

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF NEVADA,
Appellant,

vs.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,
Respondents.

No. 84345

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180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,
Appellants/Cross-Respondents,

vs.

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF NEVADA,
Respondent/Cross-Appellant.

No. 84640

NRAP 31(e) NOTICE OF SUPPLEMENTAL AUTHORITIES

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NRAP 31(e) NOTICE OF SUPPLEMENTAL AUTHORITIES

Pursuant to NRAP 31(e), notice is hereby given of pertinent and significant authority issued by the United States Supreme Court on May 25, 2023, in the case of *Tyler v. Hennepin County*, 598 U.S. ___, ___, 143 S. Ct. 644, ___, (2023). This supplemental authority supplements pages 13-35 and 67-70 of the Landowners' Combined Answering Brief on Appeal and Opening Brief on Cross-Appeal. The legal proposition for which the supplemental authority is cited is this Court should consider "historical practice" and "this Court's precedents" when deciding the Landowners' property rights in the 35 Acre Property:

The Takings Clause does not itself define property. *Phillips v. Washington Legal Foundation*, 524 U.S. 156, 164, 118 S. Ct. 1925 (1998). For that, the Court draws on "existing rules or understandings" about property rights. *Ibid.* (internal quotation marks omitted). State law is one important source. *Ibid.*; see also *Stop the Beach Renourishment, Inc. v. Florida Dept. of Environmental Protection*, 560 U.S. 702, 707, 130 S. Ct. 2592 (2010). **But state law cannot be the only source. Otherwise, a State could "sidestep the Takings Clause by disavowing traditional property interests" in assets it wishes to appropriate.** *Phillips*, 524 U.S., at 167, 118 S. Ct. 1925; see also *Webb's Fabulous Pharmacies, Inc. v. Beckwith*, 449 U.S. 155, 164, 101 S. Ct. 446 (1980); *Hall v. Meisner*, 51 F.4th 185, 190 (6th Cir. 2022) (Kethledge, J., for the Court) ("[T]he Takings Clause would be a dead letter if a state could simply exclude from its definition of property any interest that the state wished to take."). **So we also look to "traditional property law principles," plus**

historical practice and this Court's precedents. *Phillips*, 524 U.S., at 165–168, 118 S. Ct. 1925; *see, e.g., United States v. Causby*, 328 U.S. 256, 260–267, 66 S. Ct. 1062 (1946); *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 1001–1004, 104 S. Ct. 2862 (1984). *Tyler*, *supra*, at 4. Emphasis added.

The historical practice related to property rights is set forth at pages 13-35 of the Landowners' Combined Answering Brief on Appeal and Opening Brief on Cross-Appeal and this Court's precedent is set forth on pages 67-70.

Dated this 31st day of May 2023.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **NRAP 31(e) NOTICE OF SUPPLEMENTAL AUTHORITIES** with the Supreme Court of Nevada on the 31st day of May 2023. I will electronically serve the foregoing document in accordance with the Master Service List as follows:

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