



STATE OF NEVADA  
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May 27, 2011

The Honorable Brian Sandoval  
Governor  
State of Nevada  
Capitol Complex  
Carson City, NV

Dear Governor:

I am in receipt of your letter dated May 27, 2011, requesting my office to "seek expedited clarification of the Nevada Supreme Court's . . . decision in *Clean Water Coalition v. M. Resort, LLC, et. al.*, . . . before close of business today."

As we discussed this morning at 9:00am in your office, there is no procedural mechanism in the Nevada Rules of Appellate Procedure to seek "clarification" of a Supreme Court Opinion. However, there is provision for a Petition for Rehearing pursuant to NRCP 40.

Since our meeting this morning, and at your request, my attorneys have been reviewing the recent Court's decision along with the record, pleadings and arguments made before the Court to determine if there are sufficient grounds pursuant to NRCP 40(c) to file a Petition for Rehearing in a timely fashion.

After careful consideration of your request, I provide you with the following response.

At this time, there do not appear to exist grounds for filing a Petition for Rehearing. According to the Nevada Rules of Appellate Procedure, the Court will not consider re-argument of matters presented in the briefs or matters raised for the first time on rehearing. But the Court will consider a rehearing:

- (1) When the court has overlooked or misapprehended a material fact in the record or a material question of law in the case, or

- (2) When the court has overlooked, misapplied or failed to consider a statute, procedural rule, regulation or decision directly controlling a dispositive issue in the case.

NRAP 40(c)(2).

The briefings and the oral argument in this matter were extensive and exhaustive. It does not appear the Court overlooked or misapprehended a material fact or a material question of law. Nor does it appear the Court overlooked, misapplied or failed to consider a statute, procedural rule, regulation or decision directly controlling a dispositive issue in the case. Therefore, as this time, no grounds exist for filing a petition for rehearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Cortez Masto", written in a cursive style.

CATHERINE CORTEZ MASTO  
Attorney General