

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOBBY LEN FRANKLIN,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIMOTHY C. WILLIAMS, DISTRICT
JUDGE,

Respondents,

and

WILLIAM R. URGAS; D.J. LAUGHLIN,
D/B/A BWD PROPERTIES 2, LLC, BWD
PROPERTIES 3, LLC, BWD
PROPERTIES 4, LLC; AND SHELLEY
YOUNG, STATE BAR OF NEVADA,

Real Parties in Interest.

No. 77825

FILED

APR 29 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION

This is an original petition for a writ of mandamus. This matter was transferred to the court of appeals on January 11, 2019. Thereafter, petitioner filed a motion to disqualify Judge Tao, and the motion was transferred to this court for resolution. NRS 1.225(4). Petitioner challenges Judge Tao's participation based on his assertion that Judge Tao "may" have a conflict of interest or bias against petitioner based on Judge Tao's employment with former Senator Reid from 1999 to 2001. Petitioner asserts that during this time period, Senator Reid was brokering a deal to sell 9,000 acres of land, including 80 acres that petitioner claims title to.

It is incumbent upon a party seeking disqualification based on actual or implied bias to articulate sufficient facts and grounds demonstrating that disqualification is required. *See* NRS 1.225(4); *see also*

Towbin Dodge LLC v. Eighth Judicial Dist. Court, 121 Nev. 251, 260, 112 P.3d 1063, 1069 (2005) (providing that a disqualification motion must set forth facts and reasons sufficient to cause a reasonable person to question the judge's impartiality); *Goldman v. Bryan*, 104 Nev. 644, 649, 764 P.2d 1296, 1299 (1988), *abrogated on other grounds by Halverson v. Hardcastle*, 123 Nev. 245, 163 P.3d 428 (2007) (providing that "the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification"). Petitioner's speculative allegations of bias are insufficient to support Judge Tao's disqualification. *See State v. Logan*, 689 P.2d 778, 783-84 (Kan. 1984) (providing that where no factual grounds are alleged in support of an opinion or belief that bias exists, the challenge states no legally cognizable ground for disqualification). Accordingly, this court

ORDERS the motion DENIED.

J. Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Bobby Len Franklin
Parsons Behle & Latimer/Reno