

# In the Supreme Court of Nevada

DAVID GARVEY, M.D., an individual  
Petitioner,

vs.

THE FOURTH JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA EX REL. THE  
COUNTY OF ELKO, AND THE HONORABLE  
KRISTIN N. HILL,

Respondents,

and

DIANE SCHWARTZ, individually and as  
Special Administrator of the Estate of  
DOUGLAS R. SCHWARTZ, deceased,

Real Party in Interest.

Electronically Filed  
Jan 04 2022 07:13 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court  
Case No.: 83533

District Court  
Case No.: CV-C-17-439

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***MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF OF NEVADA HOSPITAL  
ASSOCIATION; VALLEY HEALTH SYSTEM, LLC; RENOWN REGIONAL  
MEDICAL CENTER; RENOWN SOUTH MEADOWS MEDICAL CENTER;  
DIGNITY HEALTH D/B/A ST. ROSE DOMINICAN HOSPITAL – ROSE DE  
LIMA, ST. ROSE DOMINICAN HOSPITAL– SIENA, AND ST. ROSE  
DOMINICAN HOSPITAL– SAN MARTIN IN SUPPORT OF PETITIONER***

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Pursuant to Rule 29 of the Nevada Rules of Appellate Procedure,  
Proposed Amici Curiae Nevada Hospital Association; Valley Health System,  
LLC; Renown Regional Medical Center; Renown South Meadows Medical  
Center; and Dignity Health d/b/a St. Rose Dominican – Rose de Lima, St.  
and Rose Dominican – Siena, St. Rose Dominican – San Martin (collectively,

the “Proposed *Amici*”) move this Court for leave to file the accompanying *amici curiae* brief in support of Petitioner.

The Proposed *Amici* include and represent health care providers that deliver emergency medical care to trauma patients across urban and rural communities in Nevada. *Amici* have a substantial interest in the swift and proper application of Nevada’s medical liability laws—including commonsense limits on damages the Legislature has enacted to maintain rational boundaries on medical malpractice litigation in the State. These statutes are critical to promoting the health and welfare of Nevada residents by making professional liability insurance available for the health care providers who provide emergency care for trauma patients.

The proposed *Amici* seek leave to submit the accompanying *amici curiae* brief because the case at bar threatens to circumvent this important statutory regime. Failing to determine the applicability of the trauma caps early in the proceedings renders many of the intended benefits of such caps a nullity. Without these statutes—including NRS 41.503 (the “trauma cap statute”)—liability insurance costs would rise, once again making emergency trauma care less affordable and available for all Nevadans. The

accompanying brief seeks to assist the Court by providing a national and statewide perspective on these issues.

Dated this 4<sup>th</sup> day of January, 2022.

By:                     /s/ Jacob D. Bundick                    

JACOB D. BUNDICK (SBN 9772)

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## **CERTIFICATE OF SERVICE**

PURSUANT TO NRAP 25, I certify that I am an employee of Greenberg Traurig, LLP, that in accordance therewith, I caused a copy of the *Motion for Leave to File Amici Curiae Brief of Nevada Hospital Association; Valley Health System, LLC; Renown Regional Medical Center; Renown South Meadows Medical Center; Dignity Health d/b/a St. Rose Dominican Hospital – Rose De Lima, St. Rose Dominican Hospital– Siena, and St. Rose Dominican Hospital– San Martin in Support of Petitioner* to be served via the Supreme Court’s e-filing system on January 4, 2022.

DATED this 4<sup>th</sup> day of January, 2022.

/s/ Andrea Flintz  
An employee of GREENBERG TRAURIG, LLP