

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA LOCAL
GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD,
Appellant,

vs.

EDUCATION SUPPORT EMPLOYEES
ASSOCIATION; INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,
LOCAL 14; AND CLARK COUNTY
SCHOOL DISTRICT,

Respondents.

No. 70586

FILED

JUL 27 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK()

ORDER DENYING MOTION

This is an appeal from a district court order granting a petition for judicial review. Although not originally included as a respondent to this appeal, appellant filed an amended case appeal statement indicating that International Brotherhood of Teamsters, Local 14 (Local 14) was a respondent. Accordingly, this court issued a notice of modification of caption noting that Local 14 was added as a respondent and directing any party to notify the clerk of any disagreement with the modification.

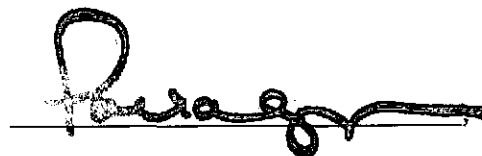
After issuance of the notice, Local 14 filed a motion for leave to file opening and reply briefs. Local 14 states that it intends to support appellant's position and seeks to file opening and reply briefs in the interest of economy and so as to allow respondent Education Support Employees Association (ESEA) to respond to any arguments it makes.

ESEA has filed an objection to the modification and an opposition to Local 14's motion. ESEA asserts that Local 14 did not file a notice of appeal and is therefore not an appellant. Neither is Local 14 a

respondent, it argues, because it does not "contend against the appeal;" instead, Local 14 seeks a reversal of the district court's order. Thus, appellant asks that the motion be denied and Local 14 be removed from the caption as a respondent.

Because Local 14 is not an appellant in this appeal, it may not file opening and reply briefs. See NRAP 28 (allowing an appellant to file opening and reply briefs and a respondent to file an answering brief). Accordingly, Local 14's motion is denied. Local 14 was a party to the district court proceedings and thus appears to be appropriately listed in this court's caption as a respondent. We thus decline to remove Local 14 from the caption of this appeal. Local 14 may file an answering brief conceding district court error, but may not seek to alter the judgment. See *Ford v. Showboat Operating Co.*, 110 Nev. 752, 755, 877 P.2d 546, 548 (1994) ("[A] respondent who seeks to alter the rights of the parties under a judgment must file a notice of cross-appeal.").

It is so ORDERED.

 C.J.

cc: Attorney General/Carson City
Attorney General/Las Vegas
Dyer, Lawrence, Penrose, Flaherty, Donaldson & Prunty
McCracken, Stemerman & Holsberry
Clark County School District Legal Department