

IN THE SUPREME COURT OF THE STATE OF NEVADA

NATHANIEL HELTON, AN
INDIVIDUAL,
Appellant,

vs.

NEVADA VOTERS FIRST PAC, A
NEVADA COMMITTEE FOR
POLITICAL ACTION; TODD L. BICE, IN
HIS CAPACITY AS THE PRESIDENT
OF NEVADA VOTERS FIRST PAC;
AND BARBARA K. CEGAVSKE, IN
HER CAPACITY AS NEVADA
SECRETARY OF STATE,
Respondents.

No. 84110

FILED

JUN 06 2022

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

ORDER DENYING MOTIONS

Respondents Nevada Voters First PAC and Todd Bice (collectively, Voters First) have filed a motion to clarify appellant's NRAP 26.1 disclosure filed on March 1, 2022. Voters First asserts that there is "reason to question" appellant's disclosure and ask whether appellant is serving as a "front" for other sponsors who are funding the litigation but who do not want their involvement known to the court or public. In support of these assertions, Voters First notes a PAC, Protect Your Vote Nevada PAC, which was formed after the disclosure requirements, and includes appellant's counsel of record as its registered agent. Voters First argues that this is "highly unlikely to be a coincidence." It cites to the unpublished foreign decision in *Nunes v. Lizza*, No. 20-CV-

4003-CJW, 2021 WL 7186264 (N.D. Iowa Oct. 26, 2021) for the proposition that discovery and disclosures have been required in similar circumstances. Voters First requests that this court order “a more complete NRAP 26.1 disclosure.” Appellant has filed a response to the motion to clarify. He maintains that there were no persons or entities as described in NRAP 26.1(a) that he was required to disclose. Further he argues that *Nunes* is inapplicable here as it involves a discovery dispute about the identity of a real party in interest and is unrelated to NRAP 26.1(a).

Voter’s First does not state with particularity the grounds for the motion, the relief sought, or the legal argument necessary to support it. NRAP 27(a)(2). The motion relies on speculation and citation to an inapplicable, unpublished decision. Further, it is unclear what relief a more complete disclosure would entail. Accordingly, the motion is denied.

Appellant has filed a motion for this court to take judicial notice of a financial impact statement published by the Fiscal Analysis Division of the Legislative Counsel Bureau on May 20, 2022. NRS 47.130. Voters First has filed an opposition indicating that they dispute the facts in the statement. The document has not been considered by the district court, and therefore is not appropriate for review on appeal. See NRAP 10; *Carson Ready Mix v. First Nat’l Bank*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981) (this court’s review is limited to the record made in and considered by the district court); *Flick v. Liberty Mut. Fire Ins. Co.*, 205 F.3d 386, 392 n.7 (9th Cir. 2000) (providing that “[i]t is rarely appropriate for an appellate court to take judicial notice of facts that were not before the district court”). As Voters First disputes the facts contained in the document at issue, this court declines to take judicial notice of that document. See *Doe v. Regents of Univ.*

of *California*, 23 F.4th 930, 941 n.15 (9th Cir. 2022); NRS 47.130(2).
Accordingly, the request is denied.

It is so ORDERED.

C.J.

cc: Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas
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