

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS REVIEW-JOURNAL,

Appellant,

vs.

CITY OF HENDERSON,

Respondent.

Electronically Filed
Oct 30 2018 10:03 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 73287

DC Case No. A-16-747289-W

NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to Nev. R. App. P. 31(e), Appellant the Las Vegas Review-Journal (“Review-Journal”) hereby submits as supplemental authority the Court’s decision in *Clark County School District v. Las Vegas Review-Journal*, 134 Nev. Adv. Op. 84, 2018 WL 5307729 (Oct. 25, 2018).

1. *Legal proposition being supplemented: a local government entity’s internal regulations do not limit the NPRA (corresponding to pages 23-25 and 27-31 of the Review-Journal’s Opening Brief).*

In *Clark County School District v. Las Vegas Review-Journal*, the Review-Journal submitted a records request to the Clark County School District (“CCSD”) requesting, *inter alia*, public records pertaining to an internal investigation conducted by CCSD’s Office of Diversity and Affirmative Action (“ODAA”) into the alleged misconduct of CCSD School Board Trustee Kevin Child. After CCSD refused to produce the records, the Review-Journal petitioned the district court pursuant to Nev. Rev. Stat. § 239.011. The district court granted the Review-

Journal's amended public records petition, and CCSD appealed.

On appeal, CCSD argued in part that the ODAA records were confidential by law pursuant to CCSD's internal regulations. The Court rejected this argument, finding that CCSD's internal regulations did not limit the scope of the NPRA:

CCSD argues that its regulations are laws with legal effect under NRS 386.350 and, under those regulations, the documents that the district court ordered it to disclose are confidential by law. *See* NRS 386.350 ("Each board of trustees is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada...."). However, we have already indicated that such internal regulations do not limit the NPRA. Quite recently, in *Comstock Residents Association v. Lyon County Board of Commissioners*, 134 Nev. —, 414 P.3d 318, 322 (2018), we held that the NAC "do[es] not limit the reach of the NPRA, but merely establish[es] regulations for good records management practices of those local programs." . . . Under the rationale set forth in *Comstock Residents Association*, CCSD's regulations do not limit the scope of the NPRA. Rather, the regulations merely establish good records management practices for CCSD.

Clark Cty. Sch. Dist. v. Las Vegas Review-Journal, 134 Nev. Adv. Op. 84, 2018 WL 5307729, *3.

Respectfully submitted this 29th day of October, 2018.

/s/ Margaret A. McLetchie

Margaret A. McLetchie, Nevada Bar No. 10931

Alina M. Shell, Nevada Bar No. 11711

MCLETCHIE LAW

701 East Bridger Ave., Suite 520

Las Vegas, Nevada 89101

Telephone: (702) 728-5300

Fax: (702) 425-8220

Counsel for Appellant, Las Vegas Review-Journal

CERTIFICATE OF SERVICE

I certify that I am an employee of McLetchie Law and that on this 29th day of October, 2018 the NOTICE OF SUPPLEMENTAL AUTHORITY was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the Master Service List as follows:

Nicholas Vaskov, Brandon P. Kemble, and Brian R. Reeve
CITY OF HENDERSON'S ATTORNEY OFFICE
240 Water Street, MSC 144
Henderson, NV 89015

Dennis L. Kennedy, Sarah P. Harmon, and Kelly B. Stout
BAILEY KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, NV 89148

Counsel for Respondent City of Henderson

/s/ Pharan Burchfield
Employee, McLetchie Law