

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA
DEPARTMENT OF TAXATION,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

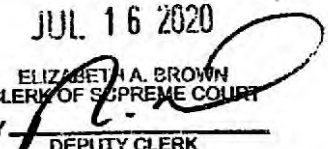
and

NEVADA WELLNESS CENTER, LLC,
Real Party in Interest.

No. 80637

FILED

JUL 16 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING MOTION

Real party in interest Nevada Wellness Center, LLC has filed an emergency motion asserting that this court's recent opinion in this case, *Dep't of Taxation v. Eighth Judicial Dist. Court*, 136 Nev., Adv. Op. 42, ___ P.3d ___ (July 9, 2020) (directing the clerk of this court to issue a writ of prohibition instructing the district court to vacate its order granting Nevada Wellness's motion to compel), was overly broad and seeking that a new, more limited writ of prohibition issue. In particular, Nevada Wellness asserts that, although this case and our opinion herein involved discovery of content on the personal cell phones only of former workers hired through Manpower, we issued a writ that directed the district court to vacate an

order granting its motion to compel not only the Manpower cell phones' contents, but also the cell phone contents of petitioner Department of Taxation's direct employees. We disagree that the district court's order granting the motion to compel concerned state employee cell phones.

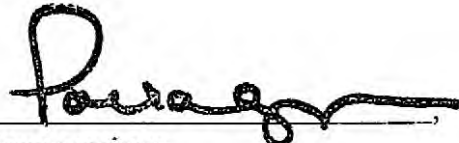
Nevada Wellness's January 8, 2020, district court motion to compel pointed to a portion of the discovery commissioner's report and recommendations, as upheld by the district court, that required the Tax Department to make available for copying the personal cell phones "of each such person that assisted in the processing of applications for dispensary licenses and/or evaluated such license applications . . . at a location convenient to [the Tax Department] and Manpower. . . ." As indicated by the location selected, this provision applies to the Manpower workers' phones. The Discovery Commissioner recommendations directed the preservation of state employee cell phone data in a separate section.

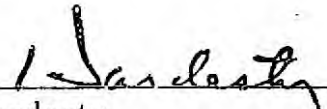
Further, in opposition to the motion to compel, the Tax Department explained that, leading up to the motion to compel, it had sent a letter to Nevada Wellness stating that it had preserved state employee phone contents but did not have custody, possession, or control of the Manpower workers' phones. Thus, when the motion to compel was filed, it appears to have been the Manpower workers' cell phones that were at issue.

The district court on February 7, 2020, then granted the motion to compel production of those cell phones and the information thereon. As a result, we do not read the district court's February 7 order as applying to the state employee cell phones. And since our opinion and writ did not direct the district court to act with respect to an order concerning the state

employee cell phones, we deny Nevada Wellness's motion to correct the opinion and issue a more limited writ of prohibition.

It is so ORDERED.

 J.
Parraguirre

 J.
Hardesty

 J.
Cadish

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Attorney General/Carson City
Attorney General/Las Vegas
Parker, Nelson & Associates
Eighth District Court Clerk