

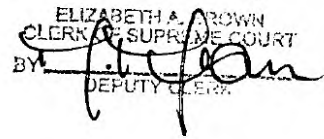
IN THE SUPREME COURT OF THE STATE OF NEVADA

GREATER LAS VEGAS SHORT TERM
RENTAL ASSOCIATION, A
NONPROFIT NEVADA
CORPORATION; AND JACQUELINE
FLORES, PRESIDENT AND
DIRECTOR,
Appellants/Cross-Respondents,
vs.
CLARK COUNTY; CLARK COUNTY
BOARD OF COMMISSIONERS, A
SUBDIVISION OF THE STATE OF
NEVADA; AND THE STATE OF
NEVADA,
Respondents/Cross-Appellants.

No. 86264

FILED

OCT 13 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING MOTION

This is an appeal and cross-appeal from an order granting a preliminary injunction in part on a civil complaint for declaratory and injunctive relief challenging a new licensing scheme and statutory provisions applicable to short-term rentals. Goldwater Institute and Liberty Justice Center (LJC) have filed a motion for leave to file a brief of amicus curiae in support of appellants/cross-respondents, addressing various constitutional violations created by the new licensing scheme. Respondents/cross-appellants oppose the motion on the ground that the proposed amicus brief does not offer anything substantive that appellants/cross-respondents' brief does not already provide for this court. Having considered the motion, opposition, and reply, the motion is denied.

The literal definition of an "amicus curiae" is "friend of the court," not "friend of a party," although it has become accepted that amicus

curiae may assume an adversarial role. *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997). Nevertheless, there must remain some limitations on permitting amicus curiae to participate in an appeal. *See id.* Accordingly, the Seventh Circuit has explained that participation by amicus curiae is appropriate:

when a party is not represented competently or is not represented at all, when the amicus has an interest in some other case that may be affected by the decision in the present case . . . , or when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.

Id. The Ninth Circuit has further explained that the “classic role” of amicus is to assist in cases of general public interest and to supplement the efforts of counsel by drawing the court's attention to law that might have escaped consideration. *Miller-Wohl Co., Inc. v. Comm'r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982). Consequently, consistent with this case law, the appearance of Goldwater and LJC as amicus curiae is not appropriate in this matter. Appellants/cross-respondents are represented by competent counsel. Goldwater and LJC state that Goldwater has “published extensive research on the value of home-sharing and the legal right of property owners to engage in short-term rentals,” that together they “are litigating a challenge against Chicago’s restrictions on home-sharing—under an ordinance strikingly similar to this one—in the Illinois Supreme Court,” and “are among the nation’s foremost experts on the legal, economic, and social issues involved in short-term renting.” However, they do not explain how they have unique information or a unique perspective from appellants/cross-respondents and it does not appear that amici’s proposed brief “add[s] something distinctive to the presentation of the issues.” 16AA Charles Alan Wright et al., *Federal Practice & Procedure* § 3975 (5th ed.

2020). Accordingly, the motion for leave to file a brief of amicus curiae is denied.¹ NRAP 29. The clerk shall detach and return, unfiled, the brief of amicus curiae attached to the motion filed on September 13, 2023.

It is so ORDERED.

_____ *Stiglm*, C.J.

cc: Hutchison & Steffen, LLC/Las Vegas
Hutchison & Steffen, LLC/Reno
Attorney General/Carson City
Clark County District Attorney
Clark County District Attorney/Civil Division
Scott Day Freeman

¹Goldwater and LJC additionally move to strike a portion of respondents/cross-appellants' opposition as it goes to the merits of this appeal. Insofar as respondents/cross-appellants raise arguments that go to the merits of this appeal, this court will not consider those arguments outside of the briefing.