

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  
Jan 11 2021 12:38 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**RESPONDENT'S RESPONSE TO APPELLANT'S NOTICE OF  
SUPPLEMENTAL AUTHORITY PURSUANT TO NRAP 31(e)**

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COMES NOW Respondent, Nevada Division of Insurance (“Respondent”), and hereby files a response (“Response”) pursuant to Nevada Rules of Appellate Procedure (“NRAP”) Rule 31(e) to Appellant’s Notice of Supplemental Authority.

**Respondent’s Response:**

The Appellant is improperly attempting to bring an eighty (80)-page proposed omnibus bill (“omnibus bill”) introduced for the upcoming 81<sup>st</sup> legislative session (2021), under the guise of “supplemental authority” under NRAP 31(e)<sup>1</sup>. This attempt to introduce said document into the record, for whatever benefit the Appellant imagines it may offer, is improper and should be rejected under NRAP 31(e).

The proposed omnibus bill at issue is not a pertinent and significant “authority,”<sup>2</sup> as contemplated by NRAP 31(e), as it is merely a proposal for potential

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<sup>1</sup> NRAP 31(e) provides in pertinent part:

(e) Supplemental Authorities. When pertinent and significant authorities come to a party’s attention after the party’s brief has been filed, but before a decision, a party may promptly advise the Supreme Court or Court of Appeals by filing and serving a notice of supplemental authorities, setting forth the citations. The notice shall provide references to the page(s) of the brief that is being supplemented. The notice shall further state concisely and without argument the legal proposition for which each supplemental authority is cited. The notice may not raise any new points or issues. Any response must be made promptly and must be similarly limited.

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<sup>2</sup> “Authority” is defined as “[a] legal writing taken as a definitive or decisive; esp., a judicial or administrative decision cited as a precedent.” BLACK’S LAW DICTIONARY 59 (4<sup>th</sup> pocket ed. 2011).

future legislation.<sup>3</sup> The Appellant is effectively attempting to circumvent NRAP 31(e) to introduce additional arguments, points and inferences, where it is not permitted to do so. The Appellant’s “supplemental authority” should be rejected.

DATED: January 11, 2021.

AARON D. FORD  
Attorney General

By: /s/ Joanna N. Grigoriev  
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<sup>3</sup> See BLACK’S LAW DICTIONARY 76 (4<sup>th</sup> pocket ed. 2011) defines a “bill” as “[a] legislative *proposal* offered for debate before its enactment.” (emphasis added). “Omnibus bill” is defined as “[a] single bill containing various distinct matters . . . .” *Id.* at 77.

## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing Response to Appellant's Notice of Supplemental Authority Pursuant to NRAP 31(e) with the Clerk of the Court for the Nevada Supreme Court by using the appellate CM/ECF system on January 11, 2021.

Participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

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/s/ Marilyn Millam  
an employee of the Office of the Attorney General