

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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Elizabeth A. Brown  
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**MARY LOU MCSWEENEY WILSON,**

Appellant,

v.

**STOREY COUNTY COMMISSIONERS;**

and **STERICYCLE, INC.,**

Respondents.

**CASE NO. 82806**

**Appeal from Decision of the  
First Judicial District Court**

**RESPONDENT STOREY COUNTY COMMISSIONER'S ANSWERING  
BRIEF**

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## **JURISDICTIONAL STATEMENT**

On March 12, 2021, Judge Russell of the First Judicial District Court entered two orders dismissing Ms. Wilson's petition for judicial review on the ground that she lacked standing to challenge a land use decision by the Board of County Commissioners of Storey County. (Appellant's Appendix (hereafter AA) Vol. V @ 1112-20) Notices of entry of these orders were filed on March 16 and 17, 2021. (Respondent's Appendix @ 25, 33). Ms. Wilson's notices of appeal were filed on April 15, 2021. (AA Vol V @ 1182, 1185). The dismissals constituted final orders and the appeals were timely filed under NRAP 3A(b)(1) and NRAP 4(a)(1).

## **ROUTING STATEMENT**

While Ms. Wilson has raised constitutional due process issues in her brief, those issues were not and could not be raised in the petition for judicial review. The clear issue before the court is the issue of standing to bring the petition under NRS 278.3195. The case is not presumptively subject to the Supreme Court or the Court of Appeals under NRAP 17.

## **STATEMENT OF THE ISSUES**

1. Is Ms. Wilson entitled to pursue due process claims where she did not plead such claims in her petition for judicial review?
2. Has Ms. Wilson improperly joined due process claims with a petition for judicial review?

3. Does Ms. Wilson have standing to file a petition for judicial review where she did not participate in the proceedings leading to the issuance of a special use permit to Stericycle, Inc.

### **STATEMENT OF THE CASE**

Pursuant to NRAP 28(i) Respondent Storey County Commissioners (hereafter Board) incorporate by reference the Statement of the Case provided by Respondent Stericycle, Inc.

## **STATEMENT OF THE FACTS**

This case began with the filing of an application for a special use permit by Stericycle, Inc. (Stericycle) to construct an incinerator to destroy medical and other specialty wastes. (Respondent Storey County Commissioners Appendix (hereafter RSCC @ 1). The site for the facility was proposed for a large industrial park known as the Tahoe Reno Industrial Center (TRI Center) in Storey County, Nevada. (RSCC @ 1, 18). The TRI Center comprises some 107,000 acres all of which is zoned I-2 Heavy Industrial. (RSCC 18). Development within TRI Center is controlled by a Development Agreement between Storey County and TRI Center LLC. (RSCC 18). Zoning processes within the TRI Center are governed by the 1999 zoning ordinance. (RSCC @ 5, 18). A medical waste incinerator is allowed within the I-2 zoning district if a special use permit is obtained. Storey County Code (hereafter SCC) Section 17.37.040(R) (1999 Zoning Ordinance)(RSCC @ 72-73).

### **A. The Proceedings Leading to the Issuance of the Stericycle Special Use Permit**

In response to the application, the Storey County planning staff prepared a staff report regarding the application. (RSCC @ 1-17). The staff recommended approval of the application. (RSCC @ 17). The application for the special use



permit was first heard by the Storey County Planning Commission on July 16, 2020. (AA Vol. III @ 667-672). Proponents and opponents of the application submitted documentary and verbal evidence relating to the requested permit. (*Id.*). At the close of the hearing, the Commission continued the matter to a later date in order to gather further information relevant to the application. (AA Vol III @ 672-73).

The Planning Commission next heard the Stericycle application on August 6, 2020. (AA Vol. III @ 676-687). At this second hearing, the commission again allowed the proponents and opponents to have their say. Mr. Toll did participate in this hearing and objected to the issuance of the special use permit. (AA Vol III @ 679). Mr. Hilton did not participate in the discussion. (AA Vol. III @ 676-687). At the close of the hearing the Planning Commission voted 5-1 to recommend approval of the special use permit to the Board of County Commissioners (Board). (AA Vol III @ 681).

The Board heard the Stericycle application on August 18, 2020. (AA Vol. III 702, 707-714). Stericycle again made its presentation and responded to questions from the Board. (*Id.*). Opponents also provided information opposing the application. Mr. Sam Toll registered his opposition to the application while Mr. Phillip Hilton also questioned the propriety of issuing the permit. (AA Vol. III @ 711). At the close of the hearing, The Board voted 2-0 to approve the issuance of

the special use permit to Stericycle. (AA Vol. III @ 714). As a result, the process for arriving at the decision to issue the special use permit involved a substantive staff report with a recommendation of approval, two hearings before the planning commission with the ultimate result being a 5-1 vote to recommend approval and a hearing before the Board with a unanimous vote to approve. Proponents and opponents submitted substantial documentary evidence and testimony. It was a carefully considered zoning matter.

Ms. Wilson did not attend any of the meetings or otherwise participate in the proceedings. (Appellant's Opening Brief @ pg. 11).

## **B. The Notice Provided.**

### **1. Notice of Public Body Meetings Under Governor Sisolak's**

#### **Directives.**

On March 22, 2020, Governor Sisolak issued Directive 006. (AA Vol. III @ 555-557).<sup>1</sup> In Section 3 of that directive the Governor suspended the requirement

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<sup>1</sup> Directive 6 was scheduled to expire on April 16, 2020, unless further extended by a subsequent directive. Section 6 of Directive 016 did extend the provisions of Directive 006 to May 15, 2020. (AA Vol III @ 561). Directive 021 at section 37 again extended Directive 006 until June 30, 2020. (AA Vol. III @ 575). Section 3 of Directive 026 extended the provisions of Directive 006 to July 31, 2020 (AA Vol. III @ 580). Directive 029 extended the 006 directive by asserting that all directives set to expire on July 30, 2020 "shall remain in effect for the duration of the current state of emergency unless terminated prior to that date by a subsequent directive or by operation of law associated with lifting the Declaration of

of NRS 241.020(4)(a) that agendas of public meetings be physically posted. (*Id.*) In Section 1 of Directive 006 he also suspended the requirement that there be a physical location where a public meeting would be held. (*Id.*) Rather, in Section 2 of Directive 006, the Governor provided that if a public body holds a meeting by teleconference or videoconference that the public body must provide means for the public to provide public comment and must post that means on the public notice agenda posted in accordance with NRS 241.020. (*Id.*) The Planning Commission and the Board of County Commissioners did hold public meetings after Directive 6 went into effect. The Commission and the Board held their meetings through teleconferences on the Zoom platform. (AA Vol. III @ 531, 533, 544). Notice of the availability of access to the meeting through Zoom was placed on the agenda of the public notice required by NRS 241.020 along with the link to the Zoom meeting allowing members of the public with computers to participate in the meeting. (*Id.*) The agenda also provided call-in numbers for those desiring to participate by telephone. (*Id.*) The effect of providing a Zoom link and telephone access makes it easier for members of the public to participate in a public meeting either with a computer or by telephone. Rather than having to travel to Virginia

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Emergency.” (AA Vol III @ 585). No subsequent Directive terminated the Directive 006 suspensions by August 18, 2020, and the Declaration of Emergency had not been lifted.

City to attend a meeting at the county courthouse, they could participate from the comfort of their own homes.

**2. Storey County did Physically Post the Public Notices Required by NRS 241.020(4)(a).**

Storey County physically posted the agendas of its meetings despite the Governor's suspension of the physical posting requirement. Even if the physical posting requirement had not been suspended, the County was only required to post the agendas at the principal office of the public bodies and three other prominent locations. NRS 241.020(4)(a). The certifications of posting for the planning commission meetings of July 16, 2020, and August 6, 2020, both identified nine separate locations where the agendas were posted. (AA Vol III @ 532, 534).<sup>2</sup> The planning assistant also gave notice of the application to all owners of property within 300 feet of the Stericycle property as required by NRS 278.315. The

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<sup>2</sup> The issue of the posting of the agendas and the locations where those postings occurred is a contested matter between Ms. Wilson and the County Commissioners. Both sides were prepared to present evidence on these matters. (AA Vol. III @ 512, 523) The order of dismissal for lack of standing mooted the evidentiary hearing and no findings on the issues were made. Nevertheless, the Planning Assistant and the County Clerk both certified the existence and the locations where physical agendas were posted. The Planning Commission and County Commission agendas were certified as true and correct copies of the originals. Further, it is rebuttably presumed that official duty has been regularly performed. NRS 47.250(9). Handwritten notes on the documents were apparently added by Ms. Wilson later.

agenda for the meeting of the Board of County Commissioners gave similar information as to the method of participating in the meeting of the Board through both a zoom link and a call-in number. (AA Vol. III @ 544). The certification of posting for the Board meeting of August 18, 2020, identified five locations where the public notice of the meeting was given. (AA Vol. III @ 549). As a result, both the Planning Commission and the Board of County Commissioners exceeded the posting requirements of the Open Meeting Law even if the posting requirement had not been suspended.

**C. Stay-at-Home Order did not Prevent Residents from Obtaining Notice of the Hearings.**

The stay-at-home order reflected in Governor Sisolak's Directive 010 was not in effect at the time of the meetings of the Commission and the Board. The Governor issued Directive 010 on March 31, 2020. (AA Vol V @ 1011-1014). Even in this Directive it was stated:

This Directive does not prohibit individuals from engaging in outdoor activity, including without limitation, activities such as hiking, walking, or running, so long as the activity complies with all requirements of Emergency Directive 007, participants maintain at least 6 feet of distance from other individuals, and individuals do not congregate in groups beyond their household members. (AA Vol. V @1013 Section 6).

By the time of the hearings of the Planning Commission and of the Board of County Commissioners, Nevada was in Phase 2 of the Reopening Plan signed by

the Governor on May 28, 2020. (AA Vol III @ 565-576). Permissible activities had been greatly expanded from the Stay-at-home order to include business reopening and many other activities designed to allow for an economic recovery to take hold. (*Id.*). Ms. Wilson was not compelled to stay at home.

## **ARGUMENT**

### **I. The Petition for Judicial Review Fails to set forth Claims of Violation of Due Process.**

Under NRCP 8(a)(1), a claim for relief is required to set forth a short and plain statement of the grounds for the court's jurisdiction. Under NRCP 8(a)(2) a claim for relief must also contain a short and plain statement of the claim showing that the pleader is entitled to relief. Finally, under NRCP 8(a)(3) a claim for relief must contain a demand for the relief sought.

#### **A. Bases of Jurisdiction did not include a Civil Claim**

In this case Ms. Wilson only identified NRS 278.3195 and NRS 278.0235 as the bases for the Court's jurisdiction. These statutes authorize the filing of a petition for review and sets the time limit within which an action must be brought. A petition for judicial review under NRS 278.3195 only grants the petitioner the right to have the district court conduct a review of the administrative record to

determine if the agency decision was supported by substantial evidence. *Kay v. Nunez*, 122 Nev. 1100, 1105, 146 P. 3d 801 (2006). No source of jurisdiction over a civil rights claim was plead.

**B. There is no Short and Plain Statement of the Claim Showing  
that the Pleader is Entitled to Relief.**

Following the jurisdictional statement, Ms. Wilson provided extensive facts, exhibits and arguments in her petition.<sup>3</sup> Nowhere, however, did she purport to present a claim for relief regarding a violation of her right to substantive due process. The due process issue was first raised in Ms. Wilson's Opposition to the Board's Motion to Dismiss for Lack of Standing. (AA Vol. III @ 0748).

**C. The Demand for Relief has Been Inconsistent and Changing.**

In her claim for relief, Ms. Wilson asked the lower court to rescind the Board's decision to issue the special use permit. (AA Vol I @ 018). In the Supplement to the petition, she expands her request to include a requirement that Stericycle provide written notice to all five hundred residents of Lockwood and Rainbow Bend and grant another commission meeting to allow for those citizens to voice their objections. (AA Vol I @ 0131). Finally, in her argument on appeal, she now asks, for the first time, that this court reverse the Governor's directives

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<sup>3</sup> Much of the information provided is outside of the administrative record.

imposing a stay-at-home requirement and suspending the posting requirements of the Open Meeting Law. (Appellant's Opening Brief at pg. 20.) It is submitted that the defects noted above establish that the Due Process claims have not been adequately plead.

**II. Even if the Due Process Claims have been Adequately Plead such Claims Cannot be Joined with a Petition for Judicial Review of an Agency's Zoning Decision.**

In the recently decided case of *City of Henderson v. Eighth Jud. Dist. Ct.*, 137 Nev. Adv. Opn. 26 489 P. 3d 908 (June 24, 2021) this court addressed the combination of civil claims with a petition for judicial review of a zoning decision of the City of Henderson. This court explained that a civil action initiates litigation between parties, while a petition for judicial review of a zoning decision only allows a review of the administrative record to determine the sufficiency of that record to support the administrative decision. One action is appellate in nature, while the other initiates litigation. Due to the distinctly different nature of the actions, this court held that civil claims cannot be combined with petitions for judicial review. Again, the due process claims are not appropriately before this court.



**III. As Appellant did not participate in the process before the Planning Commission or the Board of County Commissioners, she did not have standing to challenge issuance of the special use permit to Stericycle Inc.**

There are two aspects to the standing issue. As previously noted the effect of the Development Agreement is to largely freeze the applicable law to the law in existence at the time the agreement is entered into. NRS 278.0201(3). Inasmuch as the development agreement was entered into prior to the date of enacting NRS 278.3195 and there is a standing requirement set out in the 1999 zoning ordinance that requirement may have an impact on Ms. Wilson's ability to pursue her claim. NRS 278.0201(4), however, does provide:

This section does not prohibit the governing body from adopting new ordinances, resolutions or regulations applicable to that land which do not conflict with those ordinances, resolutions and regulations in effect at the time the agreement is made, except that any subsequent action by the governing body must not prevent the development of the land as set forth in the agreement.

The enactment of NRS 278.3195 does not appear to prevent the development of land as set forth in the Development Agreement. Therefore, it is also applicable to the current case. Storey County has adopted an ordinance pursuant to the NRS 278.3195 addressing standing in a different context from the 1999 zoning

ordinances. See SCC 17.03.110. Accordingly, both of the standing issues will be addressed.

**A. Ms. Wilson does not have standing under NRS 278.3195 or the ordinance adopted pursuant to this statute because she did not participate in the proceedings leading to the issuance of the special use permit.**

NRS 278.315 authorizes the governing bodies of counties and cities to authorize planning commissions, hearing examiners, and/or boards of adjustment to make a variety of planning and zoning decisions.<sup>4</sup> In subsection 6 of this statute the Legislature provided that “An **applicant or a protestant** may appeal a decision of any of the foregoing entities pursuant to the ordinance adopted under NRS 278.3195.” (Emphasis added). This provision clearly limits the ability to appeal to persons that participated in the planning and zoning process either as an applicant or a protestant.

The process of an appeal is governed by NRS 278.3195. NRS 278.3195(1) provides in part:

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<sup>4</sup> A “governing body” is defined in NRS 278.015 as: “Governing body” means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the Board of Supervisors.

1. Except as otherwise provided in NRS 278.310, each governing body shall adopt an ordinance providing that any person who is aggrieved by a decision of:

(a) The planning commission, if the governing body has created a planning commission pursuant to NRS 278.030;

(b) The board of adjustment, if the governing body has created a board of adjustment pursuant to NRS 278.270;

(c) A hearing examiner, if the governing body has appointed a hearing examiner pursuant to NRS 278.262; or

(d) Any other person appointed or employed by the governing body who is authorized to make administrative decisions regarding the use of land,...

Storey County has created a planning commission. See (SCC 2.12.020). The planning commission does not have the authority to make planning decisions. Rather its authority is limited to acting in an advisory capacity to the Board. SCC 2.12.090; see also SCC17.03.090. The Commission can only make recommendations to the Board. SCC 2.12.090. Storey County does not have a board of adjustment or a hearing examiner. Storey County has empowered its Planning Director to make decisions on minor matters. See e.g., SCC 17.03.110. As to such decisions, Storey County has enacted the ordinance required by NRS 278.3195(1) providing for appeals to the Board from the decisions of the Planning Director. In order to appeal such decisions, the person appealing must have participated in the administrative process prior to pursuing an appeal. SCC

17.03.130(B)(1). NRS 278.3195 further identifies who may bring a petition for review of a decision of a governing body. NRS 278.3195(4) provides:

4. Any person who:

(a) Has appealed a decision to the governing body in accordance with an ordinance adopted pursuant to subsection 1; and

(b) Is aggrieved by the decision of the governing body, may appeal that decision to the district court of the proper county by filing a petition for judicial review within 25 days after the date of filing of notice of the decision with the clerk or secretary of the governing body, as set forth in NRS 278.0235.

This statute requires an appeal of a decision to the governing body, and that the party be aggrieved by the decision of the governing body. Clearly, Ms. Wilson did not appeal to the governing body. Accordingly, she does not have standing to seek a petition for judicial review under NRS 278.3195(4).

Assuming *arguendo* that there was no “decision” from which an appeal could be taken it was not necessary to appeal to the governing body. Rather, the petition could be brought from the decision of the governing body alone. This would still require that Ms. Wilson be aggrieved by the decision of the governing body. The legislature has not defined what constitutes an aggrieved person for counties with less than 700,000 persons. See NRS 278.3195(1). In *City of N. Las Vegas v. Eighth Judicial District Court*, 122 Nev. 1197, 147 P. 3d 1109 (2006) the Court explained that the scope of aggrieved persons who could have standing to challenge a zoning decision could be expanded to include a greater range of

persons by doing so in the ordinance adopted pursuant to NRS 278.3195. Storey County has defined who is an aggrieved person for filing appeals from the decision of the planning director in SCC 17.03.130(B)(1). This provisions states:

Standing for filing an appeal. The applicant or any aggrieved party, defined as a person with a legal or equitable interest in the property affected by the final decision or property located within the notice area of the property that is entitled by law to notice, may file an appeal provided that the appellant has participated in the administrative process before filing the appeal.

It requires that the person fall within certain categories of persons and that they have participated in the process. The ordinance has not otherwise expanded the categories of persons considered aggrieved. Under this ordinance Ms. Wilson would not be an aggrieved party as she does not have a qualifying property interest and did not participate in the planning process.

Even if the definition of aggrieved party in SCC 17.03.130(B)(1) does not apply because it relates solely to planning director decisions, Ms. Wilson must still meet the requirement of an aggrieved party pursuant to NRS 278.3195(4).

Typically, however, a party is 'aggrieved' when either a personal right or right of property is adversely and substantially affected by a district court's ruling. *Las Vegas Police Prot. Ass'n v. Dist. Ct.*, 122 Nev. 230, 239-240, 130 P. 3d 182, 189 (2006) (addressing "aggrieved party" as stated in NRAP 3A); an aggrieved party is one whose personal right or right of property is adversely and substantially

affected. *Reno v. Harris*, 111 Nev. 672, 676, 895 P. 2d 663, 666 (1995) (addressing definition of aggrieved party in the context of a petition for review under NRS 233B.150.). In this case, Ms. Wilson has not had a personal right or a right in property substantially and adversely affected. She is not an aggrieved party

Finally, even if Ms. Wilson could pursue a petition for judicial review solely from the decision of the Board, she is neither a protestant nor an applicant as required by NRS 278.315 and did not participate in any of the proceedings. Consequently, she does not have standing under NRS 278.3195 to file a petition for judicial review.

**B. Nor does Ms. Wilson have standing to petition for judicial review pursuant to the 1999 zoning ordinance as she did not participate in the planning process.**

As noted in the staff report, the Stericycle application was subject to the provisions of the 1999 Zoning Ordinance of Storey County. (RSCC @ 5). Under this zoning ordinance, persons that want to site an incinerator in the I-2 zone must obtain a special use permit. SCC 17.37.040(R)<sup>5</sup>(RSCC @ 72-73). Special use permits are addressed in Chapter 17.62. (RSCC @98-99). SCC 17.62.010 provides

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<sup>5</sup> All references to the Storey County Code in this portion of the argument are to the 1999 zoning ordinance.

that the procedure for filing applications, filing fees, public hearings, findings and appeals shall be the same as provided for variances in Chapter 17.60. (*Id.*) The procedure set out in Chapter 17.60 requires the planning commission to hold a public hearing on an application for a special use permit. SCC 17.60.040.(RSCC @ 96). At the conclusion of the hearing, the planning commission will make its findings and conclusions and submit them to the board of county commissioners. SCC 17.60.050. (*Id.*). The decision of the planning commission is advisory only to the board. SCC 17.60.050. (*Id.*). The ordinance provides for an appeal process from the recommendation of the planning commission in SCC 17.60.070 (RSCC @ 97). This section of the ordinance provides in part:

In the event any person or the applicant is aggrieved by the recommendation of the planning commission and desires that the board of county commissioners hold a public hearing on the proposal may file a notice of appeal with the county clerk requesting a public hearing.

The county commissioners are then to hold a public hearing on the appeal before it makes a decision on the application. SCC 17.060.060. (RSCC @ 96). The decision of the county commissioners is a final decision. SCC.60.080. (*Id.*).

Under the 1999 zoning ordinance which applied to the Stericycle application, there was an appeal process available to appeal the planning commission recommendation to the board of county commissioners. Ms. Wilson did not utilize that process as she did not participate in the Stericycle proceedings.

Consequently, again, she does not have standing to seek a petition for judicial review.

**C. Ms. Wilson Cannot Rely on the Standing of Others in Order to Establish Her Own Standing to Seek Judicial Review.**

In her opening brief, Ms. Wilson repeatedly refers to the rights of other persons who are not parties to this case in suggesting that the special use permit process should be newly reviewed. In particular, she references residents over the age of 65 subject to the stay-at-home order and the lack of computer access by a number of residents as having prevented participation in the hearings on the special use permit. The general rule is, however, that a litigant cannot rely on the rights of others in asserting that the litigant has standing to bring a complaint. See e.g., *Warth v. Seldin*, 422 US 490, 499, 95 S. Ct. 2197, 2205, 45 L. Ed 2d 343,355 (1975); *Tileston v. Ullman*, 318 U.S. 44, 63 S. Ct. 493, 87 L. Ed 603 (1947). Here, Ms. Wilson has not alleged that she was in a vulnerable class or that she lacked access to the internet. Consequently, Ms. Wilson did not have standing to bring the Petition for Judicial Review.

**Notice of adoption of Portion of Stericycle's Answering Brief.**

Pursuant to NRAP Rule 28(i) the Board adopts Stericycle's argument III (B) in response to the argument that Mr. Hilton and Mr. Toll should be added to the



caption of the Petition with one addition. That addition is that neither Mr. Toll or Mr. Hilton utilized the appeal process set out in the 1999 zoning ordinance to seek review of the planning commission's recommendation to the board.


## CONCLUSION

Claims of due process violations were not set forth in the petition for judicial review. Further, due process claims initiating litigation cannot be joined with an essentially appellate proceeding of a petition for judicial review.

The fact that Ms. Wilson did not participate in the process leading to the issuance of the special use permit to Stericycle, Inc. means she did not have standing to file a petition for judicial review of that process.

Dated this 13<sup>th</sup> day of August, 2021.

Anne Langer District Attorney  
For Storey County, Nevada

By   
Keith Loomis  
Chief Deputy District Attorney

**CERTIFICATE OF COMPLIANCE**  
**(NRAP 28.2)**

1. 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:

X This brief has been prepared in a proportionally spaced typeface using Word 2010 in font Times New Roman size 14; or

       This brief has been prepared in a monospaced typeface using Word 2010 with 10.5 characters per inch using Times New Roman font size 14.

2. I further certify that this brief complies with the page-or-type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

X Proportionately spaced, has a typeface of 14 points or more and contains 10,902 words; or

       Does not exceed 30 pages.

3. Finally, I hereby certify that I have read this appellate 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

23(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by reference to the page and volume number, if any, 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 Procedure.

Respectfully submitted this 13th day of August, 2021.

  
\_\_\_\_\_  
Keith Loomis

### CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c)(1)(A-D)(2)(3), I certify that I am an employee of the Office of the District Attorney of Storey County, Nevada, and that on or about the 13<sup>th</sup> day of August, 2021, the foregoing **RESPONDENT** **STOREY COUNTY COMMISSIONER'S ANSWERING BRIEF** was electronically filed with the clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-filing system (Eflex). Participants in the case who are registered with the Eflex as users will be served by the Eflex system as follows:

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\_\_\_\_\_  
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