

**JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS OF
THE UNIVERSITY OF NEVADA**

LEE. E. MASSEY V. CATLIN GUNN

Filed October 2, 2008
Decided October 20, 2008

SUMMARY JUDGMENT OF THE JUDICIAL COUNCIL OF THE ASSOCIATED
STUDENTS OF THE UNIVERSITY OF NEVADA

JUSTICE NIKKEL, writing for the unanimous opinion of the Council...

Plaintiff alleges that Catlin Gunn violated Article 1, Section 1(d) of the ASUN Constitution and requests “her disqualification from holding any ASUN appointed position” should it be found that she was simultaneously holding two ASUN official positions, elected or appointed.

When the Council accepted this case, it was alleged that Ms. Gunn was holding both the position of Films Chair and the position of ASUN Senate Secretary. It was under this understanding that the case was to be heard. However, on Thursday, October 16, 2008, Catlin Gunn sent out a memo to ASUN officials that she was resigning from the position of ASUN Senate Secretary.

According to the Judicial Council Rules of Procedure [JRP Rule 4 (f)(2)], “A motion to dismiss charges may be made if it can be shown that at least one of the conditions for accepting a case no longer qualifies.” Upon receiving the resignation information for Ms. Gunn, Chief Justice Kaufman motioned for a dismissal of charges based upon the fact that the case no longer satisfied Rule 3(2)(iii), “The factual allegations constitute violations of the Constitution, statutory, and/or regulatory provisions stated on the charge sheet.” Because Ms. Gunn is no longer ASUN Senate Secretary, the issue of alleged violation of Article 1, Section 1(d) of the ASUN Constitution is moot. Failure to meet Rule 3(2)(iii) of the Judicial Council Rules of Procedure resulted in a unanimous vote by the Council that the case of *Massey v. Gunn* be dismissed.

It is so ordered.

JUSTICE NIKKEL is joined by CHIEF JUSTICE KAUFMAN, JUSTICE MALDONADO, JUSTICE LEE and JUSTICE PALAFOX.