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Elizabeth A. Brown
Clerk of Supreme Court

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

8 *****

9 Edgard P. Yusi; Keolis Transit
Services, LLC,

10
11 Petitioners,

12 v.

13 The Eighth Judicial District Court of
14 The State of Nevada and the
15 Honorable Nancy Alf, Judge,

16 Respondents.
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) SUPREME COURT CASE NO.: 82625
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**Interested Party American Board
of Professional Neuropsychology's
Motion for Leave to File Amicus
Brief and to Enlarge Time to File
Amicus Brief**

18 Party in Interest American Board of Professional Neuropsychology ("APN")
19 files their Motion for Leave to file Amicus Brief and to Enlarge Time to File
20 Amicus Brief ("Motion") as follows.

21 Dated this 22nd day of March 2021

22 Schwab Law Firm PLLC

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1 **Memorandum of Points and Authorities**

2 **I. The American Board of Professional Neuropsychology (“ABN”) is**
3 **a Party in Interest in this Matter Whose Practitioners and**
4 **Members Routinely Conduct the Neuropsychology Examinations**
5 **Contemplated in the Underlying Petition for Writ of Mandamus**
6 **and Prohibition**

7 On March 15, 2021, Petitioners Edgard P. Yusi and Kelois Transit Services,
8 LLC (collectively “Petitioners”) filed their Petition for Writ of Mandamus or
9 Prohibition (“Writ”). The Writ concerns the manner in which neuropsychological
10 examinations are conducted, who may be present during them and whether third-
11 party recording may be done of such exams for litigation purposes in the State of
12 Nevada.

13 NRAP 29 provides that an interested party who is not presently a party to the
14 underlying litigation may seek leave of the Court to file an Amicus Brief so long as
15 the interested party makes a statement as to: (a) their interest in the litigation; and
16 (b) why an Amicus Brief is desirable.

17 First and foremost, the American Board of Professional Neuropsychology
18 (“ABN”) has a significant interest in the outcome of this litigation. The ABN is a
19 nationwide professional organization of neuropsychologists with the following
20 core objections: (a) validating the skills of clinical practitioners in
21 neuropsychology; (b) signifying the practitioner has demonstrated competence
22 through peer review; (c) offering means for maintaining professional competence
23 through continuing education; and (d) providing professionals and consumers with
24 a referral directory of the ABN Diplomats. The Practitioners within the ABN
25 conduct neuropsychology examinations much like the examinations contemplated
26 in the litigation and is affected by rulings that the District Courts, Court of Appeals
27 and Nevada Supreme Court make as to the manner in which examinations are to be
28 conducted. Members of the ABN and affiliated organizations routinely perform the

1 examinations for litigation purposes within the State of Nevada and nationally.
2 Any Court or legislative rules for the manner in which such neuropsychology
3 examinations are to be conducted would certainly affect the members of the ABN
4 in their practice.

5 Second and equally important, the ABN offers a considerable amount of benefit
6 and expertise to the Court, making an Amicus Brief desirable in this litigation. The
7 ABN has extensively studied the issues of third-party observers in a
8 neuropsychology examination, the effects of those third-party observers, recording
9 of neuropsychology examinations, the effects of recording the examination. The
10 scientific and clinical expertise the ABN could offer the Court is vast and puts
11 practical effects in view that can assist the Court of Appeals, Nevada Supreme
12 Court and/or District Courts in ruling on the manner in which neuropsychology
13 examinations are to be conducted. Additionally, the ABN can help the Court
14 understand the ethical implications for the practice of neuropsychology as to how
15 an examination should be conducted as well as the clinical impact of third-party
16 observers and recording.

17 For the reasons stated above, the ABN is requesting leave of the Court to file an
18 Amicus Brief in this matter.

19 **II. The Court Should Enlarge the Time for the ABN to File an**
20 **Amicus Brief Beyond the March 22, 2021 Deadline**

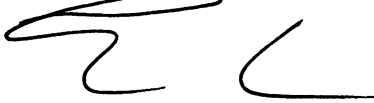
21 NRAP 29 provides that an Amicus Brief must be filed within seven (7) days of
22 Petitioners filing their Writ. This due date would be March 22, 2021. NRAP 29
23 provides that an interested party may file a Motion with the Court seeking an
24 enlargement of time in which to file an Amicus Brief. The ABN is requesting a
25 fourteen (14) day extension from today's date or up until Monday April 5, 2021 in
26 which to file the Amicus Brief.

27 The ABN has retained appellate counsel pretty quickly after the underlying
28 Writ was filed and acted with diligence in this matter. Counsel is ready, willing

1 and able to diligently perform their duties, but due to schedules, case load and
2 obligations would benefit from a brief extension of time to file the Amicus Brief.
3 The requested time would cause no prejudice or delay to any of the Parties in this
4 matter. A fourteen (14) day extension is more than appropriate under the
5 circumstances.

6 Dated this 22nd day of March 2021

7 Schwab Law Firm PLLC

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1 **Certificate of Service**

2 Per NRAP 21(a) and 25(c), I certify that I am an employee of Schwab
3 Law Firm PLLC, and that on March 22, 2021, **Interested Party**
4 **American Board of Professional Neuropsychology's Motion for**
5 **Leave to File Amicus Brief and to Enlarge Time to file Amicus**
6 **Brief** was served via electronic means by operation of the Court's
7 electronic filing system and U.S. Mail, postage prepaid to the following:

8 Michael P. Lowry, Esq.

9 c/o Wilson Elser

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11 Las Vegas, Nevada 89119

12 Attorneys for Edgardo P. Yusi and Keolis Transit Services LLC

13
14 John B. Shook, Esq.

15 c/o Shook & Stone

16 710 South Fourth Street

17 Las Vegas, Nevada 89101

18 Attorneys for Heather Felsner

19
20 Honorable Nancy L. Allf

21 c/o Eight Judicial District Court, Department 27

22 200 Lewis Avenue

23 Las Vegas, Nevada 89155

24
25 By: */s/ Dana Spahic*

26 An Employee of Schwab Law Firm PLLC