

1 WILLIAM B. TERRY, ESQ.
Nevada Bar No. 001028
2 ALEXANDRA ATHMANN-MARCOUX, ESQ.
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Electronically Filed
Dec 14 2018 03:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

7 IN THE SUPREME COURT OF NEVADA

8 THE HONORABLE MELANIE
9 ANDRESS-TOBIASSON, JUSTICE OF
10 THE PEACE, CLARK COUNTY,
NEVADA,

11 Petitioner,

12 vs.

13 THE NEVADA STATE COMMISSION
14 COMMISSION JUDICIAL DISCIPLINE,

15 Respondent.

Case No. 77551

16 **REQUEST FOR IMMEDIATE CONSIDERATION OF PETITIONER'S**
17 **APPLICATION TO STAY FURTHER PROCEEDINGS BEFORE**
18 **THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE PENDING**
THE PETITION FOR WRIT OF MANDAMUS OR, IN THE
ALTERNATIVE, WRIT OF PROHIBITION

19 COMES NOW, the Honorable Judge Melanie Andress-Tobiasson, by and
20 through her counsel, WILLIAM B. TERRY, ESQ., of the law offices of WILLIAM
21 B. TERRY, CHARTERED and asks that this Honorable Court to review and grant
22 the stay requested in the original Petition for Writ of Mandamus or, in the Alternative,
23 Writ of Prohibition currently pending before this Honorable Court.

1 This Motion is made and based upon the attached analysis of facts.

2 DATED this 14th day of December, 2018.

3 WILLIAM B. TERRY, CHARTERED

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14 Attorney for Petitioner

15 **ANALYSIS OF FACTS**

16 On a prior occasion the Honorable Judge Melanie Andress-Tobiasson, a Justice
17 of the Peace in Clark County, Nevada filed a Petition for Writ of Mandamus or, in the
18 Alternative, Writ of Prohibition in an effort to have this Court make a ruling on
19 whether or not Judge Tobiasson has an obligation to respond to interrogatories
20 submitted to her prior to the filing of any formal charges by the Nevada Commission
21 on Judicial Discipline. Responses to those interrogatories were due but the
22 Commission granted a continuance based upon a separate application until December
23 27th to respond to said interrogatories. Counsel for Judge Tobiasson believed that the
Court may not issue any type of decision before that date and advised the
Commission that additional time would be sought if this Honorable Court had not

1 acted upon the Petition. Counsel, however, received an email from Paul Deyhle
2 indicating that no further extensions would be granted after December 27th, a copy of
3 that email is attached hereto. The concern that Judge Tobiasson has is that if the
4 Court does not act at least upon the request to stay further proceedings before the
5 Commission then she would be obligated to respond to the interrogatories which
6 arguably could moot the Petition. Counsel for Judge Tobiasson believes that the
7 issues set forth within the Petition are ones that would arise again in reference to
8 other judges and as a result the intervention of this Honorable Court is necessary. For
9 the instant reason it is requested that this Honorable Court, at a minimum, act upon
10 the request to stay further proceedings before the Commission pending a
11 determination of the ultimate Writ should this Court entertain said Writ.

12 DATED this 14th day of December, 2018.

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15 
16 WILLIAM B. TERRY, ESQ.

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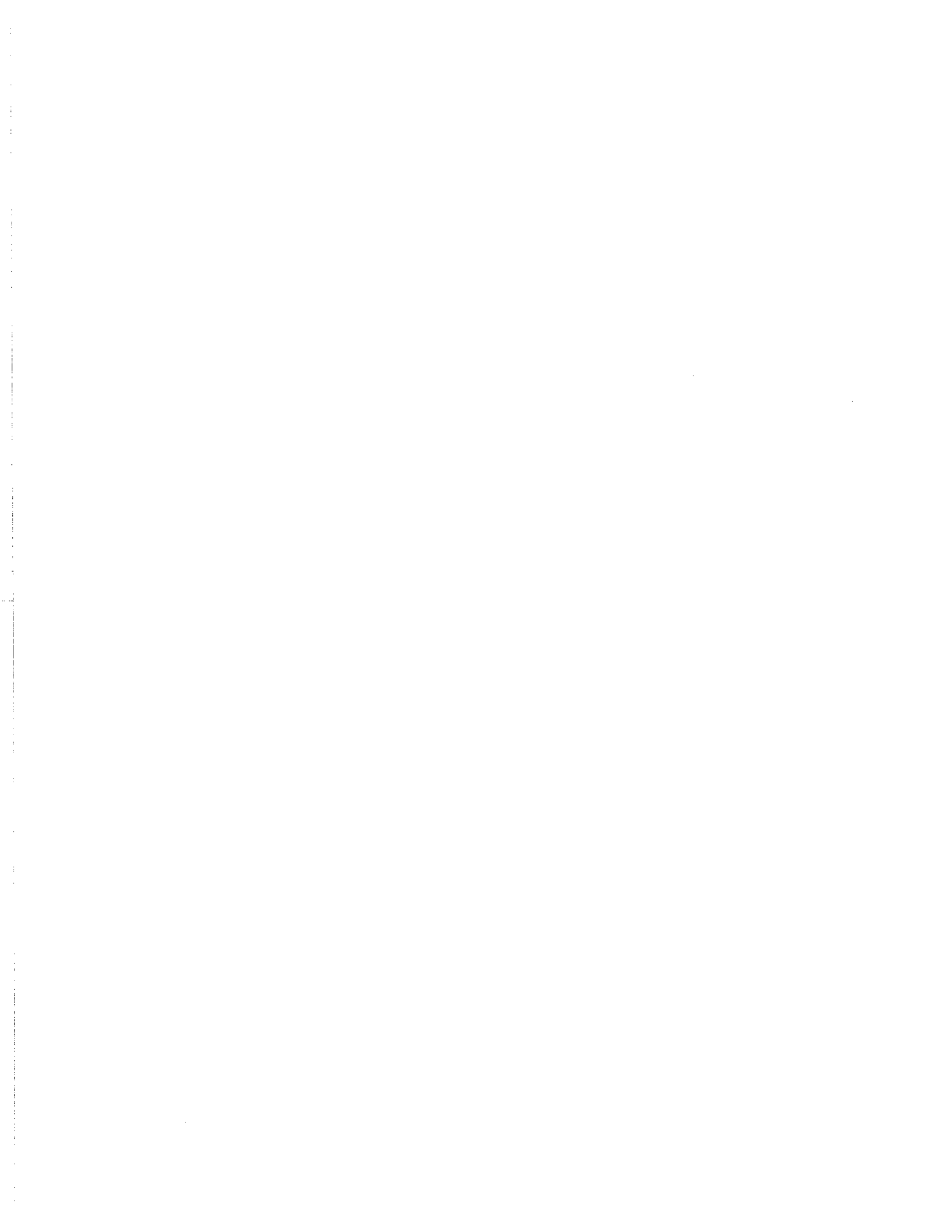
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22 Las Vegas, Nevada 89101

23 (702) 385-0799

Attorney for Petitioner



Office Email

From: Paul Deyhle <pdeyhle@judicial.nv.gov>
Sent: Thursday, December 13, 2018 1:21 PM
To: William Terry
Cc: Tom@TomBradleyLaw.com
Subject: RE: Honorable Melanie Andress-Tobiasson 2018-120

Dear Mr. Terry,

With respect to your statement that you will be seeking additional time if the Supreme Court has not made a ruling on your petition, please note that no further requests for additional time will be granted. The complaint in this case is required to move forward in accordance with the Commission's constitutional and statutory mandates. The receipt of a response to the complaint will assist the Commission in determining whether the filing of a formal statement of charges is necessary. Thus, this requirement affords Judge Tobiasson more due process, not less. Nevertheless, if you choose not to respond to the complaint by the deadline set forth below, the Commission will move forward accordingly.

Thank you and I wish you Happy Holidays as well.

Paul

Paul C. Deyhle
General Counsel and Executive Director
Nevada Commission on Judicial Discipline
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