

CLARK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

Petitioner: Steven B. Wolfson, District Attorney

Recommendation:

Authorize Petition for Writ of Mandamus Action to Supreme Court of Nevada in Cameron Industrial Park, LLC v. Clark County, EJDC Case No. A-24-890468-C (For possible action)

FISCAL IMPACT:

Fund #:	6610	Fund Name:	Clark County Liability Insurance Pool
Fund Center:	1020502000	Funded PGM/Grant:	N/A
Amount:	Up to \$5,000.00		
Description:	Miscellaneous court fees and related expenses		
Additional Comments:	N/A		

BACKGROUND:

Cameron Industrial Park, LLC, a business which owns and operates an industrial park at 4310 Cameron Street, Las Vegas, NV, brought suit against Clark County alleging negligence for damage sustained in flooding events that occurred on or around August 24, 2023, September 1, 2023, and September 4, 2023, when Hurricane Hilary arrived in Southern Nevada bringing an unprecedented amount of rainfall. Plaintiff alleged that Clark County was liable for negligence by failing to remove trash and debris in the flood channel adjacent to their property prior to these storms. A declared state of emergency was in effect in Nevada from August 20, 2023, to September 8, 2023, and in Clark County from August 20, 2021, to September 9, 2023, as a result of these storms.

Clark County filed a motion to dismiss the action pursuant to NRS 414.110 which provides immunity to the State of Nevada and its political subdivisions for emergency management and preparation, contending that an allegation that Clark County failed to remove trash and debris from a flood channel before a declared emergency is the type of emergency preparation for which Clark County is immune pursuant to NRS 414.110. The court denied this motion.

As the damage sustained by private and public landowners during Hurricane Hilary was severe and claims of this nature are likely to be asserted by various other claimants moving forward, it is imperative that Clark County obtains the Supreme Court of Nevada's position on the issue of NRS 414.110 immunity in handling these claims and in dealing with subsequent cases in district court. Accordingly, the Clark County District Attorney's Office hereby requests authority to file a Petition for Writ of Mandamus with the Supreme Court of Nevada compelling the Eighth Judicial District Court to grant its motion to dismiss pursuant to NRS 414.110.

Cleared for Agenda

09/03/2024

File ID#

24-1157