

IN THE SUPREME COURT OF THE STATE OF NEVADA

CURTIS WILSON, AN INDIVIDUAL

Case No. 81940

Plaintiff/Appellant,

vs.

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Clerk of Supreme Court

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, A
GOVERNMENTAL AGENCY;
POLICE OFFICER E. VONJAGAN,
BADGE NO. 16098, AN EMPLOYEE
OF THE METROPOLITAN POLICE
DEPARTMENT; AND POLICE
OFFICER TENNANT, BADGE NO.
9817, AN EMPLOYEE OF THE
METROPOLITAN POLICE
DEPARTMENT

Defendants/Respondents.

Appeal from the Eighth Judicial District Court
District Court Case No. A-19-805368-C
Gloria Sturman, District Judge

RESPONDENTS' ANSWERING BRIEF

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NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) that must be disclosed. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

1. Defendants/Respondents are governmental parties.
2. Kaempfer Crowell is the only law firm that has appeared for the LVMPD Respondents in proceedings before the District Court or this Court.

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JURISDICTIONAL STATEMENT

Defendants/Respondents Las Vegas Metropolitan Police Department, Officer Vonjagan, and Officer Tennant (the “LVMPD Respondents”) state that this Court has jurisdiction over Case No. 81940 under NRAP 3A(b)(1) and Nev. R. Civ. P. 12(b)(5). The order dismissing Wilson’s complaint with prejudice was entered and served on September 14, 2020. Wilson timely appealed on October 12, 2020.

STATEMENT OF THE ISSUES FOR REVIEW

1. Whether this Court should affirm the District Court's order dismissing Wilson's Complaint because the statute of limitations expired on Wilson's claims.

3. Whether the Citizen Review Board process in Las Vegas tolls the statute of limitations for claims against police officers of the Las Vegas Metropolitan Police Department.

INTRODUCTION

This is a simple case in which Wilson allowed the statute of limitations to expire on his claims. According to Wilson's Complaint, on August 22, 2017 Officers Vonjagan and Tennant pulled him over for a traffic infraction. After exiting his vehicle, Officer Vonjagan allegedly handcuffed him for not following her commands and Officer Tennant watched without intervening. Wilson claims the officers did not release him until after they learned he was a retired Las Vegas fireman and that the stop was racially motivated.

813 days after getting pulled over—and almost three months after the applicable statute of limitations had expired—Wilson filed this lawsuit in the Eighth Judicial District Court seeking damages for claims of negligence, battery, and false imprisonment. His only excuse for filing his complaint more than two years after the traffic stop is that he submitted a complaint about the interaction to an independent civilian oversight agency, the Citizen Review Board ("CRB"), so it could investigate whether the officers violated LVMPD policy. The CRB concluded its review after 5 months, finding the officers did not violate any LVMPD policy. After the decision, Wilson waited more than a year and a half to file his Complaint in District Court. Wilson argues that the statute of limitations should have tolled during CRB's review process and he should be credited 5 months.

The District Court disagreed with Wilson’s argument and dismissed his Complaint. It correctly reasoned the statute of limitations was not tolled when Wilson complained to the CRB because administrative action by the CRB was not required before filing the lawsuit, tolling would have been inconsistent with the legislative intent for the CRB, and Wilson did not act reasonably by delaying the filing of his lawsuit. This Court should affirm the District Court’s Order of dismissal.

STATEMENT OF FACTS

The LVMPD Respondents dispute Wilson’s statement of facts¹ but because this appeal concerns a motion to dismiss and the Court must assume the truthfulness of the allegations in Wilson’s favor, a summary of the allegations Wilson made in his First Amended Complaint follow:

Wilson’s First Amended Complaint (“FAC”) is based upon an August 22, 2017 interaction with Officers Vonjagan and Tennant following Wilson’s improper lane change. AA10at ¶¶ 15-16. After Wilson exited his vehicle, Vonjagan instructed Wilson to move to the front of the LVMPD vehicle. AA10 at ¶20. Wilson alleges he was “forcefully handcuffed” after Vonjagan claimed

¹ The LVMPD Respondents particularly and strongly dispute they had any racial animus towards Wilson. Wilson’s reckless allegations needlessly impugn the officers’ character and are completely irrelevant. This appeal concerns only one **legal** issue—whether the statute of limitations was tolled. Attacking the officers’ characters is unnecessary.

Wilson was not following her commands. AA10 at ¶¶22-23. Wilson also alleges that Tennant “watched the situation escalate and failed to take any corrective action or diffuse” and “joined in the forceful handling of Wilson and [sic] putting two sets of handcuffs tightly around Wilson’s wrists.” AA10 at ¶¶24-25.

The FAC alleges that Wilson was “forced to stand in the sun in front of the Metro police vehicle for an unreasonable amount of time” and it was “clear that his wrists had lost blood circulation from the tightness of the handcuffs.” AA11 at ¶¶27, 34. On the day of the incident, Wilson allegedly “spoke with the Chief and pictures of his hands and wrists were taken.” AA10 at ¶¶36-37. Wilson alleges he “was diagnosed with bilateral medial neuropathy consistent with carpal tunnel syndrome, and other injuries.” AA12 at ¶39.

Following this diagnosis, Wilson filed a CRB complaint on October 5, 2017. AA12 at ¶40. Wilson concedes that after 5 months of investigation, including a hearing, the CRB unanimously concluded “as a matter of law there were no policy violations.” AA at 100. Nonetheless, the CRB concluded the “actions of the officers unnecessarily escalated the situation and could have reasonably been construed as being discourteous thereby leaving the citizen feeling he was not treated with proper respect.” *Id.*

SUMMARY OF ARGUMENT

Wilson concedes that his lawsuit was filed after the expiration of the applicable statute of limitations but excuses his belated filing by arguing he is entitled to equitable tolling during the period of time that his case was pending before the CRB. Wilson is wrong.

While the cases Wilson cites suggest equitable tolling applies where a plaintiff seeks a remedy in another administrative forum which is capable of resolving or otherwise legally addressing his claims, the CRB is not such a forum. In fact, as clearly explained on the CRB's website, the CRB's authority is limited to recommending disciplinary action to LVMPD or recommending additional training or changes in existing policy where warranted. In other words, the findings of the CRB are non-binding recommendations as to internal discipline and/or training within LVMPD. *The CRB can provide no relief to Wilson concerning his allegations of legal violations or alleged damages.* For this reason, the CRB's website contains multiple advisory warnings to complainants that "to pursue a criminal complaint or file a civil suit is not affected by the Review Board's complaint procedure" and "If you want to bring a civil suit, you should contact an attorney at your earliest convenience. Such action must be timely because time limits will affect these claims."

Because Wilson's decision to file with the CRB was voluntary, non-binding, had no effect on his legal proceedings, and he was expressly warned by the CRB he should contact an attorney to ensure he timely filed his lawsuit; Wilson's claims are barred by the statute of limitations. Moreover, Wilson did not exercise diligence in filing his claim and there were no extraordinary circumstances that prevented him from timely filing. At the end of the day, all of the District Court's decisions are legally correct based on the controlling law and were supported by evidence in the record. The Court should therefore affirm the District Court's decision.

STANDARD OF REVIEW

This Court reviews the District Court's order dismissing Wilson's complaint on statute of limitations grounds de novo. *Holcomb Condo. Homeowners' Ass'n, Inc. v. Stewart Venture, LLC*, 129 Nev. 181, 187, 300 P.3d 124, 128 (2013).

Nevada Rule of Civil Procedure 12(b) (5) gives a Court the power to dismiss a case at the earliest stage of litigation. A court can grant a motion to dismiss when, while assuming the truthfulness of the allegations in plaintiff's favor, it appears "beyond a doubt that [plaintiff] could prove no set of facts, which, if true, would entitle it to relief." *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228, 181 P.3d 670, 672 (2008).

The *Buzz Stew* standard for applying Rule 12(b) (5) requires that the trial court be liberal in its interpretation of the pleading by “recogniz[ing] all factual allegations in [plaintiff’s] complaint as true and draw[ing] all inferences in its favor.” *Id.* Despite this, even *Buzz Stew* recognizes that some cases should not survive. This includes actions that are time barred by the statute of limitations. *Bemis v. Estate of Bemis*, 114 Nev. 1021, 1025, 967 P.2d 437, 440 (1998) (“Dismissal on statute of limitations grounds is only appropriate when uncontroverted evidence irrefutably demonstrates plaintiff discovered or should have discovered the facts giving rise to the cause of action.”) (internal quotations omitted). In cases where claims are barred by the statute of limitations, a Court may also grant summary judgment. *See Clark v. Robinson*, 113 Nev. 949, 950-51, 944 P.2d 788, 789 (1997) (“Summary judgment is proper when a cause of action is barred by the statute of limitations.”)

ARGUMENT

I. Wilson’s Claims are Subject to a Two year Statute of Limitations.

Each of Wilson’s claims against the LVMPD Defendants—battery, false imprisonment, and negligence—is subject to a two year statute of limitations. *See* NRS 11.190(4) (c) (providing a two year limitation for “an action for [...] battery, false imprisonment”); NRS 11.190(4) (e) (providing a two year limitation for “an action to recover damages for injuries to a person...caused by the wrongful

act or neglect of another.”). In addition, NRS 11.190(4) (a) provides for a two year limitation period on actions “against a sheriff, coroner, or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, by the omission of an official duty...”

If a claim for battery, false imprisonment, or negligence is not brought within two years of discovery of the claim, then it cannot be brought. *See Allstate Ins. Co. v. Furgerson*, 104 Nev. 772, 766 P.2d 904 at FN. 2 (1988) (“Statutes of limitation foreclose suits after a fixed period of time following occurrence or discovery of an injury.”) The Nevada Supreme Court has held that the primary purpose of statutes of limitations is to “[prevent] surprises through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded, and witnesses have disappeared.” *Petersen v. Bruen*, 106 Nev. 271, 273, 792 P.2d 18, 19 (1990). The Court also stated “statutes of limitation embody important public policy considerations in that they stimulate activity, punish negligence, and promote repose by giving security and stability to human affairs.” *Id.* at 274.

In his FAC and Opening Brief, Wilson conceded that under the normal statute of limitations period, his claims expired. All of Wilson’s claims accrued on August 22, 2017 so the statute of limitations began to run on that date. *See Wallace v. Kato*, 549 U.S. 384, 389 127 S. Ct. 1091, 1096 (2007) (“Limitations

begin to run against an action for false imprisonment when the alleged false imprisonment ends.”); *Petersen*, 106 Nev. at 281. In his timeline of events, Wilson admitted he did not file his complaint until November 13, 2019. OB at 7. This is two years, 2 months, and 22 days after his claims accrued. Under the usual course, his claim expired.

Wilson’s only argument for why the statute of limitations should not bar his Complaint is that it was equitably tolled while the CRB processed his complaint. While “the two-year limitations period of NRS 11.190(4) (e) for commencing actions to recover for personal injuries or wrongful death is subject to equitable tolling,” Wilson has not shown that the statute of limitations of NRS 11.190(4) equitably tolls during the CRB process. *Fausto v. Sanchez-Flores*, 137 Nev. Adv. Op. 11, 482 P.3d 677, 679 (2021). Because of this failure, the Court should affirm the District Court’s dismissal of his Complaint.

II. The Statute of Limitations Did Not Toll While Wilson Complained to the Citizen Review Board.

Wilson bases his appeal on the theory he “should be afforded the benefit of tolling while [he] exhausts the administrative remedies available to him.” OB at 8. To make his case, he compares his situation to the State of Nevada, Department, Welfare Division’s (“NSWD”) situation in *State Department of Human Resources v. Shively*, 110 Nev. 316, 871 P.2d 355 (1994). In *Shively*, the statute of limitations for fraud tolled while NSWD pursued an administrative

resolution to its dispute with Shively. *Id.* But Wilson is not the NSWDC and his situation is nothing like the *Shively* case.

Simply put, Wilson was not required to complain to the CRB before filing his Complaint in district court. In *Shively*, the Nevada Supreme Court held the NSWDC “was required to notify Shively regarding the suspect asset transfer and its ultimate decision to terminate benefits” under NRS 422.294 and 45 C.F.R. § 205.10 (1992) nor could it “discontinue benefits or recoup any monies paid before the recipient had a formal hearing in an administrative forum.” *Shively*, 110 Nev. at 318.

In this case, no law required Wilson to complain to the CRB before he filed his lawsuit in district court. In fact, filing a CRB complaint is similar to filing a complaint with the LVMPD Internal Affairs Bureau because CRB only reviews *policy violations* to address internal personnel and/or policy issues. This fact critically undercuts Wilson’s tolling argument because courts have found that such advisory review does not toll the statute of limitations. For example, in *Doniver v. Detroit Police Department*, 2016 WL 1253271 (E. D. Mich. 2016), a plaintiff argued he commenced his section 1983 civil rights action within the requisite time period because “immediately after the brutal Beating...[he] did infact [sic] seek conductance of an Investigation by Internal Affairs Department Of The Detroit Police, and was told [the] same was being conducted[.]” *Id.* at *2. The Court

rejected this argument stating that “filing a complaint with the police department is not the same as filing a complaint in court. **It does not toll the statute of limitations.**” *Id* (emphasis added). *See also, Diaz Encarnacion v. Cartagena*, 2005 WL 1847009 (D. P. R. 2005) (“Plaintiff’s allegations under 42 U.S.C. § 1983 are time barred given that the filing of an administrative complaint with the Puerto Rico Police Department’s Internal Affairs Office does not toll in any way the running of the statute of limitations for claims pursuant to a civil rights complaint under § 1983.) Because the complaint to CRB was voluntary and not required to file suit, *Shively* does not support Wilson’s argument.

Nonetheless, Wilson quotes *Shively* to suggest the statute of limitations should have tolled even though the CRB hearing was not a prerequisite to filing his lawsuit. He points to the *Shively* court’s analysis of a California Court of Appeals case—*Myers v. Cty. of Orange*, 6 Cal. App. 3d 626, 86 Cal. Rptr. 198 (Ct. App. 1970)—which held that “even where exhaustion of administrative remedies was not a prerequisite to filing suit, the limitations period was tolled while plaintiff was entrenched in the administrative process.” *Shively*, 110 Nev. at 318. Wilson seizes on this language to argue the logic of *Myers* should apply in his favor because “[t]he law favors resolution of disputes in the administrative forum” and LVMPD allegedly “recommends” pursuing CRB complaints. OB at 10.

Wilson does not, however, analyze the facts of *Myers* nor argue why the California Court's decision should apply in his case. This is fatal because "cases tolling the statutes of limitations during the pendency of other proceedings are limited to their facts and have no broader application" in other cases. *Siragusa v. Brown*, 114 Nev. 1384, 971 P.2d 801, 808 n.7 (1998). Because *Shively* and *Myers* are limited to their facts, Wilson is left with no case law which would justify this Court in reversing the District Court. Moreover, *Myers* actually provides further reason to affirm the District Court.

In *Myers* the Court recognized that statute of limitations tolls when an injured person has *several* remedies:

When an injured person has several legal remedies and, reasonably and in good faith, pursues one designed to lessen the extent of the injury or damages, the statute of limitations does not run on the other while he is thus pursuing the one, and, the period during which the statute is tolled includes the time consumed in an appeal. *Myers*, 6 Cal. App. 3d at 634 (cleaned up).

When the *Myers* court applied this principle, it noted that plaintiff "was faced with two alternative procedures": she could "file a claim with the County for damages and thereafter institute suit" or "apply for a hearing by the Appeal Board and seek to have the order of discharge rescinded." *Id.* at 635. The plaintiff chose the latter option and the Court stated it was reasonable because if the plaintiff had been

successful, “there would have been no damages resulting from the discharge, and no claim for damages or suit for damages would have been necessary.” *Id.* at 636.

Wilson’s case is unlike *Myers* because the CRB process could not have “lessened the extent” of Wilson’s injury or damages. The CRB is neither an administrative agency nor an administrative court. Instead, it “act[s] as an advisory body to [the police department], and to inform the public of [the citizen review board’s] recommendations to the extent permitted by law.” *Las Vegas Police Protective Ass’n Metro, Inc. v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 122 Nev. 230, 234, 130 P.3d 182, 186 (2006). The CRB’s review extends only to whether an LVMPD employee engaged in a violation of a LVMPD policy. If such a policy violation is found, the CRB can make recommendations to LVMPD about potential discipline, additional training, or potential policy changes.² The CRB does not and cannot make a determination that the law was violated, that a complainant is entitled to legal damages, or provide any type of legal remedy to a complainant. In other words, nothing the CRB could do would be a legal resolution or remedy which could have any bearing on a civil law suit.

The simple fact is the CRB could never have provided Wilson with a damages remedy like the administrative process in *Myers* could have provided the plaintiff in that case. Nor could the process have obviated the need for a suit for

² <https://citizenreviewboard.com>

damages. Wilson does not appear to face this fact. He argues “[t]he administrative process provided for relief of Wilson’s claims and afforded the parties an opportunity to resolve the issues without litigation.” OB at 15. Yet the CRB could never resolve his legal claims or lessen the alleged injuries he received from the battery, false arrest, false imprisonment, or negligence of the officers. All of these “issues” could only have been resolved through the court process. In fact, had the CRB concluded the LVMPD Respondents violated policy, Wilson would still be in the exact position he is in now. He would have no decision that the officers committed any torts and he would not have been made whole by LVMPD. He would only have an opinion from a group of civilians that the LVMPD Respondents violated internal LVMPD policy. Because the CRB is not an administrative body that provides litigants with alternative forms of relief, the statute of limitations did not toll for 5 months while the CRB considered Wilson’s complaint.

III. Wilson Failed to Meet the Relevant Equitable Tolling Standards.

After the District Court correctly decided this case, the Nevada Supreme Court issued a decision outlining the standard for equitable tolling that is directly applicable in this case. While the District Court could not have cited this case in deciding to dismiss Wilson’s case (because it was not available to it) the Court can nonetheless affirm the District Court’s decision based on this standard.

See Saavedra-Sandoval v. Wal-Mart Stores, 126 Nev. 592, 599, 245 P.3d 1198, 1202 (2010) (“This court will affirm a district court's order if the district court reached the correct result, even if for the wrong reason.”); *Hotel Riviera, Inc. v. Torres*, 97 Nev. 399, 403, 632 P.2d 1155, 1158 (1981) (“If a decision below is correct, it will not be disturbed on appeal even though the lower court relied upon wrong reasons.”).

In considering NRS 11.190(4) (e)—a statute at issue in this case—the Supreme Court stated: “when a plaintiff seeks to equitably toll the limitations period in NRS 11.190(4) (e), the plaintiff must demonstrate that he or she acted diligently in pursuing his or her claim and that extraordinary circumstances beyond his or her control caused his or her claim to be filed outside the limitations period.” *Fausto v. Sanchez-Flores*, 137 Nev. Adv. Op. 11, 482 P.3d 677, 682 (2021). Under this standard, the Court should find that the statute of limitations did not equitably toll on Wilson’s claims. Wilson did not diligently pursue his claims and no extraordinary circumstances caused him to file his claim outside the limitations period.

A. Wilson was not diligent in pursuing his claims.

Wilson claims he was “indisputably diligent in pursuing his claims” because he submitted his complaint to the CRB “less than two months after the incident” and then “promptly [...] sought legal counsel to pursue other legal

remedies” when the CRB issued its findings and recommendations. OB at 18. His argument does not show diligence in any way. First, he admits the entire CRB process concluded by March 15, 2018 giving him almost **18 months** to file his complaint in a timely fashion. He does not explain why he did not seek legal counsel earlier or why he did not file a complaint pending the outcome of the CRB. *See Fausto*, 482 P.3d at 682 (finding that a sexual assault victim was not diligent in pursuing her civil claims against her assailant when she did not “seek counsel or assert her claims until two and a half years later,” did not inquire “into the status of the DNA results” of a rape kit, and “made no attempt to file a complaint pending receipt of the test results.”) Such failures show that he did not diligently pursue his claims. *Cf. City of N. Las Vegas v. State Loc. Gov't Emp.-Mgmt. Rels. Bd.*, 127 Nev. 631, 640-41, 261 P.3d 1071, 1077 (2011) (determining that the claimant exercised diligence where he asserted his claims less than two months after discovering the facts underlying the claims).

Wilson’s lack of diligence is underscored by the fact that the CRB website repeatedly encourages claimants who want to bring a civil suit to “contact an attorney at your earliest convenience” because “time limits will affect these claims”:

Is filing a complaint with the review board the same as filing a criminal or a civil complaint?

No. The Review Board's task is to investigate complaints and to issue reports with recommendations to the Sheriff based on the information discovered in its investigation. A citizen's right to pursue a criminal complaint or file a civil suit is not affected by the Review Board's complaint procedure.

You may also contact the Internal Affairs Bureau of the Las Vegas Metropolitan Police Department to investigate any charges against an officer.

If you want to bring a civil suit, you should contact an attorney at your earliest convenience. Such action must be timely because time limits will affect these claims.³

In addition to the FAQ section explaining that "time limits will affect" Wilson's claims, the CRB website has a short video which explains that the right to file a civil suit is "not affected by the CRB's complaint procedure."⁴

Under these circumstances, Wilson's delay was neither in good faith, nor reasonable. A review of the website clearly indicates that the sole function of the CRB is to review officers' actions for potential policy violations. The website also clearly indicates that the scope of the CRB's authority is merely advisory and is limited to making recommendations to LVMPD concerning personnel discipline, policy changes, or recommendations for additional training. Moreover, the website makes it clear that all of this is done in a non-binding fashion. There is nothing on the CRB website or otherwise which would begin to suggest that the CRB could remedy any of Wilson's allegations of legal wrongs or could attempt to resolve

³ <https://citizenreviewboard.com/FAQs.aspx>

⁴ <https://www.youtube.com/watch?v=SrGK8edIeI8> at 2:00 minutes.

those allegations of legal wrongs which would potentially alleviate the need to file a civil lawsuit. In juxtaposition to that fact, the CRB's website specifically instructed Wilson that the CRB could not do those things and that he should consult an attorney to ensure that any civil lawsuit was timely filed.

Because Wilson waited so long to file his Complaint, especially when the CRB makes it clear that "time limits will affect" his claims, Wilson was not diligent and equitable tolling should not apply.

B. No Extraordinary Circumstances Prevented Wilson from Filing His Lawsuit.

Wilson has also failed to demonstrate any extraordinary circumstances that prevented him from filing his Complaint. His only excuse for his late filing is that he was "entrenched in the administrative proceedings from October 5, 2017 through March 14, 2018." OB at 6. But this excuse does not explain why he didn't file a lawsuit in the **18 months** following the CRB hearings. The Nevada Supreme Court did not find a delay in getting the results of a rape kit to be extraordinary so it should certainly not find the CRB process to be an extraordinary circumstance either. *See Fausto*, 482 P.3d at 683. Without an extraordinary circumstance preventing him from timely filing, the Court should not equitably toll the statute of limitations.

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CONCLUSION

For these reasons, the Court should affirm the District Court's order dismissing Wilson's complaint.

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CERTIFICATE OF COMPLIANCE

1. I certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 (Version 14.0.717.5000) in 14 point Times New Roman font.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more, and contains 4,153 words.

3. Finally, I certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e) (1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found.

4. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2021, I electronically filed the foregoing **RESPONDENTS' ANSWERING BRIEF** with the Clerk of the Court for the Supreme Court of the State of Nevada by using the electronic filing system to be delivered to the following registered user:

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ADDENDUM

NRS 11.190

Periods of limitation.

Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

. . .

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

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