

JUL 27 2015

## IN THE SUPREME COURT OF THE STATE OF NEVADA

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

HONORABLE CATHERINE RAMSEY,  
NORTH LAS VEGAS MUNICIPAL  
JUDGE,

Petitioner,

vs.

THE HONORABLE ERIC JOHNSON,  
DEPARTMENT 20, DISTRICT COURT  
JUDGE, EIGHTH JUDICIAL DISTRICT  
COURT

Respondent.

THE CITY OF NORTH LAS VEGAS  
AND BARBARA A. ANDOLINA, CITY  
CLERK OF THE CITY OF NORTH  
LAS VEGAS, BETTY HAMILTON,  
MICHAEL WILLIAM MORENO and  
BOB BORGENSEN, individually and as  
Members of "REMOVE RAMSEY  
NOW,"

Real Parties in Interest.

Supreme Court Case No.: 68394

District Court Case No.: A719651

Electronically Filed

Jul 16 2015 09:00 a.m.

Tracie K. Lindeman

Clerk of Supreme Court

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**JOINDER TO OPPOSITION TO EMERGENCY MOTION FOR STAY  
AND REQUEST FOR EXPEDITED DECISION**

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Barbara Andolina, City Clerk of the City of North Las Vegas*

*Transferred from docket no. 68394  
per order filed 7-27-15.*

15-22696

## MEMORANDUM OF POINTS AND AUTHORITIES

Real Parties in Interest the City of North Las Vegas and Barbara A. Andolina, City Clerk (collectively, the "City"), by and through their attorneys of record, the law firm of Snell & Wilmer, L.L.P., hereby join in Betty Hamilton, Michael William Moreno and Bob Borgersen's (the "Recall Committee") Opposition to the Honorable Catherine Ramsey's ("Petitioner") Emergency Motion for Stay Pursuant to NRAP 8 (the "Motion").

In addition, the City respectfully requests that the Court issue a decision on the Motion by July 16, 2015, based on the significant harm and prejudice that will result if the Court grants a stay after the City issues a call for the recall election.

### **I. AN EXPEDITED DECISION ON THE MOTION IS NECESSARY TO PREVENT SIGNIFICANT PREJUDICE AND HARM TO THE CITY AND THE VOTERS OF NORTH LAS VEGAS**

Regardless of the Court's ultimate decision on the merits of Petitioner's Motion, the City respectfully requests that the Court issue its decision on an expedited basis, and if at all possible, by **Thursday July 16, 2015**. Due to the substantial time, effort and resources that the City is required to expend in calling a special election, an expedited decision is crucial to minimize the potential harm that a stay of the recall election would cause to the City and its voting citizens.

Pursuant to Judge Johnson's July 6, 2015 Order, City Clerk Barbara Andolina ("Andolina" or the "Clerk") is required to issue a call for the recall

election no less than ten (10) days and no more than twenty (20) days from the date of the order, as required by NRS 306.040. Thus, the Clerk has between July 16, 2015 and July 26, 2015<sup>1</sup>, a severely limited time frame, in which to make the extensive preparations required to issue the call.

Even *preparing* to issue the call for a special election requires substantial preliminary work by the City and, in particular, the City Clerk. Arranging a call includes a myriad of tasks and undertakings including the selection and coordination of early and election day voting sites, preparing for mail-in voting, preparing candidate nomination and acceptance procedures and notices, to name but a few. All of this must be carried out quickly and efficiently in a severely truncated time frame. Not only must the above information be included in the call, it must also be translated into three separate languages (English, Spanish and Tagalog) as well published and advertised in multiple newspapers. The language of the call must be prepared and submitted to the newspapers days in advance to ensure that the call will be published within the 10-day window required by Judge Johnson's Order and by Nevada law.

Once the call is published, reversing the call for any reason, including a stay from this Court, would require substantial effort by the City and the City Clerk and

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<sup>1</sup> The twentieth day after Judge Johnson's order was issued falls on July 26, 2015, which is a Sunday. If the calculation of the time period to call an election per Judge Johnson's order follows the Nevada Rules of Civil Procedure, the final day to call the recall election would be the following Monday, July 27, 2015.

could not be done without significant cost, confusion and difficulty to both the City and the citizens of North Las Vegas.

Not only will the City's scarce financial resources be strained, but the citizens' constitutionally protected voting rights would also be jeopardized. A significant number of voters will be negatively impacted if the City has to retract the call of the special election. Any kind of retraction will undoubtedly lead to voter confusion and ultimately to the disenfranchisement of a portion of the North Las Vegas electorate. A retraction would also negatively impact the pool of potential candidates because of confusion regarding the time frame for preparing, collecting and submitting the signature petitions as well as the other forms and applications required for candidacy.

To avoid the significant harm and prejudice to the City and the citizens of North Las Vegas that would result if a stay were granted after the City had already issued a call for the special election, the City respectfully requests that this Court issue a decision on Petitioner's Motion with all possible expediency. Specifically, the City requests that the Court issue a decision on the Motion, if at all possible, by **Thursday, July 16, 2015.**

## **II. THE COURT SHOULD ALSO EXPEDITE DECISION ON THE WRIT PETITION ITSELF**

Not only should the Court move expeditiously on Petitioner's Motion, but it should likewise expedite its consideration of the issues contained in Petitioner's Writ of Mandamus, Certiorari or Prohibition (the "Writ").

The Writ should be considered on an expedited basis because it ultimately impacts significant rights afforded under the Nevada Constitution and Nevada statute to the citizens of North Las Vegas. Notably, Petitioner does not request that the Writ be heard on an accelerated basis because Petitioner's interest is best served by delaying the recall election for as long as possible. The longer the Court takes to consider the Writ, however, the longer the people of North Las Vegas will be prevented from exercising their statutory and constitutional right to recall public officers, including judges. To ensure that those rights are not unduly burdened and suppressed, this Court should move to expedite its consideration of Petitioner's Writ.

## **III. CONCLUSION**

Based upon the foregoing, the City of North Las Vegas and Barbara A. Andolina, City Clerk of the City of North Las Vegas, respectfully request that the Court deny Petitioner's Emergency Motion for Stay for the reasons laid out in the Recall Committee's Opposition, as well as those set forth in this Joinder thereto.

The City also respectfully requests that the Court expedite its consideration of Petitioner's Writ of Mandamus, Certiorari or Prohibition so as to minimize any harm or prejudice to the constitutional rights of the citizens of the City of North Las Vegas.

DATED: July 15, 2015.

Snell & Wilmer L.L.P.

/s/ Richard C. Gordon

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*Vegas and Barbara Andolina, City*

*Clerk of the City of North Las Vegas*

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On July 15, 2015, I caused to be served a true and correct copy of the foregoing **JOINDER TO OPPOSITION TO EMERGENCY MOTION FOR STAY AND REQUEST FOR EXPEDITED DECISION** upon the following by the method indicated:

- ☐ **BY E-MAIL:** by transmitting via e-mail the document(s) listed above to the e-mail addresses set forth below and/or included on the Court's Service List for the above-referenced case.
- ☒ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.
- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☐ **BY FACSIMILE:** by transmitting via facsimile the document(s) listed above to the facsimile number set forth below and/or included on the Court's Service List for the above-referenced case

/s/ Gaylene Kim

An Employee of Snell & Wilmer L.L.P.