

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

MICHAEL WHITFIELD,

Petitioner,

vs.

NEVADA STATE PERSONNEL
COMMISSION, STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION,
LORNA WARD, APPEALS OFFICER, and
DEPARTMENT OF CORRECTIONS, as
Employer,

Respondents.

Electronically Filed
Oct 23 2019 09:20 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Sup. Ct. Case No. 79718
Case No. CV19-00641
Dept. 1

RECORD ON APPEAL

VOLUME 1 OF 4

APPEAL INDEX

CASE HISTORY

CERTIFICATE OF CLERK

APPELLANT

Michael Whitfield
P.O. Box 18421
Reno, Nevada 89511

RESPONDENT

Kevin A. Pick, Esq. SBN 11683
Office of the Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
Attorney for: Nevada State Personnel
Commission, State of Nevada Department
of Administration, Lorna Ward, Appeals
Officer and Department of Corrections.

APPEAL INDEX
 SUPREME COURT NO: 79718
 DISTRICT CASE NO: CV19-00641
 MICHAEL WHITFIELD vs NEVADA STATE PERSONNEL COMMISSION ETAL
 DATE: OCTOBER 23, 2019

PLEADING	DATE FILED	VOL.	PAGE NO.
AMENDED PETITION FOR JUDICIAL REVIEW	04-08-19	2	45-47
CASE APPEAL STATEMENT	09-23-19	2	178-180
CASE APPEAL STATEMENT	09-23-19	2	181-183
CASE APPEAL STATEMENT	09-25-19	2	195-196
CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL	09-25-19	2	197
CERTIFICATION OF TRANSMITTAL	04-24-19	2	72-73
MOTION FOR EXTENSION OF TIME	05-09-19	2	80-83
MOTION FOR RECONSIDERATION	07-02-19	2	117-121
MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW	04-04-19	2	22-42
NOTICE OF APPEAL	09-23-19	2	188-190
NOTICE OF ENTRY OF ORDER	06-24-19	2	104-114
NOTICE OF ENTRY OF ORDER	09-17-19	2	166-175
OPPOSITION TO MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW	04-09-19	2	50-53
OPPOSITION TO PETITIONER’S MOTION FOR RECONSIDERATION	07-11-19	2	124-132
ORDER DENYING MOTION FOR RECONSIDERATION	09-17-19	2	158-163
ORDER FOR BRIEFING SCHEDULE	03-27-19	2	3-5
ORDER GRANTING MOTION FOR EXTENSION OF TIME	06-06-19	2	90-92
ORDER GRANTING MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW	06-24-19	2	95-101
PETITION FOR JUDICIAL REVIEW	03-20-19	2	1-2
PETITIONER’S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW	05-08-19	4	389-476
RECORD ON APPEAL IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT (CHAPTER 233B OF NRS)	04-24-19	3, 4	1-388
REPLY IN SUPPORT OF MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW	04-12-19	2	56-63
REPLY TO OPPOSITION TO PETITIONER’S MOTION FOR RECONSIDERATION	07-16-19	2	135-150

APPEAL INDEX
 SUPREME COURT NO: 79718
 DISTRICT CASE NO: CV19-00641
 MICHAEL WHITFIELD vs NEVADA STATE PERSONNEL COMMISSION ETAL
 DATE: OCTOBER 23, 2019

PLEADING	DATE FILED	VOL.	PAGE NO.
REQUEST FOR SUBMISSION	04-12-19	2	64-65
REQUEST FOR SUBMISSION	05-29-19	2	86-87
REQUEST FOR SUBMISSION	07-19-19	2	153-155
RETURN OF NEF	03-27-19	2	6-7
RETURN OF NEF	03-27-19	2	15-16
RETURN OF NEF	04-04-19	2	20-21
RETURN OF NEF	04-04-19	2	43-44
RETURN OF NEF	04-08-19	2	48-49
RETURN OF NEF	04-09-19	2	54-55
RETURN OF NEF	04-12-19	2	66-67
RETURN OF NEF	04-12-19	2	68-69
RETURN OF NEF	04-24-19	2	74-76
RETURN OF NEF	05-08-19	2	77-79
RETURN OF NEF	05-09-19	2	84-85
RETURN OF NEF	05-29-19	2	88-89
RETURN OF NEF	06-06-19	2	93-94
RETURN OF NEF	06-24-19	2	102-103
RETURN OF NEF	06-24-19	2	115-116
RETURN OF NEF	07-02-19	2	122-123
RETURN OF NEF	07-11-19	2	133-134
RETURN OF NEF	07-16-19	2	151-152
RETURN OF NEF	07-19-19	2	156-157
RETURN OF NEF	09-17-19	2	164-165
RETURN OF NEF	09-17-19	2	176-177
RETURN OF NEF	09-23-19	2	184-185
RETURN OF NEF	09-23-19	2	186-187

APPEAL INDEX
 SUPREME COURT NO: 79718
 DISTRICT CASE NO: CV19-00641
 MICHAEL WHITFIELD vs NEVADA STATE PERSONNEL COMMISSION ETAL
 DATE: OCTOBER 23, 2019

PLEADING	DATE FILED	VOL.	PAGE NO.
RETURN OF NEF	09-23-19	2	191-192
RETURN OF NEF	09-25-19	2	193-194
RETURN OF NEF	09-25-19	2	198-199
RETURN OF NEF	10-03-19	2	201-202
RETURN OF NEF	10-16-19	2	205-206
STATEMENT OF INTENT TO PARTICIPATE IN PETITION FOR JUDICIAL REVIEW	04-04-19	2	17-19
SUMMONS	03-27-19	2	8-10
SUMMONS	03-27-19	2	11-12
SUMMONS	03-27-19	2	13-14
SUPREME COURT ORDER DIRECTING TRANSMISSION OF RECORD	10-16-19	2	203-204
SUPREME COURT RECEIPT FOR DOCUMENTS	10-03-19	2	200
TRANSMITTAL OF RECORD ON APPEAL	04-24-19	2	70-71

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CV19-00641

DEPT. D1

HON. KATHLEEN DRAKULICH

Report Date & Time

10/23/2019

9:15:30AM

Case Description: IN RE: MICHAEL WHITFIELD (D1)

Case ID: CV19-00641 **Case Type:** OTHER JUDICIAL REVIEW/APPEAL **Initial Filing Date:** 3/20/2019

Parties

PETR	MICHAEL WHITFIELD - @189487
RESP	JAMES DZURENDA, NDOC - @1325667
RESP	NEVADA STATE PERSONNEL COMMISSION - @64452
AG	Kevin A. Pick, Esq. - 11683

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1 D1	Request for Submission	4/12/2019	11:25:00	6/24/2019
Event Extra Text: RESPONDENT'S MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW FILED 4-4-19		Disposition: S200 6/24/2019 RESPONDENT'S MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW FILED 4-4-19 (SEE ORDER FILED 6/24/19)		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2 D1	Request for Submission	5/29/2019	13:32:00	6/6/2019
Event Extra Text: RESPONDENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME FILED 5--9-19		Disposition: S200 6/6/2019 RESPONDENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME FILED 5--9-19 (SEE ORDER FILED 6/6/19)		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3 D1	Request for Submission	7/19/2019	10:36:00	9/17/2019
Event Extra Text: MOTION FOR RECONSIDERATION (NO ORDER)		Disposition: S200 9/17/2019 MOTION FOR RECONSIDERATION (SEE ORDER FILED 9/17/19)		

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
SC	Supreme Court	SCN 79718

Case Description: IN RE: MICHAEL WHITFIELD (D1)

Case ID: CV19-00641 Case Type: OTHER JUDICIAL REVIEW/APPEAL Initial Filing Date: 3/20/2019

		Actions	
Action Entry Date	Code	Code Description	Text
3/20/2019	\$3550	\$Pet for Judicial Review	PETITION FOR JUDICIAL REVIEW - Transaction 7177318 - Approved By: YVILORIA : 03-21-2019:08:10:44
3/21/2019	4090	** Summons Issued	
3/21/2019	PAYRC	**Payment Received	A Payment of \$260.00 was made on receipt DCDC633708.
3/22/2019	4090	** Summons Issued	X 3
3/27/2019	4085	Summons Filed	NV HUMAN RESOURCE MGMT - DIANA HERRERA 03/25/2019 - Transaction 7187548 - Approved By: SACOF
3/27/2019	NEF	Proof of Electronic Service	Transaction 7187155 - Approved By: NOREVIEW : 03-27-2019:09:40:45
3/27/2019	2880	Ord for Briefing Schedule	Transaction 7187149 - Approved By: NOREVIEW : 03-27-2019:09:39:44
3/27/2019	4085	Summons Filed	STATE OF NV DEPT OF ADMIN/HEARINGS DIV - TASHA EATON 03/25/2019 - Transaction 7187548 - Approve
3/27/2019	NEF	Proof of Electronic Service	Transaction 7187564 - Approved By: NOREVIEW : 03-27-2019:11:20:40
3/27/2019	4085	Summons Filed	JAMES DZURENDA/NDOC DIRECTOR 03/26/2019 - Transaction 7187548 - Approved By: SACORDAG : 03-2
4/4/2019	3960	Statement Intent Participate	STATEMENT OF INTENT TO PARTICIPATE IN PETITION FOR JUDICIAL REVIEW - Transaction 7201586 - Ap
4/4/2019	NEF	Proof of Electronic Service	Transaction 7201609 - Approved By: NOREVIEW : 04-04-2019:11:22:18
4/4/2019	2315	Mtn to Dismiss ...	MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW - Transaction 7202421 - Approved By: YVILORIA : 0
4/4/2019	NEF	Proof of Electronic Service	Transaction 7202841 - Approved By: NOREVIEW : 04-04-2019:16:15:59
4/8/2019	1110	Amended Pet ...	AMENDED PETITION FOR JUDICIAL REVIEW - Transaction 7207153 - Approved By: YVILORIA : 04-08-2019:
4/8/2019	NEF	Proof of Electronic Service	Transaction 7207309 - Approved By: NOREVIEW : 04-08-2019:15:47:16
4/9/2019	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW - Transaction 7208163 - Approvec
4/9/2019	NEF	Proof of Electronic Service	Transaction 7208252 - Approved By: NOREVIEW : 04-09-2019:10:12:37
4/12/2019	3795	Reply...	REPLY IN SUPPORT OF MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW - Transaction 7216036 - A
4/12/2019	3860	Request for Submission	REQUEST FOR SUBMISSION - Transaction 7216043 - Approved By: YVILORIA : 04-12-2019:11:23:28
4/12/2019	NEF	Proof of Electronic Service	Transaction 7216073 - Approved By: NOREVIEW : 04-12-2019:11:23:56
4/12/2019	NEF	Proof of Electronic Service	Transaction 7216082 - Approved By: NOREVIEW : 04-12-2019:11:24:54
4/24/2019	3746	Record on Appeal	* SEALED * ORIGINAL RECORD ON APPEAL IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PRC
4/24/2019	4195	Transmittal of Rec. on Appeal	TRANSMITTAL OF RECORD ON APPEAL - Transaction 7235572 - Approved By: YVILORIA : 04-24-2019:11:34
4/24/2019	1365	Certificate of Transmittal	CERTIFICATION OF TRANSMITTAL - Transaction 7235572 - Approved By: YVILORIA : 04-24-2019:11:34:59
4/24/2019	NEF	Proof of Electronic Service	Transaction 7235596 - Approved By: NOREVIEW : 04-24-2019:11:35:58
5/8/2019	1520	Declaration	* SEALED EXHIBIT * PETITIONER'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW -
5/8/2019	NEF	Proof of Electronic Service	Transaction 7258743 - Approved By: NOREVIEW : 05-08-2019:08:21:44
5/9/2019	2075	Mtn for Extension of Time	MOTION FOR EXTENSION OF TIME - Transaction 7261369 - Approved By: YVILORIA : 05-09-2019:09:36:44
5/9/2019	NEF	Proof of Electronic Service	Transaction 7261418 - Approved By: NOREVIEW : 05-09-2019:09:37:35
5/29/2019	3860	Request for Submission	REQUEST FOR SUBMISSION - Transaction 7292843 - Approved By: YVILORIA : 05-29-2019:13:28:10
5/29/2019	NEF	Proof of Electronic Service	Transaction 7292866 - Approved By: NOREVIEW : 05-29-2019:13:29:27
6/6/2019	3030	Ord Granting Extension Time	Transaction 7308240 - Approved By: NOREVIEW : 06-06-2019:15:11:42
6/6/2019	S200	Request for Submission Complet	RESPONDENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME FILED 5-9-19 (SEE ORDER FILED 6/6
6/6/2019	NEF	Proof of Electronic Service	Transaction 7308248 - Approved By: NOREVIEW : 06-06-2019:15:12:30
6/24/2019	3060	Ord Granting Mtn ...	TO DISMISS PETITION FOR JUDICIAL REVIEW - Transaction 7336330 - Approved By: NOREVIEW : 06-24-20
6/24/2019	NEF	Proof of Electronic Service	Transaction 7336337 - Approved By: NOREVIEW : 06-24-2019:09:53:52

Case Description: IN RE: MICHAEL WHITFIELD (D1)

Case ID:	CV19-00641	Case Type:	OTHER JUDICIAL REVIEW/APPEAL	Initial Filing Date:	3/20/2019
6/24/2019	S200	Request for Submission Complet	RESPONDENT'S MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW FILED 4-4-19 (SEE ORDER FILE		
6/24/2019	F135	Adj Motion to Dismiss by DEFT			
6/24/2019	2540	Notice of Entry of Ord	Transaction 7336695 - Approved By: NOREVIEW : 06-24-2019:11:28:58		
6/24/2019	NEF	Proof of Electronic Service	Transaction 7336698 - Approved By: NOREVIEW : 06-24-2019:11:29:58		
7/2/2019	NEF	Proof of Electronic Service	Transaction 7351203 - Approved By: NOREVIEW : 07-02-2019:09:16:46		
7/2/2019	2175	Mtn for Reconsideration	MOTION FOR RECONSIDERATION - Transaction 7350959 - Approved By: YVILORIA : 07-02-2019:09:15:44		
7/11/2019	2645	Opposition to Mtn ...	Opposition to Petitioner's Motion for Reconsideration - Transaction 7367268 - Approved By: CSULEZIC : 07-11-2019:10:56:42		
7/11/2019	NEF	Proof of Electronic Service	Transaction 7367498 - Approved By: NOREVIEW : 07-11-2019:10:56:42		
7/16/2019	3790	Reply to/in Opposition	REPLY TO OPPOSITION TO PETITIONER'S MOTION FOR RECONSIDERTATION - Transaction 7376076 - Ap		
7/16/2019	NEF	Proof of Electronic Service	Transaction 7376193 - Approved By: NOREVIEW : 07-16-2019:14:45:49		
7/19/2019	3860	Request for Submission	Transaction 7382577 - Approved By: NOREVIEW : 07-19-2019:10:30:54		
7/19/2019	NEF	Proof of Electronic Service	Transaction 7382597 - Approved By: NOREVIEW : 07-19-2019:10:33:18		
9/17/2019	2842	Ord Denying Motion	FOR RECONSIDERATION - Transaction 7488771 - Approved By: NOREVIEW : 09-17-2019:14:33:44		
9/17/2019	S200	Request for Submission Complet	MOTION FOR RECONSIDERATION (SEE ORDER FILED 9/17/19)		
9/17/2019	NEF	Proof of Electronic Service	Transaction 7488781 - Approved By: NOREVIEW : 09-17-2019:14:35:05		
9/17/2019	2540	Notice of Entry of Ord	Transaction 7489040 - Approved By: NOREVIEW : 09-17-2019:15:24:11		
9/17/2019	NEF	Proof of Electronic Service	Transaction 7489046 - Approved By: NOREVIEW : 09-17-2019:15:25:13		
9/23/2019	NEF	Proof of Electronic Service	Transaction 7497414 - Approved By: NOREVIEW : 09-23-2019:10:13:43		
9/23/2019	1310	Case Appeal Statement	CASE APPEAL STATEMENT - (NOT COMPLETE) Transaction 7497400 - Approved By: YVILORIA : 09-23-2019:10:12:46		
9/23/2019	1310	Case Appeal Statement	CASE APPEAL STATEMEN T- Transaction 7497412 - Approved By: NOREVIEW : 09-23-2019:10:12:46		
9/23/2019	NEF	Proof of Electronic Service	Transaction 7497416 - Approved By: NOREVIEW : 09-23-2019:10:13:51		
9/23/2019	NEF	Proof of Electronic Service	Transaction 7498683 - Approved By: NOREVIEW : 09-23-2019:14:40:46		
9/23/2019	PAYRC	**Payment Received	A Payment of \$34.00 was made on receipt DCDC646311.		
9/23/2019	\$2515	\$Notice/Appeal Supreme Court	Transaction 7498636 - Approved By: YVILORIA : 09-23-2019:14:36:48		
9/25/2019	SAB	**Supreme Court Appeal Bond	Transaction 7502443 - Approved By: YVILORIA : 09-25-2019:09:07:18		
9/25/2019	PAYRC	**Payment Received	A Payment of \$500.00 was made on receipt DCDC646471.		
9/25/2019	NEF	Proof of Electronic Service	Transaction 7502511 - Approved By: NOREVIEW : 09-25-2019:09:08:36		
9/25/2019	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 7503400 - Approved By: NOREVIEW : 09-25-2019:12:12:17		
9/25/2019	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7503400 - Approved By: N		
9/25/2019	NEF	Proof of Electronic Service	Transaction 7503402 - Approved By: NOREVIEW : 09-25-2019:12:13:08		
10/1/2019	1187	**Supreme Court Case No. ...	SUPREME COURT NO. 79718 - WHITFIELD		
10/3/2019	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 79718 / RECEIPT FOR DOCUMENTS - Transaction 7519147 - Approved By: NOREVII		
10/3/2019	NEF	Proof of Electronic Service	Transaction 7519157 - Approved By: NOREVIEW : 10-03-2019:13:59:20		
10/16/2019	NEF	Proof of Electronic Service	Transaction 7541171 - Approved By: NOREVIEW : 10-16-2019:13:22:54		
10/16/2019	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 79718 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 7541149 - /		
10/23/2019	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 7552793 - Approved By:		
10/23/2019	NEF	Proof of Electronic Service	Transaction 7552799 - Approved By: NOREVIEW : 10-23-2019:09:08:51		

1 Code 1350

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

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IN AND FOR THE COUNTY OF WASHOE

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MICHAEL WHITFIELD,

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Petitioner,

Case No. CV19-00641

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vs.

Dept. No. 1

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NEVADA STATE PERSONNEL
COMMISSION, STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION,
LORNA WARD, APPEALS OFFICER, and
DEPARTMENT OF CORRECTIONS, as
Employer,

SCN. No. 79718

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Respondents.

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CERTIFICATE OF CLERK AND TRANSMITTAL – RECORD ON APPEAL

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I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 23rd day of October, 2019, I electronically filed Volumes 1 and 2 of the Record on Appeal in the above entitled matter to the Nevada Supreme Court and deposited Volumes 3 and 4 containing sealed documents addressed to the Nevada Supreme Court 201 S. Carson Street, Suite 201, Carson City, Nevada 89701 in the Washoe County mailing system for postage and mailing in the United States Postal Service in Reno, Nevada.

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I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court in accordance NRAP 11(2)(b).

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Dated this 23rd day of October, 2019.

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Jacqueline Bryant
Clerk of the Court

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By /s/Yvonne Viloría
Yvonne Viloría

Deputy Clerk

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