IN THE SUPREME COURT OF NEVADA

IN RE THE EXECUTION OF SEARCH WARRANTS FOR:12067 OAKLAND HILLS, LAS VEGAS, NEVADA, 89141; 54 CAROLINA CHERRY DRIVE, LAS VEGAS, NEVADA, 89141; 5608 QUIET CLOUD DRIVE, LAS VEGAS, NEVADA, 89141; AND 3321 ALCUDIA BAY AVENUE, LAS VEGAS, NEVADA, 89141	Electronically Filed Oct 03 2017 11:28 a.m. Elizabeth A. Brown Clerk of Supreme Court Supreme Court No.: 71536
LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Appellant, vs. LAURA ANDERSON, Respondent.	Appeal from the Eighth Judicial District Court, the Honorable Ronald J. Israel, presiding.

RESPONDENT'S ANSWERING BRIEF

Kathleen Bliss, Esq.
Nevada Bar No. 7606
Jason Hicks, Esq.
Nevada Bar No. 13149
KATHLEEN BLISS LAW PLLC
1070 W. Horizon Ridge Pkwy., Suite 202
Henderson, Nevada 89012
Tel.: 702-463-9074

Attorneys for Respondent Laura Anderson

NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that, to the best of her knowledge, there are no persons or entities as described in NRAP 26.1(a) that must be disclosed.

/s/ Kathleen Bliss

Kathleen Bliss, Esq.
Nevada Bar No. 7606
Jason Hicks, Esq.
Nevada Bar No. 13149
KATHLEEN BLISS LAW PLLC
1070 W. Horizon Ridge Pkwy., Suite 202
Henderson, Nevada 89012
Tel.: 702-463-9074

Attorneys for Respondent Laura Anderson

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATUTES

OTHER AUTHORITIES

I. INTRODUCTION

On or about May 18, 2015, the Las Vegas Metropolitan Police Department ("LVMPD) executed several search warrants on residential properties located in Las Vegas owned and/or occupied by Laura Anderson, Respondent herein ("Respondent" or "Ms. Anderson"). LVMPD seized a laundry list of items from these properties belonging to Respondent; it took nearly every valuable piece of property and cash Respondent owned, including her vehicles and work equipment. ER at 59-64 (Order on Return of Property with list of property).[1]

LVMPD then retained the property for more than 10 months, without bringing charges, all the while ignoring Respondent's repeated requests, made through counsel, for return of her property. Due to LVMPD's delayed retention without action and failure to respond to informal requests, Respondent was forced to file a motion for return of property on or about February 19, 2016; only then did LVMPD give attention to Respondent's demands for her property. LVMPD opposed the motion, without a legitimate basis, before eventually conceding on the morning of the hearing on the same that it had no basis to retain the property. It is important to note that: (1) no charges were ever brought against Respondent or anyone associated with her related to the underlying warrants; and (2) that

[1] LVMPD has submitted the entire record along with its opening brief therefore citations to the electronic record ("ER") herein refer to those included as volume 1 and 2 to the Opening Brief.

LVMPD, in total, retained the property for over one year, and to this day has still not returned other pieces of property despite being ordered to do so.

The district court granted Respondent's motion and ordered the return of all of her property on or about March 31, 2016. Respondent then filed a motion for attorney's fees which was granted on or about September 7, 2016, in the amount of $18,255. LVMPD now appeals that order.

II. STATEMENT OF THE ISSUE

Did the trial court commit reversible error in awarding Respondent, as the moving party in the district court action, her reasonable attorney's fees incurred as a result of being required to initiate litigation to recover personal property seized by the Las Vegas Metropolitan Police Department and held, without justification, for over one year?

III. STANDARD OF REVIEW

The decision whether to award attorney's fees lies within the discretion of the trial court and will only be overturned upon a showing of a "manifest abuse of discretion." *Clark Cty. v. Blanchard Const. Co.*, 98 Nev. 488, 492, 653 P.2d 1217, 1220 (1982); *Frantz v. Johnson*, 116 Nev. 455, 471, 999 P.2d 351, 361 (2000) (citations omitted).

/ / /

/ / /

IV. STATEMENT OF THE CASE AND PROCEDURE

On or about May 18, 2015, Judge Jerry Weiss approved search warrants for the following five residential properties: (1) 12607 Oakland Hills Drive, Las Vegas, Nevada, 89141; (2) 54 Carolina Cherry Drive, Las Vegas, Nevada, 89141; (3) 5608 Quiet Cloud Court, Las Vegas, Nevada, 89141; (4) 3321 Alcudia Bay Avenue, Las Vegas, Nevada, 89141; and (5) 5108 Masotta Avenue, Las Vegas, Nevada, 89141. Las Vegas Metropolitan Police Department ("LVMPD") detective Greg Flores obtained these warrants based upon his suspicion that the offense of Pandering and Living Off the Earnings of Prostitution, a violation of NRS 201.320, had been committed by Laura Anderson ("Ms. Anderson") and several others. The LVMPD executed these warrants the same day (May 18, 2015) and seized property belonging to Ms. Anderson including vehicles, jewelry, computers, tablets, cellular phones, cash, and various other personal items. LVMPD seized more than $50,000 in cash, alone, and the total value of all property seized *in addition to the cash* is well over $100,000. Respondent was forced to take out nearly $100,000 in loans to cover her various personal and business expenses, including to replace seized property, so that she would be able to continue working, while LVMPD sat on her property, doing nothing with it. To add further insult to injury, in its execution of these warrants, LVMPD officers busted out the windows of the homes, one of which was the residence of Respondent and her toddler, completely destroying

them in the process. LVMPD did not repair them, Ms. Anderson was never compensated for the damage, and was instead left to deal with LVMPD's mess herself.

At or about the time that the search warrants were executed at the above addresses, Notices of Intent to Seek Indictment, or *Marcum*[2] notices, were provided to the suspects.[3] During this timeframe, the undersigned counsel contacted Detective Flores, believed to be leading the investigation based upon the fact that his affidavit of probable cause was used to secure the warrants. Since the onset of the investigation, and up and until counsel's last conversation with Detective Flores on October 23, 2015, it was the undersigned's clear understanding from Detective Flores that neither Ms. Anderson nor any other shareholder of Libra Group, Inc., was a target subject to prosecution despite the *Marcum* notices. ER at 21-22 (Affidavit of Kathleen Bliss). This understanding was later confirmed through counsel for LVMPD through its exceedingly tardy concession to the relief requested. ER at 168-171 (transcript of hearing on Motion for Return of Property).

The undersigned contacted the District Attorney's Office and counsel for the LVMPD by way of letter on October 30, 2015, in an attempt to obtain the return of

---

[2] *Sheriff v Marcum*, 105 Nev. 824 (1989) requires that a defendant be given reasonable notice that he or she is the target of a grand jury investigation.

[3] The suspects were all shareholders of Libra Group, Inc.: Persha Stanley, Heather Herrera, Sarah Wedge, Kathleen Caldwell and Ms. Anderson.

Ms. Anderson's property without the necessity of the Court's intervention. ER at 34-35. That letter went unanswered. Counsel for Ms. Anderson made further attempts to resolve the matter without Court intervention through multiple phone calls and e-mails over the following months, which were likewise ignored.

After months of being ignored by LVMPD, all the while incurring additional debt, enduring further damage to her credit,[4] and otherwise struggling to replace the property held by LVMPD which was necessary in order for her to continue providing for her minor child and running her business, Ms. Anderson was forced to file a motion for return of property on February 19, 2016.

It was not until the morning of the March 31, 2016, hearing on Ms. Anderson's motion that the LVMPD, through its counsel Nick Crosby, informed counsel for Ms. Anderson, Kathleen Bliss, that the federal government was not actually investigating Ms. Anderson's case, which had been LVMPD's proffered justification for retention. This concession was made mere minutes before the hearing. At that point, LVMPD agreed to return the property, and this Court ordered it so. ER 168-170 (transcript of hearing on motion for return of property).

In total, LVMPD held Ms. Anderson's property for more than one year,

[4] Respondent financed several Mercedes-Benz luxury vehicles that were used in her business. Respondent fell behind on her payments after the vehicles were seized and was forced to take out loans to satisfy payments on vehicles that she could not use, for over ten months, because LVMPD was holding them without explanation or cause. *See* ER at 19-20 (Affidavit of Laura Anderson).

knowing it was not going to bring charges against her, ignored her attempts to obtain her property without the Court's intervention, and, when forced to respond to her Motion, justified its retention on its unsupported, legally impossible, and later admittedly false assertion that the federal government was investigating Ms. Anderson. This sequence of events highlights the overall unreasonableness of LVMPD's actions.

Adding more insult to injury, LVMPD then released Ms. Anderson's vehicle to a tow yard on April 27, 2016. Neither Ms. Anderson nor her counsel were informed. The tow yard then sent Ms. Anderson a letter dated May 9, 2016, informing her that she had an additional week to pick up her vehicle. Apparently, Ms. Anderson was supposed to pick up her vehicle within days after LVMPD's release. But, because Ms. Anderson did not receive notice from the tow yard for several weeks (and never received notice from LVMPD), her vehicle was re-impounded and she was forced to personally pay $760 to obtain it from the tow yard. The tow yard then filed a lien on Ms. Anderson's vehicle.

No one from LVMPD bothered to pick up the telephone or send an e-mail to her or to her counsel informing her of the release of her vehicle. This lack of communication was also in spite of defense counsel's multiple e-mails and telephone calls to counsel for LVMPD inquiring as to the status of the release of property. These e-mails and telephone calls went unanswered.

Finally, LVMPD still has not, to date, returned all of the property it seized and was court ordered to return. In fact, LVMPD *destroyed* some of Respondent's property without first obtaining a destruction order from the court and without *any* notice to her. In particular, Respondent (who has since relocated to Texas due, in part, to these events) maintained a Nevada license to cultivate marijuana for personal use. In connection with that license she owned heat lamps, CO2 tanks, pumps, portable air conditioning units, and other necessary equipment. *See* ER at 59-64 (Order granting Motion for Return of Property with list of property to be returned). The value of this unreturned and/or destroyed property, alone, exceeds $10,000. *See* ER at 19-20 (affidavit of Laura Anderson submitted in support of motion for return of property). Of course, LVMPD has never disputed these facts or done anything whatsoever to remedy the damage the department caused to Ms. Anderson.

The district court recognized the egregiousness of LVMPD's conduct and appropriately granted Ms. Anderson's request for reasonable attorney's fees in the amount of $18,255. ER at 157-58 (Order granting motion for attorney's fees). This Court should affirm that order and hold LMVPD accountable for the damage it has caused.

/ / /

/ / /

V. LEGAL ARGUMENT

A. The Trial Court's Award of Attorney's Fees Under NRS 18.010(2)(a) Was Proper.

Under Nevada law, a prevailing party is entitled to recover attorney's fees incurred in bringing suit in several instances, subject to the discretion of the trial court:

> 2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:
>
> (a) When the prevailing party has not recovered more than $20,000; or
>
> (b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.

NRS 18.010(2)(a),(b).

An award of attorney's fees lies exclusively within the wide discretion of the district court. *See Kahn v. Morse & Mowbray*, 121 Nev. 464, 117 P.3d 227, 238 (2005); *Schouweiler v. Yancey Co.*, 101 Nev. 827, 833-34, 712 P.2d 786, 790 (1989). The method upon which a reasonable fee is determined is subject to the discretion of the court, which is tempered by reason and fairness. *Univ. of Nevada v. Tarkanian*, 110 Nev. 581, 879 P.2d 1180 (1994).

In this instance, the trial court exercised its discretion and awarded Respondent $18,225 in fees. LVMPD does not contest the reasonableness of the fees on appeal, thereby conceding that counsel satisfied the *Brunzell* factors. *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 349 (1969) (setting forth factors required to justify award of attorney's fees). Rather, LVMPD's only argument against the fee award is that Respondent has not "recovered less than $20,000" and is therefore not a "prevailing party" entitled to an award under NRS 18.010(2)(a).

However, this Court has held repeatedly that "[a] party can prevail under NRS 18.010 'if it succeeds on any significant issue in litigation which achieves some of the benefit it sought in bringing suit.'" *Valley Elec. Ass'n v. Overfield*, 121 Nev. 7, 10, 106 P.3d 1198, 1200 (2005) (*quoting Women's Federal S & L Ass'n v. Nevada Nat. Bank*, 623 F.Supp. 469, 470 (1985)). Respondent initiated this lawsuit for the express purpose of recovering her property, and, as set forth above, she succeeded in recovering cash, the return of luxury vehicles, computers, tablets, cell

phones, jewelry, and other personal belongings. Thus, she succeeded in a "significant issue" in the underlying litigation which achieved "some of the benefit [she] sought in bringing suit." *Valley Elec. Ass'n*, 121 Nev. at 10. And, because she also recovered cash, the judgment was monetary in nature. *Id*. ("Further, the judgment must be monetary in nature.") (*citing Smith v. Crown Financial Services*, 111 Nev. 277, 285, 890 P.2d 769, 774 (1995)). Thus, Respondent was a "prevailing party" as contemplated NRS 18.010. Keeping in mind the great deference given to a trial court's exercise of discretion in awarding fees, this Court should affirm the award under NRS 18.010(2)(a).

B. Even if the Court Disagrees it May Affirm the Award of Fees Under NRS 18.010(2)(b).

If this Court is inclined to agree with LVMPD's position that a "money judgment" is required in order to award attorney's fees under NRS 18.010(2)(a), and that the return of cash does not qualify as a money judgment, it may nevertheless affirm, in the alternative, the award of attorney's fees under NRS 18.010(2)(b). This Court has repeatedly held that "[i]f a judgment or order of a trial court reaches the right result, although it is based on an incorrect ground, the judgment or order **will be** affirmed on appeal." *Wyatt v. State*, 86 Nev. 294, 298–99, 468 P.2d 338, 341 (1970) (emphasis added); *citing Conley v. Chedic*, 6 Nev. 222 (1870); *Jumbo Mining Co. of Goldfield v. District Court*, 28 Nev. 253, 81 P. 153 (1905); *Edmonds v. Perry*, 62 Nev. 41, 140 P.2d 566 (1943); *Ormachea v.*

Ormachea, 67 Nev. 273, 295, 217 P.2d 355, 366 (1950) ("[I]f the trial court's conclusion is proper on any theory, and is sustained by the findings and evidence, it is the duty of this court to affirm.").

The Court's directive that, when an alternate ground for affirmance exists, a trial court's decision "will be" affirmed illustrates two important principles. First, that it is appropriate to defer to a trial court's proper exercise of discretion if at all possible by permitting a reviewing court to affirm if an alternate ground is presented anywhere in the record. Second, in this particular instance, it serves to recognize the legislative intent backing NRS 18.010(2)(b), codified in the statute itself, which directs in no uncertain terms that, "[t]he court **shall liberally construe** the provisions of this paragraph in favor of awarding attorney's fees **in all appropriate situations**. **It is the intent of the Legislature that the court award attorney's fees** pursuant to this paragraph . . . **in all appropriate situations** to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public." NRS 18.010(2)(b) (emphasis added).

An alternative ground for affirmance under subsection (2)(b) was presented to the trial court in this matter. *See* ER at 66-67 (motion for attorney's fees); ER at

103-110 (reply in support of motion for attorney's fees); ER at 172-184 (transcript of hearing on motion for attorney's fees). That is, that LVMPD's opposition was groundless, unreasonable, and without support. However, the trial court apparently did not feel the need to even reach subsection (2)(b) as it decided the motion under (2)(a).

NRS 18.010(2)(b) allows an award of fees where, as here, the opposing party has alleged a groundless claim that is not supported by credible evidence. *See Frantz v. Johnson*, 116 Nev. 455, 472, 999 P.2d 351, 362 (2000); *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 996, 860 P.2d 720, 724 (1993) (A claim or defense is groundless if it is unsupported by any credible evidence) (*citing Western United Realty, Inc. v. Isaacs*, 679 P.2d 1063, 1069 (Colo. 1984). "To the extent that a claim is fraudulent, it must also be groundless [within the meaning of NRS 18.010(2)(a)]. Therefore, a district court may award attorney's fees for defense of a fraudulent claim." *Allianz Ins. Co.*, 109 Nev. at 996.

LVMPD's proffered basis for retaining Respondent's property and steadfastly refusing to return it, even after litigation was commenced, was, at all times, highly unreasonable. The original Motion for Return of Property was made and based upon NRS 179.085, and in particular subsection (e), which directs the return of seized property when "[r]etention of the property by law enforcement is not reasonable under the totality of the circumstances." In its opposition to that motion, LVMPD

maintained as justification for its actions that the **State's** then ten-month (and counting) retention of Ms. Anderson's property was reasonable because it was **possible** that the **federal** government was investigating her case. *See* ER at 37-43 (LVMPD Opposition to Motion for Return of Property). LVMPD provided zero evidence for this bare assertion, failing to back up its claim with a single shred of support; it did not even submit an affidavit from a federal **or** state law enforcement agency stating the same. Rather, it was a bare assertion by counsel for LVMPD, and, quite literally, nothing more. Notably, LVMPD never claimed that it was still investigating Ms. Anderson, thereby conceding that it was not.

While maintaining, without proof, that the federal government might have been investigating Ms. Anderson, LVMPD completely ignored the legal impossibility of its claim.[5] As set forth in Ms. Anderson's Reply in support of her Motion, this contention had no legal basis because: (1) federal law requires that "[i]n a case in which the property is seized by a State or local law enforcement agency and turned over to a Federal law enforcement agency for the purpose of forfeiture under Federal law, notice shall be sent not more than **90 days after the date of seizure** by the State or local law enforcement agency." 18 U.S.C. §

[5] And, in implicitly maintaining that the State has *carte blanche* to act as an unrestricted proxy for the federal government (when the federal government has not obtained a warrant, convened a grand jury, indicted an individual, or done anything else), LVMPD also ignored the implication that its position would have on issues of comity and the Fourth Amendment.

983(a)(1)(A)(iv)(emphasis added); (2) while at one point federal authorities were able to adopt seizures by state and local law enforcement agencies for purposes of later initiating federal forfeiture proceedings, former Attorney General Eric Holder issued an executive order on January 16, 2015 (months before LVMPD's seizure of Ms. Anderson's property), prohibiting this practice unless the seizure was either effected pursuant to a federal warrant, seized in tandem with federal authorities, or the property directly related to public safety concerns, such as firearms, ammunition, explosives, and child pornography; and **none of these were the case here**; and (3) that executive order specifically lists "vehicles, valuables, and cash" (the very items at issue here) as items that are subject to its prohibition on federal adoption of property seized solely by state or local law enforcement. *See* ER 55-56 (Holder Executive Order); ER at 47-53 (Reply in Support of Motion for Return of Property). The purported investigation was not conducted by a joint state and federal task force; at no time has LVMPD alleged as much. Thus, the applicable law clearly and explicitly forbid the precise basis LVMPD advanced for its retention of the property. This background information is important for this Court's consideration as it demonstrates the extent to which LVMPD's position was lacking in **any** legal justification and illustrates how grossly unreasonable LVMPD's conduct was. LVMPD did not dispute these arguments, nor could it as the law is plain. Nevertheless, it steadfastly opposed return of property, and now opposes

Respondent's request for payment of her legal fees incurred as a direct result of its obstinance.

More importantly, LVMPD has cited no authority for its argument that it is permitted to retain property seized pursuant to a state court warrant and hold it indefinitely on behalf of federal authorities who may or may not bring charges. This is a patent violation of the Fourth Amendment and offends basic notions of comity between the state and federal governments.

LVMPD's assertion stance that it was holding property for the federal authorities does not make its actions any more reasonable, and this vague assertion does nothing to satisfy LVMPD's obligation to demonstrate reasonableness under NRS 179.085(1)(e). To the contrary, this argument simply reinforced Ms. Anderson's contention that the prolonged retention of her property became unreasonable. As stated previously, upon information and belief, the investigation was not a joint federal-state investigation, and was not conducted by a joint task force. The federal authorities had absolutely no role in the investigation of Ms. Anderson and did not participate whatsoever in the seizure of her property. Thus, the State had no legal justification for acting as a proxy for the federal government in retaining property when it had no intention of bringing charges. Because LVMPD's position was neither supported by fact or by law, it follows that its opposition was groundless within the meaning of Nevada statutory and case law,

and that its conduct was patently unreasonable within the meaning of NRS 18.010(2)(b).

Ms. Anderson, a single mother and self-employed businesswoman, was stripped of her personal and professional belongings by LVMPD. She was provided no notice and had no opportunity to be heard beforehand. She was unable to continue in her business affairs without taking out loans, going into debt, and incurring damage to her credit. Ms. Anderson was then required to self-fund her litigation expenses and costs in seeking the return of her own property, which was wrongfully held, and retained for an entirely unreasonable length of time. Holding LVMPD accountable for its unreasonable conduct by ordering it to pay for Ms. Anderson's legal fees appeals to equity and is in harmony with the spirit of the statute, which provides that courts "**shall liberally** construe" the provision, as doing so is in line with the Legislature's intent. NRS 18.010(2)(b)(emphasis added).

C. If the Court Declines to Affirm the Award it Should Remand to the District Court for Consideration Under Subsection (2)(b).

As stated above, the district court affirmed the award under subsection (2)(a), meaning it had no occasion to reach or consider subsection (2)(b). If this Court is disinclined to affirm the district court's award made under (2)(a), and does not wish to affirm under (2)(b), then Respondent requests that the Court remand this matter with instructions for the district court to consider the arguments

advanced under subsection (2)(b).

VI. CONCLUSION

For the reasons stated above, Respondent Laura Anderson requests that this Court affirm the trial court's award of reasonable attorney's fees under NRS 18.010(2)(a). In the alternative, Respondent requests that the Court affirm the award under the alternative ground, NRS 18.010(2)(b), because LVMPD's position was unreasonable, groundless, and wholly unsupported by a single shred of evidence. This Court may affirm on any ground supported by the record, and it is submitted that doing so in this instance would conform with the Legislature's express directive that trial courts shall liberally award fees in instances where a party's position is unsupported and unreasonable. Finally, should the Court decline to affirm, Respondent requests that it remand this matter to the district court so that the trial judge may consider the request under NRS 18.010(2)(b).

Dated this 2nd day of October 2017.

Respectfully submitted,

/s/ Kathleen Bliss

Kathleen Bliss, Esq.
Nevada Bar No. 7606
Jason Hicks, Esq.
Nevada Bar No. 13149
KATHLEEN BLISS LAW PLLC
1070 W. Horizon Ridge Pkwy., Suite 202
Henderson, Nevada 89012
Tel.: 702-463-9074
Attorneys for Respondent

CERTIFICATE OF COMPLIANCE

Pursuant to NRAP 28.2, I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point font size and Times New Roman.

I further certify that this brief complies with the page or type volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it does not exceed 30 pages.

Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found.

Dated this 2nd day of October 2017.

Respectfully submitted,

/s/ Kathleen Bliss
Kathleen Bliss, Esq.
Nevada Bar No. 7606
Jason Hicks, Esq.

Nevada Bar No. 13149
KATHLEEN BLISS LAW PLLC
1070 W. Horizon Ridge Pkwy., Suite 202
Henderson, Nevada 89012

CERTIFICATE OF SERVICE

I certify that the foregoing **RESPONDENT'S ANSWERING BRIEF** was filed electronically with the Nevada Supreme Court on this 2nd day of October, 2017. Electronic service of the foregoing document shall be made in accordance with the Master Service List upon:

Nick D. Crosby, Esq.
Marquis Aurbach Coffing
10001 Park Run Dr.
Las Vegas, NV 89145
ncrosby@maclaw.com
Attorneys for Las Vegas Metropolitan Police Department

Dated this 2nd day of October, 2017.

/s/ Jason Hicks
Jason Hicks, Esq.