

JUL 27 2015

IN THE SUPREME COURT OF THE STATE OF NEVADA  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *S. Young*  
DEPUTY CLERK

No.

Electronically Filed  
Jul 10 2015 03:14 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

HONORABLE CATHERINE RAMSEY,  
NORTH LAS VEGAS MUNICIPAL JUDGE,  
Petitioner,

vs.

THE HONORABLE ERIC JOHNSON, DEPARTMENT 20, DISTRICT COURT  
JUDGE, EIGHTH JUDICIAL DISTRICT COURT  
Respondent,

CITY OF NORTH LAS VEGAS AND BARBARA A. ANDOLINA  
City Clerk of NORTH LAS VEGAS, BETTY HAMILTON,  
MICHAEL WILLIAM MORENO, and BOB BORGENSEN, individually  
and as Members of "REMOVE RAMSEY NOW"  
Real Parties in Interest.

Petition for Writ of Mandamas, Certiorari or Prohibition  
Eighth Judicial District Court, Clark County  
The Honorable Eric Johnson, District Court Judge  
District Court Case A-15-719406-P  
Consolidated with District Court Case A-15-719651-C

APPENDIX TO PETITIONER'S WRIT OF MANDAMAS,  
CERTIORARI OR PROHIBITION  
VOLUME I

Craig A. Mueller, Esq.  
Nevada Bar #4703  
MUELLER, HINDS AND ASSOCIATES  
600 S. Eighth Street  
Las Vegas, Nevada 89101  
(702) 382-1200  
Attorneys for Petitioner

*Transferred from docket no. 68394  
Per order filed 7-27-15.*

*15-22689*

INDEX

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Vol   Document

Page #

I	Ramsey's Emergency Petition for Injunction .....	RAM1-RAM30
	A-15-719406-P, filed 6-4-15	
I	HMB's Opposition A-15-719406-P, filed 6-8-15.....	RAM31-RAM41
I	Ramsey's Complaint Challenging Sufficiency.....	RAM42-RAM54
	A-15-719651-C, filed 6-9-15	
I	City's Partial Joinder in Opposition.....	RAM55-RAM59
	A-15-719406-P, filed 6-12-15	
I	HMB's Answer to Complaint.....	RAM60-RAM88
	A-15-719651-C, filed 6-12-15	
I	Ramsey's Reply to Opposition.....	RAM89-RAM96
	A-15-719406-P, filed 6-19-15	
I	Order Granting Consolidation filed 6-23-15.....	RAM97-RAM100
I	Ramsey's Witness and Document List 6-25-15.....	RAM101-RAM105
I	City's Witness and Exhibit List dated 6-25-15.....	RAM106-RAM108
I	Ramsey's Supplement to Arguments Made in.....	RAM109-RAM134
	Support of Emergency Petition for Injunction filed 6-26-15	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- I Ramsey’s Motion to Continue Evidentiary.....RAM135-RAM138  
Hearing filed 6-26-15
  
- I City’s 1<sup>st</sup> Supplement to Witness and.....RAM139-RAM144  
Exhibit List dated 7-2-15
  
- I Court Minutes Denying Request for Stay of.....RAM145-RAM146  
Proceedings Pending Writ dated 7-2-15
  
- I Decision & Order filed 7-6-15.....RAM147-RAM180
  
- I Sample of Recall Petition.....RAM181-RAM184
  
- I NRS 281.4365 (substituted by 281A.160) .....RAM185-RAM186
  
- I City Attorney Morgan’s Flyer July 2, 2015.....RAM187
  
- II Transcript of Hearing (Requested).....TBD  
Will supplement upon receipt: Please note, Counsel has requested an expedited transcript of the hearing, however, was informed by the Court Reporter, Amber Riggio, that was hospitalized with a serious medical condition and will not be able to provide said transcripts at this time. Counsel received an estimate of a date from Ms. Riggio of on or after July 20, 2015. Counsel will supplement their appendix upon receipt.

CLERK OF THE COURT

270-; CHECK# 948

CLERK *File*

1 INJ  
2 MUELLER, HINDS & ASSOCIATES  
3 CRAIG A. MUELLER, ESQ.  
4 Nevada Bar No. 4703  
5 600 S. Eighth Street  
6 Las Vegas, Nevada 89101  
7 Attorney for Petitioners

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

HONORABLE CATHERINE RAMSEY  
NORTH LAS VEGAS MUNICIPAL JUDGE  
Petitioner,

Case No.: A-15-719406-P

vs.

Dept No.: XIII

THE CITY OF NORTH LAS VEGAS AND  
BARBARA A. ANDOLINA City Clerk of  
NORTH LAS VEGAS, BETTY HAMILTON,  
MICHAEL WILLIAM MORENO, and BOB  
BORGENSEN, individually and as Members  
of "REMOVE RAMSEY NOW,"

Respondents

**EMERGENCY PETITION FOR  
INJUNCTION**

**"EMERGENCY MOTION UNDER NRS 295.105(4)"**

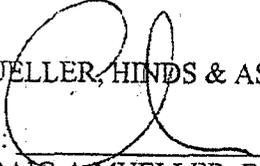
**REQUEST FOR HEARING WITHIN 3 DAYS**

COMES NOW Petitioner HONORABLE CATHERINE RAMSEY MUNICIPAL COURT  
JUDGE for the CITY OF NORTH LAS VEGAS, individually and in her professional capacity, by  
and through her attorney of record CRAIG A. MUELLER, ESQ., of MUELLER, HINDS &  
ASSOCIATES and hereby submits this Emergency Petition For Injunctive Relief pursuant to NRS  
295.105(4) and NRS 33.010.

///

1 This Petition is made and based upon the Points and Authorities which follow, the arguments  
2 of counsel at the hearing on the motion, and all of the pleadings and papers on file in this action.

3  
4 DATED this 22 day of June, 2015

5  
6 MUELLER, HINDS & ASSOCIATES  
7 By:   
8 CRAIG A. MUELLER, ESQ.  
9 Nevada Bar No.: 4703  
10 600 S. Eighth Street  
11 Las Vegas, NV 89101  
12 Attorney for Petitioner

13 **I. STATEMENT OF CASE**

14 This is a petition for an injunction requesting that this court enjoin the City Clerk of North Las  
15 Vegas, Clark County, Nevada and Betty Hamilton, Michael William Moreno, and Bob Borgersen,  
16 individually and as Members of "REMOVE RAMSEY NOW," from permitting the unconstitutional  
17 effort to remove North Las Vegas Municipal Court Judge Catherine Ramsey from her position as  
18 judge through a recall process articulated in Article 2 of the Nevada State Constitution. This effort to  
19 remove Judge Ramsey through this recall process is unconstitutional because Article 2 is not the  
20 article under which judges can be removed from their positions. Article 6 of the Nevada State  
21 Constitution is the Article that identifies the proper procedures for removing a judge in Nevada from  
22 their position as judge in this state. Judge Ramsey can only be removed from her position using the  
23 procedures identified in Article 6. Because the current effort to remove her is being attempted using  
24 the procedures identified in Article 2, and because Judge Ramsey can only be removed with the  
25 procedures authorized in Article 6, this effort to recall Judge Ramsey is unconstitutional, and must be  
26 enjoined by this court.

27 ///

28

1 **II. FACTUAL BACKGROUND**

2 Judge Catherine Ramsey was elected to serve as Municipal Court Judge for the City of North  
3 Las Vegas in the election of 2011. Judge Ramsey experienced no problems in the first 3 years of her  
4 6 year term. Subsequent to the election of a new mayor for the City of North Las Vegas, an effort to  
5 remove Judge Ramsey was initiated. On March 3, 2011 a notice of intent to recall Judge Ramsey was  
6 filed with the City Clerk. Following the filing of that notice a petition was circulated amongst the  
7 voters that voted in the election in which Judge Ramsey was elected. The signatures on that petition  
8 were submitted to the City Clerk on March 28, 2011 and the signatures are currently being counted.  
9 This recall effort is in derogation of the Nevada State Constitution, Nevada State Statutes, and  
10 precedential Nevada case law and must be halted because it is unconstitutional and allowing it to  
11 proceed will bring irreparable injury upon Judge Ramsey. Furthermore, if it is allowed to continue  
12 without being enjoined, it will progress to a point where a judgment will be ineffectual. Because of  
13 the impending irreparable injury, and the inevitability of rendering judgments ineffectual if this matter  
14 is permitted to proceed, this petition for an injunction should be granted.

15  
16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17 **A. STANDARD OF REVIEW**

18 NRS 295.105(4) states the following:

19 4. A final determination as to the sufficiency of a petition is subject to judicial  
20 review. If the final determination is challenged by filing a complaint in district court,  
21 the court shall set the matter for hearing not later than 3 days after the complaint is  
22 filed and shall give priority to such a complaint over all other matters pending with the  
23 court, except for criminal proceedings. A final determination of insufficiency, even if  
24 sustained upon judicial review, does not prejudice the filing of a new petition for the  
25 same purpose.

26 This statute is clear and precise. Plaintiff is entitled to a hearing within three (3) days of the filing of  
27 this petition.

28 ///

///

1 NRS 33.010 states as follows:

2  
3 NRS 33.010 Cases in which injunction may be granted. An injunction may be  
4 granted in the following cases:

5 1. When it shall appear by the complaint that the plaintiff is entitled to the relief  
6 demanded, and such relief or any part thereof consists in restraining the commission or  
7 continuance of the act complained of, either for a limited period or perpetually.

8 2. When it shall appear by the complaint or affidavit that the commission or  
9 continuance of some act, during the litigation, would produce great or irreparable  
10 injury to the plaintiff.

11 3. When it shall appear, during the litigation, that the defendant is doing or  
12 threatens, or is about to do, or is procuring or suffering to be done, some act in  
13 violation of the plaintiff's rights respecting the subject of the action, and tending to  
14 render the judgment ineffectual.

15 Plaintiff seeks an injunction because all three of the criteria above apply in this situation.

## 16 B. LEGAL ARGUMENT

17 Judge Ramsey is entitled to the relief demanded, and such relief consists of restraining the  
18 commission of the act of seeking a recall of Judge Ramsey from the position of Judge of North Las  
19 Vegas. Judge Ramsey is seeking an order from this court to stop the recall effort initiated by Judge  
20 Ramsey's political adversaries. These adversaries are attempting to provoke a recall election to  
21 remove Judge Ramsey from her position as Judge of North Las Vegas.  
22

23  
24 Judge Ramsey's political adversaries are attempting to remove her from the bench using a  
25 procedure that is meant to remove article II officials: meaning officials of the legislature and executive  
26 branches. Judge Ramsey is a judicial official. Judicial officials are Article 6 officials as defined by the  
27 Nevada State Constitution and can only be removed by a process outlined and established in Article 6  
28

1 of the Nevada State Constitution. Judge Ramsey's political adversaries cannot remove her from the  
2 bench relying on a procedure meant to apply to legislative and executive officials.

3  
4 Article 2 section 9 of the Nevada State Constitution states:

5  
6 Sec. 9. Recall of public officers: Procedure and limitations. Every  
7 public officer in the State of Nevada is subject, as herein provided, to recall  
8 from office by the registered voters of the state, or of the county, district, or  
9 municipality which he represents. For this purpose, not less than twenty-five  
10 percent (25%) of the number who actually voted in the state or in the county,  
11 district, or municipality which he represents, at the election in which he was  
12 elected, shall file their petition, in the manner herein provided, demanding his  
13 recall by the people.

14 Judge Ramsey's political adversaries are attempting to remove her from the bench relying on the  
15 procedure outlined above. They have allegedly collected 25% of the signature of the voters that voted  
16 in the election in which Judge Ramsey was elected to her position as Judge of North Las Vegas  
17 Municipal Court. Those signatures were submitted to the City Clerk and are being tabulated currently.

18 The fact that those signatures are being counted and the fact that her adversaries have gotten  
19 this far with this inappropriate and unconstitutional procedure evidences the immediate need for the  
20 order to enjoin this process, e.g. this process is in violation of Judge Ramsey's rights; allowing this  
21 process to continue will result in irreparable injury to Judge Ramsey; and if Judge Ramsey's  
22 adversaries are permitted to continue with this inappropriate and illegal process, a judgment will be  
23 rendered ineffectual. All of these are pursuant to NRS 30.010.

24  
25 The appropriate procedure for removing Judge Ramsey from the bench is outlined in the  
26 following from Article 6 Section 21 of the Nevada State Constitution. The following provision  
27 identifies whom may be removed from judicial office and by whom that judge may be removed:  
28

1           Sec. 21. Commission on Judicial Discipline; Code of Judicial Conduct.

2           1. A justice of the Supreme Court, a judge of the court of appeals, a district judge, a  
3 justice of the peace or a municipal judge may, in addition to the provision of Article 7  
4 for impeachment, be censured, retired, removed or otherwise disciplined by the  
5 Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the  
6 Supreme Court, a justice or judge may appeal from the action of the Commission to the  
7 Supreme Court, which may reverse such action or take any alternative action provided  
8 in this subsection.

9           Later in that same section the following provision identifies that the Nevada State Legislature outlined  
10 the procedure for removing Judges from office, granting the authority to do so to the Commission of  
11 Judicial Discipline:

12           5. The Legislature shall establish:

13           (a) In addition to censure, retirement and removal, the other forms of  
14 disciplinary action that the Commission may impose;

15           (b) The grounds for censure, and other disciplinary action that the  
16 Commission may impose, including, but not limited to, violations of the provisions of  
17 the Code of Judicial Conduct;

18           (c) The standards for the investigation of matters relating to the fitness of a  
19 justice or judge; and

20           (d) The confidentiality or nonconfidentiality, as appropriate, of proceedings  
21 before the Commission, except that, in any event, a decision to censure, retire or  
22 remove a justice or judge must be made public.

23           Lastly, the circumstances under which a judge may be removed are identified in the following:

24           8. No justice or judge may by virtue of this Section be:

25           (a) Removed except for willful misconduct, willful or persistent failure to  
26 perform the duties of his office or habitual intemperance; or

27           (b) Retired except for advanced age which interferes with the proper  
28 performance of his judicial duties, or for mental or physical disability which prevents  
the proper performance of his judicial duties and which is likely to be permanent in  
nature.

          9. Any matter relating to the fitness of a justice or judge may be brought  
to the attention of the Commission by any person or on the motion of the Commission.  
The Commission shall, after preliminary investigation, dismiss the matter or order a  
hearing to be held before it. If a hearing is ordered, a statement of the matter must be  
served upon the justice or judge against whom the proceeding is brought. The  
Commission in its discretion may suspend a justice or judge from the exercise of his

1 office pending the determination of the proceedings before the Commission. Any  
2 justice or judge whose removal is sought is liable to indictment and punishment  
3 according to law. A justice or judge retired for disability in accordance with this  
4 Section is entitled thereafter to receive such compensation as the Legislature may  
5 provide.

6 Article 6 Section 21 is the textual foundation for the procedure for removing a judge from  
7 office in the State of Nevada. As is clearly shown by the combined reading of the provisions cited  
8 above, it is Article 6 Section 21 that explains the "who, what, when, where, why and how" a judge can  
9 be removed from office.

10 Again, Judge Ramsey's political adversaries are seeking to remove her from office relying on  
11 the wrong procedure from Article 2. They have made a critical error in relying on a procedure that is  
12 intended for officials from the legislative and executive departments of the Nevada State government.  
13 In deciding to rely on a flawed process, they have demonstrated a fundamental misunderstanding of  
14 the distinctions between the three branches of our government and the protections that are in place to  
15 keep those distinctions pronounced and in tact.  
16

17  
18 **Other Nevada statutes support the position that the procedure for removal from office of legislative  
19 and executive officers is identified in Article 2, while the one for judicial officials is identified in  
20 Article 6.**

21 In "TITLE 23 PUBLIC OFFICERS AND EMPLOYEES of Nevada Revised Statutes, Chapter  
22 281 General provisions", there are numerous sections that further emphasize that the processes for  
23 removal of public officials from office and removal of judges from office were intended to be separate  
24 and distinct processes. Three provisions from this one section of NRS reveal that public officials and  
25 judges are defined differently: the intent of the Nevada State Legislature was for these different  
26 officials to be treated differently. The following defines a public officer:  
27  
28

1 NRS 281.005 "Public officer" and "special use vehicle" defined. As used in this  
2 chapter:

3 1. "Public officer" means a person elected or appointed to a position  
4 which:

5 (a) Is established by the Constitution or a statute of this State, or by a  
6 charter or ordinance of a political subdivision of this State; and

7 (b) Involves the continuous exercise, as part of the regular and permanent  
8 administration of the government, of a public power, trust or duty.

9 2. "Special use vehicle" means any vehicle designed or used for the  
10 transportation of persons or property off paved highways.

11 Again in NRS281A.160 it is clearly stated that "public officer" does not include judges.

12 NRS 281A.160 "Public officer" defined.

13 1. "Public officer" means a person who is:

14 (a) Elected or appointed to a position which:

15 (1) Is established by the Constitution of the State of Nevada, a statute  
16 of this State or a charter or ordinance of any county, city or other political subdivision;  
17 and

18 (2) Involves the exercise of a public power, trust or duty; or

19 (b) Designated as a public officer for the purposes of this chapter pursuant  
20 to NRS 281A.182.

21 2. As used in this section, "the exercise of a public power, trust or duty"  
22 means:

23 (a) Actions taken in an official capacity which involve a substantial and  
24 material exercise of administrative discretion in the formulation of public policy;

25 (b) The expenditure of public money; and

26 (c) The administration of laws and rules of the State or any county, city or  
27 other political subdivision.

28 3. "Public officer" does not include:

(a) Any justice, judge or other officer of the court system;

4. "Public officer" does not include an office held by:

(a) Any justice, judge or other officer of the court system;

(bold added for emphasis)

NRS 281.559 makes the distinction as follows:

1 NRS 281.559 Electronic filing by certain appointed public officers; exceptions; date  
2 on which statement deemed filed; access through secure website; regulations.

3 (a) A public officer appointed to fill the unexpired term of an elected or  
4 appointed public officer shall file a statement of financial disclosure within 30 days  
5 after the public officer's appointment.

6 3. A judicial officer who is appointed to fill the unexpired term of a  
7 predecessor or to fill a newly created judgeship shall file a statement of financial  
8 disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial  
9 Conduct. Such a statement of financial disclosure must include, without limitation, all  
10 information required to be included in a statement of financial disclosure pursuant to  
11 NRS 281.571.

12 Section (a) above identifies the procedure for filing by a public officer and section 3 identifies the  
13 procedure for a judge. If a judge and a public officer referred to the same thing, the distinction would  
14 not be made. Different references identify different entities.

15 Lastly, NRS 281.561 again makes the distinction in another context:

16 NRS 281.561 Electronic filing by certain candidates for public office and certain  
17 elected public officers; exceptions; date on which statement deemed filed; access  
18 through secure website; regulations.

19 (b) Each public officer shall file a statement of financial disclosure on or before  
20 January 15 of...

21 4. A candidate for judicial office or a judicial officer shall file a statement of financial  
22 disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial  
23 Conduct. Such a statement of financial disclosure must include, without limitation, all  
24 information required to be included in a statement of financial disclosure pursuant to  
25 NRS 281.571.

26 The different references in section (b) and section 4 above make it exhaustively clear that the  
27 distinction between public officers and judicial officers is both deliberate and pervasive in Nevada  
28 law.

Nevada case law also supports the fact that the distinction between public officers and judicial  
officers is deliberate. In Nevada Judges Association v. Lau, 910 P.2d 898, 112 Nev. 51 (1996) the

1 Nevada Supreme Court addressed the issue of term limits for elected officials. A ballot measure  
2 proposing term limits was placed on the ballot for Nevada voters to decide in the general election of  
3 1994. The Question 9 on the ballot was originally "Shall the Nevada Constitution be amended to  
4 establish term limits for state and local public officials?"  
5

6 The Nevada Judges Association and other entities challenged this question claiming that it  
7 violated equal protection and due process guarantees of the Nevada and United States Constitution  
8 and because its impact on the judicial offices in the state was inadequately explained. The Nevada  
9 Supreme Court determined that: "The initiative's wording regarding judicial term limits does not  
10 make it clear that a judge may be limited to serving less than three years under certain circumstances."  
11

12 Id., page 903. The court then elucidates the distinction between public officers and judges in the  
13 following:  
14

15 In this case, all public officials--whether legislative, executive, or judicial--are lumped  
16 into one initiative. The impact on these elected officials and the branches in which they  
17 serve is different. Voters, while favoring term limits in general, may fail to distinguish  
18 between the varying impacts on different branches of government. We conclude that  
19 the form of the initiative and the wording of the explanation could have been  
20 unnecessarily misleading. **Therefore, we direct that the next time the initiative appears**  
21 **on the ballot, it be severed and presented in the form of two questions, enabling voters**  
22 **to vote yes or no in regard to term limits for non-judicial public officers and yes or no**  
23 **in regard to term limits for judges and justices.** Each question shall have its own  
24 respective explanation and arguments, and the explanation in regard to term limits for  
25 judges shall make clear that in the case of appointed judges, proposed term limits may  
26 preclude an incumbent from seeking re-election after serving less than three years on  
27 the bench. This will ensure that the voters are well informed in regard to the specific  
28 impact that the proposed term limits will have on the separate branches of government  
and the elected officers serving in each. The two questions will present the same basic  
term limit proposals that were presented in 1994, and the voters will have the  
opportunity to enact them. However, the separate questions should focus the voters'  
attention on the fact that judicial officers are included in the proposed term limits, and a  
detailed explanation of the impact on the judiciary will be contained.  
Id., page 904. (bold added for emphasis)

1 Judge Ramsey's political opponents are either not aware of the critical distinction made above or  
2 they are deliberately being dismissive of it. The fact that they are trying to remove Judge Ramsey  
3 based on the procedure outlined for the removal of public officials from Article II reflects their  
4 ignorance. Whether deliberate or not, the effect is the same: the unconstitutional exercise and  
5 misapplication of the law.  
6

7 **The legislative history of Article 6 section 21, also makes it clear that this Article was intended as the**  
8 **exclusive procedure for removing judges in the State of Nevada**

9 On February 5, 1975, the Assembly Judiciary Committee at the 58<sup>th</sup> Nevada Assembly Session  
10 discussed (what was then) A.J.R. 16 which would ultimately be Section 6 Article 21 of the Nevada  
11 State Constitution. Judge Torvinen was at that Session and had this to say about that bill: "This  
12 legislation is basically patterned after the California law regarding judges. Basically, this legislation  
13 would provide that judges do their job, and those who do not would be removed." (See exhibit I)  
14 Clearly, the legislature intended for this bill (that became Article 6 Section 21) to be the method for  
15 removing judges in the State of Nevada.  
16  
17

18 Furthermore, in the published pamphlet that accompanied all of the voting booths a small  
19 explanation was included with each proposed amendment. The amendment representing Article 6  
20 Section 21 was articulated as "Question 9" on the November 2, 1976 ballot:  
21

22 A majority vote of "yes" would amend article 6 by adding a new section to the article.  
23 The new section would provide for the establishment of a Commission on Judicial  
24 Discipline which would be empowered to censure, retire, or remove justices or  
25 judges. Grounds for censuring justices or judges would be determined by Rules of  
26 the Supreme Court. Justices and judges could not be removed except for willful  
27 misconduct, willful or persistent failure to perform the duties of their offices or  
28 habitual intemperance.

29 Once again, it is very clear from the legislative history of Nevada State Constitution  
30 Article 6 Section 21 that judges are intended to be removed from office relying on the vehicle

1 provided in that article. The removal of a judge from office in Nevada was never intended to  
2 be accomplished by the reliance on the vehicle provided for legislative and executive  
3 officials via Article 2. Once again there is another reason why this court must permit this  
4 petition for an injunction preventing Judge Ramsey's political adversaries from  
5 accomplishing their purposes with the unconstitutional abuse of process stemming from their  
6 fundamental misunderstanding of Nevada State law and history.  
7

8 Further proof from the legislature that the removal of judges in the State of Nevada is  
9 intended to be accomplished relying on the procedure identified in Article 6 of the Nevada  
10 State Constitution is revealed in "Background Paper 81-8 JUDICIAL DISCIPLINE"  
11 published by the Nevada State Legislature. In this paper intended for distribution to  
12 members of the legislature as a summary and highlights of the issue of judicial discipline the  
13 following statement is made effectively summarizing the position of the legislature on  
14 judicial removal: "Because of the shortcomings of impeachment, recall and legislative  
15 address, the judicial discipline commission was developed to handle judicial misconduct."  
16 (See exhibit 2) Pursuing the removal of a judge in the state of Nevada relying on the  
17 procedure intended for the removal of legislative and executive officials from Article 2; and  
18 ignoring or dismissing the procedure intended for the removal of judges from Article 6, is in  
19 derogation of the law of Nevada and in violation of Judge Ramsey's rights.  
20  
21  
22  
23

24 ///

25 ///

26 ///

27  
28 **Not once in Nevada history has a judge been removed from office using the recall procedure outlined in Article 2. However, judges have been removed relying on Article 6.**

1 Nevada entered the Union and became a State on October 1, 1864. Nevada has been a state for  
2 151 years. Never in the 151 years has a judge been removed from office relying on voter recall: the  
3 procedure outlined in Article 2 and intended for public officials except for judges.  
4

5 However, there have been judges removed from office in Nevada since it became a state. One  
6 recent example of just such a removal occurred in 1997 when Gary J. Davis was removed from the  
7 position of Municipal Court Judge in North Las Vegas; the same position that Judge Ramsey currently  
8 holds. This removal was challenged in the Nevada Supreme Court and discussed in the following  
9 case: In the Matter of the Honorable Gary J. Davis, Municipal Court Judge, for the City of North Las  
10 Vegas, County of Clark, State of Nevada 113 Nev. 1204, 946 P. 2d 1033. In this matter the Nevada  
11 Commission on Judicial Discipline (the same one established in Article 6, Section 21 when it was  
12 made part of the Nevada State Constitution in 1976) investigated Judge Davis and determined that he  
13 should be removed. The Nevada Commission on Judicial Discipline removed him from his position  
14 and he appealed to the Nevada Supreme Court.  
15  
16

17 The Nevada Supreme Court stated the following, solidifying the authority of the Commission  
18 to remove judges from office.  
19

20 We initially address the threshold issue of the Commission's jurisdiction to  
21 discipline a municipal court judge. The constitutional provision approved by the voters  
22 in 1976 created the Commission and provided that "[a] justice of the supreme court or a  
23 district judge may ... be censured, retired or removed by the Commission on judicial  
24 discipline." Nev. Const. art. 6, § 21(1) (emphasis added). In 1977 the legislature  
25 enacted NRS 1.440(1), which provides:

26 The Commission on judicial discipline has exclusive jurisdiction over the censure,  
27 removal and involuntary retirement of justices of the peace and judges of municipal  
28 courts which is coextensive with its jurisdiction over justices of the supreme court and  
judges of the district courts and must be exercised in the same manner and under the  
same rules.

1 Furthermore, in this case the Supreme Court further established the jurisdiction of the  
2 Commission as the sole organ of government with the authority granted to remove judges from  
3 office when they discussed the more recent addition to the Nevada Revised Statutes, section  
4 1.440. This section was originally added in 1977 and is articulated as follows:  
5

6 NRS 1.440 Jurisdiction over judges; appointment of justices of the peace and  
7 municipal judges to Commission.  
8

9 1. The Commission has exclusive jurisdiction over the public censure, removal,  
10 involuntary retirement and other discipline of judges which is coextensive with its  
11 jurisdiction over justices of the Supreme Court and must be exercised in the same  
12 manner and under the same rules.

13 2. The Supreme Court shall appoint two justices of the peace or two municipal  
14 judges to sit on the Commission for formal, public proceedings against a justice of the  
15 peace or a municipal judge, respectively. Justices of the peace and municipal judges so  
16 appointed must be designated by an order of the Supreme Court to sit for such  
17 proceedings in place of and to serve for the same terms as the regular members of the  
18 Commission appointed by the Supreme Court.

19 There are two important points about this section 1) it was added after Article 6 section 21 and  
20 articulates once more the legislature's intent that the Commission is the authority that removes judges  
21 in Nevada, and 2) the Supreme Court ruled: "Thus, the promulgation of NRS 1.440(1) by the 1977  
22 Nevada legislature was within its constitutional prerogatives." Id., page 1039. More importantly,  
23 however, the decision firmly establishes that the Commission, and consequently Article 6, provides the  
24 authority and mechanism for removal of judges. The following excerpt makes this fact unmistakably  
25 clear and surgically precise:

26 While article 6, section 21, in its original form, clearly and unambiguously vested the  
27 Commission with authority to discipline supreme court justices and district court  
28 judges, article 7, section 4 of the constitution gave the legislature the mandate to  
provide for the removal from office any civil officer other than those in "this article  
previously specified" for malfeasance or nonfeasance in the performance of official

1 duties. This court has interpreted article 7, section 4 as authorizing the legislature to  
2 provide by statute for the removal of district, county and township officers. Robison v.  
3 District Court, 73 Nev. 169, 172, 313 P.2d 436, 438 (1957). In Gay v. District Court,  
4 41 Nev. 330, 336, 171 P. 156, 157 (1918), this court relied upon section 4 of article 7 in  
5 upholding a statute giving district courts authority to remove certain public officers.  
6 Further, under this authority, the legislature had the option of setting removal  
7 guidelines. Thus, when article 6, section 21(9)(b) and article 7, section 4 are read  
8 together, it is apparent that the legislature was free to utilize the Commission as a  
9 medium for that purpose. Because the power of removal in this particular context also  
10 implies authority in the Commission to impose lesser sanctions, we hold that the  
11 Commission did have jurisdiction to either remove or impose any measure of  
12 discipline, including removal, in this matter.

13 Obviously, the Nevada Supreme Court has sanctioned and confirmed the removal of  
14 judges from office relying on the sole vehicle intended for that purpose: the Nevada  
15 Commission on Judicial Discipline and the procedure outlined in Article 6 section 21 of the  
16 Nevada State Constitution.

### 17 C. CONCLUSION

18 The arguments above firmly and uncontroversially establish that the efforts to remove  
19 Judge Ramsey from her position as North Las Vegas Judge are unconstitutional based on  
20 established law and procedure in Nevada. These efforts stem from an effort to blur the  
21 distinctions between the three branches of government and are based on a fundamental  
22 misunderstanding of those distinctions. This court should not permit these efforts to succeed  
23 simply because they rely on these misunderstandings and abuses of process.

24 More importantly, it is these efforts that must be enjoined pursuant to NRS 33.010. The  
25 reality is that allowing this unconstitutional use of the recall procedure to remove Judge  
26 Ramsey subjects her to all three of the criteria enabling this court to grant this petition for  
27  
28

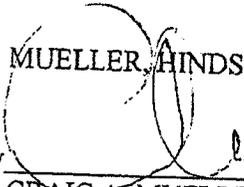
1 injunction. 1) Judge Ramsey is entitled to the relief of restraining her political adversaries from  
2 prevailing with the flawed and unconstitutional use of the wrong procedure for her removal; 2)  
3 allowing her political adversaries to prevail with pursuing this flawed approach will subject  
4 her to irreparable injury because if she is removed she will not be able to assume the bench  
5 again; and 3) allowing this procedure to continue is in violation of her constitutional rights and  
6 if any judgment made after her possible removal this way will be ineffectual. Consequently,  
7 this petition to put a stop to this illegal procedure by way of an injunction must be granted.  
8  
9

10 Additionally, Petitioner seeks attorney fees and costs because it was necessary to hire  
11 legal counsel in defense of this action that is unconstitutional and inappropriate.  
12

13 WHEREFORE, Plaintiff humbly prays that this court grant this petition to enjoin the  
14 effort to remove her from her position, or for any other relief that this court will entertain.  
15

16 DATED this \_\_\_\_ day of June, 2015.  
17

18 MUELLER, HINDS & ASSOCIATES, CHTD.  
19

20 By   
21 CRAIG A. MUELLER, ESQ.  
22 Nevada Bar No. 4703  
23 600 S. Eighth Street  
24 Las Vegas, NV 89101  
25 (702) 940-1234  
26 Attorney for Petitioner  
27  
28

# Exhibit 1

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA ASSEMBLY SESSION

MINUTES

February 5, 1975

Chairman Robert R. Barengo called to order the meeting of the Assembly Judiciary Committee at the hour of 9:32 a.m. on Wednesday, February 5, 1975.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY  
HICKEY, POLISH, SENA, Mrs. HAYES  
and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

Mr. Barengo opened the meeting and passed out copies of a letter dated October 3, 1974 from William P. Thompson, Stated Clerk of the United Presbyterian Church, relative to the Equal Rights Amendment. This letter is attached.

Guests of the Committee at this meeting were Judge Roy Torvinen, Washoe County District Judge, Dennis Baughman, Las Vegas Review-Journal, Frank Fahrenkopf, a Reno attorney and newly-elected Chairman of the State of Nevada Republican Central Committee, Keith Ashworth, Speaker of the Assembly, and Brenda Baxter, from the State of Nevada Planning Coordinator. The Guest Register from this meeting is attached.

Mr. Barengo introduced Judge Torvinen to the Committee, and he proceeded to testify as follows:

Judge Torvinen basically explained the history of the bills which were being considered at this meeting to the Committee. The bills were A.J.R.10, A.J.R.14, A.J.R.15, A.J.R.16, A.J.R.17 and A.J.R.18. They were introduced in the 57th Session, and they were originally presented in one "package".

At this point, Mr. Hickey entered the meeting.

Judge Torvinen commented that the two committees proposed by A.J.R.14 and A.J.R.17 would be, in fact, the same committee. Judge Torvinen explained the Missouri plan, which is where a judge runs against his own record and not in a contested race. If there are a lot of negative votes, the governor would then appoint a new judge to replace the incumbent judge.

Minutes

Page 2.

February 5, 1975

Judge Torvinen stated that he is definitely in favor of court reform, but most of the people thought the "package" as presented was too complicated, or maybe they just didn't understand it. He pointed out that some judges are not too happy with the measures.

As regards A.J.R.14, Judge Torvinen explained that the selection committee proposed would consist of a justice of the Supreme Court, 3 members from the State Bar, and three people from the general public appointed by the Governor. He also suggested that if there occurred a vacancy and a district judge needed to be appointed--that one be appointed from a general area or district--not statewide.

As regards, A.J.R.15, the one main issue, which is non-controversial, is the matter of paying the Justices of the Peace a small sum of money while he is attending the Trial Judges College. In a small or medium sized community, Justices of the Peace have taken hold and tried to improve the quality of justice in the legal field. Often there is no availability of an attorney, or very seldom.

Judge Torvinen stated that if the compensation for Justices of the Peace was raised, they could take the place of at least one district judge.

Mrs. Wagner questioned the merit of the Missouri plan. Judge Torvinen explained that only the Supreme Court would run on the Missouri plan. Mrs. Wagner then questioned how many judges have been turned out under this plan. It was Judge Torvinen's comment that he has heard of very few.

Judge Torvinen then testified regarding A.J.R.16, which relates to the discipline of judges. The district judges felt this was unfair because it gave the Supreme Court the Missouri plan and took away from them. However, it increases their terms from four to six years. This commission for the discipline of judges would be made up of lawyers and non-lawyers. This legislation is basically patterned after the California law regarding judges. Basically, this legislation would provide that judges do their job, and those who do not would be removed.

As to A.J.R.17, which pertains to the Missouri plan for the Supreme Court, Judge Torvinen thinks maybe there is some merit in having judges run for election. He notes that there were two incumbent judges turned out in Las Vegas. The Judge then noted that running a statewide campaign for a judge is extremely difficult, and it might be an answer to have judges run in just a particular section or area.

# Exhibit 2

Background Paper 81-8

JUDICIAL DISCIPLINE

## Judicial Discipline

### Table of Contents

	<u>Page</u>
I. Introduction.....	1
II. Background.....	2
III. The Issues.....	3
IV. Nevada's Commission on Judicial Discipline...	4
V. Approaches Used by Other States: Variations on the Same Theme.....	6
VI. Confidentiality of the Proceedings.....	6
VII. Suggested Reading.....	8

## JUDICIAL DISCIPLINE

### I

#### INTRODUCTION

During the past decade interest in political reform, including judicial reform, significantly increased. Citizens came to feel that public officials, including judges, were not being held accountable for many of their actions. Judges, many felt, were not applying the law uniformly. This concern led to mechanisms for judicial discipline. A New Jersey judge, for example, was suspended for 6 months for fixing his son's speeding ticket while applying the sanctions for speeding to others. People expect a judge to be impartial and to apply the law uniformly. Other public officials were expected to meet certain standards, so why not judges?

But impeachment and recall are cumbersome, expensive and ineffective methods of removing or disciplining a judge. In addition, both of these methods are reserved for flagrant abuses of power and were designed to be difficult to prevent undeserved harrassment of public officers. Removal from office is a severe sanction and is not applicable in most instances of judicial misconduct. Removal from office would probably not be the appropriate sanction for the New Jersey judge who fixed his son's speeding ticket.

Consequently, states began developing alternatives to impeachment and recall. In 1960, California established the first judicial discipline commission<sup>1</sup> to discipline judges who committed less than an impeachable offense. By 1980, all 50 states and the District of Columbia had established a discipline commissions.

---

<sup>1</sup>California Commission on Judicial Qualifications (now Commission on Judicial Performance).

## II

### BACKGROUND

The oldest method of removing judges is executive action. In England, prior to the Eighteenth Century, judges held their offices at the king's pleasure. Those judges who tried to assert judicial independence did so at their own peril. This power, as one can imagine, was often used quite arbitrarily by the king. Today, this method of judicial removal has virtually disappeared in the United States.<sup>2</sup>

Impeachment, as mentioned earlier, is a cumbersome, lengthy and ineffective method of removing a judge. It requires both houses of the legislature to impeach and convict a judge and is usually reserved for flagrant abuses of power. In Nevada, a majority vote of the elected members of the assembly is required for impeachment and a vote of two-thirds of the elected senators is necessary for conviction.<sup>3</sup> No judge in Nevada has ever been impeached. In fact, only 12 times has a federal officer been impeached and only four times has impeachment resulted in conviction.

Besides being ineffective, recall of a judge is also expensive because of the cost of obtaining the required number of signatures. In 1970, the voters of Nevada made it more difficult to recall a supreme court justice by increasing the number of signatures required for a recall petition to 25 percent of all those voting in the preceding general election.<sup>4</sup> Before 1970, the requirement was 25 percent of those voting for the particular office. As with impeachment, a Nevada judge has never been recalled.

---

<sup>2</sup>The governors of Maine and Delaware can remove a judge by not reappointing him to a new term.

<sup>3</sup>Nevada constitution, article 7, § 1.

<sup>4</sup>Nevada constitution, article 2, § 9.

In some states, including Nevada, judges can also be removed by legislative address. In Nevada, supreme court justices and district judges can be removed "for any reasonable cause" by a vote of two-thirds of the elected members in each house of the legislature.<sup>5</sup> Again, no judge in Nevada has ever been removed by legislative address.

Because of the shortcomings of impeachment, recall and legislative address, the judicial discipline commission was developed to handle judicial misconduct.

### III

#### THE ISSUES

The establishment of judicial discipline commissions was not easy. The concept of a discipline commission for judges was highly controversial when first proposed. The issues surrounding the development of the commissions continues to affect their proceedings. This is especially true concerning the issue of confidentiality.

Proponents of discipline commissions argued that some judges were arrogant, abused the public trust and applied power arbitrarily. They recognized the need to correct judicial misconduct and felt that impeachment and recall no longer acted as a deterrent to misconduct. They also recognized the independence of the judicial branch but not the complete independence of judges from public control. They pointed out that the judicial branch is not completely independent of the other branches. In many states judges are appointed and their salaries are set by the legislature.

They also argued that election of judges was not the best method to hold judges accountable. Elections frequently resulted in expensive campaigns for judicial office.<sup>6</sup> The

---

<sup>5</sup>Nevada constitution, article 7, § 3.

<sup>6</sup>During the 1973 campaign for chief judge of the New York Court of Appeals, for example, the candidates spent a total of \$1 million.

money required to finance an expensive campaign often comes from attorneys who then appear before that judge. Also, many voters are unfamiliar with the issues and the candidates in a judicial campaign.

Opponents argued that an independent judiciary was more important than the removal of a few misbehaving judges. Because the judges are unaccountable, they are able to check the irresponsibility of others in power. Easier removal processes would mean the loss of independence. The proceedings of the discipline commissions, some argued, would simply become witch hunts, aimed at independent judges who are not ideologically in step with their colleagues.

Opponents also argued that self-policing of the profession would make removal and discipline of judges easier because it would be done without public embarrassment of the judge. The American Bar Association adopted a Code of Judicial Conduct in 1972 and Standards Relating to Judicial Discipline and Disability Retirement in 1978. Using these tools, the profession could regulate judicial misconduct.

#### IV

#### NEVADA'S COMMISSION ON JUDICIAL DISCIPLINE

The Nevada commission on judicial discipline was established in 1976.<sup>7</sup> It too was a product of the era of political reform and the California commission served as the model.

The commission investigates and, if necessary, adjudicates complaints made against a supreme court justice or district judge. Anyone can file a complaint with the commission.

---

<sup>7</sup>Assembly joint resolution 16 was passed by the 1973 and 1975 legislatures and then ratified by the voters at the 1976 general election. (Nevada constitution, article 6, § 21)

The commission investigates the complaint and then holds a preliminary hearing to determine the validity of the complaint. The complaint is either dismissed or a formal hearing is ordered. Following the hearing, the commission can impose a disciplinary sanction against the justice or judge.<sup>8</sup> The commission's action can be appealed to the state supreme court.

The membership of the commission includes: (a) two justices or judges appointed by the supreme court; (b) two members of the state bar, appointed by the bar; (c) three persons who are not members of the legal profession, appointed by the governor. Members serve a 4-year term and cannot be a concurrent member of the commission on judicial selection.

A judge can be removed or retired for five reasons: (a) willful misconduct; (b) willful or persistent failure to perform the duties of his office; (c) habitual intemperance; (d) advanced age which interferes with the performance of his judicial duties; and (e) a mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

The state supreme court is responsible for establishing the rules of conduct for the commission. The court is to establish rules concerning: (a) the confidentiality of the proceedings before the commission, except a decision to censure, retire or remove a justice or judge; (b) grounds for censure; and (c) conduct of investigation and hearings.

The commission has received a total of 69 complaints. The most recent case before the commission involved three supreme court justices. Following a formal hearing in Reno, the commission dismissed the charges against them.

---

<sup>8</sup>Nevada, New York, Kentucky and the District of Columbia are the only jurisdictions that allow the commission to impose a disciplinary sanction.

V

APPROACHES USED BY OTHER STATES:  
VARIATIONS ON THE SAME THEME

A majority of states have established discipline commissions similar to the one in California. These are known as unitary commissions which means that one body investigates and adjudicates each complaint.

There are eight<sup>9</sup> states which have a "two-tier" system. This means that one body receives and investigates complaints and a separate body adjudicates each case when probable cause for disciplinary action or removal exists.

VI

CONFIDENTIALITY OF THE PROCEEDINGS

The issue of confidentiality proceedings of the discipline commission is an extension of the argument for an independent judiciary. In Nevada, the issue of confidentiality became even more relevant during the recent case mentioned earlier concerning the supreme court. The charges against the three justices were dismissed by the commission. Presumably the commission had valid reasons for dismissing the charges but the public does not know that.

Proponents of open proceedings argue that judges hold a public trust and should be held accountable for their actions. If a judge violates that trust, the public has the right to know what disciplinary actions were taken and the reasons for them. The real purpose of the judicial discipline commission is to maintain public confidence in

---

<sup>9</sup> Alabama, Delaware, Hawaii, Illinois, New Jersey, Oklahoma, West Virginia and Wisconsin.

the judiciary. The most stringent set of ethical standards is of little value unless the public is convinced that the standards are uniformly and vigorously enforced.

Proponents of confidentiality argue that a judge's reputation needs to be protected from frivolous accusations. They also argue that confidentiality protects the anonymity of a complainant, especially an attorney.

A majority of states require the proceedings of the discipline commissions to be confidential. Increasingly, however, states which have adopted the California plan have begun to open the formal disciplinary proceedings to the public. Kansas and North Dakota recently did so. Most proponents of open proceedings recognize the importance of confidentiality during the investigatory process, but when the formal proceedings begin they do not recognize the need for conducting confidential hearings.

Without open proceedings, there is really no way to evaluate whether or not the commission is performing its job. In addition, other public officers are subject to considerable public scrutiny and accountability. The proponents of open proceedings have often quoted Edmund Burke: "Where mystery begins, justice ends."

Electronically Filed  
06/04/2015 09:55:31 AM

*Alvin L. Lavin*  
CLERK OF THE COURT

1 Name Mueller Hinds & Associates  
2 Address 6005 8th Street  
3 City Las Vegas, NV State 89101  
4 Email cmueller@muellerhinds.com  
5 Telephone 702 382-1200

DISTRICT COURT  
CLARK COUNTY, NEVADA

Case No.: A-15-719406-P  
Dept No: XIII

10 Catherine Ramsey  
11 Plaintiff,

vs.

13 City of North Las Vegas  
14 Defendant

NOTICE OF MOTION

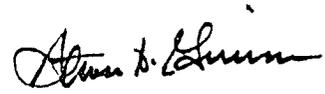
Emergency Petition for  
Injunction

18 Please take notice that the hearing on Emergency Petition for Injunction  
19

20 Will be heard on June 8, 2015 in Department XIII Floor 12th Courtroom A  
21 at the hour of 9:00 AM/PM.

22 Dated this 5 day of June

23 By: [Signature]  
24  
25

  
CLERK OF THE COURT

1 GENTILE CRISTALLI MILLER  
ARMENI & SAVARESE  
2 DOMINIC P. GENTILE  
Nevada Bar No. 1923  
3 Email: [dgentile@gentilecristalli.com](mailto:dgentile@gentilecristalli.com)  
ROSS MILLER  
4 Nevada Bar No. 8190  
Email: [rmiller@gentilecristalli.com](mailto:rmiller@gentilecristalli.com)  
5 COLLEEN E. MCCARTY  
Nevada Bar No. 13186  
6 Email: [cmccarty@gentilecristalli.com](mailto:cmccarty@gentilecristalli.com)  
410 South Rampart Boulevard, Suite 420  
7 Las Vegas, Nevada 89145  
Tel: (702) 880-0000  
8 Fax: (702) 778-9709  
*Attorneys for Respondents*  
9 *Betty Hamilton, Michael William Moreno,*  
*and Bob Borgersen*

DISTRICT COURT

CLARK COUNTY, NEVADA

13 HONORABLE CATHERINE RAMSEY  
NORTH LAS VEGAS MUNICIPAL JUDGE.

Case No.: A-15-719406-P  
Dept. No.: VII

15 Petitioner.

HAMILTON, MORENO, AND  
BORGERSEN RESPONDENTS:

16 vs.

17 THE CITY OF NORTH LAS VEGAS AND  
BARBARA A. ANDOLINA City Clerk of  
18 NORTH LAS VEGAS, BETTY HAMILTON,  
MICHAEL WILLIAM MORENO, and BOB  
19 BORGERSEN, individually and as Members of  
20 "REMOVE RAMSEY NOW."

- 1. OPPOSITION TO EMERGENCY  
PETITION FOR INJUNCTION/  
EMERGENCY MOTION UNDER  
NRS 295.104(4)
- 2. COUNTERMOTION FOR  
SANCTIONS PURSUANT TO EDCR  
7.60(B)

21 Respondents.

Date of Hearing: June 9, 2015  
Time of Hearing: 9:00 a.m.

24 COME NOW Respondents BETTY HAMILTON, MICHAEL WILLIAM MORENO,  
25 and BOB BORGERSEN (collectively "Respondents"), by and through their attorneys of record,  
26 DOMINIC P. GENTILE, ESQ., ROSS MILLER, ESQ., and COLLEEN E. MCCARTY, ESQ.,  
27 of the law firm of GENTILE, CRISTALLI, MILLER, ARMENI & SAVARESE, and hereby file  
28 this Opposition and Countermotion to Petitioner's Emergency Petition for Injunction/Emergency

1 Motion Under NRS 295.105(4) filed by Petitioner, CATHERINE RAMSEY, NORTH LAS  
2 VEGAS MUNICIPAL JUDGE (hereinafter "Petitioner").

3 This Opposition is made and based on the following Memorandum of Points and  
4 Authorities: the papers and pleadings already on file herein; and any oral argument that this  
5 Honorable Court may permit at a hearing of this matter.

6 Dated this 8th day of June, 2015.

7 GENTILE, CRISTALLI, MILLER,  
8 ARMENI & SAVARESE

9   
10 DOMINIC P. GENTILE  
11 Nevada Bar No. 1923  
12 ROSS MILLER  
13 Nevada Bar No. 8190  
14 COLLEEN E. MCCARTY  
15 Nevada Bar No. 13186  
16 410 South Rampart Boulevard, Suite 420  
17 Las Vegas, Nevada 89145  
18 Attorneys for Respondents  
19 Betty Hamilton, Michael William Moreno,  
20 and Bob Borgersen

21 MEMORANDUM OF POINTS AND AUTHORITIES

22 I.

23 INTRODUCTION

24 Every elected public officer in the State of Nevada, excluding only U.S. Senators and  
25 Representatives in Congress, is subject to recall from office by the registered voters of the state,  
26 county, district or municipality from which he or she was elected. So says the Nevada Supreme  
27 Court, the Nevada Standing Committee on Judicial Ethics and over 100 years of Nevada history.

28 Petitioner asserts, on the contrary, that Nevada law provides only one mechanism, i.e.  
judicial discipline, for the removal of a judge from office. A Nevada judge may, in fact, be  
removed from office in one of four ways: (1) judicial discipline, (2) impeachment, (3) legislative  
resolution, and (4) recall election. Petitioner's desperate misstatement of the law to avoid the  
inevitable recall election she must now face as the result of Respondents' filing of a qualifying

1 recall petition must be immediately rejected by this Court, for all of the reasons that follow.

2 II.

3 STATEMENT OF RELEVANT FACTS

4 In response to Petitioner's abuse of the public trust and damage to the integrity of the  
5 judicial system, on March 11, 2015, Respondents filed their Notice of Intent to recall Petitioner  
6 with the North Las Vegas City Clerk. Pursuant to statute, Respondents had ninety (90) days, or  
7 until June 9, 2015, to return the required number of signatures, one thousand nine hundred eighty  
8 four (1,984) signatures, from registered voters in Clark County and North Las Vegas who cast  
9 ballots in the last election. Successful in their grass roots effort, Respondents submitted more  
10 than two thousand seven hundred (2,700) signatures for verification on May 28, 2015, ten (10)  
11 days short of the deadline. At a media event to mark the occasion, Respondents announced  
12 "[t]he people have spoken."

13 Thereafter, on June 1, 2015, Clark County Registrar of Voters Joseph Gloria (hereinafter  
14 "Gloria"), prepared and signed a Certificate of Results of Signature Examination. It verified that  
15 the North Las Vegas Petition to Recall Municipal Court Judge Catherine Ramsey, was submitted  
16 to his office and contained one hundred fifty nine (159) documents containing signatures  
17 purporting to be the signatures of registered voters within Clark County and the City of North  
18 Las Vegas. The Certificate of Results of Signature Examination stated that upon receiving the  
19 order from the Secretary of State, Gloria conducted an examination of the signatures affixed to  
20 the recall petition to determine the number of valid signatures. Pursuant to Nevada Revised  
21 Statute 293.1277(2), Gloria conducted a random sample of five hundred (500) signatures and  
22 determined that four hundred twenty (420) signatures were valid. From the random sampling, he  
23 further verified the total number of valid signatures at two thousand two hundred eighty two  
24 (2,282) signatures.

25 The following day, June 2, 2015, the Office of the Nevada Secretary of State issued a  
26 Notice of Qualified Petition -- Petition to Recall Catherine Ramsey, Municipal Court Judge,  
27 Department 1, City of North Las Vegas. It indicated that the total number of valid signatures,  
28 two thousand two hundred eighty two (2,282) surpassed the number of signatures required for

1 qualification. Accordingly, Secretary of State Barbara K. Cegavske deemed the recall petition,  
2 qualified, and noticed all interested parties.

3  
4 III.

5 LEGAL ARGUMENT

6 Petitioner's entire argument to enjoin Respondents' qualifying recall effort from going  
7 forward is that Article 2, Section 9 of the Nevada Constitution, which sets forth the recall process  
8 for public officers, does not apply to judges. This blatant misstatement of the law, however, is  
9 belied by every available legal authority and warrants the immediate denial of Petitioner's  
injunctive relief request.

10 A. NEVADA'S LONG-STANDING RECALL PROCESS IS WITHOUT  
11 LIMITATION IN ITS APPLICATION TO JUDICIAL OFFICIALS.

12 I. Nevada's Early Adoption of a Judicial Recall Process.

13 The leading treatise on judicial conduct recognizes Nevada as one of only six states to  
14 have adopted a judicial recall process. In its section titled "Judicial Recall," the treatise *Judicial*  
15 *Conduct and Ethics* identifies Wisconsin and the five western states of Oregon, California,  
16 Colorado, Arizona and Nevada as having joined the movement for judicial recall in the  
17 progressive era of the early twentieth century. James J. Alfani, Steven Lubet, Jeffrey M.  
18 Shaman, Charles Gardner Geyh, *Judicial Conduct and Ethics* §14.06 (5th ed. 2013) (Fn. 71,  
19 citing Article 2, Section 9 of the Nevada Constitution). Judicial recall is said to have emerged  
20 during the progressive era to give progressive reformers the opportunity to oust judges who  
21 attempted to thwart the progressive legislative agenda, which espoused the philosophy that  
22 voters should have the power to bypass or countermand elected officials. *Id.* And, the authors  
23 recognize its use in the modern era to "chasten the judge" even where the recall attempt fails,  
24 referencing specifically a recall attempt against then-Nevada Supreme Court Chief Justice  
25 Deborah Agosti, following her ruling that the legislature could ignore the requirement that tax  
26 increases be passed by a two-thirds majority, and Agosti later declining to run for re-election. *Id.*  
27 (citing Martha Bellisle, *Group Plans Effort to Recall 6 Justices*, Reno Gazette-Journal, July 19,  
28 2003, at 4A).

1 An even more detailed explanation of the origins of Nevada's judicial recall history is  
2 included in Attorney General Opinion 87-7. In response to an opinion request from the Douglas  
3 County District Attorney, then-Nevada Attorney General Brian McKay, reached the definitive  
4 conclusion that a district court judge is a "public officer" within the context of Article 2, Section  
5 9 of the Nevada Constitution and subject to recall by the registered voters of the district in which  
6 elected. AGO 87-7 (3-27-1987). In so finding, the Attorney General covers a lengthy history of  
7 the progressive movement and its anti-judiciary sentiment before pointing to the adoption of the  
8 constitutional amendment allowing for recall of "all public officers" despite heavy opposition  
9 from both the American and Nevada Bar Associations. *Id.* (citing Secretary of State (William D.  
10 Swackhamer), *Political History of Nevada*, (Carson City: State Printing Office, 1986) at 262).  
11 The Attorney General then contrasts Nevada's unrestricted constitutional language to the  
12 constitutions of Idaho and Washington, which expressly except judges from recall. *Id.* The  
13 Attorney General even notes the existence of Article 6, Section 21 of the Nevada Constitution,  
14 which provides for judicial discipline, before concluding it is not applicable to the analysis of  
15 whether a district court judge is a public officer subject to recall because the constitutional  
16 provisions are "not inconsistent" (citation omitted), wherein disciplinary action requires cause  
17 but the recall of a public officer requires neither a "good reason" nor "that cause be shown."

18 The final paragraph of the Attorney General's Analysis section is the most compelling,  
19 however, where he sums up that:

20 "Given the plain language of the constitution, the political climate of Nevada  
21 during the time period [Article 2, Section 9 of the Nevada Constitution] was  
22 approved by the legislature and ratified by the people, and the long acceptance of  
23 its meaning by a great many authorities, we are unwilling to construe it to avoid  
subjecting judges to recall by the people. To do so, we think, would be to exclude  
the main object and intention of its framers."

24 (citation omitted) (emphasis added). And, yet it is exactly this exclusion of the main object and  
25 intention of the recall process that Petitioner suggests is appropriate in her case. Any such  
26 conclusion by this Honorable Court would fly in the face of not only the historical precedent set  
27 forth above, but also current Nevada Supreme Court opinion. In its most recent decision  
28 concerning recall petitions, in fact, the Nevada Supreme Court started its opinion with the

1 unequivocal statement that Article 2, Section 9 of the Nevada Constitution subjects every public  
2 officer in Nevada to recall by special election upon the filing of a qualifying recall petition. See  
3 *Strickland v. Waymire*, 126 Nev. Adv. Op. 25, 235 P.3d 605, 607 (2010) (emphasis added).

4 **2. The Standing Committee On Judicial Ethics Recognizes Judicial Recall in an**  
5 **Opinion Requested By Petitioner.**

6 "[S]itting judges are subject to recall petition and election just as they are subject to  
7 regular elections," so says the State of Nevada Standing Committee on Judicial Ethics in  
8 Advisory Opinion JE15-011, issued just last month. JE15-011 (5-14-2015). The thrust of the  
9 Advisory Opinion does not address whether judicial officers are subject to recall, instead, it treats  
10 the issue as accepted law in its examination of whether a judge may campaign against a recall  
11 petition and accept campaign contributions in an attempt to defeat the recall attempt. Further,  
12 although the Advisory Opinion does not name the requester, every indication, from the timing of  
13 its issuance, to the absence of any other current judicial recall effort, points to Petitioner as the  
14 requester. To confirm what appears to be an obvious conclusion, the Court can and should  
15 inquire. Pending this confirmation however, Respondents will make their remaining argument  
16 assuming the judge who requested the Advisory Opinion and Petitioner are one in the same.

17 The Advisory Opinion on its face is clear evidence that Petitioner knew she was the  
18 imminent subject of a recall effort. Indeed, her request specifically focused on how to defeat  
19 such an effort within the framework of the Nevada Code of Judicial Conduct ("NCJC"), not  
20 whether such an effort was viable. Further, the Advisory Opinion, which expressly states that  
21 judges are subject to recall petitions and recall elections, served as notice to the Petitioner of the  
22 current state of the law, as expressed by the members of the committee made up of sitting judges  
23 from multiple jurisdiction levels, attorneys and non-attorneys alike. Petitioner herself concluded  
24 she was subject to recall, and her conclusions were confirmed by her contemporaries, yet  
25 inexplicably, she now comes before this Court seeking a contrary determination.

26 Simply put, Petitioner knows she is wrong about the application of the recall process set  
27 forth in Article 2, Section 9 of the Nevada Constitution to judges such as herself.  
28 Notwithstanding the lack of successful outcome in past efforts, the recall process is a valid

1 mechanism for removing a judge from office, and it is the process Petitioner must face if she  
2 wishes to remain in office. Respondents respectfully request that this Honorable Court recognize  
3 Petitioner's baseless argument for what it is and not only allow the recall effort against her to  
4 move forward without delay, but also sanction Petitioner for its waste of judicial time and  
5 resources, as discussed more fully in Section IV, below.

6 **B. PETITIONER FURTHER SEEKS TO MISDIRECT THE COURT BY**  
7 **REFERENCES TO INAPPLICABLE STATUTORY DEFINITIONS AND**  
8 **INAPPOSITE EXAMPLES OF JUDICIAL REMOVAL.**

9 **1. Statutes Cited by Petitioner in No Way Exclude the Application of Article 2,**  
10 **Section 9.**

11 There is no dispute that the term "public officer" is not expressly defined in the Nevada  
12 Constitution. And, while the Supreme Court has not yet taken the opportunity to issue an  
13 opinion specifically confirming that a judge is a public officer for the purposes of the recall  
14 process set forth in Article 2, Section 9 therein, the plain and ordinary sense of the term must  
15 certainly include judicial officers.

16 It is a fundamental principle of statutory construction that "[w]here the language of the  
17 statute is plain and unambiguous, and its meaning clear and unmistakable, there is no room for  
18 construction, and the courts are not permitted to search for its meaning beyond the statute itself."  
19 *State v. Jepsen*, 46 Nev. 193, 196, 209 P. 501, 502 (1922); *Del Papa v. Board of Regents*, 114  
20 Nev. 388, 392, 956 P.2d 770, 774 (1998). This principle has long been determined to also apply  
21 in interpreting the provisions of the Nevada Constitution. *State ex rel. Wrigley v. Dovey*, 19 Nev.  
22 396, 399, 12 P. 910, 912 (1885) (stating that the rules of statutory construction apply equally to  
23 statutes and the Constitution). Finally, there is an equally long-held principle that the Nevada  
24 Constitution should be construed in its ordinary sense unless some apparent absurdity or  
25 unmistakable interest of its framers forbids such construction. *State ex rel. Lewis v. Doron*, 5  
26 Nev. 399, 411 (1870). This Court need look no further than the historical discussion in Section  
27 III(A)(1), above, to determine that including judges in the construction of the term "public  
28 officer," as used in Article 2, Section 9, would give full force and effect to the intent of the  
framers. And, the Supreme Court guidelines for making the determination of what constitutes a

1 public office, which include among other things the person taking an oath of office and  
2 exercising a public power, trust or duty in the administration of government, all align squarely  
3 with judicial officer functions. *See State ex rel. Kendall v. Cole*, 38 Nev. 215, 231-232, 148 P.  
4 551, 554 (1915); *see also, generally*, Article 6 of the Nevada Constitution; NRS 3.010, et seq

5 There is simply no authority Petitioner can point to for the absurdly narrow construction  
6 of the term "public officer" that she asks this Court to adopt. The best Petitioner can cite to are a  
7 couple of sections of the Nevada Revised Statutes, which define the term public officer for  
8 certain, limited purposes, but these references are easily distinguishable and not applicable in the  
9 instant case.

10 Indeed, the only definitional provision of the NRS that Petitioner points to which actually  
11 excepts judges from the definition of public officer is NRS 218A.160. What Petitioner fails to  
12 acknowledge is that NRS 281A.160 is a provision of Chapter 281A, which exclusively addresses  
13 Ethics in Government. Ethical requirements for judges however, as this Court knows and  
14 Petitioner is surely aware, are set forth in the Nevada Code of Judicial Conduct. Likewise,  
15 discipline resulting from violations of the Code of Judicial Conduct, are the exclusive  
16 jurisdiction of the Nevada Commission on Judicial Discipline, as established by Article 6 of the  
17 Nevada Constitution, Article 6, Section 21 of the Nevada Constitution; NRS 1.440. Simply put,  
18 Chapter 281A does not apply to Judges, and its definition of "public officer" has no bearing on  
19 these proceedings.

20 None of the remaining definitional sections cited by Petitioner specifically exclude  
21 judges on their face, and none speak directly to the constitutional recall process. Petitioner's  
22 arguments in this regard are nothing more than an effort to misdirect this Honorable Court from  
23 the obvious conclusion that judges are public officers subject to recall, and they should be  
24 disregarded in their entirety.

25 **2. Petitioner's References To Other Examples of Judicial Removal Are Inapposite.**

26 Finally, Petitioner attempts to bolster her baseless argument against the use of Article 2,  
27 Section 9 of the Nevada Constitution to effectuate her removal from office by pointing to  
28 examples where judges have been removed as a result of the judicial discipline process set forth

1 in Article 6, Section 21 of the Nevada Constitution. Respondents do not dispute that judicial  
2 discipline represents one viable method of judicial removal, as discussed in Section III(A) above,  
3 but Respondents know, as they are certain this Honorable Court knows, that judicial discipline is  
4 merely one of four removal options faced by Nevada judges.

5 The American Judicature Society sponsors a website with comprehensive information on  
6 the judicial selection process in all fifty states and the District of Columbia. Found at  
7 [www.judicialselection.us](http://www.judicialselection.us), topics covered on the website include methods for selecting, retaining  
8 and removing judges, and the following four methods of removal are listed, without citation, for  
9 Nevada: (1) the Commission on Judicial Discipline may discipline, censure, retire or remove  
10 judges; (2) judges may be impeached by a majority vote of the assembly and convicted by a two-  
11 thirds vote of the senate; (3) judges may be removed by legislative resolution, passed by two  
12 thirds of the members of both houses; and (4) judges are subject to recall election. And, indeed,  
13 notwithstanding Petitioner's claims of exclusivity of judicial discipline for judicial removal, the  
14 authorization for each of these methods of removal may easily be found in the relevant sections  
15 of the Nevada Constitution. *See, e.g.*, Nev. Const., Art. 2, §9 (recall); Art. 6, §21 (judicial  
16 discipline); and Art. 7, §§ 2 (impeachment) and 3 (legislative removal).

#### 17 IV.

#### 18 COUNTERMOTION FOR SANCTIONS PURSUANT TO EDCR 7.60(b)

19 EDCR 7.60(1) and (3) provide this Honorable court with the authority to impose upon an  
20 attorney or a party reasonable sanctions, including the imposition of fines, costs or attorney's  
21 fees, when an attorney or a party, without just cause, presents to the court a motion which is  
22 obviously frivolous, unnecessary or unwarranted and/or so multiplies the proceedings in a case  
23 so as to increase costs unreasonably and vexatiously. *Id.* Further, the Court has inherent power  
24 to protect the dignity and decency of its proceedings and may issue sanctions for litigation  
25 abuses. *Holverson v. Hardcastle*, 123 Nev. 245, 261, 163 P.3d 428, 440 (2007).

26 In the instant case, for the reasons detailed in the Opposition, specifically Sections  
27 III(A)(1) and (2) above, Petitioner's filing of this matter is groundless in every facet. The so-  
28 called Emergency Petition is based in its entirety on an argument that judges are not subject to

1 recall petitions, which Petitioner knows full well is frivolous and unwarranted from any fair  
2 reading of Nevada law, as well as the Advisory Opinion she received from the Standing  
3 Committee on Judicial Ethics, the very body she and her attorney now ask this Court to consider  
4 as the exclusive arbiters of her removal.

5 Respondents have been forced to incur attorney's fees and costs to oppose an action  
6 Petitioner knows has no legal basis and must fail. As such, the imposition of sanctions against  
7 Petitioner in the form of reimbursement of Respondents' reasonable attorney's fees and costs is  
8 clearly warranted.

9 V.

10 CONCLUSION

11 For all of the foregoing reasons, Respondents respectfully request that this Honorable  
12 Court deny Petitioner's frivolous and unwarranted Emergency Petition for Injunction/Emergency  
13 Motion Under NRS 295.105(4) in its entirety and order Petitioner to pay the Respondents  
14 reasonable attorney's fees and costs as a sanction for same.

15 Dated this 8th day of June, 2015.

16 GENTILE, CRISTALLI, MILLER,  
17 ARMENI & SAVARESE

18   
19 DOMINIC P. GENTILE  
20 Nevada Bar No. 1923  
21 ROSS MILLER  
22 Nevada Bar No. 8190  
23 COLLEEN E. MCCARTY  
24 Nevada Bar No. 13186  
25 410 South Rampart Boulevard, Suite 420  
26 Las Vegas, Nevada 89145  
27 *Attorneys for Plaintiffs*  
28 *Betty Hamilton, Michael William Moreno,*  
*and Bob Borgersen*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

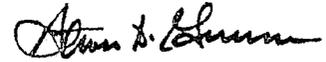
CERTIFICATE OF SERVICE

The undersigned, an employee of GENTILE CRISTALLI MILLER ARMENI & SAVARESE, hereby certifies that on the 8th day of June, 2015, I caused a copy of the OPPOSITION TO EMERGENCY PETITION FOR INJUNCTION/EMERGENCY MOTION UNDER NRS 295.105(4), by both email transmission and by placing said copy in an envelope, postage fully prepaid, in the U.S. Mail addressed to the following counsel of record:

Craig A. Mueller, Esq.  
Mueller, Hinds & Associates  
600 S. Eighth Street  
Las Vegas, Nevada 89101  
[cmueller@muellerhinds.com](mailto:cmueller@muellerhinds.com)

Richard C. Gordon, Esq.  
Snell & Wilmer  
3883 Howard Hughes Pkwy, #600  
Las Vegas, Nevada 89169  
[rgordon@swlaw.com](mailto:rgordon@swlaw.com)

/s/Myra Hyde  
An employee of  
GENTILE CRISTALLI MILLER  
ARMENI & SAVARESE



CLERK OF THE COURT

1 COM  
2 CRAIG A. MUELLER, ESQ.  
3 Nevada Bar No. 4703  
4 MUELLER, HINDS & ASSOCIATES  
5 600 S. Eighth Street  
6 Las Vegas, Nevada 89101  
7 Attorney for Petitioner

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

HONORABLE CATHERINE RAMSEY  
NORTH LAS VEGAS MUNICIPAL JUDGE

Case No.: A-15-719651-C

Petitioner,

Dept No.: VII

vs.

THE CITY OF NORTH LAS VEGAS AND  
BARBARA A. ANDOLINA City Clerk of  
NORTH LAS VEGAS, BETTY HAMILTON,  
MICHAEL WILLIAM MORENO, and BOB  
BORGENSEN, individually and as Members  
of "REMOVE RAMSEY NOW,"

Respondents

**COMPLAINT PURSUANT TO NRS  
306.040 CHALLENGING THE LEGAL  
SUFFICIENCY OF THE PETITION TO  
RECALL JUDGE CATHERINE RAMSEY**

22 COMES NOW Petitioner HONORABLE CATHERINE RAMSEY MUNICIPAL COURT  
23 JUDGE for the CITY of NORTH LAS VEGAS, individually and in her professional capacity, by and  
24 through her attorney of record CRAIG A. MUELLER, ESQ., of MUELLER, HINDS &  
25 ASSOCIATES and hereby submits this Complaint pursuant to NRS 306.040 challenging the legal  
26 sufficiency of the petition of signatures submitted to the City Clerk of North Las Vegas in the "Recall  
27  
28

1 Ramsey Now” effort to recall Judge Ramsey from her position as Municipal Court Judge of North Las  
2 Vegas.

3 Catherine Ramsey, by and through counsel Craig A Mueller of Mueller, Hinds & Associates  
4 complains and alleges as follows:  
5

6 1) Plaintiff, CATHERINE RAMSEY (“Judge Ramsey”) is and was at all times relevant  
7 herein mentioned a resident of Clark County, Nevada.

8 2) Defendant, BARBARA A. ANDOLINA (“Barbara”) is and was at all times relevant herein  
9 mentioned a resident of Clark County, Nevada, and at all times relevant herein mentioned an employee  
10 of the CITY OF NORTH LAS VEGAS, holding the position of CITY CLERK OF NORTH LAS  
11 VEGAS.  
12

13 3) Defendant, BARBARA, A. ANDOLINA (“Barbara”) is and was at all times relevant herein  
14 mentioned the City Clerk of North Las Vegas, Nevada.  
15

16 4) Defendant, BETTY HAMILTON (“Betty”) is and was at all times relevant herein  
17 mentioned a resident of Clark County Nevada.  
18

19 5) Defendant, MICHAEL WILLAIM MORENO (“Michael”) is and was at all times relevant  
20 herein mentioned a resident of Clark County, Nevada.

21 6) Defendant, BOB BORGERSEN (“Bob”) is and was at all times relevant herein mentioned a  
22 resident of Clark County, Nevada.  
23

24 7) Defendant, CITY OF NORTH LAS VEGAS (“City”) is and was at all times relevant herein  
25 mentioned a municipal corporation that is a political subdivision of the State of Nevada.

26 8) The true names and capacities of Defendants DOES I through X, and ROES I through V  
27 whether individual, company, associate, or otherwise, are unknown to Plaintiff at the time of filing of  
28

1 this Complaint, and Plaintiff therefore sues said Defendants by such fictitious names. Plaintiff is  
2 informed, believes and therefore alleges that each Defendant, designated as DOES I through X and/or  
3 ROES I through X are or may be, legally responsible for the events referred to in this action, and  
4 caused damages to the Plaintiff, as herein alleged, and Plaintiff will ask leave of this Court to amend  
5 the Complaint to insert the true names and capacities of such Defendants, when the same have been  
6 ascertained, and to join them in this action, together with the proper charges and allegations.  
7

8  
9 9) At all times relevant herein mentioned, defendants DOES I through X and ROES I through  
10 V were the agents, servants, employees, consultants, and contractors of the other defendants named  
11 herein, and each of them was acting within the course and scope of their agency, employment, or  
12 contract.  
13

14 10) The events giving rise to the claims alleges in this Complaint arose within Clark County,  
15 Nevada.

16 11) This Court has jurisdiction over this action because the parties are residents of Clark  
17 County and the events that occurred giving rise to this Complaint occurred within Clark County.  
18

19 12) "Recall Ramsey Now" is a politically motivated campaign to ruin a Judge and her  
20 reputation.

21 13) Newly elected Mayor John Lee and his political associates are motivating this effort to  
22 remove Judge Ramsey.  
23

24 14) Mayor John Lee wants to remove Judge Ramsey because he wants to control the judiciary  
25 in North Las Vegas.

26 15) Judge Hoeffgen is a friend and attendee of the same church as Mayor John Lee, and is the  
27 only other Judge in the North Las Vegas Municipal Court.  
28

1 16) The role of Chief Judge in North Las Vegas is held by one judge at a time and rotates  
2 between Judges every two years.

3 17) When Mayor John Lee was elected, he insisted that his friend Judge Hoeffgen keep the  
4 position even though it was Judge Ramsey's turn to hold it.

5 18) Judge Hoeffgen told Judge Ramsey that his friend John Lee just got elected Mayor, that  
6 they share the same church, and John Lee wanted Judge Hoeffgen to stay Chief Judge.  
7

8 19) Judge Ramsey refused to permit Judge Hoeffgen from not allowing her the tenure of the  
9 position.  
10

11 20) Neither Judge holds the position of Chief Judge now.

12 21) Mayor John Lee wants Judge Ramsey removed from the bench because he wants to  
13 control the judiciary.  
14

15 22) Mayor John Lee views the Court as a division of the City and wants to put his own people  
16 in charge.

17 23) Mayor Lee took office on 7/1/13.

18 24) A short time later a lawsuit was filed against the City and Judge Ramsey by the previous  
19 Judge Vandlandschoot's judicial assistant: Susan Forti.  
20

21 25) In October 2013, the City settled the lawsuit with Ms Forti for \$25,000 but left Judge  
22 Ramsey as a defendant when she would not allow Judge Hoeffgen to be Chief Judge.  
23

24 26) The city then failed to indemnify Judge Ramsey's defense in the lawsuit.

25 27) After being made aware that the city settled out and left Ramsey in the lawsuit, Judge  
26 Hoeffgen agreed the Court should defend the case and seek recovery from the City under their duty to  
27 defend.  
28

- 1 28) The Court hired a law firm to defend the case (the law firm of Keith Lyons).
- 2 29) After the retainer was paid with a purchase card issued to Judge Ramsey by the Court,
- 3 Judge Hoeffgen recanted his position that Judge Ramsey should be indemnified.
- 4
- 5 30) This charge on the card is the charge referred to in the "Remove Ramsey Now" campaign
- 6 citing Judge Ramsey's unethical spending.
- 7
- 8 31) The judicial ethics committee has not charged Judge Ramsey with any violation to date.
- 9
- 10 32) NRS 176 provides for the distribution of administrative assessments.
- 11 33) Subsection 7 delineates how these financial assessments are to be spent by the court and
- 12 5(a) permits the monies remaining after 2 years to be deposited into the general fund if it has not been
- 13 committed for expenditure.
- 14 34) The court and the city entered into an agreement that the accumulated funds would be used
- 15 for a new computer system for the court.
- 16
- 17 35) The city agreed not to sweep the fund for 5 years to allow the funds to accumulate.
- 18
- 19 36) Four months after the new mayor took office the fund had \$937,278.83 in it and the City
- 20 acknowledged the project that the court was going to complete.
- 21 37) Judge Hoeffgen recanted on this agreement to allow the Court to retain the funds for a
- 22 computer system and told Judge Ramsey that the City needed the money more than the court.
- 23
- 24 38) Judge Hoeffgen claimed that Judge Ramsey would not be able to evidence the previous
- 25 agreement made with the city because he was the only person still working in the court who knew of
- 26 the agreement.
- 27 39) Judge Vandlandschoot confirmed there was an agreement in writing and attached the
- 28 Court Administrator's emails to the City in an e-mail.

1           40) When Judge Ramsey notified the city that she intended to follow through with the  
2 purchase of the computer system, and that she had the e-mails to prove the agreement, the City limited  
3 access to the e-mails by the Court.

4  
5           41) The City swept the fund on June 2, 2014 taking the money from the court.

6           42) The City attorney Jeff Barr resigned 8-13-13 after Mayor John Lee was elected because  
7 Lee wanted to replace him with an attorney of his own choosing.

8           43) The office of the City Attorney continued to use Jeff Barr's signature stamp on Failure to  
9 Appear charges. Despite his resignation.

10           44) In September and then again in October 2013, Judge Ramsey advised the new City  
11 Attorney to change the stamp.

12           45) At this time many citizens were being arrested on invalid warrants and more were being  
13 issued every day.

14           46) The defendant's arrested on these faulty warrants could potentially charge the city with  
15 wrongful imprisonment and the liability to the City of North Las Vegas could be \$50,000 for each  
16 charge.

17           47) Judge Ramsey notified the City of this situation and an agreement was made that Judge  
18 Ramsey would only issue bench warrants to avoid the liability.

19           48) The City continued to use the stamp even after the agreement was made, issuing warrants  
20 on invalid failure to appear occurrences.

21           49) Section 5.065(2) of the Court rules do not permit warrants to be issued in this fashion.

22           50) In an effort not to expose the city to liability, Judge Ramsey allowed the city to dismiss  
23 the charges of failure to appear events with the right to refile them if they choose to do so.  
24  
25  
26  
27  
28

1 51) "Remove Ramsey Now" is distorting this matter to appear negatively on Judge Ramsey:  
2 identifying her effort to preclude the City from experiencing claims exposing it to liability as her  
3 permitting criminals to go free.

4  
5 52) On 9/10/14 Judge Hoeffgen told Judge Ramsey that Mayor Lee said he put a "no spending  
6 limit" on the lawsuits against her.

7 53) On 1-5-15 the Mayor's campaign manager, now the City of North Las Vegas' chief of  
8 staff, Ryyan Juden, threatened Judge Ramsey.

9  
10 54) Ryyan Juden said very specifically: 'you are not aware of the political tsunami forming  
11 around you.'

12 55) He also said that he "will, as I have done in the past," put a mailer of half-truths out about  
13 Judge Ramsey and the "low information voters" are not going to know the difference.

14  
15 56) Ryyan Juden also told her that if she resigned he would get the lawsuits settled.

16 57) The act of promising to get the lawsuit dismissed if she resigned is, by definition,  
17 blackmail.

18  
19 **FIRST CAUSE OF ACTION**

20 (Insufficiency of the petition for lack of jurisdiction and failure to comply with NRS 306.020:  
21 NRS 306.020 does not apply to Plaintiff)

22 58) Plaintiff alleged all of the general allegations above in addition to:

23  
24 59) NRS 306.020 calls for the recall of a public officer. By definition NRS 281A.160(2)(a), "Public  
25 officer" does not include: any justice, judge or other officer of the court system.

26  
27 60) Judge Ramsey is a judge, therefore, NRS 306.020(1) does not apply to her  
28

1 68) As a consequence of the submittal of this insufficient petition Plaintiff has been forced to hire  
2 counsel incurring legal fees and damages.

3 69) As a consequence of the submittal of this insufficient petition Plaintiff has suffered consequential  
4 damages in excess of \$10,000  
5

### 6 THIRD CAUSE OF ACTION

7 (Insufficiency of the petition for failure to comply with NRS 306.020(3)(c))

8 70) Plaintiff restates and realleges the general allegations above, and paragraphs 1-12 in addition to  
9 the following:  
10

11 71) The petition is insufficient for failure to comply with NRS 306(3)© because the words "Recall  
12 Petition" are not immediately above the signature line in at least 40 of the signatures  
13

14 72) The petition is insufficient for failure to comply with NRS 306(3)© because the words "Recall  
15 Petition" is not in 10 pt bold type in all of the signatures

16 73) As a consequence of the submittal of this insufficient petition Plaintiff has been forced to hire  
17 counsel incurring legal fees and damages.  
18

19 74) As a consequence of the submittal of this insufficient petition Plaintiff has suffered consequential  
20 damages in excess of \$10,000

### 21 FOURTH CAUSE OF ACTION

22 (Insufficiency of the petition for failure to comply with NRS 306.030(1))

23 NRS 306.030(1) is as follows:

24 NRS 306.030 Petition for recall may consist of number of copies; verification.  
25

26 1. The petition may consist of any number of copies which are identical in form with the  
27 original, except for the name of the county and the signatures and addresses of the residences of the  
28 signers. The pages of the petition with the signatures and of any copy must be consecutively  
numbered. Each page must bear the name of a county, and only registered voters of that county may  
sign the page.

1 75) Plaintiff restates and realleges the general allegations above, and paragraphs 1-12 in addition to  
2 the following:  
3

4 76) The petition is insufficient for failure to comply with NRS 306.030(1) because the petitions  
5 submitted are not identical in form.  
6

7 77) The petition is insufficient for failure to comply with NRS 306.030(1) because the petitions are  
8 not sequentially numbered.

9 78) As a consequence of the submittal of this insufficient petition Plaintiff has been forced to hire  
10 counsel incurring legal fees and damages.  
11

12 79) As a consequence of the submittal of this insufficient petition Plaintiff has suffered consequential  
13 damages in excess of \$10,000  
14

#### 15 FIFTH CAUSE OF ACTION

16 (Insufficiency of the petition for failure to comply with NRS 306.030(2)  
17 NRS 306.030 is as follows:  
18 NRS 306.030 Petition for recall may consist of number of copies; verification.

19 2. Every copy must be verified by the circulator thereof, who shall swear or affirm, before a  
20 person authorized by law to administer oaths, that the statements and signatures contained in the  
21 petition are true to the best of the circulator's knowledge and belief. The verification must also contain  
22 a statement of the number of signatures being verified by the circulator.

23 80) Plaintiff restates and realleges the general allegations above, and paragraphs 1-12 in addition to  
24 the following:

25 81) The petition is insufficient for failure to comply with NRS 306.030(2) because some of the  
26 petitions are not properly verified.  
27  
28

1 82) A petition is invalid where some copies are not verified by the person signing the particular copy  
2 Fiannaca v. Gill, 78 Nev. 337, 372 P. 2d 683 (1962) Lundberg v Koonts, 82 Nev. 360, at 365, 418 P.  
3 2d 808 (1966)

4  
5 83) As a consequence of the submittal of this insufficient petition Plaintiff has been forced to hire  
6 counsel incurring legal fees and damages.

7 84) As a consequence of the submittal of this insufficient petition Plaintiff has suffered consequential  
8 damages in excess of \$10,000

#### 10 SIXTH CAUSE OF ACTION

11 (Insufficiency of petition pursuant to lack of compliance with NRS 293.1277 and NRS  
12 293.1279)  
13 NRS 293.1277 is as follows:

14 NRS 293.1277 Verification of signatures by county clerks; regulations.

15  
16 2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the  
17 documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them  
18 at random for verification. The random sample of signatures to be verified must be drawn in such a  
19 manner that every signature which has been submitted to the county clerk is given an equal opportunity  
20 to be included in the sample. The sample must include an examination of at least 500 or 5 percent of  
the signatures, whichever is greater. If documents were submitted to the county clerk for more than one  
petition district wholly contained within that county, a separate random sample must be performed for  
each petition district.

21 NRS 293.1278 is as follows:

22  
23 NRS 293.1278 Qualification or disqualification of petition upon receipt of certificates or amended  
24 certificates by Secretary of State.

25 1. If the certificates received by the Secretary of State from all the county clerks establish that the  
26 number of valid signatures is less than 90 percent of the required number of registered voters, the  
27 petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify  
the petitioners and the county clerks.

1 95). NRS 293.12758 requires that the clerk "shall issue a receipt to any person who submits a petition  
2 and the receipt must state the number of signatures which the person declares are on the petition.

3 96). The clerk identified "approximately 2700" signatures.  
4

5 97). The clerk did not specifically identify the number of signatures on the petition which the clerk  
6 "must" do.

7 98). The petition is insufficient based on the non compliance of the clerk with this requirement.  
8

9 99). As a consequence of the submittal of this insufficient petition Plaintiff has been forced to hire  
10 counsel incurring legal fees and damages.

11 100). As a consequence of the submittal of this insufficient petition Plaintiff has suffered  
12 consequential damages in excess of \$10,000.  
13

#### 14 EIGHTH CAUSE OF ACTION

15 ( the petition should be dismissed because it was funded illegally)

16 Article 2 section 10 of the Nevada Constitution is as follows:  
17

18 Sec. 10. Limitation on contributions to campaign.

19 1. As used in this Section, "contribution" includes the value of services provided in kind for  
20 which money would otherwise be paid, such as paid polling and resulting data, paid direct mail, paid  
21 solicitation by telephone, any paid campaign paraphernalia printed or otherwise produced, and the use  
22 of paid personnel to assist in a campaign.

23 2. The Legislature shall provide by law for the limitation of the total contribution by any natural  
24 or artificial person to the campaign of any person for election to any office, except a federal office, to  
25 \$5,000 for the primary and \$5,000 for the general election, and to the approval or rejection of any  
26 question by the registered voters to \$5,000, whether the office sought or the question submitted is local  
or for the State as a whole. The Legislature shall further provide for the punishment of the contributor,  
the candidate, and any other knowing party to a violation of the limit, as a felony.

27 101). The police union behind Remove Ramsey Now has admitted in publications that they have spent  
28 in excess of \$10,000 on the recall effort

1 102). Article 2 Section 10(2) clearly prohibits the investment of more than \$5,000 in efforts such as  
2 this

3 103). Contributing more than \$5,000 is a felony

4 104). The finding of the "Remove Ramsey Now" campaign is in derogation of the Nevada State  
5 Constitution and is the result of a criminal act on the part of one of the entities behind the effort

6 105). Consequently, the petition should be dismissed because it is founded upon a criminal act and in  
7 derogation of Nevada's founding document.  
8

9 106). As a consequence of the submittal of this insufficient petition Plaintiff has been forced to hire  
10 counsel incurring legal fees and damages

11 107). As a consequence of the submittal of this insufficient petition Plaintiff has suffered  
12 consequential damages in excess of \$10,000.  
13

#### 14 CONCLUSION

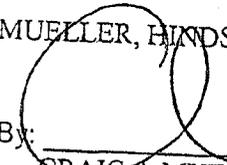
- 15
- 16 1) A judge can declare a petition not sufficient for any number of reasons.
  - 17 2) First, it must meet the technical standards imposed by statute: the petition to remove  
18 Judge Ramsey does not
  - 19 4) Second, it must meet the procedural requirements: the petition to remove Judge  
20 Ramsey does not.
  - 21 5) Third, it must meet the statutory requirements: the petition to remove Judge Ramsey  
22 does not.
  - 23 6) Fourth it must meet the sufficiency requirements: the petition to remove Judge Ramsey  
24 does not.
  - 25 7) Fifth the signatures were not verified as they were supposed to have been.  
26  
27  
28

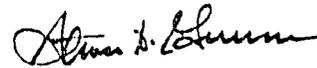
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

8) Based on the verification process outlined by statute, the petition did not have sufficient signatures.

**WHEREFORE:** Plaintiff humbly requests that this Court dismiss the "Recall Ramsey Now" petition for insufficiency and because it is in derogation of rights of Judge Ramsey guaranteed by the United States Constitution, the Nevada Constitution, Nevada statutory law, and Nevada case law. Plaintiff also seeks damages in excess of \$10,000; and for attorney fees and costs incurred in the defense of this unconstitutional effort to remove her from her position as Judge of North Las Vegas, or for any other relief that this Court deems appropriate.

DATED this 9<sup>th</sup> day of June 2015.

MUELLER, HINDS & ASSOCIATES  
By:   
CRAIG A MUELLER, ESQ.  
Nevada Bar No.: 4703  
600 S. Eighth Street  
Las Vegas, NV 89101  
Attorney for Petitioner



CLERK OF THE COURT

1 Patrick G. Byrne (NV Bar # 7636)  
Richard C. Gordon (NV Bar # 9036)  
2 Daniel S. Ivie (NV Bar # 10090)  
SNELL & WILMER, L.L.P.  
3 3883 Howard Hughes Parkway  
Suite 1100  
4 Las Vegas, Nevada 89169  
Telephone: 702.784.5200  
5 Facsimile: 702.784.5252  
Email: [pbyrne@swlaw.com](mailto:pbyrne@swlaw.com)  
6 [rgordon@swlaw.com](mailto:rgordon@swlaw.com)  
[dive@swlaw.com](mailto:dive@swlaw.com)

7 *Attorneys for Respondents City of North Las Vegas and*  
8 *Barbara A. Andolina, City Clerk*

9  
10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 HONORABLE CATHERINE RAMSEY  
13 NORTH LAS VEGAS MUNICIPAL JUDGE.

Case No. A-15-719406-P

14 Petitioner,

Dept. No. 20

15 vs.

**THE CITY OF NORTH LAS VEGAS  
AND BARBARA A. ANDOLINA CITY  
CLERK'S PARTIAL JOINDER TO  
RESPONDENTS' OPPOSITION TO  
EMERGENCY PETITION FOR  
INJUNCTION**

16 THE CITY OF NORTH LAS VEGAS and  
17 BARBARA A. ANDOLINA City Clerk of  
NORTH LAS VEGAS, BETTY HAMILTON,  
18 MICHAEL WILLIAM MORENO, and BOB  
BORGENSEN, individually and as Members of  
"REMOVE RAMSEY NOW,"

Hearing Date: June 24, 2015  
Hearing Time: 8:30 a.m.

19 Respondents.  
20

21  
22 Respondents, the City of North Las Vegas and Barbara A. Andolina, City Clerk of North  
23 Las Vegas (collectively the "City"), by and through its counsel, the law firm of Snell & Wilmer,  
24 L.L.P., hereby join, in part, in the Opposition to the Emergency Petition for Injunction filed by  
25 Respondents Betty Hamilton, Michael William Moreno and Bob Borgersen ("Respondents").

26 ///

27 ///

28 ///

1 While it takes no position on the recall petition itself, the City joins in the legal argument  
2 made in Section III of Co-Respondents' Opposition regarding the procedure and propriety of  
3 recalling judges under Nevada law.<sup>1</sup>

4 MEMORANDUM OF POINTS AND AUTHORITIES

5 In addition to the arguments made by Co-Respondents in Section III of their Opposition,  
6 the City makes the following additional argument in opposition to the Petition for Emergency  
7 Injunction (the "Petition") filed by Catherine Ramsey, North Las Vegas Municipal Judge (the  
8 "Petitioner").

9 I. LEGAL ARGUMENT

10 A. The Provisions of NRS 281 Explicitly Include Judges in the Definition of  
11 "Public Officers," in Direct Conflict with the Inapplicable Provisions of NRS  
12 281A Cited by Petitioner.

13 Petitioner incorrectly relies on provisions in Chapter 281A of the Nevada Revised  
14 Statutes, suggesting that they somehow relate to NRS 281 -- a different Chapter. Despite  
15 Petitioner's arguments to the contrary, judges are included in the definition of "public officer"  
16 under NRS 281. The provisions of NRS 281A are inapplicable to the issue of whether a judge is  
17 a public officer under Nevada law.

18 Petitioner cites various provisions of NRS 281, entitled "Public Officers and Employees,"  
19 to support her position that "the process for removal of public officials from office and removal  
20 of judges from office were intended to be separate and distinct processes." (Pet., 7:22-24.)  
21 Petitioner further asserts that "[t]hree provisions from this one section of NRS [281] reveal that  
22 public officials and judges are defined differently." (Pet., 7:24-25.) (emphasis added) To support  
23 this contention, Petitioner quotes NRS 281.005, which defines "public officer" as follows:

24 1. "Public officer" means a person elected or appointed to a position  
25 which:

26 (a) Is established by the Constitution or a statute of this State, or by  
27 a charter or ordinance of a political subdivision of this State; and

28 <sup>1</sup> The City does note that it filed a Judicial Ethics Complaint against Judge Ramsey with the Nevada Commission on  
Judicial Discipline on May 19, 2014.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

(b) Involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.

NRS 281.005(1) (emphasis added). The section that immediately follows NRS 281.005, which Petitioner conveniently fails to cite, provides further clarification about who is considered "a person elected" for purposes of Chapter 281. As noted below, this section specifically identifies and includes judges:

1. The following officers must be elected:

- (f) Five justices of the Supreme Court.
- (g) Judges of the Court of Appeals other than the initial three judges.
- (h) District judges.
- (i) Other officers whose elections are provided for by law.
- (j) For each county, and the equivalent officers for Carson City:
- (9) Justices of the peace.

NRS 281.010(1) (emphasis added). Reading this provision together with NRS 281.005(1), it becomes clear that judges are indisputably elected officials and therefore considered "public officers" under Nevada law.

Petitioner, however, ignores NRS 281.010(1) and instead looks to NRS 281A.160 to argue that the term "public officer" does not include judges." (Pet., 8:9.) Petitioner fails to highlight that NRS 281A is a separate and distinct chapter of Nevada Revised Statutes entitled "Ethics in Government." Instead, Petitioner erroneously claims that each of the provisions she cites come "from this one section of NRS." (Pet., 7:24.) Section 281A.160, as cited by Petitioner, states in pertinent part:

3. "Public officer" does not include:

- (a) Any justice, judge or other officer of the court system;

4. "Public office" does not include an office held by:

- (a) Any justice, judge or other officer of the court system;

NRS 281A.160(3), (4).

The exclusion of judges from this Chapter makes sense. Judges are subject to separate and distinct provisions regarding ethics under Nevada's Code of Judicial Conduct. But the

1 omission of judges from the NRS 281A, which addresses "Ethics in Government," has no bearing  
2 on the application of NRS 281, which generally addresses "Public Officers and Employees." As  
3 previously noted, NRS 281.010(1) explicitly includes judges, justices of the peace, and all "other  
4 officers" elected by law as officials that are elected and therefore considered "public officers"  
5 under NRS 281.050(1).

6 **II. CONCLUSION**

7 Based upon the foregoing, and the arguments contained in Co-Respondents' Opposition,  
8 the City of North Las Vegas and City Clerk Barbara A. Andolina, respectfully request that this  
9 Court deny Petitioner's Emergency Request for Injunctive Relief.

10 Dated: June 12, 2015

SNELL & WILMER L.L.P.

11  
12 By: /s/Richard C. Gordon  
13 Patrick G. Byrne  
14 Richard C. Gordon  
15 Daniel S. Ivic  
16 3883 Howard Hughes Parkway  
17 Suite 1100  
18 Las Vegas, Nevada 89169  
19  
20 *Attorneys for Respondent*  
21 *City of North Las Vegas*  
22  
23  
24  
25  
26  
27  
28

Snell & Wilmer  
L.L.P.  
Law Offices  
1981 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
Tel: 702.526.5200

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing THE CITY OF NORTH LAS VEGAS AND BARBARA A. ANDOLINA CITY CLERK'S PARTIAL JOINDER TO RESPONDENTS' OPPOSITION TO EMERGENCY PETITION FOR INJUNCTION by the method indicated:

- XXXXXXXX by Court's CM/ECF Program
- ..... by U. S. Mail
- ..... by Facsimile Transmission
- ..... by Overnight Mail
- ..... by Federal Express
- ..... by Electronic Service
- ..... by Hand Delivery

and addressed to the following:

Craig A. Mueller, Esq.  
MUELLER, HINDS & ASSOCIATES  
600 S. Eighth Street  
Las Vegas, Nevada 89101  
*Attorneys for Petitioner*  
*Catherine Ramsey,*  
*North Las Vegas Municipal Judge*

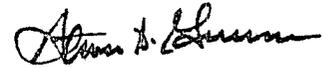
Dated this 12th day of June 2015.

By/s/ Gaylene Kim  
.....  
An employe of Snell & Wilmer L.L.P.

Snell & Wilmer

L.L.P.  
LAW OFFICES  
3901 Howard Avenue, Suite 1100  
Las Vegas, NV 89169  
Tel: 702.734.2000

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



CLERK OF THE COURT

1 ANSC  
2 GENTILE CRISTALLI MILLER  
3 ARMENI & SAVARESE  
4 DOMINIC P. GENTILE  
5 Nevada Bar No. 1923  
6 Email: [dgentile@gentilecristalli.com](mailto:dgentile@gentilecristalli.com)  
7 ROSS MILLER  
8 Nevada Bar No. 8190  
9 Email: [rmiller@gentilecristalli.com](mailto:rmiller@gentilecristalli.com)  
10 COLLEEN E. MCCARTY  
11 Nevada Bar No. 13186  
12 Email: [cmccarty@gentilecristalli.com](mailto:cmccarty@gentilecristalli.com)  
13 410 South Rampart Boulevard, Suite 420  
14 Las Vegas, Nevada 89145  
15 Tel: (702) 880-0000  
16 Fax: (702) 778-9709  
17 *Attorneys for Defendants*  
18 *Betty Hamilton, Michael William Moreno,*  
19 *and Bob Borgersen*

11 DISTRICT COURT

12 CLARK COUNTY, NEVADA

13 HONORABLE CATHERINE RAMSEY  
14 NORTH LAS VEGAS MUNICIPAL JUDGE,

15 Petitioner,

16 vs.

17 THE CITY OF NORTH LAS VEGAS AND  
18 BARBARA A. ANDOLINA City Clerk of  
19 NORTH LAS VEGAS, BETTY HAMILTON,  
20 MICHAEL WILLIAM MORENO, and BOB  
21 BORGERSEN, individually and as Members of  
22 "REMOVE RAMSEY NOW,"

23 Defendants.

Case No.: A-15-719651-C  
Dept. No.: VII

HAMILTON, MORENO, AND  
BORGERSEN DEFENDANTS:

ANSWER TO COMPLAINT

22 COMES NOW Defendants BETTY HAMILTON, MICHAEL WILLIAM MORENO,  
23 and BOB BORGERSEN (collectively "Defendants"), by and through their attorneys of record,  
24 DOMINIC P. GENTILE, ESQ., ROSS MILLER, ESQ., and COLLEEN E. MCCARTY, ESQ.,  
25 of the law firm of GENTILE CRISTALLI MILLER ARMENI & SAVARESE, hereby submits  
26 their Answer to the Complaint Pursuant to NRS 306.040 Challenging the Legal Sufficiency of  
27 the Petition to Recall Judge Catherine Ramsey filed by Plaintiff, CATHERINE RAMSEY, and  
28

1 states as follows:

2 PARTIES, JURISDICTION AND VENUE

3 1. Answering Paragraph 1 of the Complaint, Defendants are without sufficient  
4 knowledge upon which to base an answer and on that basis, deny each and every allegation  
5 contained therein.

6 2. Answering Paragraph 2 of the Complaint, Defendants are without sufficient  
7 knowledge upon which to base an answer and on that basis, deny each and every allegation  
8 contained therein.

9 3. Answering Paragraph 3 of the Complaint, Defendants are without sufficient  
10 knowledge upon which to base an answer and on that basis, deny each and every allegation  
11 contained therein.

12 4. Answering Paragraph 4 of the Complaint, Defendants admit each and every  
13 allegation contained therein.

14 5. Answering Paragraph 5 of the Complaint, Defendants admit each and every  
15 allegation contained therein.

16 6. Answering Paragraph 6 of the Complaint, Defendants admit each and every  
17 allegation contained therein.

18 7. Answering Paragraph 7 of the Complaint, Defendants are without sufficient  
19 knowledge upon which to base an answer and on that basis, deny each and every allegation  
20 contained therein.

21 8. Answering Paragraph 8 of the Complaint, Defendants state that the allegations  
22 contained therein do not allege any acts or omissions on the part of Defendants, and therefore no  
23 response to such allegations is required under the Nevada Rules of Civil Procedure. To the  
24 extent any response is required, Defendants deny the allegations stated therein.

25 9. Answering Paragraph 9 of the Complaint, Defendants are without sufficient  
26 knowledge upon which to base an answer and on that basis, deny each and every allegation  
27 contained therein.

28 10. Answering Paragraph 10 of the Complaint, Defendants admit each and every

1 allegation contained therein.

2 11. Answering Paragraph 11 of the Complaint, Defendants admit each and every  
3 allegation contained therein.

4 GENERAL ALLEGATIONS

5 12. Answering Paragraph 12 of the Complaint, Defendants deny each and every  
6 allegation contained therein.

7 13. Answering Paragraph 13 of the Complaint, Defendants are without sufficient  
8 knowledge upon which to base an answer and on that basis, deny each and every allegation  
9 contained therein.

10 14. Answering Paragraph 14 of the Complaint, Defendants are without sufficient  
11 knowledge upon which to base an answer and on that basis, deny each and every allegation  
12 contained therein.

13 15. Answering Paragraph 15 of the Complaint, Defendants are without sufficient  
14 knowledge upon which to base an answer and on that basis, deny each and every allegation  
15 contained therein.

16 16. Answering Paragraph 16 of the Complaint, Defendants are without sufficient  
17 knowledge upon which to base an answer and on that basis, deny each and every allegation  
18 contained therein.

19 17. Answering Paragraph 17 of the Complaint, Defendants are without sufficient  
20 knowledge upon which to base an answer and on that basis, deny each and every allegation  
21 contained therein.

22 18. Answering Paragraph 18 of the Complaint, Defendants are without sufficient  
23 knowledge upon which to base an answer and on that basis, deny each and every allegation  
24 contained therein.

25 19. Answering Paragraph 19 of the Complaint, Defendants are without sufficient  
26 knowledge upon which to base an answer and on that basis, deny each and every allegation  
27 contained therein.

28 20. Answering Paragraph 20 of the Complaint, Defendants are without sufficient

1 knowledge upon which to base an answer and on that basis, deny each and every allegation  
2 contained therein.

3 21. Answering Paragraph 21 of the Complaint, Defendants are without sufficient  
4 knowledge upon which to base an answer and on that basis, deny each and every allegation  
5 contained therein.

6 22. Answering Paragraph 22 of the Complaint, Defendants are without sufficient  
7 knowledge upon which to base an answer and on that basis, deny each and every allegation  
8 contained therein.

9 23. Answering Paragraph 23 of the Complaint, Defendants are without sufficient  
10 knowledge upon which to base an answer and on that basis, deny each and every allegation  
11 contained therein.

12 24. Answering Paragraph 24 of the Complaint, Defendants are without sufficient  
13 knowledge upon which to base an answer and on that basis, deny each and every allegation  
14 contained therein.

15 25. Answering Paragraph 25 of the Complaint, Defendants are without sufficient  
16 knowledge upon which to base an answer and on that basis, deny each and every allegation  
17 contained therein.

18 26. Answering Paragraph 26 of the Complaint, Defendants are without sufficient  
19 knowledge upon which to base an answer and on that basis, deny each and every allegation  
20 contained therein.

21 27. Answering Paragraph 27 of the Complaint, Defendants are without sufficient  
22 knowledge upon which to base an answer and on that basis, deny each and every allegation  
23 contained therein.

24 28. Answering Paragraph 28 of the Complaint, Defendants are without sufficient  
25 knowledge upon which to base an answer and on that basis, deny each and every allegation  
26 contained therein.

27 29. Answering Paragraph 29 of the Complaint, Defendants are without sufficient  
28 knowledge upon which to base an answer and on that basis, deny each and every allegation

1 contained therein.

2 30. Answering Paragraph 30 of the Complaint, Defendants are without sufficient  
3 knowledge upon which to base an answer and on that basis, deny each and every allegation  
4 contained therein.

5 31. Answering Paragraph 31 of the Complaint, Defendants are without sufficient  
6 knowledge upon which to base an answer and on that basis, deny each and every allegation  
7 contained therein.

8 32. Answering Paragraph 32 of the Complaint, Defendants state that the allegations  
9 contained therein state a legal conclusion, which does not require a response. To the extent any  
10 response is required, Defendants deny the allegations state therein.

11 33. Answering Paragraph 33 of the Complaint, Defendants state that the allegations  
12 contained therein state a legal conclusion, which does not require a response. To the extent any  
13 response is required, Defendants deny the allegations state therein.

14 34. Answering Paragraph 34 of the Complaint, Defendants are without sufficient  
15 knowledge upon which to base an answer and on that basis, deny each and every allegation  
16 contained therein.

17 35. Answering Paragraph 35 of the Complaint, Defendants are without sufficient  
18 knowledge upon which to base an answer and on that basis, deny each and every allegation  
19 contained therein.

20 36. Answering Paragraph 36 of the Complaint, Defendants are without sufficient  
21 knowledge upon which to base an answer and on that basis, deny each and every allegation  
22 contained therein.

23 37. Answering Paragraph 37 of the Complaint, Defendants are without sufficient  
24 knowledge upon which to base an answer and on that basis, deny each and every allegation  
25 contained therein.

1           38.     Answering Paragraph 38 of the Complaint, Defendants are without sufficient  
2 knowledge upon which to base an answer and on that basis, deny each and every allegation  
3 contained therein.

4           39.     Answering Paragraph 39 of the Complaint, Defendants are without sufficient  
5 knowledge upon which to base an answer and on that basis, deny each and every allegation  
6 contained therein.

7           40.     Answering Paragraph 40 of the Complaint, Defendants are without sufficient  
8 knowledge upon which to base an answer and on that basis, deny each and every allegation  
9 contained therein.

10          41.     Answering Paragraph 41 of the Complaint, Defendants are without sufficient  
11 knowledge upon which to base an answer and on that basis, deny each and every allegation  
12 contained therein.

13          42.     Answering Paragraph 42 of the Complaint, Defendants are without sufficient  
14 knowledge upon which to base an answer and on that basis, deny each and every allegation  
15 contained therein.

16          43.     Answering Paragraph 43 of the Complaint, Defendants are without sufficient  
17 knowledge upon which to base an answer and on that basis, deny each and every allegation  
18 contained therein.

19          44.     Answering Paragraph 44 of the Complaint, Defendants are without sufficient  
20 knowledge upon which to base an answer and on that basis, deny each and every allegation  
21 contained therein.

22          45.     Answering Paragraph 45 of the Complaint, Defendants are without sufficient  
23 knowledge upon which to base an answer and on that basis, deny each and every allegation  
24 contained therein.

25          46.     Answering Paragraph 46 of the Complaint, Defendants are without sufficient  
26 knowledge upon which to base an answer and on that basis, deny each and every allegation  
27 contained therein.

28

1           47.     Answering Paragraph 47 of the Complaint, Defendants are without sufficient  
2 knowledge upon which to base an answer and on that basis, deny each and every allegation  
3 contained therein.

4           48.     Answering Paragraph 48 of the Complaint, Defendants are without sufficient  
5 knowledge upon which to base an answer and on that basis, deny each and every allegation  
6 contained therein.

7           49.     Answering Paragraph 49 of the Complaint, Defendants state that the allegations  
8 contained therein state a legal conclusion, which does not require a response. To the extent any  
9 response is required, Defendants deny the allegations state therein.

10          50.     Answering Paragraph 50 of the Complaint, Defendants are without sufficient  
11 knowledge upon which to base an answer and on that basis, deny each and every allegation  
12 contained therein.

13          51.     Answering Paragraph 51 of the Complaint, Defendants deny each and every  
14 allegation contained therein.

15          52.     Answering Paragraph 52 of the Complaint, Defendants are without sufficient  
16 knowledge upon which to base an answer and on that basis, deny each and every allegation  
17 contained therein.

18          53.     Answering Paragraph 53 of the Complaint, Defendants are without sufficient  
19 knowledge upon which to base an answer and on that basis, deny each and every allegation  
20 contained therein.

21          54.     Answering Paragraph 54 of the Complaint, Defendants are without sufficient  
22 knowledge upon which to base an answer and on that basis, deny each and every allegation  
23 contained therein.

24          55.     Answering Paragraph 55 of the Complaint, Defendants are without sufficient  
25 knowledge upon which to base an answer and on that basis, deny each and every allegation  
26 contained therein.

27          56.     Answering Paragraph 56 of the Complaint, Defendants are without sufficient  
28 knowledge upon which to base an answer and on that basis, deny each and every allegation

1 contained therein.

2 57. Answering Paragraph 57 of the Complaint, Defendants state that the allegations  
3 contained therein state a legal conclusion, which does not require a response. To the extent any  
4 response is required, Defendants deny the allegations state therein.

5 FIRST CAUSE OF ACTION

6 58. Answering Paragraph 58 of the Complaint, Defendants hereby repeat, re-allege  
7 and incorporate by reference the answers to preceding paragraphs as though fully set forth  
8 herein.

9 59. Answering Paragraph 59, Defendants state NRS 306.020 provides in pertinent  
10 part:

11  
12 Every public officer in the State of Nevada is subject to recall from office by  
13 the registered voters of the State or of the county, district or municipality that  
14 the public officer represents, as provided in this chapter and Section 9 Article  
15 2 of the Constitution of the State of Nevada.

16 NRS 306.020(1). Neither the statute, nor the Nevada Constitution define the term "public  
17 officer." Plaintiff suggests this Court should adopt the definition of "public officer" contained in  
18 NRS 281A.160(2)(a), which she claims excepts judges. NRS 281A.160(2)(a) however, defines  
19 "the exercise of a public power, trust or duty," not "public officer." Assuming Plaintiff meant to  
20 cite NRS 281A.160(3)(a), the statute is still inapplicable to the instant matter because it defines  
21 the term "public officer" for a certain, limited purpose. NRS Chapter 281A exclusively  
22 addresses Ethics in Government. Ethical requirements for judges are set forth in the Nevada  
23 Code of Judicial Conduct. Likewise, discipline resulting from violations of the Code of Judicial  
24 Conduct, are the exclusive jurisdiction of the Nevada Commission on Judicial Discipline, as  
25 established by Article 6 of the Nevada Constitution. Article 6, Section 21 of the Nevada  
26 Constitution; NRS 1.440. Chapter 281A does not apply to Judges, and its definition of "public  
27 officer" has no bearing on these proceedings. To the extent any further answer is required,  
28

1 Defendants deny each and every allegation contained therein.

2 60. Answering Paragraph 60, Defendants hereby repeat the answer to Paragraph 59 as  
3 though fully set forth herein.

4 61. Answering Paragraph 61, Defendants deny each and every allegation contained  
5 therein.

6 62. Answering Paragraph 62, Defendants deny each and every allegation contained  
7 therein.

8  
9 SECOND CAUSE OF ACTION

10 63. Answering Paragraph 63 of the Complaint, Defendants hereby repeat, re-allege  
11 and incorporate by reference the answers to preceding paragraphs as though fully set forth  
12 herein.

13  
14 64. Answering Paragraph 64 of the Complaint, Defendants state that pursuant to NRS  
15 293.1277(2), Clark County Registrar of Voters Joseph Gloria conducted a random sample of five  
16 hundred (500) signatures affixed to the North Las Vegas Petition to Recall Municipal Court  
17 Judge Catherine Ramsey. From that review, Gloria determined that four hundred twenty (420)  
18 signatures were valid. (See Certificate of Results of Signature Examination Recall of Judge  
19 Catherine Ramsey, June 1, 2015, a true and correct copy of which is attached hereto as **Exhibit**  
20 **I-A** to the Declaration of Colleen E. McCarty, attached hereto as **Exhibit 1** (hereinafter  
21 "McCarty Decl.")). Based upon the random sampling, Gloria further verified the total number of  
22 valid signatures at two thousand two hundred eighty two (2,282) signatures. The same day,  
23 Gloria provided the Office of the Nevada Secretary of State with the Certificate of Results. (See  
24 Letter from Gloria to Richard Hy, Deputy Secretary for Elections, Nevada Secretary of State's  
25 Office, June 1, 2015, a true and correct copy of which is attached hereto as McCarty Decl.,  
26 **Exhibit I-B**). Thereafter, the Office of the Nevada Secretary of State issued a Notice of  
27  
28

1 Qualified Petition – Petition to Recall Catherine Ramsey, Municipal Court Judge, Department 1,  
2 City of North Las Vegas, on June 2, 2015. (See Letter to Gloria from Barbara K. Cegavske,  
3 Secretary of State, June 2, 2015, a true and correct copy of which is attached hereto as McCarty  
4 Decl., Exhibit 1-C). It indicated that the total number of valid signatures, two thousand two  
5 hundred eighty two (2,282) surpassed the number of signatures required for qualification. (See  
6 *id.*). Accordingly, Secretary of State K. Cegavske deemed the recall petition qualified, and  
7 noticed all interested parties. (See *id.*).

9 It is the general rule that recall statutes should be liberally construed with a view to  
10 promote the purpose for which it was enacted. *Cleland v. Eighth Judicial Dist. Court, In & For*  
11 *Clark Cty., Dep't No. V*, 92 Nev. 454, 455-56, 552 P.2d 488, 489-90 (1976). Here, the purpose  
12 of the statute is impliedly to insure that only registered voters are engaged in the statutory  
13 procedures culminating in a special recall election. See NRS 306. The Nevada Supreme Court  
14 has held that a substantial compliance standard applies to the sufficiency and validity of recall  
15 petitions. See *Cleland*, 92 Nev. at 489-90. To the extent that Defendants are proper parties to  
16 the Complaint, they have substantially complied with all statutory provisions governing recall  
17 petitions. To the extent any further answer is required, Defendants deny each and every  
18 allegation contained therein.

19  
20 65. Answering Paragraph 65, Defendants hereby repeat the answer to Paragraph 64 as  
21 though fully set forth herein.

22  
23 66. Answering Paragraph 66, Defendants hereby repeat the answer to Paragraph 64 as  
24 though fully set forth herein. Further, as reflected in the McCarty Decl., Exhibit 1-A, the  
25 random sampling conducted by Joseph P. Gloria, Registrar of Voters, identified seven (7)  
26 duplicate signatures.

27 67. Answering Paragraph 67, Defendants hereby repeat the answer to Paragraph 64 as  
28

1 though fully set forth herein.

2 68. Answering Paragraph 68, Defendants deny each and every allegation contained  
3 therein.

4 69. Answering Paragraph 69, Defendants deny each and every allegation contained  
5 therein.  
6

7 THIRD CAUSE OF ACTION

8 70. Answering Paragraph 70 of the Complaint, Defendants hereby repeat, re-allege  
9 and incorporate by reference the answers to preceding paragraphs as though fully set forth  
10 herein.

11 71. Answering Paragraph 71, Defendants hereby repeat the answer to Paragraph 64 as  
12 though fully set forth herein.

13 72. Answering Paragraph 72, Defendants hereby repeat the answer to Paragraph 64 as  
14 though fully set forth herein.  
15

16 73. Answering Paragraph 73, Defendants deny each and every allegation contained  
17 therein.

18 74. Answering Paragraph 74, Defendants deny each and every allegation contained  
19 therein.  
20

21 FOURTH CAUSE OF ACTION

22 75. Answering Paragraph 75 of the Complaint, Defendants hereby repeat, re-allege  
23 and incorporate by reference the answers to preceding paragraphs as though fully set forth  
24 herein.

25 76. Answering Paragraph 76, Defendants hereby repeat the answer to Paragraph 64 as  
26 though fully set forth herein.

27 77. Answering Paragraph 77, Defendants hereby repeat the answer to Paragraph 64 as  
28

1 though fully set forth herein.

2 78. Answering Paragraph 78, Defendants deny each and every allegation contained  
3 therein.

4 79. Answering Paragraph 79, Defendants deny each and every allegation contained  
5 therein.

6  
7 FIFTH CAUSE OF ACTION

8 80. Answering Paragraph 80 of the Complaint, Defendants hereby repeat, re-allege  
9 and incorporate by reference the answers to preceding paragraphs as though fully set forth  
10 herein.

11 81. Answering Paragraph 81, Defendants hereby repeat the answer to Paragraph 64 as  
12 though fully set forth herein.

13 82. Answering Paragraph 82, Defendants state that the allegations contained therein  
14 state a legal conclusion, which does not require a response. To the extent any response is  
15 required, Defendants deny the allegations state therein.

16 83. Answering Paragraph 83, Defendants deny each and every allegation contained  
17 therein.

18 84. Answering Paragraph 84, Defendants deny each and every allegation contained  
19 therein.  
20

21 SIXTH CAUSE OF ACTION

22 85. Answering Paragraph 85 of the Complaint, Defendants hereby repeat, re-allege  
23 and incorporate by reference the answers to preceding paragraphs as though fully set forth  
24 herein.  
25

26 86. Answering Paragraph 86, Defendants state that they represented to Barbara A.  
27 Andolina, City Clerk of North Las Vegas, that the petition contained approximately two  
28

1 thousand seven hundred (2,700) signatures. Defendants further state, as reflected in the McCarty  
2 Decl., **Exhibit 1-A**, that two thousand seven hundred seventeen (2,717) were submitted. To the  
3 extent any further answer is required, Defendants deny the allegations.

4  
5 87. Answering Paragraph 87, Defendants state that the Certificate of Results of  
6 Signature Examination (the "Certificate of Results") attached hereto as McCarty Decl., **Exhibit**  
7 **1-A**, speaks for itself. To the extent any further answer is required, Defendants deny the  
8 allegations as the allegations misstate and/or mischaracterize the contents of the Certificate of  
9 Results set forth therein.

10 88. Answering Paragraph 88, Defendants state that the Certificate of Results attached  
11 hereto as McCarty Decl., **Exhibit 1-A**, speaks for itself and lists the total number of invalid  
12 signatures as eighty (80) signatures. To the extent any further answer is required, Defendants  
13 deny the allegations as the allegations misstate and/or mischaracterize the contents of the  
14 Certificate of Results set forth therein.

15  
16 89. Answering Paragraph 89, Defendants state that the Certificate of Results attached  
17 hereto as McCarty Decl., **Exhibit 1-A**, speaks for itself and correctly reflects eighty-four percent  
18 (84%) as the percentage of valid signatures examined. To the extent any further answer is  
19 required, Defendants deny that 81 is 83% of 500.

20  
21 90. Answering Paragraph 90, Defendants state that the Certificate of Results attached  
22 hereto as McCarty Decl., **Exhibit 1-A**, speaks for itself. To the extent any further answer is  
23 required, Defendants deny the allegations as the allegations misstate the law and/or  
24 mischaracterize the contents of the Certificate of Results set forth therein.

25 91. Answering Paragraph 91, Defendants state that the allegations contained therein  
26 state a legal conclusion, which does not require a response. To the extent any response is  
27 required, Defendants deny the allegations state therein.

28



1 state a legal conclusion, which does not require a response. To the extent any response is  
2 required, Defendants deny the allegations state therein.

3 99. Answering Paragraph 99, Defendants deny each and every allegation contained  
4 therein.

5 100. Answering Paragraph 100, Defendants deny each and every allegation contained  
6 therein.

7  
8 EIGHTH CAUSE OF ACTION

9 101. Answering Paragraph 101 of the Complaint, Defendants are without sufficient  
10 knowledge upon which to base an answer and on that basis, deny each and every allegation  
11 contained therein.

12 102. Answering Paragraph 102, Defendants state Article 2, Section 10 of the Nevada  
13 Constitution provides "[t]he legislature shall provide by law for the limitation of the total  
14 contribution by any artificial or natural person to the campaign of any person for the election to  
15 any office, except a federal office, to \$5,000 for the primary and \$5,000 for the general election."  
16 NRS 294A.100 further provides in pertinent part:

17 A person shall not make or commit to make a contribution to a **candidate** for any  
18 office, except a federal office, in an amount which exceeds \$5,000 for the primary  
19 election, regardless of the number of candidates for office, and \$5,000 for the  
general election, regardless of the number of candidates for the office...

20 NRS 294A.100(1) (emphasis added).

21 NRS 294A.005 defines **candidate** as any person who:

- 22 1. Who files a declaration of candidacy;  
23 2. Who files an acceptance of candidacy;  
24 3. Whose name appears on an official ballot at any election; or  
25 4. Who has received contributions in excess of \$100, regardless of whether:  
26 (a) The person has filed a declaration of candidacy or an acceptance of  
candidacy; or  
(b) The name of the person appears on an official ballot at any election.

27 NRS 294A.005 (emphasis added).

28

1 By contrast, a Committee for the Recall of a Public Officer is not included in the  
2 statutory definition of "candidate." Instead, it is defined separately in NRS 294A.006 as "an  
3 organization that (1) receives any contributions, makes any contributions to candidates or  
4 persons or makes any expenditures that are designed to affect the recall of a public officer; or (2)  
5 files a notice of intent to circulate the petition for recall." NRS 294A.006. Further, the statutes  
6 applicable to Committees for the Recall of a Public Officer, are set forth in a separate section of  
7 NRS Chapter 294A -- Campaign Practices, independent of those provisions that govern  
8 candidates. Accordingly, NRS 294A.100, the statute derived from Article 2, Section 10 of the  
9 Nevada Constitution, does not apply to Committees for the Recall of a Public Officer, like  
10 Remove Ramsey Now. Indeed, a Committee for the Recall of a Public Officer is not related to  
11 the campaign of any person for the election to any office and is therefore not subject to the  
12 contribution limitations placed on candidates. To the contrary, the Remove Ramsey Now was  
13 formed to remove Judge Ramsey from office in a recall election. A recall election is neither a  
14 primary nor a general election. To the extent that any further answer is required, Defendants  
15 deny each and every allegation contained therein.

18 103. Answering Paragraph 103, Defendants hereby repeat the answer to Paragraph 102  
19 as though fully set forth herein.

20 104. Answering Paragraph 104, Defendants hereby repeat the answer to Paragraph 102  
21 as though fully set forth herein.

22 105. Answering Paragraph 105, Defendants hereby repeat the answer to Paragraph 102  
23 as though fully set forth herein.

24 106. Answering Paragraph 106, Defendants deny each and every allegation contained  
25 therein.

26 107. Answering Paragraph 107, Defendants deny each and every allegation contained  
27

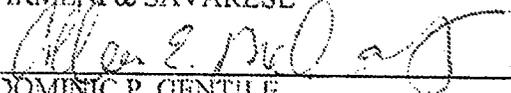
28

1 therein.

2 108. Regarding the last, unnumbered paragraph of the Complaint, including the  
3 "WHEREFORE" statement and all sub parts thereto, it is denied that Defendants are liable to the  
4 Plaintiff in any fashion or in any amount. Any and all allegations set forth in the Complaint,  
5 which have not heretofore been either expressly admitted or denied, are hereby denied.  
6

7 WHEREFORE, Defendants pray that Plaintiff take nothing by way of her Complaint on  
8 Gle herein, that Plaintiff's Complaint be dismissed with prejudice and Defendants be dismissed  
9 from this action, and that Defendants be awarded reasonable attorney's fees and costs and such  
10 other and further relief as the Court may deem just and proper for having to defend this action

11 Dated this 12 day of June, 2015.

12 GENTILE CRISTALLI MILLER  
13 ARMENI & SAVARESE  
14   
15 DOMINIC P. GENTILE  
16 Nevada Bar No. 1923  
17 ROSS MILLER  
18 Nevada Bar No. 8190  
19 COLLEEN E. MCCARTY  
20 Nevada Bar No. 13186  
21 410 South Rampart Boulevard, Suite 420  
22 Las Vegas, Nevada 89145  
23 *Attorneys for Defendants*  
24 *Betty Hamilton, Michael William Moreno,*  
25 *and Bob Borgersen*  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

The undersigned, an employee of Gentile Cristalli Miller Armeni & Savarese, hereby certifies that on the 12 day of June, 2015, she caused a copy of the **Answer to Complaint**, by electronic service in accordance with Administrative Order 14.2, to all interested parties, through the Court's Odyssey E-File & Serve system, and by placing said copy in an envelope, postage fully prepaid, in the U.S. Mail at Las Vegas, Nevada, said envelope addressed to:

**Craig A. Mueller, Esq.**  
Mueller, Hinds & Associates  
600 S. Eighth Street  
Las Vegas, Nevada 89101  
[cmueller@muellerhinds.com](mailto:cmueller@muellerhinds.com)  
Attorney for Honorable Catherine Ramsey  
North Las Vegas Municipal Court Judge

Richard C. Gordon, Esq.  
Snell & Wilmer  
3883 Howard Hughes Pkwy, #600  
Las Vegas, Nevada 89169  
[rgordon@swlaw.com](mailto:rgordon@swlaw.com)  
Attorney for Sandra Douglass Morgan  
North Las Vegas City Attorney



---

An Employee of  
Gentile Cristalli Miller Armeni & Savarese

# EXHIBIT 1

# EXHIBIT 1

1 GENTILE CRISTALLI MILLER  
ARMENI & SAVARESE  
2 DOMINIC P. GENTILE  
Nevada Bar No. 1923  
3 Email: [dgentile@gentilecristalli.com](mailto:dgentile@gentilecristalli.com)  
ROSS MILLER  
4 Nevada Bar No. 8190  
Email: [rmiller@gentilecristalli.com](mailto:rmiller@gentilecristalli.com)  
5 COLLEEN E. MCCARTY  
Nevada Bar No. 13186  
6 Email: [cmccarty@gentilecristalli.com](mailto:cmccarty@gentilecristalli.com)  
410 South Rampart Boulevard, Suite 420  
7 Las Vegas, Nevada 89145  
Tel: (702) 880-0000  
8 Fax: (702) 778-9709  
*Attorneys for Defendants*  
9 *Betty Hamilton, Michael William Moreno,*  
*and Bob Borgersen*

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 HONORABLE CATHERINE RAMSEY  
13 NORTH LAS VEGAS MUNICIPAL JUDGE,

Case No.: A-15-719651-C  
Dept. No.: VII

14 Petitioner,

15 vs.

16 THE CITY OF NORTH LAS VEGAS AND  
BARBARA A. ANDOLINA City Clerk of  
17 NORTH LAS VEGAS, BETTY HAMILTON,  
18 MICHAEL WILLIAM MORENO, and BOB  
BORGERSEN, individually and as Members of  
19 "REMOVE RAMSEY NOW,"

20 Defendants.

21 DECLARATION OF COLLEEN E. MCCARTY, ESQ., IN SUPPORT OF HAMILTON,  
22 MORENO, AND BORGERSEN DEFENDANTS ANSWER TO COMPLAINT

23 The undersigned, Colleen E. McCarty, hereby declares under penalty of perjury that the  
24 following assertions are true:

25 1. I am an attorney licensed to practice law in the State of Nevada and am an  
26 associate in the law firm of Gentile Cristalli Miller Armeni & Savarese, attorneys for Defendants  
27 Betty Hamilton, Michael William Moreno, and Bob Borgersen (collectively "Defendants").

28 2. I am competent to testify to the matters asserted herein, of which I have personal

1 knowledge, except as to those matters stated upon information and belief. As to those matters  
2 stated upon information and belief, I believe them to be true.

3 3. I make this Declaration in support of Hamilton, Moreno and Borgersen  
4 Defendants: Answer to Complaint.

5 4. Attached hereto as Exhibit 1-A is a true and correct copy of the Certificate of  
6 Results of Signature Examination, Recall of Judge Catherine Ramsey dated June 1, 2015 and  
7 signed by Registrar of Voters Joseph P. Gloria.

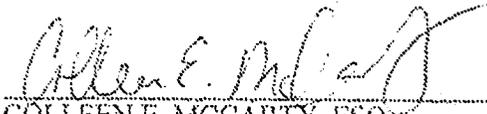
8 5. Attached hereto as Exhibit 1-B is a true and correct copy of the letter from Joseph  
9 P. Gloria, Registrar of Voters, Clark County, Nevada to Richard Hy, Deputy Secretary of  
10 Election, Nevada Secretary of State's Office, re: Petition to Recall North Las Vegas Municipal  
11 Judge, Dept. 1 Catherine Ramsey – Certificate Results, and dated June 1, 2015.

12 6. Attached hereto as Exhibit 1-C is a true and correct copy of the letter from  
13 Barbara K. Cegavske, Secretary of State to Joseph P. Gloria, Registrar of Voters, re: Notice of  
14 Qualified Petition, Petition to Recall Catherine Ramsey, Municipal Court Judge, Department 1,  
15 City of North Las Vegas, and dated June 2, 2015.

16 7. Attached hereto as Exhibit 1-D is a true and correct copy of the Petition Receipt  
17 issued by Barbara A. Andolina, City Clerk of the City of North Las Vegas, County of Clark and  
18 dated May 28, 2015.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed on this 12 day of June, 2015.

21   
22 COLLEEN E. MCCARTY, ESQ.  
23  
24  
25  
26  
27  
28

**EXHIBIT 1-A**

**EXHIBIT 1-A**

Certificate of Results of Signature Examination

RECALL OF JUDGE CATHERINE RAMSEY

(Petition Name)

I, Joseph P. Gloria, the duly appointed, qualified and acting County Clerk/Registrar of Voters of the County of Clark, State of Nevada, do hereby certify that the above entitled petition was submitted to my office on May 28, 2015; that the petition consists of 155 documents; that each document contains signatures purporting to be the signatures of registered voters within the County of Clark and City of North Las Vegas; that upon receiving the order and instructions from the Secretary of State to proceed with an examination of signatures, I conducted or caused to be conducted an examination of the signatures affixed, and determined what number of those signatures were valid signatures of registered voters in the County of Clark and City of North Las Vegas by examining the registration records on file in my office; and from that examination I have determined the following results:

Table with 13 rows listing signature examination results: Total Number of Signatures Submitted (2717), Total Number of Signatures Examined (500), Number of signatures for which incomplete mail-in voter registration application is being processed (0), Number of Signatures Found Not to be Registered Voters (4), Number of Signatures Found to be Duplicates (7), Number of Signatures Not Signed in Ink (2), Number of Illegible Signatures or Unable to Confirm Registered (0), Number of Other Invalid Signatures (67), Total from Lines 3,4, 5, 6, 7 and 8 (80), Number of valid requests for removal of signature (0), Total Number of Valid Signatures from Examination (420), Percentage of Valid Signatures (84%), Total number of valid Signatures (2282).

Handwritten signature of Joseph P. Gloria, Clerk / Registrar of Voters

6/1/15 Date

**EXHIBIT 1-B**

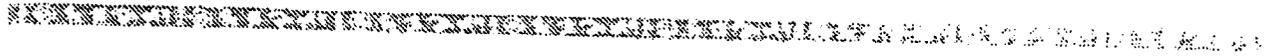
**EXHIBIT 1-B**



# Election Department

985 Trade Dr • Ste A • North Las Vegas NV 89030  
Voter Registration (702) 455-8883 • Fax (702) 455-2793

Joseph Paul Gloria, Registrar of Voters  
Charles Hursey, Assistant Registrar of Voters



June 1, 2015

Richard Hy  
Deputy Secretary for Elections  
Nevada Secretary of State's Office  
101 North Carson Street, Suite 3  
Carson City, NV 89701-3714

RE: Petition to Recall North Las Vegas Municipal Judge, Dept. 1 Catherine Ramsey –  
Certificate of Results

Dear Richard:

The Certificate of Results for the North Las Vegas Petition to Recall Municipal Court Judge Catherine Ramsey is provided along with this letter.

Please notify this office of the date on which you plan to mail notification to the interested parties according to NAC 306.021. We are requesting that this process be completed as expeditiously as possible. Thank you for your effort and please notify this office as soon as possible if you have any questions pertaining to the information provided.

Sincerely,

Joseph Paul Gloria  
Registrar of Voters  
Clark County, NV

cc: Barbara Andolina, North Las Vegas City Clerk

**EXHIBIT 1-C**

**EXHIBIT 1-C**

**BARBARA K. CEGAVSKE**  
*Secretary of State*

**SCOTT W. ANDERSON**  
*Chief Deputy Secretary of State*

**GAIL J. ANDERSON**  
*Deputy Secretary  
for Southern Nevada*

STATE OF NEVADA



OFFICE OF THE  
SECRETARY OF STATE

**JEFFERY LANDERVELT**  
*Deputy Secretary  
for Commercial Recordings*

**RICHARD K. HY**  
*Deputy Secretary for Elections*

**WAYNE THORLEY**  
*Deputy Secretary  
for Operations*

June 2, 2015

Via U.S. Mail and email

Joseph P. Gloria, Registrar of Voters  
Clark County  
765 Trade Drive, Suite A  
N Las Vegas, NV 89030

Re: **NOTICE OF QUALIFIED PETITION**  
Petition to Recall Catherine Ramsey, Municipal Court Judge, Department 1,  
City of North Las Vegas

Dear Mr. Gloria:

This office is in receipt of correspondence dated June 1, 2015, regarding the Petition to Recall Catherine Ramsey, Municipal Court Judge, Dept. 1. The Certificate of Results indicates that pursuant to your sampling of 500 randomly selected signatures, 2,282 were verified as valid. This is in excess of the 1,984 signatures required, and as such the above-referenced Petition is deemed qualified.

Notice of this Petition's sufficiency is hereby provided to all interested parties as required under NRS 306.404(1). Please do not hesitate to contact the undersigned should you have any questions or concerns.

Respectfully,

**BARBARA K. CEGAVSKE**  
Secretary of State

By:   
Richard K. Hy, Deputy Secretary for Elections

RK11/Kjr

cc: Barbara A. Andolina, North Las Vegas City Clerk  
Recall Committee Members  
Catherine Ramsey

NEVADA STATE CAPITOL  
101 N. Carson Street, Suite 3  
Carson City, Nevada 89701-5714  
Telephone: (775) 684-5706  
Fax: (775) 684-5725

COMMERCIAL RECORDINGS  
MEYER'S ANNEX OFFICE  
301 N. Carson Street  
Carson City, Nevada 89701-4101  
Telephone: (775) 684-9758  
Fax: (775) 684-5725

LAS VEGAS OFFICE  
617 E. Washington Avenue Ste. 2100  
Las Vegas, Nevada 89101-1050  
SECURITIES  
Telephone: (702) 486-2646  
Fax: (702) 486-2492  
CORPORATIONS  
Telephone: (702) 486-2800  
Fax: (702) 486-2888

RENO OFFICE  
809 Commerce Street, Suite 557-A  
Reno, Nevada 89421  
Telephone: (775) 333-0920  
Fax: (775) 333-0861

**EXHIBIT 1-D**

**EXHIBIT 1-D**

**County of CLARK**

**State of Nevada**

**City of North Las Vegas**

### Petition Receipt

Submitted to this office on May 28, 2015, was a petition entitled:  
(Date)

RECALL OF JUDGE CATHERINE RAMSEY  
(Petition Name)

2015 MAY 28 P 2:31

RECEIVED  
CLERK'S OFFICE  
NORTH LAS VEGAS

Number of Documents Submitted:	159
Number of Pages in each Document:	4
Total Number of Pages in Petition:	636
Number of Signatures Declared to be Contained in the Petition by the Person(s) Submitting the Petition:	Approximately 2700
Minimum Number of Signatures Required to be Sufficient: <u>1984</u>	

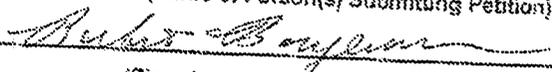
#### Petition Submitted by:

REMOVE RAMSEY NOW

(Organization Name)

MR. ROBERT BORGENSEN

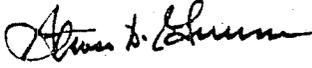
(Name of Person(s) Submitting Petition)



(Signature of Person(s) Submitting Petition)

#### Petition Accepted and Receipt issued by:

Barbara A. Andolina, City Clerk of the City of North Las Vegas, County of Clark  
(Name, Title, County)



CLERK OF THE COURT

1 RPLY  
2 CRAIG A. MUELLER, ESQ.  
3 Nevada Bar No. 4703  
4 MUELLER, HINDS & ASSOCIATES  
5 600 S. Eighth Street  
6 Las Vegas, Nevada 89101  
7 Attorney for Petitioners

8  
9 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
10 **IN AND FOR THE COUNTY OF CLARK**

11 HONORABLE CATHERINE RAMSEY  
12 NORTH LAS VEGAS MUNICIPAL JUDGE  
13 Petitioner,  
14 vs. Case No.: A-15-719406-P  
15 Dept No.: XX

16 THE CITY OF NORTH LAS VEGAS AND  
17 BARBARA A. ANDOLINA City Clerk of  
18 NORTH LAS VEGAS, BETTY HAMILTON,  
19 MICHAEL WILLIAM MORENO, and BOB  
20 BORGERSEN, individually and as Members  
21 of "REMOVE RAMSEY NOW,"

22 Respondents

23 **PETITIONER CATHERINE RAMSEY'S REPLY TO OPPOSITION TO HAMILTON,**  
24 **MORENO, AND BORGERSEN'S OPPOSITION TO EMERGENCY PETITION FOR**  
25 **INJUNCTION AND COUNTERMOTION FOR SANCTIONS AND THE CITY OF NORTH**  
26 **LAS VEGAS AND BARNARA ANDOLINA'S PARTIAL JOINDER TO RESPONDENTS**  
27 **OPPOSITION TO EMERGENCY PETITION**

28 COMES NOW Petitioner HONORABLE CATHERINE RAMSEY MUNICIPAL COURT  
JUDGE for the CITY OF NORTH LAS VEGAS, individually and in her professional capacity, by and  
through her attorney of record CRAIG A. MUELLER, ESQ., of MUELLER, HINDS &  
ASSOCIATES and hereby submits this Reply to Respondents' Opposition

///  
///  
///

1 This Petition is made and based upon the Points and Authorities which follow, the arguments  
2 of counsel at the hearing on the motion, and all of the pleadings and papers on file in this action.

3 DATED this 17 day of June, 2015  
4

5 MUELLER, HINDS & ASSOCIATES

6  
7 By: *Craig A Mueller* <sup>6318</sup> For  
8 CRAIG A MUELLER, ESQ.  
9 Nevada Bar No.: 4703  
10 600 S. Eighth Street  
11 Las Vegas, NV 89101  
12 Attorney for Petitioner

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I. STATEMENT OF CASE

This matter began with a petition for an injunction requesting that this court enjoin the City Clerk of North Las Vegas, Clark County, Nevada and Betty Hamilton, Michael William Moreno, and Bob Borgersen, individually and as Members of "REMOVE RAMSEY NOW," from permitting the unconstitutional effort to remove North Las Vegas Municipal Court Judge Catherine Ramsey from her position as judge through a recall process articulated in Article 2 of the Nevada State Constitution. This effort to remove Judge Ramsey through this recall process is unconstitutional because Article 2 is not the article under which judges can be removed from their positions. Article 6 of the Nevada State Constitution is the Article that identifies the proper procedures for removing a judge in Nevada from their position as judge in this state. Judge Ramsey can only be removed from her position using the procedures identified in Article 6. The respondents filed two oppositions: one on the part of the Moreno, Borgersen, and Hamilton, and the other on the part of the City of North Las Vegas. This is a reply to those oppositions.

///

///

///

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 A. LEGAL ARGUMENT

3  
4 The Opposition filed by Borgersen, Moreno, and Hamilton does not cite to legal  
5 authority. Consequently the opposition is meritless.

6 "If you find it on the internet it must be true." Clearly, this adage is a fundamental premise of  
7 the opposition filed by Borgersen, Moreno, and Hamilton because the only support those respondents  
8 offered for their position is citations to treatises, newspaper articles, and other scholarly, but not  
9 precedential, legal authority. The best that respondents provide in support of their position is an  
10 Attorney General opinion. However, Attorney General Opinions only have persuasive authority.  
11 "Attorney General opinion is merely advisory and is not an instruction on how the official requesting  
12 the opinion should perform his duties." AGO (4-27-1911) If petitioner had not cited to the Nevada  
13 State Constitution, and Nevada statutes and Nevada case law, the Attorney General opinion might  
14 have some influence, but petitioner did cite to these fundamental legal authorities.  
15  
16  
17

18 Petitioner relies on the most fundamental legal authority available in State law: the Nevada  
19 State Constitution. There is a hierarchy of legal authority recognized in the law. In this hierarchy, the  
20 Constitution is the most fundamental legal authority: it trumps all others. The Nevada State  
21 Constitution, Article 6 states very clearly that the Commission on Judicial Discipline exercises  
22 exclusive jurisdiction over the formal discipline of judges, including censure, removal and retirement.  
23 (See Nev. Art. 6 § 21; see also Nev. Art. 6, § 19) If the Constitution is silent on an issue (in this case it  
24 is not since Article 6 of the Nevada State Constitution clearly addresses the issue and makes clear that  
25 this article provides the mechanism for removal of judges) then Nevada statutes provide the next level  
26  
27  
28

1 of legal authority. Again, petitioner cites to Nevada statutes. Respondents do not cite to statutes as  
2 support for their position: they just provide their suggested interpretation of how the statutes that  
3 petitioner cited should be interpreted.  
4

5 Case law provides the next level of legal authority. Petitioner cites to case law in her petition  
6 to support her position, e.g. In the Matter of the Honorable Gary J. Davis, Municipal Court Judge, for  
7 the City of North Las Vegas, County of Clark, State of Nevada 113 Nev. 1204, 946 P. 2d 1033,  
8 Nevada Judges Association v. Lau, 910 P.2d 898, 112 Nev. 51 (1996) Respondents do not offer any  
9 case law to support their position. Consequently, respondents' opposition is nothing more than an  
10 editorial commentary; one demonstrating an inappropriate over-reliance on the internet for its points.  
11 This type of argument is well suited for newspaper articles such as those that respondents cite to  
12 (rendering their brief poignantly self-indulgent, self-reliant, and self-authoritative, culminating in an  
13 amusing exercise in narcissism), but offering no legal authority on which this court can ground a  
14 decision in support of their position. Because respondents do not offer any legal authority in support  
15 of their position, their position must be denied and this recall effort should be stopped.  
16  
17  
18  
19

20 Respondents argue that the clear meaning of "public officer" in Nevada statutes includes  
21 judges, citing to a rule of statutory construction. This claim ignores other more influential rules  
22 that support petitioner's argument in her petition.

23 Respondent cites to the rule in statutory construction that "where the language of the  
24 statute is clear and unambiguous, and its meaning clear and unmistakable, there is no room for  
25 construction, and the courts are not permitted to search for its meaning beyond the statute  
26 itself." Respondents are absolutely correct in making this statement. And, NRS 281A.160  
27 "Public officer" defined states:

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 3. "Public officer" does not include:
  - (a) Any justice, judge or other officer of the court system;
- 4. "Public office" does not include an office held by:
  - (a) Any justice, judge or other officer of the court system; (bold added for emphasis)

There is also a rule in statutory construction and interpretation that "last in time takes precedent over first in time." The amendment to Article 6 of the Nevada Constitution was adopted after Article 2 of the Nevada Constitution. When a decision has to be made as to the applicability of one over the other (as must be done here), Article 6 trumps Article 2. This principle is a very old principle. In Wren v Dixon, 40 Nev. 170, 161 P. 722 (1916) the Nevada Supreme Court recognizes and articulates this principle in the following: "Where two legislative acts are repugnant to or in conflict with each other, the one last passed must govern, although it contains no repealing clause."

The reality is that rules of statutory construction and interpretation also support petitioner's position. Respondents have still provided no authority on which this Court can rely in support of their position. Respondents have not provided any legal authority to support their position because none exists in support of their position.

Respondents' request that this court impose sanctions is inappropriate and overly vitriolic, undermining the fundamentally editorial nature of their position, even more.

The request that this Court impose sanctions upon petitioner because she knew her position to be flawed is unsupported by any facts and flies in the face of the practice of law in democratic countries since the Magna Carta, and in America since its foundation. Furthermore the attorney general opinion to which respondents refer and base this request is another advisory opinion and has no precedential value. Additionally, and more importantly, the Standing Committee on Judicial Ethics opinion cited by the opposition entitled JE15-001 addresses the propriety of a judge campaigning against a recall petition and accepting campaign contributions to defeat a recall attempt. It does NOT address if a Recall Petition filed against a judge is valid.

1 The City argues that the provisions of NRS 281 explicitly includes judges in the definition of  
2 public officer and that petitioner cited inapplicable provisions. This argument is a  
3 misinterpretation of the statutes and ignores the fundamental point that the Nevada State  
4 Constitution is the source of the rule that Article 6 provides the mechanism for removal of  
5 judges.

6 The argument by the City of North Las Vegas, although much more mature, less hyperbolic,  
7 and more insightful than those of the other respondents, still misses the fundamental point i.e. that the  
8 Nevada State Constitution is the legal authority that provides the fundamental answer to this issue.  
9 Article 6 of the Nevada State Constitution states very clearly that the Commission on Judicial  
10 Discipline exercises exclusive jurisdiction over the formal discipline of judges, including censure,  
11 removal and retirement. (See Nev. Art. 6 § 21; see also Nev. Art. 6, § 19). The fact is that the issue of  
12 how judges can be removed from office is answered by this provision.

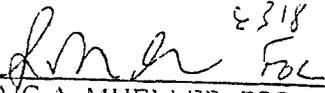
#### 14 CONCLUSION

15 Quite simply, all respondents neglect to provide legal authority to support their scantily clad  
16 arguments. The fact is that the Nevada State Constitution is the most fundamental and important legal  
17 authority on State issues and Article 6 of the Nevada Constitution states that the Commission on  
18 Judicial Discipline exercises exclusive jurisdiction over the formal discipline of judges, including  
19 censure, removal and retirement. (See Nev. Art. 6 § 21; see also Nev. Art. 6, § 19). Furthermore,  
20 petitioner also cites to Nevada Statutes and Nevada case law that overwhelmingly support her position  
21 that this recall effort is unconstitutional and in derogation of Nevada law. Petitioner has provided  
22 traditional legal authority and precedent in support of her argument. Both respondent parties have not  
23 done so. Consequently, petitioner's arguments, in addition to being fundamentally more adequate are  
24 a clear expression of Nevada law, unlike the arguments of respondents.  
25  
26  
27  
28

1           WHEREFORE, Plaintiff humbly prays that this court grant this petition to enjoin the  
2 effort to remove her from her position, or for any other relief that this court will entertain.  
3

4           DATED this 7 day of June, 2015.  
5  
6

MUELLER, HINDS & ASSOCIATES, CHTD.

7  
8           By  <sup>2318</sup>  
9           CRAIG A. MUELLER, ESQ.  
10           Nevada Bar No. 4703  
11           600 S. Eighth Street  
12           Las Vegas, NV 89101  
13           (702) 940-1234  
14           Attorney for Petitioner  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

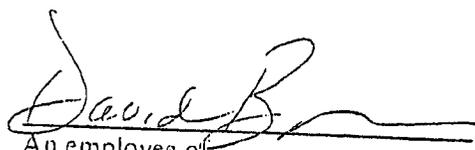
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17<sup>th</sup> day of June 2015, I service via facsimile and U. S. Mail a true and correct copy of this PETITIONER CATHERINE RAMSEY'S REPLY TO OPPOSITION TO HAMILTON, MORENO, AND BORGERSEN'S OPPOSITION TO EMERGENCY PETITION FOR INJUNCTION AND COUNTERMOTION FOR SANCTIONS AND THE CITY OF NORTH LAS VEGAS AND BARNARA ANDOLINA'S PARTIAL JOINDER TO RESPONDENTS OPPOSITION TO EMERGENCY PETITIO, via facsimile and U. S. Mail addressed to the following:

Dominic Gentile, Esq.  
GENTILE, CRISTALLI, MILLER,  
ARMENI & SAVARESE  
410 South Rampart Boulevard, Suite 420  
Las Vegas, Nevada 89145  
[dgentile@gentilecristalli.com](mailto:dgentile@gentilecristalli.com)

Attorney for Respondents:  
Bob Borgerson, Betty Hamilton and  
Michael William Moreno

Richard C. Gordon, Esq.  
SNELL & WILLMER  
3883 Howard Hughes Pkwy, #600  
Las Vegas, Nevada 89169  
Email: [rgordon@swlaw.com](mailto:rgordon@swlaw.com)  
Attorney for Respondents:  
City Clerk of North Las Vegas and  
Barbara A. Andolina, City Clerk

  
An employee of  
MUELLER, HINDS & ASSOCIATES

1 ORDR

2

EIGHTH JUDICIAL DISTRICT COURT

3

CLARK COUNTY, NEVADA

4

HONORABLE CATHERINE RAMSEY  
NORTH LAS VEGAS MUNICIPAL JUDGE,

Case No. A-15-719406-P

Electronically Filed

5

Petitioner,

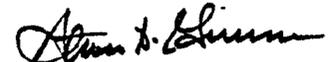
Dept. No. XX

06/24/2015 10:19:05 AM

6

vs.

Consolidated with:  
A-15-719651-C



CLERK OF THE COURT

7

8

THE CITY OF NORTH LAS VEGAS AND  
BARBARA A. ANDOLINA CITY CLERK OF  
NORTH LAS VEGAS, BETTY HAMILTON,  
MICHAEL WILLIAM MORENO, AND BOB  
BORGENSEN, INDIVIDUALLY AND AS  
MEMBERS OF "REMOVE RAMSEY NOW",

10

11

Respondents.

12

**ORDER GRANTING CONSOLIDATION OF ACTIONS PURSUANT TO  
NEVADA RULE OF CIVIL PROCEDURE 42(A)**

13

14

THIS MATTER came before the Court for oral argument on June 18, 2015. Appearing on

15

behalf of Petitioner/Plaintiff HONORABLE CATHERINE RAMSEY NORTH LAS VEGAS

16

MUNICIPAL JUDGE was counsel of record, CRAIG A. MUELLER, ESQ., of the law firm of

17

MUELLER, HINDS & ASSOCIATES. Appearing on behalf of Respondents/Defendants BETTY

18

HAMILTON, MICHAEL WILLIAM MORENO, and BOB BORGENSEN, was their attorneys of

19

record, DOMINIC P. GENTILE, ESQ., ROSS MILLER, ESQ., and COLLEEN E. MCCARTY,

20

ESQ., of the law firm of GENTILE, CRISTALLI, MILLER, ARMENI & SAVARESE. Appearing

21

on behalf of Respondents/Defendants City of North Las Vegas and Barbara A. Andolina, City Clerk

22

of North Las Vegas was RICHARD C. GORDON, ESQ. of the law firm of SNELL & WILMER.

23

This Court having considered all related pleadings, documents, and the arguments of counsel,

24

HEREBY FINDS that:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

FINDINGS OF FACT

1) On March 11, 2015, Respondents/Defendants filed their Notice of Intent to recall Petitioner with the North Las Vegas City Clerk.

2) On June 1, 2015, Clark County Registrar of Voters Joseph Gloria prepared and signed a Certificate of Results of Signature Examination. This verified that the North Las Vegas Petition to Recall Municipal Court Judge Catherine Ramsey was submitted to his office containing signatures purported to be signatures of registered voters within Clark County and the City of North Las Vegas.

3) On June 2, 2015, the Office of the Nevada Secretary of State issued a Notice of Qualified Petition-Petition to Recall Catherine Ramsey, Municipal Court Judge Department 1, City of North Las Vegas. This indicated the number of valid signatures surpassed the number of signatures required for qualification.

4) Accordingly, Secretary of State Barbara K. Cegavske deemed the recall petition, qualified, and noticed all interested parties.

CONCLUSIONS OF LAW

1) Respondents/Defendants [hereinafter "Defendants"] HAMILTON, MORENO and BORGENSEN move pursuant to Nevada Rule of Civil Procedure 42(a) to consolidate Petitioner/Plaintiff [hereinafter "Plaintiff"] RAMSEY's complaint in Case A-15-719651-C in Department I with Plaintiff's previously filed Petition for Emergency Injunction in Case A-15-719406-P in Department XX before this Court, citing common questions of law and facts between the two actions. At a hearing on Plaintiff's petition on June 18, 2015, none of the parties, including Plaintiff and Defendant CITY OF NORTH LAS VEGAS, expressed any opposition to the consolidation of the actions.

2) The Court finds that the actions do involve common questions of law and fact and

1 consolidation of the actions would tend to avoid unnecessary costs or delay.

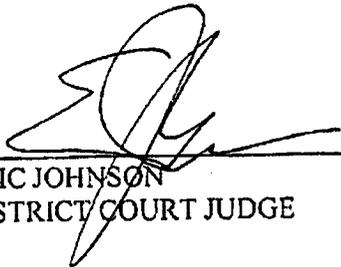
2 Accordingly, based upon the above findings and good cause appearing, IT IS HEREBY  
3 ORDERED:

4 1) The Court GRANTS Defendants' Motion under Rule 42(a) to consolidate Case A-15-  
5 719651-C within the present action.

6 2) The Court hereby orders a joint hearing of all issues in the actions for **Monday, June**  
7 **29, 2015 at 9:00 a.m.**

8 3) If any party intends to call any witness or witnesses or introduce exhibits during the  
9 hearing, they shall give notice to opposing parties and the Court, identifying witnesses and exhibits  
10 by 5:00 p.m., Thursday, June 25, 2015.

11 DATED this 23 day of June, 2015.

12  
13   
14 ERIC JOHNSON  
15 DISTRICT COURT JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing via E-Service as follows:

CRAIG A. MUELLER, ESQ.  
cmueller@mucllerhinds.com

*Attorney for Petitioner*

HONORABLE CATHERINE RAMSEY  
NORTH LAS VEGAS MUNICIPAL JUDGE

PATRICK G. BYRNE, ESQ.  
RICHARD C. GORDON, ESQ.

pbyrne@swlaw.com

rgordon@swlaw.com

*Attorneys for Respondents*

THE CITY OF NORTH LAS VEGAS and  
BARBARA A. ANDOLINA, City Clerk of North Las Vegas

DOMINIC P. GENTILE, ESQ.

ROSS MILLER, ESQ.

COLLEEN E. MCCARTY, ESQ.

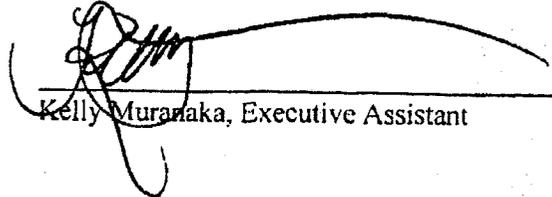
dgentile@gentilecristalli.com

rmiller@gentilecristalli.com

cmccarty@gentilecristalli.com

*Attorneys for Respondents*

BETTY HAMILTON, MICHAEL WILLIAM MORENO, and BOB BORGENSEN



Kelly Muranaka, Executive Assistant

1 **LIST**

2 MUELLER, HINDS & ASSOCIATES  
3 CRAIG A. MUELLER, ESQ.  
4 Nevada Bar No. 4703  
5 600 S. Eighth Street  
6 Las Vegas, Nevada 89101  
7 Attorney for Petitioners

8 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
9 **IN AND FOR THE COUNTY OF CLARK**

10 HONORABLE CATHERINE RAMSEY  
11 NORTH LAS VEGAS MUNICIPAL JUDGE  
12 Petitioner,

Case No.: A-15-719406-P

13 vs.

Dept No.: XX

14 THE CITY OF NORTH LAS VEGAS AND  
15 BARBARA A. ANDOLINA City Clerk of  
16 NORTH LAS VEGAS, BETTY HAMILTON,  
17 MICHAEL WILLIAM MORENO, and BOB  
18 BORGERSEN, individually and as Members  
19 of "REMOVE RAMSEY NOW,"

20 Respondents

21 **PETITIONER CATHERINE RAMSEY'S WITNESS AND EXHIBIT LIST PURSUANT TO**  
22 **COURT ORDER**

23 COMES NOW Petitioner HONORABLE CATHERINE RAMSEY MUNICIPAL COURT  
24 JUDGE for the CITY OF NORTH LAS VEGAS, individually and in her professional capacity , by  
25 and through her attorney of record CRAIG A. MUELLER, ESQ., of MUELLER, HINDS &  
26 ASSOCIATES and hereby submits this Witness and Exhibit List Pursuant to Court's Order  
27 Consolidating Actions filed June 23, 2015 at 05:44:46 pm.

28 **INTRODUCTORY REMARK**

Petitioner's Counsel received the subject Order on June 24<sup>th</sup> towards the end of the business day. Petitioner has compiled the lists contained herein below. Petitioner is in the process of preparing summons to witnesses and is making good faith efforts to have the witnesses served. However, due to the time constraints, Petitioner may not be able to accomplish the same by June 29, 2015.

LIST OF WITNESSES

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1. Gabriella Z. Fernandez ,Notary Public, State of Nevada License 08-6487-1
2. Cami Martorano, Notary Public, State of Nevada License 10-3320-1
3. Janet Diaz, Notary Public, State of Nevada License 10-2879-1
4. M. Cabral, Notary Public, State of Nevada License 12-6829-1
5. Gigi Borgna, Notary Public, State of Nevada License 10-3194-1
6. Kimberly Jackson, Notary Public, State of Nevada License 11-5624-1
7. All Circulators of the Recall Petition who gave an affidavit of said petition. Names include:

- Rhonda Hern
- Brian Miller
- Michael Barton
- Robert Borgerson
- Betty Hamilton
- Naomi Brasfield
- Greg Esposito
- Frances Almaray
- Casey Fry
- Victor Zitog
- Frances Almaraz
- Frederick Pisarski
- Marc Newman
- Hanna Venerka
- Jennifer Barrier
- David Thomas
- Ashley Hess
- Hillary Hunt
- Gregory Roberts
- Daniel Black
- Marcella Caruso
- Terry Woodward
- Jeffery Yeagley
- Christopher Beck
- James Cheney
- Jeffrey Alpert

8. Petitioner Reserves the Right to examine or Cross-Examine any person identified as signing the Recall Petition.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

9. CITY OF NORTH LAS VEGAS EMPLOYEES

City of North Las Vegas Mayor the Honorable John Lee  
Hon. Sean Hoeffgen  
Ryann Juden  
Jeff Barr  
Human Resources Director City of North Las Vegas  
City Attorney Sandra Morgan  
Cindy Marshall, Court Administrator  
Finance Director, City of North Las Vegas  
Barbara Andolini, North Las Vegas City Clerk  
Secretary of State Representative

10. Clark County Elections Department Representative

11. Johnny Jackson

12. Hon. Warren Vandlandschoot

13. Michael William Moreno

Petitioner reserves the right to examine or cross-examine Respondents. Petitioner reserves the right to supplement this list and to examine or cross-examine any and all witnesses listed or called to testify by any of the parties.

///  
///  
///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**LIST OF EXHIBITS**

Petitioner reserves her right to utilize any and all exhibits including, but not limited to, those listed in the Petition, Respondent's Opposition, Reply Briefs, other Pleadings, and other submissions as necessary. Petitioner reserves the right to supplement this list.

DATED this 25<sup>th</sup> day of June, 2015.

MUELLER, HINDS & ASSOCIATES, CHTD.

By            /s/ Craig A. Mueller  
CRAIG A. MUELLER, ESQ.  
Nevada Bar No. 4703  
600 S. Eighth Street  
Las Vegas, NV 89101  
(702) 940-1234  
Attorney for Petitioner

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 25<sup>th</sup> day of June 2015, I service via facsimile and/or email a true and correct copy of this **PETITIONER CATHERINE RAMSEY'S WITNESS AND EXHIBIT LIST PURSUANT TO COURT ORDER** via facsimile and/or email addressed to the following:

Dominic Gentile, Esq.  
GENTILE, CRISTALLI, MILLER,  
ARMENI & SAVARESE  
410 South Rampart Boulevard, Suite 420  
Las Vegas, Nevada 89145  
[dgentile@gentilecristalli.com](mailto:dgentile@gentilecristalli.com)  
Attorney for Respondents:  
Bob Borgerson, Betty Hamilton and  
Michael William Moreno

Richard C. Gordon, Esq.  
SNELL & WILLMER  
3883 Howard Hughes Pkwy, #600  
Las Vegas, Nevada 89169  
702-784-5252  
Email: [rgordon@swlaw.com](mailto:rgordon@swlaw.com)  
Attorney for Respondents:  
City Clerk of North Las Vegas and  
Barbara A. Andolina, City Clerk

/s/ Steven M. Goldstein  
An employee of  
MUELLER, HINDS & ASSOCIATES

1 Patrick G. Byrne (NV Bar # 7636)  
2 Richard C. Gordon (NV Bar # 9036)  
3 Daniel S. Ivie (NV Bar # 10090)  
4 SNELL & WILMER L.L.P.  
5 3883 Howard Hughes Parkway  
6 Suite 1100  
7 Las Vegas, Nevada 89169  
8 Telephone: 702.784.5200  
9 Facsimile: 702.784.5252  
10 Email: [pbyrne@swlaw.com](mailto:pbyrne@swlaw.com)  
11 [rgordon@swlaw.com](mailto:rgordon@swlaw.com)  
12 [dive@swlaw.com](mailto:dive@swlaw.com)

13 *Attorneys for Respondents City of North Las Vegas and*  
14 *Barbara A. Andolina, City Clerk*

15 DISTRICT COURT  
16 CLARK COUNTY, NEVADA

17 HONORABLE CATHERINE RAMSEY  
18 NORTH LAS VEGAS MUNICIPAL JUDGE,

19 Plaintiff,

20 vs.

21 THE CITY OF NORTH LAS VEGAS and  
22 BARBARA A. ANDOLINA City Clerk of  
23 NORTH LAS VEGAS, BETTY HAMILTON,  
24 MICHAEL WILLIAM MORENO, and BOB  
25 BORGENSEN, individually and as Members of  
26 "REMOVE RAMSEY NOW,"

27 Defendants.

28 *Consolidated Cases:*  
Case No. A-15-719406-P  
Case No. A-15-719651-C

Dept. No. XX

**THE CITY OF NORTH LAS VEGAS  
AND BARBARA A. ANDOLINA CITY  
CLERK'S LIST OF WITNESSES AND  
EXHIBITS**

Date of Hearing: June 29, 2015  
Time of Hearing: 9:00 a.m.

29 Defendants, the City of North Las Vegas and Barbara A. Andolina, City Clerk of North  
30 Las Vegas (collectively "Defendants"), by and through their counsel, the law firm of Snell &  
31 Wilmer, L.L.P., hereby submit the following List of Witnesses and Exhibits in advance of the  
32 hearing on Plaintiff Catherine Ramsey, North Las Vegas Municipal Judge's ("Plaintiff")  
33 Complaint pursuant to NRS 306.040 challenging the sufficiency of the petition to recall Plaintiff.

34 ///

35 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I. WITNESSES

Defendants identify the following witnesses which may be called at the hearing:

- I. **Barbara Andolina**  
City Clerk, City of North Las Vegas  
c/o Snell & Wilmer, L.L.P.  
3883 Howard Hughes Parkway  
Suite 1100  
Las Vegas, NV 89178  
(702) 784-5200

Ms. Andolina is expected to testify as to her role as City Clerk of the City of North Las Vegas in the recall petition process.

Defendants reserve the right to call at the hearing any witnesses identified by any other party to this action, as well as any other witnesses necessary for rebuttal.

II. EXHIBITS

Defendants identify the following exhibits which may be presented at the hearing:

- I. Official Records of the City Clerk of the City of North Las Vegas pertaining to the recall petition process.

Defendants reserve the right to present and utilize at the hearing any exhibits identified by any other parties to this action, as well as any other documents necessary for rebuttal.

Dated this 25th day of June, 2015.

SNELL & WILMER LLP

By: /s/ Daniel S. Ivie

Patrick G. Byrne  
Richard C. Gordon  
Daniel S. Ivie  
3883 Howard Hughes Parkway  
Suite 1100  
Las Vegas, Nevada 89169

*Attorneys for Respondents City of North Las Vegas and Barbara A. Andolina, City Clerk*

Snell & Wilmer  
LLP  
LAW OFFICES  
3885 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
Tel: 704 5100

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing THE CITY OF NORTH LAS VEGAS AND BARBARA A. ANDOLINA CITY CLERK'S LIST OF WITNESSES AND EXHIBITS by the method indicated:

- \_\_\_\_\_ by Court's CM/ECF Program
- \_\_\_\_\_ by U. S. Mail
- \_\_\_\_\_ by Facsimile Transmission
- \_\_\_\_\_ by Overnight Mail
- \_\_\_\_\_ by Federal Express
- XXXXXXX by Electronic Service
- \_\_\_\_\_ by Hand Delivery

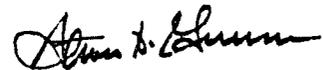
and addressed to the following:

Craig A. Mueller, Esq.  
MUELLER, HINDS & ASSOCIATES  
600 S. Eighth Street  
Las Vegas, Nevada 89101  
*Attorneys for Petitioner*  
*Catherine Ramsey,*  
*North Las Vegas Municipal Judge*

Dominic P. Gentile, Esq.  
Ross Miller, Esq.  
Colleen E. McCarty, Esq.  
GENTILE, CRISTALLI,  
MILLER, ARMENI & SAVARESE  
410 South Rampart Blvd., Suite 420  
Las Vegas, Nevada 89145  
*Attorneys for Respondents*  
*Betty Hamilton, Michael William Moreno*  
*And Bob Bergensen*

Dated this 24th day of June 2015.

By /s/ Gaylene Kim  
An employee of Snell & Wilmer L.L.P.



CLERK OF THE COURT

1 SUPP  
2 MUELLER, HINDS & ASSOCIATES  
3 CRAIG A. MUELLER, ESQ.  
4 Nevada Bar No. 4703  
5 600 S. Eighth Street  
6 Las Vegas, Nevada 89101  
7 Attorney for Petitioners

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

HONORABLE CATHERINE RAMSEY  
NORTH LAS VEGAS MUNICIPAL JUDGE  
Petitioner,

vs.

THE CITY OF NORTH LAS VEGAS AND  
BARBARA A. ANDOLINA City Clerk of  
NORTH LAS VEGAS, BETTY HAMILTON,  
MICHAEL WILLIAM MORENO, and BOB  
BORGENSEN, individually and as Members  
of "REMOVE RAMSEY NOW,"

Respondents

Case No.: A-15-719406-P

Dept No.: XX

Consolidated with:

A-15-719651-C

PETITIONER CATHERINE RAMSEY'S SUPPLEMENT TO ARGUMENTS MADE IN  
SUPPORT OF THE EMERGENCY PETITION FOR INJUNCTION

COMES NOW Petitioner HONORABLE CATHERINE RAMSEY MUNICIPAL COURT  
JUDGE for the CITY OF NORTH LAS VEGAS, individually and in her professional capacity , by  
and through her attorney of record CRAIG A. MUELLER, ESQ., of MUELLER, HINDS &  
ASSOCIATES and hereby submits this Supplement in support of her Emergency Petition for  
Injunction.

///

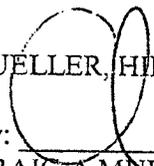
///

///

1 This Supplement is made and based upon the Points and Authorities which follow, the  
2 arguments of counsel at the hearing on the Petition which was held on June 18, 2015, and all of the  
3 pleadings and papers on file in this action.

4  
5 DATED this 26 day of June, 2015

6  
7 MUELLER, HINDS & ASSOCIATES

8 By:   
9 CRAIG A. MUELLER, ESQ.  
10 Nevada Bar No.: 4703  
11 600 S. Eighth Street  
12 Las Vegas, NV 89101  
13 Attorney for Petitioner

14  
15 **POINTS AND AUTHORITIES**

16 **I.**

17 **ADDITIONAL ARGUMENT**

18 Petitioner was given a limited time to argue her position at the hearing on June 18, 2015.  
19 Since this court now has consolidated this matter with the *Case No. A-15-719651-C*, and a new  
20 hearing has been scheduled on June 29, 2015, Petitioner felt compelled to supplement her arguments  
21 for the Emergency Petition for Injunction as follows.

22 The precise question presented by this emergency petition for injunction is whether the  
23 Commission on Judicial Discipline as created by Article 6, Section 21 of the Nevada Constitution in  
24 1976 as the constitutional body with exclusive jurisdiction to discipline judges including removal  
25 from judicial office supercedes or negates the recall provisions of Article 2, Section 9, approved in  
26 1912, as to elected or appointed judges only.

27  
28 Petitioner asserts that the answer is "yes." This assertion is based upon the language of Article

1 6, Section 21, its legislative history, the enabling legislation passed by the 1977 Nevada Legislature,  
2 its legislative history, well established principles of statutory and constitutional interpretation and  
3 decisions from appellate courts in other states. The two sections of the Nevada Constitution  
4 materially conflict with each other and the conflicts cannot be harmonized. As a matter of law, the  
5 older general provision must yield to the authority of the newer, more specific provision.  
6

7 This precise question has never been presented to this court until now.

8 This is a critical case for the Nevada judiciary. So critical in fact that the board of directors of  
9 the Nevada Judges of Limited Jurisdiction (NJLJ), representing justice court and municipal court  
10 judges in the State of Nevada, has already voted to file an amicus curiae brief in support of the  
11 petitioner if this court accepts the case. Lower court judges tend to come from smaller electoral  
12 districts and could face recall elections pushed by relatively few voters in their jurisdictions. District  
13 Court judges could face recall elections in the rural counties with small populations. The risk of recall  
14 impairs judicial independence.  
15

16 It is possible that the Nevada District Judges Association, the State Bar of Nevada and other  
17 organizations may also file amicus briefs if requested or permitted by this court.  
18

19  
20 **THE NEVADA SUPREME COURT HAS PLENARY WRIT AUTHORITY AND**  
21 **INHERENT POWERSTO GOVERN THE JUDICIAL BRANCH OF GOVERNMENT**

22 The State of Nevada was created by an Act of Congress in 1864 during the Civil War. Nevada  
23 residents approved the first Nevada Constitution that year. Article 6 governs the judicial branch of  
24 government. Section 1 specified that the judicial system consisted of the supreme court, district courts,  
25 justice courts and municipal courts in incorporated cities only and if established by the legislature.  
26 Thus, municipal courts were deemed a part of the judicial system from the inception of this state.  
27  
28

1 An early expression of the Supreme Court's considerable power is found in Gibson v. Mason,  
2 5 Nev. 283, 291-2 (1869):

3 But another government, that of the state, is formed, which is usually clothed with all  
4 the sovereign authority reserved by the people from the grant of powers in the federal  
5 constitution. This is accomplished in this as in all the states but one, by means of the  
6 constitution adopted by themselves, whereby all political power is conferred upon three great  
7 departments, each being endowed with and confined to the execution of powers peculiar to  
8 itself.

9 The legislative is vested in two bodies, the senate and assembly; the judicial is  
10 conferred upon certain designated courts; and the executive upon the governor. By the law so  
11 creating the government, certain rights are generally reserved by the people, and so placed  
12 beyond the control of, or infringement by, any of the departments of the state organizations.

13 The government so organized is the repository of all the power reserved by the people  
14 from the general government, except such as may be expressly denied to it by the law of its  
15 creation, each department being supreme within its respective sphere, the legislature  
16 possessing legislative power unlimited except by the federal constitution, and such restrictions  
17 as are expressly placed upon it by the fundamental law of the state--the governor having the  
18 sole and supreme power of executing the laws, and the courts that of interpreting them.

19 (Emphasis supplied)

20 Lest this be seen as an ancient expression of constitutional power, this court has consistently  
21 maintained and asserted its supervisory authority over the judicial branch. Consider this sweeping  
22 language from Halverson v. Hardcastle, 123 Nev. 245, 260-262 (2007):

23 Under the Nevada Constitution's "separation of powers" clause, "[t]he powers of the  
24 Government of the State of Nevada" are divided into three separate departments--legislative,  
25 executive, and judicial. Essentially, the legislative power, which is vested in the state  
26 Legislature, refers to the broad authority to enact, amend, and repeal laws; the executive  
27 power, vested in the Governor, encompasses the responsibility to carry out and enforce those  
28 laws (i.e., to administrate); and, under Article 6, the judicial power is vested in the state court  
system, comprised of the supreme court, district courts, and justices of the peace, carrying  
with it "the capability or potential capacity to exercise a judicial function . . . to hear and  
determine justiciable controversies."

These governmental powers are coequal, and no person charged with the exercise of  
one department's powers may exercise "any functions" of the other departments, except when  
"expressly directed or permitted" under the Constitution. Accordingly, to ensure that each

1 power remains independent from influences by other branches of government, each  
2 department possesses inherent power to "administer its own affairs" and "perform its duties,"  
3 so as not to "become a subordinate branch of government."

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
Inherent power by virtue of the judiciary's sheer existence

To ensure that the executive, legislative, and judicial powers are meaningful, the governmental department in which each respective power is vested also has-by virtue of its mere constitutional existence-inherent authority "to accomplish or put into effect," i.e., to carry out, the department's basic functions. The power derived from the departments' "sheer existence is broader and more fundamental than the inherent power conferred by separation of powers," and it exists even when one department, in carrying out its functions, exercises roles more commonly seen in the scope of another department's powers.

As has long been recognized, these sources provide the judiciary with inherent authority to administrate its own procedures and to manage its own affairs, meaning that the judiciary may make rules and carry out other incidental powers when "reasonable and necessary" for the administration of justice. For instance, a court has inherent power to protect the dignity and decency of its proceedings and to enforce its decrees, and thus it may issue contempt orders and sanction or dismiss an action for litigation abuses. Further, courts have inherent power to prevent injustice and to preserve the integrity of the judicial process, which power generally has been recognized as encompassing the authority, placed in the highest court in the system, to discipline judges.

Subsequent to Halverson, supra, this court continued to exert its supervisory authority over the judicial branch of government. See Lueck v. Teuton, 125 Nev. 674, 686 (2009) (removing an appointed District Judge who served past the time permitted by Nevada Constitution Article 6, Section 20(2)) and Jones v. Nevada Commission on Judicial Discipline, 130 Nev. Adv. Op. 11, 318 P.2d 1078 (2014) (exercising supervisory power over Commission via extraordinary writs).

This petition concerns an issue of vital importance to Nevada's judiciary and to the integrity of the judicial branch of government. In this regard, this petition raises important issues of constitutional law which need clarification. Considerations of sound judicial economy and administration strongly suggest that this court accept and consider this petition on the merits of the constitutional claims. See Int'l Game Tech. Inc. v. Second Judicial District Court, 124 Nev. 193, 197-98 (2008).



1 against any officer until he has actually held his office six (6) months, save and except that it  
2 may be filed against a senator or assemblyman in the legislature at any time after ten (10) days  
3 from the beginning of the first session after his election. After one such petition and special  
4 election, no further recall petition shall be filed against the same officer during the term for  
5 which he was elected, unless such further petitioners shall pay into the public treasury from  
6 which the expenses of said special election have been paid, the whole amount paid out of said  
7 public treasury as expenses for the preceding special election. Such additional legislation as  
8 may aid the operation of this section shall be provided by law.

9 The recall empowerment was part of the progressive era legal reforms. These recall provisions  
10 were passed in about eleven states and most included judges as officers who could be recalled from  
11 office.

12 Despite that authorization, it does not appear in Nevada history that any judge was ever  
13 removed from office by this process. It proved to be a cumbersome and largely useless process for  
14 removing public officials from office.

15 In 1924, the American Bar Association created its first Code of Judicial Ethics. The next major  
16 revision was in 1972 when the ABA created the Model Code of Judicial Conduct. It has been revised  
17 a few times since then, most recently in 2010. Nevada created a Code of Judicial Conduct in the 1970s  
18 but research history is sparse as to when a code was first adopted here.

19 The first specific commission for judicial discipline was created in California in 1960. Over  
20 the next thirty years, all 50 states created some form of judicial conduct system and approved a Code  
21 of Judicial Conduct.

22 In 1976, Nevada voters approved Article 6, Section 21 which created the Commission on  
23 Judicial Discipline. Only some provisions of this section are relevant:

24 Sec. 21. Commission on Judicial Discipline; Code of Judicial Conduct.

25 1. A justice of the Supreme Court, a judge of the court of appeals, a district judge,  
26 a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for  
27 impeachment, be censured, retired, removed or otherwise disciplined by the Commission on  
28

1 Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a  
2 justice or judge may appeal from the action of the Commission to the Supreme Court, which  
3 may reverse such action or take any alternative action provided in this subsection.

4 . . . .  
5 5. The Legislature shall establish:

6 (a) In addition to censure, retirement and removal, the other forms of disciplinary  
7 action that the Commission may impose;

8 (b) The grounds for censure and other disciplinary action that the Commission may  
9 impose, including, but not limited to, violations of the provisions of the Code of Judicial  
10 Conduct;

11 (c) The standards for the investigation of matters relating to the fitness of a justice  
12 or judge; and

13 (d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before  
14 the Commission, except that, in any event, a decision to censure, retire or remove a justice or  
15 judge must be made public.

16 . . . .  
17 6. The Supreme Court shall adopt a Code of Judicial Conduct.

18 . . . .  
19 8. No justice or judge may by virtue of this Section be:

20 (a) Removed except for willful misconduct, willful or persistent failure to perform  
21 the duties of his office or habitual intemperance; or

22 (b) Retired except for advanced age which interferes with the proper performance  
23 of his judicial duties, or for mental or physical disability which prevents the proper  
24 performance of his judicial duties and which is likely to be permanent in nature.

25 (Emphasis supplied in paragraph 1)

26 The Nevada Constitution is amended only after the Legislature approves the amendment in  
27 two sessions and is then approved by the voters in the next general election. Section 21 was approved  
28 by the 1973 and 1975 Nevada Legislatures and approved by the voters in 1976.

The primary legislative history originated in the 1973 session but the legislative history from  
those days is sparse. The legislative proceedings back then were not well documented.

More illumination comes from the 1977 Nevada Legislature. Since the voters had approved the  
constitutional amendment in November, 1976, the legislature had to enact enabling legislation. That  
came in the form of S.B. 453. Again, the documented legislative history is sparse. However, we are  
fortunate that former Chief Justice E.M. Gunderson submitted a three page memorandum dated April

1 12, 1977 to the Governor detailing his thoughts on SB 453 and the creation of a code of judicial  
2 conduct for Nevada. At the Senate Judiciary Committee hearing on April 13, 1977, Justice  
3 Gunderson's memorandum was included as Exhibit B to the committee minutes.

4 His commentary is attached as **Exhibit A**. The most important paragraph is found on page 3:

5  
6 The primary purpose of S.B. 453 is to establish that justice and municipal court judges  
7 are not subject to redundant disciplinary measures, but instead are governed by the Code of  
8 Judicial Conduct prescribed by the Supreme Court, and are to be disciplined or removed from  
9 office in accordance with procedures applicable to other judges. In summary, then, it is  
10 believed that S.B. 453 represents a sound and practical response to handling the problem posed  
11 by Question 6, which imposes on this court the obligation of central control of the entire court  
12 system, considered in light of the inadequacies of Question 8.

13  
14 SB 453 was approved by the State Senate and sent to the Assembly. It was next on the  
15 Assembly Judiciary Committee hearing agenda on April 20, 1977. The only legislative history item of  
16 note is the testimony of then Judge Richard Minor from Reno. It is attached as **Exhibit B** and states in  
17 full as follows.

18  
19 SB 453: Judge Richard Minor, president of the Nevada Judges Association and judge  
20 in Reno, was first to speak on this bill. He stated that for the last two years there has been a  
21 committee working on a code of judicial conduct, based on the American Bar Association  
22 standards as modified to meet the problems of Nevada. He stated that this was approved by the  
23 electorate in 1976. He stated that presently the committee has been applying the rules and does  
24 have jurisdiction over the district court and the supreme court. He stated that this bill was  
25 prepared at the request of the Nevada Judges Association and would bring courts of limited  
26 jurisdiction under this code and under the jurisdiction of the committee on judicial discipline.  
27 He stated that they are still working toward a uniform court system and this bill is a step in that  
28 direction. He also pointed out that he felt the justice and the municipal courts should be under  
the code.

29  
30 Mrs. Wagner asked Judge Minor if the same procedures were used in both the justice and  
31 municipal courts so far as discipline was concerned. Judge Minor stated that it was the same

32  
33 This bill passed and was signed into law. The critical part of that bill for our purposes is NRS  
34 1.440(1):



1 relevant evidence as a justification for overriding existing evidentiary privileges and rights of the  
2 press.

3 Moreover, the rule that the general law is governed by the specific also applies to the  
4 relationship between the shield law itself, article I, section 2(b), and the people's right to due process.  
5 The former specifically provides an absolute immunity from contempt for journalists who refuse to  
6 furnish unpublished information. We presume that this specific provision was not altered or partially  
7 repealed by the general recognition of the people's right to due process later added to the Constitution.  
8

9 Article 2, Section 9 applies to all public officers whereas Article 6, Section 21 is exclusively  
10 directed towards judges. Applying this principle of interpretation necessarily excludes the recall  
11 election process.  
12

### 13 INTERPRETATION PRINCIPLE 2

#### 14 A LATER PROVISION WILL PREVAIL OVER AN EARLIER PROVISION

15 This principle appears in two published opinions. First, we look at Wren v Dixon, 40 Nev.  
16 170, 187-88 (1916):  
17

18 Our position here is based upon the doctrine which we find eminently supported by  
19 authority, to the effect that in the absence of a saving clause the adoption of a new constitution  
20 or the amendment of an old constitution operates to supersede and revoke all previous  
21 inconsistent, and irreconcilable constitutional and statutory provisions and rights exercised  
22 thereunder, at least so far as their future operation is concerned. (6 R. C. L.)

23 The Supreme Court of the United States, in dealing with the question of the effect of  
24 federal constitutional amendments on the existing constitutions and statutes of the several  
25 states, speaking through Mr. Justice Harlan, in the case of Neal v. State of Delaware, 103 U.S.  
26 370, 26 L. Ed. 567, held, in substance, that the legal effect of the adoption of amendments to  
27 the federal constitution and the laws passed for their enforcement was to annul so much of the  
28 state constitution as was inconsistent therewith.

Second, we look to Rea v. Mayor, 76 Nev. 483, 488 (1960):

1 In the Caton case the court said that in view of the fact that the petition was insufficient  
2 to justify the issuance of the writ as prayed for it would be unnecessary to decide the other  
3 points raised. For the same reason it was unnecessary for the court to decide whether the  
4 statute was unconstitutional under Art. 8, sec. 8. However, Art. 8, sec. 8, in our opinion is not  
5 inconsistent with Art. 19, sec. 3. Even if it were, Art. 19, sec. 3, with a later date of adoption is  
6 controlling. *Farrar v. Board of Trustees*, 150 Tex. 572, 243 S.W.2d 688; *Plessey v. Industrial*  
7 *Commission*, 73 Ariz. 22, 236 P.2d 1011; *Opinion to the Governor*, 78 R.I. 144, 80 A.2d 165.  
8 (Emphasis supplied)

9 In direct terms, the 1976 provision trumps the 1912 provision.

### 10 INTERPRETATION PRINCIPLE 3

#### 11 EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS

12 Look carefully at the language of Section 21. The commission has exclusive jurisdiction over  
13 judicial discipline including removal. The sole alternative method of removal is impeachment by the  
14 legislature. Constitutional provisions are the most parsed, critiqued and nitpicked legal documents  
15 created by drafting experts and legal scholars in the Legislative Counsel Bureau and multiple outside  
16 parties and lawyers. Every word and phrase is discussed and haggled over before a final draft is  
17 finally agreed upon for submission to the Nevada Legislature.  
18

19 Furthermore, constitutional drafters must consider all existing constitutional provisions when  
20 proposing to amend the constitution. The drafters of Section 21 were undoubtedly aware of the  
21 Article 7 provisions relating to impeachment since it was specifically included in the language of  
22 Section 21(1). The recall provisions of Article 2 Section 9 were NOT mentioned and thus we can  
23 conclude that those provisions were not to be included as the methods for discipline of a judge.  
24  
25

26 This principle of construction applies equally to constitutional provisions. See State ex rel.  
27 Josephs v. Douglass, 33 Nev. 82, 95 (1910):

28 Again adverting to the provisions of section 32 of article 4 of the constitution as amended, we

1 find it specially enumerates certain offices which may be consolidated or abolished, increased  
2 or diminished, and that all of the offices so named are county offices. We think the maxim  
3 "Expressio unius est exclusio alterius," clearly applicable, and that the constitution by  
4 specifically designating certain particular offices of a particular class which may be  
5 consolidated, etc., intended to exclude from such provisions all other constitutional offices.  
6 Broom, in his Legal Maxims, says that no maxim of the law is of more general and uniform  
7 application and is never more applicable than in the construction and interpretation of statutes.  
8 (19 Cyc. 23.) This maxim is alike applicable to the construction of constitutional provisions. (8  
9 Cyc. 729; Spier v. Baker, 120 Cal. 370, 52 P. 659, 41 L. R. A. 196; State v. Clark, 21 Nev.  
10 333, 31 P. 545.)

11 The legislature had to be aware of the other constitutional alternatives. By intentionally  
12 including only impeachment, they intentionally excluded the recall process.

#### 13 **JUDGES HAVE DIFFERENT ELECTION RULES AND REGULATIONS**

14 Nevada has long elected its judges and Nevada's voters have shown no appetite for change by  
15 refusing to approve a constitutional change to an appointment system. While Nevada will still elect  
16 judges, judicial elections are subject to a wide variety of standards and processes different from  
17 elections for legislative and executive branch candidates.

18 Judicial offices are deemed non-partisan by law, NRS 293.195, and judges are provided with a  
19 special two week filing period in early January in election years. NRS 293.177(1)(a). Canon 4 and  
20 various rules thereunder of the Nevada Code of Judicial Conduct carefully proscribe what a judicial  
21 candidate can or cannot do in campaigning for judicial office. Rule 4.2(C) prohibits a judicial  
22 candidate from seeking or accepting any campaign contributions if he or she is unopposed. Other  
23 rules limit what a judicial candidate may or may not say during a campaign.

24 The overarching purpose of such rules is to maintain the dignity and appearance of impartiality  
25 of judges who must participate in elections. While certain restrictive campaign rules are subject to  
26 constitutional free speech limitations, see Republican Party of Minnesota v. White, 536 U.S. 788  
27  
28

1 (2002), a very recent decision of the U.S. Supreme Court upheld a specific limitation on campaign  
2 fund raising by the candidate in the Florida Code of Judicial Conduct in Williams-Yulee v. State Bar  
3 of Florida, \_\_\_ U.S. \_\_\_, 135 S. Ct. 1656, 191 L.Ed.2d 570 (2015). The compelling state interest in  
4 judicial impartiality and integrity was enough to withstand a free speech constitutional challenge.  
5

6 Judges are subject to the Canons of Judicial Conduct and are excluded from the more general  
7 code of ethics. See NRS 281A.160. While in office, judges are expected to conduct themselves at all  
8 times in a manner consistent with the canons and to maintain the dignity and impartiality of the  
9 judiciary.  
10

#### 11 **A RECALL ELECTION IS AN ATTACK ON JUDICIAL IMPARTIALITY**

12 Judges have to make difficult decisions all the time in cases and may have to make decisions  
13 that may be politically unpopular. In nearly every case, some litigant will be unhappy. Some litigants  
14 or interest groups may take out their anger by threatening the judge with political retribution.  
15 Sometimes, a judge is attacked for other reasons.  
16

17 We have that exact situation here. Judge Ramsey strives to maintain the integrity and  
18 independence of the North Las Vegas Municipal Court. She refuses to cave in to a headstrong,  
19 domineering mayor and has opposed the City's taking of the administrative assessment fees  
20 specifically designated for a new computer system for the Municipal Court. It is well known publicly  
21 that the City of North Las Vegas has suffered from major fiscal mismanagement and problems for  
22 years.  
23

24 This recall petition is nothing more than an effort to remove the petitioner because she refuses  
25 to "play ball" with other political interest groups and cliques in North Las Vegas. Petitioner is doing  
26 her job and doing it well, too well for her opponents. The recall petition is nothing more than a  
27  
28

1 shameful crass attack on judicial independence.

2 Associate Justice Robert Brown of the Arkansas Supreme Court wrote that a recall election is  
3 one of those procedures used to intimidate judges. See Brown, *Perspectives on Judicial*  
4 *Independence: In Honor of Judge Richard Sheppard Arnold: From Earl Warren to Wendell Griffen: A*  
5 *Study of Judicial Intimidation and Judicial Self-Restraint*, 28 U. Ark. Little Rock L. Rev. 1, 5-6 (2005:  
6

7 A variation of the danger inspired by the special retention election is the recall election.  
8 A judge issues an unpopular opinion, and recall petitions are then circulated with regard to that  
9 judge requiring X number of signatures and calling for a recall election. The judge must then  
10 campaign against his or her recall. That is a perfidious system. Why would any judge worth his  
11 or her salt want to serve and make the hard decisions that the job requires with the threat of  
12 recall constantly hanging over that judge's head? That is precisely what the recall mechanism  
13 is designed to do--intimidate judges.

14 We have seen appellate court judges lose retention elections in California and Tennessee in  
15 past years because of unpopular decisions. Three former justices of the Iowa Supreme Court lost re-  
16 election bids because of their votes for same sex marriage in Iowa years ago. Ironically, their views  
17 and legal positions have been vindicated by several other courts since then and resoundingly  
18 vindicated by a majority decision of the United States Supreme Court on June 26, 2015 legalizing  
19 same sex marriages.

20 The members of this court know all too well the potential of hostile public reactions to  
21 unpopular legal decisions. We need no reminders of the anger and backlash from Guinn v. Legis. of  
22 Nevada, 119 Nev.460 (2003). It was extensive, persistent, vitriolic, and cut short the judicial careers  
23 of two former justices of this court.  
24

## 25 JUDICIAL DISCIPLINARY COMMISSIONS ARE A BULWARK

## 26 FOR JUDICIAL INDEPENDENCE AND AGAINST POLITICAL ATTACKS

27 Recall elections are rare, cumbersome, inefficient and often erratic. Impeachment by state  
28

1 legislatures are also rare and ineffective in policing misconduct in the judiciary. The creation of  
2 judicial disciplinary commissions in nearly every state when combined with the development of codes  
3 of judicial conduct have been far more effective in competently policing the judiciary. Moreover, it is  
4 a regulatory and policing mechanism within the judicial branch itself, a mechanism which keeps  
5 judicial matters exclusively within the judicial branch of government.  
6

7         Petitioner contends that the 1976 creation of the Commission on Judicial Discipline abrogates  
8 the application of the recall provisions of Article 2 Section 9 to judges. Cases and articles from other  
9 jurisdictions support this exclusivity contention.  
10

11         Delaware created its own Court on the Judiciary by constitutional amendment in 1969. See  
12 Article IV, Section 37 of the Delaware Constitution. A Justice of the Delaware Supreme Court  
13 concluded that the amendment resulted in a constitutional transfer of power to the judicial branch to  
14 discipline itself. Joseph Walsh, *Judicial Independence: A Delaware Perspective*, 2 Del. L. Rev. 1, 15-  
15 16 (1999). See also Holland and Gray, *Judicial Discipline: Independent with Accountability*, 5 Wid.  
16 L. Symp. J. 117, 132 (2000):  
17

18         While some theoretical overlapping remains between the impeachment power of a state's  
19 legislature and the removal authority of a state judicial conduct organization, the establishment  
20 of state judicial conduct organizations represents a shift in branch authority under state  
21 constitutions. This constitutional transfer of power within the structure of state constitutions  
22 from the legislative branch to self-regulation by the judicial branch has contributed to judicial  
23 independence. By simultaneously providing a mechanism for accountability through the  
24 receipt and processing of complaints about judicial conduct, state judicial conduct  
25 organizations have also enhanced the public trust and confidence in the judiciary.

26         Actual case law on the inter-relationship between recall elections and exclusive jurisdiction of  
27 judicial disciplinary bodies appears non-existent. A number of state supreme courts have declared that  
28 under their respective state constitutions, they had exclusive original jurisdiction over judicial  
discipline. See In re Benge, 24 S.3d 822 (LA 2009); and In re Bruno, 101 A.3d 635 (Pa. 2014). Every

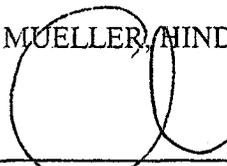
1 state and the District of Columbia now has a judicial conduct commission. Alfini, et al *Dealing with*  
2 *Judicial Misconduct in the States: Judicial Independence, Accountability, and Reform*, 48 S. Tex. L.  
3 Rev. 889 (2007).

4  
5 Recalling a judge from public office in mid-term is a form of judicial discipline and NRS  
6 1.440(1) vests that authority exclusively in the Commission on Judicial Discipline. See In re Davis,  
7 113 Nev. 1204, 1211 (1997); Halverson v. Hardcastle, 123 Nev. 245, 263 (2007); and Jones v. Nev.  
8 Comm. On Judicial Discipline, 130 Nev. Adv. Op. 11, 318 P.3d 1078, 1080 (2014).

9  
10 **CONCLUSION**

11  
12 WHEREFORE, Plaintiff humbly prays that this court grant this petition to enjoin the  
13 effort to remove her from her position, or for any other relief that this court will entertain.

14  
15 DATED this 26 day of June, 2015.

16  
17 MUELLER, HINDS & ASSOCIATES, CHTD.  
18  
19 By   
20 CRAIG A. MUELLER, ESQ.  
21 Nevada Bar No. 4703  
22 600 S. Eighth Street  
23 Las Vegas, NV 89101  
24 (702) 940-1234  
25 Attorney for Petitioner  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26<sup>th</sup> day of June 2015, I service via facsimile and/or email a true and correct copy of this PETITIONER CATHERINE RAMSEY'S SUPPLEMENT TO ARGUMENTS MADE IN SUPPORT OF THE EMERGENCY PETITION FOR INJUNCTION via facsimile and/or email addressed to the following:

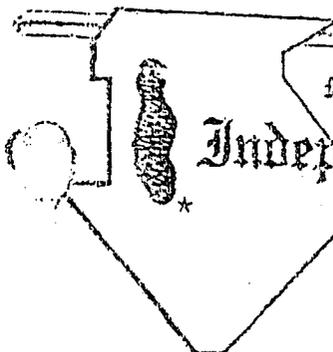
Dominic Gentile, Esq.  
GENTILE, CRISTALLI, MILLER,  
ARMENI & SAVARESE  
410 South Rampart Boulevard, Suite 420  
Las Vegas, Nevada 89145  
[dgentile@gentilecristalli.com](mailto:dgentile@gentilecristalli.com)  
Attorney for Respondents:  
Bob Borgerson, Betty Hamilton and  
Michael William Moreno

Richard C. Gordon, Esq.  
SNELL & WILLMER  
3883 Howard Hughes Pkwy, #600  
Las Vegas, Nevada 89169  
702-784-5252  
Email: [rgordon@swlaw.com](mailto:rgordon@swlaw.com)  
Attorney for Respondents:  
City Clerk of North Las Vegas and  
Barbara A. Andolina, City Clerk

/s/ Steven M. Goldstein  
An employee of  
MUELLER, HINDS & ASSOCIATES

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit (A)



Mineral County  
**Independent-News**  
 Printers and Publishers  
 P.O. Box 1277  
 Hawthorne, Nevada  
 89415

J. R. McCLOSKEY  
 OWNER AND PUBLISHER

(702) 945-2414

*I believe there  
 are some thought  
 provoking comments  
 contained herein*

April 8, 1977

Hon. D.N. O'Callaghan  
 Governor of the once  
 Great State of Nevada  
 Unsafe Capitol Building  
 Carson Street  
 Carson City, Nevada

Your Excellency:

Re: SB 453

When Question No. 8 on the November, 1976, General Election was, unfortunately, approved by majority of voters (largely in the more heavily populated counties where there are multiple departments of district court) the proposed amendment to the constitution pertained to justices of the supreme court and district judges, and provided for creation of a Commission on Judicial Discipline with authority to "censure, remove or retire" Justices of the Supreme Court and District Judges.

Comes now SB 453 which would extend the authority (and responsibility) of the Commission on Judicial Discipline to meddle in the affairs of "inferior" courts including justices of the peace and municipal judges. This has to be a complete copout on the part of either or both our legislative and judicial branches because there already is ample provision for disciplinary action against, or removal from office of, the 58 justices of the peace and 16 municipal judges.

1. Court action based upon a grand jury accusation.
2. Complaint of a citizen seeking removal for malfeasance or nonfeasance.
3. Recall.

The Commission on Discipline will have enough to do, hearing and acting upon complaints against supreme court justices and district judges, even though no disciplinary action may result. There also is the "economic" factor involving legal fees and expenses that would confront a JP or Muni judge if called to defend himself away from his home ground. Some of those "inferior" judges work for \$150, \$200 and \$250 a month.

The legislature would do well to allow the Commission on Discipline to get organized and develop, or flounder, on the assignment spelled out in the constitutional amendment -- spanking or praising the big boys -- during the next two years. To hand the Commission the justice court and municipal court package at this time is premature and preposterous.

Respectfully, without opinion,

*John R. McCloskey*  
 John R. McCloskey

Exhibit A

RAM-128

MEMORANDUM

From chambers of

E. M. GUNDERSON, Justice

Supreme Court of Nevada,  
Carson City

April 12, 1977

TO: THE HONORABLE MIKE O'CALLAGHAN

RE: S.B. 453

My dear Governor--

S.B. 453 must be considered in the context of events motivating the introduction thereof.

The questions on the ballot last election sought to create in Nevada a unified court system, with the chief justice as its administrative head.

Concerning central administration perhaps the two most important questions (both derived from a comprehensive ballot question defeated in 1972) were Question 6 and Question 8. Question 6 vested the Supreme Court with authority over all courts, including the justice and municipal courts, and Question 8 endeavored to provide a mechanism for judicial discipline.

During the 1975 legislative session, an attempt was made to explain to certain legislators that Question 8 was poorly drafted, for various reasons. In the first place, we tried to point out that a Judicial Council such as that in Idaho (with disciplinary powers but primarily concerned with positive approaches to improving the judicial system) would be more in keeping with the needs of a small state like Nevada than the commission proposed by Question 8 would be. (We questioned whether judicial misconduct was so prevalent in Nevada that it warranted creating a separate commission with no other concerns.) In the second place, we tried to point out that Question 8, relating to judicial discipline, failed to provide a comprehensive mechanism to enforce the central authority of the Supreme Court over the unified court system which Question 6 was expected to create.

During the last legislative session, many legislators were in the throes of an exceptional desire to show concern for "ethics." Thus, rather than taking a more reflective look at Question 8, the committee considering it passed it out, without addressing the matters just referred to.

Central administration is recognized as essential to meeting the problems of a modern court system. Basically, the Nevada Bar Association felt that the total effect of all the proposed

Exhibit B1

The Honorable Mike O'Callaghan  
April 12, 1977  
Page Two.

amendments would be good, and, although some, including Question 8, might be imperfect, the Bar determined that all judicial reform questions should be supported. I agreed with this view, and worked with the Bar and the American Judicature Society to support all amendments, including Question 8, although I was quite aware that Question 8 unfortunately was poorly drafted.

As I am sure you know, on Law Day of 1975, the vast majority of the judiciary of Nevada (including most of the justice and municipal court judges) met at the National College of the State Judiciary, listened to nationally recognized experts on judicial ethics, and voted to work toward formulation of an enforceable Code of Judicial Conduct. The expectation was that the new Code would be enforced by the Supreme Court, with the assistance of the Commission on Judicial Discipline, if that body should come into being, but enforced in any event. A representative committee of judges (including four district judges, four justice and municipal court judges, and one Supreme Court justice) spent hundreds of hours researching and preparing a Code designed to govern all levels of the Nevada judiciary; hearings have been held; and the Supreme Court is about to adopt the Code, with some revisions.

As you also know, I told you last Fall, when Question 8 had just been approved, that although the judges in the courts of limited jurisdiction expected to be governed by the Code, a feeling prevailed that they should have some representation on the body that would judge their conduct. You felt it would be inappropriate to provide such representation by naming a lay judge to the Commission on Judicial Discipline, as one of your non-lawyer members, so other means of providing representation had to be considered.

S.B. 453 is the device ultimately conceived to provide a means for enforcing the Code of Judicial Conduct, which has been drafted to apply to all judges in the Nevada "court system" as defined by Question 6. It has the support of the Nevada Judges Association (which consists of Nevada's justice and municipal court judges) and, indeed, this morning, at about the same time you were calling to tell me someone believed S.B. 453 to represent an imposition on the lower court judges, the president of that organization was appearing at the Legislature to support its passage.

The primary purpose of S.B. 453 is not to provide for restructuring the Commission on Judicial Discipline, when a justice or municipal court judge is charged with a violation of the Code of Judicial Conduct. By virtue of the administrative

The Honorable Mike O'Callaghan  
April 12, 1977  
Page Three.

control which Question 6 vests in this court, we unquestionably could take care of that problem ourselves, although we might have to set up a totally separate disciplinary commission if lay members appointed by you to the constitutionally mandated commission were unwilling to serve in matters relating to lower court judges. (That, surely, would be unfortunate, since the development of expertise by commission members should be desirable.)

The primary purpose of S.B. 453 is to establish that justice and municipal court judges are not subject to redundant disciplinary measures, but instead are governed by the Code of Judicial Conduct prescribed by the Supreme Court, and are to be disciplined or removed from office in accordance with procedures applicable to other judges. In summary, then, it is believed that S.B. 453 represents a sound and practical response to handling the problem posed by Question 6, which imposes on this court the obligation of central control of the entire court system, considered in light of the inadequacies of Question 8.

There is absolutely no question but what the judiciary of Nevada, as a whole, fully expects the Supreme Court to adopt and to enforce an appropriate Code of Judicial Conduct, not just with regard to district judges and Supreme Court justices, but with regard to justice and municipal court judges as well.

E.G.

EMG:jb

cc: All Justices  
John De Graff, Judicial Planner

Attachment: S.B. 453

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit (B)

MINUTES

ASSEMBLY JUDICIARY COMMITTEE  
April 20, 1977

Members Present: Chairman Barengo  
Assemblyman Hayes  
Assemblyman Banner  
Assemblyman Coulter  
Assemblyman Polish  
Assemblyman Price  
Assemblyman Sena  
Assemblyman Ross  
Assemblyman Wagner

The meeting was called to order at 7:20 a.m. by Chairman Barengo. All witnesses wishing to testify were sworn in as they testified.

AB 491: Mr. Bud Hicks, stated that this provides for a mini-declaratory relief act which commences on page 3, line 29. He said that it differs from the existing law by broadening the relief to other people than are now covered to include persons found suitable, holding companies, intermediary companies, publicly traded companies, and registered corporations to seek this kind of relief. He stated that the portion of the bill which covers the staying of writs by the district court is already current law and also the portions on extraordinary relief is already law, too. He stated that this simply puts this existing case law into specific statute form and is a result of the Rosenthal case which pointed out this loophole in the statutes. He stated that they felt that the current declaratory relief statute is outmoded and outdated and should be changed in this manner.

The next point Mr. Hicks addressed was that of the use of board investigative reports in the decision making process at the commission level. He stated that they would not object to a qualifying statement which would state "unless used as evidence" may be confidential and subject to privilege. He stated that anything currently used as evidence for the commission is made known to the applicant, etc., and they would not object to that or some similar qualifying language. He noted that what they were primarily concerned about was that those reports which were in the board's files should not be made public if not directly related to the decision making of the commission.

Chairman Barengo and Mrs. Wagner stated that they felt there should be some other way to handle this and that it was too broad. Mr. Hicks stated that if this section would hold up passage of the entire bill that he would suggest that that section be eliminated from this bill and be redrafted for a later time. He did state that the bill itself was very important from legislative intent stand and he felt it was necessary because of some of the other sections of the bill.

Mrs. Wagner asked Mr. Hicks if he felt he would rather have no law

SB 684: Assemblyman Dean Rhoads introduced Mr. Ira Kent, past president of the Nevada Cattlemen's Association and member of the Nevada Tax Commission. Assemblyman Rhoads explained that this bill would add three sentences to the current law and help to clear up some problems which exist in the handling of estates in the rural communities. He stated that it would provide that the fees paid to the lawyer handling the estate would be set by the judge of the estate based on time and involvement of the specific case.

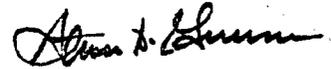
Mr. Kent stated that he felt there had been abuses in the area of the size of the fees charged in settling estates in their part of the state. He stated that he felt this bill would clarify what was to be done and would put the client and the lawyers on a better footing.

In answer to a question from Mrs. Wagner, Mr. Kent stated that there have been cases of exorbitant fees being charged. He gave an example of a cash estate worth approximately \$80,000 and the fee to the attorney was 5% and he felt that for the work involved that was too much. He also stated that there have been other cases where the judge had asked that the attorney set their fee based on the time element involved in the case. Mr. Rhoads stated that Judge Manukian had adopted a procedure much like what is proposed in this bill. Mr. Kent stated that he did not feel that all attorneys abused this, but he did feel that it was a problem in some areas.

SB 453: Judge Richard Minor, president of the Nevada Judges Association and judge in Reno, was first to speak on this bill. He stated that for the last two years there has been a committee working on a code of judicial conduct, based on the American Bar Association standards as modified to meet the problems of Nevada. He stated that this was approved by the electorate in 1976. He stated that presently the committee has been applying the rules and does have jurisdiction over the district court and the supreme court. He stated that this bill was prepared at the request of the Nevada Judges Association and would bring courts of limited jurisdiction under this code and under the jurisdiction of the committee on judicial discipline. He stated that they are still working toward a uniform court system and this bill is a step in that direction. He also pointed out that he felt the justice and the municipal courts should be under the code.

Mrs. Wagner asked Judge Minor if the same procedures were used in both the justice and municipal courts so far as discipline was concerned. Judge Minor stated that it was the same.

AB 693: Mr. L. J. McGee, Chairman of the trust committee of the NBA and Vice President of Pioneer Citizens Bank of Reno, testified on this bill. He stated that he was not in opposition to the bill generally; however, he felt that there should be some provision in the bill which would take into consideration the rights of those people who had already set up trusts which were to mature on the twenty-first birthday of the beneficiary. He stated that he did



CLERK OF THE COURT

1 **MOT**  
2 **CRAIG A. MUELLER, ESQ.**  
3 Nevada Bar No. 4703  
4 **MUELLER, HINDS & ASSOCIATES**  
5 600 S. Eighth Street  
6 Las Vegas, Nevada 89101  
7 Attorney for Petitioners

8 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
9 **IN AND FOR THE COUNTY OF CLARK**

10 **HONORABLE CATHERINE RAMSEY**  
11 **NORTH LAS VEGAS MUNICIPAL JUDGE**  
12 **Petitioner,**

13 vs.

14 **THE CITY OF NORTH LAS VEGAS AND**  
15 **BARBARA A. ANDOLINA City Clerk of**  
16 **NORTH LAS VEGAS, BETTY HAMILTON,**  
17 **MICHAEL WILLIAM MORENO, and BOB**  
18 **BORGERSEN, individually and as Members**  
19 **of "REMOVE RAMSEY NOW,"**

20 **Respondents**

Case No.: A-15-719406-P

Dept No.: XX

Consolidated with:

A-15-719651-C

21 **PETITIONER CATHERINE RAMSEY'S MOTION TO CONTINUE**  
22 **THE EVIDENTIARY HEARING**

23 COMES NOW Petitioner **HONORABLE CATHERINE RAMSEY MUNICIPAL COURT**  
24 **JUDGE** for the **CITY OF NORTH LAS VEGAS**, individually and in her professional capacity, by and  
25 through her attorney of record **CRAIG A. MUELLER, ESQ.**, of **MUELLER, HINDS &**  
26 **ASSOCIATES** and hereby submits this Motion to Continue the Evidentiary hearing currently set for  
27 **Monday, June 29, 2015.**

28 ///

///

///

///

1 This Petition is made and based upon the Points and Authorities which follow, the arguments  
2 of counsel at the hearing on the motion, and all of the pleadings and papers on file in this action.

3 DATED this 24 day of June, 2015

4  
5 MUELLER, HINDS & ASSOCIATES

6  
7 By: /s/ Craig A. Mueller

8 CRAIG A MUELLER, ESQ.

9 Nevada Bar No.: 4703

10 600 S. Eighth Street

11 Las Vegas, NV 89101

12 Attorney for Petitioner

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

### I. ARGUMENT

This Court Ordered the above referenced Petition and Case to be consolidated upon court on June 23, 2015 after the close of business. Also, this Court set an expedited hearing of all matters pursuant to his order currently set for June 29, 2015. Petitioner has tried to comply with the Court's order and provided a witness and exhibit list. The Court set this hearing too fast and there is still time upon which the matter can be set more meaningfully. Under NRS 360.040 the 30 day window to hold the hearing does not expire until July 12, 2015.

What is abundantly clear is that this Court did not allow for sufficient time for which to serve subpoenas to all witnesses. To confound matters, the City of North Las Vegas witnesses do not work on Fridays at all. Therefore, service cannot quickly and easily be had. Petitioner's ability to bring forth her case is being severely impinged upon given the time constraints place upon her. She has been severely prejudiced by the Court's order.

///

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

II. CONCLUSION

WHEREFORE, Petitioner humbly prays that this court continue the evidentiary hearing in order for her to effectively bring forth her case for insufficiency of the Petition for Recall against her.

DATED this 26 day of June, 2015.

MUELLER, HINDS & ASSOCIATES, CHTD.

By /s/ Craig A. Mueller  
CRAIG A. MUELLER, ESQ.  
Nevada Bar No. 4703  
600 S. Eighth Street  
Las Vegas, NV 89101  
(702) 940-1234  
Attorney for Petitioner

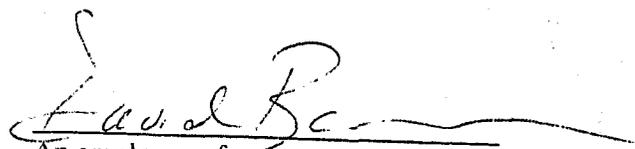
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26 day of June 2015, I service via facsimile via facsimile and/or email a true and correct copy of this **PETITIONER CATHERINE RAMSEY'S MOTION TO CONTINUE**, via via facsimile and/or email addressed to the following:

Dominic Gentile, Esq.  
GENTILE, CRISTALLI, MILLER,  
ARMENI & SAVARESE  
410 South Rampart Boulevard, Suite 420  
Las Vegas, Nevada 89145  
dgentile@gentilecristalli.com  
Attorney for Respondents:  
Bob Borgerson, Betty Hamilton and  
Michael William Moreno

Richard C. Gordon, Esq.  
SNELL & WILLMER  
3883 Howard Hughes Pkwy, #600  
Las Vegas, Nevada 89169  
Email: rgordon@swlaw.com  
Attorney for Respondents:  
City Clerk of North Las Vegas and  
Barbara A. Andolina, City Clerk

  
An employee of  
MUELLER, HINDS & ASSOCIATES

1 Patrick G. Byrne (NV Bar # 7636)  
2 Richard C. Gordon (NV Bar # 9036)  
3 Daniel S. Ivie (NV Bar # 10090)  
4 SNELL & WILMER L.L.P.  
5 3883 Howard Hughes Parkway  
6 Suite 1100  
7 Las Vegas, Nevada 89169  
8 Telephone: 702.784.5200  
9 Facsimile: 702.784.5252  
10 Email: [pbyrne@swlaw.com](mailto:pbyrne@swlaw.com)  
11 [rgordon@swlaw.com](mailto:rgordon@swlaw.com)  
12 [divie@swlaw.com](mailto:divie@swlaw.com)

13 *Attorneys for Respondents City of North Las Vegas and*  
14 *Barbara A. Andolina, City Clerk*

15 **DISTRICT COURT**  
16 **CLARK COUNTY, NEVADA**

17 HONORABLE CATHERINE RAMSEY  
18 NORTH LAS VEGAS MUNICIPAL JUDGE,  
19  
20 Plaintiff,

21 vs.

22 THE CITY OF NORTH LAS VEGAS and  
23 BARBARA A. ANDOLINA City Clerk of  
24 NORTH LAS VEGAS, BETTY HAMILTON,  
25 MICHAEL WILLIAM MORENO, and BOB  
26 BORGERSEN, individually and as Members of  
27 "REMOVE RAMSEY NOW,"  
28 Defendants.

*Consolidated Cases:*  
Case No. A-15-719406-P  
Case No. A-15-719651-C

Dept. No. XX

**THE CITY OF NORTH LAS VEGAS  
AND BARBARA A. ANDOLINA CITY  
CLERK'S FIRST SUPPLEMENT TO  
LIST OF WITNESSES AND EXHIBITS**

Date of Continued Hearing: July 2, 2015  
Time of Hearing: 1:00 p.m.

29 Defendants, the City of North Las Vegas and Barbara A. Andolina, City Clerk of North  
30 Las Vegas (collectively "Defendants"), by and through their counsel, the law firm of Snell &  
31 Wilmer, L.L.P., hereby submit the following Supplement to its List of Witnesses and Exhibits in  
32 advance of the continued hearing on Plaintiff Catherine Ramsey, North Las Vegas Municipal  
33 Judge's ("Plaintiff") Complaint pursuant to NRS 306.040 challenging the sufficiency of the  
34 petition to recall Plaintiff. Supplements are indicated in **bold face**.

1 **I. WITNESSES**

2 Defendants identify the following witnesses which may be called at the hearing:

- 3 1. Barbara Andolina  
4 City Clerk, City of North Las Vegas  
5 c/o Snell & Wilmer, L.L.P.  
6 3883 Howard Hughes Parkway  
7 Suite 1100  
8 Las Vegas, NV 89178  
9 (702) 784-5200

10 Ms. Andolina is expected to testify as to her role as City Clerk of the City of North Las  
11 Vegas in the recall petition process.

12 Defendants reserve the right to call at the hearing any witnesses identified by any other  
13 party to this action, as well as any other witnesses necessary for rebuttal.

14 **II. EXHIBITS**

15 Defendants identify the following exhibits which may be presented at the hearing:

- 16 1. Official Records of the City Clerk of the City of North Las Vegas pertaining to the  
17 recall petition process.

- 18 2. Email correspondence pertaining to the signature verification and audit.

19 Defendants reserve the right to present and utilize at the hearing any exhibits identified by  
20 any other parties to this action, as well as any other documents necessary for rebuttal.

21 Dated this 2nd day of July, 2015.

22 SNELL & WILMER L.L.P.

23 By: /s/ Daniel S. Ivie

24 Patrick G. Byrne  
25 Richard C. Gordon  
26 Daniel S. Ivie  
27 3883 Howard Hughes Parkway  
28 Suite 1100  
Las Vegas, Nevada 89169

*Attorneys for Respondents City of North  
Las Vegas and Barbara A. Andolina, City  
Clerk*

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **THE CITY OF NORTH LAS VEGAS AND BARBARA A. ANDOLINA CITY CLERK'S FIRST SUPPLEMENT TO LIST OF WITNESSES AND EXHIBITS** by the method indicated:

\_\_\_\_\_ by Court's CM/ECF Program

\_\_\_\_\_ by U. S. Mail

\_\_\_\_\_ by Facsimile Transmission

\_\_\_\_\_ by Overnight Mail

\_\_\_\_\_ by Federal Express

\_\_\_\_\_ by Electronic Service

XXX by Hand Delivery

and addressed to the following:

Craig A. Mueller, Esq.  
MUELLER, HINDS & ASSOCIATES  
600 S. Eighth Street  
Las Vegas, Nevada 89101  
*Attorneys for Petitioner  
Catherine Ramsey,  
North Las Vegas Municipal Judge*

Dominic P. Gentile, Esq.  
Ross Miller, Esq.  
Colleen E. McCarty, Esq.  
GENTILE, CRISTALLI,  
MILLER, ARMENI & SAVARESE  
410 South Rampart Blvd., Suite 420  
Las Vegas, Nevada 89145  
*Attorneys for Respondents  
Betty Hamilton, Michael William Moreno  
And Bob Bergensen*

Dated this 2nd day of July, 2015.

By /s/ Richard C. Gordon  
An employee of Snell & Wilmer L.L.P.

5/1/2015

Cityofnorthlasvegas.com Mail - Fwd: FW: Judge Ramsey



Barbara Andolina <andolinab@cityofnorthlasvegas.com>

---

## Fwd: FW: Judge Ramsey

1 message

---

Barbara Andolina <andolinab@cityofnorthlasvegas.com>

Mon, Jun 1, 2015 at 5:55 AM

To: Catherine Ramsey <ramseyc@cityofnorthlasvegas.com>, katesq923@aol.com

Cc: Unnamed <JPG@clarkcountynv.gov>

Bcc: Adel Tapia-Rojas <tapia-rojasa@cityofnorthlasvegas.com>, Monica Eisenman <MNE@clarkcountynv.gov>, Barbara Andolina <andolinab@cityofnorthlasvegas.com>

Judge Ramsey,

Please see the attached email. Would you please confirm that Mr. Johnny Jackson with Aloha Consulting is your representative for the Recall Petition to Recall Judge Catherine Ramsey.

Once confirmation has been received I will contact Mr. Jackson to make arrangements regarding his requests.

Thank you,  
Barbara

----- Forwarded message -----

From: Joseph Gloria <JPG@clarkcountynv.gov>

Date: Sun, May 31, 2015 at 1:04 PM

Subject: FW: Judge Ramsey

To: "andolinab@cityofnorthlasvegas.com" <andolinab@cityofnorthlasvegas.com>

See below from Johnny Jackson, representative for Judge Ramsey.

---

From: AlohaConsulting [alohaconsulting@gmail.com]

Sent: Friday, May 29, 2015 3:13 PM

To: Joseph Gloria

Subject: RE: Judge Ramsey

Hi Joe, In regards to our conversation today regarding getting a copy of the Signatures of the Re-Call Petition. Accept this e-mail as a formal request. Please let us know the process and cost. Also, we are asking again for permission to observe your counting and verification of the signatures. Again, thank you for speaking with me.

Johnny Jackson  
702 283-6521

---

Barbara A. Andolina, City Clerk  
2250 Las Vegas Boulevard, North  
North Las Vegas, NV 89030  
TN: (702) 633-1031  
Fax: (702) 649-3846  
Email: andolinab@cityofnorthlasvegas.com

6/1/2015

Cityofnorthlasvegas.com Mail - Re: FW: Judge Ramsey



Barbara Andolina <andolinab@cityofnorthlasvegas.com>

---

**Re: FW: Judge Ramsey**

1 message

*Ramsey's Attorney  
Dan Burdick*

---

**Barbara Andolina** <andolinab@cityofnorthlasvegas.com>  
To: alohaconsulting@gmail.com  
Cc: Unnamed <JPG@clarkcountynv.gov>  
Bcc: Barbara Andolina <andolinab@cityofnorthlasvegas.com>

Mon, Jun 1, 2015 at 8:31 AM

Mr. Jackson,

I am responding to your email to Mr. Gloria, Registrar of Voters for Clark County.

The signature verification process will begin this morning at 9:30 a.m. at the Clark County Election Department, 965 Trade Dr., North Las Vegas. Would you please bring verification that you are a representative for Judge Catherine Ramsey.

Also, for copies of the petition, when the petition has been returned to the City Clerk's Office we can provide you a copy. I will contact you with the cost to provide the information requested.

Thank you,  
Barbara

On Sun, May 31, 2015 at 1:04 PM, Joseph Gloria <JPG@clarkcountynv.gov> wrote:  
See below from Johnny Jackson, representative for Judge Ramsey.

---

From: AlohaConsulting [alohaconsulting@gmail.com]  
Sent: Friday, May 29, 2015 3:13 PM  
To: Joseph Gloria  
Subject: RE: Judge Ramsey

Hi Joe, In regards to our conversation today regarding getting a copy of the Signatures of the Re-Call Petition. Accept this e-mail as a formal request. Please let us know the process and cost. Also, we are asking again for permission to observe your counting and verification of the signatures. Again, thank you for speaking with me.

Johnny Jackson  
702 283-6521

—  
Barbara A. Andolina, City Clerk  
2250 Las Vegas Boulevard, North  
North Las Vegas, NV 89030  
TN: (702) 633-1031  
Fax: (702) 649-3846  
Email: andolinab@cityofnorthlasvegas.com

6/17/2015

Cityofnorthlasvegas.com Mail - FW: Judge Ramsey



Barbara Andolina <andolinab@cityofnorthlasvegas.com>

---

**FW: Judge Ramsey**

1 message

---

Joseph Gloria <JPG@clarkcountynv.gov>

To: "andolinab@cityofnorthlasvegas.com" <andolinab@cityofnorthlasvegas.com>

Sun, May 31, 2015 at 1:04 PM

See below from Johnny Jackson, representative for Judge Ramsey.

---

From: AlohaConsulting [alohaconsulting@gmail.com]

Sent: Friday, May 29, 2015 3:13 PM

To: Joseph Gloria

Subject: RE: Judge Ramsey

Hi Joe, In regards to our conversation today regarding getting a copy of the Signatures of the Re-Call Petition. Accept this e-mail as a formal request. Please let us know the process and cost. Also, we are asking again for permission to observe your counting and verification of the signatures. Again, thank you for speaking with me.

Johnny Jackson  
702 283-6521

DISTRICT COURT  
CLARK COUNTY, NEVADA

Other Civil Filings (Petition)

COURT MINUTES

July 02, 2015

A-15-719406-P

In the Matter of the Petition of  
Catherine Ramsey

July 02, 2015

1:00 PM

Hearing

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 10D

COURT CLERK: Linda Skinner

RECORDER: Susan Dolorfino

REPORTER:

**PARTIES**

**PRESENT:**

Goldstein, Steven M.  
Gordon, Richard C.  
Ivie, Daniel  
McCarty, Colleen E.  
Miller, Ross J.  
Mueller, Craig A  
Ramsey, Catherine

Attorney for Petitioner  
Attorney for Resp North Las Vegas  
Attorney for Resp North Las Vegas  
Attorney for Respondents  
Attorney for Respondents  
Attorney for Petitioner  
Petitioner

**JOURNAL ENTRIES**

Prior to hearing, Mr. Mueller provided documents based on the testimony by Mr. Pruesch. Arguments by Mr. Miller and Mr. Gordon. Exclusionary rule invoked. Hearing continued. Testimony and exhibits presented (see worksheets). Closing arguments by Mr. Mueller and Mr. Miller. Court stated its FINDINGS and ORDERED, the Petition for Emergency Injunction, treating it as first a complaint for alleging a violation of Judge Ramsey's constitutional rights concerning the recall is DENIED and DENIED the Injunction. FURTHER, as to the separate complaint challenging the sufficiency of the petition process, Court FINDS the eight causes of action are not sufficient to undermine the Petition and DENIED the complaint. Court advised it would prepare a written Order by Monday, July 6th. Mr. Mueller requested a stay to file an appeal. Statements by Mr. Miller as to the call for a special election and requested this also be addressed in the Court's Order including that the Clerk is to issue a call for a special election within 10-20 days and that the election be held no later than August 25th. Statements by Mr. Gordon. Arguments by counsel as to the stay. Court DENIED

PRINT DATE: 07/08/2015

Page 1 of 2

Minutes Date: July 02, 2015

**A-15-719406-P**

request for stay.

CLERK'S NOTE: The documents presented prior to the hearing reconvening, were never marked for evidence, offered or admitted. ls

1 ORDR

2

EIGHTH JUDICIAL DISTRICT COURT

3

CLARK COUNTY, NEVADA

4

HONORABLE CATHERINE RAMSEY  
NORTH LAS VEGAS MUNICIPAL JUDGE,

5

Petitioner/Plaintiff,

6

vs.

7

THE CITY OF NORTH LAS VEGAS AND  
BARBARA A. ANDOLINA CITY CLERK OF  
NORTH LAS VEGAS, BETTY HAMILTON,  
MICHAEL WILLIAM MORENO, AND BOB  
BORGENSEN, INDIVIDUALLY AND AS  
MEMBERS OF "REMOVE RAMSEY NOW",

10

11

Respondents/Defendants.

12

13

DECISION & ORDER

14

THIS MATTER came before the Court for oral argument on Petitioner/Plaintiff's

15

Emergency Petition for Injunction, A-15-719406-P, on June 18, 2015. On June 23, 2015, the Court

16

consolidated this action with Petitioner/Plaintiff's Complaint, A-15-719651-C. The Court held a

17

hearing on both matters on June 29, 2015 and July 2, 2015. Appearing on behalf of

18

Petitioner/Plaintiff HONORABLE CATHERINE RAMSEY NORTH LAS VEGAS MUNICIPAL

19

JUDGE was CRAIG A. MUELLER, ESQ., of the law firm of MUELLER, HINDS &

20

ASSOCIATES; appearing on behalf of Respondents/Defendants BETTY HAMILTON, MICHAEL

21

WILLIAM MORENO and BOB BORGENSEN was DOMINIC P. GENTILE, ESQ., ROSS J.

22

MILLER, ESQ. and COLLEEN E. MCCARTY, ESQ., of the law firm of GENTILE, CRISTALLI,

23

MILLER, ARMENI & SAVARESE; and appearing on behalf of Respondents/Defendants the CITY

24

OF NORTH LAS VEGAS and BARBARA ANDOLINA was RICHARD C. GORDON, ESQ.,

Case No. A-15-719406-P

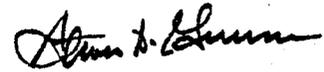
Electronically Filed

07/06/2015 04:24:24 PM

Dept. No. XX

Consolidated with:

A-15-719651-C



CLERK OF THE COURT

DECISION & ORDER

1 PATRICK E. BYRNE, ESQ., and DANIEL IVIE, ESQ., of the law firm of SNELL & WILMER.  
2 This Court having considered all related pleadings, documents, and the arguments of counsel, makes  
3 the following findings of facts and conclusions of law.

4 I. EMERGENCY PETITION FOR INJUNCTION AND FIRST CAUSE OF ACTION

5 A. Resolution of Procedural Issues With Petition for Injunction

6 As the Court noted at the first hearing in this matter on June 18, 2015, Petitioner/Plaintiff  
7 [hereinafter Plaintiff] filed her Emergency Petition for Injunction under NRS 295.105(4) and NRS  
8 33.010. However, NRS 295.105 does not concern petitions for recall, but rather, those for ballot  
9 questions or referendums for municipalities. Consequently, NRS 295.105 does not provide a basis  
10 for Plaintiff to seek her requested injunctive relief. The proper statutory provision under which  
11 Plaintiff should have sought relief was NRS 306.040 which specifically concerns recall petitions.  
12 Additionally, under Nevada Rules of Civil Procedure [NRCP] Rule 3 “[a] civil action is commenced  
13 by filing a Complaint with the court.” NRS 33.010, which provides for the Court to grant injunctive  
14 relief, states that an injunction may be granted in certain instances after the Plaintiff has filed a  
15 Complaint or the parties have otherwise initiated litigation. Indeed, both NRS 306.040, addressing  
16 recall petitions, and NRS 295.105, concerning city ballot initiatives, speak in terms of the  
17 challenging party filing a complaint to bring the matter before the court. At the hearing, the Court  
18 questioned whether Plaintiff had properly proceeded in this matter in that she had not filed a  
19 Complaint to initiate litigation, or set out a proper basis for relief under NRS 295.105. She had only  
20 filed an Emergency Petition for Injunction, which under NRS 33.010 requires the separate initiation  
21 of litigation by Complaint.

22 At the hearing, Plaintiff’s counsel suggested that Judge Ramsey’s filing of the single petition  
23 for injunction without filing a separate Complaint asserting a cause of action was intentional as  
24 counsel did not see the reason or need to file two documents when one would be sufficient if it

1 provided all the necessary allegations and demands to satisfy the purposes of the NRCP. Plaintiff  
2 asked the Court to construe the "Petition for Injunction" as both a Complaint initiating litigation and  
3 a separate motion for injunctive relief although not labeled as such. Plaintiff further argued that  
4 while the statutory basis for her action may be incorrect, her petition for injunction sets forth a  
5 sufficient statement of facts and law to allege a violation of her Nevada Constitutional rights as a  
6 judge and state her desired injunctive relief, meeting the requirements of NRCP 8(a). NRCP 8(a)  
7 requires, "[a] pleading which sets forth a claim for relief, whether an original claim...shall contain  
8 (1) a short and plain statement of the claim showing that the pleader is entitled to relief, and (2) a  
9 demand for judgment for the relief the pleader seeks."

10 Although at the hearing held on June 18, 2015, Respondents/Defendants [hereinafter  
11 Defendants] in the instant matter also questioned Plaintiff's procedural approach, they expressed  
12 they were willing to allow the Court to construe Judge Ramsey's filing in a manner which would  
13 allow this Court to rule on the underlying constitutional issue of whether a judge could be recalled  
14 under the Nevada Constitution. Defendants, however, expressed concern that Plaintiff had also filed  
15 a separate Complaint under NRS Chapter 306. Plaintiff in her first cause of action of the Complaint  
16 effectively realleged her contention that the Nevada Constitution does not permit her recall.  
17 Defendants expressed concern if the Court did not consolidate the two actions under NRCP 42(a),  
18 Plaintiff would possibly seek "two bites of the apple" on the constitutional question before different  
19 courts. Plaintiff's counsel would not commit to this Court to treat a decision on the constitutional  
20 issue as determinative of the issue in Plaintiff's separate action.

21 Consequently, to effectuate the interests of the parties and expedite the orderly progression of  
22 this litigation, the Court will treat Plaintiff's Emergency Petition for Injunction as a Complaint  
23 alleging a violation of the Nevada Constitution as its cause of action and demanding declarative  
24 relief. The Court will also treat the petition as a motion for injunction under NRS 33.010. Because

1 of the similarity of issues, the Court previously ordered the consolidation of A-15-719406-P and A-  
2 15-719651-C. This Court is acting appropriately in this instance in view of the parties' assertions of  
3 either no procedural errors or waiver of any procedural errors, and in view of NRCP 8's underlying  
4 purpose to ensure that the documents filed to initiate litigation give fair notice of the basis of the  
5 claim and relief being sought. The parties all clearly indicated they understood the constitutional  
6 basis of Plaintiff's claim and the declarative relief sought.

7 B. Article 2, Section 9 of the Nevada Constitution Allows the Recall of Judges

8 Plaintiff contends as a judge, she is not subject to the recall provisions of Article 2, Section 9  
9 of the Nevada Constitution and she may only be removed from the bench pursuant to Article 6,  
10 Section 21, providing for the Nevada Commission for Judicial Discipline. To answer this question,  
11 the Court must first determine whether at the time the legislature and Nevada voters approved  
12 Article 2, Section 9 in 1912, they understood the term "[e]very public officer" as used in the article  
13 to include judges. If so, then the Court next must determine whether the legislature and Nevada  
14 voters understood their passage of Article 6, Section 21 in 1976, creating the Judicial Disciplinary  
15 Commission, as repealing Nevada citizens' right to recall as to judges.

16 The Nevada Constitution Article 2, Section 9, sets out Nevadans' right to recall public officials.

17 It provides in relevant part:

18 Recall of public officers: Procedure and limitations. Every public officer in the State of  
19 Nevada is subject, as herein provided, to recall from office by the registered voters of the  
20 state, or of the county, district, or municipality which he represents. For this purpose, not  
21 less than twenty-five percent (25%) of the number who actually voted in the state or in the  
22 county, district, or municipality which he represents, at the election in which he was  
elected, shall file their petition, in the manner herein provided, demanding his recall by the  
people. They shall set forth in said petition, in not exceeding two hundred (200) words, the  
reasons why said recall is demanded.

23 This provision of the Nevada Constitution was added by amendment in 1912, as part of a section of  
24 the Constitution entitled "Suffrage." This indicates that at the time of its adoption, the legislature

1 and voting citizens perceived the amendment to further define Nevada citizens' rights as voters  
2 generally. The legislature in drafting the amendment did not set out an exclusive list of included  
3 offices or descriptions of positions. Instead, the legislature passed and Nevada citizens approved an  
4 amendment which broadly provides for "[e]very public officer" to be subject to recall. The term  
5 "public officer" is not expressly defined in the Nevada Constitution. In determining whether a judge  
6 is a "public officer" within Article 2, Section 9, this Court is mindful of the basic interpretive  
7 principal that the Nevada Constitution should be construed in its ordinary sense unless some  
8 apparent absurdity or unmistakable interest of its framers forbids such construction. *State ex rel.*  
9 *Lewis v. Doron*, 5 Nev. 399, 411 (1870). Consequently, where the language in the Nevada  
10 Constitution is plain and not ambiguous, it should be read in those plain and unambiguous terms.  
11 *State ex rel. Summerfield v. Clarke*, 21 Nev. 333, 337, 31 P. 545 (1982). These principles were  
12 recently reaffirmed by the Supreme Court in the context of interpreting Article 2, Section 9, in  
13 *Strickland v. Waymire*, 126 Nev. Adv. Op. 25, 235 P.3d 605, 608 (2010), explaining "we, like the  
14 United States Supreme Court, 'are guided by the principle that "[t]he Constitution was written to be  
15 understood by the voters; its words and phrases were used in their normal and ordinary as  
16 distinguished from technical meaning.'" [quoting *District of Columbia v. Heller*, 554 U.S. 570  
17 (2008) (quoting *United States v. Sprague*, 282 U.S. 716, 731 (1931))]. Consequently, the Court must  
18 first consider whether "public officer," in the normal and ordinary sense of the term, includes a  
19 judge.

20 In this regard, this Court believes an average voter would normally and ordinarily perceive  
21 the term "[e]very public officer" to include all officials exercising some level public authority,  
22 inclusive of all executive, legislative and judicial officials. The Court finds support for its  
23 perception of the normal and ordinary meaning of "every public official" from a variety of sources.  
24 For example, Merriam-Webster OnLine, whose hardcover dictionary the Nevada Supreme Court

1 referenced in *Strickland v. Waymire* to assist in determining the ordinary meaning of “number” and  
2 “actually,” 126 Nev. Adv. Op. 25, 235 P.3d at 609 (quoting *Webster's New Universal Unabridged*  
3 *Dictionary* (2d ed. 1996)), defines “public officer” as “a person who has been legally elected or  
4 appointed to office and who exercises governmental functions.” *Merriam-Webster OnLine*, “Public  
5 Officer,” (June 28, 2015) [www.merriam-webster.com/dictionary/public%20officer](http://www.merriam-webster.com/dictionary/public%20officer). Judges are  
6 officials who are elected or appoint to office and exercise certain governmental functions. Another  
7 example, the Nevada Supreme Court in its opinion in *Nevada Judges Association v. Lau*, 112 Nev.  
8 51, 60, 910 P.2d 898, 904 (1996), indicated that its members generally understood the term “all  
9 public officials” to typically include judicial officers. In discussing the original language of the  
10 proposed amendment setting term limits for state and local public officials, the high Court  
11 referenced how the initiative’s language lumped together “all public officials—whether legislative,  
12 executive or judicial.” *Id.* In its advisory opinion last month, the members of the State of Nevada  
13 Standing Committee On Judicial Ethics, while not specifically dealing with the definition of “public  
14 officer” under Article 2, Section 9, clearly indicated that they read the term’s general meaning to  
15 include judges, commenting “under Article 2, Section 9, “sitting judges are subject to recall petition  
16 and election just as they are subject to regular elections.” *Advisory Opinion JE15-011* (May 14,  
17 2015). Even the legislative history Plaintiff quotes in reference to the Judicial Disciplinary  
18 Commission supports the view that ordinary voters or legislators understand the term “every public  
19 officer” to include judicial officers. In the Nevada State Legislature Background Paper 81-8  
20 JUDICIAL DISCIPLINE, which Plaintiff states was intended to inform members of the legislature  
21 as to issues relating to judicial discipline, the writer notes: “Because of the shortcomings of  
22 impeachment, recall and legislative address, the judicial discipline commission was develop to  
23 handle judicial misconduct.” The reference in the quote to shortcomings with recall demonstrates  
24 that the writer for the background paper understood the Article 2, Section 9’s reference to “every

1 public officer” to include judicial officers. Defendants note other sources which also clearly  
2 understand the term “every public officer” as used in the Nevada Constitutions recall provisions to  
3 include judicial officers. James J. Alfini, Steven Lubet, Jeffrey M. Shaman, Charles G. Geyh,  
4 *Judicial Conduct and Ethics* 14.06 (5<sup>th</sup> ed. 2013); National Center for State Courts, *Removal of*  
5 *Judges*, (June 28, 2015)  
6 [www.judicialselection.us/judicial\\_selection/methods/removal\\_of\\_judges.cfm?state=](http://www.judicialselection.us/judicial_selection/methods/removal_of_judges.cfm?state=). While the  
7 Nevada Supreme Court, Ethics Committee, and other sources noted above were not being  
8 specifically asked to define public officer or officials in their decisions or writings, their use of the  
9 term in the manners they did, reinforces this Court’s general view that the normal and ordinary  
10 understanding of the term “[e]very public official” in Article 9, Section 2, includes judicial officers.

11 The Nevada Supreme Court has not had the opportunity to consider the question whether a  
12 judge is a public officer subject to recall. However, the high Court, just three years after the recall  
13 amendment in 1915 had the opportunity to generally consider what government positions should be  
14 considered “civil office of profit” as included in Article 4, Section 8 of the Nevada Constitution. In  
15 *State ex rel. Kendall v. Cole*, 38 Nev. 215, 148 P. 551 (1915), the Nevada Supreme Court discussed  
16 at length the concept of a “public office,” listing and approving a number of prior court cases from  
17 different jurisdictions discussing the attributes of a public office as opposed to public employment or  
18 private office. These approved factors included:

- 19 (1) whether the holder of the office is entrusted with some portion of the sovereign  
20 authority of the state; (2) whether his duties involve the continuous exercise, as part of  
21 the regular and permanent administration of the government, of a public power, trust or  
22 duty; (3) whether his compensation, period of employment and the details of his duties  
are set forth in statute or in the constitution; (4) whether he must take the oath of public  
office pursuant to Nev. Const. art. 15, sec. 2; and (5) whether he must keep a record of  
his official acts.

23 1987 Nev. Op. Atty. Gen. No. 7 (March 27, 1987)(citing *Kendall*, 38 Nev. at 231-232).

24 All of these attributes can be found in the position of a judge. Judges take an oath of office, their

1 compensation, terms of office, jurisdiction and general duties are set by law, they exercise some  
2 portion of the sovereign authority of the state, exercise a public power and trust, and keep records of  
3 their official acts.

4 Plaintiff argues only executive and legislative officers are subject to recall. The fact the  
5 constitutional provision for recall lies in Article 2 of the Nevada Constitution, concerning citizens'  
6 suffrage rights, and not in Articles 4 and 5 concerning legislative and executive branches appears to  
7 belie that suggestion. She also points to NRS 281A.160, a provision of NRS Chapter 281A, which  
8 concerns Ethics in Government and contains certain provisions generally applicable to public  
9 officers. NRS 281A.160 defines public officers to exclude judicial officers. She argues that through  
10 this statute the legislature demonstrated the term "public officer" does not include judicial officers.  
11 However, the legislature frequently uses general terms in its statutes and then provides specific  
12 definitions of the term applicable to that statute only. Indeed, in NRS 281A.030, the statute  
13 expressly states the definitions in NRS 281A.035 through NRS 281A.170 are for the words and  
14 terms "[a]s used in this chapter," relating to *Ethics in Government* and not broadly to all statutes and  
15 the Constitution. As Defendants point out, the *Ethics in Government* statute logically excludes  
16 judges because the ethical requirements for judges are set out in the Nevada Code of Judicial  
17 Conduct and discipline is administered through the Nevada Commission on Judicial Discipline and  
18 Nevada Supreme Court. Consequently, the legislature simply excluded judicial officers from the  
19 public officers whose ethical requirements are defined in NRS Chapter 281A. What is significant,  
20 however, is the legislature in excluding judicial officers as "public officials" under NRS Chapter  
21 281A, must have believed the general understanding of the term public officer would include  
22 judicial officers; otherwise, there would have been no reason to specifically exclude them in the  
23 statute.

24 Because it finds the constitutional language is clear on its face and not ambiguous and

1 susceptible to two or more reasonable interpretations, this Court has no need to look and consider  
2 anything beyond the language of Article 2, Section 9. *Strickland v. Waymire*, 126 Nev. Adv. Op. 25,  
3 235 P.3d at 608. However, this Court also finds persuasive the Attorney General's 1987 opinion's  
4 detailed analysis of the historical and legislative background concerning the passage of the recall  
5 amendment in 1912. This history strongly indicates the amendment was part of the Progressive  
6 movement at that time which involved, in part, an anti-judicial sentiment. 1987 Nev. Op. Atty. Gen.  
7 No. 7 (March 27, 1987) (citing *Fossey, Meiners v. Bering Strait School District and the Recall of*  
8 *Public Officers: A Proposal for Legislative Reform*, 2 Alaska L. Rev. 41, 42 (1985); Moser,  
9 *Populism A Wisconsin Heritage: Its Effect on Judicial Accountability in the State*, 66 Marquette L.  
10 Rev. 1, 36 (1982); J. Hurst, *The Growth of American Law*, 360 (1950). Of particular interest to the  
11 Court are three other western states at that same approximate time passed recall amendments with  
12 very similar language to Nevada's, allowing for the recall of public officers without any limitation.  
13 As the Nevada Attorney General pointed out, "[u]nlike Nevada, in Arizona, Colorado, and Oregon,  
14 their recall provisions have been subjected to judicial scrutiny. In all three of the states, the courts  
15 have held that judges are public officers subject to recall pursuant to their constitution. *Abbey v.*  
16 *Green*, 235 P. 150 (Ariz. 1925); *Marians v. People ex rel. Hines*, 169 P. 155 (Colo. 1917); *State ex*  
17 *rel. Clark v. Harris*, 144 P. 109 (Ore. 1914)." 1987 Nev. Op. Atty. Gen. No. 7 (March 27, 1987).  
18 The Court also notes the authorities the Attorney General cites which discuss how the Nevada Bar  
19 Association, following the lead of the American Bar Association, formally opposed the passage of  
20 the recall amendment in 1912 because it permitted the recall of judicial officers. *Id.* (citing the  
21 *Carson City Appeal*, July 26, 1912, at 4, col. 3). Despite the opposition of the Nevada Bar  
22 Association and the American Bar Association, Nevada voters overwhelmingly approved amending  
23 the constitution to allow the recall of "[e]very public officer." *Id.* (citing Secretary of State (William  
24 D. Swackhamer), *Political History of Nevada*, (Carson City: State Printing Office, 1986) at 262).

1 Considering the plain and unambiguous language of Article 2, Section 9, as well as the relevant  
2 history surrounding the passage of the recall amendment in 1912, the Court finds the term “[e]very  
3 public officer” used in the article includes judges and the article permits voters to recall a judge.

4 The Court now turns to Plaintiff’s contention that the legislature and voters in approving  
5 Article 6, Section 21, in 1976, creating the Nevada Commission on Judicial Discipline, either  
6 intended to limit the removal of judges to proceeding brought under the auspices of the Commission,  
7 or otherwise enacted a constitutional amendment inconsistent with Article 2, Section 9 and,  
8 consequently, superseding it. *Rea v. City of Reno*, 76 Nev. 483, 357 P.2d 585, 587 (1960) (if  
9 provisions of the Constitution are inconsistent with each other, the provision adopted later is  
10 controlling).

11 Plaintiff initially contends Article 6, Section 21 of the Nevada Constitution, providing for  
12 judicial discipline, was intended by the legislature and voters through its drafting and passage to be  
13 the sole mechanism for removal of judges. However, neither the language of the amendment nor the  
14 ballot explanation provided at the time of its passage in 1976 express that Nevada’s voters are giving  
15 up their right to recall their judges by approval of the amendment. The legislature could have easily  
16 made such provisions in the amendment’s language to modify Article 2, Section 9, if that was its  
17 intent. If the legislature and voters in 1976 intended by the passage of Article 6, Section 21 to  
18 eliminate the right to recall judges under Article 2, Section 9, this Court “would expect a direct state  
19 and express language to that effect.” *Strickland v. Waymire*, 126 Nev. Adv. Op. 25, 235 P.3d at 611  
20 (2010) (citing 3 Norman J. Singer & J.D. Shambie Singer, *Sutherland Statutory Construction* 58:3,  
21 at 114-15 (7<sup>th</sup> ed. 2008)). Nowhere in the ballot explanation does it suggest, much less clearly state,  
22 that voters in approving the amendment are modifying Article 2, Section 9, and surrendering their  
23 right to recall judges. Nevada Secretary of State, *Constitutional Amendments to be Voted Upon in*  
24 *State of Nevada at General Election*, November 2, 1976, at 16-17 (1976).

1           The amendment creating the judicial disciplinary commission is not inconsistent with the  
2 constitutional provisions providing for recall of public officers. Article 6, Section 21, like  
3 impeachment as provided in Article 7, Section 2, provides for discipline of judges for misdemeanor  
4 or malfeasance while in office. Article 2, Section 9, in providing voters the right to recall a public  
5 officer, does not require any allegation of misfeasance, nonfeasance or malfeasance. All that is  
6 demanded is the voters seeking recall of an official state a reason. "The merit of that reason as  
7 grounds for removal is for the electorate to determine...." *Batchelor v. Eighth Judicial Dist. Court*,  
8 81 Nev. 629, 633, 408 P.2d 239, 632 (1965). Consequently, recall provides a separate basis  
9 independent of the disciplinary function of the judicial disciplinary commission to remove a judge.  
10 As the Nevada Attorney General in his 1987 advisory opinion pointed out:

11           we are of the opinion that Nev. Const. art. 6, sec. 21 is not applicable to our analysis of  
12 whether a district judge is a public officer subject to recall, since the provisions of art.  
13 2, sec. 9 and art. 6, sec. 21 are not inconsistent. *See Rea v. City of Reno*, 76 Nev. 483,  
14 488, 357 P.2d 585 (1960). In contrast to a disciplinary action, there need not exist a  
good reason for recall of a public officer, nor is there a requirement that cause be  
shown. The merit of the recall petition is for the people to decide. *Batchelor v. Eighth  
Judicial District Court*, 81 Nev. 629, 408 P.2d 239 (1965).

15 1987 Nev. Op. Atty. Gen. No. 7 (March 27, 1987).

16           Plaintiff argues that NRS 1.440(1) clearly demonstrates that the legislature has interpreted  
17 the amendment creating the Nevada Commission on Judicial Discipline to eliminate the voters' right  
18 to recall judges. This section reads: "The Commission has exclusive jurisdiction over the public  
19 censure, removal, involuntary retirement and other discipline of judges which is coextensive with its  
20 jurisdiction over justices of the Supreme Court and must be exercised in the same manner and under  
21 the same rules." In *Halverson v. Hardcastle*, 123 Nev. 245, 263, 163 P.3d 428, 441 (2007) the  
22 Nevada Supreme Court stated "[u]nder the Nevada Constitution, the judicial discipline commission  
23 exercises exclusive jurisdiction over the formal discipline of judges which may include censure,  
24 removal, and retirement." NRS 1.440 only provides for the Commission to have exclusive

1 jurisdiction over the "discipline" of judges. Likewise, in *Halverson*, the Supreme Court stated only  
2 the judicial discipline commission has exclusive jurisdiction over the "formal discipline" of judges,  
3 which could amount to removal of the judge from his or her position. The voters' right to recall  
4 extends to virtually any reason a sufficient number of voters believes would justify removal of a  
5 public official. Consequently, recall is not definitively a form of "discipline". Consequently, as  
6 noted above, Article 6, Section 21 and NRS 1.440 are not inconsistent with the right to recall in  
7 Article 2, Section 9, and neither limits the voters' right to recall judges. Moreover, the Nevada  
8 Supreme Court in *Halverson* seemed to recognize that the Commission does not possess the sole  
9 authority or means to remove a judge. In stating "[u]nder the Nevada Constitution, the Judicial  
10 Discipline Commission exercises exclusive jurisdiction over the formal discipline of judges," the  
11 Supreme Court provided a lengthy citation to Article 6, Section 21, and court cases discussing the  
12 concept of exclusive jurisdiction, but then at the end of the citation added: "*But see Nev. Const. art.*  
13 *2, § 9; id. art. 7, § 2; NRS 3.092 (providing for the voluntary retirement of district court judges for*  
14 *permanent physical or mental incapacitation from performing the duties of office, regardless of*  
15 *age)."* *Id.* at n. 37.

16 Plaintiff argues public policy considerations support finding that judges should not be subject  
17 to recall and put at risk of being influenced by public opinion and electoral pressures. Whether  
18 judges should be subject to election and, consequently, subject to removal by voters is a debate  
19 various states have answered in different ways. Nevada voters have, on more than one occasion,  
20 considered and rejected constitutional amendments providing for the initial appointment of judges  
21 with subsequent retention votes by the electorate. Nevada citizens plainly want the right to elect  
22 their judges and their history also strongly suggests they want be able to recall them. The Court  
23 finds no reason to doubt the wisdom of Nevada citizens having the right to recall their judges.  
24 Nevada citizens have not abused this privilege and this State's history demonstrates they appreciate

1 the significance of this responsibility. As Plaintiff notes, in Nevada's 150-year history, voters have  
2 never recalled a judge. Rather than demonstrate that judges should not be subject to recall, this fact  
3 demonstrates Nevada voters are prudent and considerate in exercising their right to recall and not  
4 subject to political whims and frivolous causes. Indeed, the approval of the recall petition in this  
5 matter does not mean that Plaintiff will ultimately be recalled. Voters will be asked to consider the  
6 reasons for recalling Plaintiff and decide whether the reasons are sufficient to recall her. Voters can  
7 reject or accept those reasons as they, in their insight, believe is right. This is their right under the  
8 Nevada Constitution and this Court sees no basis to alter that because of fears of frivolous political  
9 winds, fears for which there are no factual basis. As the Supreme Court stated in *Batchelor*:

10 'All political power is inherent in the people. Government is instituted for the  
11 protection, security and benefit of the people; and they have the right to alter or reform  
12 the same whenever the public good may require it.' Nevada Constitution, Art 1, § 2.. In  
13 theory, a public officer need not fear recall if the reason given therefor is frivolous. In  
14 such case the required number of signatures on the petition to force an election should  
15 not be obtained and, if perchance, the required number of signatures is obtained, an  
16 intelligent, informed electorate reading the reason printed on the ballot as required, will  
17 not vote to recall him. Our governmental scheme dignifies the people; a treasured  
18 heritage, indeed. The provision for recall is but one example. We shall not intrude upon  
19 the people's prerogative.

20 The Court denies and dismisses Plaintiff's Petition/Complaint seeking a declaratory  
21 judgment that judicial officers are not subject to recall pursuant to Article 2, Section 9 of the Nevada  
22 Constitution, and it finds judges are public officers subject to recall under the provision of that  
23 section. Consequently, the Court denies Plaintiff's Petition/Motion for injunction to stop the recall  
24 petition of Judge Ramsey. Further, the Court dismisses Plaintiff's first cause of action of her  
Complaint which contends she is not subject to recall under NRS 306.020 because the term "public  
official" does not include judges. The Court finds NRS 306.020 was passed to aid in implementing  
the voters' right to recall pursuant to Article 2, Section 9, and the term "[e]very public official" used  
in NRS 306.020 does include judges as subject to recall.

1           II. SECOND AND THIRD CAUSES OF ACTION

2           Plaintiff in her Second Cause of Action makes the following assertions: 1) 2,549 signers of  
3 the petitions failed to provide their addresses as required by NRS 306.020(3)(a); 2) 102 signers of  
4 the petitions failed to include a date it was signed as required by NRS 306.020(3)(a)<sup>1</sup>; 3) over 295  
5 signatures on the petitions are duplicative and should not be counted under NRS 306.020(3)(a); and  
6 4) the petitions include over 295 instances where one person signed for multiple persons in a  
7 household and those signatures should not be counted under NRS 306.020(3)(a). In Plaintiff's Third  
8 Cause of Action, she asserts the words "Recall Petition" are not in 10 pt bold type above at least 40  
9 of the signatures on the petitions.

10           A. Substantial Compliance with the Recall Petition Statutes

11           At the hearing on this matter on June 29, 2015, Plaintiff did not provide any listing or  
12 tabulation of specific signatures she challenged for any of the alleged inadequacies noted above.  
13 The Court found its own review of the petitions it was the rare exception when a signature was not  
14 accompanied by a signer's address. The Court inquired of Plaintiff's counsel how Judge Ramsey  
15 determined 2,549 of the signers of the petition failed to include their address. Plaintiff's counsel in  
16 response explained that generally the signers' addresses did not include their zip codes and Plaintiff  
17 treated such addresses as incomplete. This Court finds a signer's failure to include a zip code did  
18 not invalidate his or her address. The statute only requires the address of the signer and does not  
19 specifically require the providing of a zip code. A zip code is a postal code used by the U.S. Postal  
20 Service to enhance its ability to quickly route mail to the areas where they should be delivered.  
21 Even if a letter does not include a zip code, the U.S. Postal Service will deliver the mail to the  
22 address on the letter. The statute's purpose in requiring an address is to assist the Election

23 \_\_\_\_\_  
24 <sup>1</sup> Plaintiff incorrectly cites NRS 306.020(3)(d)]. However, that section concerns the inclusion on the petition of the date  
the notice of intent to recall is filed. NRS 306.020(3)(a) concerns the requirement that the signer include the date he or  
she signs the petition.

1 Department in identifying the person who signed the petition and determining if he or she was a  
2 registered voter in the proper district. This purpose is accomplished by a signer providing his or her  
3 street address and no need exists for the signer to include a zip code. Plaintiff at the hearing  
4 introduced no other evidence or made any other argument concerning the failure of signers to  
5 provide their addresses. The Court finds Plaintiff's challenge to the petitions is not substantiated.

6 Likewise, at the hearing, the Court asked Plaintiff's counsel to explain his challenge that 40  
7 signatures did not have the words "Recall Petition" in 10 pt bold type immediately above them.  
8 Counsel explained Plaintiff had found a number of signatures where the signers had signed in the  
9 space designated for "Print Your Name" and then printed their names in the space designated for  
10 signature. Counsel argued, because the words "Recall Petition" were printed on the petition form at  
11 the top of each space on the form designated for signature and the space for "Print Your Name" was  
12 located on the form above the space for signature, when a signer signed in the "Print Your Name"  
13 space, the words "Recall Petition" were not immediately above his or her signature.

14 Plaintiff called Mark Preusch, a private investigator she hired to review the petitions in this  
15 matter. Mr. Preusch testified he had reviewed the petitions and found 117 instances where the signer  
16 had failed to include the date he or she signed the petition and 124 occasions where the signer had  
17 dated the petition in the wrong location. Defendants in turn called Monica Eisenman who was a  
18 supervisor of the verification of random sample signatures. She testified that in verifying a signature  
19 where a date was not included, the Clark County Election Department employees would look at  
20 surrounding signatures and the date or dates they were signed to determine the approximate missing  
21 date.

22 In *Cleland v. Eighth Judicial District Court*, 92 Nev. 454, 552 P.2d 488, 489-90 (1976), a  
23 public official subject to a recall petition challenged the petition, claiming it did not strictly adhere to  
24 the requirements of NRS Chapter 306. The Nevada Supreme Court noted it had previously held that

1 "recall statutes should be liberally construed with a view toward promoting the purpose for which  
2 they are enacted." *Id.* The high Court concluded: "We find the rule of substantial compliance best  
3 furthers this purpose and is apposite to the determination of sufficiency and validity of petitions here  
4 involved." *Id.* The Nevada Supreme Court has subsequently reaffirmed this standard in *Nevadans*  
5 *for Nevada v. Beers*, 122 Nev. 930, 142 P.3d 339 (2006), where the Court stated a substantial  
6 compliance standard is generally applied to statutory requirements, and in *Las Vegas Convention*  
7 *and Visitor Authority v. Miller*, 124 Nev. 669, 191 P.3d 1138, 1146-47 (2008), where the Court  
8 again held it looked for substantial compliance with a statutory requirement in the election context,  
9 stating "a substantial compliance standard accords proper deference to the people's initiative power."

10 Plaintiff introduced no testimony or other evidence identifying the signatures on the petitions  
11 which were above, rather than immediately below, the words "Recall Petition." Regardless, this  
12 Court finds those individuals who signed the petitions and who inadvertently placed their signatures  
13 in the box for "Print Your Name," and, consequently, immediately above the words "Recall  
14 Petition" in 10 pt bold print were in substantial compliance with statutory requirements. The  
15 purpose of the requirement is to ensure the individual signing the petition understands his or her  
16 signature is being placed on a recall petition. The words "Recall Petition" are in large print at the  
17 top of every page of the petition and are repeated in every signature box on the page. As noted  
18 above, the words are just below the signature of a person who signs in the "Print Your Name" space.  
19 Consequently, the Court has little doubt the signers did understand they were signing a recall  
20 petition.

21 This Court also finds that Election Department employees acted properly when they used  
22 surrounding signatures with dates on the petition to determine the date of signing for a person who  
23 signed without including a date. NRS 306.011(3) provides after giving notice of intent to circulate a  
24 petition for recall, those leading the recall effort have 90 days to collect the necessary number of

1 signatures. This window of time to obtain signatures “serves to notify elected officials of the  
2 relevant time periods involved and discourages frivolous and harassing petitions.” *Citizens for*  
3 *Honest & Responsible Government v. Heller*, 116 Nev. 939, 11 P.3d 121, 127 (2000). This statutory  
4 provision and its underlying purpose are met when Election Department officials through reasonable  
5 and reliable means can determine the approximate date a voter has signed a petition and if the voter  
6 signed within the 90 day period for collecting signatures. The Court finds a petition signer who  
7 inadvertently fails to date his or her signature substantially complies with the statute and its purpose  
8 when it can be reasonably determine the approximate date of signing.

9 B. Sufficiency and Accuracy of Random Sample Verification

10 While Plaintiff did not specifically challenge in her complaint the adequacy of the random  
11 sample process to statistically determine the number of valid signatures gathered in the petition, she  
12 did make several assertions in her Complaint that the random sample process failed to statistically  
13 identify large numbers of invalid signatures. At the hearing, Plaintiff’s counsel directly challenged  
14 the adequacy of the random sample process to accurately determine the number of valid signatures  
15 and requested a verification of all signatures on the petitions.

16 NRS 306.035(2) and NRS 293.1276-293.1279 allows the Election Department to use a  
17 statistical sampling procedure to determine the number of valid signatures on a petition and the  
18 Nevada Secretary of State may certify a recall election on the basis of such a sampling. The  
19 Election Department is required to pull an entirely random selection of 500 signatures or 5 percent  
20 of all signatures, whichever is larger, for verification. Both Ms. Eisenman and Registrar of Voters  
21 Joseph Gloria testified this random selection is done through use of a computer program which  
22 ensures the consideration of each signature on the petition for selection to the random sample. The  
23 Nevada Supreme Court has found the use of the random sample procedure to be accurate and  
24 constitutional as it “clearly creates a more efficient, less costly and less time-consuming process....”

1 that "'aids in the operation' of the recall right." *Citizens for Honest & Responsible Government v.*  
2 *Heller*, 116 Nev. 939, 11 P.3d at 128 (quoting Nev. Const. Art. 2, Sec. 9). In *Citizens for Honest &*  
3 *Responsible Government*, the high Court commented the process appears to be accurate. The Court  
4 noted the case involved the verification of two petitions, the first of which the Secretary of State had  
5 ordered be fully verified. In looking at the random sample statistical determination of invalid  
6 signatures against the actual full verification of the petition, the Court found the statistical sampling  
7 was accurate to within 0.25 percent of the actual number of verified signatures. The Court noted,  
8 "[t]his small discrepancy is indicative of the sampling procedure's reliability and rebuts any  
9 insinuation that an individual's vote might be overlooked by the procedure." *Id.* In the instant  
10 matter, the Clark County Election Department drew 500 signatures for the sample because of the  
11 low number of signatures on the petitions. This number represented approximately 18 percent of all  
12 signatures, much higher than the 5 percent required for petitions with a larger number of signatures.  
13 Consequently, as Mr. Gloria explained in his testimony, the size of the sample insured greater  
14 accuracy than in a case with only a 5 percent sampling. This Court, in considering Plaintiff's  
15 challenges to the accuracy of the random sampling in this case finds Judge Ramsey has failed to  
16 present evidence showing the sample failed to accurately determine the statistical occurrence of  
17 invalid signatures.

18 Plaintiff asserts that a large number of duplicate signatures are on the petitions beyond the  
19 statistical number picked up in the random sampling. Plaintiff claims at least 174 people signed the  
20 petitions two or more times, resulting in about 184 duplicate signatures being invalid. The only  
21 evidence Plaintiff submitted as to the number of duplicate signatures was the testimony of Mr.  
22 Preusch, who counsel represented had made no report concerning his review of the petitions and was  
23 only going to reference his notes from the review. In response to Plaintiff's counsel's question on  
24 re-direct "did you find or did you locate somebody—individuals who had signed multiple times, the

1 same signature on the—or different petitions?”, Mr. Preusch answered “Yeah, there were 356  
2 names.” On further questioning by the Court concerning his answer about duplicate signature, the  
3 witness stated “So 356 people that had signed the petition had also signed one of the other petitions  
4 as well.” The Court then asked “Again, you didn’t keep any list or notations as to which ones you  
5 found?” The witness responded “No.” Counsel for Defendant City of North Las Vegas asked a  
6 follow-up question: “I’m still not clear with respect to the 356. Was it witness’ testimony that then  
7 there’s approximately 180 examples where there’s duplicates and that comes up to the 356 number,  
8 or are we suggesting that there are actually – how many would you say, of the 356, would actually  
9 need to be removed is what I’m....” The witness responded, “Jeez, you know, I couldn’t answer  
10 that. We’d really have to go through each one again and come up with that tabulation.”

11 Subsequently after the June 29, 2015 hearing, the Court determined it would like further  
12 information from Mr. Preusch as to how he calculated the numbers he gave in his testimony. The  
13 Court, on the morning of July 1, 2015, had his staff contact Plaintiff’s counsel to have Mr. Preusch  
14 available to participate in the July 2, 2015, hearing, either in person or by telephone and to bring all  
15 materials and notes he relied upon in his review of the petitions. On July 2, 2015, at 1:00 p.m.,  
16 Plaintiff’s counsel represented his office had been unable to make any contact with Mr. Preusch in  
17 the approximate 27 hours since the Court had requested his participation. However, Plaintiff’s  
18 counsel produced four sets of tabulations he represented the witness had relied upon in making his  
19 determinations of signature challenges for his testimony. Counsel stated that friends of the Plaintiff  
20 had actually reviewed the petitions and made the lists and Mr. Preusch had been asked to review the  
21 lists against the petitions to ensure they were accurate. Counsel did not disclose the detailed lists  
22 Mr. Preusch purportedly used to conduct his investigation prior to witness’ testimony, despite being  
23 asked on Monday if the witness had done any report as to how he compiled his tabulations or  
24 identified the challenged signatures. Counsel simply stated the witness did not prepare a report, but

1 made no mention of the four tabulation lists. Mr. Preusch in his testimony made no mention of  
2 being given the tabulation lists or using them in his review of the petitions, testifying he was  
3 "requested to do a comprehensive review of all of the signatures, the petitions. . . ." Despite being  
4 asked on at least three occasions if he did any tabulation or had anything which would identify the  
5 signatures about which he was challenging, Mr. Preusch at no time mentioned the tabulation lists  
6 that according to Plaintiff's counsel had been provided to him to check against the petitions.  
7 Plaintiff's counsel provided the Court with copies of the four tabulation lists but never offered them  
8 into evidence.

9 In response to Mr. Preusch's testimony concerning duplicate signatures, Defendant  
10 Committee Members offered the testimony of Ms. Lauren Paglina. Ms. Paglina testified she was a  
11 Summer Law Clerk at Defendants' counsel's law firm and had started reviewing the petition  
12 signatures to determine possible duplicates. She explained she did this by entering the names from  
13 the petitions into a database alphabetically to identify possible duplicate signatures to compare. She  
14 testified she had been able to go through approximately 1,100 signatures before the hearing and had  
15 identified 16 duplicate signatures.

16 While neither party's witnesses offered any tabulation identifying the duplicate signatures  
17 that they had identified for the Court to consider as part of the evidence on this issue, this Court  
18 finds the testimony of Ms. Paglina more credible in terms of evaluating the signatures for duplicates.  
19 Ms. Paglina was able to explain the process she used to identify possible duplicate signatures which  
20 reasonably included entering the signatures from the petitions in a database alphabetically to identify  
21 signatures to compare and determine if they appeared duplicative. This contrasts to Mr. Preusch's  
22 testimony in which he had difficulty articulating how he went about making his tabulations. The  
23 Court is also troubled by what it finds as Mr. Preusch's questionable candor in failing to mention he  
24 was provided with tabulation lists others had compiled for him to use to look and compare specific

1 signatures to challenge. Additionally, Ms. Paglina's statistical tabulation of 16 duplicates in  
2 approximately 1,100 signatures, 1.4 percent, is consistent with the statistical occurrence of  
3 duplicates in the random sample of 1.4 percent.

4 Finally, even accepting Plaintiff's contention that the random sample resulted in a significant  
5 statistically deviation from the actual number of duplicates in all the petitions, the removal of the  
6 signatures Plaintiff challenges would not bring the petition below the number needed for recall.  
7 Plaintiff challenges 184 signatures as duplicate of other signatures in the petitions. Removing from  
8 this number, 38 signatures that the random sample already identified and subtracted from the total  
9 number of signatures (1.4% of 2717 is 38), and removing the remaining 146 challenged signature  
10 from the 2,282 signatures the random sample validated results in 2,136 remaining. Consequently,  
11 the Court finds that Plaintiff's challenge to the accuracy of the random sample based on her  
12 contention of additional duplicate signatures does not undermine the use of the random sample in  
13 this case.

14 Plaintiff in her Complaint contends the petitions contain 295 signatures signed by other  
15 members of a household and should not be counted. However, Mr. Preusch testified that while he  
16 observed occasions where he saw signatures which he believed were possibly signed by only one  
17 member of a household, he did not "recall" how many time he saw such occurrences. He admitted  
18 he did not document that number and just remembered seeing that "at least one or a couple times."  
19 Plaintiff's counsel did provide as one of the four tabulations given to the Court on July 2, 2015, a  
20 compilation represented to identify signatures signed by other members of a household. However,  
21 Plaintiff did not seek to authenticate or admit the tabulation. Left with Mr. Preusch's testimony that  
22 he noticed this occurring one or two times in the petitions, the Court finds no evidentiary basis for  
23 Plaintiff's contention the random sample in this matter failed to accurately determine the statistical  
24 occurrence of signatures signed by other members of a household.

1 Plaintiff did not raise in her Complaint the issue whether the random sample failed to  
2 accurately determine the statistical occurrence of signatures by people who were not registered to  
3 vote. At the hearing, Mr. Preusch testified 292 people who had signed the petition were not on the  
4 list of registered voters for the 2011 General Election. On cross-examination, Mr. Preusch when  
5 asked if he made any tabulation of the names of signers who were not registered to vote, stated, "No,  
6 I did not." And when asked if he had anything with him right now to "show the Court where the  
7 names came from," Mr. Preusch answered, "I do not." Plaintiff's counsel on July 2, 2015, gave the  
8 Court a tabulation he identified as having been made by Plaintiff's friends which indicated 295  
9 signatures were from "Persons Not on Voter List -From June 7, 2011 NLV General Election."  
10 Neither Mr. Preusch, nor Plaintiff's counsel expressed or defined what they meant by "not registered  
11 voters" or "Persons Not on Voter List - From June 7, 2011 NLV General Election." Significantly,  
12 the Clark County Election Department in its review of the random sample excluded 57 signatures for  
13 having not voted in the 2011 General Election, having an address change, being in the wrong district  
14 or district invalid and not being registered. These categories would seem to be encompassed in the  
15 general scope of "Persons Not on Voter List." The number of 295 names Plaintiff challenges  
16 constitutes 10.9 percent of the total signatures. The 57 names the Election Department invalidated  
17 from the random sample due to registration problems constitute 11.4 percent of the random sample  
18 of 500. Plaintiff fails to establish any basis to believe the random sample failed to accurately  
19 determine the statistical occurrence of signatures that should be excluded for registration and voting  
20 problems.

21 During the hearing, Plaintiff's counsel questioned Mr. Gloria, Ms. Eisenman and Ms. Paglina  
22 about specific instances of what counsel perceived as possible duplicate signatures as well as other  
23 possible invalid signatures which were not part of the random sample and several instances where  
24 counsel believed certain signatures should not have included in the sample. The Court finds these

1 limited number of instances as unpersuasive in that such incidents should statistically be picked up  
2 and excluded through the statistical determination of valid signatures in the random sample.  
3 Plaintiff's counsel also questioned Mr. Gloria about why certain information on the Election  
4 Department's random sample detail list did not match certain information on the petitions. Mr.  
5 Gloria explained the detail list was essentially an internal document used to assist Election  
6 Department officials in the validation of the signatures in the sample. Mr. Gloria gave a number of  
7 explanations for these variations which the Court finds reasonable and does not undermine the  
8 integrity of the verification process.

9 C. Plaintiff's Representatives Allowed to Witness Verification

10 Although not raised as a cause of action in her Complaint, Plaintiff at the hearing on June 29,  
11 2015, elicited testimony suggesting the Election Department may have provided incorrect  
12 information as to when the verification of signatures was going to occur, and, consequently,  
13 effectively precluded Plaintiff or her representative from watching the verification process. NRS  
14 293.1277(8) provides the public official who is the subject of the recall must be allowed to witness  
15 the verification process. On June 29, 2015, Johnny Jackson testified for the Plaintiff. He stated he  
16 was a supporter of the Plaintiff and was present on Thursday, May 28, 2015, when the Committee  
17 seeking the judge's recall presented their petitions at the City of North Las Vegas Clerk's Office.  
18 He spoke to a woman in the City Clerk's Office that day and was told the petitions were going to be  
19 transported to the Clark County Registrar of Voters that afternoon or the next day. On cross-  
20 examination, Mr. Jackson stated he knew the petitions were being taken to the Registrar for  
21 verification and that it was an expedited process. Mr. Jackson stated that on Friday, May 29, 2015,  
22 after discussing the situation with the Plaintiff, he went to the Election Department at approximately  
23 2:00 p.m. and eventually spoke to Mr. Gloria. Mr. Jackson alleged he asked about the verification  
24 process and Mr. Gloria told him that the Election Department followed the NRS. According to Mr.

1 Jackson, he asked for a copy of the petition and to witness the verification. Mr. Gloria told him to  
2 put his request in writing and stated the verification would start in one or two days. Mr. Jackson  
3 said he subsequently sent an email to Mr. Gloria requesting a copy and to witness the verification.  
4 He also testified he sent an email to the Plaintiff documenting what happened on May 29, 2015,  
5 including that he had been told by Mr. Gloria the verification process would start in one or two days.  
6 Mr. Jackson testified that on Monday, June 1, 2015, Plaintiff forwarded him an email she had  
7 received from the City of North Las Vegas Clerk stating the verification process would begin at 9:30  
8 a.m. Mr. Jackson said he arrived about 9:20 a.m. On arriving, he perceived the process had actually  
9 started before he arrived. He said he was allowed to witness the process, but felt the Election  
10 Department employees were not randomly selecting signatures but were looking for certain  
11 signatures which he alleged as coming from areas of North Las Vegas which favored her opponent  
12 in the last election. He explained he had expected the employees would be given instructions such  
13 as verify signature 7 on every fourth petition and then go through the stack of petitions again and  
14 look at the one above or below that. After the June 29, 2015 hearing, the Court requested Mr.  
15 Jackson appear at the continuation of the hearing on July 2, 2015, and to bring the emails he had  
16 referenced in his testimony. On July 2, 2015, Mr. Jackson produced the emails showing he had  
17 forwarded an email to Mr. Gloria at approximately 3:13 p.m. on May 29, 2015, requesting the  
18 petition copy and to witness the verification process. He also sent an email at approximately 3:58  
19 p.m. to Plaintiff indicating he went to the County Offices at 1:15 p.m. and was told the verification  
20 process had started. Mr. Jackson in his email indicated he complained why the Plaintiff was not told  
21 the verification process would start that day and he was put in telephone contact with Mr. Gloria.  
22 Mr. Gloria told him they had started the verification of signatures and Mr. Jackson asked Mr. Gloria  
23 for a petition copy. He also asked if they were going to verify every signature on the petitions to  
24 which Mr. Gloria said that the Department follows the NRS. According to Mr. Jackson in his email,

1 Mr. Gloria said he did not do anything over the phone and requested an email as to what Mr.  
2 Jackson wanted. Mr. Gloria also told Mr. Jackson the verification process would be done by  
3 Monday. Significantly, Mr. Jackson made no mention in his email that Mr. Gloria had told him the  
4 verification process would begin in "one or two days."

5 Mr. Gloria testified he did speak with Mr. Jackson by telephone on May 29, 2015. Mr.  
6 Gloria indicated that he remembered telling Mr. Jackson to put in writing his requests for a petition  
7 copy and to view the verification process. Mr. Gloria expressed he would not have denied a  
8 representative from viewing the verification. Mr. Gloria stated the first part of the verification  
9 process started at 8:50 a.m. on May 29, 2015 and ended by approximately 1:50 p.m. that day.

10 Ms. Andolina testified by phone on July 2, 2015, explaining that on Thursday, May 28, 2015,  
11 she sent a letter by express mail and by email to Plaintiff, stating the recall petition had been  
12 presented and was being sent to the Election Department to start the raw count which needed to be  
13 completed within four business days. She received no response back from the Plaintiff. Ms.  
14 Andolina testified on June 29, 2015 that, on Monday, June 1, 2015, at 5:55 a.m., she sent the  
15 Plaintiff another email, stating the verification process would start at 9:30 a.m. that morning.

16 Ms. Eisenman testified on June 29, 2015 that she believed the second half of the verification  
17 process started Monday at 9:30 a.m., but possibly 9:00 a.m. She remembered Mr. Jackson showing  
18 up five to ten minutes after the process started.

19 Plaintiff also called Dan Burdish as a witness on July 2, 2015. Mr. Burdish said he was  
20 assisting Plaintiff and her counsel on Friday, May 29, 2015, and overheard Plaintiff state her  
21 representatives had been denied the opportunity to view the verification. Mr. Burdish said he called  
22 Mr. Gloria about 4:30 p.m. and said he understood Plaintiff's representatives had been denied the  
23 opportunity to review the verification. He testified Mr. Gloria said he was unaware of anyone being  
24 denied the chance to view the verification. Mr. Burdish offered to come down that day to view the

1 process, but Mr. Gloria said that it had concluded for the day. On Monday, Mr. Burdish received a  
2 call that the verification process was going to begin about 9:00 or 9:30 a.m. He stated he went to the  
3 Election Department, arriving five or ten minutes late. He said the Election Department employees  
4 cooperated with him viewing the process and he testified to no irregularities.

5 Mr. Gloria and Ms. Andolina testified they never sent specific notice to Plaintiff as to when  
6 the verification process was going to start on Friday, May 29, 2015. Ms. Andolina did send Plaintiff  
7 notice by email of the starting time for the verification process on Monday, June 1, 2015.

8 NRS 293.1277(8), which provides that the public officer subject to recall must be allowed to  
9 witness the verification process, does not provide for any prior specific notice to the public official  
10 giving a date and time when the process will occur. Nevada Administrative Code 306.023 does  
11 require the "filing officer with whom a public officer to be recalled filed his or her declaration of  
12 candidacy shall notify that public officer, in writing, within 2 days after a petition to recall a public  
13 officer is filed . . . ." Ms. Barbara Andolina, City of North Las Vegas Clerk, testified she followed  
14 the Code the day the petition was filed on Thursday, May 28, 2015, both by express mail and by  
15 email. Going beyond what is required by the Code, Ms. Andolina also noted in her letter the petition  
16 was being forwarded to the Registrar of Voters to begin the raw count process which needed to be  
17 done in four working days. She testified that she did not hear further from Plaintiff.

18 Plaintiff was aware of the petition filing on Thursday, May 28, 2015, as Mr. Jackson, one of  
19 her representatives, was present at the City of North Las Vegas Clerk's office when it was filed. Ms.  
20 Andolina also sent an email to Plaintiff with the notice required by NAC 306.023 later that same  
21 day. Plaintiff obviously was receiving Ms. Andolina's emails as she forwarded Ms. Andolina's June  
22 1, 2015 email with the start of the Monday verification time to Mr. Jackson. Plaintiff presented no  
23 evidence she in any way inquired directly or through a representative about the verification process  
24 until approximately 1:15 p.m. the next day, Friday, May 29, 2015, when Mr. Jackson went to the

1 submitted were in identical form except for the signatures and addresses of the residences of the  
2 signers.

3 Plaintiff contends the petitions fail to meet the statute's numbering requirement as the  
4 petitions as presented to the City Clerk were not sequentially numbered as a whole. Defendant  
5 Committee Members argue the statute only requires that the pages of each petition circulated by an  
6 individual for signatures need to be sequentially numbered. They point out that the pages of each  
7 circulated petition which was submitted with the other petitions together as a group to the clerk were  
8 numbered 1 to 4.

9 Mr. Gloria stated that the Election Department considered the numbering system of the  
10 petitions submitted in this case to meet the terms of the statute. Mr. Gloria explained that it would  
11 be impossible in many instances, such as recalls of state officials or state ballot initiatives, to  
12 circulate a single petition with consecutively numbered pages and obtain the necessary number of  
13 signatures. The statute allows for separate petitions to be circulated and to be then presented as a  
14 group. If each separate petition is sequentially numbered, then it meets the requirement of the  
15 statute.

16 The Court finds the Registrar of Voter's interpretation of NRS 306.030(1) to be a fair reading  
17 of the statute. NRS 306.030(1) plainly allows a petition to consist of multiple copies of the petition  
18 if they are all in identical form. The statute requires the "pages of the petition with the signatures  
19 and of any copy must be consecutively numbered." The Court reads this as requiring the pages of  
20 each copy of the petition to be consecutively numbered. The Court finds this reading to meet the  
21 objectives of the statute to ensure someone does not add additional pages to a petition copy  
22 disseminated and verified by a specific circulator.

#### 23 IV. FIFTH CAUSE OF ACTION

24 Plaintiff challenges six petitions (30, 50, 87, 117, 123 and 147) which she contends have

1 irregularities in the verifications done by circulators before notaries. On one petition, the notary  
2 printed her name and signed as notarizing, but failed to include her notary stamp, on one the notary  
3 failed to print her name on the line where she was to print her name and just placed her notary stamp  
4 and signed as notarizing, and on four petitions the circulator or notary had failed to write "Clark" in  
5 the space for county name above the notarization. Mr. Gloria testified that the Election Department  
6 would consider the petitions where the notary forgot to print his or her name and the name of  
7 "Clark" county as being in substantial compliance with the statute requirement that the circulator  
8 verify the petitions before a notary. He explained the Election Department had enough information  
9 to conclude that the notarizations were authentic. As to the petition missing a notary stamp, Mr.  
10 Gloria testified the Election Department would undertake research to determine if the person  
11 identified as the notary was an actual notary at the time the petition was notarized. On examination  
12 by Defendant Committee Members' counsel, Mr. Gloria identified another petition signed by the  
13 same notary which included a notary stamp. The Court finds these six petitions were in substantial  
14 compliance with the statute and should be counted.

15 The cases Plaintiff cites in support of her cause of action, *Fiannaca v. Gill*, 78 Nev. 337, 372  
16 P.2d 683 (1962) and *Lundberg v. Koonts*, 82 Nev. 360, 365, 418 P.2d 808 (1966), are inapplicable to  
17 the facts presented here. These cases applied an earlier version of NRS 306.030 which provided that  
18 every copy of a petition "shall be verified by at least one of the signers thereof." The Court in those  
19 cases was asked to determine the sufficiency of petitions if the circulators who verified the petition  
20 were not also one of the signers. NRS 306.030 has been amended to eliminate the requirement a  
21 circulator verifying a petition also be a signer on the petition verified.

22 V. SIXTH CAUSE OF ACTION

23 In her Sixth Cause of Action, Plaintiff asserts under NRS 293.1278, the recall petition should  
24 have failed to qualify because the percentage of verified signatures from the random sample of 500

1 Department's verification plans and by the speed the Election Department started the verification on  
2 May 29, 2015, this prejudice was largely eliminated by the Election Department's essentially  
3 repeating the process from May 29, 2015 on June 1, 2015 as an audit to ensure accuracy.

4 However, this Court notes, with the time and speed the City Clerk's office and Registrar of  
5 Voters can now move through the verification process, presumably with new computer and other  
6 technology, a procedure or policy at the Election Department to email or telephone a public official  
7 or recall committee members prior to initiating the verification process and informing the official  
8 and members when the process will start would potentially avoid this issue in the future. The Court  
9 can foresee a situation where the process could be completed so quickly an official might not get any  
10 notice of its specific occurrence until it was over. *See* NRS 293.1277(5) (discussing verification if a  
11 county clerk sets up a process allowing citizens to vote by computer). If an official has the right to  
12 observe, but the process begins and ends so quickly that the official, even while exercising some  
13 level of diligence, has insufficient notice of the process to actually observe, the Court questions  
14 whether the official truly is allowed to observe as required under the statute. In this instance,  
15 however, the Court does not believe the facts present such a circumstance requiring the  
16 consideration of the issue.

### 17 III. FOURTH CAUSE OF ACTION

18 Plaintiff in her fourth cause of action alleges the petitions are insufficient as they are not in  
19 identical form and are not sequentially numbered as required by NRS 306.030(1). Plaintiff never  
20 stated or presented evidence at the hearing as to what she meant by the petitions not being in  
21 identical form. NRS 306.030(1) provides in pertinent part: "The petition may consist of any number  
22 of copies which are identical in form with the original, except for the name of the county and the  
23 signatures and addresses of the residences of the signers. The pages of the petition with the  
24 signatures and of any copy must be consecutively numbered." The Court finds the petitions

1 County offices. By then, the raw count and the verification had been ongoing since 8:50 a.m. Mr.  
2 Jackson subsequently spoke by telephone with Mr. Gloria. This would have been approximately the  
3 time according to Mr. Gloria when the Election Department was completing the first part of the  
4 verification process at about 1:50 p.m.

5 The Court will not read into NRS 293.1277 a specific notice provision. The statute only  
6 provides that the public official subject to recall be allowed to view the verification process and  
7 makes no provision for notice or working with the public official to arrange a date and time for the  
8 official or his or her representative to be present. In this instance, Plaintiff was aware on Thursday,  
9 May 28, 2015, that the petition was filed and the process for verifying the Petition would commence  
10 quickly. Plaintiff and her representatives took no step to reach out and determine how the Registrar  
11 would specifically move forward on the process until 1:15 p.m. on Friday, May 29, 2015. Plaintiff's  
12 representatives were allowed to view the process on Monday. There is some issue as to whether the  
13 Election Department started on the verification before the 9:30 a.m. start time provided in Ms.  
14 Andolina's email to Plaintiff as Mr. Jackson contends that he got there about 9:20 a.m. and the  
15 process had started. However, the Court does not find any evidence to suggest the Election  
16 Department sought to mislead Plaintiff as to the start time of verification. The Court also finds the  
17 Election Department starting five to ten minutes before Mr. Jackson got there and possibly before  
18 the scheduled start time, did not materially hamper Mr. Jackson's or Mr. Burdish's abilities to  
19 meaningfully observe the verification process. Plaintiff does not suggest any specific prejudice  
20 resulting from these missed few minutes. Both Mr. Gloria and Ms. Eisenman testified that the  
21 verification process on Monday was essentially a repeat of the verification process on Friday as an  
22 audit to insure the accuracy of the process. Mr. Burdish testified that the Department employees  
23 were cooperative in allowing Plaintiff's representatives to view the verification. The Court finds  
24 that to the extent Plaintiff was prejudiced by her lack of due diligence in learning the Election

1 signatures was only 84 percent. Plaintiff contends NRS 293.1278 provides for a petition to be valid  
2 the percentage of valid signatures from the random sample must be 90 percent or greater. Plaintiff  
3 thoroughly misreads the statute as to what the 90 percent figure in the statute references and what  
4 the statute requires.

5 NRS 293.1278(1) provides in pertinent part: "If the certificates received by the Secretary of  
6 State from all the county clerks establish that the number of valid signatures is less than 90 percent  
7 of the required number of registered voters, the petition shall be deemed to have failed to qualify,  
8 and the Secretary of State shall immediately so notify the petitioners and the county clerks." This  
9 statute is referring to the number of valid signatures after the random sample has been reviewed, the  
10 statistical number of valid signatures determined and that percentage of valid signatures applied to  
11 the total number of signatures obtained. In this case, the random sample determined that 84 percent  
12 of the signatures were valid. This percentage was then applied to the total of 2,717 signatures  
13 submitted to determine the petition contained 2,282, 115 percent of the number needed.

14 VI. SEVENTH CAUSE OF ACTION

15 Plaintiff in her seventh cause of action challenges the receipt the City of North Las Vegas  
16 Clerk gave to the Committee members submitting the petition. NRS 293.12758(1) provides:

17 1. The county clerk shall issue a receipt to any person who submits a petition for  
18 the verification of signatures or a petition, declaration of or acceptance of candidacy.

19 The receipt must state:

- 20 (a) The number of documents submitted;
- 21 (b) The number of pages of each document; and
- 22 (c) The number of signatures which the person declares are on the petition.

23 Plaintiff argues that the receipt provided to the committee members only said "Approximately  
24 2,700" and did not give the exact number which Plaintiff contends the clerk "must" do. However,

1 the statute clearly states that the clerk is to include on the receipt the number of signatures that the  
2 person submitting the petition declares are on the petition. Ms. Andolina testified the Committee  
3 members presenting the petition told her there was approximately 2,700 signatures on the petition.  
4 Consequently, the Court finds this complies with the statute and the use by committee members of  
5 an approximate number did not undermine any purpose of the statute to ensure the integrity of the  
6 recall process.

7 VII. EIGHTH CAUSE OF ACTION

8 Plaintiff in her last cause of action contends that the "Remove Ramsey Now" Committee has  
9 accepted contributions above the amount it is allowed to accept pursuant to Article 2, Section 10 of  
10 the Nevada Constitution and NRS 294A.100. Article 2, Section 10 limits contributions by any  
11 "artificial or natural person" to "the campaign of any person for election to any office . . . to \$5,000  
12 for the primary and \$5,000 for the general election. NRS 294A.100 provides that a person shall not  
13 make or commit to make a contribution to a candidate for any office . . . in an amount which exceeds  
14 \$5,000 for the primary election . . . and \$5,000 for the general election . . ." NRS 294A.005 defines  
15 a candidate as a person who "files a declaration of candidacy," "files an acceptance of candidacy,"  
16 "whose name appears on an official ballot at any election" or "received contributions in excess of  
17 \$100."

18 Neither side raised or argued this issue at the hearing. The Court finds a committee for recall  
19 is not a person for election to an office under Article 2, Section 10, or an candidate for office under  
20 NRS 294A.100. The Court agrees with Defendant Committee Members' contention that a  
21 committee for recall, pursuant to NRS 294A.006, is "an organization that (1) receives any  
22 contributions, makes any contributions to candidates or persons or makes any expenditures that are  
23 designed to affect the recall of a public officer; or (2) files a notice of intent to circulate the petition  
24 for recall. Consequently, the Remove Ramsey Now Committee is not limited in the contributions it

1 receives by either Article 2, Section 10 or NRS 294A.006.

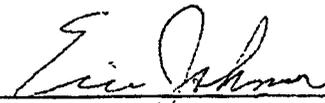
2 ORDER

3 Accordingly, based upon the above findings and good cause appearing, IT IS HEREBY  
4 ORDERED:

- 5 1. Petitioner/Plaintiff's Complaint seeking declaratory relief declaring that judges may not
- 6 be recalled under Article 2, Section 9 of the Nevada Constitution is DENIED;
- 7 2. Petitioner/Plaintiff's Emergency Motion for Injunction is DENIED;
- 8 3. Petitioner/Plaintiff separate Complaint challenging the Recall Petition is DENIED.

9 IT IS FURTHER ORDERED that not sooner than 10 days, nor more than 20 days after the  
10 date of this order, the City of North Las Vegas Clerk shall issue a call for a special election in the  
11 jurisdiction in which Petitioner/Plaintiff was elected to determine whether the people will recall  
12 Petitioner/Plaintiff as a Municipal Court Judge.

13 DATED this 6 day of July, 2015.

14   
 15 \_\_\_\_\_  
 16 ERIC JOHNSON  
 17 DISTRICT COURT JUDGE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing via E-Service as follows:

CRAIG A. MUELLER, ESQ.  
cmueller@muellerhinds.com  
*Attorney for Petitioner/Plaintiff*  
HONORABLE CATHERINE RAMSEY  
NORTH LAS VEGAS MUNICIPAL JUDGE

PATRICK G. BYRNE, ESQ.  
RICHARD C. GORDON, ESQ.  
pbyrne@swlaw.com  
rgordon@swlaw.com  
*Attorneys for Respondents/Defendants*  
THE CITY OF NORTH LAS VEGAS and  
BARBARA A. ANDOLINA, City Clerk of North Las Vegas

DOMINIC P. GENTILE, ESQ.  
ROSS J. MILLER, ESQ.  
COLLEEN E. MCCARTY, ESQ.  
dgentile@gentilecristalli.com  
rmiller@gentilecristalli.com  
cmccarty@gentilecristalli.com  
*Attorneys for Respondents/Defendants*  
BETTY HAMILTON, MICHAEL WILLIAM MORENO, and BOB BORGERSEN

  
\_\_\_\_\_  
Kelly Muranaka, Judicial Executive Assistant

# Recall Petition

000112

State of Nevada

Signatures of registered voters seeking the recall of  
Judge Catherine Ramsey

(Name of public officer for whom recall is sought)

[INSERT 200 WORDS OR LESS SETTING FORTH THE REASON(S) WHY RECALL IS DEMANDED]

North Las Vegas Municipal Court Judge Catherine Ramsey deserves to be recalled from her office, because she has abused the public's trust and tarnished the integrity of the judicial system. Her conduct has been harmful to city staff, attorneys and member of the public and has cost taxpayers an excessive amount of money. As a result, the Las Vegas Review Journal has called for her recall twice in the last year. Four complaints have be filed against her for workplace misconduct that have cost taxpayers more than \$120,000 since she has been in office. She improperly converted \$12,000 in North Las Vegas City funds for a personal lawsuit. She failed to show up for work 68 times out of 196 work days costing North Las Vegas taxpayers \$94,000. There is a pending ethics complaint that asserts that she has mistreated staff, attorneys and people who have entered her courtroom. Finally, she regularly reduced the charges in criminal cases costing taxpayers thousands of dollars. We urge her recall from office.

Minimum number of signatures necessary 1984

Date notice of intent was filed: 3/11 2015

County of Clark

Only registered voters of this County/City may sign below.

City of North Las Vegas (if applicable)

Clark/North Las Vegas

THIS SPACE  
FOR OFFICE  
USE ONLY

	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
1	GUADALUPE DONOSO Recall Petition YOUR SIGNATURE: <i>Guadalupe Donoso</i> DATE: 4/29/2015	6022 Blue Autumn St CITY: NLV COUNTY: CLARK	
2	MILCIANES DONOSO Recall Petition YOUR SIGNATURE: <i>Milcianas Donoso</i> DATE: 4/29/2015	6022 Blue Autumn St CITY: NLV COUNTY: CLARK	
3	GARDA MENA Recall Petition YOUR SIGNATURE: <i>Garda Mena</i> DATE: 4/29/15	3716 Summering Cir CITY: NLV COUNTY: CLARK	
4	ESCOBAR ARTURO Recall Petition YOUR SIGNATURE: <i>Arturo Escobar</i> DATE: 4/29/15	PO Box 620573 CITY: NLV COUNTY: Clark	*
5	ESCOBAR VICTORIA Recall Petition YOUR SIGNATURE: <i>Victoria Escobar</i> DATE: 4/29/15	PO Box 620573 CITY: LV COUNTY: Clark	*
6	JANTER CAROLYN Recall Petition YOUR SIGNATURE: <i>Carolyn Janter</i> DATE: 5/1/15	3505 Crested Cardinal Dr CITY: NLV COUNTY: Clark	
7	RAMOS JOSE J. Recall Petition YOUR SIGNATURE: <i>Jose J Ramos</i> DATE: 5/1/15	7737 FRUIT DOVE ST CITY: NLV COUNTY: CLARK	
8	EDWARDS GREGORY Recall Petition YOUR SIGNATURE: <i>Gregory Edwards</i> DATE: 5/1/15	7504 FRUIT DOVE ST CITY: N. LAS VEGAS COUNTY: CLARK	

RAM-181

# Recall Petition

State of Nevada

Signatures of registered voters seeking the recall of  
Judge Catherine Ramsey

(Name of public officer for whom recall is sought)

[INSERT 200 WORDS OR LESS SETTING FORTH THE REASON(S) WHY RECALL IS DEMANDED]

North Las Vegas Municipal Court Judge Catherine Ramsey deserves to be recalled from her office, because she has abused the public's trust and tarnished the integrity of the judicial system. Her conduct has been harmful to city staff, attorneys and member of the public and has cost taxpayers an excessive amount of money. As a result, the Las Vegas Review Journal has called for her recall twice in the last year. Four complaints have be filed against her for workplace misconduct that have cost taxpayers more than \$120,000 since she has been in office. She improperly converted \$12,000 in North Las Vegas City funds for a personal lawsuit. She failed to show up for work 68 times out of 196 work days costing North Las Vegas taxpayers \$94,000. There is a pending ethics complaint that asserts that she has mistreated staff, attorneys and people who have entered her courtroom. Finally, she regularly reduced the charges in criminal cases costing taxpayers thousands of dollars. We urge her recall from office.

Minimum number of signatures necessary 1984

Date notice of intent was filed: 3/11, 2015

County of Clark

Only registered voters of this County/City may sign below.

City of North Las Vegas (if applicable)

Clark/North Las Vegas

THIS SPACE  
FOR OFFICE  
USE ONLY

Number	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	City	County
9	<u>BILLS EDWARD</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/1/15</u>	<u># 2924 IDORY BILL WAY</u>	<u>NLV</u>	<u>CLARK</u>
10	<u>BROWN YVONNE</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/1/15</u>	<u>2440 Park Terrace</u>	<u>NLV</u>	<u>Clark</u>
11	<u>Robt C. ROGERS</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/1/15</u>	<u>6125 Abruzzi DR</u>	<u>NLV</u>	<u>CLARK</u>
12	<u>Turner Ron M</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5-1-15</u>	<u>1520 Santa Lucia DR.</u>	<u>NLV</u>	<u>CLARK</u>
13	<u>Turner Diana M</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5-1-15</u>	<u>1520 Santa Lucia DR</u>	<u>NLV</u>	<u>CLARK</u>
14	<u>Kunkerod, Tiffany</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/1/15</u>	<u>1529 Gloriosa</u>	<u>NLV</u>	<u>Clark</u>
15	<u>Kunkerod, Dwight</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/1/15</u>	<u>1529 Gloriosa</u>	<u>NLV</u>	<u>Clark</u>
16	<u>[Signature]</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/1/15</u>	<u>1733 Pavilion 5 Ave</u>	<u>NLV</u>	<u>Clark</u>

# Recall Petition

State of Nevada

Signatures of registered voters seeking the recall of  
Judge Catherine Ramsey

(Name of public officer for whom recall is sought)

[INSERT 200 WORDS OR LESS SETTING FORTH THE REASON(S) WHY RECALL IS DEMANDED]

North Las Vegas Municipal Court Judge Catherine Ramsey deserves to be recalled from her office, because she has abused the public's trust and tarnished the integrity of the judicial system. Her conduct has been harmful to city staff, attorneys and member of the public and has cost taxpayers an excessive amount of money. As a result, the Las Vegas Review Journal has called for her recall twice in the last year. Four complaints have be filed against her for workplace misconduct that have cost taxpayers more than \$120,000 since she has been in office. She improperly converted \$12,000 in North Las Vegas City funds for a personal lawsuit. She failed to show up for work 68 times out of 196 work days costing North Las Vegas taxpayers \$94,000. There is a pending ethics complaint that asserts that she has mistreated staff, attorneys and people who have entered her courtroom. Finally, she regularly reduced the charges in criminal cases costing taxpayers thousands of dollars. We urge her recall from office.

Minimum number of signatures necessary 1984

Date notice of intent was filed: 3/11, 2015

County of Clark

Only registered voters of this County/City may sign below.

City of North Las Vegas (if applicable)

Clark/North Las Vegas

THIS SPACE  
FOR OFFICE  
USE ONLY

	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
17	<u>Joe Cross</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/1/15</u>	<u>2400 [Address]</u> CITY: <u>NLV</u> COUNTY: <u>CL</u>	
18	<u>Crystal [Name]</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/1/15</u>	<u>2420 [Address]</u> CITY: <u>NLV</u> COUNTY: <u>CL</u>	
19	<u>REINA ORLANDO</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/2/15</u>	<u>4618 KADIAK HILL W</u> CITY: <u>NLV</u> COUNTY: <u>CLARK</u>	
20	<u>[Name]</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/2/15</u>	<u>4527 [Address]</u> CITY: <u>NLV</u> COUNTY: <u>CLARK</u>	
21	<u>[Name]</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/2/15</u>	<u>4527 [Address]</u> CITY: <u>NLV</u> COUNTY: <u>CLARK</u>	
22	<u>Sue Collins</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/2/15</u>	<u>2313 [Address]</u> CITY: <u>NLV</u> COUNTY: <u>CLARK</u>	
23	<u>Villegas Patricia</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>5/2/15</u>	<u>5212 wild orchid st</u> CITY: <u>NLV</u> COUNTY: <u>CLARK</u>	
24	<u>[Name]</u> Recall Petition YOUR SIGNATURE: <u>[Signature]</u> DATE: <u>1/1</u>	<u>[Address]</u> CITY: COUNTY:	

RAM-183

**Recall Petition**

**State of Nevada**

*Signatures of registered voters seeking the recall of*  
**Judge Catherine Ramsey**

(Name of public officer for whom recall is sought)

[INSERT 200 WORDS OR LESS SETTING FORTH THE REASON(S) WHY RECALL IS DEMANDED]

North Las Vegas Municipal Court Judge Catherine Ramsey deserves to be recalled from her office, because she has abused the public's trust and tarnished the integrity of the judicial system. Her conduct has been harmful to city staff, attorneys and member of the public and has cost taxpayers an excessive amount of money. As a result, the Las Vegas Review Journal has called for her recall twice in the last year. Four complaints have be filed against her for workplace misconduct that have cost taxpayers more than \$120,000 since she has been in office. She improperly converted \$12,000 in North Las Vegas City funds for a personal lawsuit. She failed to show up for work 68 times out of 196 work days costing North Las Vegas taxpayers \$94,000. There is a pending ethics complaint that asserts that she has mistreated staff, attorneys and people who have entered her courtroom. Finally, she regularly reduced the charges in criminal cases costing taxpayers thousands of dollars. We urge her recall from office.

Minimum number of signatures necessary 1984

County of Clark

City of North Las Vegas (if applicable)

Date notice of intent was filed: 3/11, 2015

Only registered voters of this County/City may sign below.  
**Clark/North Las Vegas**

25	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:		THIS SPACE FOR OFFICE USE ONLY
	Recall Petition YOUR SIGNATURE:	DATE: / /	CITY: COUNTY:	

**Place affidavit on last page of document**  
**THE FOLLOWING AFFIDAVIT MUST BE COMPLETED AND SIGNED.**

**AFFIDAVIT OF CIRCULATOR**

(To be completed by the person who circulated the petition after all signatures have been obtained)

STATE OF NEVADA )

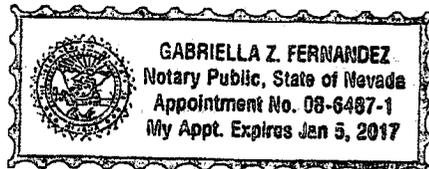
COUNTY OF Clark )

I, Hillary Hunt, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at 21 West Imperial Ave Apt # 207 Las Vegas NV 89102 (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe each person who signed was at the time of signing a registered voter in the county of his or her residence; and (6) that the number of signatures affixed thereon is 23

Subscribed and sworn to or affirmed before me this 2 day of May, 2015 by Hillary Hunt (circulator)

Hillary Hunt  
Signature of Circulator

Notary Public or person authorized to administer an oath



**281.434. "Household" defined.**

"Household" means an association of persons who live in the same home or dwelling, sharing its expenses, and who are related by blood, adoption or marriage. (1985, p. 2121.)

**281.4345. "Legislative function" defined.**

"Legislative function" means introducing or voting upon any ordinance or resolution, or voting upon:

1. The appropriation of public money;
2. The issuance of a license or permit; or
3. Any proposed subdivision of land or special exception or variance from zoning regulations. (1985, p. 2121.)

**281.435. "Member of the executive branch" defined.**

"Member of the executive branch" means any public officer who is not a member of the legislative branch. (1985, p. 2121.)

**281.4355. "Member of the legislative branch" defined.**

"Member of the legislative branch" means any member of the legislature or any member of a board of county commissioners or governing body of a city or other political subdivision who performs a legislative function. (1985, p. 2121.)

**281.4357. "Panel" defined.**

"Panel" means the panel appointed by the commission pursuant to NRS 281.462. (1999, ch. 535, § 3, p. 2728.)

**281.436. "Public employee" defined.**

"Public employee" means any person who performs public duties under the direction and control of a public officer for compensation paid by the state, a county or an incorporated city. (1985, p. 2121.)

**281.4365. "Public officer" defined.**

1. "Public officer" means a person elected or appointed to a position which is established by the constitution of the State of Nevada, a statute of this state or an ordinance of any of its counties or incorporated cities and which involves the exercise of a public power, trust or duty. As used in this section, "the exercise of a public power, trust or duty" means:

- (a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;
- (b) The expenditure of public money; and
- (c) The enforcement of laws and rules of the state, a county or a city.

## 2. "Public officer" does not include:

- (a) Any justice, judge or other officer of the court system;
- (b) Any member of a board, commission or other body whose function is advisory;
- (c) Any member of a board of trustees for a general improvement district or special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or
- (d) A county health officer appointed pursuant to NRS 439.290.

## 3. "Public office" does not include an office held by:

- (a) Any justice, judge or other officer of the court system;
- (b) Any member of a board, commission or other body whose function is advisory;
- (c) Any member of a board of trustees for a general improvement district or special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or
- (d) A county health officer appointed pursuant to NRS 439.290. (1985, p. 2121; 1987, ch. 123, § 47, p. 266; 1987, ch. 785, § 2, p. 2093; 1999, ch. 173, § 1, p. 883; 2001, ch. 120, § 19, p. 658; 2001, ch. 406, § 20, p. 1955; 2001, ch. 454, § 3, p. 2288.)

**Editor's note.** — This section was amended by three 2001 acts that do not appear to conflict and have been compiled together.

**Effective date.** — The 1999 amendment is effective May 20, 1999.

**Effect of amendment.** — The 1999 amendment added subdivision 2(e).

The 2001 amendment by ch. 120, § 19, effective October 1, 2001, deleted former subdivision

2(b), which read: "A commissioner of deeds," and redesignated the following subdivisions accordingly.

The 2001 amendment by ch. 406, § 20, effective October 1, 2001, at 12:02 a.m., added subsection 3.

The 2001 amendment by ch. 454, § 3, effective October 1, 2001, at 12:01 a.m., substituted "mean" for "includes" in subsection 1.

#### OPINIONS OF ATTORNEY GENERAL

County library trustees are public officers within the meaning of this section and, therefore, required to file statements of financial disclosure with the secretary of state in accord with NRS 281.561 and 281.571. AGO 86-6 (5-12-86).

A United States senator from Nevada is not a public officer for purposes of this section and, therefore, a candidate for that office is not required to file a statement of financial disclosure with the Secretary of State for review by the commission on ethics. AGO 88-10 (9-12-1988).

The county engineer is a public officer within the definition found in this section. Public officers are held to the high ethical standards embodied in NRS 281.481 and 281.491. AGO 89-14 (9-26-1989).

Department heads and staff directors who serve at the pleasure of the county manager and county board of supervisors are not "public officers" under this section, and do not need to file financial disclosure statements pursuant to NRS 281.561. AGO 96-15 (5-28-1996).

**City officers not public officers.** — Las Vegas's city manager is a "public officer" under NRS 281.4365 and must, therefore, file a financial disclosure statement according to NRS 281.561. Other appointive officers of Las Vegas, including deputies, department heads, and directors are not "public officers" under NRS 281.4365 and are not required to file financial disclosure statements according to NRS 281.561. AGO 96-33 (11-8-1996).

**It's  
Time to  
Make a  
CHANGE!**



**ELECT** ★  
**SANDRA MORGAN**

WEDNESDAY, JULY 8th 7:00 PM - 9:00 PM  
NEW YORK PIZZA, 6885 NORTH ALIANTE PKWY

**Thursday, July 9th ~ 5:00 p.m - 7:00 p.m.**

**RSVP BY CALLING (702) 784-7685**

**- ROCCO'S NEW YORK PIZZA, 6885 NORTH ALIANTE PKWY -**

**Donations Accepted - Make Checks Payable to Committee to Elect Sandra Morgan**