

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Petitioner,
vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RICHARD SCOTTI, DISTRICT JUDGE,

Respondents,
and
JENNIFER LYNN PLUMLEE,
Real Party in Interest.

No. 82236

FILED

MAR 15 2021

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

THE STATE OF NEVADA,
Petitioner,
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THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RICHARD SCOTTI, DISTRICT JUDGE,

Respondents,
and
MATTHEW HANEY MOLEN,
Real Party in Interest.

No. 82249

ORDER GRANTING MOTION IN PART

The Legislature of the State of Nevada has filed a motion for leave to file a brief of amicus curiae in excess of the type-volume limitation. The motion is opposed and the Legislature has filed a reply. The argument presented in section three of the proposed amicus brief raises a new issue not presented by petitioners, and the court declines to grant leave to exceed the type-volume limitation to present this issue. *See, e.g., United Parcel Service, Inc. v. Mitchell*, 451 U.S. 56, 60 n.2 (1981) (declining to consider an

amicus' argument "since it was not raised by either of the parties"); 4 Am. Jur. 2d Amicus Curiae § 7 (2021) (amicus ordinarily cannot inject new issues into a case which have not been presented by the parties). The court nevertheless agrees that excess type-volume is warranted regarding the remaining issues. Accordingly, the motion is granted to the following extent. NRAP 21(d); NRAP 32(a)(7)(D). The clerk shall strike the amicus brief filed on February 16, 2021. The Legislature shall have 7 days from the date of this order to refile its amicus brief without the argument presented in section three.

It is so ORDERED.

J. Sanders, C.J.

cc: Attorney General/Carson City
Clark County District Attorney
Mueller & Associates
Legislative Counsel Bureau Legal Division