

IN THE SUPREME COURT OF THE STATE OF NEVADA

NAUTILUS INSURANCE GROUP,
Appellant,

vs.

ACCESS MEDICAL. LLC; ROBERT
CLARK WOOD, II; and FLOURNOY
MANAGEMENT, LLC,
Respondents.

No. 75190 Electronically Filed
Jan 28 2020 03:54 p.m.
Elizabeth A. Brown
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**RESPONDENT FLOURNOY MANAGEMENT, LLC'S ANSWERING
BRIEF**

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NRAP 26.1 DISCLOSURE STATEMENT

In accordance with NRAP 26.1, Respondent Flournoy Management, LLC (“Flournoy”) states that it has no parent corporations and that no publicly held company owns 10% or more of its stock.

TABLE OF CONTENTS

NRAP 26.1 DISCLOSURE STATEMENT	ii
TABLE OF CONTENTS	ii
TABLE OF AUTHORITIES	iii
ARGUMENT.....	1
I. Flournoy Hereby Joins in Co-Respondents Access and Wood’s Answering Brief Filed January 22, 2020	1
II. Flournoy Hereby Submits Its Case In Reliance on All Briefing and Oral Argument Made by Flournoy and its Co-Respondents Access and Wood in the Ninth Circuit Proceedings	1
CONCLUSION	2
CERTIFICATION OF COMPLIANCE.....	3
CERTIFICATE OF SERVICE.....	5

TABLE OF AUTHORITIES

Rules

NRAP 25(c).....	5
NRAP 26.1.....	ii
NRAP 28.....	3
NRAP 32.....	3

ARGUMENT

I. Flournoy Hereby Joins in Co-Respondents Access and Wood's Answering Brief Filed January 22, 2020

Flournoy hereby joins in Co-Respondents Access Medical, LLC's and Robert Clark Wood, II's ("Access and Wood") briefing and oral argument previously made before the United States Court of Appeals for the Ninth Circuit.

II. Flournoy Hereby Submits Its Case In Reliance on All Briefing and Oral Argument Made by Flournoy and its Co-Respondents Access and Wood in the Ninth Circuit Proceedings

Flournoy hereby relies on its and Co-Respondents Access and Wood's prior briefing and oral argument previously made before the United States Court of Appeals for the Ninth Circuit.

As stated in the United States Court of Appeals for the Ninth Circuit's certification order dated July 2, 2019, on page 9,¹ the Clerk of the Court for the Court of Appeals was directed to forward copies of all briefs and excerpts of record filed in the Court of Appeals to the Nevada Supreme Court.

¹ See Joint Appendix Volume VI, Tab #15.

CONCLUSION

For the reasons stated above and in its and Co-Respondents Access Medical, LLC's and Robert Clark Wood, II's briefing and oral argument previously made before the United States Court of Appeals for the Ninth Circuit, Flournoy hereby requests that the United States District Court's order denying Nautilus' request for reimbursement of defense costs be affirmed.

Dated this 28th day of January, 2020.

Respectfully submitted,
/s/ James E. Harper

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CERTIFICATION OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of [NRAP 32\(a\)\(4\)](#), the typeface requirements of [NRAP 32\(a\)\(5\)](#) and the type style requirements of [NRAP 32\(a\)\(6\)](#) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point font, double-spaced type, Times New Roman type style.

2. I further certify that this brief complies with the page- or type-volume limitations of [NRAP 32\(a\)\(7\)](#) because, excluding the parts of the brief exempted by [NRAP 32\(a\)\(7\)\(C\)](#), it is proportionately spaced, has a typeface of 14 points or more, and contains 223 words.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular [NRAP 28\(e\)\(1\)](#), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event

that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 28th day of January, 2020.

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CERTIFICATE OF SERVICE

On January 28, 2020, I served the following parties through the Nevada Supreme Court's Electronic Filing Program with a true and correct copy of
RESPONDENT FLOURNOY MANAGEMENT, LLC's ANSWERING BRIEF pursuant to NRAP 25(c).

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