

**IN THE SUPREME COURT
OF THE STATE OF NEVADA**

ALI KIA, M.D.,

Petitioner,

v.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, THE HONORABLE
CRYSTAL ELLER, PRESIDING,

Respondent,

and

CHLOE GREEN, FRANK J.
DELEE, M.D., FRANK J. DELEE,
MD, PC, SUNRISE HOSPITAL AND
MEDICAL CENTER, LLC, AND
NEVADA HOSPITALIST GROUP,
LLP,

The Real Parties in Interest.

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Supreme Court Case No. 87300

Dist. Court Case No.: A-17-757722-C

PETITIONER'S NOTICE OF SUPPLEMENTAL AUTHORITY

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INTRODUCTION

Pursuant to NRAP 31(e), Petitioner Ali Kia, M.D. (“Dr. Kia”) brings to the attention of the Court the Nevada Court of Appeals case entitled *Igtiben, et al., v. Eighth Judicial District Court*, 140 Nev. Ad. Op. 9, ___ P.3d ___ (February 22, 2024). This case provides further guidance regarding the accrual date of a professional negligence claim under NRS 41A.097(2) in relation to when a potential plaintiff receives all necessary medical records documenting the relevant treatment and care at issue. The statute of limitations is an issue in this Writ Petition.

REFERENCES TO PETITIONER’S WRIT PETITION

Igtiben supplements Dr. Kia’s arguments at pages 21 to 26 of the Writ Petition and page 5 of Petitioner’s Reply Brief relating to the statute of limitations under NRS 41A.097(2).

THE LEGAL PROPOSITIONS FOR WHICH *IGTIBEN* IS CITED

In the Answering Brief, Respondent Chloe Green (“Ms. Green”) argues that she met the statute of limitations requirement of NRS 41A.097(2). (Answering Brief at p. 20). Dr. Kia argues that Ms. Green missed the one-year statute of limitations prescribed by NRS 41A.097(2) because she was on inquiry notice more than a year before she filed her amended complaint alleging claims against him. (Writ Petition, pp. 23 – 26). Dr. Kia authored and signed the discharge notes for the hospital stay that formed the basis of Ms. Green’s claims. (*Id.*). She had those notes early in the

case. (*Id.*). Ms. Green also took the deposition of Dr. Kia more than a year prior to the filing of her claims against him. (*Id.*). The discharge notes and the deposition put her on inquiry notice. In *Igtiben*, the Court of Appeals held that “unless there is an impediment to pursuing an action such as the concealment of medical records, once the plaintiff or the plaintiff’s representative has received all necessary medical records documenting the relevant treatment and care at issue, inquiry notice of a claim commences.” This holding relates directly to Dr. Kia’s argument regarding when the accrual date of Ms. Green’s claim under NRS 41A.097(2).

Dated this 23rd day of February 2024.

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By: /s/ John M. Naylor
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of NAYLOR & BRASTER, that service of the foregoing **PETITIONER'S NOTICE OF SUPPLEMENTAL AUTHORITY** was made on February 23, 2024, via mandatory electronic service via the Court's e-filing system to:

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