

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

CITY OF SPARKS, a Municipal  
Corporation,

Appellant,

vs.

RENO NEWSPAPERS, INC., a  
Nevada Corporation,

Respondent.

Supreme Court Case No. 69749  
District Case No. CV15-01871  
Electronically Filed  
Sep 28 2016 04:22 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

*On Appeal from an Order Granting Petition for Writ of Mandamus from the  
Second Judicial District Court of the County of Washoe in the State of Nevada*

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**NOTICE OF SUPPLEMENTAL AUTHORITY**

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On Friday, September 9, 2016, the Nevada Legislative Commission met and approved an amendment to NAC Chapter 453A. *See* Legislative Commission Agenda for September 9, 2016;<sup>1</sup> LCB File No. R148-15.<sup>2</sup> As required by NRS 233B.070 and NRS 233B.090, the Secretary of State accepted the amendment as filed on September 23, 2016. Section 71 of the amendment alters the language of NAC 453A.714 – the regulation at the center of the instant dispute between the City of Sparks and Reno Newspapers, Inc. NAC 453A.714 now reads:

1. Except as otherwise provided in this section and NRS 239.0115, the Division will and any designee of the Division shall maintain the confidentiality of and shall not disclose the name or any other identifying information of any person who facilitates or delivers services *or has applied for or to whom the Division or its designee has issued a registry identification card or letter of approval* pursuant to this chapter or chapter 453A of NRS. Except as otherwise provided in NRS 239.0115, the name and any other identifying information of any person who facilitates or delivers services pursuant to this chapter or chapter 453A of NRS are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.
2. Notwithstanding the provisions of subsection 1, the Division or its designee may release the name and other identifying information of a person who facilitates or delivers services *or to whom the Division or its designee has issued a registry identification card or letter of approval* pursuant to this chapter or chapter 453A of NRS to: (a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and (b) Authorized employees of state and local law enforcement agencies only as necessary to verify that a person is lawfully facilitating or delivering services pursuant to this chapter or chapter 453A of NRS.

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<sup>1</sup> <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2015/Meeting/4746>

<sup>2</sup> <http://www.leg.state.nv.us/Register/2015Register/R148-15A.pdf>

3. Nothing in this section prohibits the Division from providing a local government with a copy of all information and documentation provided as part of an application to operate a medical marijuana establishment upon the request of the local government *and with the prior consent of the applicant.*

NAC 453A.714 (emphases added to highlight amendment). The regulation is cited throughout the parties' briefs in the above-captioned matter. Because this appeal focuses on the manner in which NAC 453A.714 should be applied, the adopted amendment is a significant event in so far as it can be construed as clarifying the parameters of the law. Specifically, due to its expansion of the class of information protected by the first sentence but not the second, the amendment underscores that the sentences comprising NAC 453A.714(1) act as autonomous declarations of confidentiality, and not as mere restatements of each other.

Respectfully submitted this 28th day of September, 2016.

**CHESTER H. ADAMS**  
Sparks City Attorney

By: /s/ Douglas R. Thornley  
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## **CERTIFICATE OF SERVICE**

Pursuant to NRAP 25(1)(d), I hereby certify that I am an employee of the Sparks City Attorney's Office, Sparks, Nevada, and that on this date, I am serving the foregoing document(s) entitled **NOTICE OF SUPPLEMENTAL AUTHORITY** on the person(s) set forth below by placing a true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Sparks, Nevada, postage prepaid, following ordinary business practices to:

**Scott Glogovac**  
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DATED this 28th day of September, 2016.

/s/ Kember Murphy  
Kember Murphy