



SUPREME COURT OF NEVADA

OFFICE OF THE CLERK

TRACIE K. LINDEMAN, CLERK

201 SOUTH CARSON STREET, SUITE 201

CARSON CITY, NEVADA 89701-4702

Telephone
(775) 684-1600

January 25, 2013

Kevin C. Powers
Legislative Counsel Bureau Legal Division
401 S. Carson St. Rm. 1141
Carson City, NV 89701

Re: State Department of Taxation vs. Dist. Ct. (City of Fernley) No. 62050

Dear Mr. Powers:

Enclosed please find the original and one copy of the Writ of Mandamus and one copy of the Order for service upon Judge James Todd Russell. Please **return the original writ** with proof of service attached thereto.

Copies of the writ and Order are enclosed for your files.

Sincerely,

A handwritten signature in cursive script that reads "Linda Castillo".

Linda Castillo
Chief Deputy Clerk

TKL: tm

Enclosures

cc w/enclosures (writ & Order):

Attorney General/Carson City

Attorney General/Reno

Brownstein Hyatt Farber Schreck, LLP/Las Vegas

Brownstein Hyatt Farber Schreck, LLP/Reno

13-02689

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

WRIT OF MANDAMUS

TO: The Honorable James Todd Russell, Judge of the First Judicial
District Court:

WHEREAS, this Court having made and filed its written decision
that a writ of mandamus issue,

NOW, THEREFORE, you are instructed to vacate the challenged
order to the extent it refused to dismiss or grant summary judgment on
the City's federal constitutional claims and to enter an order dismissing
those claims, in the case entitled City of Fernley v. State, Department of
Taxation, Case No. 12 OC 00168 1B.

WITNESS The Honorables Kristine Pickering, Chief Justice, Mark Gibbons, James W. Hardesty, Ron Parraguirre, Michael L. Douglas, Michael A. Cherry, and Nancy M. Saitta, Associate Justices of the Supreme Court of the State of Nevada, and attested by my hand and seal this 25th day of January, 2013.



Macie K. Under
Supreme Court Clerk