

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYETH, WYETH
PHARMACUETICALS, INC.; PFIZER
INC. and PHARMACIA & UPJOHN
COMPANY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT CLARK COUNTY, NEVADA
HONORABLE JAMES BIXLER, Judge,

Respondent,

and

STATE OF NEVADA,

Real Party in Interest.

Supreme Court No. 66155

Petition from the Eighth Judicial
District Court, Clark County, Nevada.
The Honorable James Bixler

District Court Case No. A575980

**MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF OF
CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA
AND AMERICAN TORT REFORM ASSOCIATION**

Pursuant to Rule 29(c) of the Nevada Rules of Appellate Procedure, the Chamber of Commerce of the United States of America and American Tort Reform Association (“Movants”) hereby move for leave to file a brief as *amici curiae* in the above-referenced matter. The proposed brief is filed conditionally with this Motion.

Statement of Interest

Proposed *amici curiae* are organizations representing a wide range of employers that contribute to Nevada's economy. This case is of importance to *Amici* because arrangements that delegate authority to enforce state laws to private attorneys with a profit interest violate constitutional and ethical requirements, public policy, and express restrictions established by Nevada law. *Amici* are concerned that if the Attorney General is permitted to disregard or circumvent the statute at issue, NRS § 228.110(2), individuals, organizations and businesses will find themselves targeted by attorneys wielding state authority but unrestrained by the safeguards that accompany the exercise of that authority.

The Chamber of Commerce of the United States of America ("U.S. Chamber") is the world's largest federation of businesses and associations. The U.S. Chamber represents 300,000 direct members and indirectly represents an underlying membership of more than three million businesses and professional organizations of every size and in every economic sector and geographic region of the country. An important function of the U.S. Chamber is to represent the interests of its members in important matters before the courts, legislatures, and executive agencies. To that end, the U.S. Chamber regularly files *amicus curiae* briefs in cases that raise issues of vital concern to the nation's business community.

Founded in 1986, the American Tort Reform Association (“ATRA”) is a broad-based coalition of businesses, corporations, municipalities, associations, and professional firms that have pooled their resources to promote reform of the civil justice system with the goal of ensuring fairness, balance, and predictability in civil litigation. For over two decades, ATRA has filed *amicus curiae* briefs in cases before state and federal courts that have addressed important liability issues.

The U.S. Chamber and ATRA participated as *amici curiae* in *Lender Processing Services, Inc. v. Eighth Judicial District Court*, No. 61387 (“LPS”), which addressed the same issue as the instant case. This Court granted our motion for leave to file an *amicus* brief in that case on October 1, 2012. On March 4, 2014, the Court dismissed the Petition for a Writ of Mandamus or Prohibition in that case pursuant to the stipulation of the parties prior to a ruling on the merits.

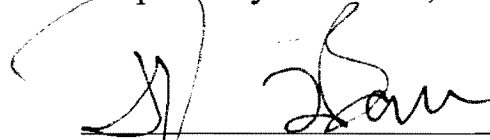
Reasons Why an Amicus Brief is Desirable

The proposed *amici curiae* brief seeks to educate the Court on why contingent-fee agreements between state governments and private law firms raise serious legal ethics, constitutional, and public policy concerns. *Amici* will utilize their broad perspective to inform this Court about how such arrangements, when used in other states, have damaged the public’s faith in government. Finally, the proposed brief will argue that Nevada’s approach, which requires that government attorneys represent the state in all litigation absent a conflict of interest or specific

legislative approval, NRS § 228.110(2), is the most effective policy for avoiding the problems that have arisen elsewhere.

For these reasons, the proposed *amici curiae* request that the Court grant its Motion.

Respectfully submitted,



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DATED: August 4, 2014

CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I hereby certify that on the 4th day of August, 2014, a copy of the foregoing Motion was submitted through the Court's electronic filing system, and sent via U.S. Mail, first class, postage prepaid, to the following:

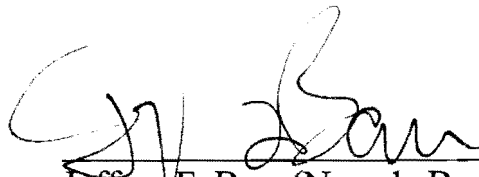
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