

FILED

MAR 28 2022

ELIZABETH A. CROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHARI KASSEBAUM,

Appellant,

vs.

NEVADA DEPARTMENT OF  
CORRECTIONS,

Respondent.

SUPREME COURT CASE NO. 83942

DISTRICT COURT CASE NO. A811982

DEPT. NO. XXI

CERTIFICATE OF SERVICE

I, Robin Page, certify that I am the Court Recorder in Department XXI, District Court, Clark County, Nevada; that there were two dates requested on the original request for transcripts, September 22, 2021, and October 1, 2021; that the September 22, 2021 hearing was filed in Odyssey on February 24, 2022; that the October 1, 2021 date had no hearing held and was a chamber's matter. Please consider my obligation on this case complete as there was no actual hearing.

I've attached the minutes stating no hearing held and previously informed Counsel Adam Levine, Esq., the requesting party.

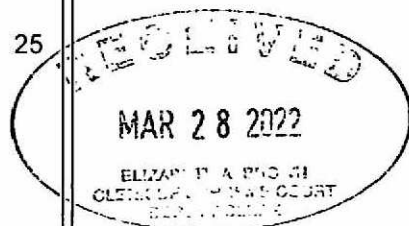
Dated this 23<sup>rd</sup> day of March, 2022.

*Robin Page*

ROBIN PAGE

Court Recorder/Transcriber

Eighth Judicial District Court, Dept. XXI



22-09539

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Judicial Review/Appeal****COURT MINUTES****October 01, 2021**

A-20-811982-J      Shari Kassebaum, Petitioner(s)  
                                  vs.  
                                  Nevada Department of Corrections, Respondent(s)

**October 01, 2021      3:00 AM      Minute Order - Petition for Judicial Review:  
 Respondent, Department of Corrections' Request to  
 Set Matter for Hearing**

**HEARD BY:** Clark Newberry, Tara      **COURTROOM:** Chambers

**COURT CLERK:** Carina Bracamontez-Munguia/cbm

**PARTIES**      None. Minute order only - no hearing held.  
**PRESENT:**

**JOURNAL ENTRIES**

The Court having further reviewed District Court Case. A-20-811982-J, Ray Allen v. State of Nevada ex rel, the September 22, 2021 Hearing in this matter, the February 22, 2021 Petitioners Opening Brief, the April 8, 2021 Respondent's Answering Brief, the May 25, 2021 Petitioner's Reply Brief, the February 8, 2021 Transmittal of Record on Appeal, and the entirety of the Record, finds the legal assertions in Respondent's Answering Brief persuasive. Specifically, the COURT FINDS substantial evidence to support the Appeal's Officer's granting of NDOC's Motion to Dismiss Appeal for Lack of Jurisdiction. Pursuant to NAC 284.6562(2)(b), Kassebaum failed to attach the written notification of her final discipline to her appeal form. Additionally, Kassebaum failed to oppose NDOC's Motion to Dismiss as her Limited Opposition did not contest the jurisdictional challenge by NDOC in failing to attach the final discipline form, but rather solely disputed the facts. In doing so, Kassebaum failed to preserve the jurisdictional issue for appeal and therefore it is deemed waived for purposes of this Petition for Judicial Review. Lastly, the COURT FINDS the Appeal's Officer applied the appropriate standard of evidence, made thorough findings of fact, and applied the relevant law to the case. Therefore, it is ORDERED that the Petition for Judicial Review is DENIED.

Per EDCR 7.21, within 14 days, Counsel for Respondent to prepare the Proposed Order, circulate to Counsel for Petitioner for signature as to Form and Content, and submit to [dc21inbox@clarkcountycourts.us](mailto:dc21inbox@clarkcountycourts.us). Counsel for Respondent may use the legal arguments contained within their Answering Brief as a basis of the Order.

CLERK'S NOTE: The above minute order has been electronically served to parties via e-mail and/or Odyssey File & Serve. //cbm 10-01-2021