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4	rostolsen@puc.nv.gov Jul 13 2023 09:42 AM	
5	Elizabeth A. Brown Clerk of Supreme Court	
6	Amicus Curiae In Proper Person	
7		
8	IN THE SUPREME COURT OF THE STATE OF NEVADA	
9	DAVID MCNEELY & 5 ALPHA INDUSTRIES,	
10	Petitioners,	
11	V.	
12	THE SECOND JUDICIAL DISTRICT COURT, STATE OF NEVADA, WASHOE COUNTY, and Case No. 86559	
13	the HON. DAVID A. HARDY, DISTRICT JUDGE, DEPT. 15, Respondents,	
14		
15	and	
16	HILLARY SCHIEVE, VAUGHN HARTUNG, and JOHN DOE, /	
17	Real Parties in Interest.	
18	<u>AMICUS CURIAE ROST C. OLSEN'S MOTION FOR LEAVE TO FILE</u>	
19	AMICUS BRIEF, PURSUANT TO NRAP 29	
20	Amicus Curiae Rost C. Olsen, appearing in proper person, respectfully moves this	
21	Court for leave to file the <i>amicus curiae</i> brief (the "Brief") accompanying this Motion.	
22	This Motion is supported by the following memorandum of points and authorities.	
23	MEMORANDUM OF POINTS AND AUTHORITIES	
24	This Court may allow the filing of amicus curiae briefs by individuals upon the	
25	individual's motion leave to file such a brief, the Court's invitation, or by written consent	
26	of all parties. See NRAP 29(a). When an amicus curiae moves for leave, the motion must	
27	demonstrate: (1) the movant's interest; and (2) the reasons why an amicus brief would	
28	be desirable. NRAP 29(c).	
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Here, while representing only himself in this proceeding, the Undersigned is one of over 17,000 state employees whose rights would be adversely affected by a granting of this writ petition. An amicus brief from a public employee such as the Undersigned would be desirable to the Court in this matter because it would help illuminate potentially 4 unintended consequences that granting this writ petition could have for a significant number of public employees in the State. 6

Granting this writ would not just affect elected officials. Rather, it would set disastrous precedent for the rank-and-file workers in our state workforce, such as Undersigned, who wish to do their jobs and go about their lives peacefully without tortious harassment from conspiracists armed with private investigators.

Accordingly, Undersigned respectfully requests leave to file the accompanying amicus brief.

I. **AMICUS'S INTEREST**

The Undersigned is an unelected attorney working for a state agency.¹ Like all state agencies, the state agency for which Undersigned works is not immune from dealing with contentious issues that may draw the ire of certain segments of the public. While Undersigned fully champions and supports government transparency, and encourages his neighbors and fellow citizens to become involved in governmental and political processes, the relief Petitioners seek in this case goes beyond the pale.

20 If granted, the relief sought by Petitioners would set a disturbing precedent essentially allowing principals to use private investigators as agents to engage in tortious behavior against public employees such as Undersigned. It would bless a course of conduct allowing quixotic self-proclaimed government watchdogs to use private 24 investigators to trespass against their neighbors working for public entities. Such a precedent would not only affect elected and appointed officials, but even unelected and unappointed state, county, and local workers, such as Undersigned.

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¹ The Undersigned is representing himself in this matter, and does not represent the views of his employer.

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II. WHY AN AMICUS BRIEF IS DESIRABLE IN THIS MATTER

At the time of the alleged conduct giving rise to the instant case, the two Plaintiffs in the underlying district court case were both elected officials. Since that time, one of the Plaintiffs resigned his elected post to accept a gubernatorial appointment to another position within State government. However, the outcome of this case could have dire consequences for the rights of even unelected and unappointed public employees.

As of January 2023, there are approximately 17,500 employees working for the State,² the vast majority of whom do not hold elected or governor-appointed posts. *See* Executive Order 2023-003. Permitting the filing of the Brief accompanying this Motion from Undersigned would allow for the presentation of the perspective of one of these rank-and-file state workers whose rights would be affected by the issuance of a writ in this matter.

III. CONCLUSION

The issuance of this writ would not only affect the rights of elected and appointed officials who are parties in this matter, but would also affect the rights of non-party rankand-file public employees, such as Undersigned, who are unelected and unappointed. Allowing the filing of Undersigned's Brief would permit the Court to hear and consider the perspective of one such rank-and-file state employee.

For these reasons, Undersigned respectfully moves this Court for leave to file the Brief accompanying this Motion.

RESPECTFULLY SUBMITTED this <u>13th</u> day of July 2023.

<u>/s/ Rost C. Olsen</u> Rost C. Olsen, SBN 14410 Amicus Curiae In Proper Person

² This number does not include the myriad others working for counties, cities, and other subdivisions of the State.

1	CERTIFICATE OF SERVICE
2	Pursuant to NRCP 5(b), I certify that I served the foregoing document with its
3	accompanying attachment on the parties in said case by electronically filing via the
4	Court's e-filing system, as follows:
5	Ryan T. Gormley
6	Brittany M. Llewellyn Jonathan J. Winn
7	Weinberg, Wheeler, Hudgins,
8	Gunn & Dial, LLC
9	6385 South Rainbow Blvd., Ste. 400 Las Vegas, NV 89118
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	Jeffrey F. Barr
11	Alina M. Shell Armstrong Teasdale LLP
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14	Adam Hosmer-Henner
15	Chelsea Latino
16	Philip Mannelly
17	Jane Susskind McDonald Carano LLP
18	100 West Liberty Street, Tenth Floor
19	Reno, NV 89501
20	The Honorable David A. Hardy
21	Second Judicial District Court
22	Dept. 15
23	75 Court Street Reno, NV 89501
24	
25	Dated: July 13, 2023
26	/s/ Rost C. Olsen
27	Amicus Curiae In Proper Person
27	
20	