

1 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

2 **STATE OF NEVADA**



3 In the Matter of)

4 THE HONORABLE ERIKA BALLOU,)
District Court Judge, Eighth Judicial District)
Court, County of Clark, State of Nevada,)

6 Respondent.)
7)
8)

CASE NO. 2024-103-P & 2024-105-P

8 **PREHEARING ORDER**

9 TO: THE HONORABLE ERIKA BALLOU, Respondent
10 TOM PITARO, ESQ., Counsel for Respondent
THOMAS C. BRADLEY, ESQ., Special Counsel

11 The purpose of the hearing will be to determine whether, pursuant to NRS 1.4673, there is clear
12 and convincing evidence to show that Respondent violated the Revised Nevada Code of Judicial
13 Conduct, as is alleged in the Formal Statement of Charges filed by Special Counsel Thomas C. Bradley,
14 Esq. on or about April 24, 2025, and whether discipline is appropriate.

15 Within ten (10) days after service of this Prehearing Order, the Parties shall exchange certain
16 material and information as set forth in the Procedural Rules of the Nevada Commission on Judicial
17 Discipline ("PRJDC") 19.

18 A hearing in this case will take place in Las Vegas, Nevada, on such date(s) to be set by the
19 Commission pursuant to PRJDC 18.

20 Not less than thirty (30) days before the hearing, the Parties may submit a written request for the
21 Commission to issue subpoenas for the production of documents or to compel attendance or testimony
22 of the witnesses, if any, pursuant to NRS 1.466 and PRJDC 20.

23 All pleadings, including accompanying legal memoranda, submitted in support of any motion
24 shall be limited to: fifteen (15) pages in length for the opening motion; fifteen (15) pages for the
25 opposition; and seven (7) pages for the reply. These limitations are exclusive of exhibits.

26 Not less than twenty-one (21) days before the hearing, the Parties are directed to confer in order
27 to reach any possible stipulations narrowing the issues of law and fact, and exchange documents that
28 will be offered into evidence at the hearing, and/or stipulate to any or all exhibits to be introduced at the

1 hearing.

2 Not less than fifteen (15) days before the hearing, the Parties shall file all pre-trial motions,
3 including motions in limine to exclude or admit evidence.¹ No reply shall be permitted if such motions
4 are filed within twenty-one (21) days before the hearing.

5 Not less than fourteen (14) days before the hearing, the Parties shall prepare and serve
6 contemporaneously by email written prehearing briefs upon the Commission and the opposing Party.

7 The prehearing briefs shall include:

- 8 a. A brief statement of relevant facts, including any admitted or undisputed facts,
9 not to exceed one (1) page.
- 10 b. A concise statement, not to exceed two (2) pages, of the Party's allegations or
11 defenses and the facts supporting the same. Such allegations, defenses and facts
12 shall be organized by listing each essential element of the allegation or defense
13 and stating the facts in support of each such element as they relate to the Formal
14 Statement of Charges.
- 15 c. A statement of any issues of law, not to exceed two (2) pages, supported by
16 authorities with a brief summary of the relevant rule and without additional
17 argument. The Parties should emphasize any Commission opinions deemed
18 relevant and applicable.
- 19 d. The names of each witness, except impeaching witnesses, the Party expects to
20 call; a clear statement of the expected testimony of each witness and its
21 relevance; and an estimate of the time the Party will require for the testimony of
22 each witness. To the extent possible, provide an estimate of time for cross-
23 examination of the opposing Party's witnesses.
- 24 e. A list of the exhibits expected to be identified and introduced at the hearing for
25 the purpose of developing the evidentiary record and a concise statement of the
26 relevancy to the allegations, defenses and facts as stated in the statement
27 required under paragraph (b) above for each exhibit.
- 28 f. A concise statement of any stipulations regarding the admissibility of an exhibit
or expected testimony of any witness offered by the opposing Party.
- g. A brief summary of any pre-hearing procedural or substantive motions, not to
exceed one (1) paragraph. Except for any procedural or substantive motions that
arise during the hearing, all pre-hearing procedural and substantive motions
must be submitted in accordance with this Prehearing Order.
- h. Any other appropriate comments, suggestions or information which may assist
the Commission in the disposition of the case, not to exceed one (1) page.

¹ Pursuant to PRJDC 38, service of all papers shall be by electronic means ("email"). Furthermore, PRJDC 37 states that time limitations shall be computed pursuant to the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure.

1 Not less than fourteen (14) days before the hearing, the Parties shall electronically submit to the
2 Commission their exhibit book(s), consisting of the exhibits, if any, expected to be identified and
3 introduced as evidence at the hearing. The exhibit book(s) must include an index of the exhibits and be
4 Bates numbered. Additionally, five (5) bound hardcopies of the exhibit books must be submitted to the
5 Commission on Judicial Discipline. Each Party is responsible for providing the court reporter with an
6 unbound set of Bates numbered exhibits. The Parties shall exchange exhibit books in both electronic
7 and hardcopy format, unless otherwise agreed upon.

8 a) The Special Counsel's exhibit book(s) must be tabbed and identified by numbers.

9 b) The Respondent's exhibit book(s) must be tabbed and identified by letters.

10 Within five (5) days of service of the prehearing brief, the Parties shall submit a concise
11 statement of any objections to the admissibility of any exhibit identified by the other Party and, to the
12 extent possible, the expected testimony of any witnesses. Such statement shall not exceed two (2)
13 pages. If no objection is stated as to any exhibit or expected testimony, the Commission will presume
14 that there is no objection to the admission of the listed exhibit or expected testimony into evidence.

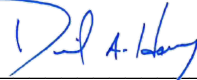
15 The Parties shall electronically file and serve all documents not later than 5:00 p.m. on the
16 respective dates outlined herein to the Office of the Commission on Judicial Discipline at
17 ncjdinfo@judicial.nv.gov, and upon the opposing Party.

18 The Honorable David Hardy is authorized to sign this order on behalf of the full Commission.

19 IT IS SO ORDERED.

20 DATED this 20th day of May, 2025.

21 STATE OF NEVADA
22 COMMISSION ON JUDICIAL DISCIPLINE

23 
24 Honorable David Hardy, Commissioner
25 Presiding Officer
26
27
28

CERTIFICATE OF SERVICE

I hereby certify on this 20th day of May, 2025, I transmitted a copy of the foregoing PREHEARING ORDER, via email and by placing said document in the U.S. Mail, postage prepaid, addressed to:

Tom Pitaro, Esq.
Attorney at Law
601 S. Las Vegas Blvd. South
Las Vegas, NV 89101
pitaro@gmail.com

Thomas C. Bradley, Esq.
435 Marsh Ave.
Reno, NV 89509
tom@tombradleylaw.com



Valerie Carter, Commission Clerk