

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY PORCHIA,

Appellant,

vs.

CITY OF LAS VEGAS; STEPHEN
MASSA; NICHOLAS PAVELKA;
WILLIAM HEADLEE; MARINA CLARK;
JASON W. DRIGGERS; AND LVER
RISK MANAGEMENT,

Respondents.

No. 78954

FILED

JUN 19 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER REGARDING PRO BONO COUNSEL AND DIRECTING
TRANSMISSION OF RECORD*

This is a pro se appeal from an order granting a motion to dismiss. Having considered the documents transmitted by the district court and appellant's pro se docketing statement, this court has determined that the appointment of pro bono counsel to represent appellant would assist this court in reviewing this appeal. By this order, the court expresses no opinion as to the merits of this appeal.

Pro bono counsel is an attorney who provides legal services without charge for the benefit of the public good. The appointment of pro bono counsel provides attorneys with an opportunity to volunteer legal services in furtherance of their professional responsibility and, at the same time, allows financially eligible litigants access to quality legal representation without cost. Counsel will be appointed for purposes of this appeal only and will participate in oral argument. Currently, the Pro Bono Committee of the Appellate Litigation Section of the State Bar of Nevada


(Pro Bono Committee), in conjunction with the Legal Aid Center of Southern Nevada, has developed a pro bono appellate program to assist the public and this court. This case is hereby referred to the program established by the Pro Bono Committee to evaluate whether appellant can benefit from the program.

Accordingly, the clerk of this court shall transmit a copy of this order and the attached case summary to the Legal Aid Center of Southern Nevada for financial eligibility screening. If appellant qualifies and does not object to pro bono counsel, the Legal Aid Center in cooperation with the Pro Bono Committee shall locate a volunteer attorney from the program to represent appellant. Once an attorney is located, the attorney shall file a notice of appearance in this court within 60 days from the date of this order. Briefing and oral argument will be scheduled thereafter. Alternatively, if appellant is not financially eligible or objects to pro bono representation, or if a volunteer attorney cannot be located, the Legal Aid Center of Southern Nevada shall notify this court in writing within 60 days from the date of this order. In such case, oral argument will not be held. The briefing schedule in this appeal shall be suspended pending further order of this court.

This court further concludes that review of the complete record is warranted. NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. A-17-758321-C. *See* NRAP 11(a)(2) (providing that the complete "record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court," as well as "any previously

prepared transcripts of the proceedings in the district court"). The record shall not include any exhibits filed in the district court. NRAP 11(a)(1).

It is so ORDERED.¹

 C.J.

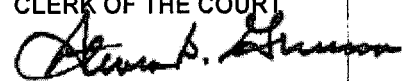
cc: Larry Porchia
Las Vegas City Attorney
Eighth District Court Clerk
Legal Aid Center of Southern Nevada, Barbara E. Buckley,
Executive Director
Anne R. Traum, Coordinator, Appellate Litigation Section,
Pro Bono Committee, State Bar of Nevada
Kelly Dove

¹A copy of the district court's order appealed from is attached.

Docket No. 78954

Porchia v. City of Las Vegas

Appellant filed a complaint against respondents alleging that he called 911 because he was suffering from severe stomach pain and a distended stomach. EMTs or paramedics arrived, put him on a stretcher, but when he informed them that he had no insurance and was homeless, they took him off the stretcher and left. He called 911 again, was taken to the hospital and emergency surgery was performed. The district court granted a motion to dismiss, finding that under the public duty doctrine (NRS 41.0336) and the Good Samaritan statute (NRS 41.500(5)) there was no duty to transport an individual.



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STEPHEN MASSA and NICHOLAS PAVELKA

DISTRICT COURT
CLARK COUNTY, NEVADA

LARRY PORCHIA,

Plaintiff,

vs.

AMERICAN MEDICAL RESPONDERS,
CITY OF LAS VEGAS, STEPHEN MASSA,
NICHOLAS PAVELKA, WILLIAM
HEADLEE, MARINA CLARK, JASON W.
DRIGGARS, LVFR/RISK MANGMENT,

Defendants.

CASE NO. A-17-758321-C
DEPT. NO. XXVI

**ORDER GRANTING CITY
DEFENDANTS' MOTION TO DISMISS**

City Defendants' Motion to Dismiss having come on for hearing April 30, 2019; Plaintiff in Proper Person Larry Porchia appeared, Defendants City of Las Vegas, Stephen Massa and Nicholas Pavelka appeared through Jeffry M. Dorocak, Deputy City Attorney; the Court having reviewed the pleadings and papers on file herein and having heard the arguments of counsel, the Court finds that pursuant to the "good Samaritan" statute (NRS 41.500(5)) and the public duty doctrine (NRS 41.0336), Defendants, as a matter of law, did not owe Plaintiff an individual duty to transport and are not liable for damages.

....

1 IT IS HEREBY ORDERED that City Defendants' Motion to Dismiss is granted with
2 prejudice.

3 DATED this 6th day of May, 2019.

4
5 
6 DISTRICT COURT JUDGE

7 SUBMITTED BY:

8 BRADFORD R. JERBIC
9 City Attorney

10 By: 

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