

**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.

No.: 80271

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

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

Appellants,  
vs.

TITINA FARRIS and PATRICK  
FARRIS,

Respondents.

No.: 81052

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