

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

FILED

AUG 20 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

*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

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.
Cherry

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, 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, J.
Stiglich

Douglas, C.J.
Douglas

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
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Latham & Watkins LLP/Washington DC
Lewis Roca Rothgerber Christie LLP/Las Vegas
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Clark County District Attorney
Eighth District Court Clerk