

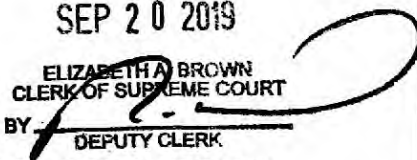
IN THE SUPREME COURT OF THE STATE OF NEVADA

NAUTILUS INSURANCE COMPANY,  
Appellant,  
vs.  
ACCESS MEDICAL, LLC; ROBERT  
CLARK WOOD, II; AND FLOURNOY  
MANAGEMENT LLC,  
Respondents.

No. 79130

**FILED**

SEP 20 2019

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 Court of Appeals for the Ninth Circuit. Specifically, the Ninth Circuit Court certified the following question to this court:

Is an insurer entitled to reimbursement of costs already expended in defense of its insureds where a determination has been made that the insurer owed no duty to defend and the insurer expressly reserved its right to seek reimbursement in writing after defense has been tendered but where the insurance policy contains no reservation of rights?

In determining whether to accept a certified question, this court considers three factors: (1) will this court's answer be determinative of part of the federal case, (2) is there any clearly controlling Nevada precedent, and (3) will the answer help settle important questions of law. *Volvo Cars of N. Am., Inc. v. Ricci*, 122 Nev. 746, 751, 137 P.3d 1161, 1164 (2006); see also NRAP 5(a). Having considered the factors, we accept the certified question.


Appellant shall have 30 days from the date of this order to file and serve an opening brief addressing the certified question. Respondents shall have 30 days from the date the opening brief is served to file and serve

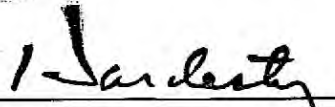
an answering brief. Appellant shall then have 21 days from the date the answering brief is served to file and serve any reply brief. The parties' briefs shall comply with NRAP 28, 28.2, 31(c), and 32. See NRAP 5(g)(2). The parties may file a joint appendix containing any portions of the record before the Ninth Circuit that are necessary to this court's resolution of the certified question and were not already provided to this court with the Certification Order. See NRAP 5(d), (g)(2).

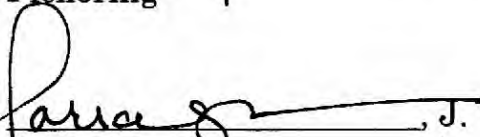
Lastly, in any proceeding under NRAP 5, fees "shall be the same as in civil appeals . . . and shall be equally divided between the parties unless otherwise ordered by the certifying court." NRAP 5(e). The Ninth Circuit's order does not address the payment of this court's fees. Accordingly, appellant and respondents 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.


  
\_\_\_\_\_, C.J.  
Gibbons

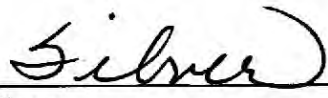
  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Silver

cc: Linda Wendell Hsu  
Harper Selim  
The Schnitzer Law Firm  
Kravitz, Schnitzer & Johnson, Chtd.  
Clerk, United States Court of Appeals for the Ninth Circuit