

In the Supreme Court of Nevada

MOTOR COACH INDUSTRIES, INC.,

Appellant,

vs.

KEON KHIABANI; ARIA KHIABANI,
minors, by and through their
guardian MARIE-CLAUDE RIGAUD;
SIAMAK BARIN, as executor of the
ESTATE OF KAYVAN KHIABANI, M.D.
(decedent); THE ESTATE OF KAYVAN
KHIABANI, M.D. (decedent); SIAMAK
BARIN, as executor of the ESTATE OF
KATAYOUN BARIN, DDS (decedent);
and the ESTATE OF KATAYOUN BARIN,
DDS (decedent),

Respondents.

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SUPPLEMENTAL AUTHORITY

Pursuant to NRAP 31(e), appellant Motor Coach Industries, Inc. advises that *J.E. Johns & Associates v. Lindberg*, 136 Nev. Adv. Op. 55, 470 P.3d 204 (2020), is relevant to the following arguments in its briefs:

(1) ***“Offset is distinct from contribution.”*** (AOB at 93-95; *see also* ARB at 56.) *See J.E. Johns & Associates*, 470 P.3d at 208 (distinguishing the right to contribution under NRS 17.225(1) from the

right to equitable offsets from co-defendants responsible for the same injury under NRS 17.245(1)(a)).

(2) A non-settling defendant is entitled to an offset **“regardless of the theories plaintiffs asserted against other defendants.”** (AOB at 99-101; *see also* ARB at 47-56.) *J.E. Johns & Associates*, 470 P.3d at 208 (“we hold that determining whether NRS 17.245(1) requires a judgment to be offset by a settlement amount, the inquiry begins and ends with a determination of a single and indivisible injury” * * * “we . . . further hold that independent causes of action, multiple legal theories, or facts unique to each defendant do not foreclose a determination that both the settling and nonsettling defendants bear responsibility for the *same injury* pursuant to NRS 17.245(1)(a))”).

(3) “The currently accepted definition of ***the term ‘joint tortfeasors’*** includes all cases where there is joint liability for a ***tort***, whether the acts of those liable were concerted, merely concurrent, or even successive in time.” (RAB at 53-54; *see also* AOB at 99.) *J.E. Johns & Associates*, 470 P.3d at 208 (rejecting the argument “that

settling and nonsettling defendants must be adjudicated as joint tortfeasors to receive the benefit of settlement offsets”).

(4) ***“A plaintiff is entitled to only one recovery.”*** (AOB at 83-85; see also RAB 46-47.) *See J.E. Johns & Associates*, 470 P.3d at 210 (“The principal purpose of equitable settlement offsets under [NRS 17.245(a)] is ‘to prevent double recovery to the plaintiff’—or in other words, to guard against windfalls.”), *quoting Banks v. Sunrise Hosp.*, 120 Nev. 822, 843, 102, P.3d 52, 67 (2004).

Dated this 18th day of February, 2021.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/Joel D. Henriod
DANIEL F. POLSENBERG (SBN 2376)
JOEL D. HENRIOD (SBN 8492)
ABRAHAM G. SMITH (SBN 13,250)
3993 Howard Hughes Parkway
Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

D. LEE ROBERTS, JR. (SBN 8877)
HOWARD J. RUSSELL (SBN 8879)
WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC
6385 S. Rainbow Boulevard
Suite 400
Las Vegas, Nevada 89118
(702) 938-3838

DARRELL L. BARGER (*pro hac vice*)
HARTLINE DACUS BARGER DREYER LLP
800 N. Shoreline Boulevard, Suite 2000
North Tower
Corpus Christi, Texas 78401
(361) 866-8000
Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that on February 18, 2021, I submitted the foregoing
“Supplemental Authority” for filing *via* the Court’s eFlex electronic
filing system. Electronic notification will be sent to the following:

WILL KEMP
ERIC PEPPERMAN
KEMP, JONES & COULTHARD LLP
3800 Howard Hughes Parkway
17th Floor
Las Vegas, Nevada 89169

Attorneys for Respondents

PETER S. CHRISTIANSEN
KENDELEE L. WORKS
CHRISTIANSEN LAW OFFICES
810 South Casino Center Boulevard
Las Vegas, Nevada 89101

Attorneys for Respondents

/s/ Cynthia Kelley
An Employee of Lewis Roca Rothgerber Christie LLP