

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE HONORABLE CATHERINE
RAMSEY NORTH LAS VEGAS
MUNICIPAL COURT JUDGE,
Petitioner,

No. 68394

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
LOUIS ERIC JOHNSON, DISTRICT
JUDGE,

Respondents,

and

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",
Real Parties in Interest.

FILED

JUL 27 2015

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

HONORABLE CATHERINE RAMSEY
NORTH LAS VEGAS MUNICIPAL
JUDGE,
Appellant,

No. 68450

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.

ORDER

Docket No. 68394 is a petition for a writ of mandamus, certiorari, or prohibition challenging a district court order allowing the recall election of a municipal court judge to proceed. As it appeared that writ relief was unavailable because the district court's order was substantively appealable, *see* NRAP 3A(b)(1), (3) (permitting an appeal from final judgment and from an order refusing to grant an injunction, respectively); *Pan v. Eighth Judicial Dist. Court*, 122 Nev. 222, 224, 88 P.3d 840, 841 (2004), we issued an order directing petitioner Ramsey to show cause why the petition should not be summarily denied. Our order also stayed operation of the district court's order. Since then, in addition to filing a response to our order to show cause, Ramsey has filed an appeal from the same district court order she is challenging in the writ proceeding, Docket No. 68450. Real parties in interest have replied to Ramsey's response. Having reviewed the documents on file in both matters, we conclude that the order is properly challenged by way of an appeal, and writ relief is thus unavailable. *See Pan*, 122 Nev. at 224, 88 P.3d at 841. Accordingly, the petition in Docket No. 68394 is denied.

In her response to the order to show cause, Ramsey requested that, if her petition was denied, the stay remain in effect, the appeal be expedited, and we treat the writ petition as the opening brief in her appeal. Cause appearing, we grant those requests to the following extent. The stay shall remain in effect until further order of this court. We direct the clerk to transfer the documents in Docket No. 68394

to Docket No. 68450. We will treat Ramsey's petition as the opening brief in the appeal.¹ Ramsey shall have 15 days from the date of this order to supplement the record.² Respondents shall have 30 days from the date of this order to file an answering brief. Ramsey shall have 10 days from service of the answering brief to file a reply brief. Further, as we have determined that oral argument would be of assistance in resolving the issues presented by this appeal, oral argument is hereby scheduled before

¹In Docket No. 68394, real parties in interest filed a motion to "strike false and misleading factual allegations" in the writ petition, which we are now treating as the opening brief in Docket No. 68450. Ramsey filed an opposition to the motion to strike, combined with a countermotion to strike portions of real parties' motion to strike. As our resolution of the motion and countermotion is intertwined with our review of the merits in this matter, we deny them at this time. However, we remind the parties that in resolving this matter, we will disregard documents and assertions not properly appearing in or supported by the record. *See Carson Ready Mix v. First Nat'l Bank*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981).

²When the appeal in Docket No. 68450 was docketed, the clerk issued notices to Ramsey to pay the filing fee and file a case appeal statement by August 4, 2015. We modify those notices to the extent that the filing fee and case appeal statement are due by July 31, 2015. Additionally, Ramsey shall file a transcript request form, *see* NRAP 9, and a docketing statement, *see* NRAP 14, by July 31, 2015.

the en banc court on October 5, 2015, at the hour of 10 a.m., in Las Vegas.
The argument shall be limited to 30 minutes.

It is so ORDERED.

Hardesty C.J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. Louis Eric Johnson, District Judge
Mueller Hinds & Associates
Gentile, Cristalli, Miller, Armeni & Savarese, PLLC
Snell & Wilmer, LLP/Las Vegas
Eighth District Court Clerk