

# IN THE SUPREME COURT OF THE STATE OF NEVADA

NATASHA EARLY,  
Appellant(s),

vs.

THE STATE OF NEVADA  
EMPLOYMENT SECURITY DIVISION;  
AND KIMBERLY GAA [NOW LYNDA  
PARVEN] IN HER CAPACITY AS  
ADMINISTRATOR OF THE  
EMPLOYMENT SECURITY DIVISION,  
Respondent(s),

Electronically Filed  
Apr 16 2021 01:12 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: A-20-826013-W

Docket No: 82721

## RECORD ON APPEAL

**ATTORNEY FOR APPELLANT**  
NATASHA EARLY, PROPER PERSON  
4650 W. OAKLEY BLVD., #2035  
LAS VEGAS, NV 89102

**ATTORNEY FOR RESPONDENT**  
TROY C. JORSAN, ESQ.  
500 E. THIRD ST.  
CARSON CITY, NV 89731

**I N D E X**

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**A-20-826013-W**

**Natasha Early, Plaintiff(s)**

**vs.**

**Employment Security Division of the State of  
Nevada, Defendant(s)**

**I N D E X**

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3 Las Vegas, NV. 89102  
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5 Natashalee0601@gmail.com

6 **IN THE SUPREME COURT OF NEVADA**

7 NATASHA EARLY

8 Petitioner,

9 vs.

10  
11 EMPLOYMENT SECURITY  
12 DIVISION, STATE OF NEVADA and  
13 KIMBERLY GAA in her capacity as  
14 ADMINISTRATOR of the  
15 EMPLOYMENT SECURITY  
16 DIVISION

17 Respondents

CASE NO: A-20-826013-W

DEPT NO: XXXI

18 **PETITION FOR WRIT OF MANDAMUS**

19 **I. STATEMENT OF ISSUES PRESENTED AND RELIEF SOUGHT**

20 The Petition requests issuance of a writ of mandamus pursuant to NRAP 21  
21 and NRS 34.160, directing the Employment Security Division, State of Nevada  
22 and Kimberly Gaa in her capacity as Administrator of the Employment Security  
23 Division (herein after "Respondents") to pay the Petitioner, Natasha Early (herein  
24 after "Petitioner") her weekly unemployment benefit payments due for each  
25 weekly claim filed because she has been deemed eligible by the Respondents to  
26  
27  
28



1 receive said weekly benefit payments however the Respondents have failed to pay  
2 in contravention to their ministerial duty to pay. Said weekly benefit payments  
3 include the additional \$600 a week per the Federal Pandemic Unemployment  
4 Compensation (herein after "FPUC") mandated by the Cares Act of 2020 until June  
5 25, 2020 and \$300 per week per the Lost Wages Act from August 1, 2020.  
6  
7

8 **This petition falls under NRAP 17(a)(11).**  
9

## 10 **POINTS AND AUTHORITIES**

### 11 **II. STATEMENT OF FACTS & PROCEDURE**

12  
13  
14 In March of 2020, due to the Covid 19 Pandemic crisis sweeping the nation,  
15 a statewide shut down of non-essential industries has deprived Petitioner of her  
16 ability to be gainfully employed and was forced to apply for unemployment benefits  
17 with the Employment Security Division (Respondents), an agency of the Department  
18 of Employment, Training, and Rehabilitation.  
19  
20

21 Petitioner had an existing claim for unemployment benefits that began on  
22 April 28, 2019 and expired on April 25, 2020 for a weekly benefit amount of \$285.00  
23 for 26 weeks, a maximum of \$7,282.00 (See Exhibit 1). Petitioner was prevented  
24 from applying for unemployment benefits until August of 2020 because the  
25 Respondents failed to provide a functional website that could process her claim and  
26  
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28

1 she could not access them by telephone as all she got was a busy signal; she could  
2 not access the system to file her claim. The Governor declared that all  
3 Unemployment Benefit Claims would be backdated to March 15, 2020, this is of  
4 public record and the Court should take Judicial Notice.  
5

6  
7 Petitioner finally filed a claim for Unemployment Benefits in August of 2020,  
8 because she could not file any time earlier, since March of 2020. The Respondents  
9 did not process her claim under the 2019 existing claim when the Covid 19 shut  
10 down occurred in March of 2020 but treated her application as a new claim  
11 commencing on August 9, 2020 (See Exhibit 2), which only granted her \$71.00 for  
12 12 weeks. She also did not get this claim approved by the Respondents until  
13 November 4, 2020 when she was paid all of the 12 weeks at once totaling \$816.00  
14 and to Emergency Extended benefits per the Pandemic Emergency Unemployment  
15 Compensation in the same amount of \$71.00 a week for 12 weeks, in which she was  
16 paid \$213.00 on November 25, 2020.  
17

18  
19 Petitioner contacted the Respondents to backdate the claim to March 15, 2020  
20 and to in fact re-open the 2019 claim in Exhibit 1 and to treat her application for that  
21 governing claim which would entitle her to \$285.00 a week for 26 weeks, \$600 a  
22 week per Federal Pandemic Unemployment Compensation until July 25, 2020, and  
23 also to a first extension the Pandemic Emergency Unemployment Compensation in  
24  
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1 the amount of \$285.00 per week for 13 weeks, and additions State Unemployment  
2 Compensation for \$285.00 per week for 13 more weeks.

3  
4 Instead of the Respondents treating Petitioner fair and equitably, the  
5 Respondents erected a complete farce of Petitioner's request and claimed she  
6 attempted to backdate her claim to April 26, 2020 (one day after the expiration of  
7 the 2019 benefit year, see end year date of the 2019 claim in Exhibit 3) and that she  
8 did not file her claim back then because she merely chose not to do so, and  
9 determined that she is ineligible for any benefits and that both the \$816.00 and  
10 \$213.00 paid is an overpayment which she must repay. Because Petitioner attempted  
11 to exercise her rights to her 2019 claim she had been penalized by the Respondents  
12 and deprived of even the funds she has received. (See Exhibits 4 and 5). Because  
13 Respondents placed Petitioner outside her 2019 claim she has not been able to  
14 receive any of the \$600.00 per week as mandated by the Federal Pandemic  
15 Unemployment Compensation, nor could she receive the \$300.00 per week per the  
16 Lost Wages Act. Petitioner is deprived in every sense of the word and the  
17 Respondents will not offer any remedy.

18  
19 Petitioner is a single mother and is presently being evicted per the expiration  
20 of the CDC Moratorium. The Respondents have failed to pay her the benefits she is  
21 entitled to per the 2019 claim as shown in Exhibit 1 as mandated by law and

1 Governor Sisilak executive orders concerning the backdate of the claims. The writ  
2 of mandate must issue to command the Respondents to pay Petitioner according to  
3 her 2019 claim.  
4

### 5 **III. LEGAL ANALYSIS**

#### 6 **(a) THE WRIT OF MANDAMUS IS WARRANTED**

7  
8 This Court has original jurisdiction over the extraordinary remedies of writs  
9 of mandamus, prohibition, and certiorari. <sup>1</sup> The Court has exclusive jurisdiction to  
10 issue a writ of mandamus to compel a district court to perform a required act, <sup>2</sup> or  
11 to refrain from performing a prohibited act, such as one beyond its subject matter  
12 jurisdiction. <sup>3</sup>  
13  
14

15 Specifically, "A writ of mandamus is available to compel the performance of  
16 an act which the law requires as a duty resulting from an office, trust or station,  
17 NRS 34.160, or to control an arbitrary or capricious exercise of discretion." <sup>4</sup> It is  
18 the appropriate remedy to compel performance of a judicial act. <sup>5</sup> Its counterpart, a  
19 writ of prohibition, act to prevent a court from  
20 Transcending the limitation of its jurisdiction. <sup>6</sup>  
21  
22

23 Both writs are to be issued when there is no plain, speedy, and adequate  
24 remedy in the ordinary course of law. <sup>7</sup>  
25  
26  
27  
28

1           <sup>1</sup> Nev. Const. Art 6 §§ 4, 6.

2           <sup>2</sup> NRS. 34.160.

3           <sup>3</sup> NRS 34.320; NRS 34.330

4           <sup>4</sup> *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 637 P.2d 534 (1981).

5           <sup>5</sup> *Solis-Ramirez v. Eighth Judicial Dist. Court ex rel. County of Clark*, 112  
6 Nev. 344, 913 P. 2d 1293 (1996).

7           <sup>6</sup> *Goicoechea v. Fourth Judicial Dist. Court ex re. County of Elko*, 96 Nev.  
8 287, 607 P.2d 1140 (1980)

9           <sup>7</sup> *Hickey v. District Court*, 105 Nev. 729, 782 P. 2.d 1336 (1989); NRS  
10 34.160; NRS 34.330.

---

11  
12           **(b) THE RESPONDENTS HAVE A DUTY TO PAY PETITIONER HER**  
13           **WEEKLY BENEFIT PAYMENTS.**

14  
15  
16  
17  
18           N.R.S. 612.220 holds in relevant part that the Administrator of the  
19 Employment Security Division must pay petitioner for each week she is entitled as  
20 follows....

21           **3. Has power and authority to adopt, amend or rescind such rules and**  
22           **regulations, to employ, in accordance with the provisions of this chapter,**  
23  
24

1 such persons, make such expenditures, require such reports, make such  
2 investigations, and take such other action as the Administrator deems  
3 necessary or suitable to that end.  
4

5 Additionally, per N.R.S 612.350 the Administrator must pay petitioner each  
6 weekly benefit payment she is eligible to receive as follows...  
7

8 1. An eligible person who is unemployed and otherwise entitled to  
9 receive benefits in any week must be paid for that week a benefit in an  
10 amount equal to the person's weekly benefit amount, less 75 percent of  
11 the remuneration payable to him or her for that week.  
12  
13

14 (C) WRIT OF MANDAMUS TO ISSUE WHEN NO PLAIN,  
15 SPEEDY, AND  
16 ADEQUATE REMEDY IN LAW

17 NRS. 34.170 provides that the writ of mandamus shall be issued, "in all cases  
18 where there is not a plain, speedy and adequate remedy in the ordinary course of  
19 law". Mandamus is a proper remedy to compel performance of a judicial act when  
20 there is no plain, speedy, and adequate remedy at law in order to compel the  
21 performance of an act which the law requires as a duty resulting from office. *Smith*  
22 *v. Eighth Judicial Dist. Court ex rel. County of Clark*, 107 Nev. 674, 818 P 2.d 849,  
23 (1991). Where the law especially enjoins a duty upon an officer, and leaves him no  
24 discretion, and there is no other adequate remedy, performance may be enforced by  
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26  
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28

1 mandamus. *State ex rel. Mighels v. Eggers*, 36 Nev. 364, 136 P. 104, (1913).  
2 Mandamus is a remedy which may be invoked to cause an administrative officer to  
3 perform a ministerial act when the duty to perform such act is clear *Gill v. State ex*  
4 *rel Booher*, 75 Nev. 448, 345 P. 2d 421, (1959). The writ of mandamus should be  
5  
6 resorted to only when the usual and ordinary remedies fail to afford adequate relief,  
7  
8 and without it there would be a failure of justice; if there is an adequate remedy at  
9  
10 law by which relief may be attained, it should be taken. *State ex rel. Torreyson v.*  
11 *Board of Comm'rs*, 22 Nev. 263, 38 P. 668, (1895). Since a reference to a special  
12  
13 master is not an appealable order in the ordinary course of law, mandamus is an  
14  
15 appropriate remedy if it found that the trial judge exceeded his authority by  
16  
17 appointing a special master, *Russell v. Thompson*, 96 Nev. 830, 619 P. 2d 537, (1980).  
18  
19 If an important issue of law needs clarification and public policy is served by the  
20  
21 exercise of jurisdiction, then extraordinary review may be justified. *Lowe Enters.*  
*Residential Partners, L.P. v. Eighth Judicial Dist. Court*, 118 Nev. 92, 40 P. 3d 405,  
(2002).

22 **(D) WRIT OF PROHIBITION MAY BE ISSUED BY SUPREME**  
23 **COURT WHEN**  
24 **NO PLAIN, SPEEDY AND ADEQUATE REMEDY IN**  
25 **LAW**

26 NRS 34.330 provides the "writ of prohibition may be issued only by the  
27 Supreme Court....to an inferior tribunal, board or person.....in all cases where  
28

1 there is not a plain, speedy and adequate remedy in the ordinary course of law”.

2 The writ of prohibition ought to issue freely whenever it is necessary for the  
3 protection of the rights of a litigant and he has no other plain, speedy, and adequate  
4 remedy. *Silver Peak Mines v. Second Judicial Dist. Court*, 33 Nev. 97, 110 P. 503  
5 (1910). Petitions for writs were appropriate vehicle for challenging orders because  
6 no statute or rule provided for an appeal from the contested orders entered by the  
7 district court, petitions for writs of prohibition and mandamus were the appropriate  
8 vehicle for challenging such orders. *Angell v. Eighth Judicial Dist. Court ex rel.*  
9 *County of Clark*, 108 Nev. 923, 839 P. 2d 1329, (1992).  
10  
11  
12  
13

14 Accordingly, as supported above, the writs of mandamus or prohibition may  
15 issue forth as Petitioner’s issues fall within the necessary scope judicial officer’s  
16 exceeding their jurisdiction and the necessity to protect the Petitioner from a  
17 failure of justice.  
18  
19

#### 20 IV. ARGUMENT

21  
22 Petitioner is deemed eligible to receive unemployment weekly benefits  
23 payments with an effective date of April 28, 2019 to expire on April 25, 2020. She  
24 is entitled to the additional \$600 per week, per the FPUC of the Cares Act from  
25 April 5, 2020 until July 25, 2020. She will also be entitled the the two extensions  
26 of unemployment weekly benefit payments, as her claim would have expired on  
27  
28



1 April 25, 2020 and she would file for the extensions which would again entitle her  
2 to the extra \$600.00 per week. At this point she is in the hole for the full 13 weeks  
3 of the first extension and at least 11 weeks into the second, if her claim was treated  
4 properly, as well the extra \$300.00 per week from August 1, 2020 per the Lost  
5 Wages Act. The Administrator is prohibiting petitioner from receiving her weekly  
6 past due benefit payments in contravention of her duty and the law. The  
7 Administrator is preventing Petitioner from applying for and receiving extended  
8 benefit payments for which she would be deemed eligible.  
9

10  
11  
12 The Respondents have failed to execute their duty, any appeal for her denial  
13 of the most recent benefits is arbitrary and capricious decisions as shown in Exhibit  
14 3 and 4 and are just another delay and detour into injustice because they will not  
15 recognize her 2019 claim. There exist no plain, speedy or adequate remedy to  
16 resolve this matter as Petitioner's attempts to address and correct these matters  
17 with the Respondents have resulted in illegally penalized her into further  
18 deprivation. The Petitioner is in dire need of her 2019 Claim and the all the funds  
19 due to her, poverty and homelessness are a present and sure reality, the Wirt of  
20 Mandamus must issue.  
21  
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25 ///

26 ///

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3 **V. REQUEST FOR RELIEF**  
4

5 Accordingly, as shown above and good cause appearing, there exists no  
6 plain, adequate or speedy remedy available to resolve the failure of the  
7 Respondents to pay Petitioner her unemployment benefits, to include the additional  
8 \$600 per week of FPUC owed, and it requested that the writ of mandamus be  
9 issued on the Respondents to pay Petitioner all past due weekly benefits payments  
10 according to the 2019 claim and to allow Petitioner to apply for the first and  
11 second of the extension rate of \$285 per week and to the \$300.00 a week per the  
12 Lost Wages Act.  
13  
14  
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16

17 Respectfully Submitted



18  
19 December 11, 2020

Natasha Early

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Employment Security Division, Kimberly Gaa  
500 E. Third St.  
Carson City, NV.  
89713

December/1, 2020

Natasha Early

# EXHIBIT 1

**Employment Security Division**  
Monetary Unit  
500 East Third Street  
Carson City, NV 89713-0035  
Tel (775) 684-0444 Fax (775) 684-0463



9444550  
<http://www.nvdetr.org>

**NATASHA EARLY**  
9105 W FLAMINGO RD APT 2014  
LAS VEGAS, NV 89147-6438

**Claimant ID:** 5101463  
**Re:** Notice of Monetary  
Determination  
**Date Mailed:** 05/07/2019  
**Appeal Date:** 05/20/2019  
**Claim Effective Date:**  
04/28/2019  
**Program:** UI

This Notice of Monetary Determination is to inform you of the wages used by the Division to calculate your monetary eligibility for unemployment benefits. Your benefit amount is calculated on base period wages reported by your Employer(s). Your base period is 01/01/2018 through 12/31/2018.

Per Nevada Revised Statute (NRS) 612.025 [1], the base period is defined as the first four of the last five completed calendar quarters immediately preceding the effective date of your initial claim for benefits. For additional information regarding Alternate Base Period eligibility, contact Nevada Telephone Claim Center.

Your benefit year is a consecutive 52 week period beginning the effective date of your claim. Benefits may be paid for any period you are out of work during the benefit year, as long as you have a remaining benefit balance.

If a person does not meet the wage requirements by using the first four of the last five completed calendar quarters, then an Alternate Base Period claim may be established using the last four completed calendar quarters.

Per Nevada Revised Statute (NRS) 612.025 [2], the alternate base period is defined as the last four completed calendar quarters immediately preceding the effective date of your initial claim for benefits.

Receipt of this letter does not necessarily mean that you are qualified for unemployment benefits. Its purpose is to advise you of the benefit amount you are entitled to if you are meeting all other eligibility requirements for unemployment benefits. See the Nevada Unemployment Insurance Facts for Claimants booklet for more information about eligibility issues and the method used to calculate your benefit amount. This booklet is available on-line at <http://ui.nv.gov>.

Carefully examine the wages which were reported by your employer(s). Errors or missing wages could reduce your benefits or prevent you from qualifying for unemployment benefits. If the information below contains errors, omissions, or reported wages not earned by you, you are responsible for notifying the Division. Your written request must include the reason that you disagree with the determination. Include your name, social security number and any proof of



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work such as copies of paycheck stubs, W2 forms, etc. Failure to provide accurate information may result in the overpayment of benefits for which you may be responsible for repayment.

Please be advised that Military, Federal Government or wages from another state will be shown as pending until the wages are received. These wages are requested at the time you filed your claim. You will receive a redetermination when these wages are added to your claim. Please continue to file your weekly claims during this process.

**NOTE:** Unemployment compensation information may be requested and utilized for other governmental purposes, including, but not limited to, verification of an individual's eligibility for other governmental programs and may be subject to verification through computer matching programs with other agencies, pursuant to applicable federal and state law, including 20 C.F.R. § 603.11, NRS 612.265, and the Privacy Act of 1974, 5 U.S.C. § 552a.

Employer	QTR Q1/2018	QTR Q2/2018	QTR Q3/2018	QTR Q4/2018	Employer Total	State
CALABRINI LLC	\$4,286.42	\$745.86	\$0.00	\$0.00	\$5,032.28	NV
AIRPORT MGMT SERVICES LLC	\$0.00	\$2,651.85	\$7,131.93	\$5,765.67	\$15,549.45	NV
LOGICAL POSITION NEVADA LLC	\$0.00	\$0.00	\$0.00	\$1,267.00	\$1,267.00	NV
<b>Total Wages</b>	\$4,286.42	\$3,397.71	\$7,131.93	\$7,032.67	\$21,848.73	

Based on the above information you are potentially eligible for:

Weekly Amount	Total Weeks	Maximum Payable Amount
\$285.00	26	\$7,282.00

You have the right to file an appeal. In accordance with NRS 612.485, the last day to protest this determination or request cancellation of this claim is 05/20/2019.

**APPEAL RIGHTS AND INFORMATION**

If you disagree with this determination you may file an appeal. An appeal must be filed within 11 days of the date the decision was sent to you.

You may request an appeal date extension, if you did not file your appeal timely; however, you must show good cause for the delay in filing. You may appeal by writing a letter to the address shown below. Your appeal must include the reason for appealing, the employer name, your social security number, and your signature. If an interpreter is needed, please include this request in the appeal letter. If you need additional information please contact the Telephone Claims Office at (888) 890-8211.

Your last day to appeal this decision is 05/20/2019. You may appeal this decision by sending a fax or letter to:

**For immediate consideration Fax to:**

**(775) 684-0463**

or

**Mail to:**

**Employment Security Division/Monetary  
500 East Third Street  
Carson City, Nevada 89713**

**An equal opportunity employer/program.**

**Auxiliary aids and services available upon request for individuals with disabilities**

**TTY (775) 687-5353 Relay 711 or (800) 326-6868**

**During the appeal process you must continue to file claims for any week you are unemployed to preserve any benefit rights that may be established as a result of the appeal.**

---

# EXHIBIT 2



**Employment Security Division**  
Monetary Unit  
500 East Third Street  
Carson City, NV 89713-0035  
Tel (775) 684-0444 Fax (775) 684-0463



12742730  
<http://www.nvdetr.org>

**NATASHA EARLY**  
4650 W OAKLEY BLVD INTO 2035  
LAS VEGAS, NV 89102

**Claimant ID:** 5101463  
**Re:** Notice of Monetary  
Determination  
**Date Mailed:** 08/11/2020  
**Appeal Date:** 08/24/2020  
**Claim Effective Date:**  
08/09/2020  
**Program:** UI

This Notice of Monetary Determination is to inform you of the wages used by the Division to calculate your monetary eligibility for unemployment benefits. Your benefit amount is calculated on base period wages reported by your Employer(s). Your base period is 04/01/2019 through 03/31/2020.

Per Nevada Revised Statute (NRS) 612.025 [1], the base period is defined as the first four of the last five completed calendar quarters immediately preceding the effective date of your initial claim for benefits. For additional information regarding Alternate Base Period eligibility, contact Nevada Telephone Claim Center.

Your benefit year is a consecutive 52 week period beginning the effective date of your claim. Benefits may be paid for any period you are out of work during the benefit year, as long as you have a remaining benefit balance.

If a person does not meet the wage requirements by using the first four of the last five completed calendar quarters, then an Alternate Base Period claim may be established using the last four completed calendar quarters.

Per Nevada Revised Statute (NRS) 612.025 [2], the alternate base period is defined as the last four completed calendar quarters immediately preceding the effective date of your initial claim for benefits.

Receipt of this letter does not necessarily mean that you are qualified for unemployment benefits. Its purpose is to advise you of the benefit amount you are entitled to if you are meeting all other eligibility requirements for unemployment benefits. See the Nevada Unemployment Insurance Facts for Claimants booklet for more information about eligibility issues and the method used to calculate your benefit amount. This booklet is available on-line at <http://ui.nv.gov>.

Carefully examine the wages which were reported by your employer(s). Errors or missing wages could reduce your benefits or prevent you from qualifying for unemployment benefits. If the information below contains errors, omissions, or reported wages not earned by you, you are responsible for notifying the Division. Your written request must include the reason that you disagree with the determination. Include your name, social security number and any proof of



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work such as copies of paycheck stubs, W2 forms, etc. Failure to provide accurate information may result in the overpayment of benefits for which you may be responsible for repayment.

Please be advised that Military, Federal Government or wages from another state will be shown as pending until the wages are received. These wages are requested at the time you filed your claim. You will receive a redetermination when these wages are added to your claim. Please continue to file your weekly claims during this process.

**NOTE:** Unemployment compensation information may be requested and utilized for other governmental purposes, including, but not limited to, verification of an individual's eligibility for other governmental programs and may be subject to verification through computer matching programs with other agencies, pursuant to applicable federal and state law, including 20 C.F.R. § 603.11, NRS 612.265, and the Privacy Act of 1974, 5 U.S.C. § 552a.

*To protect your benefit rights, please download and read the Nevada Unemployment Insurance Facts for Claimants Handbook located at [ui.nv.gov](http://ui.nv.gov) [ui.nv.gov/Handbooks/uiinv\\_handbook.htm](http://ui.nv.gov/Handbooks/uiinv_handbook.htm)*

*Para proteger sus derechos a sus beneficios, descargue y lea el manual de Informacion para Reclamantes del Seguro de Desempleo en Nevada en [ui.nv.gov](http://ui.nv.gov) [ui.nv.gov/Handbooks/uiinv\\_handbook.htm](http://ui.nv.gov/Handbooks/uiinv_handbook.htm)*

Employer	QTR Q2/2019	QTR Q3/2019	QTR Q4/2019	QTR Q1/2020	Employer Total	State
AUS MARKETING RESEARCH SYSTEMS	\$150.66	\$1,598.78	\$0.00	\$0.00	\$1,749.44	NV
LOGICAL POSITION NEVADA LLC	\$386.00	\$0.00	\$0.00	\$0.00	\$386.00	NV
GSK RESEARCH INC	\$0.00	\$184.47	\$128.81	\$0.00	\$313.28	NV
<b>Total Wages</b>	<b>\$536.66</b>	<b>\$1,783.25</b>	<b>\$128.81</b>	<b>\$0.00</b>	<b>\$2,448.72</b>	

Based on the above information you are potentially eligible for:

Weekly Amount	Total Weeks	Maximum Payable Amount
\$71.00	12	\$816.00

You have the right to file an appeal. In accordance with NRS 612.485, the last day to protest this determination or request cancellation of this claim is 08/24/2020.

After your Unemployment Insurance (UI) claim expires or exhausts, you may be eligible to receive an additional 13 weeks of benefits under Pandemic Emergency Unemployment Compensation (PEUC). After your PEUC claim exhausts, you may be eligible to receive another additional 13 weeks of benefits under State Extended Benefits (SEB). In order to receive these additional benefits you must take action on [ui.nv.gov](http://ui.nv.gov) or call the telephone claims center at (702-486-0350,

775-684-0350, or 1-888-890-8211) to file for PEUC or SEB. All other eligibility requirements must be met in order to receive additional PEUC or SEB benefits.

## APPEAL RIGHTS AND INFORMATION

If you disagree with this determination you may file an appeal. An appeal must be filed within 11 days of the date the decision was sent to you.

You may request an appeal date extension, if you did not file your appeal timely; however, you must show good cause for the delay in filing. You may appeal by writing a letter to the address shown below. Your appeal must include the reason for appealing, the employer name, your social security number, and your signature. If an interpreter is needed, please include this request in the appeal letter. If you need additional information please contact the Telephone Claims Office at (888) 890-8211.

Your last day to appeal this decision is 08/24/2020. You may appeal this decision by sending a fax or letter to:

**For immediate consideration Fax to:**

(775) 684-0463

or

**Mail to:**

Employment Security Division/Monetary

500 East Third Street

Carson City, Nevada 89713

An equal opportunity employer/program.

Auxiliary aids and services available upon request for individuals with disabilities

TTY (775) 687-5353 Relay 711 or (800) 326-6868

**During the appeal process you must continue to file claims for any week you are unemployed to preserve any benefit rights that may be established as a result of the appeal.**

## INFORMACIÓN EN ESPAÑOL

Este comunicado contiene información importante acerca de su reclamo. Si usted tiene problemas para leer y comprender inglés, puede comunicarse con un representante de la División para que le ayuden con la traducción.

El Norte de Nevada.....1-775-687-8148

El Sur de Nevada.....1-702-486-2957

Número de teléfono gratuito...1-888-687-8147

Examine cuidadosamente los ingresos reportados por su empleador (es). Errores o ingresos que no sean reportados podrían reducir sus beneficios o evitar que califique para beneficios de desempleo. Es su responsabilidad avisar a la división si la siguiente información contiene errores, omisiones, o ingresos que usted no gana. Debe reportarlo por escrito y incluir el motivo por el cual no está de acuerdo con los ingresos que aparecen en la determinación. Incluya su nombre, número de seguro social o número de reclamante y cualquier prueba de sus ingresos, como copias de talones de cheques, formularios W2, etc. Usted puede ser responsable de pagar cualquier sobrepago creado por no proporcionar información precisa.

Usted puede presentar una apelación si no está de acuerdo con esta determinación. Se debe presentar dentro de los 11 días de la fecha en que se le envió esta decisión. Durante el proceso de apelación, debe continuar haciendo sus reclamos semanales por cada semana en que este desempleado para preservar cualquier derecho a beneficios que pueda establecerse como resultado de la apelación.

# EXHIBIT 3

12/1/2020

print

NATASHA EARLY

4650 W OAKLEY BLVD , APT 2035, LAS VEGAS NV 89102-1516

NATASHALEE0601@GMAIL.COM

Effective Date: 04/28/2019    End Date: 04/25/2020    Maximum Benefit Amount: \$7,282.00    Weekly Benefit Amount: \$285.00

Payment Summary    Total Amount Paid: \$0.00    Remaining Balance Amount:    Overpayment Balance: \$0.00

Benefit Week	Date Filed	Net Amount Paid	Overpaid Week	Deductions	Payment Issued	Confirmation Number	View Claim Answers
05/11/2019							
05/04/2019							

---

# EXHIBIT 4

**Employment Security Division**  
Adjudication Center  
600 East Third Street  
Carson City, NV 89713-0035  
Tel (775) 684-0302 Fax (775) 684-0338  
Tel (702) 486-7999 Fax (702) 486-7987



**DETR**  
Nevada Department of Employment,  
Training and Rehabilitation

ONE NEVADA - Growing A Skilled, Diverse Workforce



13516998  
<http://www.nvdetr.org>

### **Amended**

**NATASHA EARLY**  
4650 W OAKLEY BLVD APT 2035  
LAS VEGAS, NV 89102-1516

Claimant ID: 5101463  
Issue ID: 5671748  
Week End Date: 05/02/2020  
Date Mailed: 11/30/2020  
Last Day to Appeal: 12/11/2020  
Decision Date: 11/25/2020

**\* See back of form for Appeal Rights  
and other important information.**

**\*Vea el reverso de la hoja para  
los derechos de apelación y otra  
información importante.**

### **DECISION**

You are not entitled to benefits from 04/26/2020 to 08/08/2020.

As a result of your disqualification, you may have been overpaid Unemployment insurance benefits. If you have been overpaid, you will be issued a separate determination that will show the amount overpaid.

### **REASON FOR DECISION**

You have requested your claim for unemployment insurance benefits be effective 04/26/2020. You filed your claim on 08/10/2020 and it is effective 08/09/2020, the Sunday of the week in which you filed. You did not file earlier because you were unable to file in April as you had no access to file.

Since you chose not to file sooner, your request to backdate your claim is denied.

### **Pertinent Section of Law:**

**NRS 612.375.1(a):** An unemployed person is eligible to receive benefits only if he has registered for work at, and has continued to report as instructed by, an office of the Employment Security Division. The disqualification for failing to meet registration requirements or for failing to report or file claims in the manner prescribed is for each of those weeks in which such failure occurred.



Report suspected UI Fraud online at <https://detr.nv.gov>

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**REASON FOR AMENDMENT**

not to file sooner

**APPEAL RIGHTS**

Notice: If you receive more than one decision, read each one carefully to protect your appeal rights. ANY ineligible decision will stop payment of this claim. Please read the following information carefully. If you disagree with this decision you have the right to file an appeal. The appeal must be faxed or postmarked by 12/11/2020. You may request an appeal date extension, if you did not file your appeal timely, however, you must show good cause for the delay in filing. You may appeal by writing a letter to the address shown at the top of the previous page. This appeal must include your reason for appealing, the employer name, your social security number and your signature. If an interpreter is needed, please include this request in the appeal letter. During the appeal process you must continue to file claims for any week you are unemployed to preserve any benefit rights that may be established as a result of the appeal. If your employer files an appeal, you should participate in the hearing to protect your rights. If you need additional information, please contact the telephone claims office.

An equal opportunity employer/program.  
Auxiliary aids and services available upon request for individuals with disabilities  
TTY (775) 687-5353 Relay 711 or (800) 326-6868

**For Spanish Language Interpretation****Para la traducción al Español**

Aviso: Esta notificación contiene información importante acerca de su reclamo, incluyendo plazos para la apelación. Si Ud. tiene problemas para leer y entender Inglés, puede contactarse con un representante de la División de Seguridad de Empleo al para asistencia en traducción.

El Norte de Nevada.....1-775-687-8148  
El Sur de Nevada.....1-702-486-2957  
Numero de llamada gratuita...1-888-687-8147

Si la decisión establece que usted ha sido descalificado para los beneficios de desempleo, usted tiene el derecho de apelar esta decisión presentando una apelación dentro de once días con el División de Seguridad de Empleo. La fecha límite de apelación está anotada en la parte superior de la carta de decisión. Si usted no presenta una apelación a tiempo, puede perder la oportunidad de recibir los beneficios de desempleo. Si se determina que usted no tiene derecho a recibir los beneficios de desempleo, usted puede ser responsable de devolver los beneficios que haya recibido previamente.

**Employment Security Division**  
Adjudication Center  
500 East Third Street  
Carson City, NV 89713-0035  
Tel (775) 684-0302 Fax (775) 684-0338  
Tel (702) 486-7899 Fax (702) 486-7987



13510980  
<http://www.nvdestr.org>

**Original**

**NATASHA EARLY**  
4650 W OAKLEY BLVD APT 2035  
LAS VEGAS, NV 89102-1516

Claimant ID: 5101463  
Issue ID: 5671748  
Week End Date: 05/02/2020  
Date Mailed: 11/25/2020  
Last Day to Appeal: 12/07/2020  
Decision Date: 11/24/2020

**\* See back of form for Appeal Rights  
and other important information.**

**\*Vea el reverso de la hoja para  
los derechos de apelación y otra  
información importante.**

**DECISION**

You are ineligible for benefits from 04/26/2020.

As a result of your disqualification, you may have been overpaid Unemployment Insurance benefits. If you have been overpaid, you will be issued a separate determination that will show the amount overpaid.

**REASON FOR DECISION**

You have requested your claim for unemployment insurance benefits be effective 04/26/2020. You filed your claim on 08/10/2020 and it is effective 08/09/2020, the Sunday of the week in which you filed. You did not file earlier because you were unable to file in April as you had no access to file.

Since you chose not to file sooner, your request to backdate your claim is denied.

**Pertinent Section of Law:**

**NRS 612.375.1(a):** An unemployed person is eligible to receive benefits only if he has registered for work at, and has continued to report as instructed by, an office of the Employment Security Division. The disqualification for failing to meet registration requirements or for failing to report or file claims in the manner prescribed is for each of those weeks in which such failure occurred.



Report suspected UI Fraud online at <https://destr.nv.gov>

LET7712\_154.0.0

### **APPEAL RIGHTS**

**Notice:** If you receive more than one decision, read each one carefully to protect your appeal rights. ANY ineligible decision will stop payment of this claim. Please read the following information carefully. If you disagree with this decision you have the right to file an appeal. The appeal must be faxed or postmarked by 12/07/2020. You may request an appeal date extension, if you did not file your appeal timely, however, you must show good cause for the delay in filing. You may appeal by writing a letter to the address shown at the top of the previous page. This appeal must include your reason for appealing, the employer name, your social security number and your signature. If an interpreter is needed, please include this request in the appeal letter. During the appeal process you must continue to file claims for any week you are unemployed to preserve any benefit rights that may be established as a result of the appeal. If your employer files an appeal, you should participate in the hearing to protect your rights. If you need additional information, please contact the telephone claims office.

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TTY (775) 687-5353 Relay 711 or (800) 326-6868

### **For Spanish Language Interpretation**

### **Para la traducción al Español**

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El Norte de Nevada.....1-775-687-8148  
El Sur de Nevada.....1-702-486-2957  
Numero de llamada gratuita...1-888-687-8147

Si la decisión establece que usted has sido descalificado para los beneficios de desempleo, usted tiene el derecho de apelar esta decisión presentando una apelación dentro de once dias con el División de Seguridad de Empleo. La fecha límite de apelación está anotada en la parte superior de la carta de decisión. Si usted no presenta una apelación a tiempo, puede perder la oportunidad de recibir los beneficios de desempleo. Si se determina que usted no tiene derecho a recibir los beneficios de desempleo, usted puede ser responsable de devolver los beneficios que haya recibido previamente.

Employment Security Division  
Adjudication Center  
500 East Third Street  
Carson City, NV 89713-0035  
Tel (775) 684-0302 Fax (775) 684-0338  
Tel (702) 486-7999 Fax (702) 486-7987



**DETR**  
Nevada Department of Employment,  
Training and Rehabilitation

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<http://www.nvdetr.org>

## Original

NATASHA EARLY  
4650 W OAKLEY BLVD APT 2035  
LAS VEGAS, NV 89102-1516

Claimant ID: 5101463  
Issue ID: 5671748  
Week End Date: 05/02/2020  
Date Mailed: 11/25/2020  
Last Day to Appeal: 12/07/2020  
Decision Date: 11/24/2020

**\* See back of form for Appeal Rights  
and other important information.**

**\*Vea el reverso de la hoja para  
los derechos de apelación y otra  
información importante.**

## DECISION

You are ineligible for benefits from 04/26/2020.

As a result of your disqualification, you may have been overpaid Unemployment Insurance benefits. If you have been overpaid, you will be issued a separate determination that will show the amount overpaid.

## REASON FOR DECISION

You have requested your claim for unemployment insurance benefits be effective 04/26/2020. You filed your claim on 08/10/2020 and it is effective 08/09/2020, the Sunday of the week in which you filed. You did not file earlier because you were unable to file in April as you had no access to file.

Since you chose not to file sooner, your request to backdate your claim is denied.

## Pertinent Section of Law:

**NRS 612.375.1(a):** An unemployed person is eligible to receive benefits only if he has registered for work at, and has continued to report as instructed by, an office of the Employment Security Division. The disqualification for failing to meet registration requirements or for failing to report or file claims in the manner prescribed is for each of those weeks in which such failure occurred.



Report suspected UI Fraud online at <https://detr.nv.gov>

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### **APPEAL RIGHTS**

Notice: If you receive more than one decision, read each one carefully to protect your appeal rights. ANY ineligible decision will stop payment of this claim. Please read the following information carefully. If you disagree with this decision you have the right to file an appeal. The appeal must be faxed or postmarked by 12/07/2020. You may request an appeal date extension, if you did not file your appeal timely, however, you must show good cause for the delay in filing. You may appeal by writing a letter to the address shown at the top of the previous page. This appeal must include your reason for appealing, the employer name, your social security number and your signature. If an interpreter is needed, please include this request in the appeal letter. During the appeal process you must continue to file claims for any week you are unemployed to preserve any benefit rights that may be established as a result of the appeal. If your employer files an appeal, you should participate in the hearing to protect your rights. If you need additional information, please contact the telephone claims office.

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TTY (775) 687-5353 Relay 711 or (800) 326-6868

### **For Spanish Language Interpretation**

### **Para la traducción al Español**

Aviso!: Esta notificación contiene información importante acerca de su reclamo, incluyendo plazos para la apelación. Si Ud. tiene problemas para leer y entender Inglés, puede contactarse con un representante de la División de Seguridad de Empleo al para asistencia en traducción.

El Norte de Nevada.....1-775-687-8148  
El Sur de Nevada.....1-702-486-2957  
Numero de llamada gratuita...1-888-687-8147

Si la decisión establece que usted has sido descalificado para los beneficios de desempleo, usted tiene el derecho de apelar esta decisión presentando una apelación dentro de once días con el División de Seguridad de Empleo. La fecha límite de apelación está anotada en la parte superior de la carta de decisión. Si usted no presenta una apelación a tiempo, puede perder la oportunidad de recibir los beneficios de desempleo. Si se determina que usted no tiene derecho a recibir los beneficios de desempleo, usted puede ser responsable de devolver los beneficios que haya recibido previamente.

# EXHIBIT 5

**Employment Security Division**  
Adjudication Center  
500 East Third Street  
Carson City, NV 89713-0035  
Tel (775) 684-0302 Fax (775) 684-0338  
Tel (702) 486-7999 Fax (702) 486-7987



**DETR**  
Nevada Department of Employment,  
Training and Rehabilitation

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13517012  
<http://www.nvdetr.org>

**Original**

NATASHA EARLY  
4650 W OAKLEY BLVD APT 2035  
LAS VEGAS, NV 89102-1516

Claimant ID: 5101463  
Issue ID: 5672616  
Week End Date: 07/25/2020  
Date Mailed: 11/30/2020  
Last Day to Appeal: 12/11/2020  
Decision Date: 11/25/2020

**\* See back of form for Appeal Rights  
and other important information.**

**\*Vea el reverso de la hoja para  
los derechos de apelación y otra  
información importante.**

**DECISION**

You are ineligible for benefits from 07/19/2020.

As a result of your disqualification, you may have been overpaid Unemployment Insurance benefits. If you have been overpaid, you will be issued a separate determination that will show the amount overpaid.

**REASON FOR DECISION**

You have requested your claim for unemployment insurance benefits be effective 07/19/2020. You filed your claim on 11/04/2020 and it is effective 11/01/2020, the Sunday of the week in which you filed. You did not file earlier because you were unable to file your claim in April.

Since you chose not to file sooner, your request to backdate your claim is denied.

**Pertinent Section of Law:**

**NRS 612.375.1(a):** An unemployed person is eligible to receive benefits only if he has registered for work at, and has continued to report as instructed by, an office of the Employment Security Division. The disqualification for failing to meet registration requirements or for failing to report or file claims in the manner prescribed is for each of those weeks in which such failure occurred.



Report suspected UI Fraud online at <https://detr.nv.gov>

LET7712\_154.0.0

### **APPEAL RIGHTS**

Notice: If you receive more than one decision, read each one carefully to protect your appeal rights. ANY ineligible decision will stop payment of this claim. Please read the following information carefully. If you disagree with this decision you have the right to file an appeal. The appeal must be faxed or postmarked by 12/11/2020. You may request an appeal date extension, if you did not file your appeal timely, however, you must show good cause for the delay in filing. You may appeal by writing a letter to the address shown at the top of the previous page. This appeal must include your reason for appealing, the employer name, your social security number and your signature. If an interpreter is needed, please include this request in the appeal letter. During the appeal process you must continue to file claims for any week you are unemployed to preserve any benefit rights that may be established as a result of the appeal. If your employer files an appeal, you should participate in the hearing to protect your rights. If you need additional information, please contact the telephone claims office.

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Auxiliary aids and services available upon request for individuals with disabilities  
TTY (775) 687-5353 Relay 711 or (800) 326-6868

### **For Spanish Language Interpretation**

### **Para la traducción al Español**

Aviso: Esta notificación contiene información importante acerca de su reclamo, incluyendo plazos para la apelación. Si Ud. tiene problemas para leer y entender Inglés, puede contactarse con un representante de la División de Seguridad de Empleo al para asistencia en traducción.

El Norte de Nevada.....1-775-687-8148  
El Sur de Nevada.....1-702-486-2957  
Numero de llamada gratuita...1-888-687-8147

Si la decisión establece que usted has sido descalificado para los beneficios de desempleo, usted tiene el derecho de apelar esta decisión presentando una apelación dentro de once días con el División de Seguridad de Empleo. La fecha límite de apelación está anotada en la parte superior de la carta de decisión. Si usted no presenta una apelación a tiempo, puede perder la oportunidad de recibir los beneficios de desempleo. Si se determina que usted no tiene derecho a recibir los beneficios de desempleo, usted puede ser responsable de devolver los beneficios que haya recibido previamente.



1 Natasha Early  
2 4650 West Oakey Boulevard #2035  
3 Las Vegas, NV. 89102  
4 (323) 713-8613  
5 Natashalee0601@gmail.com  
6

7 **DECLARANT IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS**  
8

9 **STATE OF NEVADA )**  
10 **) SS.**  
11 **COUNTY OF CLARK )**  
12

13 Declarant, Natasha Early, hereby swears and affirms under penalty of perjury that the  
14 following assertions are true and correct:

15 1. Declarant submits this Declaration in Support of Petition for Writ of Mandamus filed  
16 in this case by Declarant. Declarant is competent to be a witness to the matters stated in this  
17 Declaration and could and would testify to those matters in a court of law, under oath, subject to  
18 the penalty of perjury.  
19

20 2. Declarant has personal knowledge of the facts and circumstances set forth below  
21 gained through personal participation.  
22

23 3. I have read the foregoing Petition for Writ of Mandamus and the factual averments it  
24 contains are true and correct to the best of my knowledge, except as to those matters based on  
25 information and belief, and as to those matters, I believe them to be true. Those factual  
26 averments contained in the referenced filing are incorporated here as if set forth in full.

27 Based upon Declarant's personal knowledge:  
28

1           4. Declarant has been deemed eligible to receive unemployment benefits in the amount of  
2 \$285.00 per week for 26 weeks beginning on April 28, 2019 to expire on April 25, 2020, herein  
3 after identified as the 2019 claim.  
4

5           5. The Respondents failed in their duty to re-open and or allow Declarant to access her  
6 2019 claim and did prevent her from filing until August 8, 2020, and placed her on new 2020  
7 claim founded on a based period which only granted her \$71.00 for 11 weeks.  
8

9           6. After Declarant made telephone contact to re-open her 2019 and resolve the issues  
10 with the mischaracterization of the 2020 claim, the Respondents misconstrued the request as a  
11 backdate request of the 2020 to April 26, 2020 and then denied her benefits because, as  
12 Respondents held that she voluntarily did not apply for benefits until August 8, 2020 and only  
13 requested a backdate to April 26, 2020., which is completely erroneous and false.  
14

15           7. No appeal process exists for an expired claim to be re-opened and therefore she cannot  
16 successfully raise the issue on any present appeals with the 2021.  
17

18           8. On November 25, 2020 Respondents amended its decision and granted her benefits  
19 from August 8, 2020 in the amount of \$71.00 per week for 11 weeks, Declarant is on the first  
20 Extension per Pandemic Emergency Unemployment Compensation in the amount of \$71.00 per  
21 week for 7 weeks.  
22

23           9. Declarant is entitled to unemployment benefits in the amount of \$285 per week for 26  
24 weeks commencing March 15, 2020 which would expire on April 25, 2020 per the re-opening of  
25 the 2019 claim as it was the governing claim during the beginning of the Covid 19 shut down  
26 and Declarant was prevented from applying, in addition Governor Sisolak made a declaration  
27 that all claims would be honored and backdated to March 15, 2020.  
28

1           10. Per the 2019 claim, Declarant is entitled to a first extension of 13 weeks per the  
2 Pandemic Emergency Unemployment Compensation as mandated by the Cares Act of 2020, in  
3 the amount of \$285 per week to commence on April 26, 2020 and expire on July 25, 2020.

4  
5           11. Per the 2019, Declarant is entitled to a second extension of 13 weeks per State  
6 Extended Benefits in the amount of \$285.00 per week to commence on July 6 and expire on  
7 October 4, 2020.

8           12. Declarant is entitled to \$600.00 per week for 16 weeks per the Federal Pandemic  
9 Unemployment Compensation of the Cares Act of 2020 commencing on April 5, 2020 and  
10 expire on July 25, 2020.

11  
12           13. Declarant is entitled to \$300.00 a week for six weeks per the Lost Wages Act to  
13 commence in the first week of August 2020 and expire six weeks thereafter.

14           14. **Exhibit 1** of the Petition for Writ of Mandamus is a true and correct copy of Notice  
15 of the Monetary Determination of the 2019 Claim.

16  
17           15. **Exhibit 2** of the Petition for Writ of Mandamus is a true and correct copy of Notice  
18 of Monetary Determination of the 2020 claim.

19           16. **Exhibit 3** of the Petition of Writ of Mandamus is a true and correct copy of  
20 Determination Commencement date of the 2019 claim, showing maximum benefit amount,  
21 weekly benefit amount and end date of April 25, 2020.

22  
23           17. **Exhibit 4** of the Petition of Writ of Mandamus is a true and correct copy of Amended  
24 Notice of Eligibility.

25           18. **Exhibit 5** of the Petition of Writ of Mandamus is a true and correct copy of Notice of  
26 Ineligibility.

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Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 11, 2020

By Natasha Early  
Natasha Early



Natasha Early  
4650 West Oakey Boulevard #2035  
Las Vegas, NV. 89102  
(323) 713-8613  
Natashalee0601@gmail.com

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

NATASHA EARLY

Petitioner,

vs.

EMPLOYMENT SECURITY DIVISION,  
STATE OF NEVADA and KIMBERLY GAA  
in her capacity as ADMINISTRATOR of the  
EMPLOYMENT SECURITY DIVISION

Respondents

CASE NO: A-20-826013-W  
DEPT NO: XXXI

**NOTICE OF HEARING**

TO: Employment Security Division of the State of Nevada and Kimberly Gaa as  
the Administrator of the Employment Security Division of the State of Nevada,

YOU AND EACH OF YOU will take notice that on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2021, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .m. of said day, the following: **Petition**  
**for Writ of Mandamus** will be heard in Department XXXI of the above-entitled Court.

DATED the \_\_\_\_ 4th \_\_\_\_ day of \_\_\_\_ Jan. \_\_\_\_, 2021.

Per NRS 53.045, I declare under penalty of perjury that the foregoing is true and  
correct.

/s/Natasha Early  
Petitioner, Pro Se

PLEADING TITLE - 1



1 NOH

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3  
4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA

6 NATASHA EARLY, ET AL;

Case No.: A-20-826013-W

7 PLAINTIFF(S),

8 VS.

Dept. No.: XXXI

9  
10 EMPLOYMENT SECURITY DIVISION  
11 OF THE STATE OF NEVADA; ET AL.,

12 DEFENDANT(S).

13 **NOTICE OF ORDER SETTING HEARING**

14  
15 PLEASE TAKE NOTICE that the above matter has been placed on calendar  
16 for a hearing regarding the Petition for Writ of Mandamus. A briefing schedule  
17 may/may not be ordered at the hearing. The hearing will take place on **JANUARY**  
18 **19, 2021, at 9:00 a.m.**, in Department XXXI, located at the Regional Justice Center,  
19 200 Lewis Avenue, Las Vegas, NV, 12<sup>th</sup> Floor, **Courtroom 12B**, **by remote**  
20 **appearance of the parties.**

21  
22 All counsel/parties must comply with the Administrative Order(s) and the  
23 Governor's directives by scheduling their alternative remote appearance - either via  
24 CourtCall, 888-882-6878; or audio/visually through Bluejeans (see below). Forms  
25 and instructions for remote appearances may be found on the District Court  
26 website, [www.clarkcountycourts.us/virtual](http://www.clarkcountycourts.us/virtual).

**Parties wishing to appear audio/visually through Bluejeans:** To appear via Bluejeans, **each counsel/party** may either file a Notice of Remote Appearance, which is provided on the Court's website listed above, or the parties may submit a written request to the JEA at: [cordt@clarkcountycourts.us](mailto:cordt@clarkcountycourts.us). The Bluejeans request **must** contain the case name and number, name of the party(ies) appearing, time of the hearing, and the email address of the person(s) appearing. If making request via email, all parties must be copied in the emailed request.

Each counsel/party who has either filed a Notice of Remote Appearance form, or submitted a written request to the JEA, will receive a Bluejeans invite containing the link to connect audio and/or visually, **after 3:00 p.m. the afternoon before the hearing.** **\*\*The parties should connect five(5) minutes prior to when their matter is scheduled on the calendar NOT the time the Bluejeans session is scheduled for.\*\*** If a party has scheduled their remote appearance through CourtCall, you will receive the dial-in instructions from CourtCall.

The Notice/Request for remote appearances must be filed and/or submitted to the JEA no later than 1:00 p.m. on **January 14, 2021**.

DATED this 31<sup>st</sup> day of December, 2020

*Joanna S. Kushner*  
JOANNA S. KUSHNER  
DISTRICT COURT JUDGE

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**CERTIFICATE OF SERVICE**

I hereby certify that on or about the date filed, a copy of this Order was served via Electronic Service to all counsel/registered parties, pursuant to the Nevada Electronic Filing Rules, and/or served via in one or more of the following manners: fax, U.S. mail, or a copy of this Order was placed in the attorney's file located at the Regional Justice Center:

**NATASHA EARLY**  
**4650 W. OAKLEY BOULEVARD, #2035**  
**LAS VEGAS, NV 89102**  
**Email: natashalee0601@gmail.com**

**DEPARTMENT OF EMPLOYMENT SECURITY DIVISION**  
**SERVED VIA E-SERVICE**

*/s/ Tracy L. Cordoba*  
TRACY L. CORDOBA-WHEELER  
JUDICIAL EXECUTIVE ASSISTANT





1 **NOTA**  
TROY C. JORDAN, ESQ.  
2 Nevada State Bar No. 9073  
State of Nevada, Department of  
3 Employment, Training & Rehabilitation (DETR)  
Employment Security Division (ESD)  
4 500 East Third Street  
Carson City, NV 89713  
5 Telephone No.: (775) 684-3996  
Facsimile No.: (775) 684-3992  
6 *Attorney for DETR/ESD*

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 NATASHA EARLY, ET AL,  
10 Petitioner,  
11 vs.

CASE NO.: A-20-826013-W

DEPT. NO.: XXXI

12 EMPLOYMENT SECURITY DIVISION,  
STATE OF NEVADA and KIMBERLY GAA  
13 [*now, LYNDY PARVEN*] in her capacity as  
ADMINISTRATOR of the EMPLOYMENT  
14 SECURITY DIVISION,

**HEARING DATE: JANUARY 19, 2021**

**HEARING TIME: 9:00 AM**

15 Respondents.

16 **NOTICE OF APPEARANCE**

17 **COMES NOW**, Troy C. Jordan, Esq., Senior Legal Counsel, and hereby notifies the Court  
18 and all parties that, he makes an appearance in this matter on behalf of the Nevada Department Of  
19 Employment, Training and Rehabilitation, Employment Security Division ("Division"), for the  
20 purpose of litigating the Petitioner's Petition for Writ of Mandamus.

21 ///

22 ///

23 ///

24 ///

TROY C. JORDAN, ESQ.  
Division Sr. Legal Counsel  
State of Nevada DETR/ESD  
500 East Third Street  
Carson City, NV 89713  
(775) 684-3996  
(775) 684-3992 – FAX

1 All pleadings, notices and other communications must hereinafter be provided to the  
2 Division, by and through counsel as follows:

3 **TROY C. JORDAN, ESQ.**  
4 **Division Sr. Legal Counsel**  
5 **State of Nevada, DETR/ESD**  
6 **500 East Third Street**  
7 **Carson City, NV 89713**  
8 **(775) 684-3996**  
9 **(775) 684-3992 – Fax**

10 **DATED** this 5<sup>th</sup> day of January, 2021.

11 */s/ TROY C. JORDAN*  
12 *TROY C. JORDAN, ESQ.*  
13 *Attorney for Nevada ESD*  
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TROY C. JORDAN, ESQ.  
Division Sr. Legal Counsel  
State of Nevada DETR/ESD  
500 East Third Street  
Carson City, NV 89713  
(775) 684-3996  
(775) 684-3992 – FAX

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the State of Nevada, over the age of 18 years; and that on the date hereinbelow set forth, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE, *by either* electronic means (NEFCR 9), as indicated by an email address set forth below, *and/or* by placing the same within an envelope and depositing said envelope with the State of Nevada Mail for postage and mailing from Carson City, Nevada, addressed for delivery as follows:

Natasha Early  
4650 West Oakey Blvd. #2035  
Las Vegas, NV 89102  
natashalee0601@gmail.com

**DATED** this 5<sup>th</sup> day of January, 2021.

/s/ Tiffani M. Silva  
TIFFANI M. SILVA



1 **NOTH**  
TROY C. JORDAN, ESQ.  
2 Nevada State Bar No. 9073  
State of Nevada, Department of  
3 Employment, Training & Rehabilitation (DETR)  
Employment Security Division (ESD)  
4 500 East Third Street  
Carson City, NV 89713  
5 Telephone No.: (775) 684-3996  
Facsimile No.: (775) 684-3992  
6 *Attorney for DETR/ESD*

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 NATASHA EARLY, ET AL,  
10 Petitioner,  
11 vs.

CASE NO.: A-20-826013-W

DEPT. NO.: XXXI

12 EMPLOYMENT SECURITY DIVISION,  
STATE OF NEVADA and KIMBERLY GAA  
13 **[now, LYNDIA PARVEN]** in her capacity as  
ADMINISTRATOR of the EMPLOYMENT  
14 SECURITY DIVISION,

**HEARING DATE: JANUARY 19, 2021**

**HEARING TIME: 9:00 AM**

15 Respondents.  
16

17 **NOTICE OF INTENT TO APPEAR BY COMMUNICATION EQUIPMENT**

18 **TROY C. JORDAN, ESQ.** on behalf of Nevada Employment Security Division  
19 Respondents, submits this Notice of Intent to Appear by Communication Equipment for the  
20 Motion Hearing currently scheduled for January 19, 2021.

21 For the purpose of this appearance I can be reached at the following telephone number:  
22 (775) 684-3996. My email address (for scheduling purposes) is ESDLEGAL@DETR.NV.GOV. I  
23 understand it is my responsibility to ensure that I can be reached at this telephone number on the  
24 date and time of the hearing. I also understand that due to the unpredictable nature of court

TROY C. JORDAN, ESQ.  
Division Sr. Legal Counsel  
State of Nevada DETR/ESD  
500 East Third Street  
Carson City, NV 89713  
(775) 684-3996  
(775) 684-3992 – FAX

1 proceedings, my hearing may be called at a time other than the scheduled time. Further, I  
2 understand that my failure to be available at the above telephone number will constitute a  
3 nonappearance.

4 **DATED** this 5<sup>th</sup> day of January, 2021.

5 /s/ TROY C. JORDAN  
6 TROY C. JORDAN, ESQ.  
7 *Attorney for Nevada ESD Respondents*  
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1 ATEAR

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3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 \* \* \*

6 Natasha Early

7 Petitioner,

CASE NO. A-20-826013-W

DEPT. NO. XXXI

8 vs.

9 The Employment Security Division of the State  
10 of Nevada and Kimberly Gaa as the  
11 Administrator of the Employment Security  
12 Division of the State of Nevada

Respondents.

**Audiovisual Transmission  
Equipment Appearance Request**

13 Pursuant to Rule 4 of the Nevada Supreme Court's RULES GOVERNING  
14 APPEARANCE BY AUDIOVISUAL TRANSMISSION EQUIPMENT, Petitioner requests that  
15 Natasha Early be permitted to testify by remote court appearance via video conference for the  
16 trial or evidentiary hearing scheduled to begin on:.

17 Date: January 19, 2021

18 Time: 9:00 a.m.

19 Courtroom No.: XXXI

20 Natasha Early by executing the attached Audiovisual Transmission  
21 Equipment Appearance Consent, agrees to be bound by the oath given by the Court Clerk,  
22 Eighth Judicial District Court and to be subject to the jurisdiction of this Court for purposes  
23 related to this testimony.

24 Natasha Early agrees to provide all exhibits to above named Respondents in advance in  
25 the same form as have been or will be submitted to the Court Clerk.

1 Any objection to this request must be made in writing within two (2) judicial days of  
2 service of this request.

3 Natasha Early agrees that by submitting this request, the party and witness (or their  
4 respective representatives) will test and verify the functionality of video conference connectivity  
5 with the Court's IT department at least two (2) judicial days before the scheduled appearance.

6 Contact information for the test is:

7 Name of Counsel/Party :Natasha Early

8 Email Address:Natashalee0601@gmail.com

9 Phone Number: 323 713 8613

10 Name of Witness: Natasha Early

11 Email Address:Natashalee0601@gmail.com

12 Phone Number: 323 713 8613

13 Natasha Early certifies that the video connection has been successfully tested at  
14 <http://bluejeans.com/111>, prior to submitting this application.

15 Dated this 12 day of January, 2021.

16 \_\_\_\_\_  
17 /s/ Natasha Early  
18 Natasha Early – Proper Person Petitioner

19  
20  
21 **Certificate of Service**

22 I hereby certify, that on the date filed, this Audiovisual Transmission  
23 Equipment Appearance Request were served on the parties identified on the District Court E-File  
24 system e-service list (or alternate method), per 53.045.

25  
26  
27 \_\_\_\_\_  
28 /s/ Natasha Early

1 ATEAC

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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\* \* \*

6

Natasha Early

CASE NO. A-20-826013-W

7

Petitioner,

DEPT. NO. XXXI

8

vs.

9

The Employment Security Division of the State  
of Nevada and Kimberly Gaa as the  
Administrator of the Employment Security  
Division of the State of Nevada

**Audiovisual Transmission  
Equipment Appearance Consent**

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Respondents.

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By making this request for Audiovisual Transmission Equipment Appearance, the

15

undersigned agrees to be bound by the oath given by the Court Clerk over the video conference

16

connection and to be subject to the jurisdiction of this Court for purposes related to this

17

testimony.

18

19

\_\_\_\_\_/s/ Natasha Early\_\_\_\_\_

20

Print Name: \_\_Natasha Early\_\_\_\_\_

21

Date: \_\_\_\_\_January 12, 2021\_\_\_\_\_

22

Email Address: \_\_Natashalee0601@gmail.com

23

Phone Number: 323 713 8613

24

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true  
and correct, per NRS 53.045

25

26

Executed on

27

/s/ Natasha Early     January 12, 2021

28

.....  
(signature)



OR

County of \_\_\_\_\_ )  
 ) ss  
 State of \_\_\_\_\_ )

SUBSCRIBED AND SWORN TO BEFORE  
ME THIS \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Notary Public in and for said County and State

My Commission Expires: \_\_\_\_\_

## Certificate of Service

I hereby certify, that on the date filed, this Audiovisual Transmission Equipment Appearance Consent were served on the parties identified on the District Court E-File system e-service list (or alternate method), per NRS 53.045

/s/ Natasha Early January 12, 2021



1 Natasha Early  
2 4650 West Oakey Boulevard #2035  
3 Las Vegas, NV. 89102  
4 (323) 713-8613  
5 Natashalee0601@gmail.com

6 **DISTRICT COURT**  
7 **CLARK COUNTY, NEVADA**

8 NATASHA EARLY,

9 Petitioner,

10 vs.

11 EMPLOYMENT SECURITY DIVISION,  
12 STATE OF NEVADA AND KIMBERLY GAA  
13 IN HER CAPACITY AS ADMINISTRATOR  
14 OF THE EMPLOYMENT SECURITY  
15 DIVISION,

16 Respondents

Case No.: A-20-826013-W

DEPT. NO. XXXI

17 **SUPPLEMENT TO PETITION FOR WRIT OF MANDAMUS**

18 Petitioner comes forth, pursuant to EJDRC 5.509 and submits this following  
19 supplement to the Petition for Writ of Mandamus currently calendared for hearing on January 19,  
20 2021 at 9:00 a.m. An oversight occurred and Petitioner forgot to address and attach as an exhibit  
21 to the Petitioner for Writ of Mandamus a critical document showing that the Respondents found  
22 her eligible to receive the 2019 unemployment claim as identified in Exhibit 1 and in the  
23 Petition. Attached to this document is an adjudication letter from the Respondents determining  
24 that she is indeed eligible to benefits from 04/14/2019 identified as Exhibit 6 of the Petition.  
25 Therefore, no issue exists to deny Petitioner her benefits to the 2019 claim which expired on  
26 April 25, 2020. The Respondents have failed to reopen her claim and as explained in the Petition  
27  
28

1 further compound its capriciousness by locking her into a new claim which is inadequate and  
2 detrimental to her financial survival as it only grants her \$71 dollars a week, deprives her of the  
3 backdate to March 15, 2020 and opens her claim from August 9, 2020 after the expiration of the  
4 Federal Pandemic Unemployment Compensation of the CARES Act giving all unemployment  
5 claimant \$600 dollars a week from April 5, 2020 to July 25, 2020. Again, the Respondents have  
6 to reopen her 2019 claim as described in the Petition. It is of no fault of her own that the  
7 computer system and or call centers where not accessible to receive her and reopen an  
8 application to reopen her 2019 claim. Since she is eligible for the 2019 at a monetary rate of  
9 \$285 per week for 26 weeks the Respondents must pay her according to that claim and backdate  
10 the claim accordingly so she receives every week she of benefits she would have otherwise been  
11 entitled to receive but not for the obstruction of the Respondents.  
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15 Dated this 15th of January, 2021.

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18 Natasha Early  
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1 Natasha Early  
2 4650 West Oakey Boulevard #2035  
3 Las Vegas, Nevada 89102  
4 (323) 713 8613  
5 Natashalee0601@gmail.com

6 **DECLARANT IN SUPPORT OF SUPPLEMENT TO PETITION FOR**  
7 **WRIT OF MANDAMUS**

8 **STATE OF NEVADA )**  
9 **) SS.**  
10 **COUNTY OF CLARK )**

11 Declarant, Natasha Early, hereby swears and affirms under penalty of perjury that the  
12 foregoing assertions are true and correct:

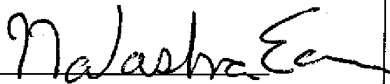
- 13 1. Declarant submits this Declaration in Support of the attached Supplement to the  
14 Petition for Writ of Mandamus filed in this case by Declarant. Declarant is competent  
15 to be a witness to the matters stated in this Declaration and could and would testify to  
16 those matters in a court of law, under oath subject to the penalty of perjury.
- 17 2. Declarant has personal knowledge of the facts and circumstances set forth below  
18 gained through personal participation in attempting to obtain her unemployment  
19 benefits from the Respondents identified as the Employment Security Division of the  
20 State of Nevada.
- 21 3. I have read the foregoing Supplement to Petition for Writ of Mandamus as well as the  
22 Petition for Writ of Mandamus and the factual averments they contain are true and  
23 correct to the best of my knowledge, except to those matters based on information  
24 and belief, and as to those matters, I believe them to be true. Those factual averments  
25 contained in the referenced filing are incorporated here as if set forth in full.  
26  
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1  
2 Based upon Declarant's personal knowledge:

- 3  
4 4. On May 7, 2019 the Employment Security Division Adjudication Center deemed  
5 Declarant Natasha Early entitled to benefits from April 14, 2019, if otherwise eligible  
6 as shown in Exhibit 6 of the Supplement to Petition for Writ of Mandamus and  
7 Exhibit 1 of the Petition for Writ of Mandamus.  
8  
9 5. Declarant cannot resolve the issue of reopening her 2019 claim with the Respondents  
10 in anyway possible such as an appeal, telephone call as such efforts have been  
11 executed to no avail while in an appeal of the 2021 claim, which she has attempted to  
12 do.  
13  
14 6. Exhibit 6 of the Petition for Writ of Mandamus which is attached within the  
15 Supplement to the Petition for Writ of Mandamus is a true and correct copy of the  
16 Employment Security Division Adjudication Center decision made on May 7, 2019  
17 qualifying Declarant entitled to receive benefits in the amount of \$285.00 per week  
18 for 26 weeks in conjunction with the monetary determination as shown in Exhibit 1 of  
19 the Petition for Writ of Mandamus.  
20

21 Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is  
22 true and correct.  
23

24 Executed on January 15, 2021

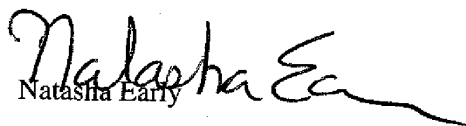
By   
Natasha Early

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Certificate of Service

I hereby certify that I served the foregoing Supplement to Petition for Writ of  
Mandamus and the attached Declaration in Support of Supplement to Petition for Writ of  
Mandamus by use of the court e filing e – service system on January 15, 2021 to the  
Respondents.

January 15, 2021

  
Natasha Early

# EXHIBIT 6

**Employment Security Division**  
Adjudication Center  
500 East Third Street  
Carson City, NV 89713-0035  
Tel (775) 684-0302 Fax (775) 684-0338  
Tel (702) 486-7999 Fax (702) 486-7987



**DETR**

Nevada Department of Employment,  
Training and Rehabilitation

ONE NEVADA - Growing A Skilled, Diverse Workforce



9447786

<http://www.nvdetr.org>

**Original**

NATASHA EARLY  
9105 W FLAMINGO RD APT 2014  
LAS VEGAS, NV 89147-6438

RE: LOGICAL POSITION  
NEVADA LLC  
Claimant ID: 5101463  
Issue ID: 3969521  
Week End Date: 04/20/2019  
Date Mailed: 05/08/2019  
Last Day to Appeal: 05/20/2019  
Decision Date: 05/07/2019

**\* See back of form for Appeal Rights  
and other important information.**

**\*Vea el reverso de la hoja para  
los derechos de apelación y otra  
información importante.**

**DECISION**

You are entitled to benefits from 04/14/2019, if otherwise eligible.

**REASON FOR DECISION**

You were discharged for medical reasons. Your employer provided information that due to a 4 month tenure you did not qualify for paid maternity and did not qualify to take leave under FMLA. You stated you gave birth on 3/24/19 and scheduled to work on 4/1/19 a week after birth.

As your employer failed to establish that your behavior constituted an act of wrongfulness, the discharge is considered to be for reasons other than misconduct.

**Pertinent Section of Law:**

**NRS 612.385:** A person is ineligible for benefits if he was discharged from his last or next-to-last employment for misconduct connected with the work, and remains ineligible until he works in covered employment and earns his weekly benefit amount in each week up to 16 weeks.



Report suspected UI Fraud online at <https://uifraud.nvdetr.org>

LET7712\_154.0.0



### **APPEAL RIGHTS**

Notice: If you receive more than one decision, read each one carefully to protect your appeal rights. ANY ineligible decision will stop payment of this claim. Please read the following information carefully. If you disagree with this decision you have the right to file an appeal. The appeal must be faxed or postmarked by 05/20/2019. You may request an appeal date extension, if you did not file your appeal timely, however, you must show good cause for the delay in filing. You may appeal by writing a letter to the address shown at the top of the previous page. This appeal must include your reason for appealing, the employer name, your social security number and your signature. If an interpreter is needed, please include this request in the appeal letter. During the appeal process you must continue to file claims for any week you are unemployed to preserve any benefit rights that may be established as a result of the appeal. If your employer files an appeal, you should participate in the hearing to protect your rights. If you need additional information, please contact the telephone claims office.

An equal opportunity employer/program.  
Auxiliary aids and services available upon request for individuals with disabilities  
TTY (775) 687-5353 Relay 711 or (800) 326-6868

### **For Spanish Language Interpretation**

#### **Para la traducción al Español**

Aviso!: Esta notificación contiene información importante acerca de su reclamo, incluyendo plazos para la apelación. Si Ud. tiene problemas para leer y entender Inglés, puede contactarse con un representante de la División de Seguridad de Empleo al para asistencia en traducción.

El Norte de Nevada.....1-775-687-8148  
El Sur de Nevada.....1-702-486-2957  
Numero de llamada gratuita...1-888-687-8147

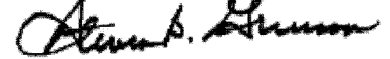
Si la decisión establece que usted has sido descalificado para los beneficios de desempleo, usted tiene el derecho de apelar esta decisión presentando una apelación dentro de once días con el División de Seguridad de Empleo. La fecha límite de apelación está anotada en la parte superior de la carta de decisión. Si usted no presenta una apelación a tiempo, puede perder la oportunidad de recibir los beneficios de desempleo. Si se determina que usted no tiene derecho a recibir los beneficios de desempleo, usted puede ser responsable de devolver los beneficios que haya recibido previamente.

**CHAMBERS:**  
702-671-3634

**LAW CLERK:**  
702-671-0899

**MEMO**  
**DISTRICT COURT**  
**DEPARTMENT XXXI**

Electronically Filed  
1/15/2021 11:00 PM  
Steven D. Grierson  
CLERK OF THE COURT



<b>To:</b>	ALL COUNSEL and/or PARTIES PRO SE – SERVED VIA E-SERVICE and/or E-MAIL
<b>From:</b>	DEPARTMENT 31
<b>Subject:</b>	HEARING SCHEDULED JANUARY 19, 2021 **Please review entire Memo**
<b>Date:</b>	JANUARY 15, 2021

Dear Counsel and/or Parties,

Pursuant to the Court's Administrative Orders and the Governor's directives regarding the COVID-19 pandemic, which were implemented to increase efforts to keep the public and employees safe while still serving the needs of the community and ensuring access to justice, Department 31 is evaluating all hearings and matters on its docket.

Therefore, the Court will be hearing this matter by remote appearances only. All counsel/parties must schedule their alternative remote appearances - either audio/visually through **Bluejeans** or via **CourtCall**, 888-882-6878. Pursuant to Administrative Order 20-17, the preferred method of remote appearances is audio/video conference through Bluejeans as it aids with creating a better record; however, phone appearances are also acceptable.

**If appearing via Bluejeans, the connection information is:**

**<https://bluejeans.com/619075424>**

**Phone Dial-in**

+1.408.419.1715 (United States(San Jose))

+1.408.915.6290 (United States(San Jose))

**Meeting ID: 619 075 424**

Please ensure that you are able to connect prior to the hearing. You may test your connection at: <https://bluejeans.com/111>. Below are a few guidelines that must be followed when appearing remotely:

1. If appearing audio/visually via computer or an app, it is helpful for the Court to identify participants if parties provide their names versus just the phone number.
2. You should connect for your remote appearance at least **5 minutes prior to your SCHEDULED hearing time, NOT the Bluejeans session time**. However, due to multiple matters scheduled at the same time, there may be a delay in your case being called, so please be patient.
3. **Upon connection, please place your phone on mute and wait for your matter to be called.** If you are interrupted for any reason please **DO NOT place the call on hold**, it will interrupt other matters being heard. Either set your phone down and step away (while it is on mute), or please hang up and then reconnect when you are ready.

**\*\*To mute/unmute: Press \*4 on your phone keypad to mute (and unmute) your microphone within the BlueJeans system; or if using your computer, click on the microphone icon or "M" on your keyboard.\*\***

4. Background noise is very disturbing and it does not allow for a good record. Please refrain from using the speaker mode on your phone and use the hand-set. The record will be much clearer.
5. When your case is called - to make your appearance, please clearly state your name, bar number, and the party you represent – with Plaintiff's counsel appearing first. **Please state your name EACH and EVERY time you speak to ensure a complete record.**
6. If you are only a participant/interested party listening to the hearing, after making your appearance, please ensure to adhere to the same instructions and please ensure your phone remains on mute for the entire hearing.
7. Please be patient until your case is called and please be considerate of others who are participating remotely.

We appreciate your cooperation during these difficult and unprecedented times.

Thank you,

Tracy L. Cordoba  
Judicial Executive Assistant to the  
Honorable Joanna S. Kishner



1 **MDSM**  
TROY C. JORDAN, ESQ.  
2 Nevada State Bar No. 9073  
State of Nevada, Department of  
3 Employment, Training & Rehabilitation (DETR)  
Employment Security Division (ESD)  
4 500 East Third Street  
Carson City, NV 89713  
5 Telephone No.: (775) 684-3996  
Facsimile No.: (775) 684-3992  
6 *Attorney for DETR/ESD*

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 NATASHA EARLY, ET AL,  
10 Petitioner,  
11 vs.

CASE NO.: A-20-826013-W

DEPT. NO.: XXXI

12 EMPLOYMENT SECURITY DIVISION,  
STATE OF NEVADA and KIMBERLY GAA  
13 [*now, LYNDIA PARVEN*] in her capacity as  
ADMINISTRATOR of the EMPLOYMENT  
14 SECURITY DIVISION,

**HEARING DATE:** February 4, 2021

**HEARING TIME:** 8:30 AM

15 Respondents.

16 **MOTION TO DISMISS PETITION FOR WRIT OF MANDAMUS**

17 NATASHA EARLY ("Petitioner") has filed a *Petition for Writ of Mandamus* asking this  
18 Court to direct the Respondents to pay her unemployment compensation. Apparently, the  
19 Petitioner is of the mistaken belief that the rules apply to others and not to her. She is wrong. For  
20 the reasons set forth below, this *Petition* should be denied in its entirety.

21 **The Law**

22 Under the Nevada Constitution, District Courts have the power to issue writs of  
23 mandamus. Article 6, Section 6. This power is codified at NRS 34.160, which provides:

24 ///

1 The writ may be issued by the Supreme Court, the Court of Appeals,  
2 a district court or a judge of the district court, to compel the  
3 performance of an act which the law especially enjoins as a duty  
4 resulting from an office, trust or station; or to compel the admission  
5 of a party to the use and enjoyment of a right or office to which the  
party is entitled and from which the party is unlawfully precluded  
by such inferior tribunal, corporation, board or person. When issued  
by a district court or a judge of the district court it shall be made  
returnable before the district court.

6 As might be expected, the Nevada Supreme Court has addressed this statute on multiple  
7 occasions. Most recently in a published opinion, the Supreme Court started its opinion by stating  
8 “extraordinary relief should be extraordinary.” *Walker v. District Court*, 136 Nev. Adv. Op. 80,  
9 476 P.3d 1194 (2020). *Walker* held that the statutory language of NRS 34.160 “is consistent with  
10 well-established common law rules governing traditional mandamus jurisdiction, and we therefore  
11 presume that in prescribing mandamus as a statutory remedy, the Legislature had in view the nature  
12 and extent of the remedy, as known at the common law.” 476 P.3d at 1196 (internal punctuation  
13 omitted).

14 NRS 34.160 provides that a district court may issue a writ of mandamus to compel the  
15 performance of an act which the law requires as a duty resulting from an office, trust or station.”  
16 *Veil v. Bennett*, 131 Nev. 179, 180, 348 P.3d 684, 686 (2015), *quoting Int’l Game Tech. v. District*  
17 *Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008).

18 Alternatively, a writ of mandamus may issue “to control an arbitrary or capricious exercise  
19 of discretion.” *Western Cab Co. v. District Court*, 133 Nev. 65, 67, 390 P.3d 662, 666 (2017),  
20 *quoting Int’l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558; *State v. District Court (Armstrong)*,  
21 127 Nev. 927, 931, 267 P.3d 777, 779 (2011).

22 NRS 34.170 provides that a writ of mandamus shall issue “in all cases where there is not  
23 a plain, speedy, and adequate remedy in the ordinary course of the law. *Armstrong* helpfully noted

24 ///

1 that “[t]he writ *will not* issue, however, if a petitioner has a plain, speedy, and adequate remedy in  
2 the ordinary course of the law. 127 Nev. at 931, 267 P.3d at 779 (emphasis added).

3 “Petitioners have the burden of demonstrating that writ relief is warranted.” *Hairr v.*  
4 *District Court*, 132 Nev. 180, 183, 368 P.3d 1198, 1200 (2016). *Accord Pan v. District Court*, 120  
5 Nev. 222, 228, 88 P.3d 840, 844 (2004).

6 **Petitioner has a speedy and adequate remedy in the ordinary course of law.**

7 Rather than follow the statutory requirements for pursuing her claims, Petitioner instead  
8 chose to go directly to this Court and seek mandamus, something the law does not allow.

9 NRS 612.460(1) provides in relevant part, “An unemployed person may file a request for  
10 a determination of the person’s benefit status in accordance with regulations prescribed by the  
11 Administrator. Upon such request, the Administrator shall furnish the person with a written  
12 determination.” NRS 612.500 provides for an administrative tribunal to review disputed  
13 unemployment insurance claims. NRS 612.525 provides for judicial review “only after any party  
14 claiming to be aggrieved thereby has exhausted administrative remedies as provided by this  
15 chapter.”

16 While the record indicates that she sought determination as provided for in NRS  
17 612.460(1), there is *no evidence* that Petitioner followed the procedure in NRS 612.500 to contest  
18 the determinations. The Employment Security Division (“ESD”) advised Petitioner multiple times  
19 how to administratively appeal their various determinations. Rather than follow these procedures,  
20 Petitioner filed this action instead. *See* Exhibit 1, p.2; Exhibit 2, p.3; Exhibit 4, p.2, 4; Exhibit 5,  
21 p.2; Exhibit 6, p.2 (explanation of administrative of appellate rights in each communication with  
22 Petitioner).

23 The ESD has established a regulatory process for determining eligibility for UI and PUA  
24 benefits, and it has also established an administrative process for appealing that determination if

1 a UI or PUA claimant is dissatisfied with the determination. This process ultimately leads to  
2 judicial review if a claimant remains dissatisfied. A claimant has no right to short circuit this  
3 process as Petitioner attempted to through her petition in this court.

4 In this case, Petitioner was determined ineligible for PUA benefits on August 7, 2020. If  
5 she was dissatisfied with that determination, there was an appeals process set up which Petitioner  
6 could have followed. Thus, Petitioner had a plain, speedy, adequate remedy at law she could pursue  
7 if she felt she should have been awarded PUA benefits. Additionally, if Petitioner was dissatisfied  
8 with the amount of her UI claim or her request for retroactive benefits, she could also request  
9 a hearing to appeal those determinations.

10 The Respondents have no clearly defined legal duty to pay benefits based solely on an  
11 initial determination that a person may be eligible for them. Indeed, as Petitioner was advised in  
12 August, "Receipt of this letter does not necessarily mean that you are qualified for unemployment  
13 benefits. Its purpose is to advise you of the benefit amount you are entitled to if you are meeting  
14 all other eligibility requirements for unemployment benefits." Exhibit 2, p.1. There is no evidence  
15 presented that Petitioner even attempted to meet her eligibility requirements, let alone that she met  
16 them.

17 Petitioner was determined eligible to receive benefits on October 26, 2020, and two days  
18 after that determination was made ESD began paying Petitioner UI benefits. See Exhibit 1. Moot  
19 cases are cases that seek to determine abstract questions and do not rest upon existing facts or  
20 rights. *Nat'l Collegiate Athletic Ass'n v. Univ. of Nevada*, 97 Nev. 56, 58, 624 P.2d 10, 11 (1981).  
21 "This court has frequently refused to determine questions presented in purely moot case." *Id.* The  
22 Court will decide only actual controversies, in which the parties are adverse and the issues ripe.  
23 *Boulet v. City of Las Vegas*, 96 Nev. 611, 613, 614 P.2d 8, 9 (1980). To the extent Petitioner is

24 ///

1 seeking UI benefits, Petitioner's Petition for Writ of Mandamus is moot, as she was determined  
2 eligible for UI, and is being paid UI benefits.

3 Several other issues deserve at least brief mention. First, in 2016 Petitioner submitted a  
4 fraudulent claim – a fact Petitioner did not reveal. The Respondents have a legal duty to seek  
5 repayment of fraudulent claims. Petitioner's own prior misconduct may have played some role in  
6 this process.

7 Additionally, Petitioner's claim that the Respondents did not have a functioning website  
8 for UI claims is categorically false. While there have been delays at time due to the crush of claims  
9 because of the pandemic, the site has been up and functional throughout.

10 Because there is a plain remedy at law, albeit one Petitioner chose to ignore, she is not  
11 entitled to Mandamus relief. Accordingly, her *Petition for Writ of Mandamus* should be denied  
12 and dismissed.

13 **WHEREFORE**, the Administrator of the Employment Security Division (ESD)  
14 respectfully requests that the Court dismiss the instant Petition for Writ of Mandamus.

15 **RESPECTFULLY SUBMITTED** this 1st day of February, 2021.

16 /s/ TROY C. JORDAN  
17 TROY C. JORDAN, ESQ.  
18 *Attorney for Nevada DETR/ESD Respondents*  
19  
20  
21  
22  
23  
24



1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of the State of Nevada, over  
3 the age of 18 years; and that on the date hereinbelow set forth, I served a true and correct copy of  
4 the foregoing MOTION TO DISMISS PETITION FOR WRIT OF MANDAMUS, *by either*  
5 electronic means (NEFCR 9), as indicated by an email address set forth below, *and/or* by placing  
6 the same within an envelope and depositing said envelope with the State of Nevada Mail for  
7 postage and mailing from Carson City, Nevada, addressed for delivery as follows:

8 Natasha Early  
9 4650 West Oakey Blvd. #2035  
10 Las Vegas, NV 89102  
natashalee0601@gmail.com

11 *And via e-file Courtesy Copy to:*

12 Dept31LC@clarkcountycourts.us

13 **DATED** this 1st day of February, 2021.

14 /s/ Tiffani M. Silva  
15 TIFFANI M. SILVA

**CHAMBERS:**  
**702-671-3634**

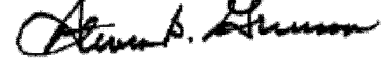
**LAW CLERK:**  
**702-671-0899**

**MEMO**  
**DISTRICT COURT**  
**DEPARTMENT XXXI**

Electronically Filed

2/2/2021 1:40 PM

Steven D. Grierson  
CLERK OF THE COURT



<b>To:</b>	ALL COUNSEL and/or PARTIES PRO SE – SERVED VIA E-SERVICE and/or E-MAIL
<b>From:</b>	DEPARTMENT 31
<b>Subject:</b>	HEARING SCHEDULED FEBRUARY 4, 2021 **Please review entire Memo**
<b>Date:</b>	FEBRUARY 2, 2021

Dear Counsel and/or Parties,

Pursuant to the Court's Administrative Orders and the Governor's directives regarding the COVID-19 pandemic, which were implemented to increase efforts to keep the public and employees safe while still serving the needs of the community and ensuring access to justice, Department 31 is evaluating all hearings and matters on its docket.

Therefore, the Court will be hearing this matter by remote appearances only. All counsel/parties must schedule their alternative remote appearances - either audio/visually through **Bluejeans** or via **CourtCall**, 888-882-6878. Pursuant to Administrative Order 20-17, the preferred method of remote appearances is audio/video conference through Bluejeans, as it aids with creating a better record; however, phone appearances are also acceptable.

**If appearing via Bluejeans, the connection information is:**

**Phone Dial-in**

+1.408.419.1715 (United States(San Jose))

+1.408.915.6290 (United States(San Jose))

(Global Numbers)

**Copy and paste: <https://bluejeans.com/595993436>**

**Room System**

199.48.152.152 or bjn.vc

**Meeting ID: 595 993 436**

Please ensure that you are able to connect prior to the hearing. You may test your connection at: <https://bluejeans.com/111>. Below are a few guidelines that must be followed when appearing remotely:

1. If appearing audio/visually via computer or an app, it is **very** helpful for the Court to identify participants if parties provide their names versus just the phone number.
2. You should connect for your remote appearance at least **5 minutes prior to your SCHEDULED hearing time, NOT the Bluejeans session time**. However, due to

multiple matters scheduled at the same time, there may be a delay in your case being called, so please be patient.

3. **Upon connection, please place your phone on mute and wait for your matter to be called.** If you are interrupted for any reason, please **DO NOT place the call on hold**, it will interrupt other matters being heard. Either set your phone down and step away (while it is on mute), or please hang up and then reconnect when you are ready.  
**\*\*To mute/unmute: Press \*4 on your phone keypad to mute (and unmute) your microphone within the BlueJeans system; or if using your computer, click on the microphone icon or "M" on your keyboard.\*\***
4. Background noise is very disturbing and it does not allow for a good record. **Please refrain from using the speaker mode on your phone and use the hand-set.** The record will be much clearer.
5. When your case is called - to make your appearance, please clearly state your name, bar number, and the party you represent – with Plaintiff's counsel appearing first. **Please state your name EACH and EVERY time you speak to ensure a complete record.**
6. If you are only a participant/interested party listening to the hearing, you must make your appearance and after making your appearance, please ensure to adhere to the same instructions and please ensure your phone remains on mute for the entire hearing.
7. Please be patient until your case is called and please be considerate of others who are participating remotely.

We appreciate your cooperation during these difficult and unprecedented times.

Thank you,

Tracy L. Cordoba  
Judicial Executive Assistant to the  
Honorable Joanna S. Kishner



1 ATEAR  
2 Natasha Early  
3 4650 West Oakey Boulevard #2035  
4 Las Vegas, NV. 89102  
5 (323) 713-8613  
6 Natashalee0601@gmail.com

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 NATASHA EARLY

10 \* \* \*

11 Plaintiff,

CASE NO. A-20-826013-W

DEPT. NO. XXXI

12 vs.

13 EMPLOYMENT SECURITY  
14 DIVISION, STATE OF NEVADA and  
15 KIMBERLY GAA in her capacity as  
16 ADMINISTRATOR of the  
17 EMPLOYMENT SECURITY  
18 DIVISION

**Audiovisual Transmission  
Equipment Appearance Request**

19 Defendants.

20 Pursuant to Rule 4 of the Nevada Supreme Court's RULES GOVERNING  
21 APPEARANCE BY AUDIOVISUAL TRANSMISSION EQUIPMENT, Petitioner in Proper  
22 Person requests that (she) Natasha Early be permitted to testify by remote court appearance via  
23 video conference for the trial or evidentiary hearing (circle one) scheduled to begin on:

24 Date: February 4, 2021

25 Time: 8:30 a.m.

26 Courtroom No.: XXXI  
27  
28

1            Natasha Early by executing the attached Audiovisual Transmission  
2 Equipment Appearance Consent, agrees to be bound by the oath given by the Court Clerk,  
3 Eighth Judicial District Court and to be subject to the jurisdiction of this Court for purposes  
4 related to this testimony.

5            Natasha Early agrees to provide all exhibits to Troy Jordan, Esq. in advance in the same  
6 form as have been or will be submitted to the Court Clerk.

7            Any objection to this request must be made in writing within two (2) judicial days of  
8 service of this request.

9            Natasha Early agrees that by submitting this request, the party and witness (or their  
10 respective representatives) will test and verify the functionality of video conference connectivity  
11 with the Court's IT department at least two (2) judicial days before the scheduled appearance.  
12

13 Contact information for the test is:

14 Name of Counsel/Part :Natasha Early

15 Email Address:Natashalee0601@gmail.com

16 Phone Number: (323) 713-8613  
17

18  
19            Natasha Early certifies that the video connection has been successfully tested at  
20 <http://bluejeans.com/111>, prior to submitting this application.

21  
22            Dated this \_1\_ day of \_\_Feb.\_\_, 2021.

23            /s/Natasha Early  
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**Certificate of Service**

I hereby certify, that on the date filed, this Audiovisual Transmission  
Equipment Appearance Request were served on the parties identified on the District Court E-File  
system e-service list (or alternate method)

/s/Natasha Early

1 ATEAC  
2 Natasha Early  
3 4650 West Oakey Boulevard #2035  
4 Las Vegas, NV. 89102  
5 (323) 713-8613  
6 Natashalee0601@gmail.com

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 NATASHA EARLY

\* \* \*

10  
11 Petitioner,

CASE NO. A-20-826013-W

DEPT. NO. XXXI

12 vs.

13 EMPLOYMENT SECURITY  
14 DIVISION, STATE OF NEVADA and  
15 KIMBERLY GAA in her capacity as  
16 ADMINISTRATOR of the  
17 EMPLOYMENT SECURITY  
18 DIVISION

**Audiovisual Transmission  
Equipment Appearance Consent**

19 Respondents.

20 By making this request for Audiovisual Transmission Equipment Appearance, the  
21 undersigned agrees to be bound by the oath given by the Court Clerk over the video conference  
22 connection and to be subject to the jurisdiction of this Court for purposes related to this  
23 testimony.  
24

25 /s/ Natasha Early  
26 Print Name: Natasha Early  
27 Date: Feb. 1, 2021  
28 Email Address: Natashalee0601@gmail.com  
Phone Number: (323) 713-8613

1 I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true  
2 and correct, per NRS 53.045

3 Executed on Feb. 1, 2021  
4 /s/Natasha Early  
5  
6

7 **Certificate of Service**

8 I hereby certify, that on the date filed, this Audiovisual Transmission Equipment  
9 Appearance Consent were served on the parties identified on the District Court E-File system e-  
10 service list (or alternate method).  
11

12  
13 /s/ Natasha Early  
14  
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DISTRICT COURT  
CLARK COUNTY, NEVADA  
\*\*\*\*



Natasha Early, Plaintiff(s)

Case No.: A-20-826013-W

vs.

Employment Security Division of the State  
of Nevada, Defendant(s)

Department 31

**NOTICE OF HEARING**

Please be advised that the Defendant's Motion to Dismiss Petition for Writ of Mandamus in the above-entitled matter is set for hearing as follows:

**Date:** February 04, 2021

**Time:** 9:30 AM

**Location:** RJC Courtroom 12B  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Marie Kramer  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Marie Kramer  
Deputy Clerk of the Court



Natasha Early  
4650 West Oakey Boulevard #2035  
Las Vegas, NV.89102  
(323) 713-8613  
[Natashalee0601@gmail.com](mailto:Natashalee0601@gmail.com)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

NATASHA EARLY

Petitioner

Case No.: A-20-826013-W

Vs.

Dept. No.: XXXI

EMPLOYMENT SECURITY DIVISION,  
STATE OF NEVADA and  
KIMBERLY GAA in her capacity as  
ADMINISTRATOR of the EMPLOYMENT  
SECURITY DIVISION

Respondents

**PETITIONER'S OPPOSITION TO MOTION TO DISMISS PETITION FOR WRIT OF  
MANDAMUS. REQUEST TO STRIKE MOTION**

Petitioner in response to Respondents Motion to Dismiss state the following, Petitioner at all times attempted to appeal the decisions made by the Employment Security Division, as the Division has issued numerous Amendments and new decisions literally four on the same day of November 25, 2020. In order to shore up the appeal process again and again, for which Respondents never acknowledge the appeal Petitioner has sent or the actual communication to reinstate her 2019 claim.

1           Petitioner has faxed and mailed appeals in every instance of this ordeal which have not  
2 been recognized as being received by the Respondents. Attached as Exhibit 1 is a an appeal that  
3 was faxed on December 3, 2020 by Petitioner to Respondents addressing the entire issue as  
4 stated the Petition, secondly attached as Exhibit 2 is another appeal that was faxed on December  
5 11, 2020 which has never been recognized by the Respondents, thirdly attached as Exhibit 3 is  
6 another attempt to get her appeals recognized and she again faxed to appeal letter with a fax print  
7 out showing she sent it to the Employment Security Division. This is in stark contrast to  
8 Respondents contentions that she never appealed or attempted to use or follow the rules. Lastly  
9 as a prime example of the vindictiveness of the Respondent on the same day they filed this  
10 Motion to Dismiss Petition for Writ of Mandamus (filed on February 2, 2021), the Respondents  
11 again mis-characterize her attempts to appeal as a Request to Cancel her Unemployment  
12 Compensation Claim and now they have stopped paying her the claim for which they have been  
13 paying \$71 dollars a week which also presently includes a \$300 payment from the new Stimulus  
14 Bill, they have canceled her claim and not reinstated the 2019 claim or in any way acknowledge  
15 her attempts to appeal the decisions rendered by the Respondents, this is clearly arbitrary,  
16 capricious and vindictive. Attached as Exhibit 4 is a letter issued by the Employment Security  
17 Division canceling Petitioner Unemployment Claim as is her appeal letters that apparently were  
18 received, are in some way a request to cancel her monetary benefits under the newly allowed  
19 claim for which they themselves authorized for her to have. Now she has nothing. A vindictive  
20 move to punish her for being a whistleblower and seeking redress in the Courts.  
21  
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23  
24

25 ////

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27 ////

1                    **REQUEST TO STRIKE MOTION TO DISMISS PETITION FOR WRIT OF**  
2    **MANDAMUS**

3                    The Petitioner for Writ of Mandamus was served on Respondents accounting for 3 days  
4 of mail service, on December 14, 2020. At the hearing held on January 19, 2021, Respondents  
5 claimed they are entitled to the full 45 days allowed for the State to respond. The Court  
6 continued the hearing until Feb 4, 2021 to allow Respondent the 45 days to respond yet however  
7 they failed to file the Motion to Dismiss within 45 days and have exceeded that time frame in  
8 order to sandbag Petitioner 2 days before the hearing by filing a Motion to Dismiss on Feb 2,  
9 2021. Petitioner is deprived of the fourteen allowed to file an opposition and has struggle on the  
10 day before the hearing to file this opposition. Accordingly, Respondents conduct in sandbagging  
11 this Motion to Dismiss while also yanking and terminating Petitioners unemployment  
12 compensation is vindictive and scandalous warranting that the Motion to Dismiss should be  
13 Stricken.  
14

15  
16                    NRCP 2.20 (e) holds the following time frames to oppose a motion

17                    **(e) Within 14 days after the service of the motion, and 5 days after service of any**  
18 **joinder to the motion, the opposing party must serve and file written notice of**  
19 **nonopposition or opposition thereto, together with a memorandum of points and**  
20 **authorities and supporting affidavits, if any, stating facts showing why the motion and/or**  
21 **joinder should be denied.**  
22

23                    Here, Petitioner has been sandbagged and is prevented from having a sufficient time to  
24 file a perfected response and certainly does not have five days prior notice of the hearing.  
25 Respondents strategically sandbagged Petitioner by filing its Motion to Dismiss two days before  
26 the hearing on the Petition and only gave notice of the hearing for the Motion to Dismiss today,  
27  
28

1 one day before the hearing which is held one hour after the hearing on the set for the Petition set  
2 for Feb. 4, 2021 at 8:30 a.m. So now the hearing is separated from the Petition hearing.

3 The Motion to Dismiss should be stricken as it does not raise any legal issues supported  
4 by any affidavits or evidence presented. Respondents have not contradicted any of the claims  
5 raised in the Petition that Petitioner is entitled to be on her 2019 claim as raised. They have not  
6 contradicted the evidence of the eligibility determination granted for her 2019 claim or any of the  
7 evidence submitted in attached Exhibits or the Affidavits. Respondents make bald assertions that  
8 Petitioner was somehow fraudulent in some way in a 2016 claim which is not supported by any  
9 evidence or relevant to the fact that Petitioner is entitle to her benefits pursuant to the 2019 claim  
10 that expired on April 25, 2020. Now Respondents have terminated her 2020 claim for which they  
11 have locked her into and refuse to five her anything because she has sought redress in the Court  
12 of law. Accordingly this a scandalous matter and must be stricken. For these reasons cited above  
13 the Motion to Dismiss the Petition for Writ of Mandamus must be Denied and Stricken AND  
14 THE PETTION FOR WRIT OF MANDAMUS BE GRANTED.  
15  
16  
17  
18

19 Respectfully Submitted,

20   
21 /s/ Natasha Early

22 /////

23 /////

24 /////

25 /////

26 /////

27 /////

1 Natasha Early  
2 4650 West Oakey Boulevard #2035  
3 Las Vegas, NV. 89102  
4 (323) 713-8613  
5 Natashalee0601@gmail.com

6 **DECLARATION IN SUPPORT OF PETITIONER'S OPPOSITON TO MOTION**  
7 **TO DISMISS PETITION FOR WRIT OF MANDAMUS, REQUEST TO STRIKE**  
8 **MOTION**

9 **STATE OF NEVADA )**  
10 **) SS.**  
11 **COUNTY OF CLARK )**

12  
13 Declarant, Natasha Early, hereby swears and affirms under penalty of perjury that the  
14 following assertions are true and correct:

15 1. Declarant submits this Declaration in Support of Petitioner's Opposition to Motion to  
16 Dismiss Petition for Writ of Mandamus, Request to Strike filed in this case by Declarant.

17 Declarant is competent to be a witness to the matters stated in this Declaration and could and  
18 would testify to those matters in a court of law, under oath, subject to the penalty of perjury.

19 2. Declarant has personal knowledge of the facts and circumstances set forth below  
20 gained through personal participation.

21 3. I have read the foregoing Petition for Writ of Mandamus and the Supplement to the  
22 Petition for Writ of Mandamus and the factual averments they contain are true and correct to the  
23 best of my knowledge, except as to those matters based on information and belief, and as to  
24 those matters, I believe to be true. Those factual averments contained in the reference filings are  
25 incorporated here as if set forth in full.  
26  
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1 Based upon the Declarant's personal knowledge:

2 4. Declarant appealed the decision of the Employment Security Division to only grant her  
3 \$71 dollars a week pursuant to a new amended determination letter issued and mailed on  
4 November 25, 2020 on December 3, 2020 by faxing the appeal letter to the Employment  
5 Security Division as identified as Exhibit 1 of the foregoing Opposition to Motion to Dismiss  
6 Petition for Writ of Mandamus, Request to Strike Motion.  
7

8 5. Declarant appealed and faxed and appeal letter to the Employment Security Division  
9 concerning an overpayment created by the Division on December 11, 2020 as Identified in  
10 Exhibit 2 of the foregoing Opposition to Motion to Dismiss Petition for Writ of Mandamus,  
11 Request to Strike Motion.  
12

13 6. Declarant appealed again the issues raised in the Petition for Writ of Mandamus  
14 against the decision issued by the Employment Security Division by faxing them the appeal  
15 letters on December 12, 2020 as Identified in Exhibit 3 of the foregoing Opposition to Motion to  
16 Dismiss Petition for Writ of Mandamus, Request to Strike Motion.  
17

18 7. Declarant was stripped of her present unemployment compensation by the  
19 Employment Security Division on February 2, 2020 in retaliation for pursuing her Petition for  
20 Writ of Mandamus as the Respondents admitted they received a letter , which was an appeal as  
21 shown in Exhibits 1 and 3 of the foregoing Opposition to Motion to Dismiss Petition for Writ of  
22 Mandamus, Request to Strike Motion, and yet mischaracterized the letter as request to cancel her  
23 present unemployment claim without activating the 2019 claim and paying her all the monies  
24 owed as raised in the Petition for Writ of Mandamus.  
25  
26  
27  
28

1 8. Respondents are violating Petitioners civil rights by terminating her unemployment  
2 compensation without corrective action to reinstate her 2019 claim and shore her claim up to the  
3 present in conjunction with all federal benefits.  
4

5 9. Respondents have sandbagged Petitioner and filed a last minute Motion to Dismiss the  
6 Petition for Writ of Mandamus without affording her due process to have fourteen days to  
7 respond accordingly and the five day prior notice of the hearing.  
8

9 10. Exhibit 1 of this foregoing Opposition to Motion to Dismiss Petition for Writ of  
10 Mandamus, Request to Strike Motion is a true and correct copy of her appeal faxed to the  
11 Employment Security Division on December 3, 2020.  
12

13 11. Exhibit 2 of this foregoing Opposition to Motion to Dismiss Petition for Writ of  
14 Mandamus, Request to Strike Motion is a true and correct copy of her appeal faxed to the  
15 Employment Security Division on December 11, 2020.  
16

17 12. Exhibit 3 of this foregoing Opposition to Motion to Dismiss Petition for Writ of  
18 Mandamus, Request to Strike Motion is a true and correct copy of her appeals faxed to the  
19 Employment Security Division on December 12, 2020.  
20

21 13. Exhibit 4 of this foregoing Opposition to Motion to Dismiss Petition for Writ of  
22 Mandamus, Request to Strike Motion is a true and correct copy of the Employment Security  
23 Division letter canceling Petitioner's present unemployment compensation under the guise of a  
24 false pretext that she herself requested to cancel the claim, for which the Respondents in a  
25 conspiracy to deprive Petitioner of her unemployment claim simultaneously acted in unison in  
26 both filing the Motion to Dismiss the Petition for Writ of Mandamus and issued the letter  
27 canceling Petitioner's unemployment claim on February 2, 2021.  
28



1 14. At all times did Petitioner make every effort to make attempt to file all appeals in this  
2 matter and resolve the issues with the Respondents by fax, mail, and telephone to no avail as  
3 they will not acknowledge her efforts at appeal and deny the controlling issue of the governing  
4 2019 claim.  
5

6 Pursuant to NRS 53. 045, I declare under penalty of perjury that the foregoing is true and  
7 correct.

8 Executed on February 3, 2021

9 By Natasha Early

10 /s/ Natasha Early  
11  
12  
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28

**CERTIFICATE OF SERVICE**

I hereby certify I electronically service the foregoing Petitioner's Opposition to Motion to Dismiss Petition for Writ of Mandamus, Request to Strike Motion to the Respondents and Attached Supporting Declaration. Listed in the e-contacts of the Courts electronic filing system on February 3, 2021

  
/s/ Natasha Early

## EXHIBIT 1

# Office DEPOT. OfficeMax®

## complimentary fax cover sheet

number of pages including cover sheet: 3  
attention to: Employment Security Division date: Dec 3, 2020  
company: Adjudication Center from: \_\_\_\_\_  
phone #: \_\_\_\_\_ company: \_\_\_\_\_  
fax #: 775 684 0338 sender's phone #: 323 713 8613  
sender's email: Natasha.lee.0601@gmail.com  
comments: Appeal Issue ID 5671748

By sending this fax at Office Depot, inc., the sender agrees not to use this fax to: (I) transmit material whose transmission is unlawful, harassing, libelous, abusive, threatening, harmful, vulgar, obscene, pornographic or otherwise objectionable; (II) create a false identity, or otherwise attempt to mislead others as to the identity of the sender or the origin of this fax; (III) post or transmit any material that may infringe the copyright, trade secret, or other rights of any third party; (IV) violate any federal, state or local law in the location, or (V) conduct activities related to gambling, sweepstakes, raffles, lotteries, contests, ponzi schemes or the like.

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Natasha Early  
4650 West Oakey Boulevard #2035  
Las Vegas, NV. 89102  
(323) 713-8613  
Natashalee0601@gmail.com

December 2, 2020

SSN: 605-22-5793

Last Employer Special need network

**RE: Appeals per Issue ID: 5671748 date mailed 11/30/2020, Decision date 11/25/2020, Last Day to Appeal: 12/11/2020.**

To: Employment Security Division  
Adjudication Center  
500 East Third Street  
Carson City, Nevada. 89713-0035  
Fax (775) 684-0338

The Amended Decision of Issue 5671748 is hereby appealed on the basis that I requested my 2019 claim which expired on April 25, 2020 to be the governing controlling claim because DETR did not provide a workable website nor a workable telephone claims processing center to accept my claims, it was not functional to accept my claims and all I received was a busy signal on the phone. The failure to file my claim prior to April 25 or 26 of 2020 was not a voluntary decision, it was involuntary because DETR did not have it set up for me to file either by website or by the phone, whatever existed in the form of a Unemployment Claim website and or the Unemployment Claim Intake Call Center to file a claim would not accept my efforts to access the site and or access by telephone. I requested a backdate to establish my 2019 claim which expired on April 25, 2020. The Governor by executive order declared that all claims would be backdated to March 15, 2020 if necessary. This new claim which places me outside of the expired 2019 claim is not equitable as the 2019 claim entitles me to \$285 a week for 25 weeks, I therefore should have been on that claim, expired on April 25, 2020 and filed the Pandemic Emergency Unemployment Compensation extension and an Emergency State Extension in the amounts of \$285 per week. I also am entitled to, under the reactivation of the 2019 to every week of Federal Pandemic Unemployment Compensation in the amount of \$600.00 per week from April 5, 2020 to July 25, 2020.

I did not request my claim to be backdated to April 26, 2020. That is arbitrary and capricious. Please establish my claim as a reactivation of the 2019 claim as it expired on April 25, 2020 and I have been prevented from being to file for that reactivation and secondly the system, since the time expired on my 2019 claim has forced a mistreatment of my claim as a new claim under a new and devastated monetary base period which has no earnings entitling me to any substantial amounts for survival.

Thank you,

A handwritten signature in black ink, appearing to read 'Natasha Early', with a long, sweeping horizontal line extending to the right.

Natasha Early

December 2, 2020

## EXHIBIT 2

# Office DEPOT. OfficeMax®

## complimentary fax cover sheet

number of pages including cover sheet: 2

attention to: Employment Security Division date: 12/11/2020

company: Benefits Integrity Program from: Natasha Early

phone #: \_\_\_\_\_ company: \_\_\_\_\_

fax #: 175 684 0418 sender's phone #: 323 713 8613

sender's email: \_\_\_\_\_

comments: \_\_\_\_\_

By sending this fax at Office Depot, inc., the sender agrees not to use this fax to: (I) transmit material whose transmission is unlawful, harassing, libelous, abusive, threatening, harmful, vulgar, obscene, pornographic or otherwise objectionable; (II) create a false identity, or otherwise attempt to mislead others as to the identity of the sender or the origin of this fax; (III) post or transmit any material that may infringe the copyright, trade secret, or other rights of any third party; (IV) violate any federal, state or local law in the location, or (V) conduct activities related to gambling, sweepstakes, raffles, lotteries, contests, ponzi schemes or the like.

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# Office DEPOT. OfficeMax®



Natasha Early  
4650 West Oakey Boulevard #2035  
Las Vegas, NV. 89102  
(323) 713-8613  
Natashalce0601@gmail.com

December 11, 2020

SSN:

60522-5793

Last Employer

Special needs Network

**RE: Appeals per Issue ID: 5672616 date mailed 11/30/2020, Decision date 11/25/2020, Last Day to Appeal: 12/11/2020.**

To: Employment Security Division  
Benefits Integrity Programs  
P.O. Box 2288  
Carson City, NV. 89702-2288  
Fax (775) 684-0418

I hereby appeal the decision of an overpayment in the amount of \$816.00 OP Created Date of November 25, 2020 mailed on November 30, 2020 because the division has also issued an Amended Notice of Eligibility dated November 25, 2020 per issue 5671748.

I have since been deemed eligible. Please vacate the overpayment determination.

December 11, 2020      Natasha Early

## EXHIBIT 3

12/12/2020

Mail - ODS02285Cpc - Outlook

**Delivery Complete: Employment Security Division**

OfficeDepotFax@etherfax.net <OfficeDepotFax@etherfax.net>

Sat 12/12/2020 4:49 PM

To: ODS02285Cpc <ODS02285Cpc@OfficeDepot.com>

[CAUTION: EXTERNAL SENDER]

**Office Depot #2285**

**Outbound Fax Notification**

**Delivery Information:**

Message #: 500115969

Recipient Number: +17756840418

Recipient Name: Employment Security Division

Recipient Company:

Delivery Date & Time: 12/12/2020 4:49:00 PM

Total Pages: 3

Transmit Time: 2 min : 29 sec

Status: SUCCESS

Natasha Early  
4650 West Oakey Boulevard #2035  
Las Vegas, NV. 89102  
(323) 713-8613  
Natashalee0601@gmail.com

December 2, 2020

SSN: 605-22-5793

Last Employer Special needs network

**RE: Appeals per Issue ID: 5671748 date mailed 11/30/2020, Decision date 11/25/2020, Last Day to Appeal: 12/11/2020.**

To: Employment Security Division  
Adjudication Center  
500 East Third Street  
Carson City, Nevada. 89713-0035  
Fax (775) 684-0338

The Amended Decision of Issue 5671748 is hereby appealed on the basis that I requested my 2019 claim which expired on April 25, 2020 to be the governing controlling claim because DETR did not provide a workable website nor a workable telephone claims processing center to accept my claims, it was not functional to accept my claims and all I received was a busy signal on the phone. The failure to file my claim prior to April 25 or 26 of 2020 was not a voluntary decision, it was involuntary because DETR did not have it set up for me to file either by website or by the phone, whatever existed in the form of a Unemployment Claim website and or the Unemployment Claim Intake Call Center to file a claim would not accept my efforts to access the site and or access by telephone. I requested a backdate to establish my 2019 claim which expired on April 25, 2020. The Governor by executive order declared that all claims would be backdated to March 15, 2020 if necessary. This new claim which places me outside of the expired 2019 claim is not equitable as the 2019 claim entitles me to \$285 a week for 25 weeks, I therefore should have been on that claim, expired on April 25, 2020 and filed the Pandemic Emergency Unemployment Compensation extension and an Emergency State Extension in the amounts of \$285 per week. I also am entitled to, under the reactivation of the 2019 to every week of Federal Pandemic Unemployment Compensation in the amount of \$600.00 per week from April 5, 2020 to July 25, 2020.

I did not request my claim to be backdated to April 26, 2020. That is arbitrary and capricious. Please establish my claim as a reactivation of the 2019 claim as it expired on April 25, 2020 and I have been prevented from being to file for that reactivation and secondly the system, since the time expired on my 2019 claim has forced a mistreatment of my claim as a new claim under a new and devastated monetary base period which has no earnings entitling me to any substantial amounts for survival.

Thank you,

Natasha Early      December 2, 2020

Natasha Early  
4650 West Oakey Boulevard #2035  
Las Vegas, NV. 89102  
(323) 713-8613  
Natashalee0601@gmail.com

December 2, 2020

SSN: 605 225793

Last Employer special needs network

**RE: Appeals per Issue ID: 5672616 date mailed 11/30/2020, Decision date 11/25/2020, Last Day to Appeal: 12/11/2020.**

To: Employment Security Division  
Adjudication Center  
500 East Third Street  
Carson City, Nevada. 89713-0035  
Fax (775) 684-0338

I hereby appeal this decision in the above titled issue on the grounds that the Division has since issues an Amended Decision that only denies me benefits from April 26, 2020 to August 8, 2020 and now treated the claim as effective on August 9, 2020, the claim for extended benefits is still open and valid. Secondly per the related appeal in Issue: 5671748 my claim for 2019 which expired on April 25, 2020 should have been reactivated and I should be receiving per that claim \$285.00 per week for 25 weeks and any extensions, such as this, must be in the amount of \$285 per week. I am therefore in either respect entitled to extended benefits as I requested my 2019 claim to be reactivated not a backdate of this claim to April 26, 2020.

Please reinstate my extended benefits in conjunction with the related appeal for issue 5671748 under the 2019 claim which expired on April 25, 2020 as all weeks are to be backdated per the Governor's Declaration to March 15, 2020. My extended benefits should be at the rate of \$285 per week for 13 weeks and backdated in conjunction with the appeal in issue 5671748.

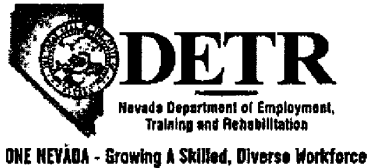
The Federal Pandemic Unemployment Compensation of \$600.00 per week is applied to each week of extended benefits retroactively applied for the weeks of April 5, 2020 to July 25, 2020.

Thank you,

Natasha Early                      December 2, 2020

## EXHIBIT 4

**Employment Security Division**  
Adjudication Center  
500 East Third Street  
Carson City, NV 89713-0035  
Tel (775) 684-0302 Fax (775) 684-0338  
Tel (702) 486-7999 Fax (702) 486-7987



14647546  
<http://www.nvdetr.org>

NATASHA EARLY  
4650 W OAKLEY BLVD APT 2035  
LAS VEGAS, NV 89102-1516

**Claimant ID:** 5101463  
**Re:** Cancel Claim Letter-  
Allowed  
**Date Mailed:** 02/02/2021

The Division has received your request to cancel your Nevada Unemployment Insurance claim. This request has been allowed and was processed on 02/01/2021.

If you need additional information regarding Nevada Unemployment Insurance or Employment Services available at the Nevada JobConnect Office, please visit the Division's website at: [www.nvdetr.org](http://www.nvdetr.org).

Sincerely,

UI Operations/Monetary Unit  
Employment Security Division

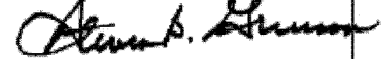


Report suspected UI Fraud online at <https://detr.nv.gov>

LET4238\_8.0.0



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CLERK OF THE COURT



1 **OGM**  
2 TROY C. JORDAN, ESQ.  
3 Nevada State Bar No. 9073  
4 State of Nevada, Department of  
5 Employment, Training & Rehabilitation (DETR)  
6 Employment Security Division (ESD)  
7 500 East Third Street  
8 Carson City, NV 89713  
9 Telephone No.: (775) 684-3996  
10 Facsimile No.: (775) 684-3992  
11 Attorney for **DETR/ESD**

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 NATASHA EARLY, ET AL,

10 Petitioner,

11 vs.

CASE NO.: A-20-826013-W

DEPT. NO.: XXXI

12 EMPLOYMENT SECURITY DIVISION,  
13 STATE OF NEVADA and KIMBERLY GAA  
14 [now, LYNDA PARVEN] in her capacity as  
15 ADMINISTRATOR of the EMPLOYMENT  
16 SECURITY DIVISION,

17 Respondents.

18 **ORDER GRANTING MOTION TO DISMISS PETITION FOR WRIT**  
19 **OF MANDAMUS, AND DENYING PETITION FOR WRIT OF MANDAMUS**

20 **THIS MATTER** came before the Court on February 4, 2021, pursuant to Respondent State  
21 of Nevada, Employment Security Division's (ESD) Motion to Dismiss Petition for Writ of  
22 Mandamus. The Court announced the case and requested appearances. ESD's counsel Troy C.  
23 Jordan, Esq. announced his presence via Blue Jeans. Petitioner Natasha Early (Petitioner) was not  
24 present. The Court ordered the matter trailed.

25 The Court recalled this matter and Petitioner was present. Arguments were heard regarding  
26 the merits of the Petition for Writ of Mandamus and ESD's Motion to Dismiss Petition for Writ of

TROY C. JORDAN, ESQ.  
Division Sr. Legal Counsel  
State of Nevada DETR/ESD  
500 East Third Street  
Carson City, NV 89713  
(775) 684-3996  
(775) 684-3992 - FAX

<input type="checkbox"/>	Voluntary Dismissal	<input type="checkbox"/>	Summary Judgment
<input type="checkbox"/>	Involuntary Dismissal	<input type="checkbox"/>	Stipulated Judgment
<input type="checkbox"/>	Stipulated Dismissal	<input type="checkbox"/>	Default Judgment
<input checked="" type="checkbox"/>	Motion to Dismiss by Deft(s)	<input type="checkbox"/>	Judgment of Arbitration

Case Number: A-20-826013-W

1 Mandamus. There was a colloquy between the Court and Petitioner regarding her claim for  
2 unemployment insurance benefits, the administrative referee and the administrative appeal  
3 process.

4 NRS 34.160 provides that a district court may issue a writ of mandamus to compel the  
5 performance of an act which the law requires as a duty resulting from an office, trust or station.”  
6 *Veil v. Bennett*, 131 Nev. 179, 180, 348 P.3d 684, 686 (2015), quoting *Int’l Game Tech. v. District*  
7 *Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008).

8 Alternatively, a writ of mandamus may issue “to control an arbitrary or capricious exercise  
9 of discretion.” *Western Cab Co. v. District Court*, 133 Nev. 65, 67, 390 P.3d 662, 666 (2017),  
10 quoting *Int’l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558; *State v. District Court (Armstrong)*,  
11 127 Nev. 927, 931, 267 P.3d 777, 779 (2011).


12 NRS 34.170 provides that a writ of mandamus shall issue “in all cases where there is not  
13 a plain, speedy, and adequate remedy in the ordinary course of the law. *Armstrong* helpfully noted  
14 that “[t]he writ *will not* issue, however, if a petitioner has a plain, speedy, and adequate remedy in  
15 the ordinary course of the law. 127 Nev. at 931, 267 P.3d at 779 (emphasis added).

16 “Petitioners have the burden of demonstrating that writ relief is warranted.” *Hairr v.*  
17 *District Court*, 132 Nev. 180, 183, 368 P.3d 1198, 1200 (2016). Accord *Pan v. District Court*, 120  
18 Nev. 222, 228, 88 P.3d 840, 844 (2004).

19 There Court finds that Petitioner has a plain, speedy, and adequate remedy at law,  
20 specifically the administrative appeals process located in Chapter 612 of the NRS. There was a  
21 failure by Petitioner to exhaust administrative remedies. Petitioner, therefore, failed to establish a  
22 basis to grant extraordinary relief. This Court noted it was not taking a position whether Petitioner  
23 was entitled to benefits. The issues raised in the Petition were not ripe before the Court because  
24 all of the administrative processes had not been utilized or exhausted.

1 Based on the foregoing; and GOOD CAUSE APPEARING THEREFOR,  
2 **IT IS HEREBY ORDERED** that Respondent ESD's Motion to Dismiss Petition for Writ  
3 of Mandamus is GRANTED and Petitioner's Petition for Writ of Mandamus is DENIED. The  
4 Clerk of the Court is directed to CLOSE this case.

5 DATED this 22nd day of February, 2021.

6  
7   
8 HONORABLE JOANNA S. KISHNER  
9 DISTRICT JUDGE

10 The foregoing Order Granting Motion to Dismiss Petition for Writ of Mandamus, and  
11 Denying Petition for Writ of Mandamus in Case No.: A-20-826013-W has been REVIEWED  
12 and is Approved as to Form and Content:

13  
14   
15 NATASHA EARLY  
16 Petitioner

17  
18  
19 Prepared and Submitted by:  
20 /s/ TROY C. JORDAN  
21 TROY C. JORDAN, ESQ.  
22 Attorney for ESD Respondents  
23  
24



1 **NEOJ**  
2 TROY C. JORDAN, ESQ.  
3 Nevada State Bar No. 9073  
4 State of Nevada, Department of  
5 Employment, Training & Rehabilitation (DETR),  
6 Employment Security Division (ESD)  
7 500 East Third Street  
8 Carson City, NV 89713  
9 Telephone No.: (775) 684-3996  
10 Facsimile No.: (775) 684-3992  
11 *Attorney for DETR/ESD*

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 NATASHA EARLY, ET AL,  
10  
11 Petitioner,  
12  
13 vs.

CASE NO.: A-20-826013-W

DEPT. NO.: XXXI

12 EMPLOYMENT SECURITY DIVISION,  
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14 [now, LYNDA PARVEN] in her capacity as  
15 ADMINISTRATOR of the EMPLOYMENT  
16 SECURITY DIVISION,  
17  
18 Respondents.

16 **NOTICE OF ENTRY OF ORDER GRANTING**  
17 **ESD'S MOTION TO DISMISS PETITION FOR WRIT OF MANDAMUS,**  
18 **AND DENYING PETITION FOR WRIT OF MANDAMUS**

18 **PLEASE TAKE NOTICE** that on the 1st day of March, 2021, the Court entered the Order  
19 Granting ESD's Motion to Dismiss Petition for Writ of Mandamus, and Denying Petition for Writ  
20 of Mandamus in the above-entitled case. A copy of said Order is attached hereto.

21 **DATED** this 1st day of March, 2021.

22 /s/ Troy C. Jordan

23 TROY C. JORDAN, ESQ.

*Attorney for Nevada ESD Respondents*

1 **CERTIFICATE OF SERVICE**

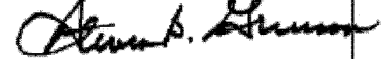
2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of the State of Nevada, over  
3 the age of 18 years; and that on the date hereinbelow set forth, I served a true and correct copy of  
4 the foregoing NOTICE OF ENTRY OF ORDER GRANTING ESD'S MOTION TO DISMISS  
5 PETITION FOR WRIT OF MANDAMUS, AND DENYING PETITION FOR WRIT OF  
6 MANDAMUS, *by either* electronic means (N.E.F.C.R. Administrative Order 14-2), if possible, as  
7 indicated by an email address set forth below, *and/or* by placing the same within an envelope and  
8 depositing said envelope with the State of Nevada Mail for postage and mailing from Carson City,  
9 Nevada, addressed for delivery as follows:

10 Natasha Early  
11 4650 West Oakey Blvd. #2035  
12 Las Vegas, NV 89102  
natashalee0601@gmail.com

13 **DATED** this 1st day of March, 2021.

14 /s/ Tiffani M. Silva  
15 TIFFANI M. SILVA  
16  
17  
18  
19  
20  
21  
22  
23

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Steven D. Grierson  
CLERK OF THE COURT



1 **OGM**  
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3 Nevada State Bar No. 9073  
4 State of Nevada, Department of  
5 Employment, Training & Rehabilitation (DETR)  
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7 500 East Third Street  
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Division Sr. Legal Counsel  
State of Nevada DETR/ESD  
500 East Third Street  
Carson City, NV 89713  
(775) 684-3996  
(775) 684-3992 - FAX

<input type="checkbox"/>	Voluntary Dismissal	<input type="checkbox"/>	Summary Judgment
<input type="checkbox"/>	Involuntary Dismissal	<input type="checkbox"/>	Stipulated Judgment
<input type="checkbox"/>	Stipulated Dismissal	<input type="checkbox"/>	Default Judgment
<input checked="" type="checkbox"/>	Motion to Dismiss by Deft(s)	<input type="checkbox"/>	Judgment of Arbitration

Case Number: A-20-826013-W

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8 Alternatively, a writ of mandamus may issue “to control an arbitrary or capricious exercise  
9 of discretion.” *Western Cab Co. v. District Court*, 133 Nev. 65, 67, 390 P.3d 662, 666 (2017),  
10 quoting *Int’l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558; *State v. District Court (Armstrong)*,  
11 127 Nev. 927, 931, 267 P.3d 777, 779 (2011).

12 NRS 34.170 provides that a writ of mandamus shall issue “in all cases where there is not  
13 a plain, speedy, and adequate remedy in the ordinary course of the law. *Armstrong* helpfully noted  
14 that “[t]he writ *will not* issue, however, if a petitioner has a plain, speedy, and adequate remedy in  
15 the ordinary course of the law. 127 Nev. at 931, 267 P.3d at 779 (emphasis added).

16 “Petitioners have the burden of demonstrating that writ relief is warranted.” *Hairr v.*  
17 *District Court*, 132 Nev. 180, 183, 368 P.3d 1198, 1200 (2016). Accord *Pan v. District Court*, 120  
18 Nev. 222, 228, 88 P.3d 840, 844 (2004).

19 There Court finds that Petitioner has a plain, speedy, and adequate remedy at law,  
20 specifically the administrative appeals process located in Chapter 612 of the NRS. There was a  
21 failure by Petitioner to exhaust administrative remedies. Petitioner, therefore, failed to establish a  
22 basis to grant extraordinary relief. This Court noted it was not taking a position whether Petitioner  
23 was entitled to benefits. The issues raised in the Petition were not ripe before the Court because  
24 all of the administrative processes had not been utilized or exhausted.

1 Based on the foregoing; and GOOD CAUSE APPEARING THEREFOR,

2 **IT IS HEREBY ORDERED** that Respondent ESD's Motion to Dismiss Petition for Writ  
3 of Mandamus is GRANTED and Petitioner's Petition for Writ of Mandamus is DENIED. The  
4 Clerk of the Court is directed to CLOSE this case.

5 DATED this 22nd day of February, 2021.

6  
7   
8 HONORABLE JOANNA S. KISHNER  
9 DISTRICT JUDGE

10 The foregoing Order Granting Motion to Dismiss Petition for Writ of Mandamus, and  
11 Denying Petition for Writ of Mandamus in Case No.: A-20-826013-W has been REVIEWED  
12 and is Approved as to Form and Content:

13  
14   
15 NATASHA EARLY  
16 Petitioner

17  
18  
19 Prepared and Submitted by:

20 /s/ TROY C. JORDAN  
21 TROY C. JORDAN, ESQ.  
22 Attorney for ESD Respondents  
23  
24





TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

NATASHA EARLY,	)	
	)	
Plaintiff,	)	CASE NO. A-20-826013-W
	)	DEPT NO. XXXI
vs.	)	
	)	
EMPLOYMENT SECURITY DIVISION	)	
OF THE STATE OF NEVADA,	)	
	)	<b>TRANSCRIPT OF</b>
Defendant.	)	<b>PROCEEDINGS</b>
	)	
AND RELATED PARTIES	)	

BEFORE THE HONORABLE JOANNA S. KISHNER, DISTRICT COURT JUDGE

THURSDAY, FEBRUARY 4, 2021

**PETITION FOR WRIT OF MANDAMUS**

**DEFENDANT'S MOTION TO DISMISS PETITION FOR WRIT OF MANDAMUS**

APPEARANCES (VIA BLUEJEANS) :

FOR NATASHA EARLY: PRO SE

FOR EMPLOYMENT SECURITY: TROY JORDAN, ESQ.

RECORDED BY: DELORIS SCOTT, COURT RECORDER  
TRANSCRIBED BY: JD REPORTING, INC.

1       **LAS VEGAS, CLARK COUNTY, NEVADA, FEBRUARY 4, 2021, 8:25 A.M.**

2                               \* \* \* \* \*

3               THE COURT: And, Mr. Jordan, you heard me; right?

4               MR. JORDAN: (No audible response.)

5               THE COURT: He's not acknowledging.

6               MR. JORDAN: Yes, Your Honor. I was making sure you  
7 could hear me.

8               THE COURT: Ah, no worries. We're just waiting for  
9 Mr. Early.

10              And one thing, just to let you know, if she doesn't  
11 come on the line by 8:30, I may need to continue this to 9:30.

12              Because of the way you filed your responsive  
13 pleading, you saw that got set for a different hearing time at  
14 9:30. So I don't know if there's going to be some confusion.  
15 Hopefully, I have you both at 8:30, which means we get you  
16 taken care of. If not, I may have to recall it, like I said,  
17 at 9:30. But let's wait a few moments and see if she is on the  
18 line. Okay?

19              MR. JORDAN: All right. Thank you.

20              THE COURT: Thank you.

21              (Off the record at 8:26 a.m., until 8:29 a.m.)

22              (Pause in the proceedings.)

23              THE COURT: I just want to confirm with the team.  
24 Did anyone receive any notification from Ms. Early that there  
25 would be any challenges to her appearing at 8:30?

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1           My understanding is no based on the communications  
2 this morning.

3           But, Jessica, can you confirm whether you received  
4 anything?

5           And then, Natalie, if you wouldn't mind confirming  
6 whether you received anything.

7           Jessica?

8           THE CLERK: This is Natalie.

9           THE COURT: Well, okay. Natalie first. Go ahead,  
10 please.

11          THE CLERK: This is Natalie. I have not -- I have  
12 not received anything, Your Honor.

13          THE COURT: Okay. No worries.

14          Jessica, can you please respond.

15                   (No audible response.)

16          THE COURT: Jessica, you need to unmute yourself, and  
17 then could you please respond.

18                   (No audible response.)

19          THE COURT RECORDER: I'm sharing the video, Your  
20 Honor.

21          THE COURT: Pardon?

22          THE COURT RECORDER: I'm sharing your video.

23          THE COURT: Just one moment.

24          Okay. It looks like --

25          Sorry. What was the question?

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1 THE COURT RECORDER: No. I'm sharing your video in  
2 the courtroom.

3 THE COURT: Oh, no. I appreciate it.

4 Right. So you can see me from the far camera;  
5 correct?

6 THE COURT RECORDER: Yes.

7 THE COURT: I appreciate it. Thank you so much.

8 Okay. Well, it's 8:32. And we do not have Ms. Early  
9 on the line. So what I'm going to do, Madam Court Recorder,  
10 Madam Clerk, I'm going to call the case. I'm going to let  
11 appearance by defense. And then we may need to hold off. I  
12 may need to ask him to reach out to plaintiff since she's in  
13 proper person.

14 Okay. So we're going to call the 8:30 matter.  
15 Natasha Early versus Employment Security Division, which is  
16 page 1 on the 8:30, and inadvertently it appears it also became  
17 page 12 on the 9:30. It looks like (indiscernible) the  
18 calendar error. 826013.

19 It does not appear I have plaintiff, but I'm going to  
20 just make sure.

21 Is anyone on behalf of plaintiff or plaintiff on the  
22 line?

23 (No audible response.)

24 THE COURT: Based on the names I see on BlueJeans, I  
25 do not see that.

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1           Okay. How about counsel for defense?

2           MR. JORDAN: Troy Jordan, Senior Legal Counsel to the  
3 Employment Security Division, on behalf of the respondents,  
4 Your Honor.

5           THE COURT: Okay. Well, okay. So from our  
6 understanding, Ms. Early has not reached out. I've confirmed  
7 that with the clerk. I've confirmed that with my law clerk.  
8 And she has not reached out for any reason saying that she  
9 couldn't be on the line.

10           She would have received the same notice you did  
11 because it gets e-served, and the fact that you got it means  
12 she would have gotten it as well. And since we also discussed  
13 it at the hearing a couple weeks ago that we were going to do  
14 today's date, she's aware of today's date. And it was at you  
15 all's request that we were doing it at 8:30 to accommodate you  
16 all. So it was before the rest of our calendar.

17           So at this juncture, have you had any communications  
18 with Ms. Early that she is not able to appear at this time?

19           MR. JORDAN: No, Your Honor.

20           THE COURT: Okay. Here's what happened. As you  
21 know, the Court continued the hearing last time because you  
22 stated that the Employment Security Division had the 45 days to  
23 respond. You had not gotten the pleading in time in light of  
24 the last hearing so you were able to file a responsive brief to  
25 her writ.

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1           Since you filed that as a motion to dismiss and you  
2 put on that front page today's hearing time, the master  
3 calendar set it as if it were a regular motion to dismiss  
4 separate and apart from any other case. So that's why they  
5 would've set it at 9:30.

6           Now, this Court doesn't know whether or not Ms. Early  
7 thought the time would have changed or not from the 8:30 to the  
8 9:30 because of the most -- you probably got a notice yesterday  
9 most likely about --

10           MR. JORDAN: I believe so, Your Honor.

11           THE COURT: Yes. So in light of that, what the Court  
12 was inclined to do if either of you were not on the phone at  
13 8:30 is to tell the other party if you want to reach out to the  
14 one party to see if they want to get on the line and get it  
15 taken care of now, which is when it should be because that's  
16 the time everybody agreed when you all were appearing remotely  
17 last time, but in fairness I may need to recall this at 9:30.

18           So do you want to reach out to Ms. Early, or do you  
19 want me just to recall this at 9:30?

20           MR. JORDAN: Your Honor, I don't have a way of  
21 contacting Ms. Early.

22           THE COURT: Okay. Okay.

23           MR. JORDAN: Recalling it at 9:30 is fine with me.

24           THE COURT: Okay. Because at this juncture, what we  
25 don't know, she didn't reach out to anyone and saying there was

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1 any issues. So we'd have no reason to believe that there would  
2 be any issues. Everyone would've gotten the link because we've  
3 got, well, you on the line and others coming onto the line for  
4 the 9:00 o'clock matters. And so we do not have any reason to  
5 believe that there would be any issue.

6 But just in that abundance of caution and since she  
7 did file a pleading yesterday at 5:30 --

8 I'm not sure if you saw it or not. The Court did  
9 read it, and I don't want to go into any substance since I do  
10 not have both parties on the line.

11 -- but since she filed a document yesterday evening  
12 at 5:30 and part of it said that she had very limited time with  
13 the hearing being today would indicate to this Court that she  
14 obviously knew the hearing was happening today because she  
15 specifically put in the pleading she filed at 5:30 yesterday.  
16 So...

17 MR. JORDAN: Your Honor, I can tell you that we were  
18 not e-served with that document if there was anything filed  
19 past her request to appear remotely.

20 THE COURT: No. There was an opposition to a motion  
21 that was filed on 2/3. It says at 5:36 p.m. You might need to  
22 go --

23 MR. JORDAN: We have not --

24 THE COURT: Okay.

25 MR. JORDAN: I didn't mean to interrupt you, Your

1 Honor. Go ahead.

2 THE COURT: Okay. I'm just -- you may want to go  
3 into the Odyssey system. It's on the Odyssey system.

4 The Court takes no position whether or not you may  
5 have a position in light of that. I'll wait until I have both  
6 parties on the line to discuss anything substantive. I was  
7 only noting that because in the -- that particular document she  
8 noted that the hearing was today. So that would reconfirm to  
9 the Court that she knew the hearing was today.

10 I was once again trying to see if there was any  
11 reason she might not know the hearing was today, but I have no  
12 reason to believe that in light of you all were both here last  
13 time and specifically asked for this date and time, and then  
14 also the document she filed yesterday mentions the hearing  
15 today.

16 So, okay. So at this juncture I'm just going to -- I  
17 don't know if you want to stay on the -- just put it on mute  
18 and stay on the line and see if she comes on, and then I'll  
19 have to call it in between my other matters or wait until the  
20 930 or what you wish to do at this juncture. But I think in  
21 fairness --

22 MR. JORDAN: I'll just stay on the line, and you can  
23 recall it at your leisure, Your Honor.

24 THE COURT: I'll recall it as soon as I have her name  
25 pop up. If not, I'll call it at 9:30 and then handle it there.

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1           Okay. I do appreciate it. So you're welcome to  
2 either stay on video, stay on just audio, whatever you wish to  
3 do. Just please mute yourself, and then we'll -- if she pops  
4 on the line, we'll move forward. Okay?

5           MR. JORDAN: All right. Thank you, Your Honor.

6           THE COURT: I appreciate it. Thank you.

7           (Matter trailed at 8:38 a.m., until 8:59 a.m.)

8           THE COURT: Early versus Employment Security  
9 Division, 826013.

10           Ms. Early, are you on the line or someone on your  
11 behalf?

12                       (No audible response.)

13           THE COURT: No. Okay. So I'm not going to --  
14 Mr. Jordan, I'm not going to ask you to make your appearance  
15 yet again because we were waiting for her.

16           (Matter trailed at 9:00 a.m., until 9:09 a.m.)

17           THE COURT: 8266 -- sorry. 826013, Natasha Early  
18 versus Employment Security Division.

19           Do I have Ms. Early on the line yet?

20           I do not see her, but I'm just making sure.

21                       (No audible response.)

22           THE COURT: No. Okay.

23           Mr. Jordan, we're going to still wait a little bit,  
24 as we mentioned, just in case.

25           (Matter trailed at 9:10 a.m., until 9:38 a.m.)

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1 THE COURT: 826013.

2 Ms. Early, are you now on the line?

3 (No audible response.)

4 THE COURT: Okay. Mr. Jordan, you're still on the  
5 line. Would you like to make your appearance?

6 MR. JORDAN: I am, Your Honor.

7 THE COURT: Would you like to make your appearance,  
8 sir?

9 MR. JORDAN: Excuse me, Your Honor. I missed that.

10 THE COURT: Would you like to make your appearance?

11 MR. JORDAN: Troy Jordan, Senior Legal Counsel, the  
12 Employment Security Division, on behalf of respondent, Your  
13 Honor.

14 THE COURT: Okay. Well, Mr. Jordan, you've been on  
15 the line for over an hour, both for the 8:30 and the 9:30.  
16 It's now 9:39. So we've heard still nothing from Ms. Early or  
17 any reason why she could not appear. She did file her notice  
18 of appearance; so she knows about it.

19 Like I mentioned, the document filed yesterday  
20 mentioned today's hearing, as well as she would have gotten the  
21 same memo that you got from the Court which she would need to  
22 know about because she did the notice of appearance. So at  
23 this juncture we don't know why -- and also, additionally, you  
24 all were on the line the other week, and you specifically asked  
25 for this date. So all of those indicators, that even if she's

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1 a pro se litigant and giving her an hour and ten minutes of  
2 additional consideration, don't know why she's not on the line.

3 The Court has read all the pleadings. The Court has  
4 read even the document that she filed. And I need to hear from  
5 you. We were not aware that you were not served with it, but  
6 the Court did read it because it came in. And, you know, I'm  
7 up late, and I get up early. So I saw it, and I read it. So  
8 the Court had taken all of that into consideration and was  
9 ready to make a ruling based on --

10 THE JEA: Excuse me, Judge.

11 THE COURT: Yes.

12 THE JEA: This is Tracy. She is on the line right  
13 now. She's trying to connect.

14 THE COURT: Okay. Then we'll pause one moment.

15 Are you saying she's trying to connect, Tracy, again?

16 THE JEA: Yes, Judge. One second.

17 THE COURT: Okay.

18 THE JEA: Judge, she's connecting right now. She had  
19 the wrong meeting ID number.

20 THE COURT: Okay. Thank you so much.

21 So, Counsel, we'll wait one moment. Then we'll have  
22 her make her appearance, and then we'll move forward.

23 Okay. Ms. Early, are you on the line?

24 (No audible response.)

25 THE COURT: Nope, not yet.

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1           Okay. We're not seeing any additional names coming  
2 up.

3           Tracy, was it your understanding she was trying to  
4 connect? Because we're not seeing any additional names coming  
5 up.

6           THE JEA: That is correct. I provided her with the  
7 meeting -- the correct meeting ID number. She was using the  
8 test connection site and said that she was unable to connect.  
9 So I did provide her with the meeting ID number, the correct  
10 one.

11          THE COURT: Okay. The same one, the correct one that  
12 was in the memo; right?

13          THE JEA: Affirmative. Yes.

14          THE COURT: Okay. So she's just reading the wrong  
15 portion of it. Okay.

16          Well, Counsel, let's wait a moment or two to see if  
17 maybe...

18          Okay. I'm still not seeing any additional names pop  
19 up.

20          Ms. Early, are you on the line?

21                   (No audible response.)

22          THE COURT: Tracy, did you receive any further  
23 communication? Because there is no one hooking up. There's no  
24 one showing joining or anything.

25          THE JEA: I have not, and I was on the phone with

1 her. And I put her on hold to let you know that she was trying  
2 to connect, and I provided her the meeting ID number.

3 THE COURT: Again.

4 THE JEA: And I did let her know that it was in the  
5 memo in bold in big letters. So...

6 THE COURT: Okay. Well, she was able to hook up last  
7 time. So I'll wait just a --

8 MS. EARLY: Hello. This is Natasha Early.

9 THE COURT: Okay. Thank you.

10 So, Ms. Early, we've got case 826013, which was  
11 page 1 on our 8:30; and then page 12, it appeared on the 9:30.  
12 So we understood you may have had some confusion that this  
13 hearing inadvertently --

14 MS. EARLY: Yes.

15 THE COURT: -- said both times. So we -- counsel for  
16 respondent has stayed on the line for the last hour and fifteen  
17 minutes.

18 So, Ms. Early, you've made your appearance.

19 Counsel for -- Mr. Jordan, do you want to just make  
20 your appearance again, if you don't mind, for the whatever  
21 number time.

22 MR. JORDAN: Troy Jordan on behalf of the Employment  
23 Security Division and the respondents, Your Honor.

24 THE COURT: Okay. Appreciate it. Thank you.

25 Okay. So this is a writ of mandamus, and then the

1 Court received -- as you recall, the hearing initially was  
2 continued because of the time frame did not give enough  
3 response time for the respondent to respond.

4 Respondent filed a responsive pleading.

5 And then yesterday, without -- Ms. Early, it appears,  
6 without notifying the Court, and you may not have served it on  
7 respondent, you filed another document at around 5:36, after  
8 close of business yesterday.

9 So I'll tell you the Court has read it. Whether the  
10 Court can consider it or not, I'm going to wait to hear each  
11 side's position on that, but we've got the writ.

12 So you filed the writ, Ms. Early. You get to go  
13 first. Feel free. Whatever you wish to summarize for your  
14 argument, feel free to do so. And then I'll let opposing party  
15 respond.

16 MS. EARLY: Okay. Great.

17 So, Your Honor, with all due respect, ma'am, I tried  
18 very hard to resolve this issue raised in my pension (sic) with  
19 the respondent who has been not available. I could not access  
20 my DETR site to reup -- open my 2019 claim for mud (phonetic).  
21 So within that time frame, I pretty much finally was able to  
22 get my claim here through email and to reinstate my claim. It  
23 was reinstated improperly, which deprived me of weeks of  
24 benefits of two, eighty-five, a week for 26 weeks. So I was  
25 only granted \$71 a week for that period of frame.

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1           So during that period, I was -- I was supposed to  
2 access that two, eighty-five, per week for 13 weeks and a total  
3 of hundred dollars in addition to that for the lost wage act  
4 for six weeks. So at the moment, I was only getting the \$71 a  
5 week because they refused to reopen and backdate my 2019 claim.  
6 That was ordered by the governor. So due to that issue, I was  
7 also -- it was raised within the DETR system. They had my  
8 phone number and everything that I filed several times. All my  
9 appeals and everything wasn't acknowledged at all.

10           I appealed twice. They weren't acknowledged at all;  
11 therefore, none of that paperwork exists in plain print through  
12 their system.

13           And during the speedy -- it was a speedy moment when  
14 I did -- was able to contact them, and I thought the remedy to  
15 resolve this issue was resolved, and it turns out just a couple  
16 days ago they sent a notification that I canceled my claim. So  
17 that claim, now I'm deprived of an additional \$300 a week that  
18 has been added to everyone's claim stated by the governor. So  
19 it's been so many tricky loopholes in this situation.

20           So in the moment I'm just -- you know, I just want to  
21 resolve this. Like, I just want to be properly paid through  
22 the remit as ordered by the government through my pension  
23 (sic). And at the moment I haven't been able to receive much  
24 at all from them. So -- and it's all in my pension (sic).  
25 Everything is listed there. All of my payments that I have

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1 received and haven't received has been listed also.

2 THE COURT: Okay. So here's the question the Court  
3 has. The Court, as you know, has to look first procedurally  
4 whether or not --

5 MS. EARLY: Yes.

6 THE COURT: -- this case is ripe, meaning can a  
7 district court judge hear this case because writ relief, as you  
8 both put in your pleadings, is extraordinary relief and only  
9 has very limited purposes.

10 So the first thing is looking at whether or not this  
11 should be handled first at the employment security level, you  
12 know, on DETR's level through their appellate process.

13 MS. EARLY: Yes.

14 THE COURT: And so therein lies a question that this  
15 Court is going to have, and I -- and whether I'm going to  
16 consider it or not consider it, I'm at least going to reference  
17 some things in your document that you filed yesterday because  
18 the first time there's some new documents, and I --

19 MS. EARLY: Yes.

20 THE COURT: Okay. So the only thing that I saw that  
21 had any type of fax confirmation or anything that -- was a  
22 December 2020, okay, the Office Depot Number 2285. And it says  
23 12/12/2020, at 4:49 p.m. Okay. That's the only confirmation  
24 that I saw on those.

25 And then the other ones were -- I saw a cover sheet,



1 but I didn't see --

2 MS. EARLY: Yeah. Both were supposed to be my appeal  
3 letters. I did one for November 11th, and I also did one for  
4 October 3rd. So I appealed because they said that I owed  
5 them backpay of \$866 in which was a wrongful system. I guess  
6 their system has been maybe -- maybe it's been errors within  
7 their system, but they sent me that notification. So to  
8 protect myself, I appealed that, you know, because I wasn't --  
9 I didn't owe anything to them. But then again, that note on my  
10 account disappeared out of nowhere. So, but I did appeal at  
11 that time.

12 And then I also appealed for my \$71 a week. I  
13 appealed for them to reinstate my 2019 claim, which is for the  
14 two, eighty-five, a week. So instead of them reinstating that  
15 claim, they missed wages on my current claim.

16 There's still missed -- lost wages there, and I have  
17 that all written in my (indiscernible).

18 THE COURT: The Court did not see --

19 MS. EARLY: In detail.

20 THE COURT: Okay. Let me hear from opposing counsel  
21 first, both procedurally and substantively, and then I'll get  
22 back to you, Ms. Early, okay, so that he has an opportunity to  
23 respond, and then you get last word.

24 Go ahead, Mr. -- go ahead, Counsel.

25 MR. JORDAN: Judge, I'm going to start with a couple

1 of procedural things that we take issue with in the opposition  
2 that we were given a copy of, which -- this morning by  
3 chambers, and we appreciate that.

4           The brief was not late. It's 45 days from the date  
5 we were served. We were served on the 17th. 45 days was  
6 January 31st, which was a Sunday, meaning we had until the  
7 1st to file it. We filed it on the 1st. With that, I'll leave  
8 that issue.

9           With regard to the procedure and the jurisdiction  
10 issue, this is basically what I was trying to say in the motion  
11 to dismiss is she hasn't gone through the appeals process yet.  
12 Now, whether I was given bad information by the program or  
13 whether this is stuck in a backlog or whether we never received  
14 it, she has produced in that opposition what appear to be two  
15 faxed letters.

16           Now, interestingly, it always says to mail in your  
17 letters. Most people do it certified to make sure we got it.

18           What I will note is, the one that has a fax  
19 confirmation, it's the wrong fax number. Now, you know, I'm  
20 not a fact witness, but I can represent as an officer to the  
21 court my understanding is the number is 0481, not 0418. So  
22 that may have been the issue.

23           With that said, regardless of whether that appeal  
24 came in on time or not, the issue here is she hasn't gone  
25 through the administrative process. And the Nevada Supreme

1 Court is very clear that this petition for writ that she filed,  
2 which was the vehicle she chose, the vehicle she chose was to  
3 file this petition for writ. She did not choose to go through  
4 the administrative process and file the petition for judicial  
5 review, which is the way to get into court when you're  
6 appealing an unemployment decision.

7 She files a petition for writ. That means she, A,  
8 cannot have a remedy independent of the writ; and, B, there has  
9 to be a clear duty to act for what she's asking for. But let's  
10 go through those in that order.

11 First of all, the administrative process is available  
12 to her. Now, if she files a late appeal, she can actually ask  
13 for good cause to have that date extended. But even if we  
14 don't, then she can appeal the fact that we dismissed the  
15 appeal or found it to be late anyway. She has not taken  
16 advantage of that process.

17 Indeed, NRS Chapter 36, 500 and 525, will tell you  
18 she can't even get into court until she's through the board of  
19 review. And near as I can tell, even if these appeals would  
20 have gone through, she hasn't even gotten a referee's  
21 determination, which is the lower court -- or the lower appeals  
22 tribunal at DETR. She hasn't produced a single one to say that  
23 she's gone through that or that she's got a decision that says  
24 she's been awarded benefits.

25 Now, furthermore, there appears to be some confusion,

1 with all due respect, with the petitioner. She is trying to  
2 make it so that her 2019 claim, which was valid for 26 weeks,  
3 somehow controls 2020. That claim expired after 26 weeks. She  
4 keeps trying to argue in her pleadings, well, I was awarded  
5 benefits in 2019. That was for 26 weeks. That ended sometime  
6 in October or November, depending on when the claim started, of  
7 2019. She had to reopen or file a new claim. It's kind of a  
8 term of art in UI, but either way she had to reapply. And  
9 changed circumstances may result in a changed decision.

10 So what she also hasn't proved is a clear duty for us  
11 to pay her during that time because the only eligibility that  
12 was found was found down in October, and it's for \$71, well  
13 after the FPUC had expired.

14 And I notice she mentioned LWA for the second time  
15 today. First, I would argue the burden is on her to prove that  
16 she's eligible for LWA, and she cited no statute. But  
17 secondly, LWA required a hundred dollars in benefits to get the  
18 LWA on top of it. It was one of the banes of our existence  
19 because the original FPUC only allowed for a dollar, meaning  
20 that if you had a dollar in any benefit program eligibility  
21 during that time period you got the full \$600 FPUC, which was a  
22 federal pandemic program.

23 The LWA --

24 THE COURT: Okay. Counsel. Counsel, can I stop you?

25 MR. JORDAN: -- created --

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1           THE COURT: The only reason I'm going to ask you to  
2 stop for one quick second, while as much as I understand the  
3 lingo you are using and the abbreviations, would you mind  
4 saying out the language just so that, A, you get a clear  
5 transcript; and, B, we make sure that the petitioner  
6 understands what you're referencing, please.

7           MR. JORDAN: Yes, Your Honor. And I will apologize  
8 on behalf of all of us who work in the unemployment system. We  
9 use enough acronyms that many people don't understand what  
10 we're saying.

11           So there was an extended pandemic program called the  
12 Federal Pandemic Unemployment Compensation program. The  
13 requirement for that program was you had to have at least an  
14 eligibility determination of 1 dollar per week for every week  
15 that you were eligible for it, and you could get a \$600 -- we  
16 called it a bonus or a bump. That expired back in June or  
17 July. The time frame escapes me, but this claim wasn't allowed  
18 until August, and the back date was denied. Again, another  
19 issue she could appeal. But with that said, there's no  
20 evidence she's actually eligible for FPUC, which is some of the  
21 relief she is seeking.

22           She also mentioned in passing, without citing any  
23 statute, the LWA program. The LWA program is Lost Wages  
24 Assistance. Lost Wages Assistance was created by executive  
25 order of former President Trump that allowed for an additional

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1 \$300 in FEMA money, FEMA being the Federal Emergency Management  
2 Association. That was separate and apart from unemployment  
3 programs but instituted by unemployment assistance programs.  
4 The requirement for that was a hundred dollars in benefits. It  
5 was something we highly objected to at DETR because we didn't  
6 want to move it up because it was going to, in people like  
7 Ms. Early's case, deny her that benefit.

8           The burden is on her to show she was eligible for  
9 either of these two programs, and she has not presented any  
10 determination showing she's eligible.

11           What she appears to be trying to do with this writ  
12 today is relitigate her unemployment claim. And that has to go  
13 through the administrative process and then to a petition for  
14 judicial review per NRS six, twelve. She has an adequate  
15 speedy remedy at law. She also cannot show that we have a duty  
16 to pay her because she has not shown eligibility where she has  
17 not been paid.

18           My understanding is she is currently being paid.

19           And I also wanted to address the unfortunate letter.  
20 I can represent to you, as an officer of the court, when I saw  
21 that this morning, I had actually never seen one of those  
22 before. And I said, What happened? And my UISS chief --  
23 that's unemployment support services -- said it doesn't mean  
24 she is cut off. The language is incredibly unfortunate. What  
25 it means is they moved her over to an EUC claim --

1           That's the letter E as in elephant, U as in  
2 unemployment, C as in compensation. And that's Emergency  
3 Unemployment Compensation.

4           -- because she had expired this claim. And that's an  
5 automatic thing.

6           Now, I know, Your Honor, you're probably going to ask  
7 then why would you send such a letter. I don't control those  
8 things as the attorney. I can tell you that they have been  
9 told that that's probably, you know, going to get us in some  
10 hot water after I saw that today without an explanation letter  
11 that says you've been transferred to EUC for your benefit  
12 because your unemployment benefits have run out.

13           This is in large part due to something that's not  
14 relevant to the case, but there's currently 37 states fighting  
15 with the Department of Labor, who control the unemployment  
16 program, that we should be able to offer state-extended  
17 benefits --

18           That's SEB. S as in Sarah. E as in employment. B  
19 as in boy.

20           -- for those weeks. That determination from the DOL  
21 literally came down last week and would explain why she can't  
22 get SEB right now because they're saying we, quote, triggered  
23 off, and we had to put them on EUC.

24           Now, it's a lot of semantics. I understand  
25 claimants' frustrations. We've been going through this for

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1 almost 11 months now, where many of these acronyms, programs  
2 and the intertwining between them are making people very angry,  
3 and understandably because, A, they don't understand it; B, I  
4 will concede we've had problems communicating with people,  
5 whether it is jammed phone lines or poor writing of  
6 determinations.

7 But with that said, this simply isn't the vehicle by  
8 which she gets this fixed. It never has and it never will be.  
9 And she still -- the burden is on her to show that she's  
10 actually entitled to the money, which she has not shown.

11 So, therefore, we'd ask that she dismiss her writ.

12 I -- as an olive branch, I can get someone to get her  
13 on a list to get called in the next 48 hours if she would like.

14 But that doesn't change our legal position that this  
15 writ is improperly before this Court; it is premature; and that  
16 there is no clear duty; nor does she not have a remedy of going  
17 through the administrative process.

18 With that said, I'll submit.

19 THE COURT: Okay. Just one second before, Ms. Early,  
20 you continue.

21 Madam Court Recorder, do you need any clarification  
22 of any of those initials, or do you have it? Are you good for  
23 now?

24 THE COURT RECORDER: Yes.

25 THE COURT: Okay. Perfect. I just wanted to make



1 sure before we moved on that you got all those.

2 Okay. So, Ms. Early, you get final word. Go ahead.

3 MS. EARLY: Hello?

4 THE COURT: Yes. Please go ahead, Ms. Early. You  
5 get the final word.

6 MS. EARLY: Yeah. So, Your Honor, I submitted  
7 evidence of my eligibility letter. That is listed by DETR and  
8 instated by them. And I've also submitted evidence of my --  
9 through my pension (sic).

10 And he has not submitted any evidence or any writ or  
11 any response to the brief or any affidavits in response to my  
12 reply. So for him to attempt to provide his evidence verbally  
13 is not enough. He has provided no physical evidence. And I  
14 have provided detailed by detailed evidence in my pension  
15 (sic).

16 So by with him talking like that, I just can't -- I  
17 can't agree with any of that because I have a eligibility  
18 letter submitted. I am completely eligible through their  
19 system and through their words. They have letters in my  
20 pension (sic) that listed that I'm eligible, and it's stated by  
21 them, DETR itself.

22 THE COURT: Okay. So --

23 MS. EARLY: So I prefer for him to provide evidence  
24 versus verbal evidence. He needs to provide this physical  
25 evidence or a response to my affidavit. He hasn't responded to

1 anything at all, and he has had many, many, many -- toward over  
2 45 days to do that alone, and he hasn't. Not only have they --  
3 they just recently said that I submitted a letter to cancel my  
4 case when I've never submitted a letter to cancel my case. So  
5 now I'm currently ineligible for any additional \$300 weekly  
6 that other people are eligible for, like myself. So if  
7 something is going on in the system or something that they're  
8 trying to skip over, but I need the evidence in hand, like I  
9 provided the evidence to them. They can read it. I want them  
10 to provide the evidence to me too and so you can read it also,  
11 Your Honor.

12 THE COURT: Ms. Early, did you ever go before a  
13 referee, a claims referee or the board of review with regards  
14 to your claims that you presented in a writ?

15 MS. EARLY: I have. I've went. They're all there.  
16 It's all available there to be read.

17 THE COURT: Sorry. My question is, in case you  
18 didn't understand my question, my question is a little bit  
19 different. I did not see anywhere in any of your pleadings  
20 that you went before what's called a claims referee.

21 Did you go to any kind of hearing in front of a  
22 claims referee?

23 MS. EARLY: Yes.

24 THE COURT: You went in front of a claims? Because  
25 there's a determination letter that comes out after there is a

1 claims referee hearing. Are you saying that you had a hearing  
2 in front of a claims referee?

3 MS. EARLY: I haven't, but because they haven't  
4 responded to my appeal. So I can't go further to speak to a  
5 claims referee because they haven't responded to any appeal  
6 I've (video interference) for benefits (video interference).

7 THE COURT: Okay. And the appeals are the letters  
8 that you attached to the document titled Opposition you filed  
9 yesterday; right? Those are the -- it looks like maybe it  
10 might be --

11 MS. EARLY: Yeah. But they were filed -- they were  
12 filed on those dates that are present in the dates that's  
13 listed, October and November. So those are -- those were filed  
14 then.

15 But I also have my affidavits that they haven't  
16 responded to or anything in such as far as court orders.

17 THE COURT: Okay. And --

18 MS. EARLY: They haven't provided any evidence.

19 THE COURT: Okay. And, Ms. Early, you attached to  
20 your initial writ a series of exhibits that had -- you saw on  
21 the second page it talked about appeal rights.

22 MS. EARLY: Yes.

23 THE COURT: You know the pages I'm talking about;  
24 right?

25 MS. EARLY: Yes.

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1           THE COURT: I don't see anything in the record that  
2 either of you provided me that you followed that process for  
3 appeal rights other than what you're asserting was attached to  
4 last night's pleading, which were some documents dated October,  
5 November, December. The only one that had a fax confirmation  
6 was a December 12th, I believe, one. Is that correct?

7           Or are you saying that you filed something earlier  
8 than what you -- is there something earlier than the October  
9 time frame?

10          MS. EARLY: Yeah. The 2019 claim, I didn't have to  
11 appeal that because they provided it for me.

12          THE COURT: No.

13          MS. EARLY: It was already granted. But instead of  
14 them reopening my claim, they falsely opened me another claim.  
15 So, therefore, I have been fighting that new claim. But I was  
16 entitled to the first 2019 claim of the two, eighty-five,  
17 weekly. So for some reason, instead of their continuing to  
18 provide me with that information and provide me with the  
19 ability to file weekly there, instead they reopened another  
20 claim. And now I'm fighting to appeal that claim.

21          But in addition, I've been going back and forth  
22 regarding the fact that I've been eligible for the first 2018  
23 claim -- I mean 2019 claim of two, eighty-five, a week. So I  
24 haven't been able to get in front of a referee given that they  
25 haven't responded.

1           THE COURT: And when you're saying they haven't  
2 responded, what I'm looking at were the documents that you  
3 attached to your initial petition filed on December 11th,  
4 2020, okay, and which opened up case 826013, this present case.

5           You attached to that initial petition a series of  
6 documents; right?

7           Your Exhibit 1 was a DETR letter dated 5/7/2019,  
8 which was the 2019 claim that you each have been referencing.

9           Your Exhibit 2 is a letter dated -- I'm trying to  
10 look at this date mailed. It looks like it says 8/11/2020.  
11 It's kind of hard to read it.

12           Then the next one was your Exhibit 3, was the  
13 effective date, and it references your 2019.

14           Exhibit 4 is a letter mailed. Is says it's mailed --

15           MS. EARLY: They supplement has the 2019 claim. If  
16 you look in the supplement, it has the 2019 claim.

17           THE COURT: Right.

18           MS. EARLY: So you can --

19           THE COURT: Ms. Early, what I'm just trying to  
20 confirm and maybe another way of saying it is that looking at  
21 your initial petition, looking at your supplement and the  
22 opposition you filed yesterday, is that all of the documents  
23 from your communication with DETR?

24           MS. EARLY: No. I have several emails also that I --  
25 actually, I have several emails also because I was

1 communicating through with email also, but I --

2 THE COURT: But they're not before the Court because  
3 you didn't provide them to the Court even though you filed  
4 things on 12/11. And then you filed a supplement, which  
5 technically is not allowed under the rules, but you did it  
6 anyway, 1/15/2021. I reviewed it. And then you filed your  
7 document yesterday titled Opposition at 5:36.

8 The challenge, Ms. Early, that this Court has is that  
9 the Court does not see -- the Court doesn't take any position  
10 on the underlying merits of your claim, but the Court does not  
11 see how this can come before the Court as a writ of mandamus.  
12 Okay.

13 And the reason why the Court is going to have to rule  
14 that way is writs are very limited, as both you and opposing  
15 counsel have stated, right. You both have stated about how  
16 writs are very limited. And you do have to show that there is  
17 not an appropriate remedy -- excuse me -- at law, right.

18 So when you look at the Nevada Supreme Court, and  
19 this is actually from the responsive pleading, slash, motion  
20 filed by the respondent, *Walker versus District Court*, the  
21 Supreme Court has stated that it has to be extraordinary  
22 relief, and relief, you know, the relief should be  
23 extraordinary. And that cite to *Walker v. District Court* is  
24 136 Nevada Advance Op. 80, 476 P.3d 1194 (2020). And that  
25 talked about the statutory language of NRS 34.160, quote,

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1                    "It is consistent with well-established  
2                    common law rules governing traditional  
3                    mandamus jurisdiction, and we therefore  
4                    presume that in prescribing mandamus as a  
5                    statutory remedy, the legislature had in view  
6                    the nature and extent of the remedy, as known  
7                    at common-law."

8                    With a cite at 1196.

9                    And then it tells that NRS 34.160 provides a District  
10                   Court may issue a writ of mandamus to compel the performance of  
11                   an act which the law requires as a duty resulting from the  
12                   office, trust or station. And that cite is *Veil*, V-e-i-l  
13                   *versus Bennett*, B-e-n-n-e-t-t; 131 Nevada 179; 348 P.3d 684  
14                   (2015). And/or it's to control arbitrary and capricious  
15                   exercise of discretion.

16                   So here you do have a speedy and adequate remedy  
17                   course of action. The Nevada Revised Statute 612 do  
18                   specifically provide that you may file a request for a  
19                   determination, and you can file various appeals. You can go to  
20                   an appeals referee. You can go to the board of review. And  
21                   you have different appeal remedies.

22                   While the Court does take note that attached your  
23                   opposition are some communications and also attached to your  
24                   supplements and attached to your initial petition, none of  
25                   those say that you have been denied your right to have an

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1 appeal or that you actually have filed an appeal in accordance  
2 with all the notices that you got in those communications.

3 Okay. So that means you do have a speedy, right, a speedy  
4 remedy. Okay.

5 Because I have to look at the date you first filed,  
6 right. You first submitted the information you said in August,  
7 and you have to be backdated to the 2019, which the Court is  
8 not taking any opinion on whether that should or should not be  
9 done. I'm looking at this procedurally on whether a writ can  
10 be before the District Court versus the traditional process of  
11 it coming up from a petition for judicial review after the  
12 administrative process has been exhausted.

13 The Court doesn't find that this is the kind of  
14 situation where a writ, extraordinary relief would occur.

15 Now, let me be clear on something. This case, and  
16 the Court is aware of a case pending before the Nevada Supreme  
17 Court, but the Court -- and that's the *Payne* case, P-a-y-n-e;  
18 however, there is no authority. It's not determinative of this  
19 case, and that case this Court would see has several  
20 distinguishing factors. It involved multiple people, different  
21 dates, different type of relief, different type of remedies.  
22 So the party would look to see if it was something even similar  
23 to this that might allow this Court to take this up on a writ.

24 But the Court doesn't see that a writ would apply  
25 here. Because, Ms. Early, while I appreciate you're frustrated



1 and you've made some effort trying to communicate with DETR,  
2 given what you've presented to this Court, the record this  
3 Court has doesn't show that you have exercised your right to an  
4 appeal that would -- that appeal would then go to, like I said,  
5 to a referee, up to the board of review, and there's some other  
6 appellate processes to exhaust the administrative remedies and  
7 then come to this Court as a petition for judicial review.

8           The Court doesn't see that there is anything  
9 extraordinary in your fact-specific case that would allow you  
10 to bypass all those normal courses and come up to the District  
11 Court as a writ. Okay.

12           When the Court also looks at the other prong about  
13 whether or not there was a duty, here you haven't established,  
14 and it would be your burden as the petitioner to establish that  
15 there was some duty that was not provided to you. While I  
16 appreciate that you stated that there has been some delay in  
17 some responses, okay, and then that itself wouldn't show that  
18 there is a duty.

19           The second point is you stated that, guess what, you  
20 just got a letter earlier this week saying something had been  
21 canceled. Now, the Court can't -- two things on that. One,  
22 that letter the Court really can't take into account because  
23 that was not part of your initial petition. Even if the Court  
24 could take it into account, it doesn't say that it's precluding  
25 you from appealing that determination of that most recent

1 correspondence you got. I believe it was on February 2nd that  
2 you attached to your opposition. Once again, you could appeal  
3 that determination. There's nothing been presented to this  
4 Court that you can't appeal that and then go through the normal  
5 process and come up to a District Court through a petition for  
6 judicial review.

7           So when I look at all the factors in the record that  
8 is indicated, the Court doesn't find that you followed the  
9 procedures set forth in NRS 612 (indiscernible). And so,  
10 therefore, there is not a basis for this Court to grant the  
11 extraordinary relief and grant a writ. Therefore, this Court  
12 has to deny your writ. And the Court has to find that there is  
13 no basis for the writ. It has to deny the writ.

14           And whatever process you take is whatever process you  
15 take, and the Court is, like I said, is not taking any position  
16 on the merits --

17           MS. EARLY: Your Honor, may I requesting --

18           THE COURT: Ms. Early --

19           MS. EARLY: -- another hearing --

20           THE COURT: Ms. Early. Ms. Early.

21           MS. EARLY: -- (indiscernible) the facts that have  
22 been presented?

23           THE COURT: Ms. Early, you've got to let me finish,  
24 please. I'll let you speak and just one second, but please do  
25 let me finish, okay, just so that you get clear understanding

1 of what I'm saying.

2           So the Court is not taking a position on the  
3 underlying issue of whether you are or are not entitled to  
4 benefits. That is not ripe before the Court yet because all  
5 the administrative processes have not been utilized. There has  
6 not been an exhaustion of administrative remedies, and there's  
7 not a basis for a writ.

8           What the Court is doing is denying the writ  
9 procedurally for failure to exhaust administrative remedies and  
10 for not establishing that there is any other basis to grant  
11 extraordinary relief. It is so ordered.

12           Now, Ms. Early, you wish to speak. Go ahead, please.

13           MS. EARLY: Well, I would like to request a hearing  
14 to determine the facts of the appeal.

15           THE COURT: That does not -- okay. Ms. Early, I'm  
16 hearing what you're saying. That hearing would not come before  
17 a District Court judge. What this Court is saying is you have  
18 to exhaust your administrative remedies. You have to go  
19 through the process through DETR, you know, through  
20 unemployment before you can come up to the District Court.

21           This Court is finding that you did not exhaust, you  
22 did not go through all those processes. And so this Court has  
23 no jurisdiction to hear your writ. It has no basis to grant  
24 the writ. Okay.

25           MS. EARLY: The letter of my cancellation for the

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1 cancellation request that they said that I submitted is my  
2 opposition. I did not submit that. I did not request for that  
3 to be submitted, but it's in the opposition. It's right there  
4 in the opposition that I did present to you guys yesterday when  
5 I submitted that. That's why I submitted it as fast as I  
6 could.

7 THE COURT: Right.

8 MS. EARLY: So that's listed. So can you please  
9 review that? I need the evidence reviewed. I would like to --

10 THE COURT: I did.

11 MS. EARLY: -- at least have that done.

12 THE COURT: Okay. Ms. Early, the reason why I was  
13 able --

14 MS. EARLY: Details.

15 THE COURT: -- to quote from and state the documents  
16 that you attached to the opposition that you filed at 5:36 last  
17 night, okay, even though that was untimely and even though --  
18 the document even you filed on 1/15, you can't file a  
19 supplement without court permission.

20 The Court still, let me be clear, even though neither  
21 of those documents were timely filed, the Court still read  
22 them. The Court still took them all into account, okay, to see  
23 if they helped or assisted your case. The Court found that  
24 they did not. Okay. In fact, they did establish that there is  
25 not a basis to grant a writ.

1           So I have reviewed every single thing you've provided  
2 to this Court even though, like I said, you sent some stuff in  
3 at 5:36 after business yesterday. I was up late last night  
4 reviewing everything, double checking everything and making  
5 sure I was taking everything --

6           MS. EARLY: Okay.

7           THE COURT: -- into consideration and then  
8 additionally hearing what both you and the opposing counsel  
9 said today before making this ruling. But there just is no  
10 basis for a writ. Okay, Ms. Early?

11          MS. EARLY: (No audible response.)

12          THE COURT: But you understand that the Court is not  
13 saying whether you are or are not eligible for the underlying  
14 money. That has to be decided by the administrative agency.  
15 It's just not ripe here. It's not ready to come into the  
16 courthouse steps.

17           Okay. So based on the Court's ruling, I'm going to  
18 ask counsel for the respondent to please prepare the order,  
19 circulate it to Ms. Early and provide it back to the Court to  
20 the DC XXXI inbox in accordance with administrative orders,  
21 including Administrative Order 17, 24, and the most recent ones  
22 from 01 from 2021.

23           Now, I will tell you, Ms. Early, you're going to get  
24 a copy of the draft order from opposing counsel. Okay. If you  
25 sign off on it, it doesn't mean you necessarily agree with the

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1 Court's ruling. It just means that that's what the Court  
2 ruled. Okay.

3 If you choose not to sign it, then what counsel would  
4 do is counsel would say that he provided it to you, gave you at  
5 least, you know, two days to look at it and before submitting  
6 it. Okay. So if you choose not to sign it or if you choose  
7 to, you know, not respond to counsel, then he just has to let  
8 the Court know.

9 If you do sign it, then it either gets a signature;  
10 or if you send an email confirmation that your name can be  
11 attached, that embedded confirmation gets provided as part of  
12 the order pursuant to the administrative orders to the DC XXXI  
13 inbox.

14 Counsel, do you understand that?

15 And, Ms. Early, do you --

16 Counsel, do you understand that?

17 MR. JORDAN: I understand that, Your Honor.

18 THE COURT: I appreciate it. Thank you.

19 Ms. Early, do you understand that as well?

20 MS. EARLY: (No audible response.)

21 THE COURT: Ms. Early, did you disconnect?

22 MS. EARLY: (No audible response.)

23 THE COURT: Okay. She's -- well, the Court had made  
24 its ruling. It fully evaluated everything. It appears she may  
25 have disconnected or chose to disconnect herself because

1 there's no issues on our end. So at this juncture the Court  
2 had made its ruling.

3 Thank you so very much. I wish everyone health and  
4 happiness both to both parties on behalf of the last matter.

5 (Proceedings concluded at 10:17 a.m.)

6 -oOo-

7 ATTEST: I do hereby certify that I have truly and correctly  
8 transcribed the audio/video proceedings in the above-entitled  
9 case.

10   
11

12 Dana L. Williams  
13 Transcriber  
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<b>MR. JORDAN: [21]</b> 2/4 2/6 2/19 5/2 5/19 6/10 6/20 6/23 7/17 7/23 7/25 8/22 9/5 10/6 10/9 10/11 13/22 17/25 20/25 21/7 38/17 <b>MS. 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	<b>I</b> <b>I'll</b> [12] 8/5 8/18 8/22 8/24 8/25 13/7 14/9 14/14 17/21 18/7 24/18 34/24 <b>I'm</b> [34] 3/19 3/22 4/1 4/9 4/10 4/10 4/19 7/8 8/2 8/16 9/13 9/14 9/20 11/6 12/18 14/10 15/17 15/20 16/15 16/16 17/25 18/19 21/1 25/20 26/5 27/23 28/20 29/2 29/9 29/19 32/9 35/1 35/15 37/17 <b>I've</b> [8] 5/6 5/7 25/8 26/4 26/15 27/6 28/21 28/22 <b>ID</b> [4] 11/19 12/7 12/9 13/2 <b>if</b> [35] 2/10 2/14 2/16 2/17 3/5 6/3 6/12 6/13 6/14 7/8 7/18 8/10 8/17 8/18 8/25 9/3 10/25 12/16 13/20 19/12 19/13 19/19 20/20 24/13 26/6 29/15 32/22 33/23 36/23 37/24 38/3 38/6 38/6 38/9 38/10 <b>improperly</b> [2] 14/23				

<p><b>I</b></p> <p><b>improperly...</b> [1] 24/15 <b>in</b> [93] <b>inadvertently</b> [2] 4/16 13/13 <b>inbox</b> [2] 37/20 38/13 <b>INC</b> [1] 1/25 <b>inclined</b> [1] 6/12 <b>including</b> [1] 37/21 <b>incredibly</b> [1] 22/24 <b>Indeed</b> [1] 19/17 <b>independent</b> [1] 19/8 <b>indicate</b> [1] 7/13 <b>indicated</b> [1] 34/8 <b>indicators</b> [1] 10/25 <b>indiscernible</b> [4] 4/17 17/17 34/9 34/21 <b>ineligible</b> [1] 26/5 <b>information</b> [3] 18/12 28/18 32/6 <b>initial</b> [6] 27/20 29/3 29/5 29/21 31/24 33/23 <b>initially</b> [1] 14/1 <b>initials</b> [1] 24/22 <b>instated</b> [1] 25/8 <b>instead</b> [4] 17/14 28/13 28/17 28/19 <b>instituted</b> [1] 22/3 <b>interestingly</b> [1] 18/16 <b>interference</b> [2] 27/6 27/6 <b>interrupt</b> [1] 7/25 <b>intertwining</b> [1] 24/2 <b>into</b> [10] 7/9 8/3 11/8 19/5 19/18 33/22 33/24 36/22 37/7 37/15 <b>involved</b> [1] 32/20 <b>is</b> [101] <b>isn't</b> [1] 24/7 <b>issue</b> [12] 7/5 14/18 15/6 15/15 18/1 18/8 18/10 18/22 18/24 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<b>kind</b> [4] 20/7 26/21 29/11 32/13 <b>KISHNER</b> [1] 1/12 <b>knew</b> [2] 7/14 8/9 <b>know</b> [25] 2/14 5/21 6/6 6/25 8/11 8/17 10/22 10/23 11/2 11/6 13/1 13/4 15/20 16/3 16/12 17/8 18/19 23/6 23/9 27/23 30/22 35/19 38/5 38/7 38/8 <b>know,</b> [1] 2/10 <b>know, if</b> [1] 2/10 <b>known</b> [1] 31/6 <b>knows</b> [1] 10/18</p> <p><b>L</b></p> <p><b>Labor</b> [1] 23/15 <b>language</b> [3] 21/4 22/24 30/25 <b>large</b> [1] 23/13 <b>LAS</b> [1] 2/1 <b>last</b> [12] 5/21 5/24 6/17 8/12 13/6 13/16 17/23 23/21 28/4 36/16 37/3 39/4 <b>late</b> [5] 11/7 18/4 19/12 19/15 37/3 <b>law</b> [6] 5/7 22/15 30/17 31/2 31/7 31/11 <b>least</b> [4] 16/16 21/13 36/11 38/5 <b>leave</b> [1] 18/7 <b>legal</b> [3] 5/2 10/11 24/14 <b>legislature</b> [1] 31/5 <b>leisure</b> [1] 8/23 <b>let</b> [12] 2/10 4/10 13/1 13/4 14/14 17/20 32/15 34/23 34/24 34/25 36/20 38/7 <b>let's</b> [3] 2/17 12/16 19/9 <b>letter</b> [15] 22/19 23/1 23/7 23/10 25/7 25/18 26/3 26/4 26/25 29/7 29/9 29/14 33/20 33/22</p>	<p>35/25 <b>letters</b> [6] 13/5 17/3 18/15 18/17 25/19 27/7 <b>level</b> [2] 16/11 16/12 <b>lies</b> [1] 16/14 <b>light</b> [4] 5/23 6/11 8/5 8/12 <b>like</b> [20] 2/16 3/24 4/17 10/5 10/7 10/10 10/19 15/21 22/6 24/13 25/16 26/6 26/8 27/9 29/10 33/4 34/15 35/13 36/9 37/2 <b>likely</b> [1] 6/9 <b>limited</b> [4] 7/12 16/9 30/14 30/16 <b>line</b> [24] 2/11 2/18 4/9 4/22 5/9 6/14 7/3 7/3 7/10 8/6 8/18 8/22 9/4 9/10 9/19 10/2 10/5 10/15 10/24 11/2 11/12 11/23 12/20 13/16 <b>lines</b> [1] 24/5 <b>lingo</b> [1] 21/3 <b>link</b> [1] 7/2 <b>list</b> [1] 24/13 <b>listed</b> [6] 15/25 16/1 25/7 25/20 27/13 36/8 <b>literally</b> [1] 23/21 <b>litigant</b> [1] 11/1 <b>little</b> [2] 9/23 26/18 <b>look</b> [8] 16/3 29/10 29/16 30/18 32/5 32/22 34/7 38/5 <b>looking</b> [5] 16/10 29/2 29/20 29/21 32/9 <b>looks</b> [5] 3/24 4/17 27/9 29/10 33/12 <b>loopholes</b> [1] 15/19 <b>lost</b> [4] 15/3 17/16 21/23 21/24 <b>lot</b> [1] 23/24 <b>lower</b> [2] 19/21 19/21 <b>LWA</b> [7] 20/14 20/16 20/17 20/18 20/23 21/23 21/23</p> <p><b>M</b></p> <p><b>ma'am</b> [1] 14/17 <b>Madam</b> [3] 4/9 4/10 24/21 <b>made</b> [4] 13/18 33/1 38/23 39/2 <b>mail</b> [1] 18/16 <b>mailed</b> [3] 29/10 29/14 29/14 <b>make</b> [12] 4/20 9/14 10/5 10/7 10/10 11/9 11/22 13/19 18/17 20/2 21/5 24/25 <b>making</b> [5] 2/6 9/20 24/2 37/4 37/9 <b>Management</b> [1] 22/1 <b>mandamus</b> [7] 1/14 1/15 13/25 30/11 31/3 31/4 31/10 <b>many</b> [6] 15/19 21/9 24/1 26/1 26/1 26/1 <b>master</b> [1] 6/2</p>	<p><b>matter</b> [5] 4/14 9/7 9/16 9/25 39/4 <b>matters</b> [2] 7/4 8/19 <b>may</b> [15] 2/11 2/16 4/11 4/12 6/17 8/2 8/4 13/12 14/6 18/22 20/9 31/10 31/18 34/17 38/24 <b>maybe</b> [5] 12/17 17/6 17/6 27/9 29/20 <b>me</b> [22] 2/3 2/7 4/4 6/19 6/23 10/9 11/10 14/23 17/7 17/20 21/17 26/10 28/2 28/11 28/14 28/18 28/18 30/17 32/15 34/23 34/25 36/20 <b>mean</b> [4] 7/25 22/23 28/23 37/25 <b>meaning</b> [3] 16/6 18/6 20/19 <b>means</b> [6] 2/15 5/11 19/7 22/25 32/3 38/1 <b>meeting</b> [5] 11/19 12/7 12/7 12/9 13/2 <b>memo</b> [3] 10/21 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Early's</b> [1] 22/7 <b>much</b> [6] 4/7 11/20 14/21 15/23 21/2 39/3 <b>mud</b> [1] 14/20 <b>multiple</b> [1] 32/20 <b>mute</b> [2] 8/17 9/3 <b>my</b> [41] <b>myself</b> [2] 17/8 26/6</p> <p><b>N</b></p> <p><b>name</b> [2] 8/24 38/10 <b>names</b> [4] 4/24 12/1 12/4 12/18 <b>Natalie</b> [4] 3/5 3/8 3/9 3/11 <b>NATASHA</b> [5] 1/4 1/17 4/15 9/17 13/8 <b>nature</b> [1] 31/6 <b>near</b> [1] 19/19 <b>necessarily</b> [1] 37/25 <b>need</b> [11] 2/11 3/16 4/11 4/12 6/17 7/21 10/21 11/4 24/21 26/8 36/9 <b>needs</b> [1] 25/24 <b>neither</b> [1] 36/20 <b>NEVADA</b> [9] 1/2 1/8 2/1 18/25 30/18 30/24 31/13 31/17 32/16 <b>never</b> [5] 18/13 22/21 24/8 24/8 26/4 <b>new</b> [3] 16/18 20/7 28/15 <b>next</b> [2] 24/13 29/12 <b>night</b> [2] 36/17 37/3 <b>night's</b> [1] 28/4 <b>no</b> [40] <b>none</b> [2] 15/11 31/24 <b>Nope</b> [1] 11/25 <b>nor</b> [1] 24/16 <b>normal</b> [2] 33/10 34/4 <b>not</b> [95] <b>note</b> [3] 17/9 18/18 31/22 <b>noted</b> [1] 8/8 <b>nothing</b> [2] 10/16 34/3 <b>notice</b> [5] 5/10 6/8 10/17 10/22 20/14 <b>notices</b> [1] 32/2 <b>notification</b> [3] 2/24 15/16 17/7 <b>notifying</b> [1] 14/6 <b>noting</b> [1] 8/7 <b>November</b> [4] 17/3 20/6 27/13 28/5 <b>now</b> [23] 6/6 6/15 10/2 10/16 11/13 11/18 15/17 18/12 18/16 18/19 19/12 19/25 23/6 23/22 23/24 24/1 24/23 26/5 28/20 32/15 33/21 35/12 37/23 <b>nowhere</b> [1] 17/10 <b>NRS</b> [5] 19/17 22/14 30/25 31/9 34/9</p>
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		<b>U</b>		
		<b>UI</b> [1] 20/8 <b>UISS</b> [1] 22/22 <b>unable</b> [1] 12/8 <b>under</b> [1] 30/5 <b>underlying</b> [3] 30/10 35/3 37/13 <b>understand</b> [10] 21/2 21/9 23/24 24/3 26/18 37/12 38/14 38/16 38/17 38/19 <b>understandably</b> [1]		

<p><b>U</b></p> <p><b>understandably...</b> [1] 24/3</p> <p><b>understanding</b> [6] 3/1 5/6 12/3 18/21 22/18 34/25</p> <p><b>understands</b> [1] 21/6</p> <p><b>understood</b> [1] 13/12</p> <p><b>unemployment</b> [12] 19/6 21/8 21/12 22/2 22/3 22/12 22/23 23/2 23/3 23/12 23/15 35/20</p> <p><b>unfortunate</b> [2] 22/19 22/24</p> <p><b>unmute</b> [1] 3/16</p> <p><b>until</b> [9] 2/21 8/5 8/19 9/7 9/16 9/25 18/6 19/18 21/18</p> <p><b>untimely</b> [1] 36/17</p> <p><b>up</b> [17] 8/25 11/7 11/7 12/2 12/5 12/19 12/23 13/6 22/6 29/4 32/11 32/23 33/5 33/10 34/5 35/20 37/3</p> <p><b>us</b> [3] 20/10 21/8 23/9</p> <p><b>use</b> [1] 21/9</p> <p><b>using</b> [2] 12/7 21/3</p> <p><b>utilized</b> [1] 35/5</p>	<p>20/8 29/20 30/14</p> <p><b>we</b> [38] 2/15 4/8 4/11 5/12 5/13 5/15 6/24 7/4 7/17 7/23 9/15 9/24 10/23 11/5 13/12 13/15 18/1 18/2 18/3 18/5 18/5 18/6 18/7 18/13 18/17 19/13 19/14 21/5 21/8 21/15 22/5 22/5 22/15 23/16 23/22 23/23 25/1 31/3</p> <p><b>we'd</b> [2] 7/1 24/11</p> <p><b>we'll</b> [6] 9/3 9/4 11/14 11/21 11/21 11/22</p> <p><b>we're</b> [6] 2/8 4/14 9/23 12/1 12/4 21/10</p> <p><b>we've</b> [6] 7/2 10/16 13/10 14/11 23/25 24/4</p> <p><b>week</b> [13] 10/24 14/24 14/25 15/2 15/5 15/17 17/12 17/14 21/14 21/14 23/21 28/23 33/20</p> <p><b>weekly</b> [3] 26/5 28/17 28/19</p> <p><b>weeks</b> [9] 5/13 14/23 14/24 15/2 15/4 20/2 20/3 20/5 23/20</p> <p><b>welcome</b> [1] 9/1</p> <p><b>well</b> [15] 3/9 4/8 5/5 5/12 7/3 10/14 10/20 12/16 13/6 20/4 20/12 31/1 35/13 38/19 38/23</p> <p><b>well-established</b> [1] 31/1</p> <p><b>went</b> [3] 26/15 26/20 26/24</p> <p><b>were</b> [24] 5/13 5/15 5/24 6/3 6/12 6/16 7/17 8/12 9/15 10/24 11/5 11/5 16/25 17/2 18/2 18/5 18/5 21/15 27/11 27/11 27/13 28/4 29/2 36/21</p> <p><b>weren't</b> [1] 15/10</p> <p><b>what</b> [29] 3/25 4/9 5/20 6/11 6/24 8/20 18/10 18/14 18/18 19/9 20/10 21/6 21/9 22/11 22/22 22/24 28/3 28/8 29/2 29/19 33/2 33/19 35/1 35/8 35/16 35/17 37/8 38/1 38/3</p> <p><b>what's</b> [1] 26/20</p> <p><b>whatever</b> [5] 9/2 13/20 14/13 34/14 34/14</p> <p><b>when</b> [12] 6/15 6/16 15/13 19/5 20/6 22/20 26/4 29/1 30/18 33/12 34/7 36/4</p> <p><b>where</b> [3] 22/16 24/1 32/14</p> <p><b>whether</b> [18] 3/3 3/6 6/6 8/4 14/9 16/4 16/10 16/15 18/12 18/13 18/13 18/23 24/5 32/8 32/9 33/13 35/3 37/13</p> <p><b>which</b> [24] 2/15 4/15 6/15 10/21 13/10 14/23</p>	<p>17/5 17/13 18/2 18/6 19/2 19/5 19/21 20/2 20/21 21/20 24/8 24/10 28/4 29/4 29/8 30/4 31/11 32/7</p> <p><b>while</b> [4] 21/2 31/22 32/25 33/15</p> <p><b>who</b> [3] 14/19 21/8 23/15</p> <p><b>why</b> [9] 6/4 10/17 10/23 11/2 23/7 23/21 30/13 36/5 36/12</p> <p><b>will</b> [6] 18/18 19/17 21/7 24/4 24/8 37/23</p> <p><b>Williams</b> [1] 39/12</p> <p><b>wish</b> [5] 8/20 9/2 14/13 35/12 39/3</p> <p><b>within</b> [3] 14/21 15/7 17/6</p> <p><b>without</b> [5] 14/5 14/6 21/22 23/10 36/19</p> <p><b>witness</b> [1] 18/20</p> <p><b>word</b> [3] 17/23 25/2 25/5</p> <p><b>words</b> [1] 25/19</p> <p><b>work</b> [1] 21/8</p> <p><b>worries</b> [2] 2/8 3/13</p> <p><b>would</b> [32] 2/25 5/10 5/12 6/7 7/1 7/5 7/13 8/8 10/5 10/7 10/10 10/20 10/21 19/19 20/15 21/3 23/7 23/21 24/13 32/14 32/19 32/22 32/24 33/4 33/4 33/9 33/14 35/13 35/16 36/9 38/3 38/4</p> <p><b>would've</b> [2] 6/5 7/2</p> <p><b>wouldn't</b> [2] 3/5 33/17</p> <p><b>writ</b> [34] 1/14 1/15 5/25 13/25 14/11 14/12 16/7 19/1 19/3 19/7 19/8 22/11 24/11 24/15 25/10 26/14 27/20 30/11 31/10 32/9 32/14 32/23 32/24 33/11 34/11 34/12 34/13 34/13 35/7 35/8 35/23 35/24 36/25 37/10</p> <p><b>writing</b> [1] 24/5</p> <p><b>writs</b> [2] 30/14 30/16</p> <p><b>written</b> [1] 17/17</p> <p><b>wrong</b> [3] 11/19 12/14 18/19</p> <p><b>wrongful</b> [1] 17/5</p>	<p>14/5 14/8 16/17 27/9 29/22 30/7 36/4 37/3</p> <p><b>yet</b> [5] 9/15 9/19 11/25 18/11 35/4</p> <p><b>you</b> [213]</p> <p><b>you're</b> [10] 9/1 10/4 19/5 21/6 23/6 28/3 29/1 32/25 35/16 37/23</p> <p><b>you've</b> [7] 10/14 13/18 23/11 33/1 33/2 34/23 37/1</p> <p><b>your</b> [67]</p> <p><b>yourself</b> [2] 3/16 9/3</p>	
<p><b>V</b></p> <p><b>V-e-i-l</b> [1] 31/12</p> <p><b>valid</b> [1] 20/2</p> <p><b>various</b> [1] 31/19</p> <p><b>VEGAS</b> [1] 2/1</p> <p><b>vehicle</b> [3] 19/2 19/2 24/7</p> <p><b>Veil</b> [1] 31/12</p> <p><b>verbal</b> [1] 25/24</p> <p><b>verbally</b> [1] 25/12</p> <p><b>versus</b> [7] 4/15 9/8 9/18 25/24 30/20 31/13 32/10</p> <p><b>very</b> [8] 7/12 14/18 16/9 19/1 24/2 30/14 30/16 39/3</p> <p><b>VIA</b> [1] 1/16</p> <p><b>video</b> [7] 3/19 3/22 4/1 9/2 27/6 27/6 39/8</p> <p><b>view</b> [1] 31/5</p>	<p>17/5 17/13 18/2 18/6 19/2 19/5 19/21 20/2 20/21 21/20 24/8 24/10 28/4 29/4 29/8 30/4 31/11 32/7</p> <p><b>while</b> [4] 21/2 31/22 32/25 33/15</p> <p><b>who</b> [3] 14/19 21/8 23/15</p> <p><b>why</b> [9] 6/4 10/17 10/23 11/2 23/7 23/21 30/13 36/5 36/12</p> <p><b>will</b> [6] 18/18 19/17 21/7 24/4 24/8 37/23</p> <p><b>Williams</b> [1] 39/12</p> <p><b>wish</b> [5] 8/20 9/2 14/13 35/12 39/3</p> <p><b>within</b> [3] 14/21 15/7 17/6</p> <p><b>without</b> [5] 14/5 14/6 21/22 23/10 36/19</p> <p><b>witness</b> [1] 18/20</p> <p><b>word</b> [3] 17/23 25/2 25/5</p> <p><b>words</b> [1] 25/19</p> <p><b>work</b> [1] 21/8</p> <p><b>worries</b> [2] 2/8 3/13</p> <p><b>would</b> [32] 2/25 5/10 5/12 6/7 7/1 7/5 7/13 8/8 10/5 10/7 10/10 10/20 10/21 19/19 20/15 21/3 23/7 23/21 24/13 32/14 32/19 32/22 32/24 33/4 33/4 33/9 33/14 35/13 35/16 36/9 38/3 38/4</p> <p><b>would've</b> [2] 6/5 7/2</p> <p><b>wouldn't</b> [2] 3/5 33/17</p> <p><b>writ</b> [34] 1/14 1/15 5/25 13/25 14/11 14/12 16/7 19/1 19/3 19/7 19/8 22/11 24/11 24/15 25/10 26/14 27/20 30/11 31/10 32/9 32/14 32/23 32/24 33/11 34/11 34/12 34/13 34/13 35/7 35/8 35/23 35/24 36/25 37/10</p> <p><b>writing</b> [1] 24/5</p> <p><b>writs</b> [2] 30/14 30/16</p> <p><b>written</b> [1] 17/17</p> <p><b>wrong</b> [3] 11/19 12/14 18/19</p> <p><b>wrongful</b> [1] 17/5</p>	<p><b>X</b></p> <p><b>XXXI</b> [3] 1/6 37/20 38/12</p>		
<p><b>W</b></p> <p><b>wage</b> [1] 15/3</p> <p><b>wages</b> [4] 17/15 17/16 21/23 21/24</p> <p><b>wait</b> [8] 2/17 8/5 8/19 9/23 11/21 12/16 13/7 14/10</p> <p><b>waiting</b> [2] 2/8 9/15</p> <p><b>Walker</b> [2] 30/20 30/23</p> <p><b>want</b> [13] 2/23 6/13 6/14 6/18 6/19 7/9 8/2 8/17 13/19 15/20 15/21 22/6 26/9</p> <p><b>wanted</b> [2] 22/19 24/25</p> <p><b>was</b> [84]</p> <p><b>wasn't</b> [3] 15/9 17/8 21/17</p> <p><b>water</b> [1] 23/10</p> <p><b>way</b> [6] 2/12 6/20 19/5</p>	<p>17/5 17/13 18/2 18/6 19/2 19/5 19/21 20/2 20/21 21/20 24/8 24/10 28/4 29/4 29/8 30/4 31/11 32/7</p> <p><b>while</b> [4] 21/2 31/22 32/25 33/15</p> <p><b>who</b> [3] 14/19 21/8 23/15</p> <p><b>why</b> [9] 6/4 10/17 10/23 11/2 23/7 23/21 30/13 36/5 36/12</p> <p><b>will</b> [6] 18/18 19/17 21/7 24/4 24/8 37/23</p> <p><b>Williams</b> [1] 39/12</p> <p><b>wish</b> [5] 8/20 9/2 14/13 35/12 39/3</p> <p><b>within</b> [3] 14/21 15/7 17/6</p> <p><b>without</b> [5] 14/5 14/6 21/22 23/10 36/19</p> <p><b>witness</b> [1] 18/20</p> <p><b>word</b> [3] 17/23 25/2 25/5</p> <p><b>words</b> [1] 25/19</p> <p><b>work</b> [1] 21/8</p> <p><b>worries</b> [2] 2/8 3/13</p> <p><b>would</b> [32] 2/25 5/10 5/12 6/7 7/1 7/5 7/13 8/8 10/5 10/7 10/10 10/20 10/21 19/19 20/15 21/3 23/7 23/21 24/13 32/14 32/19 32/22 32/24 33/4 33/4 33/9 33/14 35/13 35/16 36/9 38/3 38/4</p> <p><b>would've</b> [2] 6/5 7/2</p> <p><b>wouldn't</b> [2] 3/5 33/17</p> <p><b>writ</b> [34] 1/14 1/15 5/25 13/25 14/11 14/12 16/7 19/1 19/3 19/7 19/8 22/11 24/11 24/15 25/10 26/14 27/20 30/11 31/10 32/9 32/14 32/23 32/24 33/11 34/11 34/12 34/13 34/13 35/7 35/8 35/23 35/24 36/25 37/10</p> <p><b>writing</b> [1] 24/5</p> <p><b>writs</b> [2] 30/14 30/16</p> <p><b>written</b> [1] 17/17</p> <p><b>wrong</b> [3] 11/19 12/14 18/19</p> <p><b>wrongful</b> [1] 17/5</p>	<p><b>Y</b></p> <p><b>Yeah</b> [4] 17/2 25/6 27/11 28/10</p> <p><b>Yes</b> [16] 2/6 4/6 6/11 11/11 11/16 12/13 13/14 16/5 16/13 16/19 21/7 24/24 25/4 26/23 27/22 27/25</p> <p><b>yesterday</b> [14] 6/8 7/7 7/11 7/15 8/14 10/19</p>		



1 Natasha Early  
2 4650 West Oakley Boulevard #2035  
3 Las Vegas, NV. 89102  
4 (323) 713-8613  
5 Natashalee0601@gmail.com

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IN THE EIGHT JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

NATASHA EARLY,  
Petitioner,

vs.

EMPLOYMENT SECURITY DIVISON, STAT OF  
NEVADA, ET AL.,

Respondents

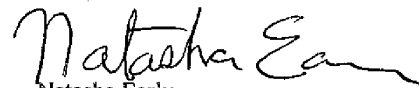
Case No.: A-20-826013-W

Dept. No.: XXXI

NOTICE OF APPEAL

Notice is hereby given that Natasha Early, Petitioner above named, hereby appeals to the Supreme Court of Nevada from the final judgment denying the Petition for Writ of Mandamus entered this action on the 1<sup>st</sup> of March 2021.

March 26, 2021

  
Natasha Early

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**Certificate of Service**

Pursuant to NRCP 5(b), I hereby certify that on this 26<sup>th</sup> day of March 2021, I caused the foregoing Notice of Appeal to be served via the Court's electronic filing system to

Attorney Troy C. Jordan

State of Nevada, Department of Employment, Training, and Rehabilitation.

3-26-2021   
/s/ Natasha Jordan





1 ASTA

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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 NATASHA EARLY,

10 Plaintiff(s),

11 vs.

12  
13 EMPLOYMENT SECURITY DIVISION, STATE  
14 OF NEVADA; KIMBERLY GAA, in her capacity  
15 as Administrator of the EMPLOYMENT  
16 SECURITY DIVISION,

17 Defendant(s),

Case No: A-20-826013-W

Dept No: XXXI

18 **CASE APPEAL STATEMENT**

19 1. Appellant(s): Natasha Early

20 2. Judge: Joanna S. Kishner

21 3. Appellant(s): Natasha Early

22 Counsel:

23  
24 Natasha Early  
25 4650 W. Oakey Blvd., #2035  
26 Las Vegas, NV 89102

27 4. Respondent (s): Employment Security Division, State of Nevada; Kimberly Gaa, in her  
28 capacity as Administrator of the Employment Security Division

Counsel:

1 Troy C. Jordan, Esq.  
2 500 E. Third St.  
3 Carson City, NV 89713

4 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
5 Permission Granted: N/A

6 Respondent(s)'s Attorney Licensed in Nevada: Yes  
7 Permission Granted: N/A

8 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

9 7. Appellant Represented by Appointed Counsel On Appeal: N/A

10 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, December 11, 2020  
11 \*\*Expires 1 year from date filed  
12 Appellant Filed Application to Proceed in Forma Pauperis: N/A  
13 Date Application(s) filed: N/A

14 9. Date Commenced in District Court: December 8, 2020

15 10. Brief Description of the Nature of the Action: Civil Writ

16 Type of Judgment or Order Being Appealed: Dismissal

17 11. Previous Appeal: No

18 Supreme Court Docket Number(s): N/A

19 12. Child Custody or Visitation: N/A

20 13. Possibility of Settlement: Unknown

21 Dated This 1 day of April 2021.

22 Steven D. Grierson, Clerk of the Court

23 /s/ Heather Ungermann

24 Heather Ungermann, Deputy Clerk  
25 200 Lewis Ave  
26 PO Box 551601  
27 Las Vegas, Nevada 89155-1601  
28 (702) 671-0512

cc: Natasha Early

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**January 19, 2021**

---

A-20-826013-W	Natasha Early, Plaintiff(s)
	vs.
	Employment Security Division of the State of Nevada, Defendant(s)

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<b>January 19, 2021</b>	<b>9:00 AM</b>	<b>Petition for Writ of Mandamus</b>
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**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Natalie Ortega

**RECORDER:** Sandra Harrell

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Early, Natasha	Plaintiff
	Neidert, David K.	Attorney

**JOURNAL ENTRIES**

- Ms. Early advised she had attempted to resolve the issues; however, she has not been able to contact DETR. COURT NOTED DETR had forty days under the statute to respond. Ms. Early further advised she was facing financial hardships. COURT NOTED the matter would be continued to give time for DETR to respond. Mr. Neidert indicated he would file the response this week or next week. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 02/04/21 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**February 04, 2021**

---

A-20-826013-W	Natasha Early, Plaintiff(s) vs. Employment Security Division of the State of Nevada, Defendant(s)
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<b>February 04, 2021</b>	<b>8:30 AM</b>	<b>Petition for Writ of Mandamus</b>
--------------------------	----------------	--

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Natalie Ortega

**RECORDER:** Deloris Scott

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Early, Natasha	Plaintiff
	Jordan, Troy	Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION TO DISMISS PETITION FOR WRIT OF MANDAMUS(9:00 a.m. calendar)...PETITION FOR WRIT OF MANDAMUS (9:30 calendar)

Court announced the case and requested appearances. Troy Jordan, Esq., announced his presence via Blue Jeans. Natasha Early not present. COURT ORDERED, matter TRAILED.

MATTER RECALLED: Natasha Early now present. Arguments by Mr. Jordan and Ms. Early regarding the merits of the Petition for Writ of Mandamus and Defendant's Motion to Dismiss Petition for Writ of Mandamus. Colloquy between the Court and Ms. Early regarding the Claim Referee and appeal process. COURT stated FINDINGS, and ORDERED, Petition for Writ of Mandamus DENIED as there was no basis for the Writ, there was failure to exhaust administrative remedies, and for not establishing a basis to grant extraordinary relief. COURT NOTED it was not taking a position whether Ms. Early was entitled to benefits That was not ripe before the Court because all of the administrative processes had not been utilized or exhausted. COURT DIRECTED Mr. Jordan to prepare the Order, circulate to Ms. Early, and provide back to the DC31 inbox according to the Administrative Orders.

PRINT DATE: 04/16/2021

Page 2 of 4

Minutes Date: January 19, 2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Writ of Mandamus

## COURT MINUTES

February 04, 2021

A-20-826013-W	Natasha Early, Plaintiff(s) vs. Employment Security Division of the State of Nevada, Defendant(s)
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**February 04, 2021      9:00 AM      All Pending Motions**

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Natalie Ortega

**RECORDER:** Deloris Scott

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Early, Natasha	Plaintiff
	Jordan, Troy	Attorney

## JOURNAL ENTRIES

- DEFENDANT'S MOTION TO DISMISS PETITION FOR WRIT OF MANDAMUS(9:00 a.m. calendar)...PETITION FOR WRIT OF MANDAMUS (9:30 calendar)

Court announced the case and requested appearances. Troy Jordan, Esq., announced his presence via Blue Jeans. Natasha Early not present. COURT ORDERED, matter TRAILED.

MATTER RECALLED: Natasha Early now present. Arguments by Mr. Jordan and Ms. Early regarding the merits of the Petition for Writ of Mandamus and Defendant's Motion to Dismiss Petition for Writ of Mandamus. Colloquy between the Court and Ms. Early regarding the Claim Referee and appeal process. COURT stated FINDINGS, and ORDERED, Petition for Writ of Mandamus DENIED as there was no basis for the Writ, there was failure to exhaust administrative remedies, and for not establishing a basis to grant extraordinary relief. COURT NOTED it was not taking a position whether Ms. Early was entitled to benefits That was not ripe before the Court because all of the administrative processes had not been utilized or exhausted. COURT DIRECTED Mr. Jordan to prepare the Order, circulate to Ms. Early, and provide back to the DC31 inbox according to the Administrative Orders.

PRINT DATE: 04/16/2021

Page 3 of 4

Minutes Date: January 19, 2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**February 04, 2021**

---

A-20-826013-W      Natasha Early, Plaintiff(s)  
vs.  
Employment Security Division of the State of Nevada, Defendant(s)

---

**February 04, 2021      9:30 AM      Motion to Dismiss**

**HEARD BY:** Kishner, Joanna S.      **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Natalie Ortega

**RECORDER:** Deloris Scott

**REPORTER:**

**PARTIES**

**PRESENT:**      Early, Natasha      Plaintiff  
                 Jordan, Troy      Attorney

**JOURNAL ENTRIES**

- Court announced the case and requested appearances. Troy Jordan, Esq., announced his presence via Blue Jeans. Natasha Early not present. COURT ORDERED, matter TRAILED.

MATTER RECALLED: Natasha Early now present. Arguments by Mr. Jordan and Ms. Early regarding the merits of Defendant's Motion to Dismiss Petition for Writ of Mandamus. Colloquy between the Court and Ms. Early regarding the Claim Referee and appeal process. COURT stated FINDINGS, and ORDERED, Writ DENIED as there was no basis for the Writ, there was failure to exhaust administrative remedies, and for not establishing a basis to grant extraordinary relief. COURT NOTED it was not taking a position whether Ms. Early was entitled to benefits That was not ripe before the Court because all of the administrative processes had not been utilized or exhausted. COURT DIRECTED Mr. Jordan to prepare the Order, circulate to Ms. Early, and provide back to the DC31 inbox according to the Administrative Orders.

# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated April 14, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 169.

NATASHA EARLY,

Plaintiff(s),

vs.

EMPLOYMENT SECURITY DIVISION;  
STATE OF NEVADA; KIMBERLY GAA, in  
her capacity of Administrator of the  
EMPLOYMENT SECURITY DIVISION,

Defendant(s),

Case No: A-20-826013-W

Dept. No: XXXI

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 16 day of April 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk