## IN THE SUPREME COURT OF THE STATE OF NEVADA

ROSS MILLER, IN HIS CAPACITY AS SECRETARY OF STATE FOR THE STATE OF NEVADA. Petitioner, VS. THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CARSON CITY: AND THE HONORABLE JAMES TODD RUSSELL, DISTRICT JUDGE, Respondents. and DORA J. GUY, AN INDIVIDUAL: LEONEL MURRIETA-SERNA, AN INDIVIDUAL; EDITH LOU BYRD, AN INDIVIDUAL; SAMANTHA STEELMAN, AN INDIVIDUAL: KEN KING, AN INDIVIDUAL; SANCY KING, AN INDIVIDUAL; ALLEN ROSHOFF, AN INDIVIDUAL: B. ESTELA MOSER VADEN. AN INDIVIDUAL: NEVADA REPUBLICAN PARTY; ALEX GARZA, AN INDIVIDUAL; AND LEAGUE OF WOMAN VOTERS OF LAS VEGAS VALLEY, Real Parties in Interest.

No. 59322

FILED

OCT 07 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY DEPUTY CLERK

## ORDER DENYING MOTIONS TO STAY

Petitioner has filed a motion for a limited stay of the district court proceedings, seeking an order that permits the special masters to hold hearings currently set for October 10 and 11, 2011, but prevents them from drawing redistricting maps. Real parties in interest Dora J. Guy, Leonel Murrieta-Serna, Edith Lou Byrd, and Samantha Steelman have filed a motion seeking to stay the district court proceedings in their entirety. Real parties in interest Ken King, Sancy King, Allen Roshoff, B. Estela Moser Vaden, and the Nevada Republican Party oppose both motions.

SUPREME COURT OF NEVADA

(O) 1947A

In considering whether a stay is warranted, in the context of a petition for extraordinary relief, this court generally considers the following factors: (1) whether the object of the writ petition will be defeated if the stay is denied, (2) whether petitioner will suffer irreparable harm if the stay is denied, (3) whether real parties in interest will suffer irreparable or serious injury is the stay is granted, and (4) whether petitioner is likely to prevail on the merits of the writ petition. NRAP 8(c). Under these factors, petitioner asserts that "serious" harm will result if the special masters draw the redistricting maps before this court has ruled on the petition because the special masters have not been given meaningful direction and may submit a map that is "burdened with challengeable legal insufficiencies." The moving real parties in interest contend that irreparable harm is present in the time and expense that the parties would incur on proceedings that "may soon prove meaningless or even unlawful."

Strong public policy reasons dictate that the parties' concerns are subordinate to the general public's interest in having this redistricting matter resolved expediently so as to avoid continued and ongoing disruption to Nevada's election process. Hilton v. Braunskill, 481 U.S. 770, 776 (1987) (including the public interest in factors to be considered in determining whether a stay pending appeal is appropriate); U.S. Student Ass'n Foundation v. Land, 546 F.3d 373, 388-89 (6th Cir. 2008) (considering the public interest in ensuring that election administration does not prevent eligible voters from voting and concluding that a stay was not warranted); Golden Gate Restaurant v. City and County of S.F., 512 F.3d 1112, 1116 (9th Cir. 2008) (stating that the public interest is properly considered separately from and in addition to possible harm to the parties). While the upcoming proceedings in district court could cause additional cost to the parties involved in this litigation, the public's

interest in a quick and successful resolution to the redistricting process compels us to allow the district court proceedings to take place in tandem with the writ proceedings in this court, as supplemented by our earlier order.

As we decline to delay the district court proceedings any further because the public's interest must predominate over any harm suffered by the parties, we deny both stay motions.

It is so ORDERED.1

Saitta, C.J.

Douglas A.

Gibbons, J

Hardesty, J

Cherry, J.

Cherry

Pickering

Parraguirre

<sup>1</sup>We grant the First Judicial District Court Clerk's Office's motion, filed on October 6, 2011, for an extension of time until October 11, 2011, to file hearing transcripts. Additionally, we grant the October 7, 2011, motion for leave to file an opposition, and therefore direct the clerk of this court to file the oppositions provisionally received on October 7, 2011.

cc: Hon. James Todd Russell, District Judge
Attorney General/Carson City
Koch & Scow, LLC
Hutchison & Steffen, LLC
Jones Vargas/Las Vegas
Perkins Coie, LLC
The Capitol Company
Denise A. Pifer
Carson City Clerk