

FILED

MAR 03 2022

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: [Signature]
DEPUTY CLERK

MICHAEL BRUCE BYNOE

Appellant,

vs.

The State of Nevada et al

Respondent.

Supreme Court No. 84266

District Court No. CV20-00749 Dept 10

TO: _____
Court Reporter Name

_____ requests preparation of a transcript of the proceedings before the district court, as follows:

Judge or officer hearing the trial or hearing: _____

Date(s) of trial or hearing: _____

Portions of the transcript requested: Appealed 2nd Judge Sigurdson's Interlocutory Order dismissing my motion for her to adjudicate 1st Amend Complaint approved by 1st Judge / no Ct minutes

Number of copies required: _____

Name of person requesting transcripts

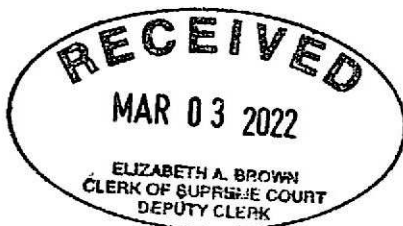
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CERTIFICATION

I certify that on this date I ordered these transcripts from the court reporter(s) named above by mailing or delivering this form to the court reporter(s) and I paid the required deposit.



Signature

Date

22-06822

CERTIFICATION

I certify that on the date indicated below, I served a copy of this completed transcript request form upon the court reporter(s) and all parties to the appeal:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served by mail):

Supreme Court of Nevada
201 S Carson St Suite 201
Carson City, NV 89701

DATED this 27th day of Feb, 2022.

Michael B Bynoe
Signature

Michael B Bynoe
Print Name

N.V.C.C. P.O. Box 7000
Address

Carson City NV 89702
City/State/Zip

Telephone number

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

* * *

MICHAEL B. BYNOE,

Plaintiff,

Case No.: CV20-00749

vs.

Dept. No.: 10

THE STATE OF NEVADA,

Defendant.

ORDER GRANTING MOTION TO LEAVE TO AMEND COMPLAINT

Presently before the Court is the MOTION FOR PERMISSION TO FILE 1ST AMENDED COMPLAINT ("the Motion"). Plaintiff MICHAEL B. BYNOE ("the Plaintiff") filed the Motion on October 6, 2020. Defendant THE STATE OF NEVADA ("the State") did not file an opposition. The Plaintiff submitted the Motion for the Court's consideration on October 19, 2020.

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1 The COMPLAINT ("the Complaint") was filed on September 16, 2020, and contains two
2 causes of action: 1) Violation of Judicial Canon 1 and the Americans with Disabilities Act ("ADA")
3 § 12132; and 2) Violation of ADA § 122020 and Title 11-1.4200. The Plaintiff seeks leave of the
4 Court to amend the Complaint to add additional exhibits. The Motion 1 ¶ 1.

5 NRCP 15(a) provides in relevant part:

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7 A party may amend the party's pleading once as a matter of course at any time
8 before a responsive pleading is served or, if the pleading is one to which no
9 responsive pleading is permitted and the action has not been placed upon the trial
10 calendar, the party may so amend it at any time within 21 days after it is served.
11 Otherwise a party may amend the party's pleading only by leave of court or by
12 written consent of the adverse party; and leave shall be freely given when justice
13 so requires

14 The standard contained in NRCP 15(a) is a liberal one and leave to amend should be freely given.
15 *Nutton v. Sunset Station*, 131 Nev. 279, 284, 357 P.3d 966, 970 (Nev. Ct. App. 2015) ("[S]uch
16 motions ought to be granted unless strong reason exists not to do so.").

17 The Court will grant the Motion. The Court finds the Complaint has not been served on the
18 State; therefore, the Plaintiff may amend his pleading once as a matter of course before he serves
19 the complaint onto the State. After amending the Complaint, the Plaintiff shall serve the amended
20 complaint and corresponding summons on the State by January 14, 2021. *See* NRCP 4(i)
21 (providing service must be made within 120 days of the filing of a complaint). *See generally* NRCP
22 4 (requiring process be served by sheriff or any nonparty 18 or more years old and proof of service
23 by from the process server stating the date, place, and manner of service be filed with the Court).

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1 **IT IS ORDERED** the MOTION FOR PERMISSION TO FILE 1ST AMENDED
2 COMPLAINT is hereby **GRANTED**.

3 **DATED** this 18th day of December, 2020.

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7 ELLIOTT A. SATTLER
8 District Judge
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