

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

JAN 29 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

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.

RECEIVED

JAN 29 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

13-03036

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.



Maie K. Under
Supreme Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA ex rel. THE
NEVADA DEPARTMENT OF
TAXATION; THE HONORABLE
KATE MARSHALL, in her
official 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 CARSON CITY;
and THE HONORABLE JAMES
TODD RUSSELL, District Judge,

Respondents, and

CITY OF FERNLEY, NEVADA, a
Nevada municipal corporation,

Real Party in Interest.

Supreme Court Case No. 62050

Original Action for Writ to
First Judicial District Court,
Carson City, Nevada,
Case No. 12 OC 00168 1B

ORIGINAL

**PETITIONERS' PROOF OF SERVICE OF
WRIT OF MANDAMUS AND ORDER**

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Nevada Department of Taxation

and Kate Marshall, State Treasurer

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Attorneys for Petitioner

Legislature of the State of Nevada

Petitioners, the State of Nevada ex rel. the Department of Taxation and Kate Marshall in her official capacity as State Treasurer, by and through their counsel the Office of the Attorney General, and the Legislature of the State of Nevada, by and through its counsel the Legal Division of the Legislative Counsel Bureau under NRS 218F.720, hereby file the attached Proof of Service on the Honorable James Todd Russell, Judge of the First Judicial District Court, of the Writ of Mandamus and Order Granting in Part and Denying in Part Petition for Writ of Mandamus, which were issued by this Court on January 25, 2013.

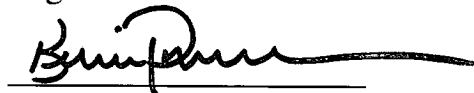
DATED: This 28th day of January, 2013.

Respectfully submitted,

BRENDA J. ERDOES

Legislative Counsel

By:



KEVIN C. POWERS

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Legislature of the State of Nevada

PROOF OF SERVICE

I hereby certify that I am an employee of the Nevada Legislative Counsel Bureau, Legal Division, and that on the 28th day of January, 2013, pursuant to NRAP 25(c), I served the Honorable James Todd Russell, Judge of the First Judicial District Court, with a true and correct copy of the Writ of Mandamus and Order Granting in Part and Denying in Part Petition for Writ of Mandamus, which were issued by this Court on January 25, 2013, by depositing the same in the United States Mail, postage prepaid, addressed to the following:

HONORABLE JAMES T. RUSSELL
FIRST JUDICIAL DISTRICT COURT
885 E. Musser St. Room 3061
Carson City, NV 89701
Respondent District Judge



An Employee of the Legislative Counsel Bureau