

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEOLIS TRANSIT SERVICES, LLC,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA IN AND FOR THE
COUNTY OF CLARK, AND THE
HONORABLE RICHARD SCOTTI,
DEPT. II,

Respondents,

SHAY TOTH,

Real Party In Interest.

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Elizabeth A. Brown
Clerk of Supreme Court
Case No. 81637-COA

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF THE
NEVADA JUSTICE ASSOCIATION
(In Support of Real Party In Interest Shay Toth)
(First Request)**

The Nevada Justice Association (“NJA”) files this motion seeking leave of this Court to file a proposed amicus curiae brief. This motion is made pursuant to NRAP 29(c) and is based upon the following:

I. AMICUS INTEREST AND REASONS FOR FILING THE BRIEF

NJA is a non-profit organization of independent lawyers in the State of Nevada who represent consumers and share the common goal of improving the civil justice system. NJA seeks to ensure that access to the courts by Nevadans is not diminished. NJA also works to advance the science of jurisprudence, to promote the administration of justice for the public good, and to uphold the honor and dignity of the legal profession.

Through its proposed amicus curiae brief, NJA seeks to provide this Court with the broader context attorney-client privilege and work-product protection with respect to Plaintiff's discovery requests and Defendant's resistance to those requests. Amicus intervention is appropriate where "the amicus has unique information or perspective that can help the Court beyond the help that the lawyers for the parties are able to provide." *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997); *see also Miller-Wohl Co. v. Comm'r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982) (indicating that the classic role of an amicus curiae is to assist in cases of general public interest and to supplement the efforts of counsel by drawing the Court's attention to law that may have escaped consideration).

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Thus, amicus curiae are regularly allowed to appear when they seek to inform the deciding court regarding the limits of discovery and the privileges and protections available (or unavailable) to a party in resisting disclosure requirements or discovery requests. *See, e.g., Bradford v. Eighth Judicial Dist. Court of State ex rel. Cty. of Clark*, 128 Nev. 884 (2012) (considering amicus curiae arguments regarding tensions between work-product protections and opposing party’s right to discovery); *see also Ballard v. Eighth Judicial Dist. Court of State In & For Cty. of Clark*, 106 Nev. 83, 84 (1990) (acknowledging efforts of NJA — then called Nevada Trial Lawyers Association — as amicus curiae in present “conflicting authorities from other jurisdictions” regarding work product doctrine).

Accordingly, NJA respectfully requests leave to file the proposed amicus curiae brief.

DATED this 7th day of January 2021.

CLAGGETT & SYKES LAW FIRM

/s/ Micah S. Echols

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF THE NEVADA JUSTICE ASSOCIATION (IN SUPPORT OF REAL PARTY IN INTEREST SHAY TOTH) (FIRST REQUEST)** was filed electronically with the Supreme Court of Nevada on the 7th day of January 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Cliff W. Marcek
Boyd B. Moss III
Andrew R. Muehlbauer
Sean P. Connell

I further certify that the foregoing document was mailed via U.S. Mail, first-class postage fully prepaid, to the following:

Honorable Richard Scotti, District Judge
Eighth Judicial District Court, Department 2
200 Lewis Avenue
Las Vegas, Nevada 89101

/s/ Anna Gresl

Anna Gresl, an employee of
Claggett & Sykes Law Firm