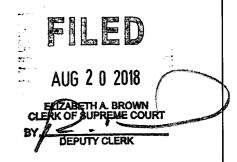
IN THE SUPREME COURT OF THE STATE OF NEVADA

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, Respondents, and ALVOGEN, INC.; AND HIKMA PHARMACEUTICALS USA, INC., Real Parties in Interest.

No. 76485



$ORDER\ GRANTING\ MOTION\ FOR\ RECONSIDERATION$ $AND\ DENYING\ STAY$

Petitioners have moved for reconsideration of the portion of our August 16, 2018, order that denied their motion for stay, pointing out that the decision was not made by the quorum of justices addressed in NRS 2.140. We grant the motion for reconsideration, vacate the part of the

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August 16 order that denied a stay, and redetermine the motion for stay before the full court.¹

The en banc court having considered the parties' arguments for and against a stay in light of the NRAP 8(c) factors, we conclude that a stay is not warranted at this time, for the reasons set forth in the August 16 order. Accordingly, we deny the stay.

It is so ORDERED.

Cherry, J

Hardesty

Gibbons J.

Parraguirre

STIGLICH, J., with whom, DOUGLAS, C.J., agrees, concurring in part and dissenting in part:

While we agree to reconsider this matter en banc, we disagree with the decision to deny a stay. Therefore, we dissent as to the denial of the stay.

Stiglich

Douglas

C.J.

¹The Honorable Kristina Pickering, Justice, voluntarily recused herself from participation in the decision of this matter. A quorum having been reached nonetheless, we deny at this time petitioners' invitation to appoint a judge to act in her place.

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Attorney General/Carson City
Attorney General/Las Vegas
Latham & Watkins LLP/Chicago
Latham & Watkins LLP/Washington DC
Lewis Roca Rothgerber Christie LLP/Las Vegas
Pisanelli Bice, PLLC
Lewis Roca Rothgerber Christie LLP/Reno
O'Mara Law Firm, P.C.
Campbell & Williams
Clark County District Attorney
Eighth District Court Clerk