

IN THE SUPREME COURT OF THE STATE OF NEVADA

TROY MOATS,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK AND THE HONORABLE
JUDGE ADRIANA ESCOBAR,

Respondents,

TROY BURGESS,

Real Party in Interest.

Case No. 81912

Electronically Filed
Nov 29 2020 09:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION FOR LEAVE TO FILE AMICUS BRIEF OF
THE NEVADA JUSTICE ASSOCIATION**

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

NJA is a non-profit organization of independent lawyers throughout Nevada who represent injured parties 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 brief, NJA seeks to provide this Court with further context behind the statute and rule of civil procedure at issue in this original proceeding. 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). Thus, amici curiae are regularly allowed to appear when they seek to inform the deciding court on matters of historical context and legislative history. *See, e.g., Howard Delivery Serv., Inc. v. Zurich Am. Ins. Co.*, 547 U.S. 651, 661 (2006) (considering amicus curiae arguments regarding the legislative history of a statute); *see also Contreras Aybar v. Secy US. Dep’t of Homeland Sec.*, 916 F.3d 270, 274 n.1 (3d Cir. 2019) (“Although we do not rest our interpretation of the statute on legislative history, we thank the *amicus*

curiae . . . for its thorough and valuable submission on that subject.”). Accordingly, NJA respectfully requests leave to appear as amicus curiae in this matter and to file its brief submitted concurrently.

Dated this 29th day of November 2020.

THE POWELL LAW FIRM

/s/ Tom W. Stewart
Tom W. Stewart, Esq.
Nevada Bar No. 14280
8918 Spanish Ridge Avenue, Ste. 100
Las Vegas, Nevada 89148
tstewart@tplf.com

and

Micah S. Echols, Esq.
Nevada Bar No. 8437
CLAGGETT & SYKES LAW FIRM
4101 Meadows Lane, Ste. 100
Las Vegas, Nevada 89107
mechols@claggettlaw.com

*Attorneys for Amicus Curiae
Nevada Justice Association*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *MOTION FOR LEAVE TO FILE AMICUS BRIEF OF THE NEVADA JUSTICE ASSOCIATION* was filed electronically with the Supreme Court of Nevada on the 29th day of November 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Marjorie L. Hauf
Matthew G. Pfau
Caitlin J. Lorelli
Thomas E. Winner

I further certify that the foregoing document were mailed via email to the following:

Honorable Adriana Escobar, District Court Judge
Eighth Judicial District Court, Department 14
200 Lewis Avenue
Las Vegas, Nevada 89155
dept14lc@clarkcountycourts.us

/s/ Anna Gresl

Anna Gresl, an employee of
Claggett & Sykes Law Firm