

IN THE SUPREME COURT OF THE STATE OF NEVADA

ABEL CANTARO CASTILLO,
Appellant,
vs.
WESTERN RANGE ASSOCIATION,
Respondent.

No. 85926

FILED

FEB 10 2023

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

*ORDER ACCEPTING CERTIFIED QUESTION AND DIRECTING
BRIEFING AND PAYMENT OF FILING FEE*

This matter involves a legal question certified to this court, under NRAP 5, by the United States District Court for the District of Nevada. Specifically, the District Court has certified the following question to this court:

Under the Constitution of the State of Nevada and Chapter 608 of the Nevada Revised Statutes, does Nevada law require Defendant Western Range Association to pay Plaintiff Abel Cantaro Castillo 24 hours of wages for every day worked because Plaintiff Castillo was not allowed to leave and was always performing some job duties even though some of the time he spent on the range was for his personal benefit?

As no clearly controlling Nevada precedent exists with regard to this legal question and the answer may determine the federal case, we accept the certified question. *See* NRAP 5(a); *Volvo Cars of N. Am., Inc. v. Ricci*, 122 Nev. 746, 749-51, 137 P.3d 1161, 1163-64 (2006).

Accordingly, appellant shall have 30 days from the date of this order to file and serve an opening brief addressing the certified question. Respondent shall have 30 days from the date the opening brief is served to file and serve an answering brief. Appellant shall then have 21 days from the date the answering brief is served to file and serve any reply brief. The parties' briefs shall comply with NRAP 28, 28.2, 31(c), and 32. *See* NRAP

5(g)(2). The parties may file a joint appendix containing any documents necessary for this court to resolve the certified question that were not already provided to this court with the Certification Order. *See* NRAP 5(d).

Lastly, in any proceeding under NRAP 5, fees "shall be the same as in civil appeals . . . and shall be equally divided between the parties unless otherwise ordered by the certifying court." NRAP 5(e). The District Court's order does not address the payment of this court's filing fee. Accordingly, appellant and respondent shall each tender to the clerk of this court, within 14 days from the date of this order, the sum of \$125, representing half of the filing fee. *See* NRAP 3(e); NRAP 5(e).

It is so ORDERED.

Stiglich, C.J.
Stiglich

Cadish, J.
Cadish

Herndon, J.
Herndon

Parraguirre, J.
Parraguirre

Pickering, J.
Pickering

Lee, J.
Lee

Bell, J.
Bell

cc: Alexander Neville Hood
Brian Corman
Christine Webber
Woodburn & Wedge
Thierman Buck LLP
Megan Reif
Simons Hall Johnston PC/Reno
Clerk, United States District Court for the District of Nevada