

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERRYS DEE DAVIS, A MINOR,
THROUGH HER PARENTS TRACI
PARKS AND ERRICK DAVIS;
THOMAS ZIEGLER; FREDERICK
BICKHAM; AND JANE NELSON,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF
CLARK; THE HONORABLE SUSAN
JOHNSON, DISTRICT JUDGE; AND
THE HONORABLE VERONICA
BARISICH, DISTRICT JUDGE,

Respondent,

and

STEPHANIE A. JONES, D.O.; DANIEL
M. KIRGAN, M.D., IRA MICHAEL
SCHNEIER, M.D., MUHAMMAD
SAEED SABIR, M.D.; AND JAYSON
AGATON, APRN,

Real Parties in Interest.

No. 83306

Electronically Filed
Sep 07 2021 11:56 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**REAL PARTY IN INTEREST JAYSON AGATON, APRN'S RESPONSE TO
NEVADA JUSTICE ASSOCIATION'S MOTION FOR EXTENSION OF TIME
TO FILE MOTION FOR LEAVE TO FILE AMICUS BRIEF**

NOW COMES Real Party In Interest Jayson Agaton, APRN, (hereinafter "Nurse Agaton") by and through his counsel HALL PRANGLE & SCHOONVELD, LLC, and in response to Nevada Justice Association's ("NJA") motion for extension of time to file its motion for leave to file an amicus brief, states as follows:

ARGUMENT

1. On August 2, 2021, Petitioners filed a petition for writ of mandamus or prohibition challenging the district court's orders dismissing certain claims as subsumed within petitioners' professional negligence claims in four separate actions.

2. On August 16, 2021, this court subsequently entered an order advising the real parties in interest that answers to the petition may assist the Court in resolving this matter and directing such answers to be filed on or by September 13, 2021.
3. The parties thereafter entered into a stipulation extending the deadline for the filing of the real parties in interests' answers to the petition to and including October 13, 2021. The Court approved the parties' stipulation on August 16, 2021.
4. Approximately two weeks later, NJA filed its motion requesting an extension of time to file a motion for leave to file an amicus brief "until 30 days after this Court's order." (Mtn. at 3).
5. Pursuant to NRAP 29(f), an amicus curiae (other than those qualifying entities listed in NRAP 29(a)), "must file its brief, accompanied by a motion for filing . . . no later than 7 days after the brief of the party being support is filed." Under this rule, the Court may grant leave for later filing, specifying the time within which an opposing party may answer. *Id.*
6. Here, NJA filed its motion for the requested extension a month after the filing of the original petition and two weeks after the parties, with the Court's approval, had already stipulated to a briefing schedule for the filing of real parties in interests' answers to the petition.
7. NJA appears to request that it be granted an extension to file its motion and proposed brief within 30 days of the order addressing its instant motion.

8. Nurse Agaton does not oppose NJA's requested extension of time to file their motion for leave to file its amicus brief provided that if the requested extension is granted, that the due date for the filing of Nurse Agaton's answer to the petition be extended, as necessary, so that he will have adequate time to respond to NJA's motion for leave to file its amicus brief, and to prepare and file their own briefs, including respond to any arguments raised within its amicus brief should it be allowed to file a brief addressing the original petition.

9. Although Nurse Agaton does not oppose NJA's requested extension, he reserves his right to oppose NJA's motion for leave to file an amicus brief should an extension be allowed and one is filed.

DATED this 7th day of September, 2021.

By: /s/ Zachary Thompson
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Jayson Agaton, APRN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 7th day of September, 2021, I served a true and correct copy of the foregoing **REAL PARTY IN INTEREST JAYSON AGATON, APRN'S RESPONSE TO NEVADA JUSTICE ASSOCIATION'S MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR LEAVE TO FILE AMICUS BRIEF** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

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Stephanie A. Jones, D.O., Daniel M.
Kirgan, M.D., and Ira Michael
Schneier, M.D.*

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I further certify that on this date I served copies of the foregoing, postage prepaid, by U.S. Mail to:

Hon. Veronica Barisich
Department 5
Eighth Judicial District Court
200 Lewis Avenue
Las Vegas, NV 89155

Hon. Susan Johnson
Department 22
Eighth Judicial District Court
200 Lewis Avenue
Las Vegas, NV 89155

/s/ Reina Claus
An employee of HALL PRANGLE & SCHOONVELD, LLC