Mandelbaum, Esq. and Marie Ellerton, Esq., of Mandelbaum,
13 Ellerton & Associates, hereby respectfully submits its Joinder to Petitioners James D.
14 Balodimas, M.D. and James D. Balodimas, M.D., P.C.'s Response to Answer to
15 Petition for Writ of Mandamus and Writ of Prohibition

16 This Joinder is made and based upon the papers and pleadings on file herein
17 submitted with James D. Balodimas, M.D. and James D. Balodimas, M.D., P.C.'s
18 Response to Answer to Petition for Writ of Mandamus and Writ of Prohibition, and
19 such other documentary evidence as may be presented and any oral arguments at the
20 time of the hearing of this matter. Petitioner Las Vegas Radiology, LLC hereby
21 adopts the following as set forth in James D. Balodimas, M.D. and James D.
22 Balodimas, M.D., P.C.'s Response to Answer to Petition for Writ of Mandamus and
23 Writ of Prohibition:

24 I. Introduction;

25 II. Discussion;

26 A. Republic did not extinguish any claims against Dr. Balodimas and
27 therefore, has no viable claim for contribution against him or his
28

1 corporation;

2 B. A settlement agreement is a contract, and Republic could not take
3 more rights than Ms. Gonzales had at the time of the contract;


4 III. Conclusion.

5 Petitioner Las Vegas Radiology, LLC, expressly adopts and incorporates by
6 reference, as if fully set out herein, all of the facts and legal arguments set out in the
7 Memorandum of Points and Authorities in Petitioners' Response to Answer to
8 Petition for Writ of Mandamus and Writ of Prohibition.

9 By reason of this joinder, Petitioner Las Vegas Radiology, LLC, requests that
10 this Honorable Court grant the Petition for Writ of Mandamus and direct the District
11 Court to enter an Order dismissing with prejudice all claims against it.

12 DATED this 25th day of April, 2017

13 MANDELBAUM, ELLERTON & ASSOCIATES


14
15 By: 
16 KIM IRENE MANDELBAUM, ESQ.
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22 *Attorneys for Petitioner/Real Party in Interest*
23 *Las Vegas Radiology, LLC*
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1 **CERTIFICATE OF COMPLIANCE**

2 I hereby certify that I have read this Joinder to Petitioner's Balodimas'
3 Response to Answer to Petition for Writ of Mandamus and Writ of Prohibition, and
4 to the best of my knowledge, information and belief, it is not frivolous or interposed
5 for any improper purpose. I further certify that this Joinder complies with all
6 applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which
7 requires every assertion in the brief regarding matters in the record to be supported
8 by a reference to the page and volume number, if any, of the transcript or appendix
9 where the matter relied on is to be found. I understand that I may be subject to
10 sanctions in the event that the accompanying brief is not in conformity with the
11 requirements of the Nevada Rules of Appellate Procedure.

12 DATED this 25th day of April, 2017.

13 MANDELBAUM, ELLERTON & ASSOCIATES

14
15 By: 
16 Kim Irene Mandelbaum, Esq.
17 Nevada Bar No.: 318
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19 Nevada Bar No.: 4581
20 2012 Hamilton Lane
21 Las Vegas, Nevada 89106
22 Attorneys for Petitioner
23 Las Vegas Radiology, LLC
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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April 2017, service of a true and correct copy of the foregoing PETITIONER LAS VEGAS RADIOLOGY, LLC'S JOINDER TO PETITIONER'S BALODIMAS' RESPONSE TO ANSWER TO PETITION FOR WRIT OF MANDAMUS AND WRIT OF PROHIBITION was electronically filed and served in accordance with the Master Service List as follows:

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Via U.S. Mail
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Las Vegas, Nevada 89155
Respondent


An Employee of Mandelbaum, Ellerton &
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