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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF RENO,

Appellant,

vs.

JODY YTURBIDE,

Respondent.

No. 73971

**PROPOSED AMICUS CURIAE
NEVADA JUSTICE ASSOCIATION'S
MOTION FOR LEAVE TO FILE
AMICUS BRIEF IN SUPPORT OF
RESPONDENT**

COMES NOW proposed Amicus Curiae NEVADA JUSTICE ASSOCIATION (NJA), by and through its attorney and Workers' Compensation Amicus Committee member, JAMES P. KEMP, ESQ., and hereby moves, pursuant to NRAP 29, that this honorable court grant leave to file the attached Brief of Amicus Curiae Nevada Justice Association in support of the Respondent in this appeal under NRAP 29.

This case addresses important workers' compensation issues in this appeal. The Court will be aided by the insight and information that will be provided to it by the NJA.

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POINTS AND AUTHORITIES

I. DECLARATION OF JAMES P. KEMP, ESQ.

COMES NOW JAMES P. KEMP, ESQ. and hereby declares under penalty of perjury that the following is true and correct of his own personal knowledge, except as to matters stated upon information and belief and as to those the declarant believes those matters to be true. If called to testify the undersigned would truthfully and competently testify as follows:

1. I am an attorney admitted to practice before all courts of the State of Nevada.
2. I am a member of the Nevada Justice Association (NJA) and a member of its Workers' Compensation Amicus Committee. Herb Santos, Jr. and I represent NJA as a proposed Amicus Curiae in the above-captioned appeal in this Court.
3. The NJA is an association of Nevada attorneys many of whom represent injured employees in workers' compensation claims under the Nevada Industrial Insurance Act, NRS Chapter 616A-616D and Chapter 617. Upon information and belief, the NJA as an organization has the largest number of members who regularly represent injured workers in administrative proceedings of workers' compensation matters before the Nevada Department of Administration's Hearings Office and Appeals Office and before the District Courts on Petitions for Judicial Review. As an organization and as individual members the NJA and its membership have a keen interest in the development of workers'

1 compensation law in Nevada. Upon information and belief, the members of the
2 NJA constitute the most informed and experienced Nevada attorneys on the
3 subject of workers' compensation matters from the perspective and interests of
4 Nevada injured workers.
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7 4. Counsel for Respondent Jody Yturbide, JASON D. GUINASSO, ESQ.,
8 contacted NJA and informed NJA of the above-captioned appeal and the issues
9 related to Permanent Partial Disability (PPD) awards that are under
10 consideration in this appeal of the District Court's Order on a Petition for
11 Judicial Review in a workers' compensation matter. Mr. Guinasso requested
12 NJA to provide support for the Respondent by filing an Amicus Curiae brief
13 pursuant to NRAP 29. NJA has agreed to seek leave of the Court to file an
14 Amicus Curiae brief in support of Respondent in this matter. Mr. Santos and I
15 have been designated by NJA to coordinate the effort in drafting and seeking
16 leave to file an Amicus Curiae brief.
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1 5. In my opinion the Court and the parties will be aided by the input and insight of
2 the NJA in determining the proper outcome of this important workers'
3 compensation case.
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5 FURTHER THE DECLARANT SAYETH NAUGHT

6 DATED: July 27, 2018
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8 
9 JAMES P. KEMP, ESQ.

10 **II. ARGUMENT**
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12 Nevada Rules of Appellate Procedure Rule 29 provides the procedure for seeking
13 leave to file a brief as Amicus Curiae. NRAP 29(c) provides that a motion for leave to
14 file an Amicus Curiae brief must be filed with the proposed brief showing the interest
15 of the proposed Amicus Curiae and why an amicus brief is desirable.
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18 As noted above, the NJA is the largest organization in Nevada having individual
19 attorney members who, in the aggregate, are the most knowledgeable and experienced
20 Nevada workers' compensation attorneys on the side of injured workers. The NJA and
21 its members have a keen interest in this appeal that deals with the application of the
22 25% cap on lump sum Permanent Partial Disability (PPD) awards when an injured
23 worker's claim involves successive PPD awards from different claims on different
24 body parts or conditions. The Court and the parties will be aided by the attached
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1 amicus brief in having the benefit of the insight and perspective of the NJA's members.

2 The NJA's amicus brief will be helpful to the Court in considering the important legal
3 issues involved.
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5 III. CONCLUSION

6 For the reasons set forth above, the Court should grant this motion for leave to file
7 the proposed Amicus Curiae brief attached hereto.
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9 DATED this 27th day of July 2018.
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11 /s/ James P. Kemp
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