


IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,
Appellant,
vs.
LAS VEGAS REVIEW-JOURNAL,
Respondent.

No. 74604

FILED

OCT 18 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER GRANTING MOTION TO FILE AMICUS BRIEF, TO
ASSOCIATE COUNSEL, AND DENYING MOTION TO STRIKE
APPENDIX*

This is an appeal from an order granting respondent's petition for a writ of mandamus and directing appellant to produce reports of autopsies to the Las Vegas Review Journal.

Cause appearing, and having considered appellant's opposition, we grant the motion filed by Reporters Committee for the Freedom of the Press and 11 media organizations to file an amicus brief in support of respondent. See NRAP 29; *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997) (an amicus brief is appropriate where "the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide"). We direct the clerk of this court to detach the amicus brief from the motion filed August 21, 2018, and to file it separately.

Reporters Committee for the Freedom of the Press has also filed a motion to associate attorney Caitlin Veronica Vogus, Esq., pursuant to SCR 42. Attached to the motion to associate Ms. Vogus are a verified application, certificates of good standing from the District of Columbia Court of Appeals and the State Bar of Virginia, and a statement pursuant to SCR 42 from the State Bar of Nevada. The State Bar of Nevada's Rule 42

statement indicates that Ms. Vogus has not applied to appear in Nevada courts within the past 3 years. *See* SCR 42(6) (stating that repeated appearances by any person or firm pursuant to this rule shall be cause for denial of the motion).

Cause appearing, and despite appellant's opposition based on its objection to the amicus brief, we grant the motion to associate. SCR 42(8). Ms. Vogus shall be permitted to appear on behalf of amici curiae in this matter. Nevada attorney Kristen T. Gallagher of McDonald Carano LLP shall be responsible for all matters presented by Ms. Vogus in this appeal. *See* SCR 42(14) (requiring the Nevada attorney of record to be responsible for and actively participate in the representation of a client in these proceedings, and to be present at all matters in open court); NRAP 25(a)(5) (requiring all documents submitted to the supreme court for filing to include the original signature of at least one attorney of record who is an active member of the State Bar of Nevada); NRAP 46(a)(3) (requiring Nevada counsel to sign all briefs, be present during oral argument, and be responsible for all briefs and matters presented by foreign counsel).

Appellant has filed a motion to strike respondent's appendix and to stay briefing pending a decision on the motion to strike. Appellant objects to portions of legislative history of the Nevada Public Records Act in the appendix that were not filed in the district court. Respondent opposes the motion to strike and argues the documents are judicially noticeable. We agree the documents can be judicially noticed (*see Mack v. Estate of Mack*, 125 Nev. 80, 91, 206 P.3d 98, 106 (2009) ("[W]e may take judicial notice of facts that are '[c]apable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, so that the fact is

not subject to reasonable dispute.”) (*citing* Nev. Rev. Stat. § 47.130(2)(b))), and we deny the motion to strike.¹

Appellant’s alternative request for leave to file a reply brief of no more than 10,000 words based on responding to both respondent’s answering brief and the amicus brief is granted. NRAP 27(b), NRAP 32(a)(7). Appellant shall have 30 days from the date of this order to file and serve the reply brief. Failure to timely file a reply brief will be considered a waiver of the right to file a reply brief. NRAP 28(c).

It is so ORDERED.

, C.J.

cc: Clark County District Attorney/Civil Division
Marquis Aurbach Coffing
McLetchie Shell LLC
McDonald Carano LLP/Las Vegas
The Reporters Committee for Freedom of the Press

¹Appellant’s motion to stay briefing is denied as moot.