

IN THE SUPREME COURT OF THE STATE OF NEVADA

LYNN YAFCHAK, STATUTORY
HEIR AND SPECIAL
ADMINISTRATOR TO THE
ESTATE OF JOAN YAFCHAK,
DECEASED,

Appellant,

vs.

SOUTH LAS VEGAS MEDICAL
INVESTORS, LLC, D/B/A LIFE
CARE CENTER OF SOUTH LAS
VEGAS, ERRONEOUSLY NAMED
AS LIFE CARE CENTER OF
AMERICA, A FOREIGN
CORPORATION,

Respondent.

No. 82746

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Elizabeth A. Brown
Clerk of Supreme Court

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF
THE NEVADA JUSTICE ASSOCIATION
(In Support of Appellant)

The Nevada Justice Association (“NJA”) files this motion seeking leave of this Court to file a proposed amicus curiae brief. This motion is made pursuant to NRAP 29(c) and is based upon the following:

AMICUS INTEREST AND REASONS FOR FILING THE BRIEF

NJA is a non-profit organization of independent lawyers in the State of Nevada who represent consumers and share the common goal of

improving the civil justice system. NJA advocates for Nevadans, ensuring that Nevada consumers continue to have ready and meaningful access to the courts. NJA also works to advance the science of jurisprudence, to promote the administration of justice for the public good, and to uphold the honor and dignity of the legal profession.

Amicus intervention 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.” *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997).

Through this proposed brief, NJA will provide this court with a robust analysis of Nevada’s older person neglect statutes, professional negligence statutory scheme, and this court’s holdings on both. Upon reviewing the above materials, this proposed brief will demonstrate that a claim for older person neglect under NRS 41.1395 is distinct from a claim for professional negligence under NRS 41A.015 where a non-health care provider committed the underlying neglect by failing to provide nonmedical services. In such an instance, the claim under NRS 41.1395 is not subject to the noneconomic damage cap under NRS 41A.035, does not require an affidavit of a medical expert under NRS 41A.071, and is

not subject to the one-year inquiry notice limitation period under NRS 41A.097(2).

Accordingly, NJA respectfully requests leave to file the proposed amicus curiae brief.

DATED this 10th day of November 2021.

CLAGGETT & SYKES LAW FIRM

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing, **MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF THE NEVADA JUSTICE ASSOCIATION (In Support of Appellant)** was filed electronically with the Supreme Court of Nevada on the 10th day of November 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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/s/ Anna Gresl

Anna Gresl, an employee of
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