

In the Supreme Court of Nevada

LYNN YAFCHAK, statutory heir and
special administrator to the ESTATE OF
JOAN YAFCHAK, deceased,

Appellants,

vs.

SOUTH LAS VEGAS MEDICAL INVESTORS,
LLC, d/b/a LIFE CARE CENTER OF
SOUTH LAS VEGAS, erroneously named
as LIFE CARE CENTERS OF AMERICA, a
foreign corporation,

Respondent.

Electronically Filed
Sep 06 2022 09:23 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOTICE OF SUPPLEMENTAL AUTHORITY

On page 25 of the answering brief, respondent cited the Michigan Court of Appeals’ decision in *Estate of Corrado by Meyers v. Rieck* as holding that liability depended on “information outside the realm of common knowledge and experience,” in that case, a nursing facility’s internal policy, “supports the conclusion that plaintiff’s proposed claim sounds in medical malpractice.” 960 N.W.2d 218, 225 (Mich. Ct. App. 2020).

The Michigan Supreme Court recently affirmed in relevant part. *Meyers v. Rieck*, No. 162094, ___ N.W.2d ___, ___, 2022 WL 2541769, at *6

(Mich. July 7, 2022). Although that court reversed the conclusion that the internal policy was totally irrelevant to the standard of care, the court ultimately agreed that a claim premised on a violation of that policy was for medical malpractice, not ordinary negligence. *Id.* (agreeing with and quoting Court of Appeals’ determination that “[a] lay fact-finder would not know” whether it was reasonable for the nursing facility to delay contacting a doctor).

Dated this 6th day of September, 2022.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Abraham G. Smith
DANIEL F. POLSENBERG SBN 2376)
JOEL D. HENRIOD (SBN 8492)
ABRAHAM G. SMITH (SBN 13250)
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

Attorneys for Respondent

CERTIFICATE OF SERVICE

I certify that on September 6, 2022, I submitted the foregoing “Notice of Supplemental Authority” for e-filing and service *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

Joseph J. Troiano
Cogburn Law
2580 St. Rose Parkway
Suite 330
Henderson, Nevada 89074

Attorneys for Appellants

Micah S. Echols
David P. Snyder
Claggett & Sykes
4101 Meadows Lane
Suite 100
Las Vegas, Nevada 89107

*Attorneys for Nevada Justice
Association*

/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber Christie LLP