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Elizabeth A. Brown
Clerk of Supreme Court

6 IN THE SUPREME COURT OF THE STATE OF NEVADA

8 CHOLOE GREEN,
9 Petitioner,

Case No. 82357

10 v.

11 EIGHTH JUDICIAL DISTRICT COURT,
DEPARTMENT IX, THE HONORABLE
12 CRISTINA SILVA, and DEPARTMENT
XXXIII, THE HONORABLE JASMIN
13 LILLY-SPELLS,

14 Respondent,

15 and

16 FRANK J. DELEE, M.D.; FRANK J.
DELEE, P.C., SUNRISE HOSPITAL
17 AND MEDICAL CENTER, LLC; ALI
KIA, M.D., and NEVADA HOSPITALIST
18 GROUP, LLP

19 _____ /
20 **MOTION FOR PERMISSION TO FILE MOTION FOR**
21 **RECONSIDERATION**

22 COMES NOW Petitioner Choloe Green, by and through her counsel, Daniel
23 Marks, Esq., and Nicole M. Young, Esq., of the Law Office of Daniel Marks, and
24 submits her Motion for Permission to File Motion for Reconsideration regarding
her Petition for Writ of Mandamus that was filed on January 21, 2021.

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1 The grounds for Petitioner's motion are set forth in the attached
2 Memorandum of Points and Authorities.

3 DATED this 13 day of December, 2021.

4 LAW OFFICE OF DANIEL MARKS

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10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 This original petition for a writ of mandamus matter relates to a professional
12 negligence case filed in the Eighth Judicial District Court, Case No.
13 A-17-757722-C. On January 21, 2021, Petitioner Choloe Green ("Choloe") filed
14 the instant Petition for Writ of Mandamus that presented the following issues:
15

- 16 1. Did the district court act in excess of its discretion when it
17 granted a partial motion for summary judgment regarding
18 Sunrise Hospital's ostensible agency relationships in defiance
of the prior judge's order that a genuine issue of material fact
exists for the issue to go to the jury?
- 19 2. Did the district court act in excess of its discretion when it
20 refused to grant Choloe leave to amend her complaint to add
21 ostensible agency and corporate negligence/negligent
supervision as theories of liability for professional negligence
22 based on an incorrect interpretation of NRCP 16 and the
court's narrow interpretation of NRS 41A.071's affidavit
requirement in violation of the statute's liberal construction?

23 (See Petition for Writ of Mandamus, at pp. 2-3.) This Court denied that petition.
24 Choloe did not seek rehearing or reconsideration at that time because writ relief is
25 an extraordinary remedy, and Choloe respects this Court's judgment.

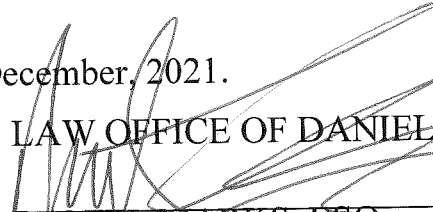
26 On August 12, 2021, however, Kia/NHG filed a Petition for Writ of
27 Mandamus because Judge Lilly-Spells denied their motion to dismiss. (See *Kia v.*
28 *Dist. Ct. (Delee)*, Case No. 83357.) Both the instant petition and the petition filed

1 in case number 83357 are inter-related. On November 2, 2021, Choloe filed a
2 motion in case number 83357 because she was not served with the order directing
3 her answer to that writ. She also requested the Court reconsider the instant
4 petition. The Court ordered that the request was not properly made in that action.

5 Choloe requests permission from this Court to file her Motion for
6 Reconsideration in light of the writ petition filed in case number 83357. Choloe
7 believes the Court's consideration of both writ petitions is necessary to ensure the
8 administration of justice.

9 DATED this 13 day of December, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the LAW OFFICE OF DANIEL MARKS, and that on the 13 day of December, 2021, I did serve by way of electronic filing, a true and correct copy of the above and foregoing **MOTION FOR PERMISSION TO FILE MOTION FOR RECONSIDERATION** on the following:

Eric K. Stryker, Esq.
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Attorney for Nevada Hospitalist Group, LLP

I further certify that I did deposit in the U.S. Mail in Las Vegas, Nevada, with first class postage fully prepaid thereon a true and correct copy of the **MOTION FOR PERMISSION TO FILE MOTION FOR RECONSIDERATION** to the addresses as follows:

The Honorable Jasmin Lilly-Spells
Eighth Judicial District Court
Department XXXIII
200 Lewis Avenue
Las Vegas, Nevada 89155


An employee of
LAW OFFICE OF DANIEL MARKS