

Electronically Filed
Jan 04 2021 10:33 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOAS

Mark A. Hutchison (4639)
Jacob A. Reynolds (10199)
Piers R. Tueller (14633)
HUTCHISON & STEFFEN, PLLC
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
Telephone: (702) 385-2500
Facsimile: (702) 385-2086
Email: mhutchison@hutchlegal.com
jreynolds@hutchlegal.com
ptueller@hutchlegal.com

Attorneys for Intervening Plaintiff
Stavros Anthony

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ROSS MILLER, an individual,

Plaintiff/Petitioner,
v.

CLARK COUNTY BOARD OF
COMMISSIONERS, a local government entity;
and DOES I – X, inclusive,

Defendant

Case No. A-20-824971-W

Dept. No. XI

NOTICE OF APPEAL

STAVROS ANTHONY, an individual,

Intervening Plaintiff,
v.

CLARK COUNTY BOARD OF
COMMISSIONERS, a local government entity;
ROSS MILLER, an individual,

Defendants.

///

1
2 Notice is given that Stavros Anthony, Intervening Plaintiff in the above captioned matter,
3 appeals to the Supreme Court of Nevada from the following Orders:

- 4 1. The District Court's Order denying Intervenor Stavros Anthony's Motion for
5 Preliminary Injunction entered in this action on December 4, 2020; and
6 2. The District Court's [Minute] Order denying Intervenor Stavros Anthony's Motion for
7 Writ of Mandamus entered in this action on December 24, 2020; and
8 3. Any and all orders and judgments rendered appealable by the foregoing.

9 DATED this 29th day of December, 2020.

10 HUTCHISON & STEFFEN, PLLC

11
12 /s/ Mark A. Hutchison

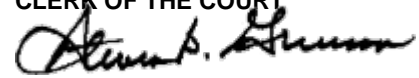
13 Mark A. Hutchison (4639)
14 Jacob A. Reynolds (10199)
15 Piers R. Tueller (14633)
16 Peccole Professional Park
10080 W. Alta Drive, Suite 200
Las Vegas, Nevada 89145

17 *Attorneys for Intervening Plaintiff*
18 *Stavros Anthony*
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TO ALL THE PARTIES ON THE E-SERVICE LIST

/s/ Kaylee Conradi
An Employee of Hutchison & Steffen, PLLC



ASTA

Mark A. Hutchison (4639)

Jacob A. Reynolds (10199)

Piers R. Tueller (14633)

HUTCHISON & STEFFEN, PLLC

Peccole Professional Park

10080 West Alta Drive, Suite 200

Las Vegas, Nevada 89145

Telephone: (702) 385-2500

Facsimile: (702) 385-2086

Email: mhutchison@hutchlegal.com

jreynolds@hutchlegal.com

ptueller@hutchlegal.com

Attorneys for Intervening Plaintiff

Stavros Anthony

EIGHTH JUDICIAL DISTRICT COURT

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ROSS MILLER, an individual,

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v.

CLARK COUNTY BOARD OF
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and DOES I – X, inclusive,

Defendant

Case No. A-20-824971-W

Dept. No. XI

CASE APPEAL STATEMENT

STAVROS ANTHONY, an individual,

Intervening Plaintiff,

v.

CLARK COUNTY BOARD OF
COMMISSIONERS, a local government entity;
ROSS MILLER, an individual,

Defendants.

///

///

1 **1. Party filing this Case Appeal Statement.**

2 Intervening Plaintiff Stavros Anthony.

3 **2. Judge issuing the decision, judgment or order appealed from.**

4 District Court Judge Elizabeth Gonzalez.

5 **3. Parties to the proceedings in the district court.**

6 The parties to the proceedings in district court are, Plaintiff Ross Miller, Defendant Clark
7 County Board of Commissioners, and Intervening Plaintiff Stavros Anthony.

8 **4. Parties involved in this appeal.**

9 The parties involved in this appeal are, Plaintiff Ross Miller, Defendant Clark County Board of
10 Commissioners, and Intervening Plaintiff Stavros Anthony.

11 **5. The name, law firms, addresses and telephone numbers of all counsel on appeal, and the**
12 **party or parties they represent.**

13 *Counsel for Plaintiff Ross Miller:*

14 Dominic P. Gentile
15 John A. Hunt
16 **CLARK HILL PLLC**
17 3800 Howard Hughes Pkwy., #500
18 Las Vegas, Nevada 89169
(70) 880-0000

19 Bradley S. Schrager
20 Daniel Bravo
21 **WOLF, RIFKIN, SHAPIRO,**
22 **SCHULMAN & RABKIN, LLP**
23 3556 E. Russell Road, Second Floor
24 Las Vegas, Nevada 89120
25 (702) 341-5200

26 *Counsel for Intervening Plaintiff Stavros*
27 *Anthony*

28 Mark A. Hutchison
Jacob A. Reynolds
Piers R. Tueller
HUTCHISON & STEFFEN, PLLC
Peccole Professional Park

Counsel for Defendant Clark County Board
of Commissioners:

Steven B. Wolfson
Mary-Anne Miller
DISTRICT ATTORNEY CIVIL
DIVISION – Clark County Counsel
500 South Grand Central Pkwy.
Las Vegas, Nevada 89155-2215
(702) 455-4761

1 10080 West Alta Drive, Suite 200
2 Las Vegas, Nevada 89145
3 (702) 385-2500

4 **6. Whether Respondent was represented by appointed or retained counsel in the district**
5 **court.**

6 Respondents were represented by retained counsel in district court.

7 **7. Whether Appellant was represented by appointed or retained counsel in the district court.**

8 Appellant was represented by retained counsel in district court.

9 **8. Whether Appellant was granted leave to proceed in *forma pauperis* in the district court.**

10 Appellant was not granted leave to proceed in *forma pauperis* in district court.

11 **9. The date the proceedings commenced in district court.**

12 The proceedings commenced in district court on November 17, 2020 when Plaintiff Ross Miller
13 filed his complaint.

14 **10. Brief description of the nature of the action and result in district court.**

15 This action was filed initially by Plaintiff Ross Miller to compel the Clark County Commission
16 to recognize him as the winner of the November 2020 General Election for Clark County
17 Commission, District C despite the Registrar of Voters reporting to the Commission that the election
18 results – which included 139 irreconcilable errors and discrepancies and a 10 vote margin of victory –
19 called into question whether the election results reflected the true will of the voters. Initially the Clark
20 County Board of Commissioners did not certify the District C election result and ordered a new
21 election. The Commission subsequently published a meeting agenda that included an item to
22 reconsider its decision. Intervening Plaintiff Stavros Anthony moved to enjoin the Clark County
23 Commission from reconsidering that decision or otherwise certifying the election results in Miller’s
24 favor, which was denied by the district court. Moreover, after the Clark County Commission re-
25 voted and certified the District C election results in Miller’s favor, Anthony filed a motion for writ of
26 mandamus seeking the Commission’s compliance with NRS 293.465 and other election statutes and
27 requiring the Commission to order a new election as it had previously. The district court denied this
28 motion, holding that the District C election was not “prevented” as prescribed in NRS 293.465.

1 **11. Whether the case has been the subject of a previous appeal.**

2 This case has not been the subject of a previous appeal.

3 **12. Whether this appeal involves child custody or visitation.**

4 This case does not involve child custody or visitation.

5 **13. Whether the appeal involves the possibility of settlement.**

6 This case does not involve the possibility of settlement.

7
8 DATED this 29th day of December, 2020.

9 HUTCHISON & STEFFEN, PLLC

10
11 /s/ Mark A. Hutchison

12 Mark A. Hutchison (4639)

13 Jacob A. Reynolds (10199)

14 Piers R. Tueller (14633)

15 Peccole Professional Park

16 10080 W. Alta Drive, Suite 200

17 Las Vegas, Nevada 89145

18 *Attorneys for Intervening Plaintiff*

19 *Stavros Anthony*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Hutchison & Steffen, PLLC and that
3 on this 29th day of December, 2020, I caused the above and foregoing document entitled **CASE**
4 **APPEAL STATEMENT** to be served through the Court's mandatory electronic service system, per
5 EDCR 8.02, upon the following:
6

7 **TO ALL THE PARTIES ON THE E-SERVICE LIST**

8 /s/ Kaylee Conradi
9 An Employee of Hutchison & Steffen, PLLC
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CASE SUMMARY

CASE NO. A-20-824971-W

Ross Miller, Plaintiff(s)

vs.

Clark County Board of Commissioners, Defendant(s)

§
§
§
§
§

Location: **Department 11**
 Judicial Officer: **Gonzalez, Elizabeth**
 Filed on: **11/17/2020**
 Case Number History:
 Cross-Reference Case Number: **A824971**

CASE INFORMATION

Case Type: **Other Civil Matters**
 Case Status: **11/17/2020 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-20-824971-W
 Court Department 11
 Date Assigned 11/19/2020
 Judicial Officer Gonzalez, Elizabeth

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Miller, Ross	Gentile, Dominic P. <i>Retained</i> 702-862-8300(W)
Defendant	Clark County Board of Commissioners	Miller, Mary-Anne Meyers <i>Retained</i> 7024554761(W)
Intervenor Defendant	Clark County Board of Commissioners	Miller, Mary-Anne Meyers <i>Retained</i> 7024554761(W)
	Miller, Ross	Gentile, Dominic P. <i>Retained</i> 702-862-8300(W)
Intervenor Plaintiff	Anthony, Stavros	Hutchison, Mark A <i>Retained</i> 702-385-2500(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

11/17/2020



Complaint

Filed By: Intervenor Defendant Miller, Ross
ELECTION-RELATED ACTION - Verified Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandamus and Prohibition

11/17/2020



Initial Appearance Fee Disclosure

Filed By: Intervenor Defendant Miller, Ross
Initial Appearance Fee Disclosure

11/18/2020



Notice of Appearance

Party: Intervenor Defendant Miller, Ross

CASE SUMMARY
CASE NO. A-20-824971-W

	<i>Notice of Appearance of Counsel</i>
11/18/2020	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
11/18/2020	 Peremptory Challenge Filed by: Intervenor Defendant Miller, Ross <i>Peremptory Challenge of Judge</i>
11/18/2020	 Acceptance of Service <i>Acceptance of Service</i>
11/18/2020	 Notice of Appearance Party: Intervenor Defendant Clark County Board of Commissioners <i>Notice of Appearance of Counsel</i>
11/18/2020	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
11/19/2020	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
11/20/2020	 Media Request and Order <i>Media Request and Order Allowing Camera Access to Court Proceedings</i>
11/24/2020	 Media Request and Order <i>Media Request and Order - KSNV</i>
11/24/2020	 Initial Appearance Fee Disclosure Filed By: Intervenor Plaintiff Anthony, Stavros <i>Initial Appearance Fee Disclosure</i>
11/24/2020	 Complaint in Intervention Filed By: Intervenor Plaintiff Anthony, Stavros <i>Complaint in Intervention</i>
11/25/2020	 Order Shortening Time Filed By: Intervenor Plaintiff Anthony, Stavros <i>Motion for Preliminary Injunction on an Order Shortening Time Before Tuesday, December 1, 2020</i>
11/30/2020	 Response Filed by: Intervenor Defendant Miller, Ross <i>Response to Intervenor's Motion for Preliminary Injunction</i>
11/30/2020	 Reply in Support Filed By: Intervenor Plaintiff Anthony, Stavros <i>Reply in Support of Motion for Preliminary Injunction on an Order Shortening Time Before Tuesday, December 1, 2020</i>
12/01/2020	 Stipulation and Order Filed by: Intervenor Defendant Miller, Ross <i>Stipulation and Order</i>

CASE SUMMARY
CASE NO. A-20-824971-W

12/01/2020	 First Amended Complaint Filed By: Intervenor Plaintiff Anthony, Stavros <i>First Amended Complaint in Intervention</i>
12/02/2020	 Transcript of Proceedings <i>Transcript of Proceedings: Motion for Preliminary Injunction on an Order Shortening Time before Tuesday, December 1, 2020</i>
12/04/2020	 Order Denying Motion Filed By: Intervenor Plaintiff Anthony, Stavros <i>Order Denying Intervenor s Motion For Preliminary Injunction</i>
12/07/2020	 Stipulation and Order Filed by: Intervenor Plaintiff Anthony, Stavros <i>Stipulation and Order</i>
12/08/2020	 Notice of Entry of Stipulation and Order Filed By: Intervenor Plaintiff Anthony, Stavros <i>Notice of Entry of Stipulation and Order</i>
12/10/2020	 Motion Filed By: Intervenor Plaintiff Anthony, Stavros <i>Motion for Writ of Mandamus requiring the Clark County Board of Commissioners to Order a New Election for Clark County Commission District C</i>
12/14/2020	 Response Filed by: Intervenor Defendant Miller, Ross <i>Plaintiff's Opposition to Intervenor's Motion for Writ of Mandamus Requiring the Clark County Board of Commissioners to Order a New Election for Clark County Commission District C</i>
12/14/2020	 Joinder Filed By: Intervenor Defendant Clark County Board of Commissioners <i>Joinder to Plaintiff's Opposition to Intervenor's Motion for Writ of Mandamus Requiring the Clark County Board of Commissioners to Order a New Election for Clark County Commission District C</i>
12/14/2020	 Supplement Filed by: Intervenor Defendant Miller, Ross <i>Plaintiff s Supplement to Opposition to Intervenor s Motion for Writ of Mandamus Requiring the Clark County Board of Commissioners to Order a New Election for Clark County Commission District C</i>
12/16/2020	 Reply in Support Filed By: Intervenor Plaintiff Anthony, Stavros <i>Reply in Support of Motion for Writ of Mandamus Requiring the Clark County Board of Commissioners to Order a New Election for Clark County Commission District C</i>
12/17/2020	 Transcript of Proceedings <i>Transcript of Proceedings: Telephonic Conference At Request of Court November 20, 2020</i>
12/29/2020	 Notice of Entry of Order Filed By: Intervenor Defendant Miller, Ross <i>Notice of Entry of Order Denying Intervenor Motion For Preliminary Injunction</i>

CASE SUMMARY
CASE NO. A-20-824971-W

12/29/2020



Notice of Appeal

Filed By: Intervenor Plaintiff Anthony, Stavros
Notice of Appeal

12/29/2020



Case Appeal Statement

Filed By: Intervenor Plaintiff Anthony, Stavros
Case Appeal Statement

HEARINGS

11/18/2020



Minute Order (7:09 AM) (Judicial Officer: Bell, Linda Marie)

Minute Order - No Hearing Held;
Journal Entry Details:

As this case involves an election matter, per Administrative Order 20-21 this matter shall be randomly reassigned to one of the designated election judges. CLERK'S NOTE: The above minute order has been distributed to all registered parties via Odyssey File and Serve.;

11/19/2020



Minute Order (12:02 PM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order: Court's Disclosure
Minute Order - No Hearing Held;
Journal Entry Details:

The Court discloses that Mr. Miller is an attorney who appears before this Department. The Court does not believe there is a basis for recusal but makes the disclosure in an abundance of caution. CLERK'S NOTE: A copy of this minute order was distributed via electronic mail. / dr 11-19-20;

11/20/2020



Telephonic Conference (3:00 PM) (Judicial Officer: Gonzalez, Elizabeth)

Telephonic Conference at Request of Court
Matter Heard;
Journal Entry Details:

Mark Hutchensen, Esq. also present. Upon Court's inquiry, Mr. Schrager advised he would file an Application for Temporary Restraining Order and Preliminary Injunction by Monday or Tuesday and would immediately serve Ms. Miller with the same. Court inquired as to whether counsel needed to do any discovery or obtain any records. Mr. Gentile advised Plaintiff needed to take the Deposition of Joseph Gloria and obtain the documents that Mr. Gloria described as "discrepancies." Ms. Miller indicated she believed the matter could be resolved on legal matters. Court inquired as to whether there was a factual question of fraudulent ballots. Ms. Miller indicated there were 2 people who voted 2 times and the other issues were clerical errors; therefore she did not believe there were significant allegations regarding fraud. Plaintiff's counsel agreed. Court advised the Court would allow Plaintiff's to take the deposition of Mr. Gloria primarily regarding the legal issue since parties agreed that there was no real issue of fraud. Court advised the deposition was limited to 3 hours and the deposition could be taken while Plaintiff's Motion was pending. Ms. Miller Stipulated to the Board of Commissioners not moving forward and advised parties could brief the matter on the merits and take Mr. Gloria's deposition. COURT ORDERED, Status Check SET to review briefs and set a hearing if necessary. Mark Hutchinson, Esq. appeared and requested he be allowed to intervene on behalf of Stavros Anthony. Mr. Gentile indicated he may have an objection to the intervention. Court advised the Court would allow Mr. Hutchinson to Intervene. Court advised Mr. Hutchinson of the proceedings he missed. Upon Mr. Schrager's inquiry, Mr. Hutchinson advised he was agreeable to join in the Stipulation presented by Ms. Miller, that the Board of Commissioners would not move forward, parties would brief the matter on the merits, and Plaintiff would take Mr. Gloria's deposition. Court advised the Court would review the briefs in Chambers on 12/04/20 and decide whether a hearing was necessary. 12/04/20 STATUS CHECK: REVIEW BRIEFING/SCHEDULE HEARING (CHAMBERS);

11/30/2020



Preliminary Injunction Hearing (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth)

MOTION FOR PRELIMINARY INJUNCTION ON AN ORDER SHORTENING TIME BEFORE TUESDAY, DECEMBER 1, 2020

Denied;
Journal Entry Details:

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-20-824971-W

Parties appeared by telephone. Following arguments by Mr. Hutchison, Mr. Schrager, and Ms. Miller, COURT ORDERED, the motion for preliminary injunction and temporary restraining order is DENIED; it is clear under NRS 293.465 in which an election could have been prevented, including a natural disaster or an accident suffered by the vehicle transmitting the ballots; there are lots of ways in which an election could have been prevented; despite the 139 discrepancies, that does mean any election was prevented in any district; the affidavit does not fall within the scope of NRS 293.465; for that reason, the Court will NOT ENJOIN the Clark County Commission from addressing what is appropriate for it to do. The Friday, December 4, 2020 status check in chambers on the writ of prohibition STANDS; the Court will await remaining briefs. Mr. Schrager to prepare today's order, running it by opposing counsel prior to submission. Mr. Schrager advised a stipulation and order on scheduling was submitted and it is their request that the status check be vacated; they had a little trouble scheduling Mr. Gloria's deposition, and they do not want to file briefs without it. Court, noting the deadline, stated it is aware; if briefs are all submitted the Court will issue a minute order; if not, then the Court will wait for them.;

12/04/2020



Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

12/04/2020, 12/11/2020, 12/18/2020

Status Check: Review Briefs/Schedule Hearing

Matter Continued;

Matter Continued;

Minute Order - No Hearing Held;

Matter Continued;

Matter Continued;

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, matter CONTINUED for one week. 12-18-20 CHAMBERS STATUS

CHECK: REVIEW BRIEFS / SCHEDULE HEARING...PETITION FOR WRITS OF

MANDAMUS AND PROHIBITION CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-14-20;

Matter Continued;

Matter Continued;

Minute Order - No Hearing Held;

Journal Entry Details:

COURT ORDERED, matter CONTINUED for one week. ...12-11-20 - CHAMBERS CLERK'S

NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-8-20;

12/18/2020

Petition for Writ of Mandamus (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Petition for Writs of Mandamus and Prohibition

Per Stip and Order signed 12/07/20

Denied;

12/18/2020



All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order - No Hearing Held;

Journal Entry Details:

PETITION FOR WRITS OF MANDAMUS AND PROHIBITION...STATUS CHECK: REVIEW

BRIEFS/SCHEDULE HEARING The Court, having reviewed the Petition for Writ of

mandamus and the related briefing and being fully informed, DENIES the petition. NRS

293.465 cannot apply here, because the election was not prevented. Counsel for the County is

directed to submit a proposed order approved by opposing counsel consistent with the

foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter.

Such order should set forth a synopsis of the supporting reasons proffered to the Court in

briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates

further order of the Court to make such disposition effective as an order or judgment.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr

12-24-20 ;

DATE

FINANCIAL INFORMATION

Intervenor Plaintiff Anthony, Stavros

Total Charges

294.00

Total Payments and Credits

294.00

Balance Due as of 12/30/2020

0.00

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-20-824971-W

Intervenor Defendant Miller, Ross

Total Charges

720.00

Total Payments and Credits

720.00

Balance Due as of 12/30/2020

0.00

DISTRICT COURT CIVIL COVER SHEET

Clark

County, Nevada

CASE NO: A-20-824971-W

Department 31

Case No. _____

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

Ross Miller

Defendant(s) (name/address/phone):

Clark County Board of Commissioners

Attorney (name/address/phone):

Dominic P. Gentile and John A. Hunt

3800 Howard Hughes Pkwy., Ste 500, Las Vegas, NV 89169,

Las Vegas, NV 89169 - (702) 862-8300

Attorney (name/address/phone):

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

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <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
Probate Probate (select case type and estate value) <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 Estate Value <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	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <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	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input checked="" type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

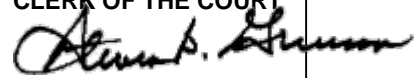
Business Court filings should be filed using the Business Court civil coversheet.

November 17, 2020

Date

Signature of initiating party or representative

See other side for family-related case filings.



ORDR

MARK A. HUTCHISON, ESQ.
Nevada Bar No. 4639
JACOB REYNOLDS, ESQ.
Nevada Bar No. 10199
PIERS TUELLER, ESQ.
Nevada Bar No. 14633
10080 w. Alta Dr., #200
Las Vegas, Nevada 89145
*Attorneys for Intervenor-Plaintiff,
Stavros Anthony*

EIGHTH JUDICIAL DISTRICT COURT

IN AND FOR CLARK CITY, STATE OF NEVADA

ROSS MILLER, and individual,

Plaintiff/Petitioner,

vs.

Case No. A-20-824971-W

Dept. ● XI

CLARK COUNTY BOARD OF
COMMISSIONERS, a local government
entity; and DOES I-X, inclusive,

Defendant.

**ORDER DENYING INTERVENOR'S
MOTION FOR PRELIMINARY
INJUNCTION**

STAVROS ANTHONY, an individual,

Intervenor-Plaintiff.

vs.

CLARK COUNTY BOARD OF
COMMISSIONERS, a local government
entity; ROSS MILLER, an individual, and
DOES I-X, inclusive,

Defendant.

On November 25, 2020, Intervenor-Plaintiff Stavros Anthony (“Intervenor”), by and through counsel of record, filed a Motion for Preliminary Injunction (“Motion for Preliminary Injunction”). Intervenor requested an order enjoining the Clark County

Commission from certifying the election of Clark County Commission, District C, or otherwise reconsidering its vote to hold a new election for District C at its December 1, 2020 meeting or thereafter until this Court has ruled on the merits of this case.

On November 30, 2020, an opposition to Intervenor's Motion for Preliminary Injunction was filed by Plaintiff Ross Miller ("Plaintiff"), and Intervenor filed a reply.

The Court held a hearing on November 30, 2020. The hearing was conducted by teleconference. Mark A. Hutchison, Esq., appeared and argued on behalf of Intervenor. Bradley S. Schrager, Esq. appeared Plaintiff. Mary-Anne Miller, Esq., appeared argued on behalf of Defendant Clark County Board of Commissioners ("Defendant" or the "Board").

Upon review of the papers and pleadings on file herein, the arguments of counsel, and good cause appearing,

Intervenor's Motion for Preliminary Injunction is DENIED.

December 3, 2020

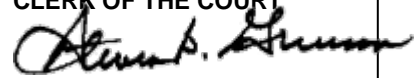
IT IS SO ORDERED.


DISTRICT COURT JUDGE

Submitted by

HUTCHISON & STEFFEN

MARK A. HUTCHISON, ESQ.
Nevada Bar No. 4639
JACOB REYNOLDS, ESQ.
Nevada Bar No. 10199
PIERS TUELLER, ESQ.
Nevada Bar No. 14633
10080 w. Alta Dr., #200
Las Vegas, Nevada 89145
Attorneys for Intervenor-Plaintiff,
Stavros Anthony



1 **NEOJ**

DOMINIC P. GENTILE

2 Nevada Bar No. 1923

JOHN A. HUNT

3 Nevada Bar No. 1888

CLARK HILL PLLC

4 3800 Howard Hughes Pkwy., #500

Las Vegas, Nevada 89169

5 Tel: (702) 862-8300/Fax: (702) 862-8400

6 dgentile@clarkhill.com

7 jhunt@clarkhill.com

BRADLEY S. SCHRAGER, ESQ.

8 Nevada Bar No. 10217

DANIEL BRAVO, ESQ.

9 Nevada Bar No. 13078

10 **WOLF, RIFKIN, SHAPIRO,**

SCHULMAN & RABKIN, LLP

11 3556 E. Russell Road, Second Floor

Las Vegas, Nevada 89120

12 (702) 341-5200/Fax: (702) 341-5300

13 bschrager@wrslawyers.com

14 dbravo@wrslawyers.com

15 *Attorneys for Plaintiff/Petitioner Ross Miller*

16 **EIGHTH JUDICIAL DISTRICT COURT**

17 **IN AND FOR CLARK CITY, STATE OF NEVADA**

18 ROSS MILLER, and individual,

19 Plaintiff/Petitioner,

20 vs.

21 CLARK COUNTY BOARD OF
COMMISSIONERS, a local government
22 entity; and DOES I-X, inclusive,

23 Defendant.

24 STAVROS ANTHONY, an individual,

25 Intervenor-Plaintiff,

26 vs.

27 CLARK COUNTY BOARD OF
COMMISSIONERS, a local government
28 entity; ROSS MILLER, an individual; and

Case No.: A-20-824971-W

Dept. No.: 11

**NOTICE OF ENTRY OF ORDER
DENYING INTERVENOR MOTION
FOR PRELIMINARY INJUNCTION**

1 DOES I-X, inclusive,
2 Defendants.
3

4 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

5 PLEASE TAKE NOTICE that the ORDER DENYING INTERVENOR MOTION FOR
6 PRELIMINARY INJUNCTION was signed by the Judge on the 3rd day of December, 2020 and
7 filed with the Eighth Judicial District Court on December 4, 2020, a true and correct copy of
8 which is attached hereto.

9 DATED this 29th day of December, 2020
10
11

12 By: /s/ Bradley S. Schrager
13 DOMINIC P. GENTILE
14 Nevada Bar No. 1923
15 JOHN A. HUNT
16 Nevada Bar No. 1888
17 **CLARK HILL PLLC**
18 3800 Howard Hughes Pkwy., #500
19 Las Vegas, Nevada 89169

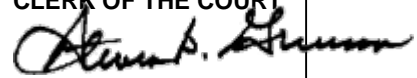
20 BRADLEY S. SCHRAGER, ESQ.
21 Nevada Bar No. 10217
22 DANIEL BRAVO, ESQ.
23 Nevada Bar No. 13078
24 **WOLF, RIFKIN, SHAPIRO,**
25 **SCHULMAN & RABKIN, LLP**
26 3556 E. Russell Road, Second Floor
27 Las Vegas, Nevada 89120

28 Attorneys for Plaintiff/Petitioner Ross Miller

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 29th day of December, 2020, a true and correct copy
3 of NOTICE OF ENTRY OF ORDER DENYING INTERVENOR MOTION FOR
4 PRELIMINARY INJUNCTION was served by electronically filing with the Clerk of the Court
5 using the Odyssey eFileNV system and serving all parties with an email-address on record,
6 pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

7 By /s/ Christie Rehfeld
8 Christie Rehfeld, an Employee of
9 WOLF, RIFKIN, SHAPIRO, SCHULMAN &
10 RABKIN, LLP
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ORDR

MARK A. HUTCHISON, ESQ.
Nevada Bar No. 4639
JACOB REYNOLDS, ESQ.
Nevada Bar No. 10199
PIERS TUELLER, ESQ.
Nevada Bar No. 14633
10080 w. Alta Dr., #200
Las Vegas, Nevada 89145
*Attorneys for Intervenor-Plaintiff,
Stavros Anthony*

EIGHTH JUDICIAL DISTRICT COURT

IN AND FOR CLARK CITY, STATE OF NEVADA

ROSS MILLER, and individual,

Plaintiff/Petitioner,

vs.

Case No. A-20-824971-W

Dept. ● XI

CLARK COUNTY BOARD OF
COMMISSIONERS, a local government
entity; and DOES I-X, inclusive,

Defendant.

**ORDER DENYING INTERVENOR'S
MOTION FOR PRELIMINARY
INJUNCTION**

STAVROS ANTHONY, an individual,

Intervenor-Plaintiff.

vs.

CLARK COUNTY BOARD OF
COMMISSIONERS, a local government
entity; ROSS MILLER, an individual, and
DOES I-X, inclusive,

Defendant.

On November 25, 2020, Intervenor-Plaintiff Stavros Anthony ("Intervenor"), by and through counsel of record, filed a Motion for Preliminary Injunction ("Motion for Preliminary Injunction"). Intervenor requested an order enjoining the Clark County

Commission from certifying the election of Clark County Commission, District C, or otherwise reconsidering its vote to hold a new election for District C at its December 1, 2020 meeting or thereafter until this Court has ruled on the merits of this case.

On November 30, 2020, an opposition to Intervenor's Motion for Preliminary Injunction was filed by Plaintiff Ross Miller ("Plaintiff"), and Intervenor filed a reply.

The Court held a hearing on November 30, 2020. The hearing was conducted by teleconference. Mark A. Hutchison, Esq., appeared and argued on behalf of Intervenor. Bradley S. Schrager, Esq. appeared Plaintiff. Mary-Anne Miller, Esq., appeared argued on behalf of Defendant Clark County Board of Commissioners ("Defendant" or the "Board").

Upon review of the papers and pleadings on file herein, the arguments of counsel, and good cause appearing,

Intervenor's Motion for Preliminary Injunction is DENIED.

December 3, 2020

IT IS SO ORDERED.


DISTRICT COURT JUDGE

Submitted by

HUTCHISON & STEFFEN

MARK A. HUTCHISON, ESQ.
Nevada Bar No. 4639
JACOB REYNOLDS, ESQ.
Nevada Bar No. 10199
PIERS TUELLER, ESQ.
Nevada Bar No. 14633
10080 w. Alta Dr., #200
Las Vegas, Nevada 89145
Attorneys for Intervenor-Plaintiff,
Stavros Anthony

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

November 18, 2020

A-20-824971-W	Ross Miller, Plaintiff(s)
	vs.
	Clark County Board of Commissioners, Defendant(s)

November 18, 2020 7:09 AM Minute Order

HEARD BY: Bell, Linda Marie

COURTROOM: No Location

COURT CLERK: Michelle Jones

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- As this case involves an election matter, per Administrative Order 20-21 this matter shall be randomly reassigned to one of the designated election judges.

CLERK'S NOTE: The above minute order has been distributed to all registered parties via Odyssey File and Serve.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

November 19, 2020

A-20-824971-W Ross Miller, Plaintiff(s)
vs.
Clark County Board of Commissioners, Defendant(s)

November 19, 2020 12:02 AM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Court discloses that Mr. Miller is an attorney who appears before this Department. The Court does not believe there is a basis for recusal but makes the disclosure in an abundance of caution.

CLERK'S NOTE: A copy of this minute order was distributed via electronic mail. / dr 11-19-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

November 20, 2020

A-20-824971-W Ross Miller, Plaintiff(s)
vs.
Clark County Board of Commissioners, Defendant(s)

November 20, 2020 3:00 PM Telephonic Conference

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Lauren Kidd

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Gentile, Dominic P. Attorney
Miller, Mary-Anne Meyers Attorney
Schrager, Bradley S. Attorney

JOURNAL ENTRIES

- Mark Hutchensen, Esq. also present.

Upon Court's inquiry, Mr. Schrager advised he would file an Application for Temporary Restraining Order and Preliminary Injunction by Monday or Tuesday and would immediately serve Ms. Miller with the same. Court inquired as to whether counsel needed to do any discovery or obtain any records. Mr. Gentile advised Plaintiff needed to take the Deposition of Joseph Gloria and obtain the documents that Mr. Gloria described as "discrepancies." Ms. Miller indicated she believed the matter could be resolved on legal matters. Court inquired as to whether there was a factual question of fraudulent ballots. Ms. Miller indicated there were 2 people who voted 2 times and the other issues were clerical errors; therefore she did not believe there were significant allegations regarding fraud. Plaintiff's counsel agreed. Court advised the Court would allow Plaintiff's to take the deposition of Mr. Gloria primarily regarding the legal issue since parties agreed that there was no real issue of fraud. Court advised the deposition was limited to 3 hours and the deposition could be taken while Plaintiff's Motion was pending. Ms. Miller Stipulated to the Board of Commissioners not moving forward and advised parties could brief the matter on the merits and take Mr. Gloria's deposition. COURT ORDERED, Status Check SET to review briefs and set a hearing if necessary. Mark

Hutchinson, Esq. appeared and requested he be allowed to intervene on behalf of Stavros Anthony. Mr. Gentile indicated he may have an objection to the intervention. Court advised the Court would allow Mr. Hutchinson to Intervene. Court advised Mr. Hutchinson of the proceedings he missed. Upon Mr. Schrager's inquiry, Mr. Hutchinson advised he was agreeable to join in the Stipulation presented by Ms. Miller, that the Board of Commissioners would not move forward, parties would brief the matter on the merits, and Plaintiff would take Mr. Gloria's deposition. Court advised the Court would review the briefs in Chambers on 12/04/20 and decide whether a hearing was necessary.

12/04/20 STATUS CHECK: REVIEW BRIEFING/SCHEDULE HEARING (CHAMBERS)

Mr. Schrager advised a stipulation and order on scheduling was submitted and it is their request that the status check be vacated; they had a little trouble scheduling Mr. Gloria's deposition, and they do not want to file briefs without it. Court, noting the deadline, stated it is aware; if briefs are all submitted the Court will issue a minute order; if not, then the Court will wait for them.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 04, 2020

A-20-824971-W Ross Miller, Plaintiff(s)
vs.
Clark County Board of Commissioners, Defendant(s)

December 04, 2020 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for one week.

...12-11-20 - CHAMBERS

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-8-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 11, 2020

A-20-824971-W Ross Miller, Plaintiff(s)
vs.
Clark County Board of Commissioners, Defendant(s)

December 11, 2020 3:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for one week.

12-18-20 CHAMBERS STATUS CHECK: REVIEW BRIEFS / SCHEDULE
HEARING...PETITION FOR WRITS OF MANDAMUS AND PROHIBITION

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-14-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 18, 2020

A-20-824971-W Ross Miller, Plaintiff(s)
vs.
Clark County Board of Commissioners, Defendant(s)

December 18, 2020 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PETITION FOR WRITS OF MANDAMUS AND PROHIBITION...STATUS CHECK: REVIEW BRIEFS/SCHEDULE HEARING

The Court, having reviewed the Petition for Writ of mandamus and the related briefing and being fully informed, DENIES the petition. NRS 293.465 cannot apply here, because the election was not prevented. Counsel for the County is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-24-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

December 18, 2020

A-20-824971-W Ross Miller, Plaintiff(s)
vs.
Clark County Board of Commissioners, Defendant(s)

December 18, 2020 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

PARTIES None. Minute order only - no hearing held.

PRESENT:

JOURNAL ENTRIES

- PETITION FOR WRITS OF MANDAMUS AND PROHIBITION...STATUS CHECK: REVIEW BRIEFS/SCHEDULE HEARING

The Court, having reviewed the Petition for Writ of mandamus and the related briefing and being fully informed, DENIES the petition. NRS 293.465 cannot apply here, because the election was not prevented. Counsel for the County is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-24-20



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

MARK A. HUTCHISON
10080 W. ALTA DR., SUITE 200
LAS VEGAS, NV 89145

DATE: December 30, 2020
CASE: A-20-824971-W

RE CASE: ROSS MILLER vs. CLARK COUNTY BOARD OF COMMISSIONERS

NOTICE OF APPEAL FILED: December 29, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT TRANSMITTED HAVE BEEN MARKED:**

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☒ Written Order *re: December 18, 2020 minute order*
- ☒ Notice of Entry of Written Order *re: December 18, 2020 minute order*

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING INTERVENOR'S MOTION FOR PRELIMINARY INJUNCTION; NOTICE OF ENTRY OF ORDER DENYING INTERVENOR MOTION FOR PRELIMINARY INJUNCTION; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ROSS MILLER,

Plaintiff(s),

vs.

CLARK COUNTY BOARD OF
COMMISSIONERS,

Defendant(s),

STAVROS ANTHONY,

Intervenor Plaintiff(s),

vs.

CLARK COUNTY BOARD OF
COMMISSIONERS; ROSS MILLER,

Intervenor Defendant(s),

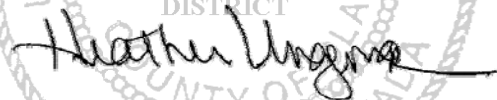
Case No: A-20-824971-W

Dept No: XI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 30 day of December 2020.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read "Heather Ungermann", is written over a faint, circular court seal. The seal contains the text "UNITED STATES DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLATSOP STATE OF OREGON".

Heather Ungermann, Deputy Clerk
A-20-824971-W