

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANNY CEBALLOS,  
Appellant,  
vs.  
NP PALACE, LLC, D/B/A PALACE  
STATION HOTEL & CASINO,  
Respondent.

No. 82797

**FILED**

**FEB 10 2022**

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

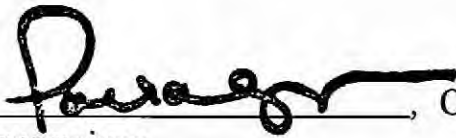
**ORDER DIRECTING SUPPLEMENTAL BRIEFING**

This is an appeal from an order granting a motion to dismiss under NRCP 12(b)(5) for failure to state a claim upon which relief can be granted. The complaint, charging tortious discharge, alleges that after plaintiff slipped on an unknown wet substance in an area that had recently been mopped, a security manager “intensely interrogat[ed]” him and took him to a security office holding cell, where he was “forced” to take an alcohol detection test that came back negative and “required to take a drug detection test, which was performed orally via a mouth swab.”

Review of the record raises the following issues, on which supplemental briefing would be of assistance to the court: (1) whether the complaint states a claim for tortious discharge predicated on a violation of the right to privacy, *see Hennessey v. Coastal Eagle Point Oil Co.*, 609 A.2d 11, 19 (N.J. 1992) (holding that “mandatory random urine testing by private employers can be an invasion of privacy sufficient to breach public policy”); *Anderson v. Ruppco Inc.*, No. 48037, 2009 WL 1490992, at \*3 (Nev. Jan. 27, 2009) (Order of Reversal and Remand) (concluding that Nevada’s public policy protects the right to privacy); and (2) if not, whether remand to the district court with directions to grant leave to amend is appropriate.

Supplemental briefing on these issues will assist the court in resolving this appeal. Accordingly, appellant shall have 21 days from the date of this order within which to file a supplemental brief addressing the issues set forth above; respondent shall have 14 days from the date appellant's supplemental brief is filed and served to file its supplemental brief. Briefing shall comply with the relevant provisions of NRAP 28 to 32, using the word limits that apply to reply briefs. No reply brief will be permitted.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Parraguirre

cc: Hon. Bita Yeager, District Judge  
Lagomarsino Law  
Fisher & Phillips LLP  
Eighth District Court Clerk