

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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

Appellants/Cross-Respondents,

vs.

TITINA FARRIS and PATRICK FARRIS,

Respondents/Cross-Appellants.

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

Appellants,

vs.

TITINA FARRIS and PATRICK FARRIS,

Respondents.

Electronically Filed  
Oct 06 2021 12:07 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 81052

**JOINT MOTION TO POSTPONE ORAL ARGUMENT AND FOR  
ADDITIONAL TIME FOR ARGUMENT**

Pursuant to NRAP 34(a) and (b), the parties hereby jointly move to postpone the oral argument presently scheduled for 30 minutes on November 4, 2021, and to enlarge the argument time to 40 or 60 minutes (20 or 30 minutes per side).

On October 5, 2021, the clerk issued a notice scheduling oral argument for 30 minutes on November 4, 2021, at 10:30 a.m. in Carson City. NRAP 34(a) allows parties to move to postpone an oral argument if the motion is filed reasonably in advance of the argument date. And NRAP 34(b) allows parties to request additional time for argument if the request is made reasonably in advance of the argument date.

Good cause exists to postpone the argument, because both appellate counsel are unavailable on the argument date. Counsel for appellants has a non-business trip scheduled for the first week of November, which includes the argument date. The trip was planned nearly eight months ago, and all travel arrangements have already been made and paid. Counsel for respondents has two trials scheduled during the time frame that includes the present argument date. Respondents' counsel is committed to attending and participating in the trials. Under these circumstances, there is good cause to postpone the argument. This court's online calendar shows argument dates on December 6 and 7, 2021, which are acceptable to both appellate counsel in this case.

Good cause also exists to enlarge the time for oral argument. This is an appeal from a judgment for the plaintiffs (respondents) in a medical malpractice case, and from an award of attorneys' fees to the plaintiffs. The judgment is more than \$6,000,000, and the award of attorneys' fees is more than \$800,000. Appellants have raised ten separate issues in the appeal, and respondents have a cross-appeal

with an issue regarding the cap on non-economic damages. The issues in the appeal and cross-appeal are complex and relatively unusual. Counsel for the parties believe it would be extremely difficult, if not impossible, to present effective and helpful arguments in only 15 minutes per side. Counsel believe 30 minutes per side would be best, but at a minimum, the court should allow 20 minutes per side.

Accordingly, the parties jointly request a new oral argument date and an expanded time of 20 or 30 minutes per side for the arguments.

Dated: October 6, 2021

CLAGGETT & SYKES LAW FIRM

LEMONS, GRUNDY & EISENBERG

By: /s/ Micah S. Echols  
Micah S. Echols  
Nevada Bar No. 8437  
4101 Meadows Lane, Suite 100  
Las Vegas, Nevada 89107  
T: (702) 655-2346  
F: (702) 655-3763  
[micah@claggettlaw.com](mailto:micah@claggettlaw.com)

By: /s/ Robert L. Eisenberg  
Robert L. Eisenberg  
Nevada Bar No. 950  
6005 Plumas Street, Third Floor  
Reno, Nevada 89519  
T: (775) 786-6868  
F: (775) 786-9716  
[rle@lge.net](mailto:rle@lge.net)

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

*Attorneys for Appellants/  
Cross-Respondents Barry James  
Rives, M.D., and Laparoscopic  
Surgery of Nevada, LLC*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of LEMONS, GRUNDY & EISENBERG and that on this date the foregoing *Joint Motion to Postpone Oral Argument and for Additional Time for Argument* was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Kim Mandelbaum  
George Hand  
Aimee Clark Newberry  
Kimball Jones  
Jacob Leavitt  
Micah Echols  
Chad Couchot  
Thomas Doyle

DATED: October 6, 2021

/s/ Margie Nevin

Margie Nevin