

Electronically Filed
Jun 09 2021 10:09 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

LAW OFFICES OF BYRON THOMAS
BYRON THOMAS
Nevada Bar No. 8906
3275 S. Jones Blvd. Ste. 104
Las Vegas, Nevada 89146
Phone: (702) 747-3103
Facsimile: (702) 543-4855
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

) Case No.: A-20-818624-J

) Dept. No: I

ABC RECYCLING INDUSTRIES, LLC

Petitioner,

vs.

NOTICE OF APPEAL

STATE ENVIRONMENTAL
COMMISSION political subdivision of the
State of Nevada; NEVADA DIVISION OF
ENVIRONMENTAL PROTECTION a
political subdivision of the State of Nevada
and DOES I through X and ROE
CORPORATIONS XX through XXX,
Respondents

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1 Plaintiff, ABC Recycling Industries, LLC, by and through its undersigned counsel of Law
2 Offices of Byron Thomas hereby give notice of its Appeal to the Supreme Court of Nevada of the
3 Order Denying Petition for Judicial Review, with NOE dated April 30, 2021, and attached hereto as
4 **Exhibit "A."**

5
6 Dated June 1, 2021.

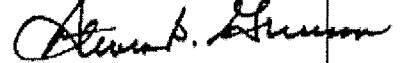
7
8 LAW OFFICES OF BYRON THOMAS

9 /s/ Byron E. Thomas

10 BYRON E. THOMAS. ESQ.
11 Nevada Bar No. 8906
12 3275 S. Jones Blvd. Ste. 104
13 Las Vegas. Nevada 89146
14 Phone: 702 747-3103
15 Facsimile: (702) 543-4855
16 Byronthomaslaw@gmail.com
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EXHIBIT "A"



1 **NEOJ**
AARON D. FORD
2 Attorney General
DANIEL P. NUBEL (Bar No. 13553)
3 Deputy Attorney General
State of Nevada
4 Office of the Attorney General
100 North Carson Street
5 Carson City, Nevada 89701-4717
T: (775) 684-1225
6 E: dnuvel@ag.nv.gov
Attorney for Respondent NDEP

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

10 ABC RECYCLING INDUSTRIES, LLC,

Case No. A-20-818624-J

11 Petitioner,

Dept. No. 1

12 vs.

13 STATE ENVIRONMENTAL
COMMISSION, a political subdivision of
14 the State of Nevada; NEVADA DIVISION
OF ENVIRONMENTAL PROTECTION,
15 a political subdivision of the State of
Nevada, and DOES I through X and ROE
16 CORPORATIONS XX through XXX,

17 Respondents.

18 **NOTICE OF ENTRY OF ORDER**
19 **DENYING PETITION FOR JUDICIAL REVIEW**

20 TO: ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

21 YOU, AND EACH OF YOU, please take notice that an Order Denying Petition for
22 Judicial Review was entered in the above-entitled matter on the 26 day of April, 2021. A
23 copy of said Order is attached hereto as Exhibit 1.

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DATED this 30th day of April, 2021.

By: /s/ Daniel P. Nubel
DANIEL P. NUBEL
Deputy Attorney General

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this 30th day of April, 2021, I served a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER DENYING PETITION FOR JUDICIAL REVIEW, by electronic service to the participants in this case who are registered with the Eighth Judicial District Court's Odyssey eFileNV File & Serve system to this matter:

/s/ Dorene A. Wright

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INDEX OF EXHIBITS

EXHIBIT No.	EXHIBIT DESCRIPTION	NUMBER OF PAGES
1.	Order Denying Petition for Judicial Review filed April 26, 2021	3

EXHIBIT 1

EXHIBIT 1

1 ORDD

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 ABC RECYCLING INDUSTRIES, LLC,

Case No. A-20-818624-J

5 Petitioner,

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6 vs.

7 STATE ENVIRONMENTAL
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9 the State of Nevada; NEVADA DIVISION
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12 ORDER DENYING PETITION FOR JUDICIAL REVIEW

13 This case comes before the Court pursuant to ABC Recycling Industries, LLC's
14 (ABC) Petition for Judicial Review, which was filed on July 27, 2020. ABC's Petition for
15 Judicial Review challenges the State Environmental Commission's decision to affirm the
16 Nevada Division of Environmental Protection decision to revoke ABC's Reclamation
17 Permit #0171. The case was fully briefed by all parties. On April 15, 2021, the Court heard
18 oral argument by all parties. After reviewing the relevant papers and hearing the
19 arguments of the parties, the Court finds, concludes, and rules as follows:

20 Based on the Court's review of the record and the law, substantial evidence in the
21 record supports the State Environmental Commission's decision in this case. The record
22 demonstrates that the State Environmental Commission properly concluded that the
23 Nevada Division of Environmental Protection did not commit an error of law in revoking

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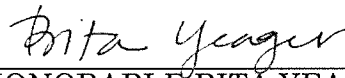
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1 ABC's Reclamation Permit #0171 based on the undisputed fact that ABC did not pay its
2 annual fee as required by statute and regulation.

3 Therefore, the Court hereby **DENIES** ABC's Petition for Judicial Review in its
4 entirety and **AFFIRMS** the decisions of the State Environmental Commission.

5 ORDERED this _____ day of _____, 2021.
6 Dated this 26th day of April, 2021

7 
8 HONORABLE BITA YEAGER
9 DISTRICT COURT JUDGE
10 04B 829 B0F0 71AB
11 Bitia Yeager
12 District Court Judge
13
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18
19
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21

22 Submitted by:

23 AARON D. FORD
24 Attorney General
25 DANIEL P. NUBEL (Bar No. 13553)
26 Deputy Attorney General
27 State of Nevada
28 Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
T: (775) 684-1225
E: DNubel@ag.nv.gov
Attorney for Respondent NDEP

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 ABC Recycling Industries, LLC., CASE NO: A-20-818624-J
7 Petitioner(s)
8 vs. DEPT. NO. Department 1
9 State Environmental
10 Commission, Respondent(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Notice of Deposition was served via the court's electronic eFile system
to all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 4/26/2021

16 Dorene Wright dwright@ag.nv.gov
17 Daniel Nubel dnubel@ag.nv.gov
18 Byron Thomas byronthomaslaw@gmail.com
19
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CASE SUMMARY
CASE SUMMARY
CASE NO. A-20-818624-J

ABC Recycling Industries, LLC., Petitioner(s)
vs.
State Environmental Commission, Respondent(s)

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§
§
§
§

Location: **Department 1**
Judicial Officer: **Yeager, Bita**
Filed on: **07/27/2020**
Case Number History:
Cross-Reference Case Number: **A818624**

CASE INFORMATION

Statistical Closures
04/26/2021 Summary Judgment

Case Type: **Other Judicial Review/Appeal**
Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-20-818624-J
Court Department 1
Date Assigned 01/04/2021
Judicial Officer Yeager, Bita

PARTY INFORMATION

Petitioner **ABC Recycling Industries, LLC.**

Lead Attorneys
Thomas, Byron E.
Retained
702-747-3103(W)

Respondent **Nevada Division of Environmental Protection**

Nubel, Daniel P.
Retained
702-245-5322(W)

State Environmental Commission

DATE


EVENTS & ORDERS OF THE COURT

INDEX


07/27/2020

 Petition for Judicial Review
Filed by: Petitioner ABC Recycling Industries, LLC.
Petition for Judicial Review


07/27/2020

 Initial Appearance Fee Disclosure
Filed By: Petitioner ABC Recycling Industries, LLC.
Initial Appearance Fee Disclosure


07/29/2020

 Clerk's Notice of Nonconforming Document
Clerk's Notice of Nonconforming Document


09/04/2020

 Summons Electronically Issued - Service Pending
Summons

09/04/2020

 Summons Electronically Issued - Service Pending
Summons






09/14/2020

 Notice of Appearance
Party: Respondent Nevada Division of Environmental Protection
Notice of Appearance for Respondent Nevada Division of Environmental Protection

CASE SUMMARY
CASE SUMMARY
CASE NO. A-20-818624-J

09/23/2020	 Statement of Intent to Participate in Petition for Judicial Filed By: Respondent Nevada Division of Environmental Protection <i>Statement of Intent to Participate in Judicial Review</i>
10/22/2020	 Record on Appeal Party: Respondent Nevada Division of Environmental Protection <i>Summary or Record on Appeal & Documents NDEP 1-173</i>
12/07/2020	 Stipulation and Order Filed by: Petitioner ABC Recycling Industries, LLC. <i>Stipulation to Extend Deadline to File Memorandum ABC Recycling (First Request)</i>
12/16/2020	 Stipulation and Order Filed by: Petitioner ABC Recycling Industries, LLC. <i>Stipulation to Extend Time for ABC Recycling to File Open Memorandum of Points and Authorities (Second Request)</i>
01/04/2021	Case Reassigned to Department 1 <i>Judicial Reassignment to Judge Bita Yeager</i>
01/25/2021	 Motion to Extend <i>Motion to Extend Deadline to File Opening Memorandum</i>
01/28/2021	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
01/28/2021	 Petitioners Opening Brief <i>Petitioner's Opening Brief</i>
02/18/2021	 Minute Order (8:00 AM) (Judicial Officer: Yeager, Bita) <i>MOTION TO EXTEND DEADLINE FOR OPENING BRIEF</i>
03/01/2021	 Answering Brief Filed By: Respondent Nevada Division of Environmental Protection <i>Respondent NDEP's Answering Brief</i>
03/10/2021	 Order <i>Order Setting Briefing Schedule and Judicial Review Hearing</i>
03/16/2021	 Order Filed By: Petitioner ABC Recycling Industries, LLC. <i>Order on Motion to Extend the Time for ABC Recycling to File Opening Memorandum of Points and Authorities (Third Request)</i>
03/31/2021	 Motion Filed By: Petitioner ABC Recycling Industries, LLC. <i>Motion to Extend the Time for ABC Recycling to File Reply Memorandum of Points and Authorities (First Request)</i>
04/02/2021	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
04/09/2021	 Order Granting Motion Filed By: Petitioner ABC Recycling Industries, LLC.

CASE SUMMARY
CASE SUMMARY
CASE NO. A-20-818624-J

	<i>Order on Motion to Extend the Time for ABC Recycling to File Reply Memorandum of Points and Authorities (First Request)</i>	
04/09/2021	 Petitioner's Reply Brief <i>Petitioner's Reply Brief</i>	
04/15/2021	 Argument (9:30 AM) (Judicial Officer: Yeager, Bita) <i>ARGUMENT ON ORDER SETTING BRIEFING SCHEDULE AND JUDICIAL REVIEW HEARING</i> <i>Parties Present: Attorney Thomas, Byron E.</i> <i>Attorney Nubel, Daniel P.</i>	
04/26/2021	 Order Denying <i>ORDER DENYING PETITION FOR JUDICIAL REVIEW</i>	
04/26/2021	Order Denying Judicial Review (Judicial Officer: Yeager, Bita) Debtors: ABC Recycling Industries, LLC. (Petitioner) Creditors: State Environmental Commission (Respondent), Nevada Division of Environmental Protection (Respondent) Judgment: 04/26/2021, Docketed: 04/27/2021	
04/30/2021	 Notice of Entry of Order Filed By: Respondent Nevada Division of Environmental Protection <i>Notice of Entry of Order Denying Petition for Judicial Review</i>	
06/01/2021	 Notice of Appeal <i>Notice of Appeal</i>	
DATE	FINANCIAL INFORMATION	
	Petitioner ABC Recycling Industries, LLC.	
	Total Charges	294.00
	Total Payments and Credits	294.00
	Balance Due as of 6/3/2021	0.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada
Case No. _____
(Assigned by Clerk's Office)

CASE NO: A-20-818624-J
Department 19

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
Attorney (name/address/phone):	Attorney (name/address/phone):

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

Date _____	<div style="text-align: center;"> Signature of initiating party or representative </div>
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See other side for family-related case filings.

Heather S. Smith

CLERK OF THE COURT

ORDD

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ABC RECYCLING INDUSTRIES, LLC,

Case No. A-20-818624-J

Petitioner,

Dept. No. 1

vs.

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Based on the Court's review of the record and the law, substantial evidence in the record supports the State Environmental Commission's decision in this case. The record demonstrates that the State Environmental Commission properly concluded that the Nevada Division of Environmental Protection did not commit an error of law in revoking

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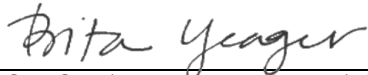
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1 ABC's Reclamation Permit #0171 based on the undisputed fact that ABC did not pay its
2 annual fee as required by statute and regulation.

3 Therefore, the Court hereby **DENIES** ABC's Petition for Judicial Review in its
4 entirety and **AFFIRMS** the decisions of the State Environmental Commission.

5 ORDERED this _____ day of _____, 2021.
6 **Dated this 26th day of April, 2021**

7 
8 **HONORABLE BITA YEAGER**
9 **DISTRICT COURT JUDGE**
10 **04B 829 B0F0 71AB**
11 **Bita Yeager**
12 **District Court Judge**

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21 Submitted by:

22
23 AARON D. FORD
24 Attorney General
25 DANIEL P. NUBEL (Bar No. 13553)
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27 State of Nevada
28 Office of the Attorney General
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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6 ABC Recycling Industries, LLC., CASE NO: A-20-818624-J
7 Petitioner(s)
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9 State Environmental
10 Commission, Respondent(s)

DEPT. NO. Department 1

11 **AUTOMATED CERTIFICATE OF SERVICE**

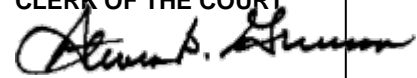
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16 Dorene Wright dwright@ag.nv.gov

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18 Byron Thomas byronthomaslaw@gmail.com



NEOJ
AARON D. FORD
Attorney General
DANIEL P. NUBEL (Bar No. 13553)
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Case No. A-20-818624-J

Dept. No. 1

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INDEX OF EXHIBITS

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EXHIBIT 1

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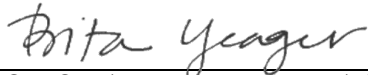
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12 **District Court Judge**

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6 ABC Recycling Industries, LLC., CASE NO: A-20-818624-J
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7 DEPT. NO. Department 1
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Judicial Review/Appeal

COURT MINUTES

February 18, 2021

A-20-818624-J ABC Recycling Industries, LLC., Petitioner(s)
vs.
State Environmental Commission, Respondent(s)

February 18, 2021 8:00 AM Minute Order

HEARD BY: Yeager, Bitu **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court, having considered the Motion to Extend Deadline filed on January 25, 2021 ORDERS the Motion GRANTED.

Mr. Thomas to prepare the Order, distribute a copy to all parties, and submit to Chambers within 10 days. All orders are to be submitted to DC1Inbox@ClarkCountyCourts.us

CLERK'S NOTE: A copy of this minute order was distributed via the E-Service list. / mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Judicial Review/Appeal**COURT MINUTES****April 15, 2021**

A-20-818624-J ABC Recycling Industries, LLC., Petitioner(s)
 vs.
 State Environmental Commission, Respondent(s)

April 15, 2021 9:30 AM Argument

HEARD BY: Yeager, Bitia **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT: Nubel, Daniel P. Attorney
 Thomas, Byron E. Attorney

JOURNAL ENTRIES

- Mr. Thomas argued the commission seem to think that it could not review a decision of in depth based on whether it being arbitrary and capricious. If that is allowed then no judgment or ruling of in depth could be reviewed by the commission when it was done in bad faith or with ill intent. Also, once you have established that arbitrary and capricious of the standard of review, you start looking to what is material or not. The fact that the type of behavior the State engaged in is material and they should have been given the opportunity to delve into that behavior with more discovery. It is the Court's understanding that the revocation was due to the annual permit fee not being paid. Court inquired what discovery would have accomplished regarding that issue. Mr. Thomas argued they believe it would have shown other promises were made to the petitioner concerning compliance which would have borne on the decision. They also believe it would have shown there was bad will in the underlining decision of bad faith in their ruling. Court NOTED there was notice of non-compliance order August 13, 2019 to be paid by September 13, 2019 and a second notice to be paid October 11, 2019. Then there was notification of a hearing and Robert Ford attend the hearing, which was on January 10. Both in the notice of the hearing and at the hearing it appears that it was very clear that they were told if the fee was not paid they would be looking at the revocation. Court inquired of what other promises were made as far as some sort of reliance that they would have had. Mr. Thomas stated one of the promises was they would work out the reclamation plan before the fees

would be come an issue. The issue they really had was how the board got the reclamation plan. The taking of the depositions or at least getting the emails or correspondence between those officials at that time, because the people who were making the decisions were not the people Mr. Ford was dealing with all a long, discovery would show there was reliance Mr. Ford was relying on the decision and statements that were being made. We believe they would be obligated by those decisions and statements. Mr. Nubel argued a reclamation plan was never submitted to NDEP by ABC. That information is found within a declaration that was submitted with their motion for summary judgment on NDEP 116. It was also admitted in the hearing which can be seen by the minutes where counsel said "I admit that maybe the reclamation plan had not actually been admitted, but there were on going negotiations between the parties concerning reclamation". There had never actually been a plan submitted that NDEP was apparently withholding approval of as is being alleged. The reasoning for not paying the fee is actually stated by Mr. Ford himself who was the officer for ABC who testified at the hearing. On NDEP 138 within the record you can see Mr. Ford said "for me to just pay \$4,000.00 a year when I can be done with this project two years ago if they stopped changing management". He apparently was upset that there had been changes within NDEP with new employees coming in, which was his reasoning for not paying the fee. Under statute and regulation is not allowed. Court NOTED the standard for reviewing administrative actions is abuse of discretion. The Court is limited to determining whether or not there was substantial evidence in the record to support the determination. It was apparent from the record that ABC had been given multiple notices regarding the non-compliance with the annual permit fee of \$4,166. that was required under the NRS 519A.260 and Nevada Adminstrtive Code 519A.235. There was multiple extensions of notice as well as the hearing that was mentioned in which Mr. Ford attended and was told if the payment was not made by January 24, 2020, which was the final deadline to pay the fee, the permit would be revoked. Based on the non-payment of the fee the COURT DOES NOT FIND the commission errored in granting NDEP's motion for summary judgment and upholding NDEP's February 6, 2020 decision to revoke the permit. Based on the substantial evidence the annual permit fee had not been paid. Further, the COURT DOES NOT FIND there was error to not allow discovery as it had to do with basically a payment or non-payment of the fee. COURT ORDERED, Petition DENIED.

Mr. Nubel All orders are to be submitted to DC1Inbox@ClarkCountyCourts.us



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

BYRON THOMAS, ESQ.
3275 S. JONES BLVD., STE 104
LAS VEGAS, NV 89146

DATE: June 3, 2021
CASE: A-20-818624-J

RE CASE: ABC RECYCLING INDUSTRIES, LLC vs. STATE ENVIRONMENTAL COMMISSION; NEVADA
DIVISION OF ENVIRONMENTAL PROTECTION

NOTICE OF APPEAL FILED: June 1, 2021

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PETITION FOR JUDICIAL REVIEW; NOTICE OF ENTRY OF ORDER DENYING PETITION FOR JUDICIAL REVIEW; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ABC RECYCLING INDUSTRIES, LLC ,

Plaintiff(s),

vs.

STATE ENVIRONMENTAL COMMISSION;
NEVADA DIVISION OF ENVIRONMENTAL
PROTECTION,

Defendant(s),


Case No: A-20-818624-J

Dept No: I

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 3 day of June 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk