

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
H. JOHNSON, DISTRICT JUDGE;
AND THE HONORABLE VERONICA
BARISICH, DISTRICT JUDGE,

Respondents,

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

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Oct 07 2021 06:59 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

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 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 seeks to ensure that access to the courts by Nevadans is not diminished. 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.

Through its proposed amicus curiae brief, NJA seeks to provide this Court with broader context that NRS Chapter 41A does not provide an exclusive remedy for patients filing lawsuits against providers of healthcare. The outcome of this matter will reach far beyond the parties and the dispute here, as defendants in professional negligence actions are repeatedly taking the position that when there are additional and/or alternative causes of action, defendants generally argue that such alternative claims are “subsumed” within that plaintiff’s single professional negligence cause of action. This defense argument persists, despite the fact that NRCP 8 clearly states that additional and/or

alternative causes of action are allowable, and no technical form for pleadings is required.

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); *see also Miller-Wohl Co. v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982) (indicating that the classic role of an amicus curiae is to assist in cases of general public interest and to supplement the efforts of counsel by drawing the Court’s attention to law that may have escaped consideration).

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

Dated this 7th day of October 2021.

CLAGGETT & SYKES LAW FIRM

/s/ Micah S. Echols

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*Attorneys for Amicus Curiae
Nevada Justice Association*

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 Petitioners)** was filed electronically with the Nevada Supreme Court on the 7th day of October 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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I further certify that the foregoing document was emailed to the following:

The Honorable Susan H. Johnson, District Judge
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The Honorable Veronica Barisich, District Judge
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/s/ Anna Gresl

Anna Gresl, an employee of
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