

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**Case No. 82554**

Electronically Filed  
Sep 15 2021 11:09 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

DAMASO S. PUENTE, INDIVIDUALLY AND ON BEHALF OF  
THE ESTATE OF DÁMASO L. PUENTE; MARIA PUENTE;  
DANIEL MALONE, INDIVIDUALLY AND ON BEHALF OF  
THE ESTATE OF CHRISTA PUENTE

*Appellants,*

v.

DAVE & BUSTER'S OF NEVADA, INC,

*Respondent.*

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Appeal from a Judgment of  
the Eighth Judicial District Court of Nevada  
The Honorable Mary Kay Holthus, District Judge  
District Court Case No. A-20-813787-C

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**MOTION FOR LEAVE TO FILE  
AMICUS BRIEF OF NEVADA TAVERN ASSOCIATION  
IN SUPPORT OF RESPONDENT'S ANSWERING BRIEF**

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Attorney for Nevada Tavern Association

COMES NOW The Nevada Tavern Association (NTA), through counsel, Carolyn “Lina” Tanner, and files this Motion for Leave to File an Amicus Curiae Brief in Support of Respondent’s Answering Brief. NTA is a trade association formed as a Nevada nonprofit on October 21, 2020. NTA represents the interests of owners, managers, and employees of tavern establishments throughout the state, and provides trade association insights, communications, and advocacy to its members. This case presents issues of considerable constitutional and economic importance, and NTA is particularly well-suited to provide additional insight to the Court into the broad implications of this appeal on the hospitality industry in the State of Nevada. Therefore, pursuant to NRCP 29(c), NTA respectfully moves this Court for leave to file the proposed amicus curiae brief in support of Respondent Dave & Buster’s of Nevada, Inc.

Nevada’s hospitality industry is world renown, and it includes both large casinos and small businesses. The target membership of the NTA are the many small bars and taverns on the “main streets” of Nevada’s communities, who have suffered significant loss during the COVID-19 pandemic. If the relief sought by Appellants in this case is granted, this important industry stands to lose much more. The NTA brings its unique perspective to this case as a trade organization that seeks to assist

these businesses who have largely remained unrepresented in important policy decisions. NTA believes that should NRS 41.1305(1) be found unconstitutional, the impact on the hospitality industry will be significant and potentially catastrophic. NTA is exceptionally well-positioned to elaborate on these implications for the Court's benefit. NTA therefore seeks leave to file the attached brief of amicus curiae urging the Court to deny Appellants' appeal as to the constitutionality of NRS 41.1305(1).

DATED this 15th day of September, 2021.

/s/ Carolyn E. Tanner

CAROLYN E. TANNER

Bar No. 5520

Counsel for Nevada Tavern Association

### **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 15th day of September, 2021. Electronic service of the foregoing document was made in accordance with the Master Service List as follows:

Thomas Christensen  
Christensen Law Offices, LLC

Michael P. Lowry, Esq.  
Wilson Elser

DATED this 15th day of September, 2021.

/s/ Carolyn E. Tanner

CAROLYN E. TANNER