

IN THE SUPREME COURT OF THE STATE OF NEVADA

**Supreme Court Case No. 86559
District Court Case No. CV22-02015**

David McNeely and 5 Alpha Industries, LLC
Petitioners,

v.

The Second Judicial District Court, State of Nevada, Washoe County, and the
Honorable David A. Hardy, District Judge, Dept. 15
Respondents,

and

Hillary Schieve; Vaughn Hartung; and John Doe
Real Parties in Interest.

**BRIEF OF *AMICUS CURIAE* ROST C. OLSEN IN SUPPORT OF THE DENIAL
OF PETITIONERS' PETITION FOR WRIT OF PROHIBITION OR
MANDAMUS**

Rost C. Olsen, SBN 14410

1150 E. William St.
Carson City, NV 89701
(775) 684-6188
rostolsen@puc.nv.gov

Amicus Curiae In Proper Person

NRAP 26.1 DISCLOSURE

Undersigned certifies that the following is a person as described in NRAP 26.1(a), and must be disclosed. This representation is made in order that the judges of this court may evaluate possible disqualification or recusal.

Undersigned, *Amicus Curiae* Rost C. Olsen, is an individual. Undersigned is appearing in this matter representing himself, and no other lawyers or law firms have appeared on his behalf in this matter, nor are expected to appear in this matter representing him before this Court.

DATED: July 13, 2023

/s/ Rost C. Olsen

Rost C. Olsen, SBN 14410

Amicus Curiae in Proper Person

TABLE OF CONTENTS

NRAP 26.1 DISCLOSURE	ii
TABLE OF CONTENTS	iii
TABLE OF AUTHORITIES	iv
I. AMICUS CURIAE’S STATEMENT OF INTEREST	1
II. FACTUAL AND PROCEDURAL HISTORY	2
III. SUMMARY OF ARGUMENT	2
IV. ARGUMENT	4
a. Even when construing all facts in the limited record at this point in John Doe’s favor, Respondents have made a prima facie showing that he committed tortious behavior.	4
i. Trespass and Conversion	5
ii. Principal-Agent Liability in Nevada.....	7
b. Neither the First Amendment, Nor Nevada Law Protects Engaging in Tortious Acts Against Public Officials or Employees.....	10
i. The First Amendment Does Not Protect John Doe’s Activities	10
ii. Nevada Law Does Not Preclude the District Court from Ordering Petitioners to Disclose John Doe’s Identity.....	10
c. Granting the Writ Petition Would Erode Privacy Rights of Public Officials and Employees Throughout the State.....	12
V. CONCLUSION.....	14
CERTIFICATE OF COMPLIANCE	16
CERTIFICATE OF SERVICE.....	17

TABLE OF AUTHORITIES

Cases

<i>Bader v. Cerri</i> , 96 Nev. 352, 609 P.2d 314 (1980)	5, 6
<i>Clarke v. Lyon Cnty.</i> , 8 Nev. 181 (1873)	8
<i>Courchaine v. Bullion Min. Co.</i> , 4 Nev. 369 (1868).....	5
<i>Dezzani v. Kern & Associates, Ltd.</i> , 134 Nev. 61, 412 P.3d 56 (2018).....	7
<i>Dixon v. Thatcher</i> , 103 Nev., 414, 742 P.2d 1029 (1987)	7
<i>Doe No. 1 v. Wynn Resorts Ltd.</i> , No. 2:19-cv-01904-GMN-VCF, 2022 WL 321465	11
<i>Edwards v. Carson Water Co.</i> , 21 Nev. 469, 34 P. 381 (1893).....	8
<i>Evans v. Dean Witter Reynolds, Inc.</i> , 116 Nev. 598, 5 P.3d 1043 (2000).....	5
<i>Goetz v. Security Industrial Bank</i> , 508 P.2d 410 (Colo.App. 1973).....	8
<i>Goldstein v. Hanna</i> , 97 Nev. 559, 635 P.2d 290 (1981)	8
<i>Hamm v. Arrowcreek Homeowners' Ass'n</i> , 124 Nev. 290, 183 P.3d 895 (2008).....	7
<i>Iliescu, Tr. of John Iliescu, Jr. & Sonnia Iliescu 1992 Fam. Tr. v. Reg'l Transportation Comm'n of Washoe Cnty.</i> , 138 Nev. Adv. Op. 72, 522 P.3d 453 (Nev. App. 2022).....	5, 6
<i>Lied v. Clark Cnty.</i> , 94 Nev. 275, 579 P.2d 171 (1978).....	5
<i>Mandelbaum v. Russell</i> , 4 Nev. 551 (1869).....	5
<i>Myers v. Jones</i> , 99 Nev. 91, 657 P.2d 1163 (1983).....	7
<i>Nev. Nat'l Bank v. Gold Star Meat Co.</i> , 89 Nev 427, 514 P.2d 651 (1973)	7
<i>Rakestraw v. Rodriques</i> , 8 Cal.3d 67, 500 P.2d 1401 (Cal. 1972).....	8

<i>Rivers v. Burbank</i> , 13 Nev. 398 (1878).	5
<i>Simmons Self-Storage v. Rib Roof, Inc.</i> , 130 Nev. 540, 331 P.3d 850 (2014)	7
<i>Wantz v. Redfield</i> , 74 Nev. 196, 326 P.2d 413 (1958).....	5
 Statutes	
NRS 648A.200(1).....	11
 Rules	
NRAP 29(c)	2
 Other Authorities	
Executive Order 2023-003	12

I. AMICUS CURIAE'S STATEMENT OF INTEREST

Undersigned, an *amicus curiae* appearing in proper person, is a non-elected attorney employed with a state agency.¹ At the time the alleged conduct giving rise to this matter occurred, both Plaintiffs in the matter were elected officials. Undersigned agrees that the alleged conduct goes beyond the bounds of reasonable *sub rosa* investigative conduct, even when aimed at elected officials. However, granting this writ petition would create a disastrous precedent that would erode the rights of even unelected, rank-and-file public employees, such as Undersigned.

Present in some of the briefing in this matter, particularly in John Doe's brief, is an absurd implication that public officials and employees are bound by statute—and even the First Amendment—to allow others to trespass on and alter their private property without consent. Furthermore, particularly in John Doe's brief, there is a strong implication that, even if a public official or employee can recover for such tortious activity, the First Amendment somehow precludes a court from coercing a bad actor to reveal their identity.

Should this Court adopt such an egregious misreading of statutory, case, and constitutional law to grant this writ petition, it would amount to the most hostile and

¹ Undersigned is appearing in this matter in his personal capacity representing himself. Undersigned is not representing his employer or any client in this matter. The views expressed in this brief are his own and are not necessarily those of his employer or any client.

unfounded erosion of the privacy rights of public employees, such as Undersigned, in our State's history. Undersigned has therefore moved for leave to file this Brief under NRAP 29(c) and—respectfully, but emphatically—urges this Court to deny this writ petition.

II. FACTUAL AND PROCEDURAL HISTORY

Undersigned concurs with and incorporates by reference Schieve's and Hartung's Statement of the Case and Facts. Resp. Brief at 2-6.

III. SUMMARY OF ARGUMENT

If one reads only the underlying writ petition and John Doe's supplemental brief, one may come to a plausible conclusion that Petitioners are merely doing their job within the bounds of the law, and John Doe is merely a concerned citizen exercising his First Amendment right to engage in political activity anonymously. However, Petitioners' and John Doe's briefing does not merely bury the lede. Rather, it hurls the lede into the depths of an abandoned Comstock mineshaft where no man has been present since Nevada's territorial days. At its core, Petitioners and John Doe seek judicial approval to erode any and all public employees' right to privacy merely because these individuals have chosen to devote their professional life to public service.

The facts at issue, even in light of John Doe's motion for summary judgment, still implicate John Doe as a tortfeasor, acting thru his agents, Petitioners McNeely

and 5 Alpha, to trespass and invade privacy. Neither the First Amendment nor Nevada law governing the relationship between private investigators and their clients protects tortious conduct under a guise of “political activity,” nor prohibits the discovery of the identity of those engaged in such conduct. To hold such would subject not just elected officials, but all public employees to harassment with no recourse under a highly distorted concept of governmental transparency.

Despite misguided assertions to the contrary, denying this writ would not chill or preclude lawful investigative *sub rosa* activity. Such activity involves investigators lawfully obtaining information from places and resources they are lawfully allowed to access. Rather, denying this writ petition would merely preclude private investigators and their clients from engaging in tortious activity when investigating public officials and employees, or for that matter, anyone.

In sum, neither the First Amendment nor Nevada law calls for the relief Petitioners seek. However, granting the relief would create disastrous precedent that would erode the privacy rights of a significant number of Nevadans. Thus, the District Court’s order is neither clearly erroneous nor contrary to law. This Court should accordingly deny the writ petition.

//

//

IV. ARGUMENT

- a. Even when construing all facts in the limited record at this point in John Doe’s favor, Respondents have made a prima facie showing that he committed tortious behavior.**

Nevada courts have long recognized the tort of trespass. Nevada courts have also long recognized principal and agency relationships in which liability for the actions of an agent attaches to a principal. Under the facts alleged in the Amended Complaint, and stated in John Doe’s motion for summary judgment, a principal-agent relationship existed between John Doe and Petitioners. Petitioners trespassed on Schieve’s and Hartung’s respective properties to alter the automobiles without consent to surreptitiously track them.

Even while denying explicitly authorizing this conduct, John Doe has never repudiated it, despite ample opportunity to do so. To the contrary, John Doe has doubled down on the behavior and described it as nothing more than a concerned citizen exercising his First Amendment rights. Indeed, John Doe has enjoyed the fruits of this investigation while having knowledge of how Petitioners obtained the information. John Doe has thus, as a principal, ratified the tortious conduct.

//

//

//

//

i. Trespass and Conversion

The tort of trespass is well-established in Nevada’s civil law, going back to at least the infancy of its statehood.² To maintain a trespass action in Nevada, “the plaintiff must demonstrate that the defendant invaded a property right.”³

Nevada has also long recognized the tort of conversion. “A conversion occurs whenever there is a serious interference to a party’s rights in his property.”⁴ Interestingly, Nevada does not appear to distinguish between the torts of conversion and trespass to chattels.⁵

Under Nevada’s liberal notice pleading standard, Schieve and Hartung have alleged sufficient facts to implicate both Petitioners as well as John Doe in trespass and conversion causes of action, and neither Petitioners nor John Doe have yet to

² See, e.g., *Courchaine v. Bullion Min. Co.*, 4 Nev. 369, 373-75 (1868) (establishing elements and recognizing a cause of action for trespass *quare clausum fregit*, even when an owner has constructive possession rather than actual possession of property); *Mandelbaum v. Russell*, 4 Nev. 551, 557-58 (1869) (acknowledging a common law cause of action for trespass when no law authorizes interference with property); *Rivers v. Burbank*, 13 Nev. 398, 408 (1878).

³ *Iliescu, Tr. of John Iliescu, Jr. & Sonnia Iliescu 1992 Fam. Tr. v. Reg'l Transportation Comm'n of Washoe Cnty.*, 138 Nev. Adv. Op. 72, 522 P.3d 453, 460 (Nev. App. 2022) (citing *Lied v. Clark Cnty*, 94 Nev. 275, 279, 579 P.2d 171, 173-74 (1978)).

⁴ *Bader v. Cerri*, 96 Nev. 352, 356, 609 P.2d 314, 317 (1980) (citing *Wantz v. Redfield*, 74 Nev. 196, 326 P.2d 413 (1958)), *overruled on other grounds by Evans v. Dean Witter Reynolds, Inc.*, 116 Nev. 598, 5 P.3d 1043 (2000).

⁵ See *id.* at 356, 609 P.2d at 317 (“Nevada case law does not suggest that the measure of damages is a part of the definition of conversion. Neither does Nevada case law declare the full value of the property converted to be the sole measure of damages.”).

refute those facts to put them at issue. No one has disputed that John Doe hired Petitioners to investigate Schieve and Hartung. *See* 1-PA-240. No one has disputed that Petitioners intentionally entered Schieve’s and Hartung’s properties without consent. *See id.* No one has disputed that Petitioners placed the GPS tracking device on Schieve’s and Hartung’s vehicles without consent. *See id.*

Even when construing the facts in Petitioners’ and John Doe’s favor, the record below at this point shows sufficient facts that Petitioners, on behalf of John Doe, “invaded [Schieve’s and Hartung’s] property right[s]” by entering without permission.⁶ It further shows that Petitioners, again on behalf of John Doe, caused “a serious interference to [Schieve’s and Hartung’s] rights in [their] property” by placing a GPS tracker on their automobiles without consent, thus telegraphing the vehicles’ every move to Petitioners and John Doe without Schieve’s and Hartung’s consent.⁷

John Doe has asserted in his declaration accompanying his motion for summary judgment that he did not “ask for or authorize” Petitioners’ use of GPS trackers. *See* 1-SA-17-18. However, this Hail Mary assertion is not sufficient to negate his principal-agent liability for the reasons stated subsequently.

//

⁶ *See Iliescu*, 138 Nev. Adv. Op. 72, 522 P.3d at 460.

⁷ *See Bader*, 96 Nev. at 356, 609 P.2d at 317.

ii. Principal-Agent Liability in Nevada

In Nevada, a principal-agent relationship generally “results when one person possesses the contractual right to control another’s manner of performing the duties for which he or she was hired.”⁸ “Agency law typically creates liability for a principal for the conduct of his agent that is within the scope of the agent’s authority.”⁹

To bind a principal, an agent must have actual or apparent authority.¹⁰ “Apparent authority is ‘that authority which a principal holds his agent out as possessing or permits him to exercise or to represent himself as possessing, under such circumstances as to estop the principal from denying its existence.’”¹¹

Regarding apparent authority, this Court stated in *Ellis v. Nelson*:

[T]here can be reliance only upon what the principal himself has said or done, or at least said or done through some other and authorized agent. The acts of the agent in question can not be relied upon as alone enough to support [this theory]. If his acts are relied upon [,] there must also be evidence of the principal's knowledge and acquiescence in them. Moreover, ... the reliance must have been a reasonable one....

⁸ *Dezzani v. Kern & Associates, Ltd.*, 134 Nev. 61, 67, 412 P.3d 56, 61 (2018) (quoting *Hamm v. Arrowcreek Homeowners’ Ass’n*, 124 Nev. 290, 299, 183 P.3d 895, 902 (2008)).

⁹ *Id.* at 67, 412 P.3d at 61 (citing *Nev. Nat’l Bank v. Gold Star Meat Co.*, 89 Nev 427, 429, 514 P.2d 651, 653 (1973)).

¹⁰ *Simmons Self-Storage v. Rib Roof, Inc.*, 130 Nev. 540, 549, 331 P.3d 850, 856 (2014) (quoting *Dixon v. Thatcher*, 103 Nev., 414, 417, 742 P.2d 1029, 1031 (1987)).

¹¹ *Dixon*, 103 Nev. at 417, 742 P.2d at 1031 (quoting *Myers v. Jones*, 99 Nev. 91, 93, 657 P.2d 1163, 1164 (1983)).

68 Nev. 410, 419, 233 P.2d 1072, 1076 (1951) (internal quotation marks omitted).

However, Nevada has long held that a principal is bound by an agent's unauthorized acts when the principal ratifies them.¹² A principal is deemed to have ratified an agent's unauthorized act when the principal either: (1) does so expressly; (2) accepts or receives some advantage from the act with full knowledge of it; or (3) fails to repudiate it within a reasonable time after learning about it.¹³

Here, the alleged facts, yet to be disputed, show Petitioners engaged in tortious conduct due to the contractual relationship between Petitioners and John Doe. While the exact terms of their contract are not yet known,¹⁴ Schieve and Hartung initiated this lawsuit and the known parties litigated the matter extensively and publicly for months without a word from John Doe. *See* 1-PA-1-239. Only when the District Court upheld the Discovery Commissioner's recommendation to grant the motion to compel did John Doe make an appearance in this matter. *See* 1-PA-240.

Further, John Doe's declaration merely states that he did not explicitly "ask or authorize" Petitioners to place the GPS tracker on Schieve's and Hartung's

¹² *See Clarke v. Lyon Cnty.*, 8 Nev. 181 (1873).

¹³ *Goldstein v. Hanna*, 97 Nev. 559, 567-68, 635 P.2d 290, 295-96 (1981) (Manoukian, J., dissenting) (citing *Edwards v. Carson Water Co.*, 21 Nev. 469, 34 P. 381 (1893); *Goetz v. Security Industrial Bank*, 508 P.2d 410 (Colo.App. 1973); and *Rakestraw v. Rodriques*, 8 Cal.3d 67, 104 Cal.Rptr. 57, 500 P.2d 1401 (Cal. 1972)).

¹⁴ Notably, John Doe moved for summary judgment before discovery commenced and thus has deprived this Court of important factual information regarding his correspondence with his agent. *See* 1-SA-1.

automobiles. 1-SA-17-18. The declaration is silent as to the specific terms of his contract with Petitioners, and is silent as to whether any term in that agreement implicitly authorized Petitioners' conduct. *See id.*

John Doe has enjoyed, and continues to enjoy, the fruit of Petitioners' tortious activity undertaken on his behalf without having to reveal his true identity. Additionally, in adjudicating John Doe's "emergency" motions, even the District Court noted that John Doe's delay in participation until the adjudication of the motion to compel indicated that John Doe has been wholly aware of these proceedings. *See* 1-SA-93-94. John Doe could have participated in this matter and repudiated Petitioners' actions long before he did, and in a much stronger manner than he did. *See id.* These facts show John Doe has clearly waited an unreasonable amount of time prior to repudiating Petitioners' alleged actions, and is only now doing so in a Hail Mary attempt to avoid disclosing his true identity rather than dispute the fact that Petitioners acted as his agent. *See id.*

Accordingly, the record shows at this point that John Doe ratified Petitioners' tortious actions.

//

//

//

//

b. Neither the First Amendment, Nor Nevada Law Protects Engaging in Tortious Acts Against Public Officials or Employees

i. The First Amendment Does Not Protect John Doe's Activities

Undersigned concurs with and incorporates by reference Schieve's & Hartung's arguments presented in § IV of their Brief stating how this matter does not implicate First Amendment rights. *See* Resp. Brief at 22-31.

ii. Nevada Law Does Not Preclude the District Court from Ordering Petitioners to Disclose John Doe's Identity

Additionally, as stated in Schieve's & Hartung's Brief, nothing in Nevada law allows Petitioners to refuse to reveal the identity of their principal when legally required to do so. *See* Resp. Brief at 29-30. While other states may have adopted a statutory investigator-client privilege, Nevada is not one of them, as Petitioners concede. *See* Pet. at 16. Further, while the argument Petitioners make about the identity of John Doe being a trade secret is certainly novel, the Court did not err in ordering the disclosure. John Doe's identity simply does not constitute a trade secret for the reasons thoroughly discussed in the record below. *See* Resp. Brief at 19-22.

The consequences of permitting such a defendant to remain anonymous would allow said defendant to evade the public scrutiny that nearly every litigant faces. Further, it would encourage tortfeasors to hide their malfeasance behind a private investigator. This course of action would essentially create a favored class of litigant

on the basis that they can afford to commit torts through a private investigator agent and incentive criminal misconduct.

A court order would constitute sufficient “law” under NRS 648A.200(1) requiring Petitioners to divulge information to permit Petitioners to reveal John Doe’s identity without incurring criminal liability under that statute. Petitioners’ concerns that their business would fail if they disclose John Doe’s identity ring hollow, as Petitioners would have only done so after being legally required to disclose. The district court did not create a blanket finding that requires private investigators to reveal their clients in all instances. Instead, the district court merely found that because Plaintiffs sufficiently pled tortious activities, the investigator must reveal the client’s identity so the litigation can continue. 1-PA-226.

Further, as courts across the country have recognized, the public has a strong interest in open judicial proceedings and the identity of litigants.¹⁵

For these reasons, neither the First Amendment nor Nevada law justify granting the relief Petitioners seek.

//

//

//

¹⁵ See, e.g., *Doe No. 1 v. Wynn Resorts Ltd.*, No. 2:19-cv-01904-GMN-VCF, 2022 WL 3214651 at *3 (“Firmly embedded in the American judicial system is a presumption of openness in judicial proceedings.”).

c. Granting the Writ Petition Would Erode Privacy Rights of Public Officials and Employees Throughout the State

As discussed, Petitioners and John Doe seek to continue to conceal John Doe's identity despite allegations on record below showing John Doe's involvement in this matter as a tortfeasor. Petitioners' position is that existing Nevada law merely protects John Doe's identity as a trade secret and affords some level of privilege. John Doe's more extreme position is that his conduct is protected by the First Amendment. Either conclusion is legally erroneous and would obliterate the privacy rights of public employees.

If this Court holds that Nevada law affords the form of private investigator-client privilege that Petitioners' claim exists, it would allow a private investigator to defy a court order to reveal client's identity, even when the client is a joint-tortfeasor with the private investigator. Such a holding is simply not supported by statute or precedent.

Yet, should the Court make this holding, it would give anyone taking issue with a decision of any public agency *carte blanche* to use a private investigator to trespass against public employees, such as Undersigned. It would erode the ability of over 17,000 state employees¹⁶—the vast majority of whom are unelected and non-

¹⁶ See Executive Order 2023-003. This number, notably, only includes employees of the State of Nevada. It does not include the myriad others working for counties, cities, and other State subdivisions.

appointed—to seek redress against a principal tortfeasor when someone commits long recognized torts against them. It would essentially say that these folks, including Undersigned, have highly truncated privacy rights merely because they have a day job in the public sector.¹⁷

Additionally, should this Court hold that the First Amendment protects John Doe from having his identity revealed despite the allegations against him, it would grant unprecedented First Amendment protection to tortfeasors. As stated earlier, it would allow such tortfeasors to evade public scrutiny, and create a favored class of litigant.

Some notable voices in the state, including a recently-failed candidate for Attorney General,¹⁸ have hyperbolically suggested that failing to grant this writ petition would essentially outlaw legitimate *sub rosa* investigation. Yet, these voices conveniently ignore the fact that *sub rosa* investigation long predates the advent of GPS technology, and that investigators have long conducted it without committing

¹⁷ For example, the State employs minors when investigating whether a store is selling tobacco or alcohol to underaged customers. Under John Doe’s assertion, an individual would have the right to trespass against these minors merely because they performed an important state function. Similarly, litigants would be empowered to hire investigators to follow members of the judiciary so long as the litigants claim to be engaging in protected activity.

¹⁸ See <https://twitter.com/chattah4nevada/status/1654204344475193346>, May 4, 2023, accessed Jun. 6, 2023 (“This ruling is a direct hit on sub rosa in Nevada. Will it change NV’s discovery rules or is this more of a political statement? Pesky little issue of first impression”).

trespass or any number of torts. Investigators have long engaged in *sub rosa* while surveilling from spaces where they are legally allowed to be present. Denying this writ will only go to ensure that such investigations are conducted in a manner that do not infringe upon the rights of the subject.

Accordingly, aside from being the legally correct decision, denying this writ petition would also protect the rights of all public employees, such as those of Undersigned.

V. CONCLUSION

The law does not support granting the relief Petitioners seek. Petitioners seek to extend Nevada statutes to an extent no court has ever extended them, while John Doe asserts the First Amendment protects his activity. Both Petitioners and John Doe conveniently ignore the fact that the factual allegations—materially undisputed at this point—implicate them in tortious activity. Meanwhile, granting the writ petition would catastrophically erode privacy rights for all public employees in the state.

//

//

//

//

//

//

For these reasons, the District Court's order was neither clearly erroneous nor contrary to law. Undersigned thus supports Schieve's and Hartung's opposition to the writ petition, and respectfully asks this Court to deny it.

Submitted this 13th day of July, 2023

/s/ Rost C. Olsen

Rost C. Olsen, SBN 14410

1150 E. William St.

Carson City, NV 89701

(775) 684-6188

rostolsen@puc.nv.gov

Amicus Curiae In Proper Person

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the formatting, typeface, and type style requirements of NRAP 32(a)(4-6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word with 14-point, double-space Times New Roman font.

I further certify that this brief complies with the page- or type-volume limitations of NRAP 29(e) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more and contains 3953 words, including footnotes.

I further certify that I have read this brief, that it is not frivolous or interposed for any improper purpose, and that it complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e).

I understand that I may be subject to sanctions in the event that the brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated: July 13, 2023

/s/ Rost C. Olsen

Rost C. Olsen, SBN 14410

1150 E. William St.

Carson City, NV 89701

(775) 684-6188

rostolsen@puc.nv.gov

Amicus Curiae In Proper Person

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I served the foregoing document on the parties in said case by electronically filing via the Court's e-filing system, as follows:

Ryan T. Gormley
Brittany M. Llewellyn
Jonathan J. Winn
Weinberg, Wheeler, Hudgins,
Gunn & Dial, LLC
6385 South Rainbow Blvd., Ste. 400
Las Vegas, NV 89118

Jeffrey F. Barr
Alina M. Shell
Armstrong Teasdale LLP
7160 Rafael Rivera Way, Ste. 320
Las Vegas, NV 89113

Adam Hosmer-Henner
Chelsea Latino
Philip Mannelly
Jane Susskind
McDonald Carano LLP
100 West Liberty Street, Tenth Floor
Reno, NV 89501

The Honorable David A. Hardy
Second Judicial District Court
Dept. 15
75 Court Street
Reno, NV 89501

Dated: July 13, 2023

/s/ Rost C. Olsen _____

Amicus Curiae In Proper Person