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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF NEVADA

SCOTT VINH DUONG, M.D., ANNIE LYNN
PENACO DUONG, M.D., DUONG
ANESTHESIA, PLLC

Case No. 79460

Appellants,

District Court No. A-19-789110-B

vs.

FIELDEN HANSON ISAACS MIYADA
ROBINSON YEH, LTD.

Respondent.

**REPLY IN SUPPORT OF APPELLANTS'
EMERGENCY MOTION UNDER NRAP 27(e)
TO EXTEND TIME TO FILE REPLY BRIEF**

Date by Which Action is Necessary: June 9, 2020

On May 29, 2020, pursuant to NRAP 26(b)(1)(A) and 27(e), Appellants Scott Vinh Duong, M.D. and Annie Lynn Panaco Duong, M.D. and Duong Anesthesia, PLLC (together, "Appellants") moved the Court, on an emergency basis, for a 30-day extension of time to file their reply brief in this matter. The motion was based on the recent and unexpected resignation of Ryan O'Malley from Howard & Howard Attorneys PLLC, and undersigned counsel's need for sufficient time to familiarize himself with the facts, evidence, procedural history, record, and law, and to research and draft the reply brief.

During a June 3, 2020, telephone call with Respondent's counsel to discuss a stipulation to extend the dispositive motion cutoff date in the underlying district

1 court case, Gabriel Blumberg, Esq., **Respondent's counsel, represented that**
2 **Respondents do not oppose the motion and will not be filing an opposition to**
3 **the motion**. A true and accurate copy of the June 3, 2020 email exchange between
4 the undersigned and Respondent's counsel (minus attachments) is enclosed below
5 as Exhibit A. When asked whether Respondents would object to the filing of a reply
6 brief stating that Respondents would not be opposing the motion, Respondent's
7 counsel answered that Appellant's counsel could make that representation to this
8 Court. (*See id.*)

9 Accordingly, Appellants respectfully request that the Court grant the
10 requested extension of time and enter an order extending the deadline for Appellants
11 to file and serve their reply brief from June 9, 2020 to **July 9, 2020**.

12 DATED this 3d day of June, 2020.

13 HOWARD & HOWARD ATTORNEYS PLLC

14
15 By: /s/Jonathan W. Fountain
16 Martin A. Little (#7067)
17 Jonathan W. Fountain (#10351)
18 3800 Howard Hughes Pkwy, #1000
19 Las Vegas, Nevada 89169
20 *Attorneys for Appellants*
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is that of Howard & Howard Attorneys PLLC, 3800 Howard Hughes Parkway, Suite 1000, Las Vegas, Nevada, 89169.

On June 3, 2020, I served the foregoing document entitled, **REPLY IN SUPPORT OF APPELLANTS' EMERGENCY MOTION UNDER NRAP 27(e) TO EXTEND TIME TO FILE REPLY BRIEF**, in this action or proceeding electronically with the Clerk of the Court via the E-Flex system, which will cause/caused this document to be electronically served upon the following counsel of record:

Michel N. Feder (#7332)
Gabriel A. Blumberg (#12332)
DICKINSON WRIGHT PLLC
8363 West Sunset Road, Suite 200
Las Vegas, Nevada 89113
Attorneys for Appellants

I certify under penalty of perjury that the foregoing is true and correct, and that this Certificate of Service was executed by me on June 3, 2020 at Las Vegas, Nevada.

/s/ Jonathan W. Fountain

An Employee of HOWARD & HOWARD ATTORNEYS PLLC

Exhibit A

Exhibit A

Fountain, Jonathan W.

From: Gabriel A. Blumberg <GBlumberg@dickinson-wright.com>
Sent: Wednesday, June 3, 2020 2:12 PM
To: Fountain, Jonathan W.
Cc: Michael N. Feder; Heather A. Magennis; Little, Martin A.; Owens, Susan A.
Subject: RE: EXTERNAL: RE: Fielden Hanson/Duong
Attachments: DKT Notice of Entry of Stipulated Confidentiality Agreement and Protective Order 4817-0418-3219 v.1.pdf; LVEGAS-#303909-1-Stipulated Confidentiality Agreement and Protective Order (Tang).DOCX

Also, you can state in the Supreme Court reply that we will not be opposing the motion in the Supreme Court. Pursuant to our earlier call, I am attaching the SPO from Duong and the proposed SPO in Tang that Ryan never signed.

Gabriel A. Blumberg Of Counsel

3883 Howard Hughes Parkway Phone 702-550-4438
Suite 800
Las Vegas NV 89169 Fax 844-670-6009
Email GBlumberg@dickinsonwright.com

[Profile](#) [V-Card](#)

NEW LOCATION ADDRESS CHANGE (AS OF MAY 1, 2020):

3883 Howard Hughes Parkway | Suite 800
Las Vegas, Nevada 89169 | 702.550.4400 | Fax: 844.670.6009



DICKINSON WRIGHT PLLC

ARIZONA CALIFORNIA FLORIDA KENTUCKY MICHIGAN NEVADA OHIO
TENNESSEE TEXAS WASHINGTON D.C. TORONTO

From: Fountain, Jonathan W. <jwf@h2law.com>
Sent: Wednesday, June 3, 2020 1:38 PM
To: Gabriel A. Blumberg <GBlumberg@dickinson-wright.com>
Cc: Michael N. Feder <MFeder@dickinson-wright.com>; Heather A. Magennis <HMagennis@dickinson-wright.com>; Little, Martin A. <mal@h2law.com>; Owens, Susan A. <sowens@howardandhoward.com>
Subject: RE: EXTERNAL: RE: Fielden Hanson/Duong

Hi Gabe:

I think you're edit took out just a little too much. Please see the attached slightly revised draft. I will consent to the submission of the attached. Please let me know today whether you will file a notice of non-opposition to our emergency motion with the Nevada Supreme Court or whether you will object if I file a reply that states, based on our conversation from this morning, that Plaintiff has no objection to the motion.

Best regards,

Jonathan

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COMMUNICATION: Please copy all Intellectual Property instructions to ipdocket@h2law.com to ensure proper handling and send corresponding originals to our Royal Oak, MI office.

From: Gabriel A. Blumberg <GBlumberg@dickinson-wright.com>
Sent: Wednesday, June 3, 2020 12:28 PM
To: Fountain, Jonathan W. <jwf@h2law.com>
Cc: Michael N. Feder <MFeder@dickinson-wright.com>; Heather A. Magennis <HMagennis@dickinson-wright.com>; Little, Martin A. <mal@h2law.com>; Owens, Susan A. <sowens@howardandhoward.com>
Subject: RE: EXTERNAL: RE: Fielden Hanson/Duong

Jonathan,

We accepted all of your edits, with the exception of the one sentence referencing June 19 because it got a little confusing identifying June 19 when we are stipulating to June 26. If you are fine with the attached version, please confirm we can add your signature and submit to the Court.

Thanks,
Gabe

Gabriel A. Blumberg Of Counsel

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Las Vegas NV 89169 Fax 844-670-6009
Profile V-Card Email GBlumberg@dickinsonwright.com

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TENNESSEE TEXAS WASHINGTON D.C. TORONTO

From: Fountain, Jonathan W. <jwf@h2law.com>
Sent: Wednesday, June 3, 2020 11:53 AM
To: Gabriel A. Blumberg <GBlumberg@dickinson-wright.com>
Cc: Michael N. Feder <MFeder@dickinson-wright.com>; Heather A. Magennis <HMagennis@dickinson-wright.com>; Little, Martin A. <mal@h2law.com>; Owens, Susan A. <sowens@howardandhoward.com>
Subject: EXTERNAL: RE: Fielden Hanson/Duong

Gabe:

Our motion to stay alternatively asked Denton for a 60-day extension of the dispositive motion cutoff date if he is not inclined to stay the case. A copy of the motion is attached. As discussed, we are still waiting to see if/when Denton sets this for hearing. In the interim, we will stipulate to an extension of the dispositive motion deadline until 6/26 without waiver of our right to seek a stay and/or an additional extension of the deadline as set forth in the motion. I have modified the proposed stipulation accordingly. If these edits are acceptable, you have my consent to add my e-signature and file. Also, please let me know if you are amenable to filing a non-opposition to our emergency motion in the Nevada Supreme Court.

Best regards,

Jonathan



Jonathan W. Fountain
Attorney at Law

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D: 702.667.4823 | F: 702.567.1568

jwf@h2law.com | Bio | vCard | LinkedIn

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COMMUNICATION: Please copy all Intellectual Property instructions to ipdocket@h2law.com to ensure proper handling and send corresponding originals to our Royal Oak, MI office.

From: Gabriel A. Blumberg <GBlumberg@dickinson-wright.com>

Sent: Wednesday, June 3, 2020 10:55 AM

To: Fountain, Jonathan W. <jwf@h2law.com>

Cc: Michael N. Feder <MFeder@dickinson-wright.com>; Heather A. Magennis <HMagennis@dickinson-wright.com>

Subject: Fielden Hanson/Duong

CAUTION: EXTERNAL EMAIL

Jonathan,

Pursuant to our conversation this morning, please find attached the stipulation extending the deadline for dispositive motions. Please confirm I have your authority to add your electronic signature and submit to the Court.

Thanks,
Gabe

Gabriel A. Blumberg Of Counsel

3883 Howard Hughes Parkway Phone 702-550-4438
Suite 800
Las Vegas NV 89169 Fax 844-670-6009



Email GBlumberg@dickinsonwright.com

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