

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHARI KASSEBAUM

Appellant,

vs.

THE STATE OF NEVADA DEPARTMENT
OF CORRECTIONS,

Respondents.

Supreme Court No. 83942

District Court: Electronically Filed
Jan 31 2022 03:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO CONSOLIDATE WITH DOCKET NO. 84008

This is one (1) of two (2) appeals filed by Sgt. Sherry Kassebaum against the Department of Corrections. The other appeal is Docket No. 84008.

Both cases arise out of disciplinary appeals brought by Kassebaum pursuant to NRS 284.390 which were dismissed on "jurisdictional" grounds. The issues presented in both appeals are identical: whether the requirement under the Personnel Commission Regulation at NAC 284.6562(2)(b) that the appeal form be "Accompanied by the written notification of the appointing authority's decision regarding the proposed action" is "jurisdictional", and whether the denial of a post suspension appeals hearing violates federal constitutional due process under *Gilbert v. Homar*, 520 U.S. 942 (1997). Only difference between the two appeals is that this case (Docket 83942) involved a two (2) day suspension without pay, and Docket 84008 involved a fifteen (15) day suspension without pay.

Briefing schedules for both appeals issued on January 24, 2022. There should be no need to file separate appendices or separate briefs between the two (2) appeals. Accordingly, Appellant Sherry Kassebaum requests that both appeals be consolidated for briefing and decision.

DATED this 31st day of January 2022.

LAW OFFICE OF DANIEL MARKS



ADAM LEVINE, ESQ.
Nevada State Bar No. 004673
610 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Appellant

CERTIFICATE OF COMPLIANCE WITH NRAP 28(e)
AND NRAP 32(a)(8)

I hereby certify that I have read this Motion to Consolidate with Docket No. 84008 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 Motion to Consolidate with Docket No. 84008 complies with all applicable Nevada Rules of Appellate Procedure, in particular, NRAP 28(e), which requires every assertion in the regarding any material issue which may have been overlooked to be supported by a reference to the page of the transcript or appendix where the matter overlooked is to be found.

I further certify that this Motion to Consolidate with Docket No. 84008 is formatted in compliance with NRAP 32(a)(4-6) as it has one (1) inch margins and uses New Times Roman - font size 14 has 5 pages, double-spaced, and contains 609 words. I understand that I may be subject to sanction in the event that the

///

///

///

///

///

accompanying Motion to Consolidate with Docket No. 84008 is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 31st day of January 2022.

LAW OFFICE OF DANIEL MARKS



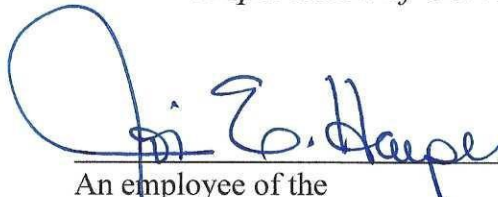
ADAM LEVINE, ESQ.,
Nevada State Bar No. 004673
610 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Appellant

CERTIFICATE OF SERVICE BY ELECTRONIC MEANS

I hereby certify that I am an employee of the Law Office of Daniel Marks and that on the 31st day of January 2022, I did serve the above and forgoing MOTION TO CONSOLIDATE WITH DOCKET NO. 84008, by way of Notice of Electronic Filing provided by the court mandated E-Flex filing service, at the following:

Michelle Di Silvestro Alanis, Esq.,
Supervising Sr. Deputy Attorney General
Office of the Attorney General
555 E. Washington Avenue, #3900
Las Vegas, Nevada 89101
Email: MAlanis@ag.nv.gov
Attorneys for Respondents
Attorneys for State of Nevada
Department of Corrections

Kevin A. Pick
Senior Deputy Attorney General
Office of the Attorney General
5420 Kietzke Lane, Suite 202
Reno, NV 89511
Tel: (775) 687-2129
Fax: (775) 688-1822
Attorneys for State of Nevada
Department of Corrections



An employee of the
LAW OFFICE OF DANIEL MARKS