

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

JAMES J. COTTER, JR.,  
DERIVATIVELY ON BEHALF OF  
READING INTERNATIONAL, INC.,

Appellant,

v.

EDWARD KANE, DOUGLAS  
MCEACHERN, MARY ANN GOULD,  
AS PERSONAL REPRESENTATIVE  
OF THE ESTATE OF WILLIAM  
GOULD, JUDY CODDING, AND  
MICHAEL WROTNIAK, READING  
INTERNATIONAL, INC., A NEVADA  
CORPORATION,

Respondents.

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Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court Case No.: 75053

Coordinated with Cases Nos: 76981,  
77648, 77333

**NOTICE OF SUPPLEMENTAL AUTHORITY TO READING  
INTERNATIONAL, INC.'S ANSWERING BRIEFS IN CASE NUMBERS  
75053 AND 76981, SUBMITTED PURSUANT TO NRAP 31(e)**

Respondent Reading International, Inc., (“Reading”) hereby submits its Notice of Supplemental Authority recently issued by this Court and relevant to Reading’s arguments presented in its Answering Briefs filed in Case Nos. 75053 and 76981.

On February 27, 2020, this Court issued its decision in *Chur v. Eighth Judicial Dist. Ct.*, wherein this Court held that a claim for breach of fiduciary duty

against a corporate director or officer must allege facts that show that “the director or officer had knowledge that the alleged conduct was wrongful in order to show a ‘knowing violation of law’ or ‘intentional misconduct’ pursuant to NRS 78.138(7).” *Chur v. Eighth Judicial Dist. Ct.*, 136 Nev. Adv. Op. 7, at 11, \_\_\_ P.3d \_\_\_, \_\_\_ (2020). This holding offers further support to Reading’s position as set forth in its Answering Briefs filed in Case Nos. 75053 and 76981.

Specifically, Reading supplements its Answering Brief in 75053 by inserting the passage below at Page 27, first full paragraph, following the citation to NRS 7[8].138(7)(b):

Cotter, Jr. failed to cite facts showing the existence of a possibility of significant personal liability, as he not only failed to allege facts showing any “intentional misconduct, fraud, or a knowing violation of law, but also failed to allege facts showing any knowledge that such conduct was wrongful. *Chur v. Eighth Judicial Dist. Ct.*, 136 Nev. Adv. Op. 7, at 11, \_\_\_ P.3d \_\_\_, \_\_\_ (2020).

And, Reading supplements its Answering Brief in 76981 by inserting, at Page 31, first line, after “52.”:

Nor did Cotter, Jr. present evidence to show that any director acted with knowledge that the actions they were taking were wrongful, as

required to show liability. *Chur v. Eighth Judicial Dist. Ct.*, 136 Nev.

Adv. Op. 7, at 11, \_\_ P.3d \_\_, \_\_ (2020).

Respectfully submitted this 10<sup>th</sup> day of March 2020.

**GREENBERG TRAURIG, LLP**

*/s/ Tami D. Cowden*

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**CERTIFICATE OF SERVICE**

Pursuant to NRAP 25, I certify that I am an employee of Greenberg Traurig, LLP, that in accordance therewith, I caused a true and correct copy of the foregoing *Notice of Supplemental Authority to Reading International, Inc.’s Answering Briefs in Case Numbers 75053 and 76981, Submitted Pursuant to NRAP 31(e)* to be served via this Court’s e-filing system, on counsel of record for all parties to this matter on March 10, 2020.

*/s/ Andrea Lee Rosehill*

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An employee of Greenberg Traurig, LLP.