

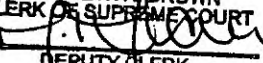
IN THE SUPREME COURT OF THE STATE OF NEVADA

OSCAR HERNANDEZ,
Appellant,
vs.
THE HOME DEPOT, INC.; AND RIDGE
TOOL COMPANY,
Respondents.

No. 87794

FILED

FEB 23 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

***ORDER ACCEPTING CERTIFIED QUESTION, DIRECTING
BRIEFING AND DIRECTING SUBMISSION OF FILING FEE***

This matter involves a legal question certified to this court, under NRAP 5, by the United States District Court for the District of Nevada. Specifically, the U.S. District Court has certified the following question to this court:

Does Nevada impose strict products liability on an entity whose only involvement with a defective or unreasonably dangerous product is to license its trademark to be used to market the product and where the product and packaging prominently display its trademark?

As no clearly controlling Nevada precedent exists with regard to this legal question and the answer may determine part of the federal case, we accept the certified question. *See* NRAP 5(a); *Volvo Cars of N. Am., Inc. v. Ricci*, 122 Nev. 746, 749-51, 137 P.3d 1161, 1163-64 (2006) (discussing the factors this court considers when determining whether to accept a certified question).

Appellant shall have 30 days from the date of this order to file and serve an opening brief. Respondent Ridge Tool Company shall have 30 days from the date the opening brief is served to file and serve an answering

brief.¹ Appellant shall then have 21 days from the date the answering brief is served to file and serve any reply brief. The parties' briefs shall comply with NRAP 28, 28.2, 31(c), and 32. See NRAP 5(g)(2). The parties may file a joint appendix containing any portions of the record before the U.S. District Court that are necessary to this court's resolution of the certified questions. See NRAP 5(d), (g)(2).

Lastly, in any proceeding under NRAP 5, fees "shall be the same as in civil appeals . . . and shall be equally divided between the parties unless otherwise ordered by the certifying court." NRAP 5(e). The U.S. District Court's order does not address the payment of this court's fees. Accordingly, appellant and Ridge Tool Company shall each tender to the clerk of this court, within 14 days from the date of this order, the sum of \$125, representing half of the filing fee. See NRAP 3(e); NRAP 5(e).

It is so ORDERED.

Cadish, C.J.
Cadish

Stiglich, J.
Stiglich

Herndon, J.
Herndon

Parraguirre, J.
Parraguirre

Pickering, J.
Pickering

Lee, J.
Lee

Bell, J.
Bell

¹Although Home Depot is listed as a respondent, it does not appear that Home Depot is involved with the issues that generated the certified question. We will presume that Home Depot does not wish to be involved in this matter unless notified otherwise by the time an answering brief is due.

cc: Law Office of David Sampson
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Rosario M. Vignali
Clerk, United States District Court for the District of Nevada