


VILLAGE LEAGUE TO SAVE INCLINE  
ASSETS, INC.; *et. al*

Electronically Filed  
Jan 13 2014 2:27 p.m.  
District Court No. CV-2013-06922  
Tracie K. Lindeman  
Clerk of Supreme Court

VS.

Respondents.

**COMES NOW** Celeste Hamilton, Pershing County Assessor, by and through counsel, Jim C. Shirley, Pershing County District Attorney, and does hereby move that this Court dismiss Ms. Hamilton as a party to the above entitled matter. The basis for this Motion is set forth in the attached Memorandum of Points and Authorities. This Motion is not pursued for any improper purpose.

  
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## MEMORANDUM OF POINTS AND AUTHORITIES

### I. FACTS

The appeal before the Court deals with “two related and consolidated cases.” *Village League Opening Brief* at 2. The first case seeks “to compel the SBOE to perform its statutory duty of statewide equalization” relating to “residential property” in the “Incline Village/Crystal Bay area” of the State of Nevada. *Id.* at 2-5. The second case seeks “judicial review of an Equalization Order” dealing with property in “Incline Village/Crystal Bay area” of the State of Nevada. *Id.* at 3-5. None of the property identified in the appeal or the underlying cases relates to property in Pershing County. The Pershing County Assessor does not have authority or a stake in SBOE rulings relating to property outside of Pershing County. The property in question is located in Washoe County.

### II. LEGAL ANALYSIS

In the action below, Celeste Hamilton was not a party to the proceedings. The property that was the subject of the Board of Equalization proceedings was not in Pershing County. The Pershing County Assessor did not have any interest in the proceedings relating to property in another County and did not have standing to dictate how the Board of Equalization follows its statutory duties. Generally, an appeal has an aggrieved party who is seeking redress from a ruling favoring the party against whom the aggrieved party seeks redress.<sup>1</sup> In the instant matter, Celeste Hamilton does not satisfy the requirements of a “necessary party” or indispensable to the appeal in this matter. *See* Rule 19(a). There is no justiciable controversy as it relates to Ms. Hamilton that would require her to be a party to this action. A Motion was made before the trial court to dismiss the case as to Ms. Hamilton, but the trial court dismissed the matter prior to ruling on the Motion to Dismiss.


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<sup>1</sup> See e.g. Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) (Only an aggrieved party may appeal under NRAP 3A(a). A party is aggrieved when a judgment adversely and substantially affects either a personal right or a property right.).

### III. CONCLUSION

Ms. Hamilton does hereby request that the Court dismiss her from this appeal based upon a review of the Opening Brief and a finding that there is no basis to conclude she is a necessary party to this appeal. If the Court determines that she should remain in this appeal, Ms. Hamilton would ask for an extension in which to file an Opening Brief.

Dated this 14<sup>th</sup> day of January, 2014.

  
Jim C. Shirley  
Pershing County District Attorney

### Certificate of Service

Pursuant to the Rules of Appellate Procedure, I certify that, on this date, I filed the foregoing Motion with the Court utilizing the Court's e-filing system, which will serve the following parties electronically (this Motion was also mailed to the following):

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DATED this 14<sup>th</sup> day of January, 2014.

  
JIM C. SHIRLEY