

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOUTHERN CALIFORNIA EDISON,
Petitioner,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR CARSON CITY, AND
THE HONORABLE JAMES TODD
RUSSELL, DISTRICT JUDGE,
Respondents,

and

THE STATE OF NEVADA,
DEPARTMENT OF TAXATION,
Real Party in Interest.

No. 55228

FILED

JAN 21 2010

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

ORDER DIRECTING ANSWER

This original petition for a writ of mandamus challenges a district court order determining that a use tax refund matter should proceed as a petition for judicial review under NRS Chapter 233B, rather than as an independent action.

Having reviewed the petition, it appears that petitioner has set forth issues of arguable merit and that petitioner may have no plain, speedy, and adequate remedy in the ordinary course of the law. Therefore, real party in interest, on behalf of respondents, shall have 30 days from the date of this order within which to file an answer, including authorities, against issuance of the requested writ.

It is so ORDERED.

Parraguirre, C.J.

cc: Hon. James Todd Russell, District Judge
Norman J. Azevedo
O'Melveny & Myers LLP
Attorney General/Carson City