

Exhibit 7

Exhibit 7

1 This document does not contain the Social Security number of any person.

2 DATED this 23rd day of August, 2016.

3 NPRI CENTER FOR JUSTICE AND
4 CONSTITUTIONAL LITIGATION

5 BY: 

6 JOSEPH F. BECKER, ESQ.

7 Nevada State Bar No. 12178

8 NPRI CENTER FOR JUSTICE AND
9 CONSTITUTIONAL LITIGATION

10 75 Caliente Street

11 Reno, Nevada 89509-2807

12 Tel: (775) 636-7703

13 Fax: (775) 201-0225

14 cjcl@npri.org

15 Attorney for Petitioner

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

In response to Petitioner NPRI's July 6, 2016 Petition for Writ of Mandamus, on August 5, 2016, Respondents PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF NEVADA (hereinafter "PERS") and TINA M. LEISS (hereinafter "LEISS") filed a Motion to Dismiss Petition or, in the Alternative, to Strike the Petition and Exhibits, or in the Alternative, for More Definite Statement citing these legal bases to justify dismissal:

1. The Petition should be dismissed or stricken for failing to comply with procedural requirements for writ petitions.
2. NPRI should be required to provide a more definite statement in support of its Petition and requested relief.

II. INTRODUCTION

The Nevada Public Records Act ("NPRA") provides that *all* public books and public records of governmental entities must remain open to the public, unless "otherwise declared by law to be confidential." NRS 239.010(1). The Legislature has declared that the purpose of the NPRA is to further the democratic ideal of an accountable government by ensuring that public records are broadly accessible. NRS 239.001(1). Thus, the provisions of the NPRA are designed to promote government transparency and accountability.

In 2007, in order to better effectuate these purposes, the Legislature amended the NPRA to provide that its provisions must be liberally construed to maximize the public's right of access. NRS 239.001(1)-(2); 2007 Nev. Stat., ch. 435, § 2, at 2061. Conversely, any limitations or restrictions on the public's right of access must be narrowly construed. NRS 239.001(3); 2007 Nev. Stat., ch. 435, § 2, at 2061. In addition, the Legislature amended the NPRA to provide that if a state entity withholds records, it bears the burden of proving, by a preponderance of the evidence, that the records are confidential. NRS 239.0113; 2007 Nev. Stat., ch. 435, § 5, at 2062.

The Legislature hereby finds and declares that:

1. The purpose of this chapter is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law;

1 2. The provisions of this chapter *must be construed liberally* to carry out this
important purpose;

2 3. *Any* exemption, exception or balancing of interests *which limits or restricts access*
3 to public books and records by members of the public *must be construed narrowly*;
and

4 4. The use of private entities in the provision of public services must not deprive
5 members of the public access to inspect and copy books and records relating to the
6 provision of those services.

7 NRS 239.001 (*emphasis added*) (The Nevada Public Records Act).

8 The Nevada Supreme Court has “therefore established a framework for testing claims of
9 confidentiality under the backdrop of the NPRA’s declaration that its provisions ‘must be construed
10 liberally’ to facilitate access to public records, NRS 239.001(2), and that any restrictions on access ‘must
11 be construed narrowly.’ NRS 239.001(3).” *Reno Newspapers, Inc. v. Gibbons*, 266 P.3d 623, 628
12 (2011).

13 **III. ARGUMENT**

14 **A. This Court Has Already Decided the Petition is Sufficient.**

15 By the time counsel for PERS and LEISS raised allegations that NPRI’s Petition for Writ of
16 Mandamus was insufficient, this Court had already reviewed NPRI’s Petition and found that “Petitioners
17 have set forth issues of arguable merit and Respondents are ordered to file an answer.”
18 Order at p. 1.

19 This Court having already entered an order directing an answer, Respondents’ suggestion that
20 Petitioner failed to satisfy some procedural requirement is moot.

21 **B. NPRI’s Relief Requested is Sufficiently Specific.**

22 The PERS record sought by NPRI, with respect to this this lawsuit, is sufficiently specific.
23 NPRI seeks PERS “actuary report” as it has customarily done and been delivered from PERS to NPRI in
24 past years. The contents of that report are identified both in paragraph 14 of the Petition as well as
25 clearly stated in the “Prayer for Relief in NPRI’s Petition for Writ of Mandamus”:

- 26 1. Issuance of a writ of mandamus directing Respondents to provide Petitioner a
27 record of retiree name, payroll amount, date of retirement, years of service,
28 last employer, retirement type, original retirement amount, and COLA
increases.

1 C. NPRI's Affidavit is Sufficient as is but the Affidavit of Mr. Fellner is attached.

2 Respondents PERS and LEISS contend that the exhibits are information specific to Robert
3 Fellner, an employee of NPRI. However, counsel of record for NPRI is also an employee of NPRI,
4 Chief Legal Counsel for the non-profit institute, and has direct knowledge of the communications
5 between NPRI's employees and other entities, and of the contents therein.

6 Even if *arguendo*, affidavit was somehow deficient, Petitioner now attaches hereto, an affidavit
7 of Mr. Robert Fellner as Exhibit 1, the NPRI employee whose emails are attached as original exhibits to
8 the Petition.

9 IV. CONCLUSION

10 For all of the aforementioned reasons, Respondents PERS' and LEISS's Motion to Dismiss
11 Petition or, in the Alternative, to Strike the Petition and Exhibits, or in the Alternative, for More Definite
12 Statement must be denied and Respondents PERS and LEISS should be in compliance with this Court's
13 August 5, 2016 Order Directing Answer or, in the alternative, fulfill Petitioner NPRI's request for public
14 records and remit attorney's fees.

15 This document does not contain the Social Security number of any person.

16 DATED this 23rd day of August, 2016.

17 NPRI CENTER FOR JUSTICE AND
18 CONSTITUTIONAL LITIGATION

19 BY: 

20 JOSEPH F. BECKER, ESQ.
21 Nevada State Bar No. 12178
22 NPRI CENTER FOR JUSTICE AND
23 CONSTITUTIONAL LITIGATION
24 75 Caliente Street
25 Reno, Nevada 89509-2807
26 Tel: (775) 636-7703
27 Fax: (775) 201-0225
28 cjcl@npri.org

Attorney for Petitioner

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of NPRI CENTER FOR JUSTICE AND CONSTITUTIONAL LITIGATION and that on the 23rd day of August, 2016, I caused a true and correct copy of the foregoing Petitioner's Opposition to Respondents' Motion to Dismiss Petition Or, in the Alternative, to Strike the Petition and Exhibits, Or in the Alternative, for More Definite Statement, as follows:

☒ U.S. Mail – By depositing a true copy thereof in the U.S. mail, first-class postage prepaid and addressed as listed below:

Joshua J. Hicks, Esq.
Adam Hosmer-Henner, Esq.
McDonald Carano Wilson, LLP
100 West Liberty Street, 10th Floor
P.O. Box 2670
Reno, NV 89505

By: *Jennifer Spoo*
An employee of:
NPRI CENTER FOR JUSTICE AND
CONSTITUTIONAL LITIGATION

INDEX OF EXHIBITS

PAGE COUNT

EXHIBIT NO.

EXHIBIT DESCRIPTION

3

1

Affidavit of Robert Fellner

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1 Petition or, in the Alternative, to Strike the Petition and Exhibits, or in the Alternative, for More
2 Definite Statement.

3 4. I am over the age of eighteen (18) years. I have personal knowledge of the facts stated
4 within this Affidavit. If called as a witness, I would be competent to testify to these facts.

5 5. Based upon information and belief, among other things, NPRI maintains
6 **TransparentNevada.com**, a website dedicated to serving Nevada's public by providing transparency
7 as to state, county, and city governments' employee compensation data including but not limited to the
8 affairs of Respondent, PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF NEVADA (hereinafter
9 "PERS") under the Nevada Public Records Act (hereinafter "the NPRA").

10 6. On or about January 5, 2015, I, Robert Fellner, as an employee of NPRI, sent a request
11 to PERS for PERS' 2014 "actuary report," a report which is customarily known both by PERS and
12 NPRI to contain payment records of its retirees including retiree name, benefit payment amount, date of
13 retirement, years of service, last employer, retirement type, original retirement amount, and COLA
14 increases (all information which, for example, was contained in the 2013 "actuary report" as provided
15 to NPRI). See Exhibit 2 to Petition for Writ of Mandamus. I made that request so I could publish the
16 requested information to the TransparentNevada.com website, which is provided to the public as a free
17 service by NPRI. The website is also intended to be a resource for public sector administrators,
18 allowing easy comparisons across jurisdictions within the state for labor and other costs. Disclosure of
19 the PERS actuary reports of its retirees would serve to advance this important public purpose of
20 governmental transparency.

21 7. On January 9, 2015, I received an email from PERS with the 2014 "actuary report"
22 attached. However, no retiree names were part of the report thus making the list of payment amounts
23 largely meaningless.

24 8. I learned, however, through additional communications with PERS officials, that
25 sometime subsequent to a 2013 Nevada Supreme Court opinion mandating that PERS release its
26 "actuary report" to those then requesting it under the NPRA, PERS altered its recordkeeping
27 methodology to attach only social security numbers to retiree payment amounts as the sole payee
28 identifier, such that, when social security numbers are duly redacted (pursuant to the NPRA), the

1 remaining records contain only payment amounts with no indication as to which payee receives any of
2 those amounts.

3 9. I also learned, through communications with PERS officials, that PERS *does* maintain a
4 separate record associating each name with its respective social security number.

5 10. In an email to me on January 16, 2015, PERS states that a report, such as the one NPRI
6 requested, no longer exists, and that PERS is not required to create one. *See* Exhibit 2 to Petition for
7 Writ of Mandamus.

8 11. To be certain that PERS' post-PERS v. *Reno Newspapers Inc.* recordkeeping
9 methodology of excluding names from actuarial reports has not changed back to pre-2013 methodology,
10 in March 2016, I submitted a new request for the information detailed above, which was, again, met
11 with the same denial of anything other than nameless payment amounts. *See* Exhibit 3 to Petition for
12 Writ of Mandamus.

13 12. As of the date of this Affidavit, I have not received the requested information from
14 PERS.

15 FURTHER YOUR AFFIANT SAYETH NAUGHT.

16 Dated this 18th day of August, 2016.

17 
18 ROBERT FELLNER

19
20 Subscribed and Sworn to before me
21 on this 18 day of August, 2016.

22 
23 NOTARY PUBLIC

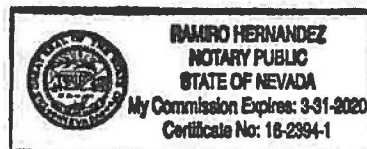


Exhibit 5

Exhibit 5

REC'D & FILED

2017 FEB -1 PM 1:09

SUSAN MERRILLIHER
CLERKBY:  DEPUTY

1 JOSEPH F. BECKER, ESQ.
2 Nevada State Bar No. 12178
3 NPRI CENTER FOR JUSTICE AND
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8 Fax: (775) 201-0225
9 Email: cjcl@npri.org

10 Attorney for Petitioner

11 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

12 **IN AND FOR CARSON CITY**

13 NEVADA POLICY RESEARCH INSTITUTE, INC.,

14 Petitioner,

15 vs.

16 PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF
17 NEVADA, a Public Agency; TINA M. LEISS, in her official
18 capacity as Executive Officer of the Public Employee Retirement
19 System of Nevada; STATE OF NEVADA;

20 Respondents.

Case No.: 16 OC 00161 1B

Dept. No. II

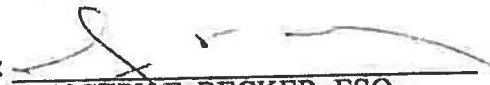
21 **NOTICE OF ENTRY OF ORDER**

22 PLEASE TAKE NOTICE that on the 24th day of January, 2017, the Court in the above-entitled
23 action entered an Order. A true and correct copy of that Order is attached hereto.

24 DATED this 30th day of January, 2017.

25 NPRI CENTER FOR JUSTICE AND
26 CONSTITUTIONAL LITIGATION

27 BY:

28 
JOSEPH F. BECKER, ESQ.
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REC'D & FILED

2017 JAN 24 PM 2:55

SUSAN MERRIWETHER
CLERK

BY SW DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

-000-

NEVADA POLICY RESEARCH
INSTITUTE, INC.,

Petitioner,

vs.

PUBLIC EMPLOYEES' RETIREMENT
SYSTEM OF NEVADA, a Public
Agency; TINA LEISS, in her official
capacity as Executive Officer of the
Public Employee Retirement System
of Nevada; STATE OF NEVADA,

Respondents.

CASE NO. 16 OC 00169 1B

DEPT. 2

ORDER GRANTING PETITION
FOR WRIT OF MANDAMUS

PROCEDURAL BACKGROUND

Nevada Policy Research Institute, Inc. (NPRI) filed a Petition for Writ of Mandamus seeking to compel Public Employees' Retirement System of Nevada (PERS) to produce information under the Nevada Public Records Act (NPRA).

ISSUES

Are the records NPRI requested confidential?

Does PERS have a duty to create a document that contains the requested information?

1 Do the alleged cybercrime risks posed by the disclosure of the requested
2 information outweigh the benefits?

3 If PERS is required to disclose the information is NPRI entitled to
4 attorney's fees and costs?
5

6 FACTS

7 In 2013 the Nevada Supreme Court decided *Public Employees'*
8 *Retirement System v. Reno Newspapers*, 129 A.O. 88, 313 P.3d 221
9 (2013)(*Reno Newspapers*). In that case Nevada Newspapers requested PERS
10 produce "the names of all individuals who are collecting pensions, the names of
11 their government employers, their salaries, their hire dates, and the amount of
12 their pension payments." *Id.* 222. PERS opposed the petition on grounds very
13 similar to those asserted in the present case. The district court concluded that
14 neither NRS 286.110(3) nor NRS 286.117 declared the requested information
15 confidential and the privacy concerns did not clearly outweigh the public's right
16 to disclosure, and ordered PERS to produce a report containing the requested
17 information. The Nevada Supreme Court concluded PERS had not identified any
18 statute, rule, or caselaw that would foreclose production of the requested
19 information and upheld the District court writ except for the portion of the order
20 which required PERS to create new documents or customized reports.
21

22 In the present case PERS' Operation Director Cheryl Price testified that as
23 a result of the *Reno Newspapers* decision PERS "possibly" eliminated retiree
24 names from the report it sends its actuary. This Court understood this testimony
25 to mean PERS eliminated retiree names from the report it sends its actuary in
26
27

1 part because of the *Reno Newspapers* decision. By eliminating retiree names
2 from the report for the actuary, PERS can respond to requests for information
3 that include a request for retiree names by stating no such document exists.

4 After PERS eliminated retiree names from the report it sends to its
5 actuary, NPRI requested PERS' FY 2014 Retiree Raw Data. PERS complied with
6 the request, but the FY 2014 Retiree Raw Data does not contain retiree names
7 because of the change PERS' made in its procedure after the *Reno Newspapers*
8 decision. Through email exchanges NPRI sought different ways of obtaining
9 information. On January 13, 2015 NPRI requested "reports or information that
10 could be provided that would contain the following pieces of information":
11 retiree name, years of service credit, gross pension benefit amount, year of
12 retirement, and last employer. Pet. for Writ of Mandamus, Ex. 2. Operations
13 Director Price responded that PERS did not have, and did not have a duty to
14 create, a report that contained the requested information. NPRI then filed its
15 Petition for Writ of Mandamus (Petition) to compel PERS to provide a record of
16 the information requested in the January 13, 2015 email referenced above, and
17 additional information, i.e., payroll amount, retirement type, and COLA
18 increases. Pet. for Writ of Mandamus, p. 6. NPRI did not request the additional
19 information in the January 13, 2015 email and therefore the request in the
20 Petition for that information is not proper because there was no specific denial
21 to produce that information.

24 PERS did not provide any evidence on the time or cost that would be
25 required to produce the requested information. Instead it focused on the time
26 and cost to match retiree names to the FY 2014 Retiree Raw Data.

GENERAL LEGAL PRINCIPLES

A writ of mandamus is available to compel the performance of an act the law requires as a duty resulting from an office or to control an arbitrary or capricious exercise of discretion. *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008).

Chapter 239 – Public Records

NRS 239.001 Legislative findings and declaration.

The Legislature hereby finds and declares that:

1. The purpose of this chapter is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law;
2. The provisions of this chapter must be construed liberally to carry out this important purpose;
3. Any exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public must be construed narrowly; ...

NRS 239.010(1) Public books and public records open to inspection

... unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records.

NRS 239.0113 Burden of proof where confidentiality of public book or record is at issue.

1 Except as otherwise provided in NRS 239.0115, if:

2 1. The confidentiality of a public book or
3 record, or a part thereof, is at issue in a judicial or
4 administrative proceeding; and

5 2. The governmental entity that has legal
6 custody or control of the public book or record
7 asserts that the public book or record, or a part
8 thereof, is confidential,

9 the governmental entity has the burden of proving by
10 a preponderance of the evidence that the public book
11 or record, or a part thereof, is confidential.

12 NRS 286.110(3) Public Employees' Retirement System : ... public
13 inspection of records; ...

14 ... records, other than the files of ... retired employees
15 are public records

16 NAC 239.867 No requirement to create public record that does
17 not exist.

18 If a person requests to inspect, copy or receive a copy
19 of a public record that does not exist, a records
20 official or an agency of the Executive Department is
21 not required to create a public record to satisfy the
22 request.

23 ANALYSIS

24 Are the records NPRI requested confidential?

25 As it did in *Reno Newspapers*, PERS argued NRS 286.110(3) and NRS
26 286.117 bar production of the requested information because it is confidential.
27 The information requested in this case is substantially similar to the information
28 requested in *Reno Newspapers*. This Court concludes, as the Supreme Court did
in *Reno Newspapers*, that PERS failed to cite any statute, rule, or case that bars

1 production of the information NPRI requested on grounds the information is
2 confidential.

3
4 **Does PERS have a duty to create a document that contains the**
5 **requested information?**

6 PERS cited NAC 239.867 to support its position that there is no duty to
7 create a document. NAC 239.867 provides:

8 No requirement to create public record that does not
9 exist.

10 (NRS 239.008, 378.255) If a person requests to
11 inspect, copy or receive a copy of a public record that
12 does not exist, a records official or an agency of the
Executive Department is not required to create a
public record to satisfy the request.

13 NAC 239.867 does not require an agency to create a public record, but
14 neither does it does bar an agency from creating a record. PERS quoted in part
15 Nevada Public Records Act: A Manual for State Agencies 2014 which states in
16 part: "An agency is not required to organize data to create a record that doesn't
17 exist at the time of the request." The part PERS left out from that sentence in the
18 Manual is: "but may do so at the discretion of the agency if doing so is
19 reasonable." PERS failure to indicate it was quoting only part of the sentence
20 seems a bit deceptive.

21
22 The *Reno Newspapers* Court did not cite NAC 239.867 but vacated the
23 district court's order to the extent is required PERS to create new documents or
24 customized reports by searching for and compiling information from
25 individuals' files or other records. But two years later in *Las Vegas Metro. Police*
26 *Dept. v. Blackjack Bonding, Inc.*, 131 Nev A.O. 10, 343 P.3d 608 (2015)
27 (*Blackjack*) the Court referenced *Reno Newspapers* and stated that case "did not
28

1 address the situation where an agency had technology to readily compile the
2 requested information. Instead, when an agency has a computer program that
3 can readily compile the requested information, the agency is not excused from
4 its duty to produce and disclose that information." Id. 613. (Internal citations
5 omitted.) The *Blackjack* Court did not discuss NAC 239.867.

6 NPRI tried to avoid the issue by arguing its request does not require
7 PERS to create new records because PERS produced a record with the requested
8 information in the past, and PERS would only need to collate data it already has.
9 The Court finds these arguments lack merit. The old report does not provide the
10 current information requested and collating documents would result in
11 something new and different than existed before – a new document.

12
13 Considering the purpose of the NPRA, to foster democratic principles by
14 providing members of the public with access to public books and records; the
15 legislative mandate that courts construe the NPRA liberally to carry out this
16 important purpose; the legislative mandate that any exemption, exception or
17 balancing of interests which limits or restricts access to public books and records
18 by members of the public must be construed narrowly; the lack of evidence that
19 producing the requested information, retiree name, years of service credit, gross
20 pension benefit amount, year of retirement, and last employer would require
21 unreasonable demands or costs on PERS; and the fact that PERS altered its
22 procedure in providing information to its actuary to eliminate the names of
23 retirees in part because of the *Reno Newspapers* decision, the court concludes
24 that PERS does have a duty to create a document that contains the requested
25 information.
26
27
28

1 **Do the alleged cybercrime risks posed by the disclosure of the**
2 **requested information outweigh the benefits?**

3 PERS' argument that the risk of cybercrime against retirees posed by
4 disclosure of the requested information outweigh the benefits, suffers from the
5 same fatal defect its argument had in *Reno Newspapers* – there is no convincing
6 evidence that the concerns are anything other than hypothetical and speculative.
7 The testimony provided by PERS did not limit the opinions to the information
8 requested in this case. Instead the opinions are based upon the inclusion of
9 information not requested by NPRI like sex, birth date, and address.

10 Like in *Reno Newspapers* PERS failed to provide sufficient evidentiary
11 support for its position that disclosure of the requested information would
12 actually cause harm or even increase the risk of harm to retired employees.
13

14
15 **If PERS is required to disclose the information is NPRI entitled to**
16 **attorney's fees and costs?**

17 Under NRS 230.011(2) if the requester prevails, the requester is entitled
18 to recover its costs and reasonable attorney's fees from the governmental entity
19 whose officer has custody of the records. NPRI has prevailed and is therefore
20 entitled to recover its costs and reasonable attorney's fees from PERS.
21

22 **CONCLUSIONS OF LAW**

23 The information NPRI requested is not confidential.
24

25 PERS does have a duty to create a document that contains for FY 2014,
26 retiree name, years of service credit, gross pension benefit amount, year of
27 retirement, and last employer.
28

1 The alleged cybercrime risks posed by the disclosure of the requested
2 information do not outweigh the benefits.

3 NPRI is entitled to attorney's fees and costs from PERS.

4 Any arguments of the parties not addressed in this order lack merit.
5

6 **ORDER**

7 **IT IS ORDERED:**

8 The Petition for Writ of Mandamus is granted.
9

10 PERS is ordered to produce the following information to NPRI within five
11 business days:

- 12 a) Retiree name;
- 13 b) Years of service credit;
- 14 c) Gross pension benefit amount;
- 15 d) Year of retirement; and
- 16 e) Last employer
17

18 NPRI will file a memorandum of costs and an affidavit for attorney's fees
19 that complies with FJDCR 15(13) within five business days.

20 Under NRS 239.052 PERS may charge a fee for providing a copy of the
21 ordered public record. The fee must not exceed the actual cost to PERS to
22 provide the copy of the public record.

23 January 23, 2016.

24 
25 District Judge
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the First
Judicial District Court of Nevada, that on this 24 day of January, 2017, I:

☒ deposited for mailing at Carson City, Nevada

Joshua Hicks, Esq.
Andrew Hosmer-Henner, Esq.
100 W. Liberty Street, 10th floor
Reno, NV 89505

Joseph Becker, Esq.
75 Caliente Street
Reno, NV 89509

- ☐ caused to be delivered by messenger service
☐ faxed to: Joseph F. Becker, Esq. 775-201-0225; and Joshua J.
Hicks, Esq. 775-788-2020

a true and correct copy of the above order.



Judicial Assistant

Joshua J. Hicks, Esq.
Nevada Bar No. 6679
Adam Hosmer-Henner, Esq.
Nevada Bar No. 12779
MCDONALD CARANO WILSON LLP
100 West Liberty Street, 10th Floor
Reno, NV 89501
775-788-2000 – phone
775-788-2020 – facsimile

Electronically Filed
Feb 24 2017 08:21 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Attorneys for Public Employees' Retirement
System of Nevada

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF NEVADA, Appellant, vs. NEVADA POLICY RESEARCH INSTITUTE, INC. Respondent.	Case No. 72274 ERRATA TO DOCKETING STATEMENT
--	--

Public Employees' Retirement System of Nevada hereby files this Errata to Docketing Statement to include file-stamped copies of Exhibit 5 and Exhibit 7 which inadvertently contained non file-stamped copies in the initial filing.

Dated this 23rd day of February, 2017.

MCDONALD CARANO WILSON LLP

By /s/ Adam Hosmer-Henner
Joshua J. Hicks, Esq. (NSBN 6679)
Adam Hosmer-Henner, Esq. (NSBN 12779)
100 W. Liberty Street, Tenth Floor
Reno, NV 89501

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of MCDONALD CARANO WILSON LLP and that on February 23, 2017, I served the forgoing on the parties in said case by placing a true copy thereof enclosed in sealed envelopes with postage prepaid thereon in the United States Post Office mail at 100 West Liberty Street, 10th Floor, Reno, Nevada 89501 addressed as follows:

Joseph Becker, Esq.
NPRI Center For Justice
And Constitutional Litigation
75 Caliente Street
Reno NV 89509-2807

In addition, a courtesy copy was mailed to the Settlement Judge addressed as follows:

Janet Chubb
Kaempfer Crowell
50 West Liberty Street, Suite 700
Reno, NV 89501

I am familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service.

The envelopes addressed to the above parties were sealed and placed for collection by the firm's messengers and will be deposited today with the United States Postal Service in the ordinary course of business.

I declare under penalty of perjury that the forgoing is true and correct.

Dated: February 23, 2017

/s/ Jill Nelson
Jill L. Nelson