

STAFF REPORT

Date: April 24, 2024

To: Mayor and City Council

Through: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Approval to participate as amicus in Mountain Vista Holdings, LLC. vs. Transwest Express, LLC, Nevada Supreme Court Case No. 84692, in support of Respondent Transwest's Petition for Rehearing of the Court's reversal on the issue of admissibility of certain expert appraisals and prior settlement information.

From: Jonathan Shipman, Chief Deputy City Attorney

Department: City Attorney's Office

Summary:

Staff recommends that Council authorize the City Attorney's Office to join an amicus brief in Mountain Vista Holdings, LLC. vs. Transwest Express, LLC in support of a petition for rehearing to be filed in the Nevada Supreme Court by Respondent Transwest.

Alignment with Strategic Plan:

Fiscal Sustainability

Previous Council Action:

There is no recent Council action relevant to this item.

Background:

Discussion:

The Nevada Supreme Court recently reversed an Eighth Judicial District Court order in an eminent domain case in which the lower court excluded evidence of a prior settlement agreement between different parties as it relates to the valuation of land that is the subject of the current case in Southern Nevada. Amici seek to have the Nevada Supreme Court reconsider the effect of its reversal on future eminent domain and inverse condemnation cases if outdated valuations of land are permitted as evidence in such cases.

Financial Implications:

None to participate as amicus. The City would join other municipalities anticipated to join in a brief written by outside legal counsel. Possible but unknown negative financial impact in future eminent cases if the Nevada Supreme Court's ruling stands as precedent.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation:

Staff recommends Council authorize the City Attorney's Office to execute all documents and do all other acts, deeds, and activities the City Attorney deems necessary or advisable to join the case as amicus in support of rehearing.

Proposed Motion:

I move to approve staff recommendation.

Attachments: