

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA
DEPARTMENT OF EMPLOYMENT,
TRAINING & REHABILITATION,
EMPLOYMENT SECURITY
DIVISION,

Appellant,

vs.

SIERRA NATIONAL
CORPORATION, doing business as
THE LOVE RANCH, a Nevada
Corporation,

Respondent.

Electronically Filed
Nov 12 2019 08:41 a.m.
Case No. 76639
Elizabeth A. Brown
Clerk of Supreme Court
District Case No. 17OC002221B

Appeal from First Judicial District Court, State of Nevada,
in and for Carson City

The Honorable James T. Russell

RESPONDENT'S OBJECTION

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Attorneys for Respondent

Respondent Sierra National Corporation, doing business as The Love Ranch (“The Love Ranch”) hereby submits this Objection pursuant to the Voluntary Disclosure filed by Justice Silver on October 30, 2019. The Love Ranch objects on the ground that Justice Silver’s participation in this matter would raise the appearance of impropriety. *See Liapis v. Dist. Ct.*, 128 Nev. 414, 419, 282 P.3d 733, 737 (2012) (noting that judicial recusals “may be required on the bases of a mere appearance of impropriety”) (quoting *DCH Health Services Corp. v. Waite*, 115 Cal. Rptr. 2d 847, 850 (2002)).

While The Love Ranch appreciates that Justice Silver has made a Voluntary Disclosure indicating that she believes she can be fair and impartial in this matter, this is outweighed by the pronounced appearance of impropriety that would arise from her participation in this matter. In this regard, it is critical to highlight the specific nature of this matter. This is an appeal from a Nevada Public Records Act (“NPRA”) proceeding in which The Love Ranch sought records to expose the systematically biased and arbitrary practices of Appellant Nevada Department of Employment, Training and Rehabilitation, Employment

Security Division (“DETR”). This matter also involves DETR’s abject failure to abide by its obligations under the NPRA. In short, several issues that have a direct bearing on DETR’s public image and responsiveness to the public are at the heart of this dispute.

Justice Silver has disclosed that her sister-in-law, Rosa Mendez, is the Public Information Officer for DETR. Ms. Mendez is not just some rank and file employee of DETR. Rather, Ms. Mendez bears responsibility for matters bearing on DETR’s public image and the information it provides to the public. Thus, if Justice Silver participates in this matter, then she would have rule on issues that directly impact her sister-in-law. Stated another way, although Justice Silver may be able to properly participate in the majority of appeals involving DETR, this particular appeal has too close of nexus to issues impacting Justice Silver’s sister-in-law. Accordingly, The Love Ranch respectfully requests that Justice Silver not participate in this matter.

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AFFIRMATION

The undersigned does hereby affirm that the preceding document
DOES NOT contain the Social Security Number or employer
identification number of any person or party.

DATED: November 12, 2019.

/s/ Anthony L. Hall
Anthony L. Hall, Esq.,
Ricardo N. Cordova, Esq.,
SIMONS HALL JOHNSTON PC
Attorneys for Respondent

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I electronically filed the forgoing **RESPONDENT'S OBJECTION** with the Clerk of Court for the Supreme Court of Nevada by using the Supreme Court of Nevada's E-filing system on November 12, 2019.

I further certify that all parties to this case are registered with the Supreme Court of Nevada's E-filing system, and that service has been accomplished to the following individual(s) through the Court's E-filing System:

Troy E. Jordan, Esq.
Division Sr. Legal Counsel
State of Nevada, DETR/ESD
500 East Third Street
Carson City, NV 89713

Dated this 12th day of November, 2019.

/s/ Jennifer L. Smith
Jennifer L. Smith