

**IN THE SUPREME COURT 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,

and

TROY BURGESS

Real Party in Interest.

Supreme Court Case No. 81912

Electronically Filed  
Mar 12 2021 12:19 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

District Court Case No. A-18-773410-C

**MOTION BY THE LAS VEGAS DEFENSE LAWYERS FOR LEAVE  
TO FILE BRIEF AS AMICUS CURIAE IN SUPPORT OF THE  
REAL PARTY IN INTEREST'S ANSWER TO WRIT OF MANDAMUS**

The Las Vegas Defense Lawyers (“LVDL”) hereby moves this Court,  
pursuant to NRAP 29, to enter an order granting leave to the LVDL to file an  
amicus curiae brief in support of the position of Real Party in Interest.

The LVDL is a non-profit organization of attorneys in the State of Nevada  
engaged in the defense of civil litigants and whose resources are available to  
provide assistance to courts in considering issues which have a material impact

upon the rights of such persons and/or entities beyond the interests of the particular litigants in specific cases.

The Court's decision in this case will potentially affect a various collection of defendants and cases because of the fundamental discovery precept involved. The LVDL respectfully submits that the underlying ruling by the District Court is consistent with Nevada's Constitution and finding that The Nevada Supreme Court has the authority to regulate civil litigation by adopting rules regulating civil practice and procedure, and, that "[a]ny infringement by the legislature upon such power is in degradation of our tripartite system of government and strictly prohibited." *Goldberg v. Eighth Jud. Dist. Ct.*, 93 Nev. 614, 616-617, 572 P.2d 521 (1977)(citations omitted). Given the potentially broad effect of the decision herein, the LVDL believes that the interests of justice will be served by the Court receiving input from the LVDL on behalf of its members who may be materially affected by the decision, yet whose interests and perspectives transcend the immediate concerns of the parties to this case.

Amicus support 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." *Miller-Wohl Co. v. Comm'r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982). This is not to say that the positions or arguments of the parties

is insufficient, rather, LVDL simply believes they may be able to present a perspective outside of that which is already before this Honorable Court.

As such, LVDL respectfully requests leave to file an amicus curiae brief in support of the position of Real Party in Interest. The LVDL's brief is conditionally filed herewith in accordance with NRAP 29.

Dated this 12<sup>th</sup> day of March, 2021.

LINCOLN, GUSTAFSON & CERCOS, LLP

*/s/ Karissa K. Mack*

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*Attorney for Amicus Curiae Las Vegas*

*Defense Lawyers*

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of March, 2021, I served a true and correct copy of this MOTION BY THE LAS VEGAS DEFENSE LAWYERS FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE IN SUPPORT OF REAL PARTY IN INTEREST'S ANSWER TO THE PETITION FOR WRIT OF MANDAMUS upon all counsel of records by electronically filing the document using the Nevada Supreme Court's electronic filing system with the Master Service List as follows:

Majorie L. Hauf  
Matthew G. Pfau  
Micah S. Echols  
Thomas W. Stewart  
Caitlin J. Lorelli  
Andrew D. Smith  
Thomas E. Winner

I further certify that the foregoing documents were served 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](mailto:dept14lc@clarkcountycourts.us)

*/s/ Staci D. Ibarra*

An employee of LINCOLN GUSTAFSON &  
CERCOS, LLP