

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.

Case No.: 73756

Electronically Filed
Jan 30 2018 02:19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**REPLY TO OPPOSITION TO THE
MOTION FOR LEAVE TO FILE
BRIEF OF AMICUS CURIAE OF
THE NEVADA JUSTICE
ASSOCIATION IN SUPPORT OF
RESPONDENTS**

Pursuant to Nevada Appellate Rule 27, the Nevada Justice Association replies to Century Surety Company's Opposition to the Motion for Leave to File an Amicus Curiae Brief. Century Surety's Opposition to the Nevada Justice Association's request to file an amicus curiae brief seems to be about: (1) engaging in a factual discourse that has no basis in fact and has no bearing upon the certified question presented to this Court; and (2) engaging in personal attacks against Respondents and the undersigned have no basis in fact. Century Surety's opposition is also ironic given that two trade associations for the insurance industry have filed amicus curiae briefs in support of Century Surety.¹

First, Century Surety alleges that the motion to file an amicus brief was untimely. This position is without merit. NRAP 29(f) provides, "An amicus curiae must file its brief no later than 7 days after the brief being supported is filed." Pursuant to NRAP 26(a)(1), the day of the event is excluded from

¹The two associations are the Complex Insurance Claims Litigation Association, American Insurance Association and Property Casualty Insurers Association of America and Amicus Curiae Federation of Defense and Insurance Counsel.

1 computing any period of time specified in the rules. Pursuant to NRAP 26(a)(2),
2 when time period is than 11 days, weekends and non-judicial days are not
3 included in the computation period. Respondents filed their brief on Monday
4 January 8, 2018 and the following Monday of January 15, 2018 was Martin
5 Luther King Day, so the seventh day ran on January 18, 2018. Nevada Justice
6 Association filed its Motion for Leave on January 18, 2018.

7 Second, Century Surety claims the undersigned did not comply NRAP
8 29(c). This argument is without merit. The Nevada Justice Association has no
9 financial interest in the outcome of this appeal. The undersigned also has no
10 financial interest in this case. Furthermore, NRAP 29(c)(1) requires disclosure of
11 the movant's interest. The fact that the undersigned represents Slyvia Esparza in a
12 separately filed suit by Century Surety is a matter of public record and is
13 irrelevant to whether the Nevada Justice Association has an interest in this case.

14 Furthermore, the fact the Respondent's lawyers are members of the Nevada
15 Justice Association is irrelevant and probably common knowledge throughout the
16 court system. The issue raised in this appeal is an important question that
17 involves a matter that is of interest to the members of the Nevada Justice
18 Association and their clients. The Nevada Justice Association's interest is simply
19 the mirror image of two amicus curiae's briefs filed by insurance industry related
20 associations in support of Century Surety. If this Court is inclined to deny the
21 Nevada Justice Association' motion it should also strike the amicus curiae briefs
22 filed by the Complex Insurance Claims Litigation Association, American

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2 Insurance Association and Property Casualty Insurers Association of America and
3 Amicus Curiae Federation of Defense and Insurance Counsel (“FDIC”)

4 DATED this 30th day of January 2018.

5 MATTHEW L. SHARP, LTD.

6
7 /s/ Matthew L. Sharp

8 Matthew L. Sharp

9 Nevada Bar No. 4746

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13 *Attorneys for Amicus Curiae*

14 *Nevada Justice Association*
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