

1 Ellen S. Bowman, Esq.  
Nevada Bar No. 12118  
2 Wilson, Elser, Moskowitz, Edelman & Dicker LLP  
6689 Las Vegas Blvd. South, Suite 200  
Las Vegas, NV 89119  
3 (702) 727-1400; FAX: (702) 386-6812  
[Ellen.Bowman@wilsonelser.com](mailto:Ellen.Bowman@wilsonelser.com)

Electronically Filed  
Apr 24 2024 09:02 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

4 Rosario M. Vignali, Esq.  
NY State Bar No.1858745  
(*Pro Hac Vice* Granted)  
5 Wilson, Elser, Moskowitz, Edelman & Dicker LLP  
1133 Westchester Avenue  
White Plains, NY 10604  
6 [Rosario.Vignali@wilsonelser.com](mailto:Rosario.Vignali@wilsonelser.com)  
*Attorneys for Petitioners*

7  
8 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

9 OSCAR HERNANDEZ,

Supreme Court No. 87794

10 Appellant,

District Court Case No. A-22-851955-C

11 Vs.

12 THE HOME DEPOT, INC.; AND  
RIDGE TOOL COMPANY,

13 Respondents.

**RESPONDENTS THE HOME  
DEPOT, INC AND RIDGE TOOL  
COMPANY'S OPPOSITION TO  
MOTION FOR EXTENSION OF  
TIME TO FILE AMICUS BRIEF OF  
THE NEVADA JUSTICE  
ASSOCIATION**

1 Respondents, The Home Depot and Ridge Tool Company, hereby submit  
2 this opposition to the Motion for Extension of Time to File Amicus Brief of the  
3 Nevada Justice Association (NJA). Stated simply, the NJA's request for an  
4 extension of time assumes that it has moved for, and received, Leave of the Court  
5 to file its amicus brief in the first place. That is not the case. This alone should be  
6 the basis for this honorable Court's denial of NJA's motion.

7 Rule 29(a) of the Nevada Rules of Appellate Procedure permits the filing of  
8 an amicus curiae brief by the "United States, the State of Nevada, an officer or  
9 agency of either, a political subdivision thereof, or a state, territory or  
10 commonwealth" without the consent of the parties or leave of the court, however,  
11 under the same rule, all other amicus curiae may file a brief only (i) upon leave of  
12 court on motion or (ii) at the court's request or (iii) if accompanied by written  
13 consent of the parties. NJA has not met any of these requirements and, hence, has  
14 no standing to even ask for an extension of time to file its brief.

15 Neither should NJA's Motion for Extension of Time to File Amicus Brief be  
16 construed as a Motion for Leave. Under Rule 29(c) of the Nevada Rules of  
17 Appellate Procedure, any such motion shall be accompanied by the proposed brief  
18 – one that meets certain requirements as to contents, form and length, and which  
19 contains as well a statement of the movant's interest and the reason why an amicus  
20 brief is desirable. The NJA's filing does not meet the requirements of Rule 29(c).

1 The Appellant and Respondents in this matter are more than adequately  
2 equipped to address the certified question that forms the basis of this matter. There  
3 simply exists no reason or justification for the NJA's amicus brief, particularly, as  
4 here, where leave for same was never requested and received and all procedural  
5 requirements for obtaining same were never met.

6 For these reasons, the NJA's motion should be denied in its entirety.

7 DATED this 23<sup>rd</sup> day of April, 2024.

8  
9 **WILSON, ELSER, MOSKOWITZ,  
EDELMAAN & DICKER LLP**

10 By: Ellen S. Bowman

11 **ELLEN S. BOWMAN, ESQ.**

Nevada Bar No. 12118  
6689 Las Vegas Blvd. South, Suite 200  
Las Vegas, Nevada 89119

Email: [ellen.bowman@wilsonelser.com](mailto:ellen.bowman@wilsonelser.com)

12 **ROSARIO M. VIGNALI, ESQ.**

13 NY State Bar No. 1858745

(Pro Hac Vice Granted)

14 1133 Westchester Avenue

White Plains, NY 10604

Email: [rosario.vignali@wilsonelser.com](mailto:rosario.vignali@wilsonelser.com)

15 *Attorney for Defendants*

*The Home Depot, Inc. and Ridge Tool  
Company*

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

David F. Sampson, Esq.  
LAW OFFICE OF DAVID SAMPSON, LLC  
630 S. 3<sup>rd</sup> Street  
Las Vegas, NV 89101

1  
2  
3  
4  
5  
6  
7  
8  
9  
20