

LAW OFFICES OF BYRON THOMAS  
BYRON E. THOMAS, ESQ.  
Nevada Bar No. 8906  
3275 S. Jones Blvd. Ste. 104  
Las Vegas, Nevada 89146  
Phone: 702 747-3103  
Facsimile: (702) 543-4855  
[Byronthomaslaw@gmail.com](mailto:Byronthomaslaw@gmail.com)  
Attorney for Appellant

Electronically Filed  
Jun 21 2021 05:54 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

ABC RECYCLING INDUSTRIES,  
LLC

Appellant

vs.

STATE ENVIRONMENTAL  
COMMISSION, a 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

**Supreme Court Case No.: 83027**

**District Court Case No.: A-20-  
818624-J**

**CASE APPEAL STATEMENT**

**1. Name of appellant filing this case appeal statement:**

ABC Recycling Industries, LLC.

**2. Identify the judge issuing the decision, judgment, or order appealed  
from:**

The Honorable Bita Yeager, District Court Judge, Eighth Judicial  
District Court of Nevada, Clark County, Nevada Department 1.

///

///

///

1       **3. Identify all parties to the proceedings in the district court (the use of et**  
2       **al. to denote parties is prohibited):**  
3         
4       **ABC Recycling Industries;**  
5         
6       **State Environmental Commission;**  
7         
8       **Nevada Department of Environmental Protection.**  
9         
10      **4, Identify all parties involved in this appeal:**  
11        
12      **ABC Recycling Industries;**  
13        
14      **State Environmental Commission;**  
15        
16      **Nevada Department of Environmental Protection.**  
17        
18        
19        
20        
21        
22        
23        
24      **4. Set forth the name, law firm, address, and telephone number of all**  
25      **counsel on appeal and identify the party or parties whom they represent:**  
26        
27      Byron E. Thomas  
28      The Law Offices of Byron Thomas  
       3275 S. Jones Blvd, #104  
       Phone: 702 747-3103  
       Attorney for Appellant ABC Recycling Industries LLC,  
       Aaron Ford  
       Daniel P. Nubel  
       State of Nevada Office of the Attorney General  
       100 N. Carson Street  
       Carson City Nevada 89701  
       Attorney for Respondents State Environmental Commission Nevada  
       Department of Environmental Protection  
         
29      **5. Indicate whether appellant was represented by appointed or retained**  
30      **counsel in the district court:**  
31        
32      Appellant was represented by retained counsel.  
33        
34      ///  
35      ///

1 **6. Indicate whether appellant is represented by appointed or retained**  
2 **counsel on appeal:**

3 Appellants are represented by retained counsel on appeal.

4 **7. Indicate whether appellant was granted leave to proceed *in forma***  
5 ***pauperis*, and the date of entry of the district court order granting such**  
6 **leave:**

7 Appellants were not granted leave to proceed *in forma pauperis*.

8 **8. Indicate the date of the proceedings commenced in the district court (e.g.,**  
9 **date complaint, indictment, information, or petition was filed:**

10 This Administrative Appeal was filed on July 27, 20202.

11  
12 **9. District court case number and caption showing the names of all parties**  
13 **to the proceedings below, but the use of et al. to denote parties is**  
14 **prohibited:**

15 **IN THE EIGHTH JUDICIAL DISTRICT, CLARK COUNTY NEVADA**

16 ABC RECYCLING INDUSTRIES, LLC  
17 Petitioner

Case No. A-20-818624-J

18 vs.

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

Respondents/Cross-Petitioner

24  
25 ///

26 ///

27 ///

28

1 **10. Whether any of respondents' or appellants' attorneys are not licensed to**  
2 **practice law in Nevada, and, if so, whether the district court granted that**  
3 **attorney permission to appear under SCR 42, including a copy of any**  
4 **district court order granting that permission:**

5 Based upon information and belief, and a review of the District Court Docket,  
6 all attorneys for respondents and appellant are licensed to practice law in  
7 Nevada.

8 **11. Brief description of the nature of the action and result in district court,**  
9 **including the type of judgment or order being appealed and the relief**  
10 **granted by the district court:**

11 Appellant alleges that the revocation of its water permit was not based on  
12 non-payment of fees, but was rather based on ill will or bad faith and was  
13 thus arbitrary and capricious and Appellant should have been allowed to  
14 complete additional discovery. The district court ruled that revocation of the  
15 permit was not arbitrary or capricious and that no additional discovery was  
warranted.

16 **12. Whether the case has previously been the subject of an appeal to or**  
17 **original writ proceeding in the Supreme Court and, if so, the caption and**  
18 **Supreme Court docket number of the prior proceeding:**

19 The case has not previously been the subject of an appeal to or original writ  
20 proceeding in the Supreme Court.

21 / / /

22

23 / / /

24

25 / / /

26

27 / / /

28

1 **13. Whether the appeal involves child custody or visitation:**

2 The appeal does not involve child custody or visitation.

3 **14. In civil cases, whether the appeal involves the possibility of settlement**

4 At this point there is a possibility of settlement

5  
6 Dated this 21<sup>th</sup> day of June 2021

7 LAW OFFICES OF BYRON THOMAS

8 /s/ Byron E. Thomas

9 BYRON E. THOMAS, ESQ.  
10 Nevada Bar No. 8906  
11 3275 S. Jones Blvd. Ste. 104  
12 Las Vegas, Nevada 89146  
13 Phone: 702 747-3103  
14 Facsimile: (702) 543-4855  
15 [Byronthomaslaw@gmail.com](mailto:Byronthomaslaw@gmail.com)  
16 Attorney for Appellant  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28