

● ORIGINAL ●

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

FEB 25 2010

SOUTHERN CALIFORNIA EDISON,

Petitioner,

vs.

THE FIRST JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA in and for Carson
City, and THE HONORABLE JAMES T.
RUSSELL, Judge thereof,

Respondents.

No. 55228

District Court No. 09-0C-00016-1B

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

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN

OPPOSITION TO PETITION FOR WRIT OF MANDAMUS

Clark County, hereinafter "County", moves this honorable court for leave to file the accompanying Amicus Curiae Brief in Opposition to the Petition for Writ of Mandamus on file with the court. County was a party to the administrative proceedings in this matter pursuant to the provisions of NRS 360.245(6) and was one of the local governments referenced in paragraph number five of the district court's order on review. County has never been served with the Complaint or Amended Complaint on file with the district court seeking to overturn the Nevada Tax Commission's Decision, despite the fact that it was a party below and the outcome "is likely to affect the revenue of the county." NRS 360.245(6). County requests leave to argue that it's right to the benefit of the Nevada Tax Commission's Decision should only be reviewable as all other contested cases are reviewed, that is, with due deference to the findings and conclusions of the administrative agency. When County sought review of the Tax Commission's Decision subsequently voided by Chanos v. Nevada Tax Commission, ___ Nev. ___, 181 P.3d 675 (Nev. 2008), it was required to seek judicial review and not a hearing de novo, Taxpayers should be confined to the same remedy.

County will argue that judicial review of the Tax Commission's final decisions in

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TRACIE K. LINDEMAN

1 contested cases is the only review available to any party to the administrative proceedings.
2 County requests leave accordingly.

3 DATED this 23rd day of February 2010.

4 DAVID ROGER
5 DISTRICT ATTORNEY

6 By: 

7 PAUL D. JOHNSON
8 Deputy District Attorney
9 State Bar No. 003085
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11 P. O. Box 552215
12 Las Vegas, Nevada 89155-2215
13 Attorney for CLARK COUNTY

14 **CERTIFICATE OF MAILING**

15 I hereby certify that on the 23rd day of February 2010, I deposited in the United
16 States Mail, postage prepaid, at Las Vegas, Nevada, enclosed in a sealed envelope, a copy of
17 the above and foregoing **MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**
18 **IN OPPOSITION TO PETITION FOR WRIT OF MANDAMUS** addressed as follows:

19 NORMAN J. AZEVEDO, ESQ.
20 405 N. Nevada Street
21 Carson City, NV 89703
22 Attorney for Petitioner

THE HONORABLE JAMES T. RUSSELL
DISTRICT COURT JUDGE
FIRST JUDICIAL DISTRICT COURT
885 E. Musser Street
Carson City, NV 89701

23 CHARLES C. READ ESQ.
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