

IN THE SUPREME COURT OF THE STATE OF NEVADA

HONORABLE CATHERINE RAMSEY
NORTH LAS VEGAS MUNICIPAL
JUDGE,

Appellant,

vs.

THE CITY OF NORTH LAS VEGAS;
BARBARA A. ANDOLINA, CITY CLERK
OF NORTH LAS VEGAS; BETTY
HAMILTON; MICHAEL WILLIAM
MORENO; AND BOB BORGERSEN,
INDIVIDUALLY AND AS MEMBERS
OF "REMOVE RAMSEY NOW",

Respondents.

No. 68450

FILED

SEP 25 2015

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

*ORDER GRANTING MOTION TO STRIKE IN PART AND DENYING
MOTION FOR SANCTIONS*

Respondents Betty Hamilton, Michael William Moreno, and Bob Borgersen have filed a motion to strike certain portions of appellant's reply brief and for sanctions. Respondents City of North Las Vegas and Barbara Andolina have joined in the motion to strike. Appellant has opposed the motion.

Respondents move to strike pages 7-9, 9-14, and 22-24 of the reply brief asserting that the arguments contained on these pages were raised for the first time in the reply brief. The discussion on pages 7-9 of the reply brief is directly responsive to the same issue raised by respondents Hamilton, Moreno, and Borgersen in their answering brief and, therefore, the motion to strike pages 7-9 of the reply brief is denied. See NRAP 28(c) (the reply brief is "limited to answering any new matter set forth in the opposing brief"). On pages 9-14 of the reply brief appellant argues that the district court lacked jurisdiction based on alleged flaws in

the recall petition. Although the specific jurisdictional question does not appear to have been raised in the opening brief, this court may still consider it. *See Landreth v. Malik*, 127 Nev. 175, 179-80, 251 P.3d 163, 166 (2011) (whether a court lacks subject matter jurisdiction can be raised by the parties at any time, or by the court *sua sponte*). Accordingly, the motion to strike pages 9-14 of the reply brief is denied. On pages 22-24, appellant argues that application of the doctrine of cumulative error warrants the requested relief. This argument appears to have been raised for the first time in the reply brief and the court will not consider it in its resolution of this appeal. *See Weaver v. State, Dep't of Motor Vehicles*, 121 Nev. 494, 502, 117 P.3d 193, 198-99 (2005) (pointing out that this court need not consider arguments raised for the first time in the reply brief). The clerk shall strike pages 22-24 of appellant's reply brief.

Respondents Hamilton, Moreno, and Borgersen's motion for sanctions is denied.

It is so ORDERED.

1. Landreth, C.J.

cc: Mueller Hinds & Associates
Gentile, Cristalli, Miller, Armeni & Savarese, PLLC
Snell & Wilmer, LLP/Las Vegas