

Electronically Filed
Jan 13 2021 10:32 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

ANOA

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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

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

- 3 1. The District Court's Order Denying Intervenor Stavros Anthony's Motion for
4 Preliminary Injunction entered in this action on December 4, 2020;
- 5 2. The District Court's Order Denying Intervenor Stavros Anthony's Motion for Writ of
6 Mandamus entered in this action on December 31, 2020;
- 7 3. The District Court's Order Dismissing Complaint in Intervention entered in this action
8 on January 6, 2021; and
- 9 4. Any and all orders and judgments rendered appealable by the foregoing.

10 DATED this 6th day of January, 2021.

11 HUTCHISON & STEFFEN, PLLC

12
13 /s/ Mark A. Hutchison

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

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

/s/ Kaylee Conradi

EIGHTH JUDICIAL DISTRICT COURT

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**
 Supreme Court No.: **82269**

CASE INFORMATION

Statistical Closures

01/06/2021 Stipulated Dismissal

Case Type: **Other Civil Matters**Case Status: **01/06/2021 Dismissed**

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 Removed: 01/06/2021 Dismissed	Miller, Mary-Anne Meyers <i>Retained</i> 7024554761(W)
	Miller, Ross Removed: 01/06/2021 Dismissed	Gentile, Dominic P. <i>Retained</i> 702-862-8300(W)
Intervenor Plaintiff	Anthony, Stavros Removed: 01/06/2021 Dismissed	Hutchison, Mark A <i>Retained</i> 702-385-2500(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

11/17/2020



Complaint

Filed By: Plaintiff 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: Plaintiff Miller, Ross

Initial Appearance Fee Disclosure

11/18/2020



Notice of Appearance

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

	<p>Party: Plaintiff Miller, Ross <i>Notice of Appearance of Counsel</i></p>
11/18/2020	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
11/18/2020	 Peremptory Challenge Filed by: Plaintiff 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: 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: Plaintiff 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: Plaintiff 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: Plaintiff 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: 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: Plaintiff 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: Plaintiff 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 <i>Notice of Appeal</i>
12/29/2020	 Case Appeal Statement Filed By: Intervenor Plaintiff Anthony, Stavros <i>Case Appeal Statement</i>
12/31/2020	 Order <i>Order Denying Intervenor Plaintiff'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>
12/31/2020	 Notice of Entry of Order Filed By: Defendant Clark County Board of Commissioners <i>Notice of Entry of Order Denying Intervenor Plaintiff'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>
01/01/2021	 Amended Notice of Appeal Party: Intervenor Plaintiff Anthony, Stavros <i>Amended Notice of Appeal</i>
01/06/2021	 Order <i>(Dup) Order to Dismiss Case</i>
01/06/2021	 Order to Statistically Close Case <i>Order to Statistically Close Case</i>
01/06/2021	 Order Filed By: Intervenor Plaintiff Anthony, Stavros <i>Order Dismissing Complaint in Intervention</i>
01/06/2021	 Notice of Entry of Order Filed By: Intervenor Plaintiff Anthony, Stavros <i>Notice of Entry of Order Dismissing Complaint in Intervention</i>
01/06/2021	 Amended Notice of Appeal <i>Amended Notice of Appeal</i>
	<u>DISPOSITIONS</u>
01/06/2021	Order of Dismissal (Judicial Officer: Gonzalez, Elizabeth) Debtors: Ross Miller (Intervenor Defendant), Clark County Board of Commissioners (Intervenor Defendant) Creditors: Stavros Anthony (Intervenor Plaintiff) Judgment: 01/06/2021, Docketed: 01/06/2021
	<u>HEARINGS</u>
11/18/2020	 Minute Order (7:09 AM) (Judicial Officer: Bell, Linda Marie) Minute Order - No Hearing Held; Journal Entry Details: <i>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</i>

CASE SUMMARY

CASE NO. A-20-824971-W

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:


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)

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

	<p>12/04/2020, 12/11/2020, 12/18/2020 <i>Status Check: Review Briefs/Schedule Hearing</i> 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;</p>	
12/18/2020	<p>Petition for Writ of Mandamus (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Petition for Writs of Mandamus and Prohibition</i> Per Stip and Order signed 12/07/20 Denied;</p>	
12/18/2020	<p> 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 ;</p>	
DATE	FINANCIAL INFORMATION	

Intervenor Plaintiff Anthony, Stavros

Total Charges 294.00

Total Payments and Credits 294.00

Balance Due as of 1/7/2021 0.00**Plaintiff** Miller, Ross

Total Charges 720.00

Total Payments and Credits 720.00

Balance Due as of 1/7/2021 0.00**Intervenor Plaintiff** Anthony, StavrosAppeal Bond Balance as of 1/7/2021 **500.00**

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada
Case No. _____
(Assigned by Clerk's Office)

CASE NO: A-20-824971-W
Department 31

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

Plaintiff(s) (name/address/phone): <p style="text-align: center;">Ross Miller</p>	Defendant(s) (name/address/phone): <p style="text-align: center;">Clark County Board of Commissioners</p>
Attorney (name/address/phone): <p style="text-align: center;">Dominic P. Gentile and John A. Hunt</p> <p>3800 Howard Hughes Pkwy., Ste 500, Las Vegas, NV 89169, Las Vegas, NV 89169 - (702) 862-8300</p>	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

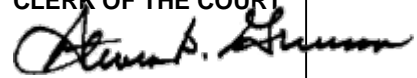
Business Court filings should be filed using the Business Court civil coversheet.

November 17, 2020

Date

Signature of initiating party or representative

See other side for family-related case filings.



ORDR

MARK A. HUTCHISON, ESQ.
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JACOB REYNOLDS, ESQ.
Nevada Bar No. 10199
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Nevada Bar No. 14633
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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

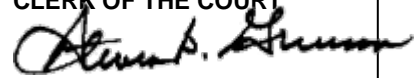
IT IS SO ORDERED.


DISTRICT COURT JUDGE

Submitted by

HUTCHISON & STEFFEN

MARK A. HUTCHISON, ESQ.
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JACOB REYNOLDS, ESQ.
Nevada Bar No. 10199
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Attorneys for Intervenor-Plaintiff,
Stavros Anthony



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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

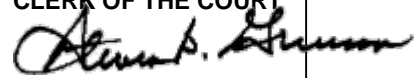
12 By: /s/ Bradley S. Schrager
13 DOMINIC P. GENTILE
14 Nevada Bar No. 1923
15 JOHN A. HUNT
16 Nevada Bar No. 1888
17 **CLARK HILL PLLC**
18 3800 Howard Hughes Pkwy., #500
19 Las Vegas, Nevada 89169

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

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By /s/ Christie Rehfeld
Christie Rehfeld, an Employee of
WOLF, RIFKIN, SHAPIRO, SCHULMAN &
RABKIN, LLP



ORDR

MARK A. HUTCHISON, ESQ.
Nevada Bar No. 4639
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*Attorneys for Intervenor-Plaintiff,
Stavros Anthony*

EIGHTH JUDICIAL DISTRICT COURT

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ROSS MILLER, and individual,

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entity; and DOES I-X, inclusive,

Defendant.

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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

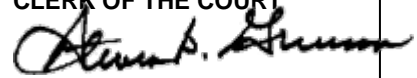
IT IS SO ORDERED.


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 **ORDR**

2
3 **EIGHTH JUDICIAL DISTRICT COURT**
4 **IN AND FOR CLARK CITY, STATE OF NEVADA**

5 ROSS MILLER, an individual,
6
7 Plaintiff/Petitioner,

8 vs.

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

12 Defendant.

13 STAVROS ANTHONY, an individual,

14 Intervenor-Plaintiff,

15 vs.

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

20 Defendants.

Case No.: A-20-824971-W
Dept. No.: XI

**ORDER DENYING INTERVENOR
PLAINTIFF'S MOTION FOR
WRIT OF MANDAMUS
REQUIRING THE CLARK
COUNTY BOARD OF
COMMISSIONERS TO ORDER A
NEW ELECTION FOR CLARK
COUNTY COMMISSION
DISTRICT C**

21 On December 10, 2020, Intervenor-Plaintiff Stavros Anthony ("Intervenor"), by and
22 through counsel of record, filed a Motion for Writ of Mandamus ("Motion for Writ of
23 Mandamus"). Intervenor requested an order requiring the Clark County Board of
24 Commissioners (the "Board") to order a new election for Clark County Commission District
25 C.

26 On December 14, 2020, an opposition to Intervenor's Motion for Writ of Mandamus
27 was filed by Plaintiff Ross Miller ("Plaintiff") and Defendant Clark County Board of
28 Commissioners filed a joinder thereto. On December 16, 2020, Intervenor filed a reply in
support of his Motion for Writ of Mandamus.

...

1 ...

2 Upon review of the papers and pleadings on file herein, the arguments of the parties,
3 and good cause appearing, Intervenor’ Motion for Writ of Mandamus is DENIED. The Court
4 finds the following facts and states the following conclusions of law¹ as follows:

5 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

6 Intervenor, in his Motion for Writ of Mandamus, argues that pursuant to NRS
7 293.465, the Clark County Board of Commissioners is required to proceed with a new
8 election for Clark County Commission, District C. Intervenor’s Motion for Writ of
9 Mandamus included an affidavit by the Clark County Registrar of Voters (the “Registrar”),
10 which states that there were 139 discrepancies in the District C election.

11 The Court finds that NRS 293.465 does not apply in this case. NRS 293.465 states in
12 full:

13 If an election is prevented in any precinct or district by reason of the loss or
14 destruction of the ballots intended for that precinct, or any other cause, the
15 appropriate election officers in that precinct or district shall make an affidavit
16 setting forth that fact and transmit it to the appropriate board of county
17 commissioners. Upon receipt of the affidavit and upon the application of any
candidate for any office to be voted for by the registered voters of that
precinct or district, the board of county commissioners shall order a new
election in that precinct or district.

18 NRS 293.465 applies in instances in which an election, or a portion of one, is prevented from
19 occurring, for instance due to a natural disaster, or an accident suffered by the vehicle
20 transmitting the ballots, or some similar incident preventing an election from occurring and
21 makes provision for a new election in those circumstances. The Court finds that NRS
22 293.465 cannot apply here because the Clark County Commission, District C election was
23 not prevented. Clark County had an election on November 3, 2020. The results of every race
24 have been canvassed and certified. No precinct failed to complete its election.

25 The Court further finds that the Registrar’s affidavit is not an NRS 293.465 affidavit,
26 either by its own terms—as the Court has already stated when denying Intervenor’s Motion

27 _____
28 ¹ If any finding herein is in truth a conclusion of law, or if any conclusion is stated is in truth a
finding of fact, it shall be deemed so.

1 for Preliminary Injunction—or by the expressed intentions of the Registrar. The affidavit
2 does not declare that an election was prevented, either in whole or at the level of any
3 particular precinct. It does not describe or identify any “loss or destruction of the ballots” per
4 NRS 293.465. Therefore, Intervenor cannot establish that NRS 293.465 mandates a new
5 election.

6 **THEREFORE**, the Court **DENIES** Intervenor’s Motion for Writ of Mandamus.

7 DATED this 31st day of December, 2020.

8
9 
10 DISTRICT COURT JUDGE

11
12 Submitted by:

13 STEVEN B. WOLFSON (SBN 1565)
14 District Attorney

HUTCHISON & STEFFEN, PLLC

15 By: /s/ Mary-Anne Miller
16 MARY-ANNE MILLER (SBN 1419)
17 County Counsel
18 500 South Grand Central Pkwy.
19 Las Vegas, Nevada 89155-2215

*Attorneys for Defendant
Clark County Board of
Commissioners*

By: /s/ Jacob A. Reynolds
MARK A. HUTCHISON (SBN 4639)
JACOB A. REYNOLDS (SBN
10199)
PIERS R. TUELLER (SBN14633)
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145

*Attorneys for Intervenor-Plaintiff
Stavros Anthony*

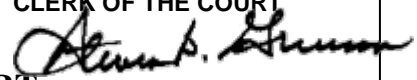
20 Approved by:

CLARK HILL PLLC

21 DOMINIC P. GENTILE (SBN 1923)
22 JOHN A. HUNT (SBN 1888)
23 3800 Howard Hughes Pkwy., #500
24 Las Vegas, Nevada 89169

**WOLF, RIFKIN, SHAPIRO, SCHULMAN
& RABKIN, LLP**

25 By: /s/ Bradley S. Schrager
26 BRADLEY S. SCHRAGER, ESQ.
27 (SBN 10217)
28 DANIEL BRAVO, ESQ. (SBN 13078)
3556 E. Russell Road, Second Floor
Las Vegas, Nevada 89120



1 NOE

2 EIGHTH JUDICIAL DISTRICT COURT

3 IN AND FOR CLARK CITY, STATE OF NEVADA

4 ROSS MILLER, an individual,
5 Plaintiff/Petitioner,

6 vs.

7 CLARK COUNTY BOARD OF
8 COMMISSIONERS, a local government
entity; and DOES I-X, inclusive,
9 Defendant.

Case No.: A-20-824971-W
Dept. No.: 11

**NOTICE OF ENTRY OF ORDER
DENYING INTERVENOR
PLAINTIFF'S MOTION FOR
WRIT OF MANDAMUS
REQUIRING THE CLARK
COUNTY BOARD OF
COMMISSIONERS TO ORDER A
NEW ELECTION FOR CLARK
COUNTY COMMISSION
DISTRICT C**

10 STAVROS ANTHONY, an individual,
11 Intervenor-Plaintiff,

12 vs.

13 CLARK COUNTY BOARD OF
14 COMMISSIONERS, a local government
entity; ROSS MILLER, an individual; and
15 DOES I-X, inclusive,
16 Defendants.

17 TO: THE ABOVE NAMED PARTIES:

18 YOU WILL PLEASE TAKE NOTICE that an Order Denying Intervenor Plaintiff's
19 Motion For Writ Of Mandamus Requiring The Clark County Board Of Commissioner To
20 Order A New Election For Clark County Commission District C was filed above-entitled
21 matter on the 31st day of December, 2020, a copy of which is attached hereto.

22 DATED this 31st day of December, 2020.

23 STEVEN B. WOLFSON
24 DISTRICT ATTORNEY

25 By: /s/ Mary-Anne Miller

26 MARY-ANNE MILLER, County Counsel
27 State Bar No. 001419
28 500 South Grand Central Pkwy. 5th Flr.
Las Vegas, Nevada 89155-2215
Attorneys for Defendant
Clark County Board of Commissioners

1 **CERTIFICATE OF ELECTRONIC SERVICE**

2 I hereby certify that I am an employee of the Office of the Clark County District
3 Attorney and that on this 31ST day of December, 2020, I served a true and correct copy of the
4 foregoing NOTICE OF ENTRY OF ORDER DENYING INTERVENOR PLAINTIFF'S
5 MOTION FOR WRIT OF MANDAMUS REQUIRING THE CLARK COUNTY BOARD
6 OF COMMISSIONERS TO ORDER A NEW ELECTION FOR CLARK COUNTY
7 COMMISSION DISTRICT C (United States District Court Pacer System or the Eighth
8 Judicial District Wiznet), by e-mailing the same to the following recipients. Service of the
9 foregoing document by e-mail is in place of service via the United States Postal Service.

10 Dominic P. Gentile, Esq.
11 CLARK HILL PLLC
12 3800 Howard Hughes Pkwy., #500
Las Vegas, NV 89169
dgentile@clarkhill.com

MARK A. HUTCHISON (SBN 4639)
JACOB A. REYNOLDS (SBN 10199)
PIERS R. TUELLER (SBN14633)
HUTCHISON & STEFFEN, PLLC
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145

13 Bradley S. Schrager, Esq.
14 Daniel Bravo, Esq.
15 WOLF RIFKIN SHAPIRO SCHULMAN
& RABKIN LLP
16 3556 E. Russell Road, 2nd Floor
Las Vegas, NV 89120
bschrager@wrslawyers.com
dbravo@wrslawyers.com

*Attorneys for Intervenor-Plaintiff
Stavros Anthony*

17 *Attorneys for Plaintiff*
18 *Ross Miller*

21
22 /s/ Afeni Banks
23 An Employee of the Clark County District
24 Attorney's Office – Civil Division
25
26
27
28

1 **ODM**

2 **EIGHTH JUDICIAL DISTRICT COURT**
3 **IN AND FOR CLARK CITY, STATE OF NEVADA**

4 ROSS MILLER, an individual,
5 Plaintiff/Petitioner,
6 vs.

7 CLARK COUNTY BOARD OF
8 COMMISSIONERS, a local government
entity; and DOES I-X, inclusive,
9 Defendant.

10 STAVROS ANTHONY, an individual,
11 Intervenor-Plaintiff,
12 vs.
13 CLARK COUNTY BOARD OF
14 COMMISSIONERS, a local government
entity; ROSS MILLER, an individual; and
DOES I-X, inclusive,
15 Defendants.

Case No.: A-20-824971-W
Dept. No.: 11

**ORDER DENYING INTERVENOR
PLAINTIFF'S MOTION FOR
WRIT OF MANDAMUS
REQUIRING THE CLARK
COUNTY BOARD OF
COMMISSIONERS TO ORDER A
NEW ELECTION FOR CLARK
COUNTY COMMISSION
DISTRICT C**

16
17 On December 10, 2020, Intervenor-Plaintiff Stavros Anthony ("Intervenor"), by and
18 through counsel of record, filed a Motion for Writ of Mandamus ("Motion for Writ of
19 Mandamus"). Intervenor requested an order requiring the Clark County Board of
20 Commissioners (the "Board") to order a new election for Clark County Commission District
21 C.

22 On December 14, 2020, an opposition to Intervenor's Motion for Writ of Mandamus
23 was filed by Plaintiff Ross Miller ("Plaintiff") and Defendant Clark County Board of
24 Commissioners filed a joinder thereto. On December 16, 2020, Intervenor filed a reply in
25 support of his Motion for Writ of Mandamus.

26 . . .

27 . . .

1 Upon review of the papers and pleadings on file herein, the arguments of the parties,
2 and good cause appearing, Intervenor’ Motion for Writ of Mandamus is DENIED. The Court
3 finds the following facts and states the following conclusions of law¹ as follows:

4 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

5 Intervenor, in his Motion for Writ of Mandamus, argues that pursuant to NRS 293.465,
6 the Clark County Board of Commissioners is required to proceed with a new election for Clark
7 County Commission, District C. Intervenor’s Motion for Writ of Mandamus included an
8 affidavit by the Clark County Registrar of Voters (the “Registrar”), which states that there
9 were 139 discrepancies in the District C election.

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14 appropriate election officers in that precinct or district shall make an affidavit
15 setting forth that fact and transmit it to the appropriate board of county
16 commissioners. Upon receipt of the affidavit and upon the application of any
candidate for any office to be voted for by the registered voters of that precinct
or district, the board of county commissioners shall order a new election in that
precinct or district.

17 NRS 293.465 applies in instances in which an election, or a portion of one, is prevented from
18 occurring, for instance due to a natural disaster, or an accident suffered by the vehicle
19 transmitting the ballots, or some similar incident preventing an election from occurring and
20 makes provision for a new election in those circumstances. The Court finds that NRS 293.465
21 cannot apply here because the Clark County Commission, District C election was not
22 prevented. Clark County had an election on November 3, 2020. The results of every race have
23 been canvassed and certified. No precinct failed to complete its election.

24 The Court further finds that the Registrar’s affidavit is not an NRS 293.465 affidavit,
25 either by its own terms—as the Court has already stated when denying Intervenor’s Motion
26 for Preliminary Injunction—or by the expressed intentions of the Registrar. The affidavit does

27 _____
28 ¹ If any finding herein is in truth a conclusion of law, or if any conclusion is stated is in truth a
finding of fact, it shall be deemed so.

not declare that an election was prevented, either in whole or at the level of any particular precinct. It does not describe or identify any “loss or destruction of the ballots” per NRS 293.465. Therefore, Intervenor cannot establish that NRS 293.465 mandates a new election.

THEREFORE, the Court **DENIES** Intervenor’s Motion for Writ of Mandamus.

DATED this _____ day of _____, 202_.

DISTRICT COURT JUDGE

Submitted by:

STEVEN B. WOLFSON (SBN 1565)
District Attorney

By: /s/ Mary-Anne Miller
MARY-ANNE MILLER (SBN 1419)
County Counsel
500 South Grand Central Pkwy.
Las Vegas, Nevada 89155-2215

*Attorneys for Defendant
Clark County Board of
Commissioners*

Approved by:

CLARK HILL PLLC

DOMINIC P. GENTILE (SBN 1923)
JOHN A. HUNT (SBN 1888)
3800 Howard Hughes Pkwy., #500
Las Vegas, Nevada 89169

**WOLF, RIFKIN, SHAPIRO, SCHULMAN
& RABKIN, LLP**

By: /s/ Bradley S. Schrager
BRADLEY S. SCHRAGER, ESQ.
(SBN 10217)
DANIEL BRAVO, ESQ. (SBN 13078)
3556 E. Russell Road, Second Floor
Las Vegas, Nevada 89120

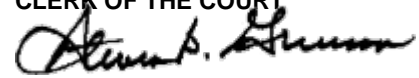
*Attorneys for Plaintiff/Petitioner
Ross Miller*

Approved by:

HUTCHISON & STEFFEN, PLLC

By: /s/ Jacob A. Reynolds
MARK A. HUTCHISON (SBN 4639)
JACOB A. REYNOLDS (SBN
10199)
PIERS R. TUELLER (SBN14633)
Peccole Professional Park
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145

*Attorneys for Intervenor-Plaintiff
Stavros Anthony*



ORDR

Mark A. Hutchison (4639)
Jacob A. Reynolds (10199)
Piers R. Tueller (14633)
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Peccole Professional Park
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Telephone: (702) 385-2500
Facsimile: (702) 385-2086
Email: mhutchison@hutchlegal.com
jreynolds@hutchlegal.com
ptueller@hutchlegal.com

Attorneys for Intervening Plaintiff
Stavros Anthony

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

ORDER

STAVROS ANTHONY, an individual,

Intervening Plaintiff,
v.

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

Defendants.

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Therefore, all claims asserted in Anthony's amended complaint in intervention are denied. This order constitutes this Court's final judgment in this matter.

Submitted by:

/s/ *Mark A. Hutchison*

Attorneys for Intervening Plaintiff
Stavros Anthony

2 of 3

DATED this __day of January, 2021

CLARK HILL PLLC

/s/ Bradley S. Schrager

DOMINIC P. GENTILE (1923)
JOHN A. HUNT (1888)
3800 Howard Hughes Pkwy., #500
Las Vegas, Nevada 89169

BRADLEY S. SCHRAGER, ESQ.(10217)
DANIEL BRAVO, ESQ. (13078)
**WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP**
3556 E. Russell Road, Second Floor
Las Vegas, Nevada 89120
*Attorneys for Plaintiff/Petitioner Ross
Miller*

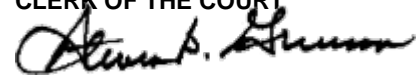
DATED this _6th_day of January, 2021

**OFFICE OF THE DISTRICT
ATTORNEY, CIVIL DIVISION**

/s/ Mary-Anne Miller

MARY-ANNE MILLER,ESQ. (1565)
500 South Grand Central Pkwy.
Las Vegas, Nevada 89155-2215

*Attorney for Defendant
Clark County Board of Commissioners*



ORDR

Mark A. Hutchison (4639)
Jacob A. Reynolds (10199)
Piers R. Tueller (14633)
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Email: mhutchison@hutchlegal.com
jreynolds@hutchlegal.com
ptueller@hutchlegal.com

Attorneys for Intervening Plaintiff
Stavros Anthony

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

ORDER

STAVROS ANTHONY, an individual,

Intervening Plaintiff,
v.

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

Defendants.

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Therefore, all claims asserted in Anthony's amended complaint in intervention are denied. This order constitutes this Court's final judgment in this matter.

Submitted by:

/s/ *Mark A. Hutchison*

Attorneys for Intervening Plaintiff
Stavros Anthony

2 of 3

1 DATED this __day of January, 2021

DATED this _6th_day of January, 2021

2 **CLARK HILL PLLC**

**OFFICE OF THE DISTRICT
ATTORNEY, CIVIL DIVISION**

3
4 */s/ Bradley S. Schrager*

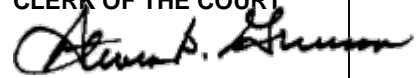
/s/ Mary-Anne Miller

5 _____
DOMINIC P. GENTILE (1923)
JOHN A. HUNT (1888)
3800 Howard Hughes Pkwy., #500
6 Las Vegas, Nevada 89169

_____ MARY-ANNE MILLER,ESQ. (1565)
500 South Grand Central Pkwy.
Las Vegas, Nevada 89155-2215

7
8 BRADLEY S. SCHRAGER, ESQ.(10217)
DANIEL BRAVO, ESQ. (13078)
9 **WOLF, RIFKIN, SHAPIRO,**
10 **SCHULMAN & RABKIN, LLP**
3556 E. Russell Road, Second Floor
11 Las Vegas, Nevada 89120
12 *Attorneys for Plaintiff/Petitioner Ross
Miller*

*Attorney for Defendant
Clark County Board of Commissioners*



NOTC

Mark A. Hutchison (4639)
Jacob A. Reynolds (10199)
Piers R. Tueller (14633)
HUTCHISON & STEFFEN, PLLC
Peccole Professional Park
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jreynolds@hutchlegal.com
ptueller@hutchlegal.com

Attorneys for Necessary Party Stavros Anthony

**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

STAVROS ANTHONY, an individual,

Intervenor-Plaintiff,

v.

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

Defendants.

Case No. A-20-824971-W

Dept No. 11

**NOTICE OF ENTRY OF ORDER
DISMISSING COMPLAINT IN
INTERVENTION**

PLEASE TAKE NOTICE that an Order Dismissing Complaint in Intervention was entered in the above matter on January 6, 2021.

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A copy is attached hereto.

DATED this 6th day of January, 2021.

HUTCHISON & STEFFEN, PLLC

/s/ Jacob A. Reynolds

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

Attorneys for Stavros Anthony

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Tanya Bain	tbain@clarkhill.com
Daniel Bravo	dbravo@wrslawyers.com
Maddy Carnate-Peralta	mcarnate@hutchlegal.com
Kaylee Conradi	kconradi@hutchlegal.com
Dannielle Fresquez	dfresquez@wrslawyers.com
Dominic P. Gentile	dgentile@clarkhill.com
Mark A. Hutchison	mhutchison@hutchlegal.com
Kimberly King	kking@clarkhill.com
Mary-Anne Miller	mary-anne.miller@clarkcountyda.com
Ross Miller	rmiller@clarkhill.com
Suzanne Morehead	smorehead@hutchlegal.com
Craig Mueller	electronicservice@craigmuellerlaw.com
Catherine Ramsey	cathy@craigmuellerlaw.com
Jacob Reynolds	jreynolds@hutchlegal.com
Bradley Schrager	bschrager@wrslawyers.com
Piers Tueller	ptueller@hutchlegal.com
Susie Ward	susie@craigmuellerlaw.com

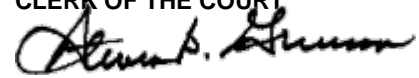
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ORDR

Mark A. Hutchison (4639)
Jacob A. Reynolds (10199)
Piers R. Tueller (14633)
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Email: mhutchison@hutchlegal.com
jreynolds@hutchlegal.com
ptueller@hutchlegal.com

Attorneys for Intervening Plaintiff
Stavros Anthony

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

ORDER

STAVROS ANTHONY, an individual,

Intervening Plaintiff,
v.

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

Defendants.

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Therefore, all claims asserted in Anthony's amended complaint in intervention are denied. This order constitutes this Court's final judgment in this matter.

Submitted by:

/s/ *Mark A. Hutchison*

Attorneys for Intervening Plaintiff
Stavros Anthony

2 of 3

1 DATED this __day of January, 2021

DATED this _6th_day of January, 2021

2 **CLARK HILL PLLC**

**OFFICE OF THE DISTRICT
ATTORNEY, CIVIL DIVISION**

3
4 */s/ Bradley S. Schrager*

/s/ Mary-Anne Miller

5 _____
DOMINIC P. GENTILE (1923)
JOHN A. HUNT (1888)
3800 Howard Hughes Pkwy., #500
6 Las Vegas, Nevada 89169

_____ MARY-ANNE MILLER,ESQ. (1565)
500 South Grand Central Pkwy.
Las Vegas, Nevada 89155-2215

7
8 BRADLEY S. SCHRAGER, ESQ.(10217)
DANIEL BRAVO, ESQ. (13078)
9 **WOLF, RIFKIN, SHAPIRO,**
10 **SCHULMAN & RABKIN, LLP**
3556 E. Russell Road, Second Floor
11 Las Vegas, Nevada 89120
12 *Attorneys for Plaintiff/Petitioner Ross
Miller*

*Attorney for Defendant
Clark County Board of Commissioners*

**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

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):

SECOND AMENDED NOTICE OF APPEAL; 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; ORDER DENYING INTERVENOR PLAINTIFF'S MOTION FOR WRIT OF MANDAMUS REQUIRING THE CLARK COUNTY BOARD OF COMMISSIONERS TO ORDER A NEW ELECTION FOR CLARK COUNTY COMMISSION DISTRICT C; NOTICE OF ENTRY OF ORDER DENYING INTERVENOR PLAINTIFF'S MOTION FOR WRIT OF MANDAMUS REQUIRING THE CLARK COUNTY BOARD OF COMMISSIONERS TO ORDER A NEW ELECTION FOR CLARK COUNTY COMMISSION DISTRICT C; ORDER; ORDER; NOTICE OF ENTRY OF ORDER DISMISS COMPLAINT IN INTERVENTION; DISTRICT COURT MINUTES

ROSS MILLER,

Plaintiff(s),

vs.

CLARK COUNTY BOARD OF
COMMISSIONERS,

Defendant(s),

Case No: A-20-824971-W

Dept No: XI

STAVROS ANTHONY,

Intervenor Plaintiff(s),

vs.

CLARK COUNTY BOARD OF
COMMISSIONERS; ROSS MILLER,

Intervenor Defendant(s),

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 7 day of January 2021.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read 'A Hampton', is written over a faint, circular court seal. The seal contains the text 'UNITED STATES DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT CLARK COUNTY NEVADA'.

Amanda Hampton, Deputy Clerk
A-20-824971-W