

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

THE LEGISLATURE OF THE  
STATE OF NEVADA; THE STATE  
OF NEVADA DEPARTMENT OF  
TAXATION; and THE STATE OF  
NEVADA DEPARTMENT OF  
MOTOR VEHICLES,

Appellants/Cross-Respondents,

vs.

THE HONORABLE JAMES A.  
SETTELMAYER; THE HONORABLE  
JOE HARDY; THE HONORABLE  
HEIDI SEEVERS GANSERT; THE  
HONORABLE SCOTT T. HAMMOND;  
THE HONORABLE PETE  
GOICOECHEA; THE HONORABLE  
BEN KIECKHEFER; THE  
HONORABLE IRA D. HANSEN; THE  
HONORABLE KEITH F. PICKARD, in  
their official capacities as members of the  
Senate of the State of Nevada and  
individually; GREAT BASIN  
ENGINEERING CONTRACTORS,  
LLC, a Nevada limited liability company;  
GOODFELLOW CORPORATION, a  
Utah corporation qualified to do business  
in the State of Nevada; KIMMIE  
CANDY COMPANY, a Nevada  
corporation; KEYSTONE CORP., a  
Nevada nonprofit corporation;  
NATIONAL FEDERATION OF  
INDEPENDENT BUSINESS, a  
California nonprofit corporation qualified  
to do business in the State of Nevada;  
NEVADA FRANCHISED AUTO  
DEALERS ASSOCIATION, a Nevada

Electronically Filed  
Jan 27 2021 05:55 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**Case No. 81924**

Appeal from First Judicial District  
Court, Carson City, Nevada,  
Case No. 19 OC 00127 1B

**APPELLANTS/CROSS-  
RESPONDENTS' JOINT  
RESPONSE TO  
RESPONDENTS/CROSS-  
APPELLANTS' MOTION TO  
AMEND CAPTION**

nonprofit corporation; NEVADA TRUCKING ASSOCIATION, INC., a Nevada nonprofit corporation; and RETAIL ASSOCIATION OF NEVADA, a Nevada nonprofit corporation,

Respondents/Cross-Appellants.

---

**APPELLANTS/CROSS-RESPONDENTS' RESPONSE TO  
RESPONDENTS/CROSS-APPELLANTS'  
MOTION TO AMEND CAPTION**

---

**KEVIN C. POWERS**

General Counsel  
Nevada Bar No. 6781  
LEGISLATIVE COUNSEL BUREAU,  
LEGAL DIVISION  
401 S. Carson St.  
Carson City, NV 89701  
Tel: (775) 684-6830  
Fax: (775) 684-6761  
Email: [kpowers@lcb.state.nv.us](mailto:kpowers@lcb.state.nv.us)  
*Attorneys for Appellant/Cross-Respondent Legislature of the State of Nevada and Pending Cross-Respondents Nicole Cannizzaro, in her official capacity as Senate Majority Leader of the Senate of the State of Nevada, and Claire J. Clift, in her official capacity as Secretary of the Senate of the State of Nevada*

**AARON D. FORD**

Attorney General  
**CRAIG A. NEWBY**  
Deputy Solicitor General  
Nevada Bar No. 8591  
OFFICE OF THE ATTORNEY GENERAL  
555 E. Washington Ave., Ste. 3900  
Las Vegas, NV 89101  
Tel: (702) 486-3420  
Fax: (702) 486-3768  
Email: [CNewby@ag.nv.gov](mailto:CNewby@ag.nv.gov)  
*Attorneys for Appellants/Cross-Respondents State of Nevada Department of Taxation and State of Nevada Department of Motor Vehicles and Pending Cross-Respondents Steve Sisolak, in his official capacity as Governor of the State of Nevada, and Kate Marshall, in her official capacity as Lieutenant Governor of the State of Nevada and President of the Senate of the State of Nevada*

## **RESPONSE**

Appellant/Cross-Respondent Legislature of the State of Nevada (“Legislature”), along with pending Cross-Respondents Nicole Cannizzaro, in her official capacity as Senate Majority Leader of the Senate of the State of Nevada, and Claire J. Clift, in her official capacity as Secretary of the Senate of the State of Nevada, by and through their counsel the Legal Division of the Legislative Counsel Bureau under NRS 218F.720 (“LCB Legal”), and Appellants/Cross-Respondents State of Nevada Department of Taxation and State of Nevada Department of Motor Vehicles, along with pending Cross-Respondents Steve Sisolak, in his official capacity as Governor of the State of Nevada, and Kate Marshall, in her official capacity as Lieutenant Governor of the State of Nevada and President of the Senate of the State of Nevada, by and through their counsel the Office of the Attorney General, hereby file this Joint Response to Respondents/Cross-Appellants’ Motion to Amend Caption.

On December 7, 2020, the Court entered an Order to Show Cause directing Respondents/Cross-Appellants (hereafter “Plaintiffs”) to show cause why their cross-appeal should not be dismissed for lack of appellate jurisdiction. On January 6, 2021, Plaintiffs filed their Response to the Order to Show Cause arguing that their cross-appeal should not be dismissed for lack of appellate jurisdiction. On that same date, Plaintiffs also filed a Motion to Amend Caption in which

Plaintiffs asked the Court to add the following parties (hereafter “Individual Defendants”) to the caption of this case as Cross-Respondents to the cross-appeal: (1) Nicole Cannizzaro, in her official capacity as Senate Majority Leader of the Senate of the State of Nevada; (2) Claire J. Clift, in her official capacity as Secretary of the Senate of the State of Nevada; (3) Steve Sisolak, in his official capacity as Governor of the State of Nevada; and (4) Kate Marshall, in her official capacity as Lieutenant Governor of the State of Nevada and President of the Senate of the State of Nevada.

In the Order to Show Cause, the Court authorized Appellants/Cross-Respondents to file a Reply to Plaintiffs’ Response to the Order to Show Cause, which is due on or before February 4, 2021. Appellants/Cross-Respondents will be filing a Reply and arguing that Plaintiffs’ cross-appeal should be dismissed for lack of appellate jurisdiction.

Thus, Plaintiffs’ Motion to Amend Caption is dependent on the Court’s resolution of the pending issue of whether Plaintiffs’ cross-appeal should be dismissed for lack of appellate jurisdiction. If the Court dismisses Plaintiffs’ cross-appeal for lack of appellate jurisdiction, then Plaintiffs’ Motion to Amend Caption would be rendered moot because the Individual Defendants would not be parties to this case on appeal. Under such circumstances, it would not be appropriate to add the Individual Defendants to the caption of this case on appeal.

By contrast, if the Court does not dismiss Plaintiffs' cross-appeal for lack of appellate jurisdiction, then the Individual Defendants would be parties to this case on appeal. Under such circumstances, it would be appropriate to add the Individual Defendants to the caption of this case as Cross-Respondents to the cross-appeal.

Accordingly, after Appellants/Cross-Respondents file their Reply to Plaintiffs' Response to the Order to Show Cause, which is due on or before February 4, 2021, the Court should resolve Plaintiffs' Motion to Amend Caption based on the Court's resolution of the pending issue of whether Plaintiffs' cross-appeal should be dismissed for lack of appellate jurisdiction.

//

//

//

//

//

//

//

//

//

//

DATED: This 27th day of January, 2021.

Respectfully submitted,

By: /s/ Kevin C. Powers

**KEVIN C. POWERS**

General Counsel

Nevada Bar No. 6781

LEGISLATIVE COUNSEL BUREAU,

LEGAL DIVISION

401 S. Carson St.

Carson City, NV 89701

Tel: (775) 684-6830

Fax: (775) 684-6761

Email: kpowers@lcb.state.nv.us

*Attorneys for Appellant/Cross-Respondent Legislature of the State of Nevada and Pending Cross-Respondents Nicole Cannizzaro, in her official capacity as Senate Majority Leader of the Senate of the State of Nevada, and Claire J. Clift, in her official capacity as Secretary of the Senate of the State of Nevada*

By: /s/ Craig A. Newby

**CRAIG A. NEWBY**

Deputy Solicitor General

Nevada Bar No. 8591

OFFICE OF THE ATTORNEY GENERAL

555 E. Washington Ave., Ste. 3900

Las Vegas, NV 89101

Tel: (702) 486-3420

Fax: (702) 486-3768

Email: CNewby@ag.nv.gov

*Attorneys for Appellants/Cross-Respondents State of Nevada Department of Taxation and State of Nevada Department of Motor Vehicles and Pending Cross-Respondents Steve Sisolak, in his official capacity as Governor of the State of Nevada, and Kate Marshall, in her official capacity as Lieutenant Governor of the State of Nevada and President of the Senate of the State of Nevada*

## **CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Nevada Legislative Counsel Bureau, Legal Division, and that on the 27th day of January, 2021, pursuant to NRAP 25 and NEFCR 9, I filed and served a true and correct copy of Appellants/Cross-Respondents' Joint Response to Respondents/Cross-Appellants' Motion to Amend Caption, by means of the Nevada Supreme Court's electronic filing system, directed to:

KAREN A. PETERSON, ESQ.  
JUSTIN TOWNSEND, ESQ.  
ALLISON MACKENZIE, LTD.  
402 N. Division St.  
Carson City, NV 89703  
[kpeterson@allisonmackenzie.com](mailto:kpeterson@allisonmackenzie.com)  
[jtownsend@allisonmackenzie.com](mailto:jtownsend@allisonmackenzie.com)  
*Attorneys for Respondents/Cross-Appellants*

/s/ Kevin C. Powers  
An Employee of the Legislative Counsel Bureau