

FILED

AUG 17 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
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4 Las Vegas, NV 89101
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6 Attorney for Appellant

IN THE COURT OF APPEALS FOR THE STATE OF NEVADA

7 THOMAS KNICKMEYER,
8 Appellant,

No. 71372

9 vs.

10 STATE OF NEVADA, ex rel., EIGHTH
11 JUDICIAL DISTRICT COURT,
12 Respondent.

MOTION TO DISQUALIFY JUSTICE OF THE COURT OF
APPEALS

14 COMES NOW, the Appellant, THOMAS KNICKMEYER, by and
15 through his undersigned counsel, KIRK T. KENNEDY, ESQ., who files
16 this motion to disqualify the Honorable Justice Jerome T. Tao, a former
17 district court judge of the Eighth Judicial District Court, from hearing the
18 above-entitled appeal.

19 In support hereof, Appellant relies on the following points and
20 authorities.

21 Dated this 7th day of August, 2017

22 
23 KIRK T. KENNEDY, ESQ.
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Attorney for Appellant

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POINTS AND AUTHORITIES

1 The matter on appeal involves the resolution of certain claims made
2 by Appellant Knickmeyer against his former employer, the Respondent,
3 Eighth Judicial District Court. All briefing has been completed in this
4 matter and the case remains pending for hearing and decision.

5 On July 10, 2017, the Honorable Justice Abbi Silver voluntarily
6 recused herself from any further participation in this matter. Justice Silver
7 was a former district court judge for the Respondent.


8 Of the remaining Justices of the Court of Appeals, the Honorable
9 Justice Jerome T. Tao, was an employee of the Respondent as a district
10 court judge for the Eighth Judicial District Court from 2011-2016.
11 Appellant has no evidence that the Honorable Justice Tao had any prior
12 interaction or contact with the Appellant, while he was employed as a
13 deputy marshal for the district court. However, it is clear that both Justices
14 were formerly employed with the Respondent.

15 The Nevada Code of Judicial Conduct Rule 1.2 provides that a judge
16 should avoid the appearance of impropriety or impartiality at all times.
17 Under Rule 2.11, a judge should disqualify himself from any matter
18 wherein his impartiality might reasonably be questioned.

19 Appellant Knickmeyer has no evidence that the Honorable Justice
20 Tao has any knowledge or involvement with the underlying case.
21 However, the Appellant contends that under Rules 1.2 and 2.11, the
22 Honorable Justice should recuse himself from hearing this matter, given his
23 status as a former district court judge of the Respondent.

Appellant moves the Court to grant this motion and allow the recusal
of the Honorable Justice Tao from hearing this matter.

Dated this 7th day of August, 2017.


KIRK T. KENNEDY, ESQ.
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CERTIFICATE OF SERVICE

I hereby affirm that on this 7th day of August, 2017, I mailed via first
class U.S. Mail to the Respondent a copy of the foregoing at:

Office of the Attorney General
100 N. Carson St.
Carson City, NV 89701


Law Office of Kirk T. Kennedy