

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARIA HARPER, an individual; and
DANIEL WININGER, an individual,

Appellants,

vs.

COPPERPOINT MUTUAL INSURANCE
HOLDING COMPANY, ET AL.

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

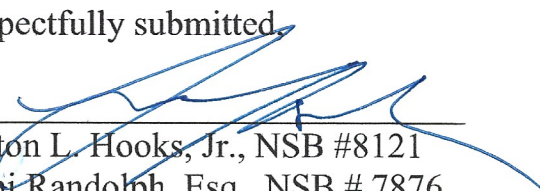
Supreme Court Case No.: 82158

**RESPONDENTS COPPERPOINT MUTUAL INSURANCE HOLDING
COMPANY AND COPPERPOINT GENERAL INSURANCE COMPANY'S
RESPONSE TO APPELLANTS' DOCKETING STATEMENT**

Comes now, Respondents, by and through their attorneys, the law firm of
Hooks, Meng & Clement, and pursuant to NRAP 14(f) submits this Response to
Appellants' Docketing Statement filed December 18, 2020.

Dated this 28th day of December, 2020.

Respectfully submitted
By:



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This is an Arizona workers' compensation claim. Respondent COPPERPOINT GENERAL INSURANCE COMPANY (Respondent) suspended Appellant Harper's (Appellant) workers' compensation benefits when Appellant refused to reimburse its lien pursuant to ARS 23-1023. Instead of seeking administrative review under ARS 23-947 and NRS 616C.330, Appellant filed an action for declaratory and injunctive relief in the Eighth Judicial District Court. The district court dismissed Respondent from the action and Appellants appealed to this Court. This matter is currently pending before the Arizona Industrial Commission.

Appellant's statement of the issues on appeal asks this Court to ignore Appellant's total refusal to adhere to ARS 23-947 and NRS 616C.330's mandatory and jurisdictional administrative review process. In reality, this appeal asks this Court to decide whether it has jurisdiction over this workers' compensation matter despite Appellant's failure to adhere to ARS 23-947 and NRS 616C.330's mandatory administrative review process? If so, the Court must then decide whether a conflict of law exists between NRS 42.021 and NRS 616C.215, and ARS 23-1023. Should a conflict of law exist, the Court must decide whether NRS 616C.215 controls liens arising from all workers' compensation matters, as previously ruled by the Nevada Supreme Court.¹ Finally, should NRS 42.021 control, the Court must decide whether that statute applies to settlement proceeds?

¹*Tri-County Equip. & Leasing, LLC v. Klinke*, 128 Nev. 352, 356 (2012).

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am employee of the law firm of HOOKS MENG & CLEMENT, and on this 28th day of December, 2020, I am serving the foregoing **RESPONDENTS COPPERPOINT MUTUAL INSURANCE HOLDING COMPANY AND COPPEPOINT GENERAL INSURANCE COMPANY'S RESPONSE TO APPELLANTS' DOCKETING STATEMENT** and that on this date I deposited for mailing at Las Vegas, Nevada, a true copy of the attached document addressed to:

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Settlement Judge

Dated this 28th day of December, 2020.

/s/ Terry Rodriguez

An Employee of HOOKS MENG & CLEMENT