

IN THE SUPREME COURT OF THE STATE OF NEVADA

Fred Kraus, an individual registered to vote in Clark County, Nevada, DONALD J. TRUMP FOR PRESIDENT, INC.; the NEVADA REPUBLICAN PARTY,

Appellants,

vs.

BARBARA CEGAVSKE, in her official capacity as Nevada Secretary of State, JOSEPH P. GLORIA, in his official capacity as Registrar of Voters for Clark County, Nevada, DEMOCRATIC NATIONAL COMMITTEE and NEVADA STATE DEMOCRATIC PARTY,

Respondents.

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Elizabeth A. Brown
Clerk of Supreme Court

Case No.: 82018

Appeal from the First Judicial District Court, The Honorable Judge James E. Wilson Presiding

EMERGENCY MOTION UNDER NRAP 27(e) TO DISMISS APPEAL AND RETURN JURISDICTION TO THE DISTRICT COURT
(Emergency Relief Required – 11/13/2020)

Marquis Aurbach Coffing

Brian R. Hardy, Esq.
Nevada Bar No. 10068
Susan E. Gillespie, Esq.
Nevada Bar No. 15227
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
bhardy@maclaw.com
sgillespie@maclaw.com

The O'Mara Law Firm, P.C.

David O'Mara, Esq.
Nevada Bar No. 8599
311 E. Liberty Street
Reno, Nevada 89501
david@omaralaw.net

Harvey & Binnall, PLLC

Jesse R. Binnall, Esq. (*admitted pro hac vice*)
717 King Street, Suite 300
Alexandria, Virginia 22314
Telephone: (703) 888-1943
jbinnall@harveybinnall.com

Attorneys for Appellants

Pursuant to NRAP 42(b) and NRAP 27(e), Appellants, Fred Kraus; Donald J. Trump for President, Inc.; the Nevada Republican Party (collectively “Appellants”), by and through their counsel of record, Marquis Aurbach Coffing; Harvey & Binnall, PLLC; and The O’Mara Law Firm, P.C., hereby move this Court for an order granting the instant motion to dismiss appeal and return jurisdiction to the District Court with all parties to bear their own fees and costs.

As grounds for the motion, Appellants state the following reasons:

1. On November 4, 2020, Appellants and Respondents Barbara Cegavske and Joseph Gloria were able to reach a settlement agreement.

2. On Wednesday evening, counsel for Appellants circulated a proposed stipulation and order containing the terms agreed upon to counsel for all Respondents including the District Court Intervenor Parties, Respondents Democratic National Committee and Nevada State Democratic Party (“Intervenors”), who have asserted no claims and had no claims asserted against them in the District Court.

3. Counsel for Respondent Joseph Gloria responded with a suggested change on the morning of November 5, 2020, which was accepted by Petitioners, and the revised stipulation and order was sent out for approval and subsequently

approved and/or signed by Appellants and Respondents Barbara Cegavske and Joseph Gloria.¹

4. Intervenors acknowledged receipt of the stipulation and order on October 4, 2020 but, despite multiple requests, continue to be unable to approve or even provide a response to the two-page stipulation and order which afforded the public additional observation access during the election.

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¹ The settlement consists of simple and straightforward terms:

The Registrar shall allow the public to have additional observation access to the ballot duplication in the Greystone Facility such that all tables where the duplication process is occurring shall be visible to public observers; and

Petitioners shall voluntarily dismiss the pending appeal in the Nevada Supreme Court, Case No. 82018.

Based upon the foregoing, the parties hereto agree to dismissal of all claims brought in this action and any appeal hereof with each party to bear its own fees and costs.

Based upon the foregoing, Appellants respectfully request that this Court grant the instant motion dismiss the instant appeal and return jurisdiction to the District Court for the parties to submit and file the stipulation and order.

Dated this 10th day of November, 2020.

MARQUIS AURBACH COFFING

By /s/ Brian R. Hardy

Brian R. Hardy, Esq. (SBN 10068)
Susan E. Gillespie, Esq. (SBN 15227)
10001 Park Run Drive
Las Vegas, Nevada 89145

THE O'MARA LAW FIRM, P.C.
David O'Mara, Esq.
Nevada Bar No. 8599
311 E. Liberty Street
Reno, Nevada 89501

HARVEY & BINNALL, PLLC
Jesse R. Binnall, Esq. (*pro hac vice*)
717 King Street, Suite 300
Alexandria, Virginia 22314

Attorneys for Appellants

NRAP 27(e) CERTIFICATE

I hereby certify that this Emergency Motion for Relief Under NRAP 27(e) relies upon issues raised by Appellants in the District Court, and otherwise complies with the provisions of NRAP 27(e).

As set forth in the body of this motion, emergency relief is needed to avoid the necessity of briefing scheduled to be submitted on or before **November 13, 2020**. The telephone numbers and office addresses of the attorneys for the parties are as follows:

Marquis Aurbach Coffing

Brian R. Hardy, Esq.
Susan E. Gillespie, Esq.
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
bhardy@maclaw.com
sgillespie@maclaw.com

&

The O'Mara Law Firm, P.C.

David O'Mara, Esq.
Nevada Bar No. 8599
311 E. Liberty Street
Reno, Nevada 89501
Telephone: (775) 323-1321
david@omaralaw.net

&

Harvey & Binnall, PLLC

Jesse R. Binnall, Esq.
(admitted pro hac vice)
717 King Street, Suite 300
Alexandria, Virginia 22314
Telephone: (703) 888-1943
jbinnall@harveybinnall.com
Attorneys for Appellants

Office of the Attorney General

Gregory L. Zunino, Esq.
100 North Carson St.
Carson City, NV 89701-4717
Telephone: (775) 400-0340
Fax: (775) 684-1108
gzunino@ag.nv.gov
Attorney for Respondent Barbara Cegavske

Clark County District Attorney

Mary Anne Miller, Esq.
500 S. Grand Central Pkwy, 5th Floor
Las Vegas, NV 89155
Telephone: (702) 671-2500
mary-anne.miller@clarkcountyda.com
Attorney for Respondent Joseph Gloria

Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP

Bradley S. Schrager, Esq.
Daniel Bravo, Esq.
3556 E. Russell Rd. 2nd Floor
Las Vegas, NV 89120
Telephone: (702) 341-5200
Fax: (702)341-5300
bschrager@wrslawyers.com
dbravo@wrslawyers.com

&

Perkins Coie LLP
John M. Devaney, Esq.
(admitted pro hac vice)
700 Thirteenth Street NW, Suite 800
Washington, D.C. 2005-3960
jdevaney@perkinscoie.com
*Attorneys for Intervenor-Respondents, DNC Services Corporation/Democratic
National Committee and Nevada State Democratic Party*

According to the attached certificate of service, all parties through their counsel of record have been served electronically through this Court's electronic filing system, and by email as indicated. Furthermore, the undersigned notified the parties by email and/or telephone on November 10, 2020 of the instant emergency motion and the basis for the same. The undersigned's office also informed the Clerk of the emergency motion on the same day.

Dated this 10th day of November, 2020.

MARQUIS AURBACH COFFING

By /s/ Brian R. Hardy

Brian R. Hardy, Esq.
Nevada Bar No. 10068
Susan E. Gillespie, Esq.
Nevada Bar No. 15227
10001 Park Run Drive
Las Vegas, Nevada 89145

THE O'MARA LAW FIRM, P.C.
David O'Mara, Esq.
Nevada Bar No. 8599
311 E. Liberty Street
Reno, Nevada 89501

HARVEY & BINNALL, PLLC
Jesse R. Binnall, Esq. (*pro hac vice*)
717 King Street, Suite 300
Alexandria, Virginia 22314

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **EMERGENCY MOTION FOR RELIEF UNDER NRAP 27(e) TO DISMISS APPEAL AND RETURN JURISDICTION TO THE DISTRICT COURT** was filed electronically with the Nevada Supreme Court on the 10th day of November, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Office of the Attorney General
Gregory L. Zunino, Esq.
gzunino@ag.nv.gov
Attorney for Respondent Barbara Cegavske

Clark County District Attorney
Mary Anne Miller, Esq.
Mary-anne.miller@clarkcountyda.com
Attorney for Respondent Joseph Gloria

Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
Bradley S. Schrager, Esq.
bschrager@wrslawyers.com
Attorneys for Intervenor-Respondents, DNC Services Corporation/Democratic National Committee and Nevada State Democratic Party

I further certify that I served a copy of this document by emailing a true and correct copy thereof due to the exigency of the requested relief:

Office of the Attorney General
Gregory L. Zunino, Esq.
100 North Carson St.
Carson City, NV 89701-4717
gzunino@ag.nv.gov
Attorney for Respondent Barbara Cegavske

Clark County District Attorney
Mary Anne Miller, Esq.
500 S. Grand Central Pkwy, 5th Floor
Las Vegas, NV 89155
mary-anne.miller@clarkcountyda.com
Attorney for Respondent Joseph Gloria

Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
Bradley S. Schrager, Esq.
Daniel Bravo, Esq.
3556 E. Russell Rd. 2nd Floor
Las Vegas, NV 89120
bschrager@wrslawyers.com
dbravo@wrslawyers.com

Perkins Coie LLP
John M. Devaney, Esq.
(*admitted pro hac vice*)
700 Thirteenth Street NW, Suite 800
Washington, D.C. 2005-3960
jdevaney@perkinscoie.com

*Attorneys for Intervenor-Respondents, DNC Services Corporation/Democratic
National Committee and Nevada State Democratic Party*

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing