

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALI KIA, M.D.,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
CRYSTAL ELLER, PRESIDING JUDGE,  
Respondents,

and

CHLOE GREEN; FRANK J. DELEE,  
M.D.; FRANK J. DELEE M.D., P.C.;  
SUNRISE HOSPITAL AND MEDICAL  
CENTER, LLC; AND NEVADA  
HOSPITALIST GROUP, LLP,  
Real Parties in Interest.

No. 87300

FILED

JAN 27 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER GRANTING MOTION TO STRIKE*

Petitioner has filed a motion to strike or disregard portions of real party in interest Chloe Green's supplemental appendix filed on November 13, 2023, on the basis that those portions include documents which were not part of the record before the district court at the time the district court issued the orders that are the subject of this writ petition. Petitioner additionally asks that the portions of Green's answer which rely on these documents be stricken as well. Green has filed an opposition, and petitioner has filed a reply.

The trial court record "consists of the papers and exhibits filed in the district court . . ." NRAP 10(a). Generally, this court will not consider new documents not considered by the district court in the underlying

proceedings. *Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981). This court may, in an original writ proceeding consider, alongside parts of the record, "any other original document that may be essential to understand the matters set forth in the petition." NRAP 21(a)(4). Green argues that the contested documents are essential to understand petitioner's motive for filing the writ petition and relate to pending discovery litigation. However, it does not appear that these documents are essential to understand the matters set forth in the petition. Accordingly, the motion to strike is granted as follows.

The clerk of the court shall strike the following documents in Green's appendix: (1) Dr. Kia's responses to real party in interest Choloe Green's ("Ms. Green") First Set of Interrogatories served on October 16, 2023 (SUPP459 – 466); (2) Notice of Entry of Order and Joint Motion to Extend Discovery and Extend the Trial filed on November 7, 2023 (SUPP467 – 476); (3) Documents Regarding Kia Billing Records Discovery Issues (SUPP477 – 484); and (4) The deposition transcript of Kim L. Kozlowski, NRCP 30(b)(6) corporate designee for real party in interest Nevada Hospitalist Group, taken on October 30, 2023 (SUPP485 – 574).

This court declines to strike any assertions or arguments made in the answer at this time. Green is cautioned that this court may decline to consider any factual assertions that are not properly included in the answer.

It is so ORDERED.



, C.J.

cc: Hon. Crystal Eller, District Judge  
Naylor & Braster  
Collinson, Daehnke, Inlow & Greco  
Law Office of Daniel Marks  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Hall Prangle & Schoonveld, LLC/Las Vegas