

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOME WARRANTY
ADMINISTRATOR OF NEVADA,
INC. dba CHOICE HOME
WARRANTY, a Nevada corporation,

Appellant(s),

v.

STATE OF NEVADA,
DEPARTMENT OF BUSINESS
AND INDUSTRY, DIVISION OF
INSURANCE, a Nevada
Administrative agency,

Respondent(s).

Case No. 80218

First Judicial District Court
No. 17 OC 00269 1B

Electronically Filed
Dec 10 2020 05:42 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENT'S MOTION FOR A CONTINUANCE OF THE
SCHEDULED ORAL ARGUMENT**

Emergency Motion Under NRAP 27(e)
Action Necessary by December 16, 2020¹

AARON D. FORD
Attorney General
Joanna N. Grigoriev (Bar. No. 5649)
Senior Deputy Attorney General
Richard P. Yien (Bar. No. 13035)
Deputy Attorney General
State of Nevada
Office of the Attorney General
jgrigoriev@ag.nv.gov
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Attorneys for Respondent

¹ NRAP 27 (e) Certificate attached hereto as Exhibit 1.

Respondent, State of Nevada Division of Insurance (“Division”), by and through its counsel of record, Attorney General Aaron D. Ford, Senior Deputy Attorney General Joanna Grigoriev and Deputy Attorney General Richard Yien, hereby submits this Motion to Continue Oral Argument (“Motion”), currently scheduled for December 16, 2020.

STATEMENT OF FACTS

On November 11, 2020, the Court issued Order Scheduling Oral Argument in this matter for December 16, 2020. Division counsel filed Notice pursuant to said order, designating Richard Yien as the attorney to appear at the oral argument. Due to the diagnosis of terminal illness of Mr. Yien’s father, counsel Joanna Grigoriev was designated in an email to Nevada Supreme Court Clerk as a substitute in case of an emergency. Both counsel have been preparing for the argument.

On December 9, 2020, Ms. Grigoriev’s 86-year-old mother was admitted to a hospital with rapidly escalating symptoms of Covid-19. On the same day, Mr. Yien received information of the deterioration of his father’s condition.

Due to these urgent developments and the resulting uncertainty, Respondent is seeking the rescheduling of the oral argument, for counsel to be able to represent the Respondent. The Office of the Attorney General also immediately reached out to Ms. Akridge, counsel for the Appellant, to request her agreement to continue the

oral argument. Ms. Akridge agreed and a stipulation reflecting this agreement will be filed with the Court as well.²

ARGUMENT

Pursuant to NRAP 26(b)(1)(A), good cause exists to continue the oral argument in this matter currently scheduled for December 16, 2020. As set forth above, the rapid escalation of the symptoms of Covid-19 of Ms. Grigoriev's 86-year-old mother on December 9, 2020, coupled with Mr. Yien's father's deteriorating condition due to terminal illness, creates a medical uncertainty on counsel's ability to appear at the oral argument. Counsel for the Respondent has immediately reached out to counsel for the Appellant to inform of the circumstances, and Ms. Akridge agreed to stipulate to a continuance.

The necessity of consideration of this motion under NRAP 27(e) is due to the oral argument being scheduled for December 16, 2020. This motion otherwise complies with NRAP 27(e).

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² Stipulation in Support of this Motion is attached hereto as Exhibit 2.

CONCLUSION

As set forth above, good cause exists pursuant to NRAP 6(b)(1)(A) to continue the oral argument in this matter.

DATED: December 10, 2020.

AARON D. FORD
ATTORNEY GENERAL

/s/ Joanna N. Grigoriev
JOANNA N. GRIGORIEV
Senior Deputy Attorney General

EXHIBIT 1

EXHIBIT 1
(NRAP 27 (e) Certificate)

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NRAP 27(e) Certificate

AARON D. FORD
Attorney General
Joanna N. Grigoriev (Bar. No. 5649)
Senior Deputy Attorney General
Richard P. Yien (Bar. No. 13035)
Deputy Attorney General
State of Nevada
Office of the Attorney General
jgrigoriev@ag.nv.gov
ryien@ag.nv.gov

Attorneys for Respondents

I, Joanna N. Grigoriev, hereby make this NRAP 27 (e) certification as follows:

1. I am counsel for State of Nevada, Department of Business and Industry, Division of Insurance (“Division”) and submit this Certificate pursuant to NRAP 27 (e)(3) in support of Division’s Emergency Motion for a Continuance of the Scheduled Oral Argument (“Division”).

2. Due to the urgent circumstances which have developed on December 9, 2020, creating an uncertainty in counsel’s ability to represent the Respondent in the oral argument scheduled for December 16, 2020, Respondent is seeking this continuance for counsel of record to be able to represent the Respondent at the oral argument. Said relief is needed in less than 14 days, as the current oral argument is set for December 16, 2020.

3. The telephone number and office address for the attorneys for Appellant are:

Constance L. Akridge, Esq
Sydnee R. Gambee, Esq.
Holland and Hart LLP
9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134
(702) 669-4600

4. On December 9, 2020, Ms. Grigoriev’s 86-year-old mother was admitted to a hospital with rapidly escalating symptoms of Covid-19. On

the same day, Mr. Yien was informed of the deterioration of his father's terminal illness, resulting in uncertainty as to the ability of counsel to appear at the oral argument.

5. The Office of the Attorney General immediately reached out to Ms. Akridge, counsel for the Appellant, to request her agreement to continue the oral argument. Ms. Akridge agreed. Counsel for Appellant is receiving a copy of this Motion via mail and email concurrently with the filing of this Motion.

DATED: December 10, 2020.

AARON D. FORD
ATTORNEY GENERAL

/s/ Joanna N. Grigoriev
JOANNA N. GRIGORIEV
Senior Deputy Attorney General

EXHIBIT 2

EXHIBIT 2 (Stipulation)

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**STIPULATION IN SUPPORT OF RESPONDENT'S
MOTION TO CONTINUE ORAL ARGUMENT**

Appellant, HOME WARRANTY ADMINISTRATOR OF NEVADA,
INC. dba CHOICE HOME WARRANTY by and through its counsel,
Connie Akridge and Sydney Gambee, and Respondent, the STATE OF
NEVADA, DEPARTMENT OF BUSINESS AND INDUSTRY, DIVISION
OF INSURANCE, by and through its counsel, Nevada Attorney General
AARON D. FORD, Senior Deputy Attorney General Joanna N. Grigoriev,

and Deputy Attorney General Richard P. Yien, hereby agree to continue the oral argument currently set for December 16, 2020, for the reasons set forth in Respondent's Motion to Continue Oral Argument.

DATED: December 10, 2020.

By: /s/ Joanna N. Grigoriev
Joanna N. Grigoriev
Senior Deputy Attorney General
Office of the Attorney General
555 E. Washington Ave., #3900
Las Vegas, NV 89101
Attorney for the Respondents

By: /s/ Constance L. Akridge
Constance L. Akridge, Esq
Sydnee R. Gambee, Esq.
Holland and Hart LLP
9555 Hillwood Drive, Second Floor
Las Vegas, Nevada 89134
Attorney for the Appellant