

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAIDE, LLC, A NEVADA LIMITED-
LIABILITY COMPANY, D/B/A GENTLE
SPRING CARE HOME; SOKHENA K.
HUCH, AN INDIVIDUAL; AND MIKI N.
TON, AN INDIVIDUAL,

Appellants,

vs.

CORRINE R. DILEO, AS SPECIAL
ADMINISTRATOR FOR THE ESTATE
OF THOMAS DILEO; THOMAS DILEO,
JR., AS STATUTORY HEIR TO
THOMAS DELIO; AND CINDY DILEO,
AS STATUTORY HEIR TO THOMAS
DILEO,

Respondents.

No. 81804

FILED

SEP 21 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

*ORDER DIRECTING SUPPLEMENTAL BRIEFING AND
SCHEDULING ORAL ARGUMENT*

On July 8, 2021, appellants filed their reply brief. Respondents moved to strike appellants' argument regarding the applicability of the Federal Arbitration Act (FAA) as being improperly raised for the first time on appeal. This court denied the motion to strike on August 20, 2021, and stated that any new argument improperly raised in the reply brief for the first time would be disregarded at the time of disposition of this appeal.


Although appellants raised the applicability of the FAA for the first time in their reply brief, it is this court's "prerogative to consider issues a party raises in its reply brief, and we will address those issues if consideration of them is in the interests of justice." *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011). Further, we are not inclined to ignore controlling authority simply because it may be raised for the first time in a reply brief. Because the district court

determined that the Arbitration Agreement is void and unenforceable pursuant to NRS 597.995, whether the FAA preempts NRS 597.995 under the circumstances in this case is a threshold matter, consideration of which is in the interests of justice. Accordingly, we conclude that supplemental briefing and oral argument on the issue of whether the FAA preempts NRS 597.995 under the circumstances in this case would assist this court in resolving this appeal.

Appellants shall have 21 days from the date of this order to file and serve a supplemental brief addressing this issue. Respondents shall have 14 days from filing of the supplemental opening brief to file and serve a supplemental answering brief. Appellants shall have 7 days from filing of the supplemental answering brief to file and serve a supplemental reply brief, if deemed necessary. All briefs shall comply with the provisions of NRAP 28, 28.2, and 32. No extensions of time will be granted.

The clerk of this court shall schedule this appeal for oral argument before the Southern Nevada Panel. Oral argument will be limited to 30 minutes and the parties shall be prepared to address whether the FAA preempts NRS 597.995 under the circumstances presented in this case.

It is so ORDERED.

 J.
Parraguirre

cc: Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Cogburn Law Offices
Sharp Law Center
Claggett & Sykes Law Firm