

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA; NEVADA
DEPARTMENT OF CORRECTIONS;
JAMES DZURENDA, Director of the
Nevada Department of Corrections, in his
official capacity; IHSAN AZZAM, Ph.D,
M.D., Chief Medical Officer of the State of
Nevada, in his official capacity; and JOHN
DOE, Attending Physician at Planned
Execution of Scott Raymond Dozier in his
official capacity,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE ELIZABETH
GONZALEZ, DISTRICT COURT JUDGE,

Respondents,

and

ALVOGEN, INC.,

Real Party in Interest.

Supreme Court Case No.: 76485

District Court Case No. A-18-777312-B

Electronically Filed
Aug 08 2018 04:09 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO STRIKE ALVOGEN, INC.'S NOTICE OF INTENT TO OPPOSE
EMERGENCY MOTION TO STAY DISTRICT COURT PROCEEDINGS**

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On August 7, 2018, Petitioners filed an Emergency Motion Under NRAP 27(e) to Stay District Court Proceedings Pending this Court's Decision on the Petition. Petitioners asked this Court to take immediate action.

Today, August 8, 2018, Real Party in Interest Alvogen, Inc. filed a document entitled "Notice of Intent to Oppose" Petitioners' emergency motion. Alvogen's Notice purports to grant itself—without explanation—six days to submit its response, until August 13, 2018. A party cannot unilaterally dictate when this Court takes action on a request for immediate relief, especially in cases the Court has expedited. Alvogen's Notice is another illustration of its efforts to stall this Court's consideration of the Petition while it rushes the District Court's proceedings.

This Court should strike the Notice of Intent to Oppose and rule on Petitioners' Emergency Motion to Stay as soon as this Court's docket permits.

Dated: August 8, 2018.

/s/ Jordan T. Smith
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CERTIFICATE OF COMPLIANCE

I hereby certify that this Motion complies with the formatting requirements of NRAP 27(d) and the typeface and type-style requirements of NRAP 27(d)(1)(E) because this Motion has been prepared in a proportionally spaced typeface using Office Word 2013 in size 14 double-spaced Garamond font. This filing also complies with NRAP 32.

I further certify that I have read this Motion and that it complies with the page or type-volume limitations of NRAP 27(d)(2) and NRAP 32 because, it is proportionately spaced, and does not exceed 10 pages.

Finally, I hereby certify that to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this Motion complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires that every assertion regarding matters in the record to be supported by appropriate references to the record on appeal. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated: August 8, 2018.

/s/ Jordan T. Smith
Jordan T. Smith (Bar No. 12097)
Deputy Solicitor General

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **MOTION TO STRIKE ALVOGEN, INC.'S NOTICE OF INTENT TO OPPOSE EMERGENCY MOTION TO STAY DISTRICT COURT PROCEEDINGS** with the Clerk of the Court for the Nevada Supreme Court by using the appellate CM/ECF system on August 8, 2018. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. A copy was also provided to the following:

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