

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCHISE TAX BOARD OF THE
STATE OF CALIFORNIA,
Appellant/Cross-Respondent,
vs.
GILBERT P. HYATT,
Respondent/Cross-Appellant.

No. 53264

FILED

AUG 07 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER RESOLVING MOTIONS

This is an appeal and cross-appeal from a final judgment. There are several motions filed by the parties for this court's consideration. First, appellant/cross-respondent has filed a motion for permission to file an opening brief in excess of 30 pages and submitted the proposed opening brief in connection with the motion. No opposition has been filed to this motion. Having reviewed the motion and the proposed opening brief, we grant the motion and direct the clerk of this court to file the opening brief and appendices provisionally received on July 20, 2009.

Next, two motions for association of counsel for purposes of filing amicus curiae briefs have been filed by the Solicitor General for the State of Nevada, one for association of Clark Len Snelson, Esq., for filing an amicus curiae brief on behalf of the state of Utah and 15 other states, and one for association of Bruce J. Fort, Esq., for filing an amicus curiae brief on behalf of the Multistate Tax Commission. Having reviewed the motions, we grant both. SCR 42.

The Nevada Solicitor General also filed a motion on behalf of the Multistate Tax Commission requesting leave to file an amicus curiae brief. Then, the Nevada Solicitor General filed a motion to strike the previous motion because the Multistate Tax Commission filed its own

motion requesting leave to file an amicus curiae brief. We grant the motion to strike the motion to file an amicus curiae brief filed by the Nevada Solicitor General.

As stated above, the Multistate Tax Commission has filed a motion requesting leave to file an amicus curiae brief and has submitted the proposed brief with the motion. Respondent Gilbert Hyatt has filed an opposition to the motion for leave to file an amicus curiae brief. In addition, Hyatt's opposition contains a motion to strike the amicus curiae brief filed by the state of Utah and joined by 15 other states, and to strike the concurrence to this amicus curiae brief filed by the attorney general for Nevada. Having reviewed the motions, we grant the motion by the Multistate Tax Commission to file an amicus curiae brief and deny Hyatt's motions to strike. We direct the clerk of this court to file the amicus curiae brief of the Multistate Tax Commission that was provisionally received on July 22, 2009.

It is so ORDERED.

 L. L. Anderson , C.J.

cc: Lemons Grundy & Eisenberg
McDonald Carano Wilson LLP/Las Vegas
McDonald Carano Wilson LLP/Reno
Hutchison & Steffen, LLC
Kummer Kaempfer Bonner Renshaw & Ferrario/Las Vegas
Perkins Coie
Attorney General Catherine Cortez Masto/Carson City
Multistate Tax Commission
Utah Attorney General's Office