

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,

Appellant,
vs.

THE CENTER FOR
INVESTIGATIVE REPORTING,
INC., A CALIFORNIA
NONPROFIT ORGANIZATION,

Respondent,

Case No. 77617/77965

**NOTICE OF SUPPLEMENTAL
AUTHORITY PURSUANT TO
NRAP 31(e)**

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Elizabeth A. Brown
Clerk of Supreme Court

In this consolidated appeal, Appellant Las Vegas Metropolitan Police Department (“LVMPD”) challenged the district court’s award of attorney fees and costs to Respondent The Center for Investigative Reporting, Inc. (“CIR”) on grounds that the fee provision in NRS 239.011(2) must be read together with the immunity provision in NRS 239.012 such that a non-prevailing government entity is only subject to an award of fees and costs if it acted in bad faith. CIR addressed LVMPD’s arguments concerning the immunity provision in NRS 239.012 on pages 27-34 of its Answering Brief. This Notice is intended to supplement CIR’s arguments in that respect.

On February 27, 2020, this Court rejected the argument advanced by LVMPD that “NRS 239.012 immunizes a governmental entity from an award of attorney fees when the entity, in response to a records request, withholds public records in good faith.” *Clark Cnty. Office of the Coroner/Medical Examiner v. Las Vegas Review-*

Journal, 136 Nev. Adv. Op. 5, *3 (2020). Rather, “NRS 239.012’s immunity provision applies explicitly to damages and should be interpreted independently from NRS 239.011, which entitles a prevailing requester to recover attorney fees and costs regardless of whether the governmental entity withholds records in good faith.” *Id.*

CIR respectfully submits that the Court’s ruling in *Clark Cnty. Office of the Coroner/Medical Examiner* conclusively resolves the second point of error raised by LVMPD.

DATED this 2nd day of March, 2020

CAMPBELL & WILLIAMS

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CERTIFICATE OF SERVICE

I certify that I am an employee of Campbell & Williams and that I did, on the 2nd day of March, 2020, serve upon the following in this action a copy of the foregoing **Notice of Supplemental Authority Pursuant to NRAP 31(e)** through the Court's e-filing system:

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