

IN THE SUPREME COURT OF NEVADA DOCKET NO. 72416

JOCELYN SEGOVIA, PA-C

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT of the State of Nevada, in and for  
the County of Clark; and THE  
HONORABLE MICHELLE LEAVITT,  
District Judge,

Respondents,

-and-

MADDEN DUDA, a minor, by and  
through JOVAN DUDA, his natural  
father and guardian, AUTUMN MATESI,  
individually and as heir to the estate of  
MARY ANN HAASE, and ROBERT  
ANSARA as special administrator of the  
estate of MARY ANN HAASE,

Real Parties in Interest.

District Court Case No. A-13-67770-1-C  
and A-13-677720-C  
Electronically Filed  
Aug 07 2017 04:03 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**REAL PARTY IN INTEREST MADDEN DUDA'S OBJECTION TO  
PETITIONER'S MOTION FOR EXTENSION TO FILE REPLY BRIEF**

Though Real Party in Interest Madden Duda certainly understands and appreciates the issue of having to care for a hospitalized parent, Lewis Roca is a very large law firm with numerous lawyers and personnel spanning across the country. With respect, the record on this matter is not lengthy and the issues are quite distilled.

Real Party in Interest Madden Duda's answering brief was filed on May 5, 2017. (Having no real additional issues, Real Party in Interest Estate of Mary Haase's Joinder was filed on May 12, 2017). So, Ms. Segovia has had almost *three* months for a response. Even with a health issue, this seems a bit much.

Now, Ms. Segovia adds an additional argument to her request and that is, she needs time to "fully analyze and incorporate" a new case into her brief. The case is **Delucchi v. Songer**, 396 P.3d 826 (Nev. June 29, 2017). It came out almost exactly one month *before* the extended due date of Ms. Segovia's brief. Obviously, Ms. Segovia just found the case despite it being out for over a month.

And, **Delucchi v. Songer** adds nothing new to the matter. Yes, the case discusses retroactive application of a statute which clarifies ambiguous legislation. Yet, the Supreme Court did not advance new ground or provide new framework for analysis. It cited the same law on the subject that has been quoted time and again. The issue in **Delucchi** was the 2013 amendments by the legislature to the anti-SLAPP statutes that were "prompted by a ruling from the Ninth Circuit Court of Appeals" and "the Legislature set out to cure the limitation that the Ninth Circuit erroneously read into [the statute]." *Id.*

No such issue regarding physician assistants in NRS 41A is present. There have been no Court opinions, no regulatory opinions, and no confusion at all. The legislative history amending NRS 41A to add physician assistants does not identify any ambiguity

about coverage. There is no State Senator or Assemblyperson stating “We need to fix this question”—because there was no question. Moreover, the specific prospective language the Legislature inserted into the statute at bar (SB292) is absent in the anti-slapp statutory amendment. The enrolled version of SB286 (at [https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB286\\_EN.pdf](https://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB286_EN.pdf)) does **not** have the “prospective language” that was specifically included by the Legislature in the amending statute (SB292) that applies in the case at bar. This is yet another indicia of clarity that the legislature meant for the amendments in SB 292 to be prospective and not retroactive.

So while **Delucchi** stands for the proposition that legislation which cures an ambiguity may be retroactive in effect, in order for the case to be relevant here, one has to find an ambiguity first. This is nothing new and arguing that one needs additional time to “fully analyze” the case seems somewhat suspect.

//

//

//

//

//

//

//

Real Party in Interest Madden Duda respectfully requests this Court to deny the Motion and Order the matter to stand submitted. If the Court decides to allow additional time for a Reply Brief because of the **Delucchi** opinion of June 29, 2017, Madden Duda respectfully requests the Court allow him to provide supplemental briefing on the matter in response thereto.

Dated this 7<sup>th</sup> day of August, 2017.

Respectfully Submitted,

MURDOCK & ASSOCIATES, CHTD.  
ECKLEY M. KEACH, CHTD.

/s/ Robert E. Murdock

Robert E. Murdock, Esq.

Nevada Bar No. 4013

Eckley M. Keach, Esq.

Nevada Bar No. 1154

521 South Third Street

Las Vegas, NV 89101

Attorneys for Real Party in Interest  
Madden Duda

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 7, 2017 I electronically filed and served the foregoing Real Party in Interest Madden Duda's Objection to Petitioner's Motion for Extension to File Reply Brief using The Supreme Court's Web Based Electronic Filing System (EFlex) in accordance with the Master Service List as Follows:

Joel Henriod, Esq. / JHenriod@LRRC.com

John Cotton, Esq. / JHCotton@JHCottonLaw.com

Daniel Polsenberg, Esq. / DPolsenberg@LRRC.com

Clark Seegmiller, Esq. / cseegmiller@seegmillerlaw.com

**By US Mail to:**

Honorable Michelle Leavitt  
Department 12  
EIGHTH JUDICIAL DISTRICT COURT  
200 Lewis Avenue  
Las Vegas, Nevada 89155

Katherine Turpen, Esq.  
JOHN H. COTTON & ASSOCIATES  
7900 West Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117

/s/ Vera Minkova  
Employee of Murdock & Associates, Chtd., and  
Eckley M. Keach, Chtd.