

IN THE SUPREME COURT OF THE STATE OF NEVADA

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ASSOCIATED RISK MANAGEMENT, INC.,)

Appellant,

vs.

MANUEL IBANEZ,

Respondent.

Electronically Filed  
Dec 08 2020 02:10 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Supreme Court No. 80480

District Court No.  
A-19-792902-J

**APPELLANT'S OPPOSITION TO RESPONDENT'S  
MOTION FOR PUBLICATION OF ORDER OF AFFIRMANCE**

COMES NOW, the Appellant Associated Risk Management, Inc., by and through its counsel David H. Benavidez, and provides the following opposition to the motion to publish the November 23, 2020 Order of Affirmance.

Appellant prays this Court will deny Appellant's Motion for publication. The holding in *Tarango v. State Industrial Insurance System*, 117 Nev. 444, 25 P.2d 175 (2001) is not "hotly litigated" relating to its application to permanent total disability (PTD) benefits as alleged by counsel for the Respondent. Counsel for Respondent argued for the Insurer in Tarango. Tarango had permanent light duty restrictions and did not qualify for vocational rehabilitation benefits as he was not qualified to work in the United States.

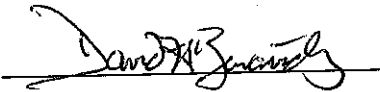
In this claim, the claimant is permanently and totally disabled from any employment and remains on compensation benefits.

As a matter of law, in accord with NRS 616C.440(3), the Insurer has the burden of proving the permanent total disability no longer exists. The Insurer has the right to reassess the claimant.

Good cause does not exist to publish this decision as it relates to permanent and total disability benefits so long as he remains permanently and totally disabled.

Based on the foregoing, Appellant requests the Respondent's Motion for Publication of Order of Affirmance be denied.

DATED this 8th day of December, 2020.

By: 

David H. Benavidez, Esq.  
Nevada Bar No. 004919  
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Henderson, NV 89015  
Attorney of Record for Appellant  
Associated Risk Management, Inc.

## **CERTIFICATE OF MAILING**

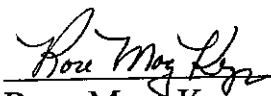
I, the undersigned, declare under penalty of perjury, that I am an employee of the Law Office of David H. Benavidez, and on the 8th day of December, 2020, I deposited the foregoing APPELLANT'S OPPOSITION TO RESPONDENT'S MOTION FOR PUBLICATION OF ORDER OF AFFIRMANCE in the United States Mail, with first class postage fully prepaid thereon of had hand-delivered, copies of the attached document addressed as follows:

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