
IN THE SUPREME COURT OF THE STATE OF NEVADA

ZANE MICHAEL FLOYD,

Appellant,

v.

THE STATE OF NEVADA DEPARTMENT OF CORRECTIONS,
CHARLES DANIELS, DIRECTOR, DEPARTMENT OF
CORRECTIONS, and ISHAN AZZAM, CHIEF MEDICAL OFFICER OF
THE STATE OF NEVADA,

Respondents.

On Appeal from the Eighth Judicial District Court

The Honorable Adriana Escobar

District Court Case No. A-21-833086-C

RESPONDENT IHSAN AZZAM'S MOTION FOR JOINDER TO
RESPONDENTS NEVADA DEPARTMENT OF CORRECTIONS
AND DIRECTOR CHARLES DANIELS' ANSWERING BRIEF

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For the State of Nevada

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Respondent Ihsan Azzam (“Dr. Azzam”), Chief Medical Officer for the State of Nevada, by and through undersigned counsel, respectfully files this motion for joinder to Respondents Nevada Department of Corrections and Director Charles Daniels’ (collectively, “NDOC Respondents”) Answering Brief in the instant appeal. NDOC Respondents’ Answering Brief fully and satisfactorily addresses the issues raised by Floyd’s appeal and squarely comports with Dr. Azzam’s own position on the issue. Therefore, Dr. Azzam respectfully moves this Court for leave to join in the NDOC Respondents’ Answering Brief.

As a preliminary matter, it is unclear whether Dr. Azzam is appropriately named in Floyd’s appeal of the denial of his motion for preliminary injunction. “Determining whether to grant or deny a preliminary injunction is within the district court’s sound discretion.” *Univ. & Cmty. Coll. Sys. of Nevada v. Nevadans for Sound Gov’t*, 120 Nev. 712, 721, 100 P.3d 179, 187 (2004). Review on appeal is limited to the record, and the district court’s decision will not be disturbed absent an abuse of discretion or unless it is based on an erroneous legal standard.” *Id.*

Although named in the Complaint, Dr. Azzam had not yet been

served or made an appearance in the case at the time that the District Court issued its order denying issuance of the preliminary injunction sought by Appellant Zane Floyd (“Floyd”). Dr. Azzam took no part in briefing the issues or arguing the motion at issue in this appeal.

The Order denying Floyd’s Motion for Preliminary Injunction was entered on June 17, 2021. *See* Case No. A-21-833086-C Docket. It was not until July 30, 2021, that Floyd filed his Notice of Lawsuit and Request to Waive Service of Summons as to Dr. Azzam. *Id.* Because Dr. Azzam was not a party to the case, had no actual notice of the preliminary injunction motion, and took no part in developing the record on Floyd’s Motion for Preliminary Injunction, it is unclear whether Dr. Azzam is party to the instant appeal. *See* NRCP 65(d) (providing that an order *granting* an injunction “is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.”); *see also Hosp. Int’l Grp. v. Gratitude Grp., LLC*, 132 Nev. 980, 387 P.3d 208 (2016).

To the extent Dr. Azzam is properly named in the appeal, Nevada Rule of Appellate Procedure 28(i) provides that “in a case involving more

than one appellant or respondent, including consolidated cases, any number of appellants or respondents may join in a single brief, and any party may adopt by reference a part of another's brief." Here, Dr. Azzam agrees in full with the NDOC Respondents' Answering Brief's arguments, legal support and evidence and respectfully submit that each of the arguments proffered by NDOC Respondents apply equally to Dr. Azzam. Therefore, pursuant to NRCP 28(i) and in the interest of judicial economy and efficiency, Dr. Azzam does not seek to separately submit his own answer to Floyd's Opening Brief, and instead seeks to join in NDOC Respondents' Answering Brief filed in this appeal.

WHEREFORE, Dr. Azzam respectfully requests that this Court grant him leave to join in and adopt by reference each of the arguments and citations in support thereof included in the NDOC Respondents' Answering Brief.

Respectfully submitted this 20th day of December, 2021.

CLARK HILL PLC

/s/ Nadia Ahmed
Nadia Ahmed, Esq. (Bar No. 15489)

Attorneys for Respondent Dr. Azzam

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the electronic filing system on the 20th day of December, 2021, and e-served the same on all parties listed on the Court's Master Service List.

/s/ Nadia Ahmed

Nadia Ahmed (Bar No. 15489)

An employee of Clark Hill PLC