

**CLARK COUNTY BOARD OF COMMISSIONERS  
AGENDA ITEM**

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**Petitioner:** Steven B. Wolfson, District Attorney

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**Recommendation:**

**Approve and authorize the District Attorney's Office or its designee to join or file an Amicus Curiae Brief on behalf of Clark County in Herndon v. City of Henderson, et al., Nevada Supreme Court Case No. 88497. (For possible action)**

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**FISCAL IMPACT:**

|                      |   |                   |              |
|----------------------|---|-------------------|--------------|
| Fund #:              | 1010.000                                      | Fund Name:        | General Fund |
| Fund Center:         | 1080716000                                    | Funded PGM/Grant: | N/A          |
| Amount:              | Up to \$5,000                                 |                   |              |
| Description:         | Miscellaneous court fees and related expenses |                   |              |
| Additional Comments: | N/A   |                   |              |

**BACKGROUND:**

This case pending before the Supreme Court of Nevada is considering several novel questions of law that will have a significant impact on the liability and financial exposure of public entities for claims arising under the Nevada State Constitution.

Among other things, these novel questions of law include: 1. Whether the qualifications to the waiver of sovereign immunity provided in NRS 41.031, et seq. apply to Nevada State Constitutional torts; 2. The proper method for calculating an award of damages for state law constitutional claims and the effect of NRCP 68 offers of judgment on the same; and 3. Whether an award of attorney's fees is appropriate to parties who prevail on state law constitutional claims.

Depending on how the Nevada Supreme Court rules, these questions of law could have a substantial and detrimental fiscal impact on the County and, accordingly, it is recommended that the Board of County Commissioners authorize the District Attorney or its designee to file a brief with the Nevada Supreme Court as an amicus curiae or to join in an amicus curiae brief filed by another public entity in the same case.

Cleared for Agenda

**10/07/2025**

File ID#

**25-2935**