Electronically Filed
12/13/2017 2:31 PM
Steven D. Grierson
CLERK OF THE COURT

NOAS
JOHN P. LAVERY, ESQ.
Nevada Bar No. 004665
JEANNE P. BAWA ESQ.
Nevada Bar No. 007359
LEWIS BRISBOIS BISGAARD & SMITH
2300 West Sahara Avenue, Suite 300, Box 28
Las Vegas, NV 89102
Phone: (702) 893-3383
Fax: (702) 366-9563
Email: john.lavery@lewisbrisbois.com
Email: jeanne.bawa@lewisbrisbois.com
Attorneys for Appellants
DOWNTOWN GRAND and
NELSON DAVISON ADMINISTRATORS, INC.

Electronically Filed
Dec 21 2017 11:38 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

DOWNTOWN GRAND and NELSON DAVISON ADMINISTRATORS, INC., Appellants, vs. QUENZELL SWAYNE, Respondent.	CASE NO. :	A-17-751460-J
	DEPT. NO. :	XXXI

NOTICE OF APPEAL

TO: QUENZELL SWAYNE, Respondent and,

TO: L. MICHAEL FRIEND, ESQ., of NEVADA ATTORNEY FOR INJURED WORKERS, counsel of record for Respondent.

NOTICE IS HEREBY GIVEN that Appellants, DOWNTOWN GRAND and NELSON DAVISON ADMINISTRATORS, INC., (hereinafter referred to as "Appellants"), in the above-entitled action, hereby appeal to the Supreme Court of the State of Nevada from the attached "Order

. . .

. . .

of Remand" entered in this action on November 22, 2017 which remanded Respondent's Petition for Judicial Review and the "Notice of Entry of Order of Remand" filed on November 28, 2017.

DATED this 13 day of December, 2017.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: _____

JOHN P. LAVERY, ESQ.
Nevada Bar No. 004665
JEANNE P. BAWA, ESQ.
Nevada Bar No. 007359
2300 West Sahara Avenue, Suite 300, Box 28
Las Vegas, NV 89102
Phone: (702) 893-3383
Fax: (702) 366-9563
Attorneys for Appellants
DOWNTOWN GRAND and
NELSON DAVISON ADMINISTRATORS, INC.

CERTIFICATE OF MAILING

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 13th day of December, 2017, service of the foregoing **NOTICE OF APPEAL** was made this date by depositing a true copy of the same for mailing, first class mail, as follows:

Quenzell Swayne
3913 Vista Largo Drive
Las Vegas, NV 89121

Mike Friend, Esq.
NEVADA ATTORNEY FOR INJURED WORKERS
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102-4413

DOWNTOWN GRAND
Attn: Risk Management
206 N. 3rd Street
Las Vegas, NV 89121

Lori Mull, Claims Manager
NELSON DAVISON ADMINISTRATORS, INC.
Workers' Compensation Division
P. O. Box 12338
Reno, NV 89510-2338

An employee of LEWIS BRISBOIS BISGAARD & SMITH LLP

ATTACHMENT

Electronically Filed
11/28/2017 11:04 AM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
L. Michael Friend, ESQ., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No.: 11131
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
(702) 486-2830
lmfriend@naiw.nv.gov
Attorney for Petitioner
QUENZELL SWAYNE

DISTRICT COURT

CLARK COUNTY, NEVADA

QUENZELL SWAYNE, Petitioner, vs. DOWNTOWN GRAND HOTEL & CASINO; NELSON DAVISON ADMINISTRATORS, INC.; and DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada, Respondents.	CASE NO.: A-17-751460-J DEPT. NO.: XXXI

NOTICE OF ENTRY OF ORDER FOR REMAND

TO: DOWNTOWN GRAND HOTEL & CASINO, Respondent; and

TO: NELSON DAVISON ADMINISTRATORS, INC., Respondent; and

TO: JOHN P. LAVERY, ESQ., ESQ., Respondents' attorney; and

TO: DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, Respondent;

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an ORDER FOR REMAND in the above-entitled matter was entered on the

...

...

...

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

November 22, 2017, a true and correct copy of which is attached hereto.

DATED this 28 day of November, 2017.

L. Michael Friend, ESQ., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No.: 11131
2200 South Rancho Dr Ste 230
Las Vegas, Nevada 89102
(702) 486-2830
Attorney for Petitioner
QUENZELL SWAYNE

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

Electronically Filed
11/22/2017 12:00 PM
Steven D. Grierson
CLERK OF THE COURT

ORDR
L. Michael Friend, Esq., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No. 11131
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Phone: (702) 486-2830
E-mail: lmfriend@naiw.nv.gov
Attorney for Petitioner QUENZELL SWAYNE

DISTRICT COURT

CLARK COUNTY, NEVADA

QUENZELL SWAYNE, Petitioner, v. DOWNTOWN GRAND HOTEL & CASINO; NELSON DAVISON ADMINISTRATORS, INC.; and DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada, Respondents.	CASE NO.: A-17-751460-J DEPT NO.: XXXI

ORDER OF REMAND

Oral argument on the Petition for Judicial Review was held on August 31, 2017. Petitioner, QUENZELL SWAYNE, was represented by L. Michael Friend, Esq., Deputy Nevada Attorney for Injured Workers; the Respondent Employer, DOWNTOWN GRAND HOTEL & CASINO, and the Respondent Third-Party Administrator, NELSON DAVISON ADMINISTRATORS, INC., were represented by John P. Lavery, Esq., LEWIS BRISBOIS BISGAARD & SMITH, LLP. Having heard the arguments of counsel, and having duly considered the briefs and

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 308
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

documentary evidence presented, the court finds that clarification is needed regarding the jurisdiction issue.

Specifically, the Court finds that the evidentiary record requires additional findings related to the facts and circumstances from when the Third-Party Administrator issued a claim closure determination on June 12, 2014 to when the Petitioner's wife filed the appeal of that determination on August 26, 2014. In addition, the Court would like the Appeals Officer to address whether any equitable component should be applied related to the late filing of the appeal given the facts and circumstances at issue.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Petition for Judicial Review is **REMANDED**; this matter is remanded to the Appeals Officer to conduct an evidentiary hearing to further develop the record as stated herein and to render a new decision regarding jurisdiction with consideration given to any permissible equitable considerations.

Dated this 21 day of November, 2017.

JOANNA S. KISHNER
DISTRICT COURT JUDGE

Respectfully submitted by:

NEVADA ATTORNEY FOR INJURED WORKERS

L. Michael Friend, Esq.
Nevada Bar No. 11131
2200 South Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Attorney for the Petitioner QUENZELL SWAYNE

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208 (775) 684-7555
Carson City, NV 89701
2200 South Rancho Drive, Suite 230 (702) 486-2830
Las Vegas, NV 89102

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the State of Nevada, Nevada Attorney for Injured Workers, and that service of the within and foregoing NOTICE OF ENTRY OF ORDER FOR REMAND was made this day by depositing a true and correct copy thereof for mailing at Las Vegas, Nevada, addressed to:

APPEALS OFFICER GEORGIANNE W. BRADLEY, ESQ.
2200 S RANCHO DRIVE STE 220
LAS VEGAS NV 89102

JOHN P. LAVERY, ESQ.
LEWIS, BRISBOIS, ET AL,
2300 W SAHARA AVE, STE 300, BOX 28
LAS VEGAS, NV 89102

QUENZELL SWAYNE
3913 VISTA LARGO DR
LAS VEGAS, NV 89121

DOWNTOWN GRAND HOTEL & CASINO
206 N 3RD ST
LAS VEGAS, NV 89101

NELSON DAVID ADMINISTRATORS, INC.
WORKERS COMPENSATION DIVISION
P.O. BOX 12338
RENO, NV 89510-2338

DATED: 11/28/17

SIGNED:

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

Electronically Filed
12/13/2017 2:31 PM
Steven D. Grierson
CLERK OF THE COURT

ASTA
JOHN P. LAVERY, ESQ.
Nevada Bar No. 004665
JEANNE P. BAWA ESQ.
Nevada Bar No. 007359
LEWIS BRISBOIS BISGAARD & SMITH
2300 West Sahara Avenue, Suite 300, Box 28
Las Vegas, NV 89102
Phone: (702) 893-3383
Fax: (702) 366-9563
Email: john.lavery@lewisbrisbois.com
Email: jeanne.bawa@lewisbrisbois.com
Attorneys for Appellants
DOWNTOWN GRAND and
NELSON DAVISON ADMINISTRATORS, INC.

DISTRICT COURT

CLARK COUNTY, NEVADA

DOWNTOWN GRAND and NELSON DAVISON ADMINISTRATORS, INC., Appellants, vs. QUENZELL SWAYNE, Respondent.	CASE NO. : DEPT. NO. :	A-17-751460-J XXXI

CASE APPEAL STATEMENT

1. Name of appellants filing this case appeal statement:

   Downtown Grand and Nelson Davison Administrators, Inc.

2. Identify the judge issuing the decision, judgment, or order appealed from:

   Hon. Joanna S, Kishner, Eighth Judicial District Court Judge

. . .

. . .

. . .

. . .

3. Identify all parties to the proceedings in the district court (the use of et al. to denote parties is prohibited):

Downtown Grand

Nelson Davison Administrators, Inc.

Quenzell Swayne

4. Identify all parties involved in this appeal (the use of et al. to denote parties is prohibited):

Downtown Grand

Nelson Davison Administrators, Inc.

Quenzell Swayne

5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent:

John P. Lavery, Esq.
Jeanne P. Bawa, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
2300 West Sahara Avenue, Suite 300, Box 28
Las Vegas, NV 89102
(702) 893-3383
Attorneys for Appellants
Downtown Grand and Nelson Davison Administrators, Inc.

Mike Friend, Esq.
NEVADA ATTORNEY FOR INJURED WORKERS
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102-4413
(702) 486-2830
Attorney for Respondent
Quenzell Swayne

6. Indicate whether appellants were represented by appointed or retained counsel in the district court:

Appellants retained counsel in the district court.

7. Indicate whether appellants are represented by appointed or retained counsel on appeal:

Appellants are represented by retained counsel on appeal.

8. Indicate whether appellants were granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

Appellants were not granted leave to proceed in forma pauperis.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

The Petition for Judicial Review of the Appeals Officer's Decision of January 26, 2017 was filed on February 22, 2017.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

The District Court remanded the Appeals Officer's Decision and Order which held that Respondent had never appealed the limited scope of the claim, and that his appeal of the claim closure determination was late.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

No.

. . .

. . .

. . .

. . .

. . .

. . .

. . .

12. Indicate whether this appeal involves child custody or visitation:

No.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

Yes.

DATED this 13 day of December, 2017.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: _____
JOHN P. LAVERY, ESQ.
Nevada Bar No. 004665
JEANNE P. BAWA, ESQ.
Nevada Bar No. 007359
2300 West Sahara Avenue, Suite 300, Box 28
Las Vegas, NV 89102
Phone: (702) 893-3383
Fax: (702) 366-9563
Attorneys for Appellants
DOWNTOWN GRAND and
NELSON DAVISON ADMINISTRATORS, INC.

Electronically Filed
12/13/2017 2:31 PM
Steven D. Grierson
CLERK OF THE COURT

NOCB
JOHN P. LAVERY, ESQ.
Nevada Bar No. 004665
JEANNE P. BAWA ESQ.
Nevada Bar No. 007359
LEWIS BRISBOIS BISGAARD & SMITH
2300 West Sahara Avenue, Suite 300, Box 28
Las Vegas, NV 89102
Phone: (702) 893-3383
Fax: (702) 366-9563
Email: john.lavery@lewisbrisbois.com
Email: jeanne.bawa@lewisbrisbois.com
Attorneys for Appellants
DOWNTOWN GRAND and
NELSON DAVISON ADMINISTRATORS, INC.

DISTRICT COURT

CLARK COUNTY, NEVADA

DOWNTOWN GRAND and NELSON DAVISON ADMINISTRATORS, INC., Appellants, vs. QUENZELL SWAYNE, Respondent.	CASE NO. : DEPT. NO. :	A-17-751460-J XXXI

NOTICE OF FILING BOND

NOTICE IS HEREBY GIVEN that Appellants, DOWNTOWN GRAND and NELSON DAVISON ADMINISTRATORS, INC., by and through their attorneys, JOHN P. LAVERY,

. . .

. . .

. . .

. . .

. . .

. . .

. . .

ESQ., and JEANNE P. BAWA, ESQ., and LEWIS BRISBOIS BISGAARD & SMITH LLP, deposited with the Clerk of this Court a check in the amount of $500.00 for security, which is attached hereto.

DATED this 13 day of December, 2017.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: _____

JOHN P. LAVERY, ESQ.
Nevada Bar No. 004665
JEANNE P. BAWA, ESQ.
Nevada Bar No. 007359
2300 West Sahara Avenue, Suite 300, Box 28
Las Vegas, NV 89102
Phone: (702) 893-3383
Fax: (702) 366-9689
Attorneys for Appellants
DOWNTOWN GRAND and
NELSON DAVISON ADMINISTRATORS, INC.

CERTIFICATE OF MAILING

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that, on the 13th day of December, 2017, service of the foregoing **NOTICE OF FILING BOND** was made this date by depositing a true copy of the same for mailing, first class mail, as follows:

Mike Friend, Esq.
NEVADA ATTORNEY FOR INJURED WORKERS
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102-4413

DOWNTOWN GRAND
Attn: Risk Management
206 N. 3rd Street
Las Vegas, NV 89121

Lori Mull, Claims Manager
NELSON DAVISON ADMINISTRATORS, INC.
Workers' Compensation Division
P. O. Box 12338
Reno, NV 89510-2338

An employee of LEWIS BRISBOIS BISGAARD & SMITH LLP

ATTACHMENT

OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

ayor
ewis Brisbois Bisgaard & Smith

Receipt No
2017-93783-CCCLK

Transaction Date
12/13/2017

Description	Amount Paid
On Behalf Of Downtown Grand Hotel & Casino A-17-751460-J Quenzell Swayne, Petitioner(s) vs. Downtown Grand Hotel & Casino, Respondent(s) Appeal Bond	
Appeal Bond	500.00
SUBTOTAL	**500.00**

PAYMENT TOTAL **500.00**

Check (Ref #12714) Tendered	500.00
Total Tendered	**500.00**
Change	0.00

12/13/2017
12:01 PM

Cashier
Station AIKO

Audit
36030417

OFFICIAL RECEIPT

DEPARTMENT 31

CASE SUMMARY

CASE NO. A-17-751460-J

Quenzell Swayne, Petitioner(s)	§	Location:	**Department 31**
vs.	§	Judicial Officer:	**Kishner, Joanna S.**
Downtown Grand Hotel & Casino, Respondent(s)	§	Filed on:	**02/22/2017**
	§	Cross-Reference Case Number:	**A751460**

CASE INFORMATION

Statistical Closures
09/30/2017 Transferred (before trial)

Case Type: **Worker's Compensation Appeal**

Case Flags: **Appealed to Supreme Court**

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-17-751460-J
Court	Department 31
Date Assigned	02/22/2017
Judicial Officer	Kishner, Joanna S.

PARTY INFORMATION

		Lead Attorneys
Petitioner	**Swayne, Quenzell**	**Friend, Lloyd M** *Retained* 702-893-3383(W)
Respondent	**Department of Administration Hearing Division Appeals Office**	
	Downtown Grand Hotel & Casino	**Lavery, John P** *Retained* 7028933383(W)
	Nelson Davison Administrators Inc	**Lavery, John P** *Retained* 7028933383(W)

DATE — EVENTS & ORDERS OF THE COURT — INDEX

02/22/2017 Petition
Filed by: Petitioner Swayne, Quenzell
Petition for Judicial Review

02/23/2017 Notice of Intent to Participate
Filed By: Respondent Downtown Grand Hotel & Casino
Notice of Intent to Participate A-17-751460-J on Quenzell Swayne

02/23/2017 Initial Appearance Fee Disclosure
Filed By: Respondent Downtown Grand Hotel & Casino
Initial Appearance Fee Disclosure A-17-751460-J on Quenzell Swayne

03/28/2017 Transmittal
Party: Respondent Department of Administration Hearing Division Appeals Office
Transmittal of Record on Appeal

03/28/2017 Transmittal of Record on Appeal
Party: Respondent Department of Administration Hearing Division Appeals Office
Record on Appeal in Accordance with the Nevada Administrative Procedure Act

03/28/2017	Certificate of Mailing Filed By: Petitioner Swayne, Quenzell *Certification of Transmittal*
03/28/2017	Affidavit Filed By: Petitioner Swayne, Quenzell *Affidavit & Certification*
05/23/2017	Stipulation and Order Filed by: Petitioner Swayne, Quenzell *Stipulation and Order Extending Briefing Schedule*
06/09/2017	Stipulation and Order Filed by: Petitioner Swayne, Quenzell *Stipulation and Order Extending Briefing Schedule*
06/16/2017	Supplemental Transmittal of Record on Appeal Filed By: Respondent Department of Administration Hearing Division Appeals Office *Supplemental Transmittal of Record on Appeal*
06/16/2017	Affidavit Filed By: Respondent Department of Administration Hearing Division Appeals Office *Affidavit & Certification*
06/16/2017	Certificate of Mailing Filed By: Respondent Department of Administration Hearing Division Appeals Office *Certification of Transmittal*
07/10/2017	Petitioners Opening Brief Filed by: Petitioner Swayne, Quenzell *Petitioner's Opening Brief*
08/10/2017	Answering Brief Filed By: Respondent Downtown Grand Hotel & Casino; Respondent Nelson Davison Administrators Inc *Respondents' Answering Brief*
08/11/2017	Petitioner's Reply Brief Filed by: Petitioner Swayne, Quenzell *Petitioner's Reply Brief*
08/17/2017	Notice of Hearing *Notice of Hearing*
08/18/2017	**Petition for Judicial Review** (3:00 AM) (Judicial Officer: Kishner, Joanna S.) **08/18/2017, 08/31/2017** *Petiton for Judicial Review*
09/30/2017	Order to Statistically Close Case *Civil Order to Statistically Close Case*
11/22/2017	**Order** (Judicial Officer: Kishner, Joanna S.) Debtors: Quenzell Swayne (Petitioner)

	Creditors: Downtown Grand Hotel & Casino (Respondent), Nelson Davison Administrators Inc (Respondent), Department of Administration Hearing Division Appeals Office (Respondent) Judgment: 11/22/2017, Docketed: 11/22/2017 Comment: Appeal Remanded back to Appeal Officer
11/22/2017	Order Filed By: Petitioner Swayne, Quenzell *Order of Remand*
11/28/2017	Notice of Entry of Order Filed By: Petitioner Swayne, Quenzell *Notice of Entry of Order for Remand*
12/13/2017	Notice of Appeal Filed By: Respondent Downtown Grand Hotel & Casino; Respondent Nelson Davison Administrators Inc *Notice of Appeal A-17-751460-J on Quenzell Swayne*
12/13/2017	Case Appeal Statement Filed By: Respondent Downtown Grand Hotel & Casino; Respondent Nelson Davison Administrators Inc *Case Appeal Statement A-17-751460-J on Quenzell Swayne*
12/13/2017	Notice of Filing Cost Bond Filed By: Respondent Downtown Grand Hotel & Casino; Respondent Nelson Davison Administrators Inc *Notice of Filing Bond A-17-751460-J on Quenzell Swayne*

DATE	FINANCIAL INFORMATION	
	Respondent Downtown Grand Hotel & Casino	
	Total Charges	223.00
	Total Payments and Credits	223.00
	Balance Due as of 12/15/2017	**0.00**
	Respondent Nelson Davison Administrators Inc	
	Total Charges	54.00
	Total Payments and Credits	54.00
	Balance Due as of 12/15/2017	**0.00**
	Respondent Downtown Grand Hotel & Casino	
	Appeal Bond Balance as of 12/15/2017	**500.00**

CIVIL COVER SHEET

Clark County, Nevada

Case No. _____
(Assigned by Clerk's Office)

A- 17- 751460- J
XXXI

I. Party Information

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
QUENZELL SWAYNE 3913 VISTA LARGO DR. LAS VEGAS, NV 89121	DOWNTOWN GRAND HOTEL & CASINO C/O DTG LAS VEGAS MANAGER LLC 206 N 3RD ST LAS VEGAS, NV 89101 NELSON DAVISON ADMINISTRATORS (RENO) PO BOX 12338 RENO, NV 89510-2338
Attorney (name/address/phone): L. MICHAEL FRIEND, ESQ., DEPUTY NEVADA ATTORNEY FOR INJURED WORKERS. 2200 S RANCHO DR, STE 230 LAS VEGAS, NV 89102 Phone: (702) 486-2830	Attorney (name/address/phone): JOHN P. LAVERY, ESQ. LEWIS, BRISBOIS, ET AL 2300 W SAHARA AVE, STE 300, BOX 28 LAS VEGAS NV 89102 Phone: 702-893-3383

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ **Arbitration Requested**

Civil Cases

Real Property

- ☐ **Landlord/Tenant**
  - ☐ Unlawful Detainer
- ☐ **Title to Property**
  - ☐ Foreclosure
  - ☐ Liens
  - ☐ Quiet Title
  - ☐ Specific Performance
- ☐ **Condemnation/Eminent Domain**
- ☐ **Other Real Property**
  - ☐ Partition
  - ☐ Planning/Zoning

Torts

Negligence

- ☐ **Negligence – Auto**
- ☐ **Negligence – Medical/Dental**
- ☐ **Negligence – Premises Liability** (Slip/Fall)
- ☐ **Negligence – Other**

- ☐ **Product Liability**
  - ☐ Product Liability/Motor Vehicle
  - ☐ Other Torts/Product Liability
- ☐ **Intentional Misconduct**
  - ☐ Torts/Defamation (Libel/Slander)
  - ☐ Interfere with Contract Rights
- ☐ **Employment Torts** (Wrongful termination)
- ☐ **Other Torts**
  - ☐ Anti-trust
  - ☐ Fraud/Misrepresentation
  - ☐ Insurance
  - ☐ Legal Tort
  - ☐ Unfair Competition

Probate

- ☐ **Summary Administration**
- ☐ **General Administration**
- ☐ **Special Administration**
- ☐ **Set Aside Estates**
- ☐ **Trust/Conservatorships**
  - ☐ Individual Trustee
  - ☐ Corporate Trustee
- ☐ **Other Probate**

Other Civil Filing Types

- ☐ **Construction Defect**
  - ☐ Chapter 40
  - ☐ General
- ☐ **Breach of Contract**
  - ☐ Building & Construction
  - ☐ Insurance Carrier
  - ☐ Commercial Instrument
  - ☐ Other Contracts/Acct/Judgment
  - ☐ Collection of Actions
  - ☐ Employment Contract
  - ☐ Guarantee
  - ☐ Sale Contract
  - ☐ Uniform Commercial Code
- ☒ **Civil Petition for Judicial Review**
  - ☐ Other Administrative Law
  - ☐ Department of Motor Vehicles
  - ☒ Worker's Compensation Appeal

- ☐ **Appeal from Lower Court** *(also check applicable civil case box)*
  - ☐ Transfer from Justice Court
  - ☐ Justice Court Civil Appeal
- ☐ **Civil Writ**
  - ☐ Other Special Proceeding
- ☐ **Other Civil Filing**
  - ☐ Compromise of Minor's Claim
  - ☐ Conversion of Property
  - ☐ Damage to Property
  - ☐ Employment Security
  - ☐ Enforcement of Judgment
  - ☐ Foreign Judgment – Civil
  - ☐ Other Personal Property
  - ☐ Recovery of Property
  - ☐ Stockholder Suit
  - ☐ Other Civil Matters

III. Business Court Requested (Please check applicable category; *for Clark or Washoe Counties only.*)

- ☐ NRS Chapters 78-88
- ☐ Commodities (NRS 90)
- ☐ Securities (NRS 90)
- ☐ Investments (NRS 104 Art. 8)
- ☐ Deceptive Trade Practices (NRS 598)
- ☐ Trademarks (NRS 600A)
- ☐ Enhanced Case Mgmt/Business
- ☐ Other Business Court Matters

February 22, 2017
Date

Signature of initiating party or representative

Electronically Filed
11/22/2017 12:00 PM
Steven D. Grierson
CLERK OF THE COURT

ORDR
L. Michael Friend, Esq., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No. 11131
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Phone: (702) 486-2830
E-mail: lmfriend@naiw.nv.gov
Attorney for Petitioner QUENZELL SWAYNE

DISTRICT COURT

CLARK COUNTY, NEVADA

QUENZELL SWAYNE,

Petitioner,

v.

DOWNTOWN GRAND HOTEL & CASINO; NELSON DAVISON ADMINISTRATORS, INC.; and DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada,

Respondents.

CASE NO.: A-17-751460-J

DEPT NO.: XXXI

ORDER OF REMAND

Oral argument on the Petition for Judicial Review was held on August 31, 2017. Petitioner, QUENZELL SWAYNE, was represented by L. Michael Friend, Esq., Deputy Nevada Attorney for Injured Workers; the Respondent Employer, DOWNTOWN GRAND HOTEL & CASINO, and the Respondent Third-Party Administrator, NELSON DAVISON ADMINISTRATORS, INC., were represented by John P. Lavery, Esq., LEWIS BRISBOIS BISGAARD & SMITH, LLP. Having heard the arguments of counsel, and having duly considered the briefs and

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

documentary evidence presented, the court finds that clarification is needed regarding the jurisdiction issue.

Specifically, the Court finds that the evidentiary record requires additional findings related to the facts and circumstances from when the Third-Party Administrator issued a claim closure determination on June 12, 2014 to when the Petitioner's wife filed the appeal of that determination on August 26, 2014. In addition, the Court would like the Appeals Officer to address whether any equitable component should be applied related to the late filing of the appeal given the facts and circumstances at issue.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Petition for Judicial Review is **REMANDED**; this matter is remanded to the Appeals Officer to conduct an evidentiary hearing to further develop the record as stated herein and to render a new decision regarding jurisdiction with consideration given to any permissible equitable considerations.

Dated this 21 day of November, 2017.

JOANNA S. KISHNER
DISTRICT COURT JUDGE

TS

Respectfully submitted by:

NEVADA ATTORNEY FOR INJURED WORKERS

L. Michael Friend, Esq.
Nevada Bar No. 11131
2200 South Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Attorney for the Petitioner QUENZELL SWAYNE

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

Electronically Filed
11/28/2017 11:04 AM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
L. Michael Friend, ESQ., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No.: 11131
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
(702) 486-2830
lmfriend@naiw.nv.gov
Attorney for Petitioner
QUENZELL SWAYNE

DISTRICT COURT

CLARK COUNTY, NEVADA

QUENZELL SWAYNE, Petitioner, vs. DOWNTOWN GRAND HOTEL & CASINO; NELSON DAVISON ADMINISTRATORS, INC.; and DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada, Respondents.	CASE NO.: A-17-751460-J DEPT. NO.: XXXI

NOTICE OF ENTRY OF ORDER FOR REMAND

TO: DOWNTOWN GRAND HOTEL & CASINO, Respondent; and

TO: NELSON DAVISON ADMINISTRATORS, INC., Respondent; and

TO: JOHN P. LAVERY, ESQ., ESQ., Respondents' attorney; and

TO: DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, Respondent;

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an ORDER FOR REMAND in the above-entitled matter was entered on the

...

...

...

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

November 22, 2017, a true and correct copy of which is attached hereto.

DATED this 28 day of November, 2017.

L. Michael Friend, ESQ., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No.: 11131
2200 South Rancho Dr Ste 230
Las Vegas, Nevada 89102
(702) 486-2830
Attorney for Petitioner
QUENZELL SWAYNE

Electronically Filed
11/22/2017 12:00 PM
Steven D. Grierson
CLERK OF THE COURT

ORDR
L. Michael Friend, Esq., Deputy
Nevada Attorney for Injured Workers
Nevada State Bar No. 11131
2200 S. Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Phone: (702) 486-2830
E-mail: lmfriend@naiw.nv.gov
Attorney for Petitioner QUENZELL SWAYNE

DISTRICT COURT

CLARK COUNTY, NEVADA

QUENZELL SWAYNE,

Petitioner,

v.

DOWNTOWN GRAND HOTEL & CASINO; NELSON DAVISON ADMINISTRATORS, INC.; and DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION, APPEALS OFFICE, an Agency of the State of Nevada,

Respondents.

CASE NO.: A-17-751460-J

DEPT NO.: XXXI

ORDER OF REMAND

Oral argument on the Petition for Judicial Review was held on August 31, 2017. Petitioner, QUENZELL SWAYNE, was represented by L. Michael Friend, Esq., Deputy Nevada Attorney for Injured Workers; the Respondent Employer, DOWNTOWN GRAND HOTEL & CASINO, and the Respondent Third-Party Administrator, NELSON DAVISON ADMINISTRATORS, INC., were represented by John P. Lavery, Esq., LEWIS BRISBOIS BISGAARD & SMITH, LLP. Having heard the arguments of counsel, and having duly considered the briefs and

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

documentary evidence presented, the court finds that clarification is needed regarding the jurisdiction issue.

Specifically, the Court finds that the evidentiary record requires additional findings related to the facts and circumstances from when the Third-Party Administrator issued a claim closure determination on June 12, 2014 to when the Petitioner's wife filed the appeal of that determination on August 26, 2014. In addition, the Court would like the Appeals Officer to address whether any equitable component should be applied related to the late filing of the appeal given the facts and circumstances at issue.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Petition for Judicial Review is **REMANDED**; this matter is remanded to the Appeals Officer to conduct an evidentiary hearing to further develop the record as stated herein and to render a new decision regarding jurisdiction with consideration given to any permissible equitable considerations.

Dated this 21 day of November, 2017.

JOANNA S. KISHNER
DISTRICT COURT JUDGE

Respectfully submitted by:

NEVADA ATTORNEY FOR INJURED WORKERS

L. Michael Friend, Esq.
Nevada Bar No. 11131
2200 South Rancho Drive, Suite 230
Las Vegas, Nevada 89102
Attorney for the Petitioner QUENZELL SWAYNE

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the State of Nevada, Nevada Attorney for Injured Workers, and that service of the within and foregoing NOTICE OF ENTRY OF ORDER FOR REMAND was made this day by depositing a true and correct copy thereof for mailing at Las Vegas, Nevada, addressed to:

APPEALS OFFICER GEORGIANNE W. BRADLEY, ESQ.
2200 S RANCHO DRIVE STE 220
LAS VEGAS NV 89102

JOHN P. LAVERY, ESQ.
LEWIS, BRISBOIS, ET AL,
2300 W SAHARA AVE, STE 300, BOX 28
LAS VEGAS, NV 89102

QUENZELL SWAYNE
3913 VISTA LARGO DR
LAS VEGAS, NV 89121

DOWNTOWN GRAND HOTEL & CASINO
206 N 3RD ST
LAS VEGAS, NV 89101

NELSON DAVID ADMINISTRATORS, INC.
WORKERS COMPENSATION DIVISION
P.O. BOX 12338
RENO, NV 89510-2338

DATED: 11/28/17

SIGNED: _____

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

DISTRICT COURT
CLARK COUNTY, NEVADA

Worker's Compensation Appeal | **COURT MINUTES** | **August 31, 2017**

A-17-751460-J Quenzell Swayne, Petitioner(s)
vs.
Downtown Grand Hotel & Casino, Respondent(s)

August 31, 2017 **10:00 AM** **Petition for Judicial Review**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Louisa Garcia

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Friend, Lloyd M	Attorney
Lavery, John P	Attorney

JOURNAL ENTRIES

- Court noted it reviewed the entirety of the record and advised it was not clear whether or not the underlying agency took into account the one day late or whether or not there could be an equity component to be dealt with. Following arguments by counsel, COURT ADVISED the record was not clear and not developed enough for the Court to make a determination. Therefore, COURT ORDERED, matter REMANDED for further clarification as to the record. Mr. Friend to draft order, after review, circulate electronically and Court will add in the specific language and return to counsel.

Certification of Copy

State of Nevada
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; NOTICE OF FILING BOND; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER OF REMAND; NOTICE OF ENTRY OF ORDER FOR REMAND; DISTRICT COURT MINUTES

QUENZELL SWAYNE,

Petitioner(s),

vs.

DOWNTOWN GRAND HOTEL & CASINO; NELSON DAVISON ADMINISTRATORS, INC; DEPARTMENT OF ADMINISTRATION, HEARING DIVISION, APPEALS OFFICE,

Respondent(s),

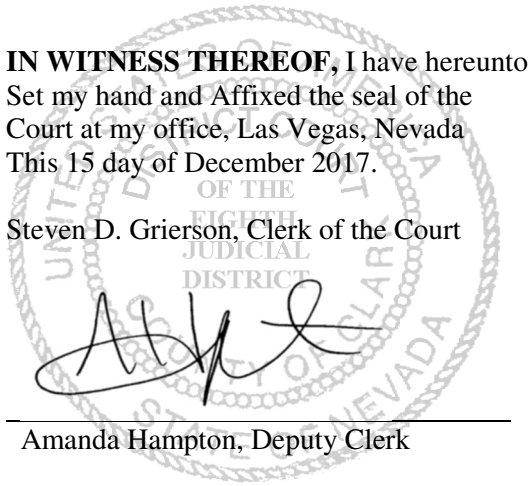
Case No: A-17-751460-J

Dept No: XXXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 15 day of December 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk