

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS POLICE PROTECTIVE
ASSOCIATION, INC.

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT, IN AND FOR THE COUNTY OF
CLARK, STATE OF NEVADA,
DEPARTMENT XXVII, THE HONORABLE
NANCY L. ALLF,

Respondent,

and

JORDAN TRAVERS and LAS VEGAS
METROPOLITAN POLICE DEPARTMENT,

Real Parties in Interest.

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**PETITION FOR WRIT OF
MANDAMUS OR WRIT OF
PROHIBITION**

Petition from the Eighth Judicial District Court, Clark County, Nevada
Dept. No. XXVII, Case No. A-21-832601-P

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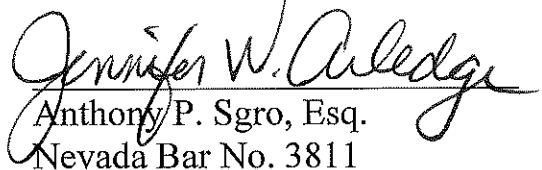
NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in Nevada Rule of Appellate Procedure (NRAP) 26.1(a) and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal:

1. Attorneys of Record for Petitioner: Anthony P. Sgro, Esq. and Jennifer Willis Arledge, Esq., of Sgro & Roger, and David Roger, Esq.
2. Attorneys of Record for Respondent: Unknown.
3. Attorneys of Record for Real Party in Interest Jordan Travers: Daniel Marks, Esq. and Adam Levine, Esq. of Law Office of Daniel Marks.
4. Attorneys of Record for Real Party in Interest Las Vegas Metropolitan Police Department: Nicholas D. Crosby, Esq. of Marquis Aurbach Coffing.
5. Publicly held companies associated: None.

DATED this 16th day of November, 2021.

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ROUTING STATEMENT

Petitioner submits that this matter is correctly retained by the Supreme Court under NRAP 17(a) because it is a matter raising as a principal issue a question of statewide public importance. NRAP 17(a)(12). It is in the public's interest to ensure that contracts and collective bargaining agreements are enforced to the extent that they are in accord with Nevada Law. This matter involves the rights of the police officers' union under the collective bargaining agreement between Las Vegas Metropolitan Police Department and the exclusive bargaining agent, Las Vegas Police Protective Association, Inc. Labor peace and stability in an area as vital as public safety is indisputably a necessity and serves the public interest, and therefore is a question of statewide public importance.

RELIEF SOUGHT

Petitioner Las Vegas Police Protective Association, Inc. ("LVPPA") is requesting this Honorable Court to issue a writ of mandamus compelling the Eighth Judicial District Court to terminate the permanent injunction that it issued on May 21, 2021, in Eighth Judicial District Court Case No. A-21-832601-P, *Jordan Travers v. Las Vegas Metropolitan Police Department*, and to allow the Petitioner to intervene and to join in the action because Petitioner is a necessary and indispensable party thereto. In the alternative, Petitioner requests that this Court issue a writ prohibiting enforcement of the permanent injunction that was issued on May 21,

2021, until Petitioner is afforded notice and an opportunity to be heard on the Petition for Permanent Injunction in the Eighth Judicial District Court. Petitioner has satisfied the procedural requirements of verification and proof of service. See pages 19 and 21 in the instant petition.

ISSUES PRESENTED

- A. Whether Petitioner Las Vegas Police Protective Association, Inc. is a necessary and indispensable party to the action that was filed in the Eighth Judicial District Court under case number A-21-832601-P?
- B. If Petitioner Las Vegas Police Protective Association, Inc. is a necessary and indispensable party to the action, did the District Court err by issuing a permanent injunction in favor of Jordan Travers without providing the Las Vegas Police Protective Association, Inc. with notice and an opportunity to be heard on Travers's Petition for Injunctive Relief Pursuant to NRS 289.120?

PROCEDURAL AND FACTUAL HISTORY

Petitioner Las Vegas Police Protective Association, Inc. ("LVPPA") is the only recognized (exclusive) bargaining agent for non-supervisory police officers employed by Las Vegas Metropolitan Police Department ("LVMPD") and the sole representative for officers in administrative investigations, hearings and related

matters pursuant to NRS Chapter 288¹. Disputes between employers and employees arising under NRS Chapter 288 are heard by the Employee-Management Relations Board (“EMRB”), an administrative board created for that purpose. The EMRB has authored written decisions concerning the rights of non-union members to have representation at grievances as well as the exclusive bargaining unit’s right to participate in grievance proceedings.

One such decision was the subject of a petition for judicial review filed in the First Judicial District Court in *Washoe Ed. Support Professionals v. State of Nevada, Local Government Employees-Management Relations Board*, Case No. 09 OC 00086 1B (2010). In *Washoe Ed.*, the Judge addressed the scope of a non-member employee’s right under NRS 288.140(2) to be represented by another person in a grievance, specifically, an agent or employee of an organization other than the recognized bargaining agent. The *Washoe Ed.* case has been cited and followed by the EMRB in subsequent administrative cases. In *Lyon Cnty Educ. Ass’n., Case No. 2016-011, Item No. 817 (Emp. Rel. Mgmt. Board Oct. 20, 2016) (Ord. on Petition for Declaratory Ruling)*, 2016 WL 6947474, the EMRB expressly adopted aspects of the district court’s ruling in *Washoe Ed.*, including the ability of an employee to have “counsel” at a grievance proceeding. The term “counsel” has been interpreted

¹ NRS 288.133 defines "Bargaining agent" as, "an employee organization recognized by the local government employer as the exclusive representative of all local government employees in the bargaining unit for purposes of collective bargaining."

to include a friend, relative, or co-worker, or an attorney retained by the employee. (APP 003). However, in *Lyon Co.*, the EMRB held that the employer has the obligation to inquire of the employee and the person appearing as the employee's representative concerning "(a) the status of the employee as a member or nonmember of the employee organization serving as recognized bargaining agent for the unit; (b) the nature of the relationship between the employee and his representative (e.g. whether the representative is an attorney, friend, relative or coworker of the employee); and (c) the employment or affiliation of the representative....[T]he inquiry is necessary to ensure that the status of the recognized bargaining agent is respected, that the employer does not commit a prohibited practice, and that a representative of the bargaining agent is present in every case where the presence of such a representative is permitted or required." (APP 003).

The EMRB further held in *Lyon Co.*, that an agent or representative of a rival employee organization cannot participate in the proceedings where the employer knows or reasonably believes that the representative is serving *to any extent* in his "union" capacity, on behalf of the rival organization. (APP 003). Where the employer knows or reasonably believes that the representative is serving *entirely independently* of the rival organization as (for example) a friend, relative or co-worker of the employee, the representative's participation is permissible. (APP 003). (Emphasis in original).

NRS Chapter 289, known as the “Peace Officer Bill of Rights,” sets forth procedural safeguards for peace officers to supplement the protections of NRS 288. NRS 289.080(1) states, “Except as otherwise provided in subsection 5, a peace officer who is the subject of an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during any phase of an interrogation or hearing relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer.”

On June 17, 2020, the EMRB issued a decision in *Nev. Highway Patrol Ass’n, Case No. 2020-011, Item No. 865 (Emp. Rel. Mgmt. Board June 17, 2020) (Declaratory Ord.)* (“NHPA Decision”) which dealt with the ability of other organizations not recognized as the exclusive representative to represent employees in matters not involving collective bargaining such as grievances, OPR investigations, and critical incidents. (APP 005). While recognizing its authority is limited to matters arising from NRS 288, the EMRB noted that NRS 289 does not appear in conflict with NRS 288 and can be read to render a harmonious result. (APP 011). The NHPA Decision reaffirmed the *Lyon Co.* decision and went on to discuss the compelling policy reasons for preventing agents of rival associations from participating in grievances and the collective bargaining process, including impairing the efficiency and utility of the grievance and collective bargaining

process, undermine the position of the recognized bargaining agent, and effectively destabilize employee-management relations in the public sector. (APP 015-016). The EMRB further stated that designating one union as the “exclusive representation of employees allows them to speak with one voice, pooling economic strength, ensure their rights are not watered down by divisiveness, [and] respond with institutional knowledge when employers disparately treat them....” (APP 016).

While recognizing that EMRB's authority is limited to interpreting NRS Chapter 288, the EMRB's decision provides logical and persuasive reasons why another association should not be allowed to represent officers during NRS 289 investigations. Arguably, NRS 289's procedural rights are merely an extension of NRS 288 which addresses substantive rights of employers and employees.

After the EMRB issued the NHPA Decision, on July 2, 2020, the Nevada Association of Public Safety Officers (“NAPSO”) (another unrecognized organization of police officers) filed an action in the Eighth Judicial District Court seeking judicial review of the NHPA Decision. (APP 020). That case was assigned to Department 9 and given case number A-20-817491-P. On July 22, 2020, NAPSO filed a notice of dismissal of that case. (APP 039).

On December 28, 2020, NAPSO filed another complaint in the Eighth Judicial District Court, this time against LVMPD and LVPPA claiming that LVMPD and LVPPA have interfered with NAPSO’s ability to represent its members at

disciplinary and investigatory proceedings by excluding NAPSO attorneys from the proceedings. (APP 043). That case was assigned to Judge Trujillo and given case number A-20-827022-C. (APP 043). Two weeks later, on January 13, 2021, NAPSO filed an Ex Parte Application for Temporary Restraining Order and Motion for Preliminary Injunction. (APP 056). The Temporary Restraining Order (“TRO”) sought to enjoin Defendants from preventing NAPSO members from utilizing private counsel to attend hearings and other adjudicatory matters which could result in disciplinary action against the NAPSO member officer. (APP 056). LVPPA filed an opposition (APP 101) and LVMPD filed a response. (APP 095). A hearing on the TRO was held on January 22, 2021. At the conclusion of the hearing, Judge Trujillo orally denied NAPSO’S motion for a Temporary Restraining Order (“TRO”) and the written order was filed on March 9, 2021. (APP 162).

On April 8, 2021, after Judge Trujillo denied NAPSO’s TRO, Real Party in Interest, Jordan Travers, filed a Petition for Injunctive Relief seeking a permanent injunction “to prohibit LVMPD from denying any peace officer a representative of their own choosing pursuant to NRS 289.080(1) and (2).” (APP 174). The issues in that case specifically dealt with the ability of Travers, a nonmember of the union, to utilize an attorney provided by the Fraternal Order of Police Legal Defense Plan at an investigatory interview. (APP 174). The Real Parties in Interest were fully aware of LVPPA’s rights as exclusive bargaining agent as well as the prior EMRB

decisions as both were discussed in their briefing in the district court. (APP 174 & 276). Real Party in Interest LVMPD was a party in both the NAPS0 matter and the Travers matter, and was present at the TRO hearing before Judge Trujillo. (APP 095, 162, 174 & 276). However, LVMPD failed to inform the district court of LVPPA's interest in the proceedings and allowed the district court to enter a broad-sweeping permanent injunction against LVMPD that would have a direct impact on LVPPA's rights as exclusive bargaining agent of LVMPD officers. (APP 276). Rather than attempt to intervene in the existing NAPS0 case which was first-filed, Travers filed a new case and LVMPD remained silent as to the related case. (APP174 & 330).

On May 27, 2021, the district court entered Findings of Fact, Conclusions of Law and Order Granting Permanent Injunction Pursuant to NRS 289.120, permanently enjoining LVMPD "from denying any peace officer in its employ during any phase of any interview, interrogation, or hearing the right to be represented by two representatives of the peace officer's own choosing including, without limitation, a lawyer, a representative of a labor union or another peace officer." (APP 335). On June 22, 2021, LVPPA filed a motion to intervene. (APP 354). Plaintiff filed an opposition. (APP 471). LVMPD filed a response. (APP 526). After hearing oral argument, the district court denied LVPPA's motion to intervene. (APP 539). In the order denying LVPPA's motion, the district court

stated, “[t]he Court wishes that LVPPA had been involved in the case from the beginning, and certainly would have allowed intervention if it had been sought before the final judgment was entered.” (APP 570).

POINTS AND LEGAL AUTHORITIES

A. AUTHORITY TO ISSUE WRITS

The Nevada Supreme Court has original jurisdiction to issue writs of prohibition or mandamus under Nev. Const. Article 6, section 4. *State v. Second Judicial Dist. Court ex rel. Cty. of Washoe*, 120 Nev. 254, 258, 89 P.3d 663, 665 (2004). This Court will issue a writ of mandamus “to compel the performance of an act which the law requires as a duty resulting from an office or where discretion has been manifestly abused or exercised arbitrarily or capriciously.” *Hidalgo v. Dist. Ct.*, 124 Nev. 330, 334, 184 P.3d 369, 373 (2008) (*quoting Redeker v. Dist. Ct.*, 122 Nev. 164, 167, 127 P.3d 520, 522 (2006)). A writ of prohibition is the counterpart of the writ of mandamus. This Court will issue a writ of prohibition to “arrest[] the proceedings of any tribunal, corporation, board or person exercising judicial functions, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person.” NRS 34.320.

A writ shall issue when the petitioner has no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. Ultimately, the decision to entertain a writ is within the discretion of the court. *State v. Dist. Ct. (Armstrong)*,

127 Nev. 927, 931, 267 P.3d 777, 779 (2011). In deciding whether or not to entertain a writ, a court must “consider[] whether judicial economy and sound judicial administration militate for or against issuing the writ.” *Id.* at 779-80 (*quoting Redeker v. Dist. Ct.*, 122 Nev. 164, 167, 127 P.3d 520, 522 (2006), limited on other grounds by *Hidalgo v. Dist. Ct.*, 124 Nev. 330, 341, 184 P.3d 369, 377 (2008)). This includes a consideration of whether “an important issue of law needs clarification and public policy is served by this court's invocation of its original jurisdiction,” *Id.* (*quoting Business Computer Rentals v. State Treas.*, 114 Nev. 63, 67, 953 P.2d 13, 15 (1998)).

B. LAS VEGAS POLICE PROTECTIVE ASSOCIATION IS A NECESSARY AND INDISPENSABLE PARTY TO THE EIGHTH JUDICIAL DISTRICT COURT ACTION

Nevada Rule of Civil Procedure 19(a) states that:

A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:

- (A) in that person’s absence, the court cannot accord complete relief among existing parties; or
- (B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person’s absence may:
 - (i) as a practical matter impair or impede the person’s ability to protect the interest; or

- (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.”

“The ultimate goal of NRCP 19 is to promote efficiency and conserve judicial resources by reducing duplicative and piecemeal litigation and avoiding potentially inconsistent outcomes.” *Rose, LLC v. Treasure Island, LLC*, 135 Nev. 145, 159, 445 P.3d 860, 871 (Nev. App. 2019). This Court has previously held that NRCP 19 “reflects certain long-standing policies prevailing in equitable actions.” *Univ. of Nevada v. Tarkanian*, 95 Nev. 389, 395, 594 P.2d 1159, 1163 (1979).

“In such cases, all persons with an interest in the subject matter of the suit are to be made parties so that there may be a complete decree which shall bind them all. If the interest of the absent parties may be affected or bound by the decree, they must be brought before the court, or it will not proceed to a decree. If a defendant before the court may be subjected to future litigation, or danger of loss, under the decree, the absent person must be made a party.” *Id.* (internal citations omitted).

In *University of Nevada v. Tarkanian*, this Court considered whether the National Collegiate Athletic Association (hereinafter “NCAA”) was a necessary party to an action in which former University of Nevada Las Vegas (hereinafter “UNLV”) Basketball Coach, Jerry Tarkanian (hereinafter “Tarkanian”), filed suit against UNLV seeking declaratory and injunctive relief from sanctions which UNLV had imposed against him, pursuant to the investigatory findings and penalty recommendations of the NCAA. *Id.* at 394. As a member of the NCAA, UNLV was contractually bound to “administer its athletic program in accordance with

NCAA legislation.” *Id.* at 391. During the 1970s, the NCAA investigated UNLV for violations of NCAA legislation and it recommended “penalties to be imposed on UNLV for such violations.” *Id.* at 392. Included in the penalty section was an order directing UNLV to show cause why additional penalties should not be imposed if it did not sever its relationship with Tarkanian “during the period of the University's probation.” *Id.* While UNLV disagreed with the NCAA’s findings, it ultimately concluded that “it was bound by the findings of the NCAA.” *Id.* at 393.

Thereafter, Tarkanian filed suit, seeking a declaration that Tarkanian “had been denied procedural and substantive due process of law” and an “injunction restraining enforcement of the NCAA sanction by [UNLV].” *Id.* Much of the litigation surrounding Tarkanian’s complaint focused on the “procedures, findings and penalty of the NCAA.” *Id.* There, this Court, found that it was clear from the record that the NCAA was a necessary and indispensable party under NRCP 19(a) because complete relief could not be rendered in the NCAA’s absence. *Id.* at 397.

The Court specifically noted that “the interest of the NCAA in the subject matter of [the] litigation was such that either [UNLV] would be affected, or the NCAA's ability to protect its interests would be impaired, and in either case further litigation of the controversy would be likely, should it proceed without joinder of the NCAA.” *Id.* at 396. The Court further noted that to consider the case without

involving the NCAA “would require [Tarkanian] to forego constitutional claims to which he may well be entitled.” *Id.* at 397.

None of the interested parties, including Tarkanian, UNLV, and the NCAA sought joinder of the NCAA in the action. *Id.* at 399. However, the Court noted that “the enforcement of [NRCP Rule 19(a)] is not left to the parties themselves” and that the trial or appellate court can raise the issue of joinder of a necessary and indispensable party *sua sponte*. *Id.* at 396. Accordingly, the Court remanded the case for joinder of the NCAA. *Id.* at 398-399.

Here, like the NCAA in *University of Nevada v. Tarkanian*, LVPPA is a necessary and indispensable party to the action between Jordan Travers and LVMPD (hereinafter the “Travers Action”). In the Travers Action, Judge Allf issued a permanent injunction that permanently enjoins the LVMPD from preventing counsel from rival employee organizations from representing peace officers at any interview, interrogation, or hearing that is being conducted by LVMPD pursuant to NRS 289.057. Judge Allf’s order in the Travers Action directly contradicts Judge Trujillo’s order in Eighth Judicial Court case number A-20-827022-C. Beyond that, the permanent injunction severely impairs LVPPA’s ability to protect its statutory and contractual interests under Chapter 288 of the Nevada Revised Statutes and the Collective Bargaining Agreement between LVPPA and LVMPD.

There is extensive and ongoing litigation surrounding the issue of who may appear with peace officers at interrogations or hearings being conducted by law enforcement agencies, pursuant to NRS 289.057. LVPPA, as the exclusive representative for non-supervisory peace officers employed by LVMPD, has a clear interest in the outcome of any litigation concerning the ability of counsel from rival employee organizations to represent peace officers at any interview, interrogation, or hearing that is being conducted by LVMPD pursuant to NRS 289.057.

As this Court has previously held, if the “interest of the absent parties may be affected or bound by the decree, they must be brought before the court, or it will not proceed to a decree. If a defendant before the court may be subjected to future litigation, or danger of loss, under the decree, the absent person must be made a party.” *Univ. of Nevada v. Tarkanian*, 95 Nev. 389 at 395. Here, LVPPA’s interests are clearly affected by the permanent injunction because it limits LVPPA’s ability to enforce its contractual and statutory rights. Moreover, the failure to join LVPPA as a necessary party in the Travers Action will result in further litigation of the controversy. Accordingly, Judge Allf’s order directing the issuance of a permanent injunction without first joining LVPPA as a necessary and indispensable party to the Travers Action was impermissible under NRCP 19(a). Therefore, this Court should issue a writ directing Judge Allf to terminate the permanent injunction that she issued

in Eighth Judicial District Court Case No. A-21-832601-P, *Jordan Travers v. Las Vegas Metropolitan Police Department*, and allow the Petitioner to join in the action.

C. THE DISTRICT COURT ERRED BY ISSUING A PERMANENT INJUNCTION IN FAVOR OF JORDAN TRAVERS WITHOUT PROVIDING THE LAS VEGAS POLICE PROTECTIVE ASSOCIATION WITH NOTICE AND AN OPPORTUNITY TO RESPOND TO TRAVERS' PETITION FOR INJUNCTIVE RELIEF PURSUANT TO NRS 289.120

LVPPA is a necessary and indispensable party to the Travers Action pursuant to NRCP 19(a), and the district court erred by issuing a permanent injunction in favor of Real Party in Interest, Jordan Travers, without first providing LVPPA with notice and an opportunity to be heard.

It is well-settled law in Nevada that “[f]ailure to join an indispensable party is fatal to a judgment.” *Schwob v. Hemsath*, 98 Nev. 293, 294, 646 P.2d 1212, 1212 (1982); *Guerin v. Guerin*, 114 Nev. 127, 132, 953 P.2d 716, 719 (1998), abrogated on other grounds by *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 5 P.3d 569 (2000); *Gladys Baker Olsen Fam. Tr. By & Through Olsen v. Eighth Jud. Dist. Ct. In & For Cty. of Clark*, 110 Nev. 548, 554, 874 P.2d 778, 782 (1994).

Here, while the issue of whether LVPPA was a necessary or indispensable party was raised at the hearing on LVPPA’s Motion to Intervene on August 18, 2021, the district court failed to make any findings as to whether LVPPA was, in fact, a necessary or indispensable party under NRCP 19(a). Instead, the district court focused on the fact that it had already issued a final order via its issuance of a

permanent injunction in favor of Jordan Travers. (APP 558:5-10). In fact, in the Order Denying Las Vegas Police Protective Association's Motion to Intervene, the District Court noted that "had [LVPPA] been involved in the case from the beginning, it certainly would have allowed intervention. . . [but] [i]n light of the Court's disposition, it is not necessary for the Court to address whether LVPPA was a necessary or indispensable party...." (APP 565-566).

The District Court's position is clearly erroneous because "the enforcement of [NRCF Rule 19(a)] is not left to the parties themselves" and the trial or appellate court can raise the issue of joinder of a necessary and indispensable party *sua sponte*. *Univ. of Nevada v. Tarkanian*, 95 Nev. at 396. Accordingly, the District Court should have made a determination as to whether LVPPA was a necessary or indispensable party at the hearing on LVPPA's Motion to Intervene. Moreover, the fact that a final order had been issued in the matter is irrelevant to that determination. It is clear from the record that LVPPA is a necessary and indispensable party to the Travers Action. Accordingly, the District Court's failure to join LVPPA as a party to the action is fatal to the Order issuing a permanent injunction in favor of Real Party in Interest, Jordan Travers. Therefore, this Court should issue a writ directing Judge Allf to terminate the permanent injunction that she issued in Eighth Judicial District Court Case No. A-21-832601-P, *Jordan Travers v. Las Vegas Metropolitan Police Department*, and allow the Petitioner to join in the action.

CONCLUSION

Based on the foregoing, it is clear that under NRCP 19(a), Petitioner, Las Vegas Police Protective Association, Inc. is a necessary and indispensable party in Eighth Judicial District Court Case No. A-21-832601-P, Jordan Travers v. Las Vegas Metropolitan Police Department. Accordingly, Judge Allf erred by issuing a permanent injunction in favor of Real Party in Interest, Jordan Travers, without first providing the Las Vegas Police Protective Association, Inc. with notice and an opportunity to respond.

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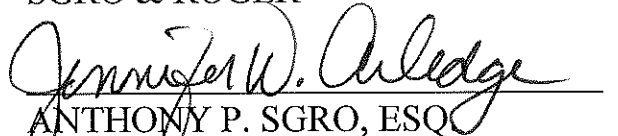
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Courts are mandated to enforce joinder of necessary parties under NRCP 19(a), and the failure to do so is fatal to any judgment issued without notice to the indispensable party. Therefore, Petitioner respectfully requests that this Court issue a writ directing Judge Allf to terminate the permanent injunction that she issued in Eighth Judicial District Court Case No. A-21-832601-P, Jordan Travers v. Las Vegas Metropolitan Police Department, and to permit Las Vegas Police Protective Association, Inc. to join in the action such that the Petitioner has an appropriate opportunity to defend its interests in the matter. Alternatively, Petitioner requests that this Court issue a writ prohibiting the enforcement of the permanent injunction.

Dated this 16th day of November, 2021.

Respectfully submitted,

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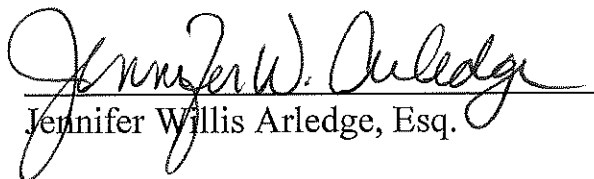
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VERIFICATION

The undersigned, Jennifer Willis Arledge, Esq., hereby verifies that the facts stated herein are within my knowledge and are true to the best of my information and belief.

I declare under penalty of perjury in the State of Nevada that the foregoing is true.


Jennifer Willis Arledge, Esq.

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 for Office 365 in 14-point Times New Roman font.

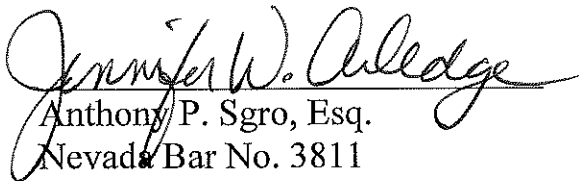
I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionally spaced, has a typeface of 14 points of more, and contains 5,292 words.

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(28)(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to 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.

Dated this 16th day of November, 2021.

Respectfully Submitted,

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PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PETITION FOR WRIT OF MANDAMUS OR WRIT OF PROHIBITION and three volumes of the Appendix were served via hand delivery on November 16th, 2021, upon the following:

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Eighth Judicial District Court
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