

ORIGINAL



In the Supreme Court of the State of Nevada

INDICATE FULL CAPTION:

The State of Nevada, Department
of Motor Vehicles

Appellant(s),

vs.

William Junge

Respondent(s).

Cross-Appellant(s),

vs.

Cross-Respondent(s).

No. 49350

District Court Case No. A529007

DOCKETING STATEMENT
CIVIL APPEALS

FILED

MAY 17 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY S. J. [Signature]
DEPUTY CLERK

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to attach documents as requested in this statement, completely fill out the statement, or to fail to file it in a timely manner, will constitute grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See *Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 25 P.3d 898 (2001); *K.O. Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991). Please use tab dividers to separately attach documents.

MAY 17 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

1. Judicial District Eighth Department X (10) County Clark
Judge Jessie Walsh District Ct. Docket No. A529007

2. Attorney filing this docket statement:

Attorney Carolyn L. Waters, Sr. Deputy AG Telephone 702-486-3318
Firm Office of the Attorney General
Address 555 E. Washington, # 3900
Las Vegas, NV 89101
Client(s) State of Nevada, Department of Motor Vehicles

If this is a joint statement completed on behalf of multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondent(s): Catherine Nelson withdrew as attorney of record on March 30, 2007.

Attorney _____ Telephone _____
Firm _____
Address _____
Client(s) _____
Attorney _____ Telephone _____
Firm _____
Address _____
Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant/Denial of injunction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Grant/Denial of declaratory relief |
| <input type="checkbox"/> Default judgment | <input checked="" type="checkbox"/> Review of agency determination |
| <input type="checkbox"/> Dismissal | <input type="checkbox"/> Divorce decree: |
| <input type="checkbox"/> Lack of jurisdiction | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Failure to state a claim | <input type="checkbox"/> Other disposition (specify) _____ |
| <input type="checkbox"/> Failure to prosecute | _____ |
| <input type="checkbox"/> Other (specify) _____ | _____ |

5. Does this appeal raise issues concerning any of the following: no

- | | |
|--|--|
| <input type="checkbox"/> Child custody | <input type="checkbox"/> Termination of parental rights |
| <input type="checkbox"/> Venue | <input type="checkbox"/> Grant/denial of injunction or TRO |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Juvenile matters |

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

n/a

7. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

n/a

8. **Nature of the action.** Briefly describe the nature of the action, including a list of the causes of action pleaded, and the result below:

This is an appeal from the District Court granting Respondent's Petition for Judicial Review

9. **Issues on appeal.** State concisely the principal issue(s) in this appeal:

See attached Exhibit A.

10. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised:

n/a

11. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A ☒ Yes ☐ No

If not, explain

12. **Other issues.** Does this appeal involve any of the following issues?

- ☐ Reversal of well-settled Nevada precedent (on an attachment, identify the case(s))
☐ An issue arising under the United States and/or Nevada Constitutions
☐ A substantial issue of first-impression
☒ An issue of public policy
☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
☐ A ballot question

If so, explain. By statute (see, e.g., NRS 482.3667(5), 482.3669) and regulation

(see, e.g., NAC 482.320) the DMV has the authority to regulate the content of personalized license plates

13. **Trial.** If this action proceeded to trial, how many days did the trial last? n/a

Was it a bench or jury trial?

14. **Judicial disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal. If so, which Justice?

n/a

TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from March 27, 2007. Attach a copy. If more than one judgment or order is appealed from, attach copies of each judgment or order from which an appeal is taken.

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

.....
.....

16. Date written notice of entry of judgment or order served March 30, 2007. Attach a copy, including proof of service, for each order or judgment appealed from.

(a) Was service by delivery.....or by mail mail (specify).

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59),

(a) Specify the type of motion, and the date and method of service of the motion, and date of filing.

NRCP 50(b).....Date served.....By delivery.....or by mail.....Date of filing.....

NRCP 52(b).....Date served.....By delivery.....or by mail.....Date of filing.....

NRCP 59.....Date served.....By delivery.....or by mail.....Date of filing.....

Attach copies of all post-trial tolling motions.

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration do not toll the time for filing a notice of appeal.

(b) Date of entry of written order resolving tolling motion..... Attach a copy.

(c) Date written notice of entry of order resolving motion served..... Attach a copy, including proof of service.

(i) Was service by delivery.....or by mail.....(specify).

18. Date notice of appeal was filed April 24, 2007.

(a) If more than one party has appealed from the judgment or order, list date each notice of appeal was filed and identify by name the party filing the notice of appeal:

19. Specify statute or rule governing the time limit for filing the notice of appeal, *e.g.*, NRAP 4(a), NRS 155.190, or other.....
NRAP 4(a)

SUBSTANTIVE APPEALABILITY

20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

NRAP 3A(b)(1).....NRS 155.190.....(specify subsection).....
NRAP 3A(b)(2).....NRS 38.205.....(specify subsection).....
NRAP 3A(b)(3).....NRS 703.376.....
Other (specify)..... NRS 233B.150.....

Explain how each authority provides a basis for appeal from the judgment or order:

NRS 233B.150 states: An aggrieved party may obtain a review of any final judgment of the District Court by appeal to the Supreme Court. The appeal shall be taken as in other civil cases.

.....

.....

.....

21. List all parties involved in the action in the district court:

State of Nevada, Department of Motor Vehicles by
Carolyn L. Waters, Sr. Deputy Attorney General

William Junge by
Catherine L. Nelson, Esq.

- (a) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g., formally dismissed, not served, or other:

n/a

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the trial court's disposition of each claim, and how each claim was resolved (i.e., order, judgment, stipulation), and the date of disposition of each claim. Attach a copy of each disposition.

District Court granted Petitioner's Petition for Judicial review on March 27, 2007

23. Attach copies of the last-filed version of all complaints, counterclaims, and/or cross-claims filed in the district court.

n/a

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action below:

Yes.....x.....No.....

25. If you answered "No" to the immediately previous question, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b):

Yes.....No..... If "Yes," attach a copy of the certification or order, including any notice of entry and proof of service.

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment:

Yes.....No.....

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

State of Nevada,
Department of Motor Vehicles

Name of appellant

5.15.07

Date

Nevada/Clark

State and county where signed

Carolyn L. Waters, Sr. DAG

Name of counsel of record



Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 15th day of May, 2007, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es):

William Junge
5409 Contera Court
Las Vegas, NV 89102 Respondent Pro Se

Dated this 15th day of May, 2007

Sally Kraft
Signature

State of Nevada, Department of Motor Vehicles v. William Junge
Case No. 49350

EXHIBIT TO DOCKETING STATEMENT

- 1) Whether the Department, by statute (see, e.g., NRS 482.3667 and NRS 482.3669) and regulation (see, e.g., NAC 482.320), has the authority to regulate the content of personalized license plates.
- 2) Whether the district court erred in reversing the decision of the Administrative Law Judge who upheld the Department's denial of the license plate "HOE."

EXHIBIT A

FILED

MAR 27 3 00 PM '07


CLERK OF THE COURT

1 ORDR
Catherine L. Nelson, Esq.
2 Nevada Bar No. 009636
619 South Sixth Street
3 Las Vegas, Nevada 89101-6919
(702) 384-0200
4 Attorney for Petitioner
William Junge
5

6 DISTRICT COURT

7 CLARK COUNTY, NEVADA
8

9 WILLIAM JUNGE,)
10) CASE NO. A 529007
Petitioner,) DEPT NO. X
11)
vs.)
12)
STATE OF NEVADA, DEPT.)
13 OF MOTOR VEHICLES,)
Respondent.) HEARING DATE: 2-28-07
14) HEARING TIME: 9:00 a.m.

15
16 DECISION AND ORDER

17 THIS MATTER having come on for argument and decision on
18 February 28, 2007, at 9:00 a.m., the parties being represented by
19 respective counsel, CATHERINE L. NELSON, ESQ. for Petitioner
20 WILLIAM JUNGE, and CAROLYN L. WATERS, SENIOR DEPUTY ATTORNEY
21 GENERAL for Respondent, STATE OF NEVADA, DEPARTMENT OF MOTOR
22 VEHICLES, and the Court having reviewed the papers, pleadings,
23 files, and the transcript from the Administrative Hearing held on
24 August 8, 2006, having read the briefs submitted by respective
25 counsel, hearing oral argument and good cause appearing,

26 IT IS HEREBY ORDERED that the Administrative Law Judge's
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28

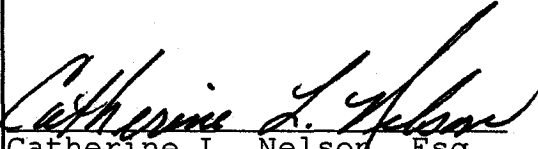
1 decision affirming the Department's denial of Petitioner's
2 Personalized License Plate "HOE" is reversed.

3 Dated this 26 day of March 2007.


4
5 **JESSIE WALSH**

6 District Court Judge

7 **Submitted by:**

8
9 
10 Catherine L. Nelson, Esq.
11 Nevada Bar No. 009636
12 619 South Sixth Street
13 Las Vegas, NV 89101-6919
14 Counsel for Petitioner

15
16 **Reviewed and approved
as to form by:**

17 
18 CAROLYN L. WATERS, ESQ.
19 Senior Deputy Attorney General
20 Nevada Bar No. 005891
21 555 E. Washington Ave., #3900
22 Las Vegas, NV 89101
23
24
25
26
27
28

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FILED

MAR 30 11 46 AM '07

CLERK OF THE COURT

NOTC
Catherine L. Nelson, Esq.
Nevada Bar No. 009636
619 S. Sixth Street
Las Vegas, Nevada 89101-6919
(702) 384-0200
Attorney for Petitioner

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

WILLIAM JUNGE,

Petitioner,

CASE NO.: A 529007

vs.

DEPT. NO.: X

STATE OF NEVADA DEPARTMENT OF
MOTOR VEHICLES,

Respondent.

NOTICE OF ENTRY OF ORDER

TO: STATE OF NEVADA DEPARTMENT OF MOTOR VEHICLES, Respondent;
and

TO: CAROLYN L. WATERS, ESQ., Senior Deputy Attorney General, Attorney of
record for Respondent:

PLEASE TAKE NOTICE that an Order in the above referenced matter was entered
with the Court on the 27th day of March 2007. A copy of said Order is attached for your
reference.

DATED this 30 day of March 2007.

RECEIVED

MAR 30 2007

CLERK OF THE COURT

Catherine L. Nelson, Esq.
Nevada Bar No. 009636
619 S. Sixth Street
Las Vegas, NV 89101-6919
(702) 384-0200
Attorney for Petitioner

CERTIFICATE OF MAILING

I, hereby certify that on the 30th day of March 2007, I mailed a true and correct copy of the foregoing document by depositing same in the United States Mail, postage prepaid, and addressed to the following:

STATE OF NEVADA DEPARTMENT OF MOTOR VEHICLES AND
CAROLYN L. WATERS, ESQ.
SENIOR DEPUTY ATTORNEY GENERAL
555 E. WASHINGTON AVE., #3900
Las Vegas, NV 89101


An Agent for Catherine L. Nelson, Esq.

FILED

MAR 27 3 00 PM '07

Chaf
CLERK OF THE COURT

1 ORDR
Catherine L. Nelson, Esq.
2 Nevada Bar No. 009636
619 South Sixth Street
3 Las Vegas, Nevada 89101-6919
(702) 384-0200
4 Attorney for Petitioner
William Junge

6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

9 WILLIAM JUNGE,)
10) CASE NO. A 529007
Petitioner,) DEPT NO. X
11)
vs.)
12)
STATE OF NEVADA, DEPT.)
OF MOTOR VEHICLES,)
13) HEARING DATE: 2-28-07
Respondent.)
14) HEARING TIME: 9:00 a.m.

16 DECISION AND ORDER

17 THIS MATTER having come on for argument and decision on
18 February 28, 2007, at 9:00 a.m., the parties being represented by
19 respective counsel, CATHERINE L. NELSON, ESQ. for Petitioner
20 WILLIAM JUNGE, and CAROLYN L. WATERS, SENIOR DEPUTY ATTORNEY
21 GENERAL for Respondent, STATE OF NEVADA, DEPARTMENT OF MOTOR
22 VEHICLES, and the Court having reviewed the papers, pleadings,
23 files, and the transcript from the Administrative Hearing held on
24 August 8, 2006, having read the briefs submitted by respective
25 counsel, hearing oral argument and good cause appearing,

26 IT IS HEREBY ORDERED that the Administrative Law Judge's
27
28

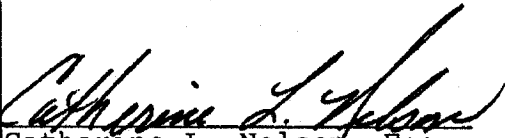
1 decision affirming the Department's denial of Petitioner's
2 Personalized License Plate "HOE" is reversed.

3 Dated this 26 day of March 2007.


JESSIE WALSH

District Court Judge

7 Submitted by:

8
9 
Catherine L. Nelson, Esq.
10 Nevada Bar No. 009636
619 South Sixth Street
11 Las Vegas, NV 89101-6919
Counsel for Petitioner

13 Reviewed and approved
as to form by:

14
15
16 
CAROLYN L. WATERS, ESQ.
17 Senior Deputy Attorney General
Nevada Bar No. 005891
18 555 E. Washington Ave., #3900
Las Vegas, NV 89101

ORIGINAL

FILED 19

MAR 30 11 46 AM '07

CLERK OF THE COURT

NOTC
Catherine L. Nelson, Esq.
Nevada Bar No. 009636
619 S. Sixth Street
Las Vegas, Nevada 89101-6919
(702) 384-0200
Attorney for Petitioner

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

WILLIAM JUNGE,

Petitioner,

vs.

STATE OF NEVADA, DEPT.
OF MOTOR VEHICLES,

Respondent.

CASE NO. A 529007
DEPT NO. X

NOTICE OF WITHDRAWAL AS ATTORNEY OF RECORD

NOTICE IS HEREBY GIVEN that pursuant to Supreme Court Rule 46, there being no further proceedings before the Court, CATHERINE L. NELSON, ESQ., hereby withdraws as attorney of record for Petitioner WILLIAM JUNGE, in the above-entitled matter.

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RECEIVED
MAR 30 2007
CLERK OF THE COURT

Further notice may be given to the Defendant at his last known address, to-wit:
WILLIAM JUNGE, 5409 Contera Court, Las Vegas, Nevada 89120.

DATED this 30th day of March 2007.


CATHERINE L. NELSON, ESQUIRE
Nevada Bar No. 9636
619 South Sixth Street
Las Vegas, Nevada 89101
Telephone: 702/384-0200

CERTIFICATE OF MAILING

I hereby certify that on this 30th day of March 2007, a copy of the foregoing
NOTICE OF WITHDRAWAL AS ATTORNEY OF RECORD was placed into the United
States Mail, First Class postage prepaid at Las Vegas, Nevada addressed to the following:

William Junge
5409 Contera Court
Las Vegas, Nevada 89120

and

Carolyn L. Waters, Esq.
Sr. Attorney General
555 E. Washington Ave., #3900
Las Vegas, NV 89101
Attorney for Respondent State of Nevada DMV


An Agent for Catherine L. Nelson, Esq.