

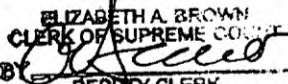
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LYNDA PARVEN, IN HER CAPACITY
AS THE ADMINISTRATOR OF THE
EMPLOYMENT SECURITY DIVISION,
THE STATE OF NEVADA
DEPARTMENT OF EMPLOYMENT,
TRAINING, AND REHABILITATION,
EMPLOYMENT SECURITY DIVISION;
J. THOMAS SUSICH, IN HIS
CAPACITY AS CHAIR OF THE
EMPLOYMENT SECURITY DIVISION
BOARD OF REVIEW; AND THE STATE
OF NEVADA DEPARTMENT OF
EMPLOYMENT, TRAINING &
REHABILITATION, EMPLOYMENT
SECURITY DIVISION,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ADRIANA ESCOBAR, DISTRICT
JUDGE,
Respondents,
and
JOSEPH HARRIS,
Real Party in Interest.

No. 84333-COA

FILED

DEC 02 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging a district court order denying a motion to dismiss a petition for judicial review in an unemployment matter.

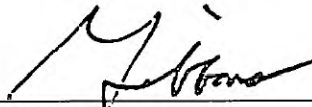
Real party in interest Joseph Harris filed a claim for Pandemic Unemployment Assistance (PUA) under the federal Coronavirus Aid, Relief,

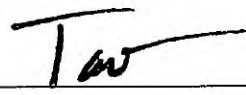
and Economic Security Act of 2020. After petitioner, the Employment Security Division (ESD) of the Nevada Department of Employment, Training, and Rehabilitation (DETR), denied Harris's claim and the PUA Board of Review (the Board) affirmed the denial, Harris timely filed a petition for judicial review of the decision in the district court naming only DETR as the respondent. Six days later, Harris filed an amended petition naming petitioners Lynda Parven, in her capacity as the administrator of the ESD; J. Thomas Susich, in his capacity as chair of the Board; and the ESD as respondents. Petitioners filed a motion to dismiss the amended petition, contending the district court lacked jurisdiction because Harris failed to name all the parties to the proceedings before the Board in the initial petition as required under NRS 612.530(1)—specifically, the administrator of the ESD and the Board—and the amended petition was untimely filed. Harris opposed the motion, and the district court set the matter for a hearing. Following the hearing, the district court entered a written order denying the motion, and this writ petition followed.

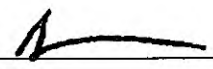
Having reviewed the petition and the documents submitted to this court, we conclude that petitioners have failed to demonstrate a clear legal right to dismissal of the underlying petition for judicial review. *See Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 681-82, 476 P.3d 1194, 1197 (2020) (providing that, to obtain the extraordinary remedy of mandamus, a petitioner must establish a clear legal right to the course of action requested). Specifically, petitioners fail to show that the ESD administrator and the Board were “part[ies] to the proceedings before the Board of Review” that must be named under NRS 612.530(1). Under NRS 612.525(2), the ESD administrator was a party to the underlying district court proceedings even without being named as such, as “[t]he

Administrator *shall be deemed to be a party to any judicial action* involving any . . . decision [of the Board].” (Emphasis added.) Moreover, it does not follow from the text of NRS 612.530(1) that the Board itself or its chairperson must be named; the statute simply requires petitioners to name parties that appeared in “the proceedings *before* the Board.” (Emphasis added.) Accordingly, petitioners have failed to demonstrate that extraordinary mandamus relief is warranted, and we deny the petition. See NRAP 21(b)(1); *Walker*, 136 Nev. at 681-82, 476 P.3d at 1197.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Adriana Escobar, District Judge
State of Nevada/DETR
Carlyon Cica Chtd.
Eighth District Court Clerk

¹We note that the supreme court recently denied a petition for a writ of mandamus—raising what petitioners concede was an identical issue—on the same grounds relied upon herein. See *Parven v. Eighth Judicial Dist. Court*, No. 83797, 2022 WL 4542983, at *1 (Nev. Sep. 28, 2022) (Order Denying Petition).