

WHITE HART LAW  
2310 S. CARSON ST. #6  
CARSON CITY, NV 89701

1 KEVIN BENSON, ESQ.  
Nevada Bar No. 9970  
2 White Hart Law  
2310 S. Carson Street #6  
3 Carson City, NV 89701  
Telephone: (775) 461-3780  
4 Email: [kbenson@whitehartlaw.com](mailto:kbenson@whitehartlaw.com)

5 *Attorney for Defendant No Solar Tax PAC*

REC'D & FILED  
2016 APR -8 PM 12: 36

SUSAN MERRIWETHER  
CLERK

BY Electronically Filed  
Apr 13 2016 11:19 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

6  
7 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
8 **IN AND FOR CARSON CITY**

9 CITIZENS FOR SOLAR AND ENERGY  
10 FAIRNESS, a Nevada Committee for Political  
Action,

11 Plaintiffs,

12 vs.

13 NO SOLAR TAX PAC, a Nevada Committee  
14 for Political Action;  
15 BARBARA CEGAVSKE, in her official  
capacity as Nevada Secretary of State,

16 Defendants.

Case No.: 16 OC 00030 1B

Dept. No.: I

**NOTICE OF APPEAL**

17 Notice is hereby given that the No Solar Tax PAC, the Defendant named above, appeals to the  
18 Nevada Supreme Court from the final judgment entitled "Order" entered in this action on April 7, 2016.

19 DATED this 8 day of April, 2016.

21 **WHITE HART LAW, LLC**

22  
23   
24 KEVIN BENSON, ESQ.  
Nevada Bar No. 9970  
White Hart Law  
2310 S. Carson Street #6  
Carson City, NV 89701  
Telephone: (775) 461-3780  
Email: [kbenson@whitehartlaw.com](mailto:kbenson@whitehartlaw.com)

27 *Attorneys for Defendant No Solar Tax PAC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I am an employee of White Hart Law, LLC, and that on the  
8 day of April, 2016, a true and correct copy of the above NOTICE OF APPEAL was served  
on the parties by electronic mail, pursuant to all parties' consent, to the following email addresses:

Jim Cavilia, Esq.

Justin M. Townsend, Esq.

Allison MacKenzie

JCavilia@allisonmackenzie.com; jtownsend@allisonmackenzie.com; SPrice@allisonmackenzie.com


*Attorney for Plaintiff Citizens for Solar and Energy Fairness*

Lori Story

Senior Deputy Attorney General

lstory@ag.nv.gov; DWright@ag.nv.gov


*Attorney for Defendant Secretary of State*



KEVIN BENSON, ESQ.

1 KEVIN BENSON, ESQ.  
Nevada Bar No. 9970  
2 White Hart Law  
2310 S. Carson Street #6  
3 Carson City, NV 89701  
Telephone: (775) 461-3780  
4 Email: [kbenson@whitehartlaw.com](mailto:kbenson@whitehartlaw.com)

5 *Attorney for Defendant No Solar Tax PAC*

REC'D & FILED  
2016 APR -8 PM 12:37  
SUSAN MERRIWETHER  
CLERK  
BY  DEPUTY

6  
7 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
8 **IN AND FOR CARSON CITY**

9 CITIZENS FOR SOLAR AND ENERGY  
10 FAIRNESS, a Nevada Committee for Political  
Action,

11 Plaintiffs,

12 vs.

13 NO SOLAR TAX PAC, a Nevada Committee  
14 for Political Action;  
15 BARBARA CEGAVSKE, in her official  
capacity as Nevada Secretary of State,

16 Defendants.

Case No.: 16 OC 00030 1B

Dept. No.: I

**CASE APPEAL STATEMENT**

17  
18 **1. Name of Appellant filing this Case Appeal Statement:**

19 No Solar Tax PAC

20 **2. Identify the judge issuing the decision, judgment, or order appealed from:**

21 The Honorable James Todd Russell

22 **3. Identify each appellant and the name and address of counsel for each appellant:**

23 Kevin Benson, Esq.  
Nevada Bar No. 9970  
24 White Hart Law  
2310 S. Carson Street #6  
25 Carson City, NV 89701  
Telephone: (775) 461-3780  
26 Email: [kbenson@whitehartlaw.com](mailto:kbenson@whitehartlaw.com)  
Counsel for No Solar Tax PAC  
27  
28

- 1 **4. Identify each respondent and the name and address of appellate counsel, if known, for**  
2 **each respondent:**

3 CITIZENS FOR SOLAR AND ENERGY FAIRNESS

4 Jim Cavilia, Esq.

5 Justin M. Townsend, Esq.

6 Allison MacKenzie

7 402 N Division Street

8 Carson City, NV 89703

9 (775) 687-0202

10 JCavilia@allisonmackenzie.com; jtownsend@allisonmackenzie.com;

11 SPrice@allisonmackenzie.com

12 BARBARA CEGAVSKE, Nevada Secretary of State

13 Lori Story, Senior Deputy Attorney General

14 100 N. Carson Street

15 Carson City, NV 89701

16 (775) 684-1114

17 LStory@ag.nv.gov

- 18 **5. Indicate whether any attorney identified above in response to question 3 or 4 is not**  
19 **licensed to practice law in Nevada and, if so, whether the district court granted that**  
20 **attorney permission to appear under SCR 42 (attach a copy of any district court order**  
21 **granting such permission):**

22 Not Applicable.

- 23 **6. Indicate whether appellant was represented by appointed or retained counsel at the**  
24 **district court:**

25 Retained.

- 26 **7. Indicate whether appellant is represented by appointed or retained counsel on appeal:**  
27 Retained.

- 28 **8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date**  
of the entry of the district court order granting such leave:

No.

- 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,**  
**indictment, information, or petition was filed):**

February 16, 2016

- 10. Provide a brief description of the nature of the action and result in the district court,**  
**including the type of judgment or order being appealed and the relief granted by the**  
**district court:**

This is a challenge to a referendum petition brought pursuant to NRS 295.061 and 295.009. The  
complaint alleges that the referendum petition is invalid because it seeks to repeal only selected parts of

1 a statute, which constitutes an attempt to "amend" the law instead of request an up or down vote on the  
2 law, and it is therefore an initiative petition, not a referendum. The complaint also asserted that the  
3 referendum petition's description of effect is inaccurate and misleading. The complaint requested  
4 declaratory relief that the petition is invalid, and injunctive relief prohibiting the Secretary of State from  
5 placing it on any ballot.

6 The district court entered a final order finding that the referendum petition is not a valid  
7 referendum and is instead must be brought as an initiative. The district court entered declaratory relief  
8 that the referendum is invalid, and issued an injunction that it shall not be placed on any ballot.  
9 However, the district court stayed the injunction pending appeal to the extent that Appellant may  
10 continue to collect signatures and have those signatures verified in order to determine whether the  
11 referendum qualifies for the ballot.

12 **11. Indicate whether the case has previously been the subject of an appeal to or original writ**  
13 **proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**  
14 **number of the prior proceeding:**

15 No.

16 **12. Indicate whether this appeal involves child custody or visitation:**

17 No.

18 **13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

19 No, there is no possibility of settlement.

20 Dated this 2 day of April, 2016.

21 **WHITE HART LAW, LLC**

22   
23 KEVIN BENSON, ESQ.  
24 Nevada Bar No. 9970  
25 White Hart Law  
26 2310 S. Carson Street #6  
27 Carson City, NV 89701  
28 Telephone: (775) 461-3780  
Email: [kbenson@whitehartlaw.com](mailto:kbenson@whitehartlaw.com)

*Attorneys for Defendant No Solar Tax PAC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I am an employee of White Hart Law, LLC, and that on the 8 day of April, 2016, a true and correct copy of the above CASE APPEAL STATEMENT was served on the parties by electronic mail, pursuant to all parties' consent, to the following email addresses:

Jim Cavilia, Esq.  
Justin M. Townsend, Esq.  
Allison MacKenzie  
402 N Division Street  
Carson City, NV 89703  
(775) 687-0202  
JCavilia@allisonmackenzie.com; jtownsend@allisonmackenzie.com; SPrice@allisonmackenzie.com

Lori Story  
Senior Deputy Attorney General  
lstory@ag.nv.gov; DWright@ag.nv.gov  
*Attorney for Defendant Secretary of State*

  
KEVIN BENSON, ESQ.

Judge: RUSSELL, JUDGE JAMES  
TODD

Case No. 16 OC 00030 1B

Ticket No.  
CTN:

CITIZENS FOR SOLAR AND ENERGY  
FAIRNESS

By:

CEGAVSKE, BARBARA

DRSPND

-vs-

By: LAXALT, ADAM PAUL  
100 NORTH CARSON STREET  
CARSON CITY, NV 89701

Dob:  
Lic:  
NO SOLAR TAX PAC

Sex:  
Sid:  
DRSPND

By: BENSON, KEVIN  
PO BOX 365  
904 N NEVADA ST  
CARSON CITY, NV 89702

Dob:  
Lic:

Sex:  
Sid:

Plate#:  
Make:  
Year:  
Type:  
Venue:  
Location:

Accident:

CITIZENS FOR SOLAR AND  
ENERGY FAIRNESS

PLNTPET

Bond:  
Type:

Set:  
Posted:

Charges:

Ct. Offense Dt: Cvr:  
Arrest Dt:  
Comments:

Ct. Offense Dt: Cvr:  
Arrest Dt:  
Comments:

Sentencing:

No.	Filed	Action	Operator	Fine/Cost	Due
1	04/08/16	RECEIPT	1BVANESSA	0.00	0.00
2	04/08/16	APPEAL BOND DEPOSIT - (WHITE HART LAW ON BEHALF OF NO SOLAR TAX PAC) Receipt: 43958 Date: 04/08/2016	1BVANESSA	500.00	0.00
3	04/08/16	CASE APPEAL STATEMENT	1BVANESSA	0.00	0.00
4	04/08/16	NOTICE OF APPEAL FILED Receipt: 43957 Date: 04/08/2016	1BVANESSA	24.00	0.00
5	04/07/16	SUMMARY JUDGMENT	1BVANESSA	0.00	0.00
6	04/07/16	ORDER	1BVANESSA	0.00	0.00
7	03/28/16	MEDIA REQUEST TO ALLOW CAMERAS IN THE COURTROOM	1BCFRANZ	0.00	0.00
8	03/28/16	HEARING HELD: The following event: PETITION HEARING scheduled for 03/28/2016 at 3:00 pm has been resulted as follows:  Result: HEARING HELD Judge: RUSSELL, JUDGE JAMES TODD Location: DEPT I	1BCFRANZ	0.00	0.00
9	03/21/16	STIPULATION FOR ELECTRONIC SERVICE	1BCCOOPER	0.00	0.00
10	03/14/16	ORDER VACATING HEARING	1BCGRIBBLE	0.00	0.00
11	03/09/16	PLAINTIFF'S REPLY BRIEF IN SUPPORT OF ITS COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELEASE	1BCFRANZ	0.00	0.00
12	03/04/16	ANSWER	1BCCOOPER	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
13	03/02/16	DEFENDANT NO SOLAR TAX PAC'S ANSWERING BRIEF	1BVANESSA	0.00	0.00
14	03/02/16	DEFENDANT NO SOLAR TAX PAC'S ANSWER Receipt: 43376 Date: 03/02/2016	1BVANESSA	218.00	0.00
15	02/25/16	SUMMONS & ADD'L (1)	1BCGRIBBLE	0.00	0.00
16	02/24/16	ORDER SETTING HEARING	1BCGRIBBLE	0.00	0.00
17	02/17/16	ISSUING SUMMONS ADD'L	1BCGRIBBLE	0.00	0.00
18	02/16/16	ORDER TO SET FOR HEARING	1BVANESSA	0.00	0.00
19	02/16/16	ISSUING SUMMONS & ADD'L SUMMONS	1BVANESSA	0.00	0.00
20	02/16/16	PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF	1BVANESSA	0.00	0.00
21	02/16/16	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF Receipt: 43131 Date: 02/16/2016	1BVANESSA	265.00	0.00
Total:				1,007.00	0.00
Totals By: COST				507.00	0.00
HOLDING				500.00	0.00
INFORMATION				0.00	0.00
*** End of Report ***					



REC'D & FILED ✓

2016 APR -7 AM 9:41

SUSAN MERRIWETHER  
CLERK

BY [Signature]  
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR CARSON CITY

CITIZENS FOR SOLAR AND ENERGY  
FAIRNESS, a Nevada Committee for  
Political Action,

Plaintiff,

vs.

NO SOLAR TAX PAC, a Nevada  
Committee for Political Action,  
BARBARA CEGAVSKE, in her Official  
Capacity as the Nevada Secretary of State,

Defendants.

Case No. 16 OC 00030 1B

Dept No. I

**ORDER**

A Referendum Petition was filed with the Elections Division of the Nevada Office of Secretary of State on January 25, 2016, by defendant, NO SOLAR TAX PAC, a Nevada committee for political action, purporting to refer portions of Chapter 379, Statutes of Nevada (2015) to Nevada voters for approval or disapproval. On February 16, 2016, Plaintiff, CITIZENS FOR SOLAR AND ENERGY FAIRNESS, a Nevada committee for political action, filed Complaint for Declaratory and Injunctive Relief claiming, among other things, that the subject Referendum Petition fails to qualify as a referendum under Article 19, Section 1 of the Nevada Constitution, and the Referendum Petition's description of effect is misleading and fails to disclose all material effects if it is approved by the voters.

1 Having read all of the pleading and papers on file herein and the relevant law applicable to  
2 the issues related to this matter as well as conducting an oral argument March 28, 2015, with all of  
3 the parties represented, the Court finds and concludes as follows:

4  
5 1. The subject Referendum Petition proposes a substantial change to the law and not a  
6 yay or nay vote on a statute or part thereof;

7 2. The subject Referendum Petition does not present a yay or nay vote on a part of a  
8 statute, but rather systematic changes to various portions and words of the statute in a piecemeal  
9 approach; and

10 3. The subject Referendum Petition is not a referendum as provided for in Article 19,  
11 Section 1 of the Nevada Constitution, but is actually an attempt to amend the statute which requires  
12 an initiative pursuant to Article 19, Section 2 of the Nevada Constitution.

13  
14 BASED UPON the findings herein and good cause appearing, **IT IS HEREBY ORDERED**

15 1. That the subject Referendum Petition is invalid as a referendum pursuant to Article  
16 19, Section 1 of the Nevada Constitution.


17 2. That the Declaratory Relief and Injunction requested by Plaintiff is hereby  
18 GRANTED in its entirety on the merits.

19 3. That the Injunction granted herein shall be stayed pending the outcome of an appeal,  
20 allowing defendant, NO SOLAR TAX PAC, to obtain signatures on the Petition. Pending the  
21 outcome of an appeal of this Order, the Secretary of State and the county clerks and registrars of  
22 voters shall not be enjoined from processing the Petition to determine if the Petition has obtained  
23 enough signatures to qualify for the ballot.

24  
25 **IT IS SO ORDERED** this 24 day of April, 2016.

26  
27   
28 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
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
- 48
- 49
- 50
- 51
- 52
- 53
- 54
- 55
- 56
- 57
- 58
- 59
- 60
- 61
- 62
- 63
- 64
- 65
- 66
- 67
- 68
- 69
- 70
- 71
- 72
- 73
- 74
- 75
- 76
- 77
- 78
- 79
- 80
- 81
- 82
- 83
- 84
- 85
- 86
- 87
- 88
- 89
- 90
- 91
- 92
- 93
- 94
- 95
- 96
- 97
- 98
- 99
- 100

  
Angela Jeffries  
Judicial Assistant, Dept. 1

**FIRST JUDICIAL DISTRICT COURT MINUTES**

CASE NO. 16 OC 00030 1B

TITLE: CITIZENS FOR SOLAR AND ENERGY  
FAIRNESS VS NO SOLAR TAX PAC  
AND BARBARA CEGAVSKE

---

04/04/16 – DEPT. I – HONORABLE JAMES T. RUSSELL  
C. Franz, Clerk – Not Reported

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Present: James Cavalia and Joel Locke, counsel for Petitioner; Kevin Benson, counsel for No Solar Tax Pac.

Statements were made by Court Benson and Cavalia.

Deputy Attorney General, Lori Story, counsel for Barbara Cegavske now present.

Further statements were made by Court, Cavalia, Benson and Story.

Court stated finding for the record.

**COURT ORDERED:** It grants the declaratory judgment and issues the injunction.

Benson made an oral motion to stay the injunction pending a potential appeal. Cavalia in opposition.

**COURT ORDERED:** It allows essentially to go forward, It will stay the fact from the stand point in regards to enjoining anything. Benson can go forward and try to get signatures because it doesn't want to penalize anyone.

Further statements were made by Court.

Cavalia to prepare the Order.

The Court minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

---

# DISTRICT COURT CIVIL COVER SHEET

Carson City      County, Nevada  
 Case No. 1606 00030 13  
*(Assigned by Clerk's Office)*

**REC'D & FILED**

**2018 FEB 16 PM 2:06**

**I. Party Information** *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): CITIZENS FOR SOLAR AND ENERGY FAIRNESS 402 N. DIVISION STREET CARSON CITY, NV 89703 (775) 687-0202	Defendant(s) (name/address/phone): NO SOLAR TAX PAC 2310 S. CARSON STREET #6 CARSON CITY, NV 89701 (775) 461-3780
Attorney (name/address/phone): JAMES R. CAVILIA, ESQ. 402 N. DIVISION STREET CARSON CITY, NEVADA 89703 (775) 687-0202	Attorney (name/address/phone): SUSAN MERRIWETHER CLERK DEPUTY


**II. Nature of Controversy** *(please select the one most applicable filing type below)*

**Civil Case Filing Types**

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

*Business Court filings should be filed using the Business Court civil coversheet.*

2/16/16  
 Date

  
 Signature of initiating party or representative

*See other side for family-related case filings.*