

**In the
Supreme Court of the State of Nevada**

STAVROS ANTHONY, an
individual,

Appellant,

vs.

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

Respondents.

Electronically Filed
Jan 04 2021 04:52 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No.: 82269

District Court Case No.:
A-20-824971-W

RESPONSE TO MOTION TO EXPEDITE APPEAL

BRADLEY SCHRAGER, ESQ., SBN 10217
DANIEL BRAVO, ESQ., SBN 13078
WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP
3556 East Russell Road, 2nd Floor
Las Vegas, Nevada 89120-2234
Tel: (702) 341-5200

DOMINIC P. GENTILE, ESQ., SBN 1923
JOHN A. HUNT, ESQ., SBN 1888
CLARK HILL PLLC
3800 Howard Hughes Pkwy., #500
Las Vegas, Nevada 89169
Tel: (702) 862-8300/Fax: (702) 862-8400

Attorneys for Respondent Ross Miller

RULE 26.1 DISCLOSURE

Pursuant to Nevada Rule of Appellate Procedure (“NRAP”) 26.1, the undersigned counsel of record certifies that there are no persons or entities as described in NRAP 26.1(a) that must be disclosed.

DATED this 4th day of January, 2021.

By: /s/ Bradley Schrager

DOMINIC P. GENTILE

Nevada Bar No. 1923

JOHN A. HUNT

Nevada Bar No. 1888

CLARK HILL PLLC

3800 Howard Hughes Pkwy., #500

Las Vegas, Nevada 89169

BRADLEY S. SCHRAGER, ESQ.

Nevada Bar No. 10217

DANIEL BRAVO, ESQ.

Nevada Bar No. 13078

WOLF, RIFKIN, SHAPIRO,

SCHULMAN & RABKIN, LLP

3556 E. Russell Road, Second Floor

Las Vegas, Nevada 89120

Attorneys for Respondent Ross Miller

MEMORANDUM OF POINTS & AUTHORITIES

Appellant Stavros Anthony's appeal is now essentially moot, as he delayed its filing so long that Respondent Clark County Commissioner Ross Miller has now received his certificate of election pursuant to NRS 293.393, and has entered upon his duties as the elected representative of Commission District C, pursuant to NRS 244.030.

The only statutorily proper avenue for rescinding or annulling a certificate of election is through a successful election contest, pursuant to NRS 293.417. Appellant did not file an election contest challenging the results of the certified election in Clark County Commission District C, and has not asked this Court—or the district court below—to rescind, annul, or void the certificate of election properly awarded to Commissioner Miller after a count, a recount, and multiple canvasses of the vote by the Clark County Commission, each of which determined that Mr. Anthony had lost his bid for election to the seat.

In any event, Mr. Anthony now seeks expedited treatment by this Court on the present appeal. Mr. Anthony filed his complaint-in-intervention on November 24, 2020. His motion for preliminary injunction seeking a new election (on the same grounds he presses now

upon this Court) was denied on December 4, 2020—a motion that was immediately appealable, as of right, pursuant to NRAP 3A(b)(3). Furthermore, as an election matter of purported public importance, Mr. Anthony could have filed a writ of mandamus (which is the same relief he sought below) at any time in this Court, which presumably would have acted with alacrity in resolving the issues, as it has more than once this election season already. Instead, after denial of his injunction motion, Mr. Anthony filed an entirely new motion for a writ of mandamus on December 10, 2020, which was eventually denied without hearing on December 31, 2020.

In other words, there appears to be a lack of urgency on Mr. Anthony's part in these proceedings. But he has now had more than a month to work on his appeal, and comes today asking the Court to rush matters in a manner that is likely to prejudice Mr. Miller in preparation of his response. That does not seem terribly fair.

Mr. Miller believes the Court would benefit from an explanation, in the form of show-cause briefing, as to why Mr. Anthony's appeal should not be dismissed as moot, and if necessary the setting of a more realistic and equitable briefing schedule if the Court is inclined to hear

the matter on its merits.

There is no current emergency; Mr. Miller has taken office and is fulfilling his charge on behalf of the constituents of the district. Mr. Miller would appreciate, at least, the benefit of a two-week period within which to respond to any merits briefing.

Respectfully submitted this 4th day of January, 2021.

By: /s/ Bradley Schrager

DOMINIC P. GENTILE

Nevada Bar No. 1923

JOHN A. HUNT

Nevada Bar No. 1888

CLARK HILL PLLC

3800 Howard Hughes Pkwy., #500

Las Vegas, Nevada 89169

BRADLEY S. SCHRAGER, ESQ.

Nevada Bar No. 10217

DANIEL BRAVO, ESQ.

Nevada Bar No. 13078

WOLF, RIFKIN, SHAPIRO,

SCHULMAN & RABKIN, LLP

3556 E. Russell Road, Second Floor

Las Vegas, Nevada 89120

Attorneys for Respondent Ross Miller

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of January, 2021, a true and correct copy of the foregoing **RESPONSE TO MOTION TO EXPEDITE APPEAL** was served upon all counsel of record by electronically filing the document using the Nevada Supreme Court's electronic filing system.

By: /s/ Dannielle Fresquez

Dannielle Fresquez, an Employee of
WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP