

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA, THE STATE OF NEVADA DEPARTMENT OF CORRECTIONS; JAMES DZURENDA, DIRECTOR OF THE NEVADA DEPARTMENT OF CORRECTIONS; 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 GOFF GONZALEZ, DISTRICT COURT JUDGE,

Respondents,

and

ALVOGEN, INC.; AND HIKMA PHARMACEUTICALS USA, INC.,

Real Parties in Interest.

Electronically Filed
Aug 17 2018 09:59 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 76485

D.C. NO: A-18-777312-B

MOTION TO PARTICIPATE IN ORAL ARGUMENT

COMES NOW, the State of Nevada, by STEVEN WOLFSON, District Attorney, through his Chief Deputy, JONATHAN E. VANBOSKERCK, and submits this Motion to Participate in Oral Argument pursuant to NRAP 29(h) of the Nevada Rules of Appellate Procedure (NRAP). This pleading is based on the following pleading and all documents on file herein.

Dated this 17th day of August, 2018.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Jonathan E. VanBoskerck*

JONATHAN VANBOSKERCK
Chief Deputy District Attorney
Nevada Bar #6528
Office of the Clark County District Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

The Clark County District Attorney (CCDA) should be permitted to participate in oral argument because it has interests separate and distinct from the Nevada Department of Corrections (NDOC).

“An amicus may file a motion to participate in oral argument, but the court will grant such motion only for extraordinary reasons.” NRAP 29(h). Alvogen is accusing NDOC of criminal misconduct and/or dishonest business practices. Petitioner’s Appendix, p. 77-97. NDOC has an interest in rebutting these baseless accusations and the reputational harm inflicted upon NDOC and NDOC employees. However, CCDA’s primary interest is in preventing Alvogen from subverting the authority of Nevada lawmakers to set Nevada public policy. Additionally, as the

public agency that litigated the underlying criminal trial and secured the sentence of death, CCDA has a unique interest in protecting the jury's verdict.

CONCLUSION

Based on the foregoing, CCDA respectfully requests that this Court allow it to participate in oral argument.

Dated this 17th day of August, 2018.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Jonathan E. VanBoskerck*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on August 17, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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