

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA DEPARTMENT
OF TAXATION; THE HONORABLE KATE
MARSHALL, IN HER CAPACITY AS
TREASURER OF THE STATE OF
NEVADA; AND THE LEGISLATURE OF
THE STATE OF NEVADA,

Petitioners,

vs.

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

Respondents,

and

THE CITY OF FERNLEY, A NEVADA
MUNICIPAL CORPORATION,

Real Party in Interest.

No. 62050

FILED

NOV 13 2012

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

ORDER DIRECTING ANSWER

This is an original petition for a writ of mandamus challenging a district court order denying a motion for summary judgment and authorizing additional discovery under NRCP 56(f) in a tax action.

Having reviewed the petition, it appears that petitioners have set forth issues of arguable merit and that petitioners may have no plain, speedy, and adequate remedy at law. Therefore, real party in interest, on behalf of respondents, shall have 20 days from the date of this order within which to file an answer, including authorities, against issuance of the requested writ. NRAP 21(b)(1). Thereafter, petitioners shall have ten days from service of real party in interest's answer to file and serve any reply.

Additionally, petitioners have indicated that the Nevada Legislature will be considering legislation pertaining to the tax system at issue here during the 2013 legislative session and that a "conclusive resolution of the issues in this petition is essential to the Legislature's consideration of any such legislation. Petitioners shall therefore have five days from the date of this order to file and serve a supplement to their petition setting forth any important deadlines for the Legislature's consideration of this legislation that may be impacted by this court's resolution of the petition.

Finally, in light of the important issues raised by this petition, no extensions of time will be granted absent extreme and unforeseeable circumstances.¹

It is so ORDERED.

Cherry, C.J.

¹For the purpose of this petition, we suspend application of NRAP 25(a)(2)(B)(ii)-(iv), which provides that a document is timely filed if, on or before its due date, it is mailed to this court, dispatched for delivery within three calendar days by a third-party commercial carrier, or deposited in the supreme court drop box. All further documents submitted in this matter shall be filed personally, electronically, or by facsimile transmission with the clerk of this court in Carson City. See NRAP 2; NRAP 25(a)(2)(B)(i); NRAP 25(a)(4). In addition, service of all documents shall be personal, electronic, or by fax.

Additionally, for the purpose of this petition, we suspend application of NRAP 26(b)(1)(B), which provides that the clerk of this court may grant a five-day extension of time for performing any act except the filing of a notice of appeal made through a telephonic or written request. To the extent that any party to this petition requests an extension of time to comply with any directive from this court, that request shall be made through a written motion filed with this court.

cc: Hon. James Todd Russell, District Judge
Attorney General/Carson City
Attorney General/Reno
Legislative Counsel Bureau Legal Division
Brownstein Hyatt Farber Schreck, LLP/Reno
Brownstein Hyatt Farber Schreck, LLP/Las Vegas