

**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

v.

EIGHTH JUDICIAL DISTRICT
COURT IN AND FOR CLARK
COUNTY, NEVADA, HON. SUSAN
JOHNSON AND HON. VERONICA
BARISICH , Presiding;

Respondents

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

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Elizabeth A. Brown
Clerk of Supreme Court
SUPREME COURT CASE NO. 83306

PETITIONER'S MOTION TO SUBSTITUTE PARTY

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In this original petition for writ of mandamus, four medical malpractice claimants in the Eighth Judicial District Court jointly sought writ relief from this Court on similar legal issues involving pleading in medical malpractice cases. Petitioners claimed that their causes of action pleaded as alternatives to medical malpractice were wrongly dismissed by District Court Judges, Hon. Susan Johnson and Hon. Veronica Barisich. The Nevada Supreme Court directed briefing on the writ petition on August 16, 2021. Briefing was completed on November 26, 2021. Presently, the Petitioners await further action from the Court, including whether oral argument will be granted or a written decision on the merits of the petition.

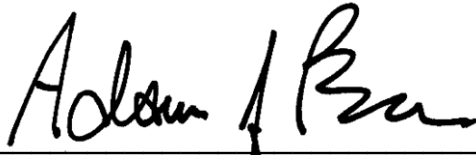
Of the four matters, the only matter assigned to Hon. Veronica Barisich was the case of *Errys Dee Davis et. al. v. Stephanie A. Jones, D.O.*, Case No. A-20-826513-C. While this Writ Petition was pending, on or about January 2022 Petitioner Davis was notified that her case would be transferred from Department V, Hon. Veronica Barisich, Presiding, to Department XI, Hon. Ellie Roohani, Presiding.

In light of the administrative transfer to a new presiding judicial officer, it would appear appropriate that Petitioners substitute Judge Roohani in place and stead for Judge Barisich. Therefore, Petitioners hereby move for that relief and request a substitution of party and amendment of the caption of this matter. A proposed Order is attached as Exhibit 1 to this Motion.

Therefore, Petitioners seek substitution of the newly-assigned judicial officer and amendment of the caption. Said substitution is of an administrative nature and will require no further briefing or otherwise substantively affect the outcome of the Petition.

Respectfully submitted this 25th day of January, 2022.

BREEDEN & ASSOCIATES, PLLC

A handwritten signature in black ink, appearing to read "Adam J. Breeden", is written over a horizontal line.

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CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. 25, I hereby certify that on the 25th day of January, 2022, a copy of the foregoing **PETITIONER'S MOTION TO SUBSTITUTE PARTIES** was served via electronic service and/or U.S. First Class Mail on all registered users as follows:

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Las Vegas, Nevada 89155
Respondent

/s/ Sarah Daniels
Attorney or Employee of
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Exhibit 1

[Proposed Order Text]

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and JAYSON AGATON, APRN;

Real Parties in Interest

SUPREME COURT CASE NO. 83306

ORDER GRANTING MOTION TO SUBSTITUTE PARTY

This is an original petition for writ of mandamus which raises legal issues as to proper pleading in a medical malpractice case. The Respondents are two judicial officers from the Eighth Judicial District Court who the Petitioners allege incorrectly dismissed various alternative causes of action in their respective civil complaints.

Petitioners have filed a *Motion to Substitute Party*, explaining that in one of the underlying civil matters the writ concerns, the judicial officer assigned was recently changed from Hon. Veronica Barisich to Hon. Ellie Roohani. Therefore,

the motion seeks to substitute the new judicial officer as a party to the writ petition and change the caption accordingly.

Having reviewed the Motion and for good cause shown, the *Motion to Substitute Party* is GRANTED. Hon. Ellie Roohani is substituted as a party Respondent in place and stead of Hon. Veronica Barisich and the future filings shall amend the caption accordingly.