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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN EGGLESTON,)	
Appellant,)	Supreme Court No: 87583
vs.)	
)	
CLARK COUNTY DEPARTMENT)	
OF FAMILY SERVICES,)	
Respondent.)	

RESPONSE TO DOCKETING STATEMENT

COMES NOW the State of Nevada by STEVEN B. WOLFSON, District Attorney, through his Chief Deputy District Attorney, AMITY C. LATHAM, and submits this RESPONSE TO DOCKETING STATEMENT.

Dated this 7th day of December, 2023.

STEVEN B. WOLFSON
DISTRICT ATTORNEY

BY:



Amity C. Latham
Chief Deputy District Attorney
Nevada State Bar No. 9316

1 Nevada Rules of Appellate Procedure, Rule 14(f), allows Respondent to
2 file a one-page response to the Docketing Statement, if it strongly disagrees with
3 appellant's issues on appeal. Respondent strongly disagrees with Appellant's
4 issues on appeal 1 and 2. 1 states:

5 "Was it procedurally improper for the District Court to order Hearing Officer
6 Tobler to issue an amended decision?"

7 As a rule, issues not raised before the District Court or in the appellant's
8 opening brief on appeal are deemed waived." *Palmieri v. Clark Cnty.*, 131 Nev.
9 Adv. Rep. 102, 367 P.3d 442 (2015). The record will show both parties were
10 given the opportunity to file supplemental briefs on this issue, both parties filed
11 supplemental briefs, and Appellant never raised this issue. Appellant not only
12 waived this argument by failing to address it at the District Court level when
13 specifically given the opportunity, but also failed to allow the District Court an
14 opportunity to consider this issue.

15 Further, Respondent lodges its disagreement with 2, which states:

16 "Was the Department of Family Services substantiation an arbitrary and
17 capricious abuse of discretion?"

18 The record will reflect this argument was never raised below, as the only
19 arguments raised below were specifically that the final decision of the agency
20 was in violation of constitutional or statutory provisions and clearly erroneous in
21 view of the reliable, probative, and substantial evidence on the whole record. As
such, these issues on appeal cannot stand.

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