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IN THE SUPREME COURT OF THE STATE OF NEVADA

SOUTHERN CALIFORNIA EDISON,

Petitioner,

v.

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

Respondents.

Case No. 09-0C-00016-1B

Docket No. 55228

FILED

JAN 19 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

**MOTION FOR LEAVE OF COURT PURSUANT TO N.R.A.P. 29(f) FOR LATER
FILING OF AMICUS CURIAE BRIEF IN SUPPORT OF
SOUTHERN CALIFORNIA EDISON'S PETITION FOR WRIT OF MANDAMUS**

The Nevada Taxpayers' Association ("NTA"), the Nevada Manufacturers Association ("NMA"), and the Council On State Taxation ("COST"), collectively the "Amici", are preparing to file an amicus brief with a motion for leave to file an amicus brief (collectively, the "Amicus Brief") in accordance with Nevada Rule of Appellate Procedure ("NRAP") 29 in support of the Petition for Writ of Mandamus ("Petition") filed by Petitioner Southern California Edison ("Edison") on January 8, 2010. NRAP 29(f) states that an amicus brief must be filed within seven days after the date the brief of the party being supported is filed; however,

this Court may grant leave for later filing[.] For the reasons discussed below, Amici respectfully move this Court for leave to file the Amicus Brief by January 29, 2010, which is an

RECEIVED

JAN 19 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

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1 additional 14 calendar days from the date the Amicus Brief would otherwise be due, i.e., this
2 Friday, January 15, 2010.

3 The NTA is a nonprofit Nevada organization whose membership is comprised of large
4 and small businesses, individuals, other associations and governmental entities located in
5 Nevada. The NTA's purpose is to promote the cause of the taxpayer for responsible
6 government through research and dissemination of information and data to policy makers,
7 taxpayers and others. NMA is an association of manufacturers in Nevada joined together to
8 pursue common goals. COST is a nonprofit trade association consisting of approximately 600
9 multistate corporations, many doing business within Nevada. COST's objective is to preserve
10 and promote equitable and nondiscriminatory state and local taxation of multijurisdictional
11 business entities.

12 The Court should grant this motion for the following reasons. First, Amici are not
13 involved in the proceedings below and only recently became aware of the Respondent's ruling
14 that Edison's Petition is challenging. NTA and COST must obtain approval from their
15 respective boards of directors to file an amicus brief and this is a time consuming process for
16 both organizations. While NTA and COST began to study the issue expeditiously during the
17 holidays, presented the issue to their respective boards of directors, obtained approval to
18 prepare and file the Amicus Brief and retained Nevada counsel this week, it would be difficult,
19 if not impossible, to prepare and file a brief by Friday, January 15, 2010 that is thorough and
20 helpful to this Court.

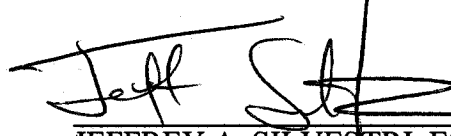
21 Second, no party will be prejudiced if this motion is granted. The record in the
22 proceeding below reflects that Respondent stayed the case pending a final disposition of
23 Edison's Petition by this Court, and that the Nevada Department of Taxation (the
24 "Department"), who is the defendant in the proceeding below, filed a non-opposition to
25 Edison's request for stay. Thus, the record below indicates that all parties are interested in
26 having the issue that is the subject of Edison's Petition decided by this Court now. Since this
27 Court has not yet decided whether to consider Edison's Petition, which, regardless of this
28

1 request, it might not do prior to January 29, 2010, the requested extension will not prejudice the
2 ability of either Respondent or the Department to prepare an answer to Edison's Petition.

3 For the foregoing reasons, the motion should be granted.

4 RESPECTFULLY SUBMITTED this 15th day of January, 2010.

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CERTIFICATE OF SERVICE

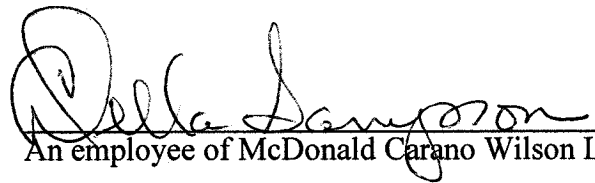
I HEREBY CERTIFY that I am an employee of McDonald Carano Wilson LLP and that on the 15th day of January, 2010, a true and correct copy of the foregoing **MOTION FOR LEAVE OF COURT PURSUANT TO N.R.A.P. 29(F) FOR LATER FILING OF AMICUS CURIAE BRIEF IN SUPPORT OF SOUTHERN CALIFORNIA EDISON'S PETITION FOR WRIT OF MANDAMUS** was served by depositing a copy of the same in the U.S. Mail, postage prepaid, upon the parties and at the addresses listed below:

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