

FILED

MAR 26 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

BOBBY L. FRANKLIN
2451 N. Rainbow Blvd. Suite 2037
Las Vegas, NV. 89108
dlepatent@hotmail.com
830-822-4791

(original)

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BOBBY LEN FRANKLIN,
Real Party in Interest,
Petitioner,

Supreme Court No.: 77825 - COA

District Court Case No.: A-18-779502-C

VS.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK; AND THE
HONORABLE TIMOTHY C. WILLIAMS,
DISTRICT JUDGE,

Respondents,

and,

WILLIAM R. URGAS; D.J. LAUGHLIN, D/B/A
BWD PROPERTIES 2, LLC, BWD
PROPERTIES 3, LLC, BWD PROPERTIES 4,
LLC; AND SHELLEY YOUNG, STATE BAR
OF NEVADA,

Real Parties in Interest.

FILED

FEB 05 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY B. Richards
DEPUTY CLERK

**MOTION TO RECUSE
JUDGE JEROME T. TAO
FROM THIS CASE**

Petitioner "Franklin" moves to recuse Judge Tao from this Case 77825 because he may have the following conflicts of interest on the described 80 acres of land in Laughlin Nevada.

The Memorandum of Points and Authorities, with the Exhibits attached, and the Proof of Service are attached herewith.

Respectfully submitted by,

Bobby Len Franklin
BOBBY LEN FRANKLIN (pro se)

01/30/2019
DATED

FEB 04 2019

ELIZABETH A. BROWN
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MEMORANDUM OF POINTS AND AUTHORITIES


From 1989 to 2013, Nevada Senator Harry Reid was constantly sending his press releases to the Laughlin Nevada Times and the named others, to print his plans to legislate a law to transfer "Section 16" in Laughlin Nevada to Robert Bilbray, while they both new Franklin had and still has the First Title to 80 acres in 'Section 16'. See, Exhibit 1, pp 1- 3 attached herewith.

From January 1999 to June 2001, Jerome Tao was Senator Harry Reid's "Legislative Assistant, Chief Speechwriter, ... negotiating legislation", as his "senior advisor". See, Exhibit 2, pp 4 - 6 attached herewith.

Up until 2013, Harry Reid and his son - Commissioner Rory Reid were brokering their \$5 Billion deal with ENN Solar Energy Corp from China, to transfer the 9,000 acres to ENN, which included 'Section 16' in Laughlin that runs about 200 feet parallel from the huge electric power transmission line towers. See, Exhibit 3, pp 7 - 11 attached herewith.

Thus, Mr. Tao may still have conflicts of interest against Franklin, and against the **80 acres** in 'Section 16' that Franklin still has the existing First Title to.

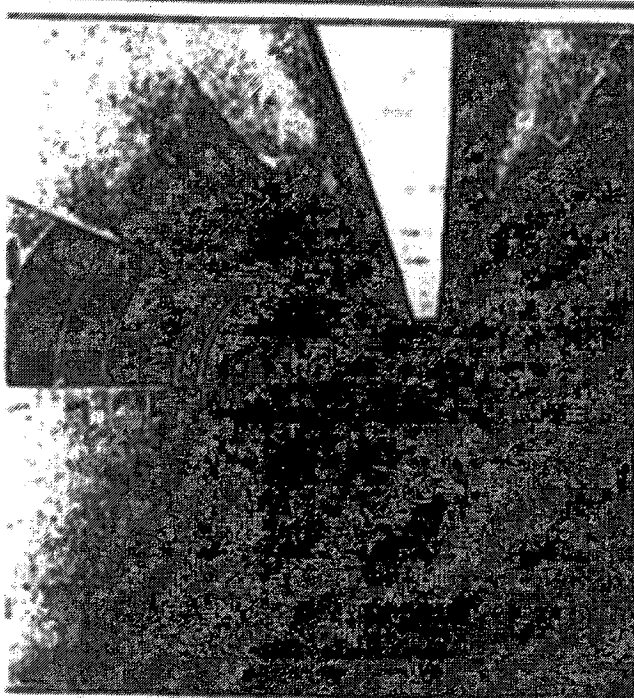
Respectfully submitted by,


BOBBY L. FRANKLIN (*pro se*)
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dlepatent@hotmail.com
830-822-4791
(Petitioner, Real Party in Interest)

01/30/2019
DATED

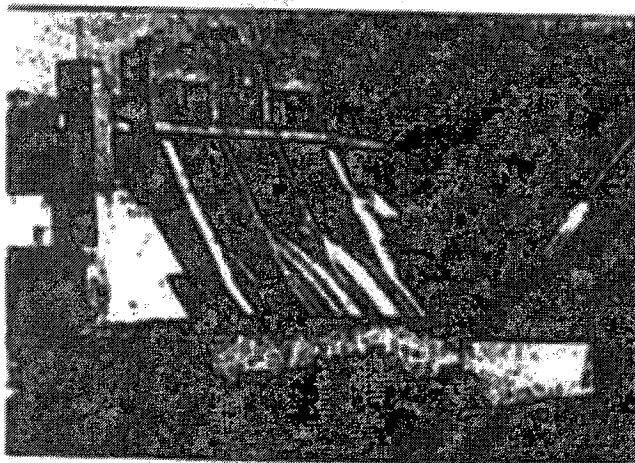
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LAUGHLIN

Wednesday, June 18, 1987



The expensive gauges and interior control facilities at Davis Dam.

Public tours of Davis Dam



The dam has seen as many as 50,000 visitors annually tour its historic control room facilities, which are no longer open to the public.

The primary reasons for the closure are the lack of personnel, as well as security, he said. "We have few dollars at the dam and it's a money to keep it open," he said the budget for the

dam system along the Colorado River has been declining the last three or four years and the Oklahoma City bombing has put security in the recent spotlight.

DAVIS DAM, PAGE A-2

Reid urges transfer of Section 16

BY STEVE SELKE, LAUGHLIN NEVADA TIMES

Following several years of bureaucratic wrangling, Laughlin may soon be close to obtaining a large area of land for commercial development.

Known as "Section 16," the 640-acre parcel, owned by the U.S. Bureau of Land Management, is located between Desert Drive and Laughlin High School. The land has long been eyed as potentially the next area of development for Laughlin.

Local government officials have worked to have Section 16 traded for land controlled by the Colorado River Commission, however, these efforts have stalled in a quagmire of complicated procedures and red tape.

Only one percent of the land in the Laughlin area — or about 2,200 acres — is available for development, as the addition of land for commercial and residential use is crucial for the township's growth, officials say.

During its June meeting, the Laughlin Town Advisory Board heard from Town Manager Jackie Brady, who explained the status of Section 16. "Preparations are being made by Senator Harry Reid's office to introduce legislation to release (Section 16) that can be used for development in Laughlin and therefore advance the future welfare of this town," she said.

Reid has stepped in to urge the BLM to have the land released directly to the Colorado River Commission, instead of attempting a complicated land exchange.

"If the proposed federal land were to be released by exchange, the length of time it would take to do the exchange and then sell to (private developers) would mean more years of



U.S. Sen. Harry Reid has urged on the BLM to expedite release of Section 16.

LAND, PAGE A-7

11-01-1987

Exhibit 1 P1

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Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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[illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves assigning tasks to team members, setting deadlines, and monitoring progress to ensure that the project is on track.

5. The final step is to evaluate the results of the project. This involves comparing the actual outcomes against the objectives and goals to determine the effectiveness of the project and identify areas for improvement.

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Figure 1 consists of 12 histograms arranged in a single row, labeled x_1 through x_{12} from left to right. Each histogram shows the frequency of values for x_k . The x-axis for all histograms is labeled x_k and has tick marks at 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The y-axis for all histograms is labeled 'count' and has tick marks at 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The distributions are unimodal and shift to the right as k increases. The peak count for each distribution is as follows: x_1 (1), x_2 (2), x_3 (3), x_4 (4), x_5 (5), x_6 (6), x_7 (7), x_8 (8), x_9 (9), x_{10} (10), x_{11} (11), and x_{12} (12).

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Figure 1 is a 3D bar chart illustrating the distribution of the number of children per family (Y-axis, 0 to 10) across different levels of education (X-axis, 1 to 10) and income (Z-axis, 1 to 10). The chart shows that higher education and income levels generally correspond to a higher number of children per family. The bars are color-coded by income level, with higher income levels represented by darker colors.

Figure 1 consists of a 4x4 grid of 16 small plots. Each plot represents a quadrat in a 4x4 grid. The plots are labeled with numbers 1 through 16, corresponding to the quadrats in the grid. The plots show the spatial distribution of the number of individuals per quadrat. The top row shows a relatively uniform distribution of individuals. The second row shows a more clustered distribution. The third row shows a highly clustered distribution with many empty quadrats. The bottom row shows a very sparse distribution with almost all quadrats being empty.

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Exhibit 1, p 2

The Laughlin Nevada TIMES

A Sun World Publishing Product

September 22, 2001

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Bilbray named citizen of the year

09/19/01

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LAUGHLIN - A self-described 'occasional hot poker' seen to be a driving force in establishment of infrastructure here was named the 2001 Citizen of the Year by the Laughlin Town Advisory Board last week. Robert P. Bilbray, attorney, certified public accountant, developer, public works committee member, philanthropist and 22-year resident of Laughlin was honored by the board on Sept. 11. Lorraine Haywood, board chair, read the proclamation that announced all those accomplishments plus some others. "Bob chaired the public works committee of the town advisory board for many years," Haywood noted, "and helped to see Laughlin acquire a complete infrastructure to support growth." The chair lauded Bilbray for his most recent contribution of four acres of prime land on which the community's first aquatic center is to be built. "Bob Bilbray has been a donor to all youth sports," Haywood continued, "has participated at fund-raisers for youth programs in the community, and has personally contributed (money toward) the medical expenses of children who otherwise could not afford such medical care. "Now, therefore, the commissioners do hereby grant, thank and applaud Robert P. Bilbray, 2001 Laughlin Citizen of the Year, and urge the citizens of Laughlin and Clark County to congratulate him for his many efforts in making Laughlin a great place in which to live, work and play." The price of progress has included controversy, a point acknowledged by Bilbray and Bruce Woodbury, the Clark County Commissioner whose letter prefaced the presentation. While Bilbray nodded emphatically, and many in the board chambers laughed knowingly, Haywood read from that letter: "In attaining your goals you have always considered their impact on Laughlin. And although you have often felt the county's development procedures and bureaucracy have placed an undue burden on developers it is clear your intent has been to expedite the time and expense and not the quality of your projects. "Your service on the public works committee for many years helped to build us a strong network of roads, flood control facilities and state-of-the-art water and sewer systems," Haywood continued to quote from Woodbury's letter. "If every town had people as determined, knowledgeable and outspoken as you, then every town could reach its full potential. "Congratulations on this well-deserved honor." Bilbray returned the praise toward the close of his comments, saying: "Commissioner Woodbury deserves incredible support for his supporting us to the extent of \$300 to \$350 million worth of infrastructure that has this community front-loaded well beyond any community's wildest dreams." Building a clean, compact and beautifully modern city out of the rugged

(QUESTIONS 1 THROUGH 48)

Personal Information

1. **Full Name:** Jerome T. Tao
2. **Have you ever used or been known by any other legal name?** Nickname "Jerry" (not a formal name), was identified that way on the ballot in 2012 and 2014
3. **Work Address:**
District Judge
8th Judicial District Court
Department XX
200 Lewis Avenue
Las Vegas, NV 89155
4. **How long have you been a continuous resident of Nevada?** Since 2001
5. **Age:** 46

Employment History

6. **Using the format provided in Attachment "A" please start with your current employment or most recent employment, self-employment, and periods of unemployment for the 20 years immediately preceding the filing of this Application.**

Current or Last Employer: District Judge, 8th Judicial District Court for the State of Nevada

Phone Number: (702) 671-4440

Address: Department XX, 200 Lewis Avenue, Las Vegas, NV 89155

From: January 20, 2011 **To:** Present

Supervisor's Name: N/A

Supervisor's Job Title: N/A

Your Title: District Judge

Specific Duties:

Reason for Leaving: Presently Employed

Previous Employer: Office of the Clark County Public Defender

Phone Number: (702) 455-4685

Address: 309 South Third Street, Las Vegas, Nevada 89155

From: January 2010 **To:** January 2011

Supervisor's Name: Philip J. Kohn

Supervisor's Job Title: Clark County Public Defender

Your Title: Chief Deputy Public Defender

Specific Duties: Supervised/trained team of attorneys

Reason for Leaving: Appointed to District Court

Exhibit 2, p 4

Previous Employer: Law Firm of Ayala & Tao (known as Ayala & Associates prior to 2006)
Phone Number: (702) 893-2015
Address: 400 South Fourth Street, Las Vegas NV 89101
From: Fall 2005 **To:** December 2009
Supervisor's Name: Did not have supervisor; partner's name is Daniel P. Ayala
Supervisor's Job Title: Partner
Your Title: Partner
Specific Duties: Private law practice
Reason for Leaving: Dissolved law firm, I went to Public Defender's Office, partner went to larger firm

Previous Employer: Office of the Clark County District Attorney
Phone Number: (702) 671-2500
Address: 200 Lewis Avenue, Las Vegas NV 89155
From: August 2001 **To:** September 2005
Supervisor's Name: Stewart Bell, David Wall, Frank Coumou
Supervisor's Job Title: Chief Deputy District Attorney
Your Title: Deputy District Attorney
Specific Duties: Prosecuted criminal cases
Reason for Leaving: Formed private law firm with friend

Previous Employer: U.S. Senator Harry Reid
Phone Number: (202) 224-3542
Address: 522 Hart Senate Office Building, Washington D.C. 20510
From: January 1999 **To:** June 2001
Supervisor's Name: Senator Harry Reid, Susan McCue (Chief of Staff)
Supervisor's Job Title: Chief of Staff
Your Title: Legislative Assistant, Chief Speechwriter
Specific Duties: Assisted Senator in researching, drafting and negotiating legislation, drafted speeches
Reason for Leaving: Moved to Nevada to join District Attorney's Office

Previous Employer: Law Firm of Steptoe & Johnson LLP
Phone Number: (202) 429-3000
Address: 1330 Connecticut Avenue NW, Washington, D.C. 20036
From: 1996 **To:** Fall 1999
Supervisor's Name: David Roll, Gary Rinkerman
Supervisor's Job Title: Partner
Your Title: Associate Attorney
Specific Duties: Private law practice
Reason for Leaving: Offered opportunity to work on Capitol Hill for Senator Reid



Clark County Courts

Jennifer Togliatti
Chief, Eighth Judicial
District Court

Karen Bennett
Chief Judge, Las Vegas
Township Justice Court

Steve Grierson
Court Executive Officer

Jerome T. Tao
Department 20
Eighth Judicial District Court

Term of Office 2011 - present

Paula Walsh
Judicial Executive Assistant
(702) 671-4440 Voice
(702) 671-4439 Fax

Judge Tao was appointed to the bench by Governor Brian Sandoval in January, 2011, making him the Governor's first judicial appointment and the first Asian-American ever to serve on a District Court in the history of Nevada.

✓ Prior to his appointment, Judge Tao served at various times as a Clark County Deputy District Attorney, Chief Deputy Public Defender, as a civil attorney in private practice, and was at one time a senior advisor to U.S. Senator Harry Reid. He has been active in a variety of community organizations including Leadership Las Vegas, Focus Las Vegas, the Asian Chamber of Commerce, AAG, and the UNLV Vice-President's Commission on Diversity.

Judge Tao is a graduate of Cornell University (1989) and the George Washington University (1992, with honors), where he served on the Law Review and the Moot Court Board.

Harry Reid's Son Representing Chinese Solar Panel Plant in \$5 Billion Nevada Deal



4 Sep 2012

588



The son of Senate Majority Leader Harry Reid (D-NV), Rory Reid, is the primary representative for ENN Energy Group, a Chinese energy company seeking to build a \$5 billion solar panel plant on a 9,000-

Exhibit 3, p7

acre Clark County desert plot in Laughlin, Nevada.

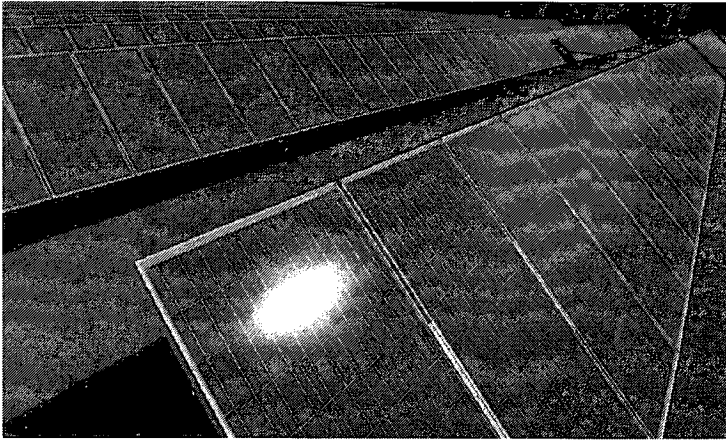
ENN scored big when Clark County commissioners unanimously voted to sell the Chinese company the public land for just \$4.5 million, despite the fact that it was appraised at \$38.6 million.

Breitbart TV

Sen. Reid has been one of ENN's biggest supporters, having recruited the company during a 2011 trip to China. According to Reuters, last month Sen. Reid tried to "pressure Nevada's largest power company, NV Energy, to sign up as ENN's first customer."

Exhibit 3, p 8

Plan for Laughlin solar energy plant fizzles; Clark County regains control of land



Solar panels collect energy in this 2012 file photo. A big project planned south of Laughlin has failed to obtain power purchase agreements with utility companies, and the hopes have

By BEN BOTKIN LAS VEGAS REVIEW-
JOURNAL

June 14, 2013 - 5:58 pm

A China-based company's plan to build a solar energy plant south of Laughlin and create hundreds of jobs has died.

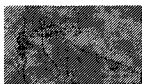
ENN Mojave Energy failed to obtain the necessary power purchase deal with any utility companies, Clark County officials said Friday.

The company informed the county Friday that it was unable to meet the terms of the agreement. As a result, the land will go back to the county.

"Unfortunately, the market will not support a project of this scale and nature at this time," Tim Carlson, the company's senior vice president, wrote in a letter to the county.

The announcement disappointed the county commissioner who serves the Laughlin area and the town manager, who had hoped to see their desert enclave transformed into an alternative energy hub that brought economic and population growth.

Carrying with them the strong support of U.S. Senate Majority Leader Harry Reid, ENN's representatives persuaded county officials to approve the big land deal in December 2011 with promises of bringing economic development to the Laughlin area, about 100 miles south of Las Vegas.



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Commissioners had high hopes it would bring hundreds, if not thousands, of jobs and a billion-dollar solar farm and research park to Southern Nevada. Under the agreement, 9,000 acres in the Fort

Exhibit 3, p9

Mohave Valley were sold to the company for \$4.5 million.

At the time, the company predicted the creation of 590 to 2,222 permanent jobs in its first five years of development, and another 462 to 2,944 construction jobs. Its investment would have ranged from \$1 billion to \$6 billion for a photovoltaic power plant and solar-panel factory, according to the analysis the company provided commissioners. The company couldn't be reached Friday for further comment.

Reid, D-Nev., has strongly supported the project, lobbied hard to make ENN's plans a reality. He met with the head of ENN Group, the parent company, in 2011.

He also traveled to China in April 2011, with an eye toward site visits of American investments and clean energy projects, according to his office's statement at the time.

Reid pressured NV Energy to purchase power from ENN. In July 2012, he publicly said the ENN project would start "tomorrow" if NV Energy did business with ENN. At the time, the utility said it didn't plan to seek new requests for power until 2014 or 2015.

Reid's son, Rory Reid, was an attorney on the ENN project his father supported. The senator's office has previously said he didn't get his son's firm the work and that the two hadn't spoken about the deal. On Friday, a Sen. Reid spokeswoman didn't respond to a request for comment.

In hopes of getting the economic boost, the county sold the land for below its appraised value. Two separate appraisals had pegged the land's value at \$29.6 million and \$38.6 million.

But the agreement also hinged on the company's ability to negotiate a power purchase agreement with a utility company within 18 months, which failed happen. As a result, the land goes back to the county.

What happens with the land next remains to be seen. County staffers will give a report to commissioners on economic development ideas for the land at a July 2 meeting.

"Economic development and job creation must remain our focus," commission Chairman Steve Sisolak said in a statement. The project area is in his district. "I am grateful that ENN spent a lot of time and effort to move its project forward. I know they did what they could."

In an interview, Sisolak said the developer was unable to get the

Exhibit 3, p 10

energy price down enough for potential buyers, noting that renewable energy is more expensive than fossil fuel-based energy.

"It's a disappointment, obviously, that this fell apart," he said.

As for future prospects, Sisolak said the land has potential for a variety of uses, including warehousing and manufacturing.

Shortly after the ENN deal was announced, he said, other developers inquired about the availability of land. Sisolak said he plans to get in touch with them and looks forward to hearing suggestions from county staff.

"When one door closes, hopefully three windows open up this time," he said.

An analysis examining the land several years ago identified potential uses that include distribution, software production, health care and an innovation services cluster with businesses offering legal, accounting, engineering and technical consulting services.

"It is a big letdown because we had hoped it would bring employment," said Laughlin Town Manager Jacquelyne Brady. "We need the employment and we've got all of this land that can be used for economic development so we were pretty excited. We don't give up, though. We do not give up."

As for how quickly another developer might latch onto the land, that remains to be seen. If ENN had built its plant, the addition would have greatly diversified the economy of Laughlin, an unincorporated community of about 7,400 where the bulk of jobs are tied to tourism and gaming.

"At this point, I really don't know because once ENN came in the door, we did not market that land anymore," Brady said. "We were not marketing for well over a year and a half, almost two years, so I'm not sure what has changed now in terms of people being interested."

Despite the failure of solar energy project, growth of utility-scale photovoltaic solar power installations continues nationwide. Utility installations of that power source in the U.S. grew by 670 percent from 2010 to 2012, according to a report released this week by the Solar Energy Industries Association.

Exhibit 3, p 11

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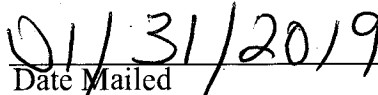
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