

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
DEPARTMENT OF MOTOR VEHICLES,
Appellant,
vs.
WILLIAM JUNGE,
Respondent.

No. 49350

FILED

JUN 13 2008

TRACIE H. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER SETTING BRIEFING SCHEDULE AND
INVITING AMICUS CURIAE PARTICIPATION

This is an appeal from a district court order granting judicial review and reversing an administrative hearing officer's decision upholding the Department of Motor Vehicle's denial of respondent's application to renew his personalized license plate.

After reviewing the documents before this court, it appears that this court's resolution of the issues presented on appeal may be assisted by briefing from both parties in this matter. As appellant has already filed an opening brief, appendix and docketing statement, respondent shall therefore have 30 days from the date of this order to file and serve his answering brief. Thereafter, appellant shall have 30 days from the date when respondent's answering brief is served to file and serve any reply brief.

08-15129

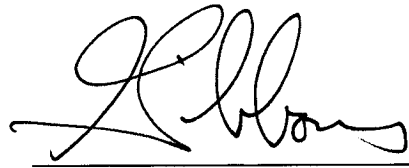
We have also concluded that the resolution of this matter may be assisted by the participation of, and briefing by, amicus curie. Accordingly, the court requests that the American Civil Liberties Union of Nevada participate in this appeal as amicus curiae by filing a brief addressing the following issues:

1. Whether the DMV's rejection of Junge's personalized license plate "HOE" pursuant to NRS 482.3669(5), which grants the DMV authority to prohibit "the use of inappropriate letters or combinations of letters and numbers," and NAC 482.320, which prohibits the issuance of a personalized plate that is deemed "inappropriate" by the DMV, violated Junge's right to free speech under (a) the First Amendment of the United States Constitution, and (b) Article 1, Section 9 of the Nevada Constitution;
2. Whether the district court substituted its own judgment for that of the administrative agency when it reversed the decision of the Administrative Law Judge who upheld the DMV's rejection of the personalized license plate "HOE"?

In order to assist the ACLU in determining whether they wish to participate in this appeal, we direct the DMV and Junge to serve copies of their briefs on this organization within 30 days from the date of this order. Additionally, we direct the DMV to serve the ACLU with a copy of their appendix and a copy of the transcript for the February 28, 2007, proceedings before the district court. Should the ACLU consent to participate as amicus curiae, this court requests that they file and serve their amicus brief within 60 days from the date appellant's reply brief is served. If an amicus brief is filed and served, the DMV and Junge may file

and serve a reply to that brief within 30 days from the date the amicus brief is served.

It is so ORDERED.¹

 , C.J.

cc: Attorney General Catherine Cortez Masto/Carson City
Attorney General Catherine Cortez Masto/Transportation
Division/Las Vegas
William Junge
Allen Lichtenstein, General Counsel for ACLU of Nevada

¹In light of this order, we vacate our February 4, 2008, order, which stated that respondent shall not file an answering brief, and that this matter shall be submitted for decision on the opening brief and appendix and the record before this court.