

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANNY CEBALLOS,

APPELLANT,

v.

NP PALACE LLC d/b/a PALACE
STATION HOTEL & CASINO,

RESPONDENT.

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Eighth Judicial District Court Case No.:
A-20-823119-C

APPEAL

From the Eighth Judicial District Court, Department XIX
The Honorable Judge Bitá Yeager, District Judge

APPELLANT'S REPLY BRIEF

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ATTORNEY’S NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed. No such corporations exist as would require disclosure under NRAP 26.1(a). These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

Danny Ceballos – Appellant

Andre M. Lagomarsino, Esq. – Attorney for Appellant

Dated this 25th day of October, 2021.

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JURISDICTIONAL STATEMENT PURSUANT TO NRAP 28(a)(4)

This Court has jurisdiction over this matter pursuant to NRAP 3A(b)(1), as this matter is an appeal from a final judgment as to Appellant Danny Ceballos and Respondent NP Palace LLC d/b/a Palace Station Hotel & Casino. The Notice of Entry of Order Granting Motion to Dismiss was filed on March 17, 2021, and Appellant filed his Notice of Appeal on April 15, 2021. Appellant's appeal is timely because it complies with NRAP 4(a)(1).

ROUTING STATEMENT

NRAP 28(a)(5) requires all Appellant's briefs to contain a routing statement "setting forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17 and citing the subparagraph(s) of the Rule under which the matter falls." NRAP 17(a)(11) specifically assigns "[m]atters raising as a principal issue a question of first impression involving the United States or Nevada Constitutions or common law" to the jurisdiction of the Supreme Court. Additionally, NRAP 17(a)(12) assigns "[m]atters raising a principal issue of statewide public importance..." to the jurisdiction of the Supreme Court.

Ceballos contends that the Supreme Court retains jurisdiction of the instant case because the issues are both a matter of first impression involving Nevada common law *and* a question of statewide public importance. Further, the issues raised in the present case do not fall within the categories where the Court of Appeals

has presumptive jurisdiction. Therefore, this Appellant's Reply Brief should be assigned to the Nevada Supreme Court.

STATEMENT OF THE ISSUES PRESENTED

(1) Whether the District Court erred in finding that marijuana use does not constitute the lawful use of a product pursuant to NRS 613.333, and

(2) Whether the District Court erred in interpreting NRS 678D.510 to supersede Ceballos's rights under NRS 613.333.

STATEMENT OF CASE
PROCEDURAL HISTORY

Ceballos submits that the procedural history provided in his Opening Brief is true and correct. As such, he incorporates it as fully set forth herein.

STATEMENT OF FACTS

Ceballos submits that the factual allegations provided in his Opening Brief are true and correct. As such, he incorporates them as fully set forth herein.

STANDARD OF REVIEW

Ceballos submits that the standard of review outlined in his Opening Brief is true and correct. As such, he incorporates it as fully set forth herein.

SUMMARY OF THE ARGUMENT

Ceballos brings two issues before this court. The first is whether the use of marijuana is considered “lawful” under NRS 613.333. The second is whether the rights of an employer under NRS 678D.510 supersede the rights of an employee under NRS 613.333.

In his Opening Brief, Ceballos argued four (4) main points:

- (1) The plain language of NRS 613.333 clearly deems marijuana use lawful in the State of Nevada;
- (2) The legislative history of NRS 678A-D clearly supports the consideration of marijuana use as lawful under NRS 613.333;
- (3) The CSA does not preempt NRS 678A-D, thus it does not prohibit marijuana use from being lawful under NRS 613.333; and
- (4) Terminating an employee for the lawful use of marijuana outside

working hours and location is in violation of Nevada public policy.

In response, Defendant argued that:

- (1) Marijuana use is not lawful under NRS 613.333 because federal law must be considered;
- (2) Marijuana use is illegal under the CSA and therefore cannot be considered lawful under NRS 613.333;
- (3) The legislative history of NRS 678A-D does not suggest that marijuana use was to be considered lawful under NRS 613.333;
- (4) That the lack of CSA preemption has no bearing on the instant case; and
- (5) That the district court did not hold that NRS 678D.510 superseded NRS 613.333; and
- (6) That Ceballos's complaint does not state a claim for relief from tortious discharge.

Ceballos responds in turn to each of Defendant's counterarguments.

ARGUMENT

I. LAWFUL PRODUCT USE UNDER NRS 613.333 CONSIDERS LAWFULNESS UNDER NEVADA STATE LAW ONLY

When a statute's language is plain, it must be enforced according to its terms.¹

Because the meaning of certain phrases may only become apparent when considered in the context of the overall statutory scheme,² courts read the provisions as a whole and give effect to each of its words and phrases.³

In relevant part, NRS 613.333 states that it is unlawful for an employer to

¹ King v. Burwell, 576 U.S. 473, 486 (2015).

² Id.

³ Davis v. Beling, 128 Nev. 301, 311 (2012).

discharge an employee for “the **lawful use in this state** of any product outside the premises of the employer during the employee’s nonworking hours.” (emphasis added). Defendant argues that “in this state” does not limit the consideration to lawfulness under Nevada state law only, instead relying on definitions of individual words without properly considering the full statutory context.

A. “In This State” Is Limiting Language In Full Statutory Context

1. Marijuana use is “lawful” under Nevada state law

The plain meaning of “lawful” indicates that something is “in harmony with the law”⁴ or “conforming to, permitted by, or recognized by law or rules.”⁵ This plainly establishes that marijuana use in **conformance** with and **permitted** by NRS 678D is “lawful” under NRS 613.333. Defendant’s weak attempt at questioning the lawfulness of marijuana use under Nevada state law must fail.⁶

Defendant also cites *Coats v. Dish Network, LLC* to argue that “lawful” means in accordance with all law and that “lawful in this state” does not limit the scope of the analysis to Nevada state law only.⁷ Defendant states *Coats* is significant because

⁴ *Merriam-Webster*, “lawful” <https://www.merriam-webster.com/dictionary/lawful> (last visited Oct. 13, 2021)

⁵ Google, “define lawful” https://www.google.com/search?q=define+lawful&rlz=1C1GCEA_enUS904US904&oq=define+lawful&aqs=chrome..69i57j0i512l4j69i60l3.2119j0j7&sourceid=chrome&ie=UTF-8 (last visited on Oct. 13, 2021)

⁶ Respondent’s Answering Brief (“RAB”) at 5.

⁷ RAB at 6.

it interprets a ‘lawful activities’ statute that has identical language to NRS 613.333.⁸ This is blatantly incorrect. The relevant statute in *Coats* did not include any limiting language such as “in this state” – it stopped at “lawful.” § 24-34-402.5, C.R.S. (2014). It is this additional, specific language in NRS 613.333 that the Court must interpret. *Coats*, therefore, should be referenced only in the context of how NRS 613.333’s additional language affects the statute’s meaning.

2. “In this state” is superfluous if it only specifies location

Under the rules of statutory interpretation, every word and phrase in a statute is given effect.⁹ Nevada laws clearly govern conduct in Nevada. There is no need to specify location because it is common knowledge that Nevada laws do not incorporate other state’s laws. In the same title as NRS 613.333, several statutes refer to “lawful” conduct without including “in this state” to ‘specify location’:

- (1) NRS 618.7311 - ““Workplace violence” means any act of violence or threat of violence that occurs at a medical facility, except for a **lawful** act of self-defense or defense of another person.”
- (2) NRS 612.275 - “Any person who, without just cause, fails or refuses to attend and testify or to answer any **lawful** inquiry...is guilty of a misdemeanor.”
- (3) NRS 618.535 - “Every order of the Division, general or special, and its rules, regulations, findings and decisions, made and entered under the provisions of this chapter, are admissible as evidence in any prosecution for the violation of any of the provisions, and must, in every such prosecution, be presumed to be reasonable and **lawful** and to fix a reasonable and proper standard and requirement for safety and health unless, before the institution

⁸ Id.

⁹ Davis, *supra* n. 3 at 11.

of the prosecution, proceedings for a rehearing thereon or a review thereof have been instituted and not finally determined.”

As in NRS 613.333, all of these statutes refer to some form of lawful conduct. However, there is no language specifying it must be lawful “in this state.” There is no need for geographically limiting language, because **Nevada** state law clearly applies to conduct in **Nevada**. Therefore, “in this state” is superfluous if interpreted for that purpose. It is a logical conclusion under the rules of statutory interpretation that “in this state” has independent meaning. It is further logical to read it as limiting the analysis of lawful use to lawfulness under **Nevada law only**.

(3) *Riddle* is inapplicable to the instant case

Defendant relies heavily on *Riddle v. Washington*¹⁰ in its argument to consider federal marijuana law. In *Riddle*, a city employee was terminated for, among other things, smoking in his city-owned vehicle. At the time, the law prohibited tobacco use in and around city-owned buildings. The City of Las Vegas extended the policy and prohibited tobacco use in and near its city vehicles, though this extension was not codified law. The Court held that the termination did not violate NRS 613.333 despite it being based, in part, on plaintiff engaging in the legal activity of smoking during his off-hours. Defendant argues that the Court did not stop at whether the conduct was permitted by “state” law but also considered the fact that the plaintiff

¹⁰ 2012 WL 3135381 (D. Nev. 2012).

violated City policy prohibiting tobacco use in city vehicles. Defendant argues that the Court should do the same here.

Riddle is distinct. First, the policy at issue in *Riddle* was based on a codified law that prohibited tobacco use in city buildings. The City of Las Vegas's expansion of this law was a natural extension of the statute as it still prohibited tobacco use in city property. The plaintiff in *Riddle* was smoking in a city-owned vehicle despite this specific conduct being prohibited for everyone at all times, not just employees. The issue was not the smoking itself, but where it happened. The plaintiff's conduct directly affected the City's property and violated a policy that unambiguously applied to him during and outside of working hours. The City was within its rights to terminate the plaintiff. Here, Ceballos used marijuana outside of working hours, off Defendant's property, and in a way that did not affect job his performance or workplace. All marijuana use occurred in the privacy of his home, in accordance with Nevada law. Unlike *Riddle*, Ceballos both engaged in lawful conduct and did so in accordance with Nevada law. Firing Ceballos for this conduct is an unnatural and invasive extension of workplace policy into the home.

Additionally, the plaintiff in *Riddle* was fired for more than smoking in a city vehicle. He had continual performance issues, like misusing government credit cards and disappearing during work hours, that influenced his termination. Ceballos was fired for a single, positive marijuana test. Defendant offers no evidence to the

contrary. *Riddle* is clearly dissimilar and should not be influential in this analysis.

(B) Legislative History Supports That Marijuana Use Under NRS 678D Is Lawful Under NRS 613.333

Due to the questions presented, the parties must run essentially identical analyses and ask identical questions of both NRS 613.333 and the relevant provisions of NRS 678A-D. For example, a brief reading of NRS 678D.200, the statute wherein cannabis possession and use is made lawful, presents a familiar plain-language question – is such marijuana use lawful under NRS 613.333? Undoubtedly, a law drafted in response to a citizen’s vote to legalize the adult use of recreational marijuana renders such use lawful unless specified otherwise.¹¹ Even so, it is helpful to consider the Legislature’s intent by looking to the relevant legislative history. To address Defendant’s concern that Ceballos does not discuss NRS 613.333’s legislative history, he provides a brief overview below.

NRS 613.333’s initial purpose was to protect employees from being fired for engaging in any activity lawful in the state of Nevada.¹² Testimony shows that the

¹¹ Jann Stinnesbeck, *Fact Sheet – Recreational Marijuana in Nevada*, Legislative Counsel Bureau (Sep. 2018), <https://www.leg.state.nv.us/Division/Research/Publications/Factsheets/RecreationalMarijuana.pdf> (In 2016, Nevada voters approved Ballot Question 2, the Initiative to Regulate and Tax Marijuana. As a result, on January 1, 2017, the purchase, possession, and consumption of recreational marijuana for adults became legal in Nevada.).

¹² ASSEMBLING COMM. LAB. MGMT., MINUTES OF MEETING, Assembly, 66th Sess., at 5 (Nv. 1991).

original bill¹³ arose from cases of negative employment actions as a result of employee's tobacco use which "did not influence their job, affect their job, or job performance."¹⁴ The Legislature found it difficult to draft exceptions to this broad language and narrowed the statute to specifically protect the lawful use in this state of products¹⁵ while also protecting the interests of both employees and businesses.¹⁶

On May 31, 1991, the Senate Committee on Commerce and Labor (the "Committee") addressed the concerns of law enforcement regarding the bill's scope and their ability to, "discipline an officer who was working for them, and for example, went into California, and smoked marijuana," upon return to Nevada.¹⁷ Testimony indicates that, as marijuana use was then unlawful in Nevada, the bill would not protect the hypothetical officer from disciplinary action in Nevada.¹⁸ Senator Vergiels said the Committee would pass the bill out to the Senate if this point was clarified beforehand.¹⁹ On June 6, 1991, the Committee proposed an amendment that inserted "in this state" after "lawful use."²⁰ The Senate adopted the amendment and passed the bill the next day. On June 8, 1991, the Assembly adopted

¹³ AB 667, 66th Session (1991).

¹⁴ S. COMM. COM. LAB., MINUTES, S., 66th Sess., at 2 (Nv., May 29, 1991).

¹⁵ MEETING MINUTES, *supra* n. 11.

¹⁶ *Id.*

¹⁷ S. COMM. COM. LAB., MINUTES, S., 66th Sess., at 10 (Nv., May 31, 1991).

¹⁸ *Id.*

¹⁹ *Id.* at 11.

²⁰ SENATE, J. – THE ONE HUNDRED AND THIRTY-SEVENTH DAY, 66th Sess., at 1139 (Nv., June 6, 1991).

the Senate amendment to AB 667 and the bill was enrolled.

The legislative record supports Ceballos's position that NRS 613.333 considers lawfulness of a product under Nevada state law only. The language "in this state" was added almost immediately after law enforcement's concern over the ability to discipline for behavior legal in states outside of Nevada, such as using marijuana, was presented. The amendment would not have been necessary if federal law stood to nullify the concern of conflicting state marijuana laws anyways. "Lawful use in this state" plainly refers to a product's lawfulness under Nevada state law only, rendering Ceballos's marijuana use lawful and his termination wrongful.

Ceballos maintains that NRS 613.333's meaning is clear and unambiguous by the plain language. This meaning extends prospectively from its enactment²¹, so it must be considered whether the provisions of NRS 678A-D were intended to fall under this meaning or contain exceptions therein. Defendant is correct that there was no need to the amend NRS 613.333 because, as discussed, marijuana use is lawful under Nevada state law. If marijuana was not intended to be considered lawful under NRS 613.333, it would have been explicitly addressed.

The legislative history of NRS 678A-D is significant because great time and care were taken to document nuanced exceptions and ambiguities. Defendant

²¹ *Fifty-Six Hope Road Music, Ltd. v. A.V.E.L.A., Inc.*, 688 F.Supp.2d 1148, 1164 (D. Nev. 2010)

essentially argues that, in drafting a bill **to make adult cannabis use lawful**, the Nevada Legislature made no changes to NRS 613.333 because it assumed that Nevada residents would understand cannabis was unlawful in that specific, separate regard. This logic is ridiculous and backwards. The Legislature took time to identify specific situations in which cannabis use remained unlawful, but it took no such action with NRS 613.333.²² Why would the Legislature leave that particular law for the public to analyze? Evidently, the Nevada Legislature did not intend for lawful marijuana use which does not affect an employee's job performance to be grounds for termination. Had this been the intention, it would have been noted as such.

(C) The Lack Of CSA Preemption Is Highly Relevant

Defendant misses the point in arguing that the lack of CSA preemption is irrelevant and does not aid in deciding if marijuana use is lawful under NRS 613.333.

First, while no preemption argument was expressly made, it was implicit in the District Court's decision to dismiss Ceballos's Complaint. If the District Court did not believe that (1) federal law must be considered and (2) federal marijuana law preempted state marijuana law, then the federal status of marijuana should have no bearing on dismissal of state-law claims in state court.

Under the Tenth Amendment, Nevada has no duty to use state resources to enforce the CSA if it does not preempt state marijuana laws. The CSA does not

²² See AOB, p. 18 n. 6.

preempt Nevada marijuana laws, so the State has no duty to enforce it.²³ If the State has no duty to enforce the CSA, then the relevant federal laws should not be considered in this case. Therefore, the District Court should not have considered marijuana's federal status when deciding Defendant's Motion to Dismiss. Additionally, the fact that the CSA does not preempt Nevada marijuana law further supports that marijuana use is lawful both in Nevada and under NRS 613.333.

(D) The District Court Held By Implication That NRS 678D.510 Superseded NRS 613.333

NRS 678D.510(1)(a) provides that Nevada's adult cannabis usage laws do not prevent employers from having and enforcing **workplace** policies relating to marijuana use by employees. Defendant argues that the District Court did not rule that Defendant's rights as a business under NRS 678D.510 superseded Plaintiff's rights as an individual under NRS 613.333. However, as overwhelming evidence supports that marijuana is a "lawful" product under NRS 613.333, Defendant's rights under NRS 678D.510 must have superseded Plaintiff's rights in order for his termination to be lawful.

First, Ceballos emphasizes that he has never questioned Defendant's right to have and enforce a **workplace** policy regarding cannabis use. Prohibiting marijuana use that would affect an employee's ability to do their job or put themselves or others

²³ See generally AOB, 10-16.

at risk is necessary to protect a business's interest. However, Ceballos was fired for the private, lawful use of cannabis outside of working hours and property. Defendant does not suggest that Ceballos was impaired at the time of the drug test, that he was unable to perform his job, or that he put himself or others in danger.

Defendant contends that there is no basis to conclude that its workplace policy cannot limit an employee's ability to engage in the legal adult use of cannabis outside of working hours. It further argues that nothing in the plain language of NRS 678D.510 suggests such a limitation. This is blatantly untrue. The word "workplace" limits the extent of Defendant's policy to marijuana use which affects the workplace. NRS 678D.510 does not state that employers may have any policy restricting its employee's marijuana use – instead, "workplace" specifically modifies and narrows "policy." The plain language of NRS 678D.510 unambiguously limits Defendant's ability to control Ceballos's lawful marijuana use.

There is currently no authority on how far an employer's workplace policy prohibiting marijuana use may extend. However, Ceballos argues that the Court should take a commonsense approach to this question. Unless explicitly stated otherwise, it is generally understood that workplace policies extend to conduct that affects the workplace in some way. To conceptualize this another way, Defendant, and indeed the majority of employers, would not fire employees for off-hours drinking as long as the employees did not do so on the job or in a way which affected

the workplace. Similarly, employees would not expect to be fired for off-hours drinking in a way that did not affect their employer. It is a non-sensical invasion of privacy that a workplace policy would regulate the lawful, off-hours conduct of an employee that does not affect the employer. It is particularly non-sensical when a workplace policy does so in violation of codified law. However, in ruling to dismiss Ceballos's Complaint, Defendant's workplace policy was allowed to do exactly that.

NRS 613.333 and NRS 678D.510 easily reconcilable when interpreted correctly. NRS 678D.510 protects Defendant's interest in maintaining a safe, drug-free workplace while NRS 613.333 protects Ceballos's ability to participate in the lawful use of cannabis outside of working hours. However, NRS 678D.510 should not be held as broad enough to supersede Ceballos's rights under NRS 613.333 by regulating lawful marijuana use on personal time.

(E) Ceballos Sufficiently Pleaded A Tortious Discharge Claim

Nevada courts recognize claims of tortious discharge when an employee is terminated in violation of public policy and no **comprehensive** statutory remedy exists.²⁴ Here, Ceballos was fired for taking part in lawful, protected conduct outside of the workplace. In addition to the violations already discussed in Ceballos's opening brief²⁵, it is certainly against public policy to fire an individual for taking

²⁴ See generally *D'Angelo v. Gardner*, 107 Nev. 704 (1991).

²⁵ See generally AOB, at 20-22.

part in legally protected activity. Further, there is no comprehensive statutory remedy to fully compensate Ceballos for Defendant's actions. Ceballos was fired in obvious violation of an unambiguous and codified law. This conduct is egregious and unreasonable, entitling Ceballos to punitive damages.

Defendant attempts to dismiss Ceballos's claim of tortious discharge by comparing it to *Chavez v. Sievers*.²⁶ In *Chavez*, the Court distinctly held that it would not recognize a public policy tort because of limitations set by the Legislature.²⁷ There, the plaintiff worked for a company of less than 15 people, exempting it from Nevada's anti-discrimination statutes.²⁸ Plaintiff sought damages for race discrimination under these statutes, but the Court declined to invade the province of the Legislature.²⁹ The issue was not that the conduct was not discriminatory but rather concern over maintaining separation of powers.

Here, Defendant argues that it is non-sensical to think that the Court would allow a public policy tort for Ceballos when it declined to do so for race discrimination. This mischaracterizes *Chavez* and is an improper comparison. The Court need not worry about separation of powers here. NRS 613.333 is clear, and the problem is not that it does not apply to Defendant. Instead, the issue is that

²⁶ 118 Nev. 288 (2002).

²⁷ *Id.* at 291.

²⁸ *Id.*

²⁹ *Id.*

Defendant blatantly violated the law by firing Ceballos and, in doing so, violated several public policies. As such, *Chavez* should be given no weight in this analysis.

Ceballos properly pleaded a claim for tortious discharge in violation of public policy. As no comprehensive statutory remedy exists, Ceballos is entitled to damages for this claim regardless of the remedies available for the others.

II. CONCLUSION

Ceballos has sufficiently shown that the District Court erred in granting Defendant's Motion to Dismiss. The lawfulness of product use under NRS 613.333 only considers lawfulness under Nevada state law, as supported by the plain language, legislative intent, and the principles of federal preemption. Additionally, NRS 678D.510 does not supersede Ceballos's rights under NRS 613.333 as supported by the same. Finally, Ceballos sufficiently pleaded a claim for tortious discharge against Defendant. The District Court erred in granting Defendant's Motion to Dismiss and Ceballos respectfully requests that this Court reverse the dismissal.

ADDENDUM OF RELEVANT STATUTES

NRS 613.333 (in relevant part):

1. It is an unlawful employment practice for an employer to:
 - (a) Fail or refuse to hire a prospective employee; or
 - (b) Discharge or otherwise discriminate against any employee concerning the employee's compensation, terms, conditions or privileges of employment,because the employee engages in the lawful use in this state of any product outside the premises of the employer during the employee's nonworking hours, if that use does not adversely affect the employee's ability to perform his or her job or the safety of other employees...

NRS 678D.510

1. The provisions of this chapter do not prohibit:
 - (a) A public or private employer from maintaining, enacting and enforcing a workplace policy prohibiting or restricting actions or conduct otherwise permitted under this chapter;
 - (b) A state or local governmental agency that occupies, owns or controls a building from prohibiting or otherwise restricting the consumption, cultivation, processing, manufacture, sale, delivery or transfer of cannabis in that building;
 - (c) A person who occupies, owns or controls a privately owned property from prohibiting or otherwise restricting the smoking, cultivation, processing, manufacture, sale, delivery or transfer of cannabis on that property; or
 - (d) A local government from adopting and enforcing local cannabis control measures pertaining to zoning and land use for adult-use cannabis establishments.
2. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678C of NRS relating to the medical use of cannabis.

CERTIFICATE OF COMPLIANCE

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

I FURTHER CERTIFY that this brief complies with the page or type-volume limitation of NRAP 32(a)(7) because, including the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionally spaced, has a typeface of 14 point, or more, and complies with the type-volume limitation because the applicable portions consist of 3,995 words or fewer.

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FINALLY, I CERTIFY that I have read this Appellant's Reply Brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedures.

Dated this 25th day of October, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing *Appellant's Reply Brief* was made this 25th day of October, 2021, by electronic service through the Nevada Supreme Court's electronic filing system, to each of the following:

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