

IN THE SUPREME COURT OF THE STATE OF NEVADA

NATHAN ECHEVERRIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82030

FILED

DEC 23 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

**ORDER ACCEPTING CERTIFIED QUESTION
AND DIRECTING BRIEFING**

The United States District Court for the District of Nevada has certified a question to this court under NRAP 5 regarding whether the State of Nevada has waived its immunity from liability for a State agency's violation of federal and state minimum wage and overtime standards. The certified question is:

Has Nevada consented to damages liability for a State agency's violation of the minimum wage or overtime provisions of the federal Fair Labor Standards Act, 29 U.S.C. §§ 206-207, or analogous provisions of state law, whether in enacting NRS § 41.031 or otherwise?

As no clearly controlling Nevada precedent exists with regard to this legal question and the answer may determine part of the federal case, we accept the certified question. *See* NRAP 5(a); *Volvo Cars of N. Am., Inc. v. Ricci*, 122 Nev. 746, 749-51, 137 P.3d 1161, 1163-64 (2006) (discussing the factors this court considers when determining whether to accept a certified question).

Appellant shall have 30 days from the date of this order to file and serve an opening brief. Respondent shall have 30 days from the date the opening brief is served to file and serve an answering brief. Appellant

shall then have 21 days from the date the answering brief is served to file and serve any reply brief. The parties' briefs shall comply with NRAP 28, 28.2, 31(c), and 32. See NRAP 5(g)(2). The parties may file a joint appendix containing any portions of the record before the U.S. District Court that are necessary to this court's resolution of the certified questions. See NRAP 5(d), (g)(2).

It is so ORDERED.¹

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

cc: Thierman Buck LLP
Cara T. Laursen
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Clerk, United States District Court for the District of Nevada

¹The clerk of this court shall not charge a filing fee in this case. See NRS 2.250(1)(d)(1).