

IN THE SUPREME COURT OF THE STATE OF NEVADA

ENDO HEALTH SOLUTIONS, INC.;
ENDO PHARMACEUTICALS INC.;
TEVA PHARMACEUTICALS USA, INC.;
MCKESSON CORPORATION;
AMERISOURCEBERGEN DRUG
CORPORATION; CARDINAL HEALTH,
INC.; CARDINAL HEALTH 6 INC.;
CARDINAL HEALTH TECHNOLOGIES
LLC; CARDINAL HEALTH 108 LLC,
D/B/A METRO MEDICAL SUPPLY;
CEPHALON, INC.; ALLERGAN USA,
INC.; ALLERGAN FINANCE, LLC,
F/K/A ACTAVIS, INC., F/K/A WATSON
PHARMACEUTICALS, INC.; WATSON
LABORATORIES, INC.; ACTAVIS
PHARMA, INC., F/K/A WATSON
PHARMA, INC.; AND ACTAVIS LLC;
Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
BARRY L. BRESLOW, DISTRICT
JUDGE,

Respondents,

and


CITY OF RENO,

Real Party in Interest.

No. 81121

FILED

JAN 26 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  CHIEF DEPUTY CLERK

CORRECTED ORDER DIRECTING SUPPLEMENTAL BRIEFING

This is an original petition for a writ of mandamus challenging a district court order denying a motion to dismiss. Having considered the parties' oral arguments and briefs, and having reviewed the record, we conclude that supplemental briefing would assist this court in resolving this writ petition. Specifically, we direct the parties to address whether the phrase "may sue and be sued" in the Reno City Charter provides the City

with authority to file the pending action. See Reno City Charter, Art. I, § 1.020. NRS 268.001(3)(a) states that “the governing body of an incorporated city possesses and may exercise . . . [t]hose powers granted in express terms by the Nevada Constitution, statute or *city charter*.” (Emphasis added.) Although not briefed below or on appeal, the court inquired of the parties at oral argument whether the provisions in Art. I, § 1.020 of the Reno City Charter addresses the City’s authority to file the pending action. As such, we direct the parties to provide supplemental briefing on whether the provision “sue or be sued” in the Reno City Charter provides the City with authority to bring this lawsuit.

Accordingly, petitioners shall have 21 days from the date of this order within which to file and serve a supplemental brief on the issue set forth above. Real party in interest shall have 21 days from service of petitioner’s brief to file and serve its responding supplemental brief. Thereafter, petitioners shall have 7 days from service of real party in interest’s responding brief to file and serve its reply. The supplemental briefs shall comply with the type-volume limitations set forth in NRAP 32(a)(7)(A).

It is so ORDERED.¹

1 Hardesty, C.J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

Cadish, J.
Cadish

Herndon, J.
Herndon

¹Justice Ron Parraguirre and Justice Kristina Pickering did not participate in the decision in this matter.

cc: Hon. Barry L. Breslow, District Judge
Lewis Roca Rothgerber Christie LLP/Las Vegas
Morgan, Lewis & Bockius/Costa Mesa CA
McDonald Carano LLP/Las Vegas
Morgan, Lewis & Bockius LLP/Miami
Semenza Kircher Rickard
Arnold & Porter Kaye Scholer LLP/Los Angeles
Williams & Connolly LLP
Olson, Cannon, Gormley, & Stoberski
Covington & Burling LLP/San Francisco
Hymanson & Hymanson
Reed Smith LLP/Philadelphia
Ropes & Gray LLP/San Francisco
Morris Law Group
Laxalt & Nomura, Ltd./Reno
Reed Smith LLP/Los Angeles
Morgan, Lewis & Bockius LLP/Philadelphia
Bradley Drendel & Jeanney
Eglet Adams
Washoe District Court Clerk