

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS,

Appellant,

vs.

180 LAND CO, LLC, a Nevada limited-liability
Company, FORE STARS, LTD., a Nevada
limited liability company,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court
Case No.: 84345-84640

**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE
IN SUPPORT OF APPELLANT
BY INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION**

Steven M. Silva
Nevada Bar 12492
NOSSAMAN, LLP
895 Pinebrook Road
Reno, Nevada 89509
Telephone: 775-895-3036
Facsimile: 916-930-7707

Attorneys for Amicus Curiae

Proposed Amicus Curiae International Municipal Lawyers Association respectfully moves this Court for permission to file a brief as an amicus curiae, pursuant to NRAP 29(a), (c).

NRAP 29(a) requires all non-governmental amicus curiae consent of all parties or leave of court to file such a brief. This matter is slightly unusual in that the proposed brief is on behalf of two governmental entities who have the right to file such a brief, and one association of such governmental entities (but which is not a governmental entity itself). Because NRAP 29(a) does not address briefs that contain a mix of amici, this motion is submitted in an abundance of caution.

As set forth in the accompanying brief of amici curiae, the International Municipal Lawyers Association (IMLA) is a nonprofit, nonpartisan professional organization consisting of more than 2,500 members. Membership is composed of local government entities, including cities, counties, and subdivisions thereof, as represented by their chief legal officers, state municipal leagues, and individual attorneys. IMLA's mission is to advance the responsible development of municipal law through education and advocacy by providing the collective viewpoint of local governments around the country on critical legal issues facing municipal entities. IMLA has a further significant interest in this case as its members would be adversely impacted by a ruling upholding the District Court's decision undermining local discretion in land use regulation. NRAP 29(c)(1).

The brief is desirable because it sets forth the perspective and concerns of municipalities that are similarly situated to the appellant City of Las Vegas. NRAP 29(c)(2). The brief is not duplicative of the City of Las Vegas' opening brief, and it does not attempt to cover each issue raised in this appeal. *See, Dow Chem Co. v. Mahlum*, 115 Nev. 13, 15 n.1, 973 P.2d 842, 843 n.1 (1999). Rather, this brief addresses only certain aspects of this appeal that touch all Nevada municipalities. The outcome of this case could have drastic consequences for the municipalities' ability to regulate land use within their municipal borders. The perspective provided in this brief incorporates both the direct views of the amici City of Reno and City of North Las Vegas, and also the views of IMLA, which provides a broad perspective and brings local, national, and international expertise to the issue. The brief will assist the Court by further explaining the interplay between zoning and planning, an area in which IMLA is highly experienced, which will assist this Court in deciding the appeal on its merits. *Dow Chem Co.*, 115 Nev. at n.1, 973 P.2d at n.1; *Powers v. United Servs. Auto. Ass'n*, 115 Nev. 38, 41 n.2, 979 P.2d 1286, 1288 n.2 (1999).

The brief also discusses the problems that the District Court order would create for cities if the decision was affirmed and applied statewide. If the decision is affirmed, local ordinances setting the interplay between zoning and planning would be called into doubt. The brief also discusses the problems created where a takings claim is allowed when only a single use has been denied by a city.

Respectfully, the brief itself is authorized to be filed directly by the City of Reno and City of North Las Vegas. NRAP 29(a). The inclusion of IMLA as an amicus curiae creates no prejudice or additional hardship to any of the parties in this action, and IMLA respectfully submits that the brief will be of use to this Court and is desirable under NRAP 29(c)(2).

Dated: November 18, 2022

By: /s/ Steven M. Silva

Steven M. Silva
Nevada Bar 12492
NOSSAMAN, LLP
895 Pinebrook Road
Reno, Nevada 89509
Telephone: 775-895-3036
Facsimile: 916-930-7707

Attorney for Proposed
Amicus Curiae IMLA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was electronically filed with the Clerk of the Court for the Nevada Supreme Court on October 24, 2022 by using the Nevada Supreme Court's E-Filing system (E-Flex). Participants in the case who are registered with E-Flex as users will be served by the E-Flex system. All others will be served by U.S. Mail.

Dated: November 18, 2022

By: /s/ Steven M. Silva