

1 DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
2 NICOLE M. YOUNG, ESQ.
Nevada State Bar No. 12659
3 610 South Ninth Street
Las Vegas, Nevada 89101
4 (702) 386-0536; FAX: (702) 386-6812
Attorneys for Plaintiff

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Elizabeth A. Brown
Clerk of Supreme Court

6 IN THE SUPREME COURT OF THE STATE OF NEVADA

7 ALI KIA, M.D.; and NEVADA
8 HOSPITALIST GROUP, LLP,

Case No. 83357

9 Petitioners,

10 v.

11 THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
12 IN AND FOR THE COUNTY OF
CLARK; and THE HONORABLE
13 JASMIN D. LILLY-SPELLS, DISTRICT
JUDGE,

14 Respondents,

15 and

16 FRANK J. DELEE, M.D., an individual;
FRANK J. DELEE M.D., P.C., a domestic
17 professional corporation; and SUNRISE
HOSPITAL AND MEDICAL CENTER,
18 LLC, a foreign limited-liability company,

19 Real Parties in Interest.
20 _____/

21 **MOTION TO EXTEND TIME TO ANSWER WRIT OF MANDAMUS AND**
22 **FOR RECONSIDERATION OF WRIT OF MANDAMUS PREVIOUSLY**
FILED BY CHLOE GREEN

23 COMES NOW Real Party in Interest Chloe Green, by and through her
24 counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law Office of
25 Daniel Marks, and submits her Motion to Extend Time of Answer Writ of
26 Mandamus and for Reconsideration of Writ of Mandamus Previously Filed by
27 Chloe Green.

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1 The grounds for Real Party in Interest Choloe Green's motion are set forth
2 in the attached Memorandum of Points and Authorities.

3 DATED this 2nd day of November, 2021.

4 LAW OFFICE OF DANIEL MARKS

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Nevada Bar No. 002003
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Nevada Bar No. 12659
8 610 South Ninth Street
Las Vegas, Nevada 89101
9 Attorneys for Choloe Green

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 **I. ARGUMENT**

12 This original petition for a writ of mandamus matter relates to a medical
13 malpractice case filed in the Eighth Judicial District Court, Case No.
14 A-17-757722-C. his Court issued an Order Directing Answer on October 14, 2021.
15 It is unknown why Green, the plaintiff and aggrieved party in the district court
16 case was not named as a real party in interest in this writ proceeding when she is
17 the aggrieved party. The other defendants in the district court case are listed as real
18 parties in interest, even though Green is the actual real party in interest. Petitioner
19 Ali Kia, M.D., violated NRAP 21(a)(2) by not including Green as a real party in
20 interest. Green requests this Court amend the caption of this case to list Green as
21 the real party in interest.

22 The deadline to file an answer to the writ of mandamus at issue is November
23 12, 2021. Green did not discover the Order Directing Answer was filed by this
24 Court until November 2, 2021, because she was not named as a real party in
25 interest and therefore, was not properly served with the order. Justice requires she
26 be afforded the full 28 days to answer because she is the aggrieved party and the
27 actual real party in interest.

28 /////

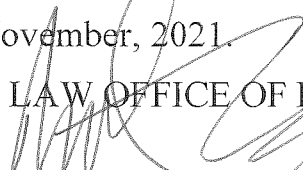
1 Finally, Green filed a Petition for Writ of Mandamus with this Court on
2 January 21, 2021. (See Green v. Eighth Jud. Dist. Ct., Case No. 82357.) This Court
3 denied that petition on March 9, 2021. That petition relates to the instant petition
4 before this Court. Green requests this Court reconsider that denial in light of its
5 Order Directing Answer of the instant petition because these issues are all inter-
6 related.

7 **II. CONCLUSION**

8 based on the foregoing, this Court should (1) amend the caption of this case
9 to add Choloe Green as the real party in interest, (2) extend Green's deadline to
10 file an answer to the instant petition to allow her the full 28 days to respond, and
11 (3) consolidate this petition with Green's January 21, 2021, petition and order the
12 real parties in interest to file an answer to Green's petition.

13 DATED this 2nd day of November, 2021.

14 LAW OFFICE OF DANIEL MARKS

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Eric K. Stryker, Esq.
Wilson, Elser, Moskowitz, Edelman & Dicker LLP
300 South 4th Street, 11th floor
Las Vegas, Nevada 89101
Attorneys for Frank J. Delee M.D. and Frank J. Delee P.C.

Tyson Dobbs, Esq.
Hall Prangle & Schoonveld, LLC
1160 N. Town Center Dr., Ste. 200
Las Vegas, Nevada 89144
Attorneys for Sunrise Hospital and Medical Center LLC

Patricia Daehnke, Esq.
Collinson, Daehnk, Inlow & Greco
2110 E. Flamingo Road, Suite 212
Las Vegas, Nevada 89119
Attorney for Ali Kia, M.D.

Erin Jordan, Esq.
Lewis Brisbois Bisgaard & Smith, LLP
6385 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Attorney for Nevada Hospitalist Group, LLP

Hand

An employee of the
Law Office of Daniel Marks