

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARRY JAMES RIVES, M.D. and
LAPAROSCOPIC SURGERY OF
NEVADA, LLC,

Appellants/Cross-Respondents,
vs. No.: 80271

Electronically Filed
Nov 06 2020 04:51 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

TITINA FARRIS and PATRICK
FARRIS,

Respondents/Cross-Appellants.

BARRY JAMES RIVES, M.D. and
LAPAROSCOPIC SURGERY OF
NEVADA, LLC,

Appellants,
vs. No.: 81052

TITINA FARRIS and PATRICK
FARRIS,

Respondents.

Appeal from the Eighth Judicial
District Court, the Honorable
Joanna S. Kishner Presiding

NOTICE OF CONSTITUTIONAL CHALLENGE TO NRS 41A.035

Respondents/Cross-Appellants, Titina Farris and Patrick Farris
("Plaintiffs"), by and through their counsel of record, and pursuant to
NRAP 44, hereby provide notice to the Clerk and the Attorney General

that Plaintiffs will present a constitutional challenge in their cross-appeal to NRS 41A.035, which provides:

In an action for injury or death against a provider of health care based upon professional negligence, the injured plaintiff may recover noneconomic damages, but the amount of noneconomic damages awarded in such an action must not exceed \$350,000, regardless of the number of plaintiffs, defendants or theories upon which liability may be based.

This constitutional issue will be raised in Plaintiffs' combined answering brief on appeal and opening brief on cross-appeal, for which Plaintiffs have requested a new filing due date of January 11, 2021.

DATED this 6th day of November, 2020.

CLAGGETT & SYKES LAW FIRM

/s/ Micah S. Echols

Micah S. Echols, Esq.

Nevada Bar No. 8437

4101 Meadows Lane, Suite 100

Las Vegas, Nevada 89107

Attorneys for Respondents/Cross-Appellants, Titina Farris and Patrick Farris

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF CONSTITUTIONAL CHALLENGE TO NRS 41A.035** was filed electronically with the Supreme Court of Nevada on the 6th day of November, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Kim Mandelbaum
George Hand
Robert Eisenberg
Tara Clark Newberry
Kimball Jones
Jacob Leavitt
Chad Couchot
Thomas Doyle

I further certify that on this date I served a copy of the following via email:

Aimee Clark Newberry
810 Durango Drive, Suite 102
Las Vegas, Nevada 89145
aclarknewberry@cnlawlv.com

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701
aginfo@ag.nv.gov

I further certify that on this date I served a copy of the following via
U.S. Mail with postage prepaid:

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

/s/ Anna Gresl
Anna Gresl, an employee of
Claggett & Sykes Law Firm