

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

NOV 08 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING MOTION

We previously entered an order striking the answering brief of respondent International Brotherhood of Teamsters, Local 14, because it improperly presented arguments in support of altering the district court order challenged on appeal. Local 14 has now filed a motion to reconsider our order or, alternatively, for leave to file a brief of amicus curiae. Respondent Education Support Employees Association (ESEA) opposes the motion and Local 14 has filed a reply.

We decline to reconsider our previous order. Local 14 failed to file a notice of appeal and is thus designated a respondent in this appeal. As a respondent, Local 14 may "advance any argument in support of the judgment." *Ford v. Showboat Operating Co.*, 110 Nev. 752, 755, 877 P.2d 546, 548 (1994). But it may not file a brief that "seeks to alter the rights of the parties under [the] judgment." *Id.* A brief that contains argument in support of reversal of the district court order seeks to do just that. Contrary to Local 14's assertion, it will not be subject to sanctions for filing a brief

17-38437

that only concedes error as we specifically permitted such a brief in our previous order.

Local 14's motion for leave to file a brief of amicus curiae is also denied. As a party to this appeal, it is not appropriate for Local 14 to file such a brief. *See, e.g.,* Black's Law Dictionary (10th ed. 2014) (defining, in part, an amicus curiae as "[s]omeone who is not a party to a lawsuit.") Moreover, granting the motion would allow Local 14 to circumvent this court's previous order stating that Local 14 may not file a brief arguing in favor of reversal of the district court's order. The clerk shall detach the proposed brief of amicus curiae from the motion filed on September 15, 2017, and return it unfiled.

It is so ORDERED.

Cherry, 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