



# Summaries of Published Opinions: The Nevada Supreme Court and Nevada Court of Appeals

The following summaries include, in bold, a case citation along with the primary areas of practice and/ or subject matter addressed in the decisions. In addition, each summary identifies significant new rules of law or issues of first impression decided by Nevada’s appellate courts.

These summaries are prepared by the state bar’s Appellate Litigation Section as an informational service only and should not be relied upon as an official record of action. While not all aspects of a decision can be included in these brief summaries, we hope that readers will find this information useful, and we encourage you to review full copies of the Advance Opinions, which are located on the Nevada Supreme Court’s website at: [https://nvcourts.gov/Supreme/Decisions/Advance\\_Opinions/](https://nvcourts.gov/Supreme/Decisions/Advance_Opinions/).

***Nat’l Ass’n of Mutual Ins. Companies v. State of Nevada*, 139 Nev., Adv. Op. 3 (Feb 16, 2023) (en banc) – Standing; Covid-19.**

In response to the Governor’s COVID-19 emergency declaration, the Nevada Division of Insurance promulgated regulation R087-20, which prohibits insurers from adversely using consumer credit information changes that occurred during the emergency declaration, plus two years. The Court held that NAMIC, a voluntary-membership trade association of insurers, had standing under the three-part test from *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333 (1977), which requires an association to demonstrate: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit. The Court also held that the Division had the authority to promulgate R087-202.

***Reggio v. Eighth Jud. Dist. Ct.*, 139 Nev., Adv. Op. 4 (Mar 9, 2023) – Peremptory challenges in consolidated cases.**

Interpreting Supreme Court Rule 48.1 as applied to consolidated cases, the Court held that (1) even consolidated cases only have two sides, (2) a waiver of the right to a peremptory challenge by one side bars any subsequent peremptory challenges by the same side, and (3) an “action” in the context of SCR 48.1(9) means the same thing as an “action” in the context of consolidated cases under SCR 48.1(1). Thus, parties in consolidated cases are entitled to an additional peremptory challenge only if the first case is reassigned, and not when the second case is transferred to be heard with the first.

***N. Las Vegas Infrastructure Inv. and Constr., LLC, v. City of N. Las Vegas*, 139 Nev., Adv. Op. 5 (Mar 16, 2023) – taxable costs**

The Court clarified NRS 18.020(3) & NRS 18.005 and the district court’s discretion to determine which costs were necessarily incurred by a prevailing party in awarding expenses the party incurred in its efforts to comply with a district court discovery order. The Court affirmed that court-ordered costs are *necessarily* incurred and, so long as they are actually incurred and reasonable, are taxable.

***Ramos v. Franklin*, 139 Nev., Adv. Op. 6 (March 16, 2023) - Family law; Grandparent visitation**

In a petition for visitation by a third party (including a grandparent) under NRS 125C.050(3) where the parents have joint physical custody, the court’s focus is on the petitioner’s access to the children, not which parent provides that access, and thus the threshold requirement of “restriction or denial” of visits to the petitioners refers to the actions of both parents collectively.

***Gilman v. Clark Cty. Sch. Dist.* 139 Nev., Adv. Op. 7 (Mar 16, 2023) – Worker’s compensation**

Under NRS 616C.065(7), a worker’s compensation insurer must expressly accept or reject a claim for a body part or condition. Absent an express rejection, the insurer may have to provide coverage for a body part or condition that was not expressly included within the original notice of claim acceptance.