

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 68450

Electronically Filed
Jul 30 2015 01:06 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

HONORABLE CATHERINE RAMSEY,
NORTH LAS VEGAS MUNICIPAL JUDGE,
Appellant,

vs.

CITY OF NORTH LAS VEGAS AND BARBARA A. ANDOLINA
City Clerk of NORTH LAS VEGAS, BETTY HAMILTON,
MICHAEL WILLIAM MORENO, and BOB BORGERSEN, individually
and as Members of "REMOVE RAMSEY NOW"
Respondents,

Eighth Judicial District Court, Clark County
The Honorable Eric Johnson, District Court Judge
District Court Cases A-15-719406-P
Consolidated with District Court Case A-15-719651-C

CASE APPELLATE STATEMENT

Craig A. Mueller, Esq.
Nevada Bar #4703
Steven M. Goldstein, Esq.
Nevada Bar #6318
MUELLER, HINDS AND ASSOCIATES
600 S. Eighth Street
Las Vegas, Nevada 89101
(702) 382-1200
Attorneys for Appellant

1. **Name of appellant filing this case appeal statement:** The Honorable
Catherine Ramsey

2. **Identify the judge issuing the decision, judgment, or order appealed from:** The Honorable Eric Johnson
3. **Identify all parties to the proceedings in the district court (the use of et al. to denote parties is prohibited):**

For Appellant Ramsey, by and through, Mueller, Hinds & Associates, Craig A. Mueller, Esq. and Steven M. Goldstein, Esq.

For the Respondent City of North Las Vegas and City Clerk Barbara Andolina, by and through, Snell and Wilmer, L.L.P., Richard Gordon, Esq. and Patrick G. Byrne, Esq.

For the Respondents Betty Hamilton, Michael William Moreno, Bob Borgerson and “Remove Ramsey Now”, by and through Gentile, Cristalli, Miller, Armeni & Savarese, Dominic Gentile, Esq., Ross Miller, Esq., and Colleen McCarty, Esq.

4. **Identify all parties involved in this appeal (the use of et al. to denote parties is prohibited):**

For Appellant Ramsey, by and through, Mueller, Hinds & Associates, Craig A. Mueller, Esq. and Steven M. Goldstein, Esq.

For the Respondent City of North Las Vegas and City Clerk Barbara Andolina, by and through, Snell and Wilmer, L.L.P., Richard Gordon, Esq. and Patrick G. Byrne, Esq.

For the Respondents Betty Hamilton, Michael William Moreno, Bob Borgerson and “Remove Ramsey Now”, by and through Gentile, Cristalli, Miller, Armeni & Savarese, Dominic Gentile, Esq., Ross Miller, Esq., and Colleen McCarty, Esq.

- 5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent:**

Craig A. Mueller, Esq. and Steven M. Goldstein, Esq. of Mueller, Hinds & Associates, 600 S. Eighth Street, Las Vegas, NV 89101, (702) 940-1234, attorney for Appellant the Honorable Catherine Ramsey

Snell and Wilmer, L.L.P., Richard Gordon, Esq. and Patrick G. Byrne, Esq., 3883 Howard Hughes Pkwy, #600 Las Vegas, Nevada 89169, (702)784-5252, attorney for Respondents City of North Las Vegas and City Clerk Barbara Andolina

Gentile, Cristalli, Miller, Armeni & Savarese, Dominic Gentile, Esq., Ross Miller, Esq., and Colleen McCarty, Esq., 410 South Rampart Boulevard, Suite 420, Las Vegas, Nevada 89145, (702) 880-0000, attorney

for Betty Hamilton, Michael William Moreno, Bob Borgerson and Remove Ramsey Now

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: The appellant was represented by retained counsel.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

The appellant is represented by retained counsel.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: N/A

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): The Emergency Petition for Injunction was filed in the Eighth Judicial District Court, Case No. A-15-719406-P on June 4, 2015. The Complaint was filed in the Eighth Judicial District Court, Case No. A-15-719651-C on June 9, 2015. The two cases were consolidated on June 23, 2015.

10. Brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

On June 4, 2015, Appellant Catherine Ramsey, filed an Emergency Petition for Injunction against Respondent(s) City of North Las Vegas, City Clerk Barbara Andolina, Betty Hamilton, Michael William Moreno, Bob Borgerson, and Remove Ramsey Now, seeking to find that the Recall Petition was unconstitutional under Article 6, Sec. 21 of the Nevada State Constitution. On June 9, 2015, the same parties were also named in the Complaint which was filed under a separate action under NRS 306.040 challenging the legal sufficiency of the Petition to Recall Judge Ramsey. It was requested that the Petition to Recall Ramsey be dismissed for insufficiency.

A hearing on the Emergency Petition was conducted on June 18, 2015. The Court reserved its written decision until after the hearing on the Petition to Recall Judge Ramsey had been concluded. (Although, the court indicated it would deny the Emergency Petition at the first session of the hearing on sufficiency held on June 29, 2015.)

Judge Johnson consolidated the two cases on June 23, 2015 and set an evidentiary hearing on the sufficiency issues for June 29, 2015, with two business

days notice, which was impossible for Appellant to properly subpoena her witnesses in time. Appellant moved the court for a continuance which was denied forcing the Appellant to proceed. Appellant's ability to bring forth her case is being severely impinged upon given the time constraints place upon her. She has been severely prejudiced by the Court's order.

Appellant Ramsey's due process rights were cast aside when Judge Johnson, severely and fatally limited the scope of the evidentiary hearing on sufficiency. Judge Johnson limited the hearing by making it clear he was not going to allow Petitioner to put on everyone involved with the process (voters, circulators and notaries) and ask them was there anything wrong. (6-29-15 transcript, page 26, lines 9-12). This is especially concerning, as Judge Johnson later says the issue, as far as he is concerned, is "Did people go out get signatures, valid signatures, meeting the number?" (6-29-15 transcript, Page 35, line 10-15), but then did not permit Petitioner to call those circulators, notaries identified on Petitioner's witness list as being those persons involved with the process.

Judge Johnson ultimately denied the Emergency Petition and the Complaint in its entirety in an oral decision on July 2, 2015 which was followed by a written order on July 6, 2015. Judge Johnson's decisions were entirely arbitrary and capricious and he also committed error that warrants a reversal.

This appeal is also a matter of first impression and it deals with constitutional issues that have broad-ranging effects upon all elected judicial officials.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court:

Yes, Docket No. 68394, which has been consolidated with this.

12. Indicate whether this appeal involves child custody or visitation: No.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

Given the fact that this appeal is a matter of first impression, it is highly unlikely that it will resolve.

DATED this 30th day of July, 2015.

MUELLER, HINDS &
ASSOCIATES, CHTD.

By


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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On July 30, 2015, I caused to be served a true and correct copy of the foregoing **CASE APPELLATE STATEMENT** upon the following method indicated:

____ BY EMAIL: by transmitting via e-mail the document(s) listed above to the e-mail addresses set forth below and/or included on the Court's Service List for the above-referenced case.

X BY ELECTRONIC SUBMISSION: submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

____ BY U.S. MAIL: by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.

____ BY FACSIMILE: by transmitting via facsimile the document(s) listed above to the facsimile number set forth below and/or included on the Court's Service List for the above referenced case.


An employee of
MUELLER, HINDS & ASSOCIATES

SERVICE LIST

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