

IN THE SUPREME COURT OF THE STATE OF NEVADA

CENTURY SURETY COMPANY,
Appellant,

vs.

DANA ANDREW, AS LEGAL
GUARDIAN ON BEHALF OF RYAN T.
PRETNER; AND RYAN T. PRETNER,
Respondents.

No. 73756

FILED

NOV 08 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER GRANTING MOTIONS

This is a certified question from the United States District Court for the District of Nevada pursuant to NRAP 5 regarding the extent of the liability of an insurer that has breached its duty to defend, but has not acted in bad faith. Cause appearing, we grant the unopposed motion of the Federation of Defense & Corporate Counsel (FDCC) to file a brief of amicus curiae. See NRAP 29; *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997) (an amicus brief is appropriate where “the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide”). The clerk shall file the amicus brief received on October 18, 2017.

Further cause appearing, we also grant the unopposed motion of the Complex Insurance Claims Litigation Association (CICLA), the American Insurance Association (AIA), and the Property Casualty Insurers Association of America (PCI) to file a brief of amicus curiae. *Id.* The clerk shall file the amicus brief received on October 20, 2017.

CICLA, AIA, and PCI have also filed a motion to associate attorney Laura Anne Foggan of Crowell & Moring LLP pursuant to SCR 42. Attached to the motion to associate Ms. Foggan is a verified application, a certificate of good standing from the District of Columbia Court of Appeals,

and a statement pursuant to SCR 42 from the State Bar of Nevada. The State Bar of Nevada's Rule 42 statement indicates that Ms. Foggan has applied to appear in Nevada courts one time within the past three years. See SCR 42(6) (stating that repeated appearances by any attorney pursuant to this rule shall be cause for denial of the motion).

Cause appearing, we grant the motion to associate. SCR 42(8). Ms. Foggan shall be permitted to appear on behalf of amicus curiae CICLA, AIA, and PCI in this matter. Nevada attorney Joel D. Henriod of Lewis Roca Rothgerber Christie LLP shall be responsible for all matters presented by Ms. Foggan in this appeal. See SCR 42(14); NRAP 25(a)(5); NRAP 46(a)(3).

It is so ORDERED.

Cherry, C.J.

cc: Gass Weber Mullins, LLC
Cozen O'Connor
Kravitz, Schnitzer & Johnson, Chtd.
Eglet Prince
Lipson Neilson Cole Seltzer & Garin, P.C.
Lewis Roca Rothgerber Christie LLP/Las Vegas
Laura Anne Foggan