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CITY OF FERNLEY, NEVADA, A
NEVADA MUNICIPAL
CORPORATION,

VS.

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,

Electronically Filed
Dec 12 2014 09:22 a.m.
Tracie K. Lindeman
Clerk of Supreme Court
Supreme Court No. 66851

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1 Appellant CITY OF FERNLEY, NEVADA (hereinafter "Fernley"), by and
2 through its attorneys of record, the law firm of Brownstein Hyatt Farber Schreck,
3 LLP, hereby submits this Notice regarding the status of its filing and service of a
4 transcript request form in response to Respondents' Joint Notice Directing
5 Appellant To File Transcript Request Form Pursuant To NRAP 9 filed on
6 December 2, 2014 (the "Joint Notice").

7 **POINTS AND AUTHORITIES**

8 **I. FERNLEY IS SEEKING TO OBTAIN THE TRANSCRIPT**
9 **REQUESTED BY RESPONDENTS.**

10 On December 1, 2014, Fernley filed and served its "Certificate That No
11 Transcript Is Being Requested" because no court reporter was present at the
12 substantive hearing held in the District Court on September 2, 2014 (the
13 "September 2nd Hearing"). Despite the absence of a court reporter, on December
14 2, 2014, Respondents filed and served their Joint Notice pursuant to NRAP 9(a)(5),
15 which directed Fernley to file and serve, within 10 days, "a transcript request form
16 to request preparation of the transcript of the entire September 2, 2014 district court
17 hearing." *See* Respondents' Joint Notice, at 2 (filed Dec. 2, 2014). Respondents'
18 represented in their Joint Notice that "a verbatim record was made of the hearing
19 using sound recording equipment as authorized by NRS 3.380." *See id.* at 1.
20 Although Respondents provided no evidence that the recording referred to by them
21 was made using sound recording equipment authorized by NRS 3.380, Fernley has
22 begun the process of obtaining a transcript of the September 2nd Hearing for the
23 Court and the parties in order to comply with Respondents' Joint Notice.

24 Fernley files this notice to inform the Court and Respondents that it cannot
25 yet file the transcript request form provided for by NRAP 9(a)(5) because of certain
26 District Court's procedures for obtaining a transcript that apply to this case. Not
27 only was there no court reporter for the September 2nd Hearing, Fernley's counsel
28 has been advised by the District Court Clerk's Office that there also was no

1 designated court recorder on which to serve a copy of a transcript request form
2 pursuant to NRAP 9(a)(3)(B). Rather, in accordance with the District Court's
3 procedures, Fernley's counsel has ordered from the District Court a disk that
4 contains a recording of the September 2nd Hearing, which it must then deliver to a
5 court reporting service of its choosing for transcription. Until Fernley's counsel
6 receives the disk from the District Court, which it will then immediately deliver to a
7 court reporting service for transcription, it will be unable to file and serve a
8 transcript request form relating to the September 2nd Hearing.

9 In sum, Fernley will file and serve a transcript request form relating to the
10 September 2nd Hearing, directed to the appropriate court reporter, upon its receipt
11 of the disk from the District Court and immediate delivery of the disk to a court
12 reporting service for transcription.

13 DATED this 11th day of December, 2014.

14 BROWNSTEIN HYATT FARBER SCHRECK, LLP

15
16 By: /s/Joshua J. Hicks
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24 *Attorneys for Appellant*
25 *City of Fernley, Nevada*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of December, 2014, I served a copy of the foregoing APPELLANT'S NOTICE REGARDING STATUS OF TRANSCRIPT REQUEST FORM, by causing a copy of the same to be filed electronically with the Nevada Supreme Court, with electronic service on:

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/s/ Kelly J. Chouinard
An Employee of Brownstein Hyatt
Farber Schreck, LLP