

IN THE SUPREME COURT OF THE STATE OF NEVADA

SONJIA MACK,  
Appellant,

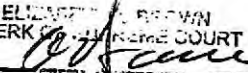
vs.

BRIAN WILLIAMS; JAMES  
DZURENDA; ARTHUR EMLING, JR.;  
AND MYRA LAURIAN,  
Respondents.

No. 81513

FILED

OCT 13 2020

ELIZABETH L. BROWN  
CLERK OF THE SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER REQUESTING CLARIFICATION*

This matter involves legal questions certified to this court, under NRAP 5, by the United States District Court for the District of Nevada. Specifically, the U.S. District Court has certified the following questions to this court:

1. Is there a private right of action under the Nevada Constitution, Article 1, § 8?
2. Is there a private right of action under the Nevada Constitution, Article 1, § 18?
3. If there is a private right of action, what immunities, if any, can a state actor defendant raise as a defense?
4. If there is a private right of action, what remedies are available to a plaintiff for these claims?

Having considered these questions and the U.S. District Court's certification order, it appears that the questions may not be determinative once appellant's 42 U.S.C. § 1983 unlawful-search-and-seizure claim proceeds to trial. That is, if appellant prevails on that claim, she may not be entitled to any additional damages for a successful state-constitution due-process claim because that claim is based on the same allegations of an unlawful strip search and detention. Alternatively, if respondents prevail,

then their conduct would appear to be reasonable, meaning they in all likelihood did not violate appellant's due process rights.

Accordingly, before deciding whether to accept the certified questions, we request that the U.S. District Court clarify whether our above-mentioned understanding of the case is correct. We will take no further action on this matter until we receive such clarification.

It is so ORDERED.

Pickering, C.J.  
Pickering

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Cadish, J.  
Cadish

Silver, J.  
Silver

STIGLICH, J., dissenting:

I would accept the certified questions based on the information already provided by the U.S. District Court. As I would prefer that the court answer the certified questions without unnecessary delay, I dissent.

Stiglich, J.  
Stiglich

cc: Gallian Welker & Beckstrom, LC/Las Vegas  
Attorney General/Carson City  
Attorney General/Las Vegas  
Clerk, United States District Court for the District of Nevada