

Case No. 84221

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, a political subdivision of the State of Nevada,

Petitioner,

v.

EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for the
County of Clark, and the Honorable Timothy C. Williams, District Judge,

Respondents,

and

180 LAND CO, LLC, a Nevada limited-liability company, FORE STARS LTD., a
Nevada limited-liability company,

Real Parties in Interest.

Eighth Judicial District Court, Clark County, Nevada

Case No. A-17-758528-J

Honorable Timothy C. Williams, Department 16

**APPENDIX TO ANSWER TO PETITIONER'S EMERGENCY PETITION
FOR WRIT OF MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF
CERTIORARI**

VOLUME 18

LAW OFFICES OF KERMITT L. WATERS

KERMITT L. WATERS, ESQ., NBN 2571

kermitt@kermittwaters.com

JAMES J. LEAVITT, ESQ., NBN 6032

jim@kermittwaters.com

MICHAEL SCHNEIDER, ESQ., NBN 8887

michael@kermittwaters.com

AUTUMN L. WATERS, ESQ., NBN 8917

autumn@kermittwaters.com

704 S. 9th Street, Las Vegas, Nevada 89101

Telephone: (702) 733-8877/ Facsimile: (702) 731-1964

Attorneys for 180 Land Co, LLC and Fore Stars Ltd.

Electronically Filed
Mar 08 2022 02:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

INDEX

Index No.	File Date	Document	Volume	RA Bates
1	2019-01-17	Reporter's Transcript of Plaintiff's Request for Rehearing, re issuance of Nunc Pro Tunc Order	1	00001 - 00014
2	2020 02 19	Order of Remand	1	00015 - 00031
3	2020-08-04	Plaintiff Landowners' Motion to Determine "Property Interest"	1	00032 – 00188
4	2020-09-09	Exhibit 18 to Reply in Support of Plaintiff Landowners' Motion to Determine "Property Interest - May 15, 2019, Order	1	00189 – 00217
5	2020-09-17	Reporter's Transcript of Hearing re Plaintiff Landowners' Motion to Determine "Property Interest"	1, 2	00218 - 00314
6	2020-11-17	Reporter's Transcript of Hearing re The City Of Las Vegas Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents on Order Shortening Time, provided in full as the City provided partial	2	00315 – 00391
7	2021-03-26	Plaintiff Landowners' Motion to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief	2	00392 - 00444
8	2021-03-26	Exhibits to Plaintiff Landowners' Motion and Reply to Determine Take and for Summary Judgment on the First, Third and Fourth Claims for Relief and Opposition to the City's Counter-Motion for Summary Judgment	2	00445 - 00455
9		Exhibit 1 - Findings of Fact and Conclusions of Law Regarding Plaintiff Landowners' Motion to Determine "Property Interest"	2, 3	00456 – 00461
10		Exhibit 7 - Findings of Fact and Conclusions of Law Regarding Plaintiffs' Motion for New Trial, Motion to Alter or Amend and/or Reconsider the Findings of Fact and Conclusions of Law, Motion to Stay Pending Nevada Supreme Court Directives	3	00462 – 00475
11		Exhibit 8 - Order Granting the Landowners' Countermotion to Amend/Supplement the Pleadings; Denying the Landowners' Countermotion for Judicial Determination of Liability on the Landowners' Inverse Condemnation Claims	3	00476 – 00500
12		Exhibit 26 - Findings of Fact, Conclusions of Law and Judgment Granting Defendants Fore Stars, Ltd., 180 Land Co LLC, Seventy Acres LLC, EHB Companies LLC, Yohan Lowie, Vickie Dehart and Frank Pankratz's	3	00501 – 00526

Index No.	File Date	Document	Volume	RA Bates
		NRCP 12(b)(5) Motion to Dismiss Plaintiffs' Amended Complaint		
13		Exhibit 27 - Notice of Entry of Findings of Fact, Conclusions of Law, Final Order of Judgment, Robert Peccole, et al v. Peccole Nevada Corporation, et al., Case No. A-16-739654-C	3	00527 – 00572
14		Exhibit 28 - Supreme Court Order of Affirmance	3	00573 – 00578
15		Exhibit 31 – June 13, 2017 Planning Commission Meeting Transcript – Agenda Item 82, provided in full as the City provided partial	3	00579 - 00583
16		Exhibit 33 – June 21, 2017 City Council Meeting Transcript – Agenda Items 82, 130-134, provided in full as the City provided partial	3, 4	00584 - 00712
17		Exhibit 34 - Declaration of Yohan Lowie	4	00713 – 00720
18		Exhibit 35 - Declaration of Yohan Lowie in Support of Plaintiff Landowners' Motion for New Trial and Amend Related to: Judge Herndon's Findings of Fact and Conclusion of Law Granting City of Las Vegas' Motion for Summary Judgment, Entered on December 30, 2020	4	00721 - 00723
19		Exhibit 36 - Master Declaration of Covenants, Conditions Restrictions and Easements for Queensridge	4	00724 – 00877
20		Exhibit 37 - Queensridge Master Planned Community Standards - Section C (Custom Lot Design Guidelines	4	00878 – 00880
21		Exhibit 40- 08.04.17 Deposition of Yohan Lowie, Eighth Judicial District Court Case No. A-15-729053-B (Binion v. Fore Stars)	4, 5	00881 – 00936
22		Exhibit 42 - Respondent City of Las Vegas' Answering Brief, Jack B. Binion, et al v. The City of Las Vegas, et al., Eighth Judicial District Court Case No. A-17-752344-J	5	00937 – 00968
23		Exhibit 44 - Original Grant, Bargain and Sale Deed	5	00969 – 00974
24		Exhibit 46 - December 1, 2016 Elite Golf Management letter to Mr. Yohan Lowie re: Badlands Golf Club	5	00975 - 00976
25		Exhibit 48 - Declaration of Christopher L. Kaempfer	5	00977 – 00981
26		Exhibit 50 - Clark County Tax Assessor's Property Account Inquiry - Summary Screen	5	00982 – 00984
27		Exhibit 51 - Assessor's Summary of Taxable Values	5	00985 – 00987

Index No.	File Date	Document	Volume	RA Bates
28		Exhibit 52 - State Board of Equalization Assessor Valuation	5	00988 - 00994
29		Exhibit 53 - June 21, 2017 City Council Meeting Combined Verbatim Transcript	5	00995 – 01123
30		Exhibit 54 - August 2, 2017 City Council Meeting Combined Verbatim Transcript	5, 6	01124 – 01279
31		Exhibit 55 - City Required Concessions signed by Yohan Lowie	6	01280 – 01281
32		Exhibit 56 - Badlands Development Agreement CLV Comments	6	01282 – 01330
33		Exhibit 58 - Development Agreement for the Two Fifty	6, 7	01331 – 01386
34		Exhibit 59 - The Two Fifty Design Guidelines, Development Standards and Uses	7	01387 - 01400
35		Exhibit 60 - The Two Fifty Development Agreement's Executive Summary	7	01401 – 01402
36		Exhibit 61 - Development Agreement for the Forest at Queensridge and Orchestra Village at Queensridge	7, 8, 9	01403 – 02051
37		Exhibit 62 - Department of Planning Statement of Financial Interest	9, 10	02052 – 02073
38		Exhibit 63 - December 27, 2016 Justification Letter for General Plan Amendment of Parcel No. 138-31-702-002 from Yohan Lowie to Tom Perrigo	10	02074 – 02077
39		Exhibit 64 - Department of Planning Statement of Financial Interest	10	02078 – 02081
40		Exhibit 65 - January 1, 2017 Revised Justification letter for Waiver on 34.07 Acre Portion of Parcel No. 138-31-702-002 to Tom Perrigo from Yohan Lowie	10	02082 – 02084
41		Exhibit 66 - Department of Planning Statement of Financial Interest	10	02085 – 02089
42		Exhibit 67 - Department of Planning Statement of Financial Interest	10	02090 – 02101
43		Exhibit 68 - Site Plan for Site Development Review, Parcel 1 @ the 180, a portion of APN 138-31-702-002	10	02102 – 02118
44		Exhibit 69 - December 12, 2016 Revised Justification Letter for Tentative Map and Site Development Plan Review on 61 Lot Subdivision to Tom Perrigo from Yohan Lowie	10	02119 – 02121
45		Exhibit 70 - Custom Lots at Queensridge North Purchase Agreement, Earnest Money Receipt and Escrow Instructions	10, 11	02122 – 02315
46		Exhibit 71 - Location and Aerial Maps	11	02316 – 02318

Index No.	File Date	Document	Volume	RA Bates
47		Exhibit 72 - City Photos of Southeast Corner of Alta Drive and Hualapai Way	11	02319 – 02328
48		Exhibit 74 - June 21, 2017 Planning Commission Staff Recommendations	11	02329 – 02356
49		Exhibit 75 - February 14, 2017 Planning Commission Meeting Verbatim Transcript	11	02357 – 02437
50		Exhibit 77 - June 21, 2017 City Council Staff Recommendations	11	02438 – 02464
51		Exhibit 78 - August 2, 2017 City Council Agenda Summary Page	12	02465 – 02468
52		Exhibit 79 - Department of Planning Statement of Financial Interest	12	02469 – 02492
53		Exhibit 80 - Bill No. 2017-22	12	02493 – 02496
54		Exhibit 81 - Development Agreement for the Two Fifty	12	02497 – 02546
55		Exhibit 82 - Addendum to the Development Agreement for the Two Fifty	12	02547 – 02548
56		Exhibit 83 - The Two Fifty Design Guidelines, Development Standards and Permitted Uses	12	02549 – 02565
57		Exhibit 84 - May 22, 2017 Justification letter for Development Agreement of The Two Fifty, from Yohan Lowie to Tom Perrigo	12	02566 – 02568
58		Exhibit 85 - Aerial Map of Subject Property	12	02569 – 02571
59		Exhibit 86 - June 21, 2017 emails between LuAnn D. Holmes and City Clerk Deputies	12	02572 – 02578
60		Exhibit 87 - Flood Damage Control	12	02579 – 02606
61		Exhibit 88 - June 28, 2016 Reasons for Access Points off Hualapai Way and Rampart Blvd. letter from Mark Colloton, Architect, to Victor Balanos	12	02607 – 02613
62		Exhibit 89 - August 24, 2017 Access Denial letter from City of Las Vegas to Vickie Dehart	12	02614 – 02615
63		Exhibit 91 - 8.10.17 Application for Walls, Fences, or Retaining Walls	12	02616 – 02624
64		Exhibit 92 - August 24, 2017 City of Las Vegas Building Permit Fence Denial letter	12	02625 – 02626
65		Exhibit 93 - June 28, 2017 City of Las Vegas letter to Yohan Lowie Re Abeyance Item - TMP-68482 - Tentative Map - Public Hearing City Council Meeting of June 21, 2017	12	02627 - 02631
66		Exhibit 94 - Declaration of Vickie Dehart, Jack B. Binion, et al. v. Fore Stars, Ltd., Case No. A-15-729053-B	12	02632 – 02635

Index No.	File Date	Document	Volume	RA Bates
67		Exhibit 106 – City Council Meeting Transcript May 16, 2018, Agenda Items 71 and 74-83, provided in full as the City provided partial	12, 13	02636 – 02710
68		Exhibit 107 - Bill No. 2018-5, Ordinance 6617	13	02711 – 02720
69		Exhibit 108 - Bill No. 2018-24, Ordinance 6650	13	02721 – 02737
70		Exhibit 110 - October 15, 2018 Recommending Committee Meeting Verbatim Transcript	13	02738 – 02767
71		Exhibit 111 - October 15, 2018 Kaempfer Crowell Letter re: Proposed Bill No. 2018-24 (part 1 of 2)	13, 14	02768 – 02966
72		Exhibit 112 - October 15, 2018 Kaempfer Crowell Letter re: Proposed Bill No. 2018-24 (part 2 of 2)	14, 15	02967 – 03220
73		Exhibit 114 - 5.16.18 City Council Meeting Verbatim Transcript	15	03221 – 03242
74		Exhibit 115 - 5.14.18 Bill No. 2018-5, Councilwoman Fiore Opening Statement	15	03243 – 03249
75		Exhibit 116 - May 14, 2018 Recommending Committee Meeting Verbatim Transcript	15	03250 – 03260
76		Exhibit 120 - State of Nevada State Board of Equalization Notice of Decision, In the Matter of Fore Star Ltd., et al.	15	03261 – 03266
77		Exhibit 121 - August 29, 2018 Bob Coffin email re Recommend and Vote for Ordinance Bill 2108-24	15	03267 – 03268
78		Exhibit 122 - April 6, 2017 Email between Terry Murphy and Bob Coffin	15	03269 – 03277
79		Exhibit 123 - March 27, 2017 Letter from City of Las Vegas to Todd S. Polikoff	15	03278 – 03280
80		Exhibit 124 - February 14, 2017 Planning Commission Meeting Verbatim Transcript	15	03281 – 03283
81		Exhibit 125 - Steve Seroka Campaign Letter	15	03284 – 03289
82		Exhibit 126 - Coffin Facebook Posts	15	03290 – 03292
83		Exhibit 127 - September 17, 2018 Coffin text messages	15	03293 – 03305
84		Exhibit 128 - September 26, 2018 Email to Steve Seroka re: meeting with Craig Billings	15	03306 – 03307
85		Exhibit 130 - August 30, 2018 Email between City Employees	15	03308 – 03317
86		Exhibit 134 - December 30, 2014 Letter to Frank Pankratz re: zoning verification	15	03318 – 03319
87		Exhibit 136 - 06.21.18 HOA Meeting Transcript	15, 16	03320 – 03394
88		Exhibit 141 – City’s Land Use Hierarchy Chart	16	03395 – 03396

Index No.	File Date	Document	Volume	RA Bates
		The Pyramid on left is from the Land Use & Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan, The pyramid on right is demonstrative, created by Landowners' prior counsel		
89		Exhibit 142 - August 3, 2017 deposition of Bob Beers, pgs. 31-36 - The Matter of Binion v. Fore Stars	16	03397 - 03400
90		Exhibit 143 - November 2, 2016 email between Frank A. Schreck and George West III	16	03401 – 03402
91		Exhibit 144 -January 9, 2018 email between Steven Seroka and Joseph Volmar re: Opioid suit	16	03403 – 03407
92		Exhibit 145 - May 2, 2018 email between Forrest Richardson and Steven Seroka re Las Vegas Badlands Consulting/Proposal	16	03408 – 03410
93		Exhibit 150 - Affidavit of Donald Richards with referenced pictures attached, which the City of Las Vegas omitted from their record	16	03411 – 03573
94		Exhibit 155 - 04.11.84 Attorney General Opinion No. 84-6	16	03574 – 03581
95		Exhibit 156 - Moccasin & 95, LLC v. City of Las Vegas, Eighth Judicial Dist. Crt. Case no. A-10-627506, 12.13.11 City of Las Vegas' Opposition to Plaintiff Landowner's Motion for Partial Summary Judgment on Liability for a Taking (partial)	16	03582 – 03587
96		Exhibit 157 - Affidavit of Bryan K. Scott	16	03588 – 03590
97		Exhibit 158 - Affidavit of James B. Lewis	16	03591 – 03593
98		Exhibit 159 - 12.05.16 Deposition Transcript of Tom Perrigo in case Binion v. Fore Stars	16	03594 – 03603
99		Exhibit 160 - December 2016 Deposition Transcript of Peter Lowenstein in case Binion v. Fore Stars	16, 17	03604 – 03666
100		Exhibit 161 - 2050 City of Las Vegas Master Plan (Excerpts)	17	03667 – 03670
101		Exhibit 163 - 10.18.16 Special Planning Commission Meeting Transcript (partial)	17	03671 – 03677
102		Exhibit 183 and Trial Exhibit 5 - The DiFederico Group Expert Report	17	03678 – 03814
103		Exhibit 189 - January 7, 2019 Email from Robert Summerfield to Frank Pankratz	17	03815 – 03816
104		Exhibit 195 - Declaration of Stephanie Allen, Esq., which Supports Plaintiff Landowners' Reply in Support of: Plaintiff Landowners' Evidentiary Hearing Brief #1:	17	03817 – 03823

Index No.	File Date	Document	Volume	RA Bates
		Memorandum of Points and Authorities Regarding the Landowners' Property Interest; and (2) Evidentiary Hearing Brief #2: Memorandum of Points and Authorities Regarding the City's Actions Which Have Resulted in a Taking of the Landowners' Property		
105		Exhibit 198 - May 13, 2021 Transcript of Hearing re City's Motion for Reconsideration of Order Granting in Part and Denying in Part the Landowners' Motion to Compel the City to Answer Interrogatories	17, 18	03824 – 03920
106	2021-04-21	Reporter's Transcript of Motion re City of Las Vegas' Rule 56(d) Motion on OST and Motion for Reconsideration of Order Granting in Part and Denying in Part the City's Motion to Compel Discovery Responses, Documents and Damages Calculation and Related Documents	19	03921 – 04066
107	2021-07-16	Deposition Transcript of William Bayne, Exhibit 1 to Plaintiff Landowners' Motion in Limine No. 1: to Exclude 2005 Purchase Price, provided in full as the City provided partial	19	04067 – 04128
108	2021-09-13	Reporter's Transcript of Hearing re Plaintiff Landowners' Motion to Determine Property Interest in Eighth Judicial District Court Case No. A-18-775804-J, Judge Sturman, provided in full as the City provided partial	19, 20	04129 – 04339
109	2021-09-17	Reporter's Transcript of Hearing re Plaintiff Landowners' Motion to Determine Property Interest in Eighth Judicial District Court Case No. A-18-775804-J, Judge Sturman, provided in full as the City provided partial	20, 21	04340 – 04507
110	2021-09-23	Reporter's Transcript of Hearing re Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief	21, 22	04508 – 04656
111	2021-09-24	Reporter's Transcript of Hearing re Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief	22, 23	04657 – 04936
112	2021-09-27	Reporter's Transcript of Hearing re Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief	23	04937 – 05029
113	2021-09-28	Reporter's Transcript of Hearing re Plaintiff Landowners' Motion to Determine Take and For Summary Judgment on the First, Third and Fourth Claim for Relief	23, 24	05030 – 05147
114	2021-10-26	Reporter's Transcript of Hearing re Plaintiff Landowners' Motion for Summary Judgment on Just Compensation on Order Shortening Time	24	05148 – 05252

Index No.	File Date	Document	Volume	RA Bates
115	2021-10-27	Reporter's Transcript of Hearing re Bench Trial	24	05253 – 05261
116	2022-01-19	Reporter's Transcript of Hearing re City's Motion for Immediate Stay of Judgment on OST	24, 25	05262 – 05374
117	2022-01-27	Plaintiff Landowners' Reply in Support of Motion for Attorney's Fees	25	05375 – 05384
118	2022-02-03	Reporter's Transcript of Hearing re Plaintiff Landowners' Motion to Determine Prejudgment Interest and Motion for Attorney Fees	25	05385 – 05511
119	2022-02-11	Reporter's Transcript of Hearing re City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b) and Stay of Execution	25, 26	05512 – 05541
120	2022-02-16	Order Granting in Part and Denying in Part the City of Las Vegas' Motion to Retax Memorandum of Costs	26	05542 - 05550
121	2022-02-16	Order Granting Plaintiffs Landowners' Motion for Reimbursement of Property Taxes	26	05551 -05558
122	2022-02-17	Notice of Entry of Order Granting Plaintiffs Landowners' Motion for Reimbursement of Property Taxes	26	05559 – 05569
123	2022-02-17	Notice of Entry of: Order Granting in Part and Denying in Part the City of Las Vegas' Motion to Retax Memorandum of Costs	26	05570 - 05581
124	2022-02-18	Order Granting Plaintiff Landowners' Motion for Attorney Fees in Part and Denying in Part	26	05582 – 05592
125	2022-02-22	Notice of Entry of: Order Granting Plaintiff Landowners' Motion for Attorney Fees in Part and Denying in Part	26	05593 – 05606
126	2022-02-25	Order Denying City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution	26	05607 – 05614
127	2022-02-28	Notice of Entry of: Order Denying City of Las Vegas' Motion to Amend Judgment (Rules 59(e) and 60(b)) and Stay of Execution	26	05615 – 05625

CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPENDIX TO ANSWER TO PETITIONER'S EMERGENCY PETITION FOR WRIT OF MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF CERTIORARI - **VOLUME 18** was filed electronically with the Nevada Supreme Court on the 8th day of March, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

McDONALD CARANO LLP

George F. Ogilvie III, Esq.
Christopher Molina, Esq.
2300 W. Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
gogilvie@mcdonaldcarano.com
cmolina@mcdonaldcarano.com

**SHUTE, MIHALY &
WEINBERGER, LLP**

Andrew W. Schwartz, Esq.
Lauren M. Tarpey, Esq.
396 Hayes Street
San Francisco, California 94102
schwartz@smwlaw.com
ltarpey@smwlaw.com

**LAS VEGAS CITY ATTORNEY'S
OFFICE**

Bryan Scott, Esq., City Attorney
Philip R. Byrnes, Esq.
Rebecca Wolfson, Esq.
495 S. Main Street, 6th Floor
Las Vegas, Nevada 89101
bscott@lasvegasnevada.gov
pbyrnes@lasvegasnevada.gov
rwolfson@lasvegasnevada.gov

/s/ Sandy Guerra

An Employee of the Law Offices of Kermitt L. Water

10:11:57 1 were either false or in bad faith or just not strong.

2 So this -- this case went up to the United
3 States Supreme Court. And the Court, in a unanimous
4 decision with no footnotes it read like a manifesto --

10:12:17 5 said: Wait a minute. We made a big mistake in Agins
6 in saying that a taking could be a regulation that does
7 not substantially advance legitimate state interests.
8 That's a means/ends test. That has nothing to do with
9 takings.

10:12:34 10 Now, your Honor, that's exactly what the --
11 this -- these interrogatories are going to. This --
12 it's really a substantially advance test that the Court
13 said has no place in takings.

14 So here's what the Court said:

10:12:53 15 First, it said -- and -- and we're now in
16 2005. The Court has come full circle from Pennsylvania
17 Coal in 1922. So it was 83 years later after a lot of
18 litigation in the Supreme Court and the lower courts,
19 the Court came full circle and simplified and narrowed
10:13:19 20 the test for a taking and clarified that it has only to
21 do with economic impact and nothing to do with whether
22 the decision is a good or a bad decision.

23 So the Court said in Lingle:

24 "Although our regulatory takings jurisprudence
10:13:37 25 cannot be characterized as unified, these three

10:13:40 1 inquiries (Loretto, Lucas, and Penn Central)" -- so
2 it's saying that Loretto, the physical taking; Lucas,
3 an excessive regulation of use that wipes out the
4 property, or Penn Central, the economic impact
10:13:57 5 regulation of use doesn't have to be a wipeout.

6 It says:

7 "These three inquiries share a common
8 touchstone. Each claims to identify" -- "each aims to
9 identify regulatory actions that are functionally
10:14:11 10 equivalent to the classic taking in which government
11 directly appropriates private property or ousts the
12 owner from his domain. Accordingly, each of these
13 tests focuses directly upon the severity of the burden
14 that government imposed upon private rights" -- "upon
10:14:27 15 private property rights."

16 So what it's saying is whether you've got a
17 categorical claim, a wipeout, or a Penn Central which
18 is something less, that it's got to be close to a
19 wipeout; otherwise, it's not the equivalent of eminent
10:14:43 20 domain.

21 And the Court is saying otherwise it loses
22 contact with the Constitution, which, remember, the
23 takings clause was supposed to be for direct
24 condemnation, for eminent domain. Well, it can be due
10:14:56 25 to regulation if it's the same function equivalent.

10:15:01 1 It's the same. That means that the economic impact has
2 to be so severe that it's the same as an eminent
3 domain.

4 So that means under any formulation of the
10:15:10 5 test, the economic burden of the regulation has to be
6 equivalent to eminent domain to wipe out or close to a
7 wipeout.

8 So what's the Court doing here? It's
9 balancing the -- the right of property owners to be
10:15:25 10 free from excessive government regulation, but it also
11 has to be highly deferential to the police power to
12 regulate land use of the public good.

13 And so in Lingle, the Court came out on giving
14 great deference to the police power and narrowing
10:15:46 15 takings to the extreme case where there is a wipeout or
16 a near wipeout of economic value.

17 And then the Nevada Supreme Court follows
18 Lingle in the Kelly case. The Court said that
19 regulation is a taking if it denies all economically
10:16:02 20 beneficial or productive use of land.

21 In the Boulder case, a taking -- it's -- it
22 was not a taking in that case because it -- the
23 regulation did not destroy all viable economic value of
24 the property.

10:16:18 25 And in State, in 2015, the Nevada Supreme

10:16:21 1 Court said that a regulation to be a taking must
2 completely deprive an owner of all economically
3 beneficial use of the property, quoting Lingle.

4 So what's the Court saying here? If you
10:16:35 5 don't -- don't -- you can't allege a taking unless you
6 can show that the regulation has wiped out the economic
7 value of the property or very close to it, period.

8 That's the test for a taking in the federal
9 courts, US Supreme Court, and in Nevada.

10:16:55 10 And the reasons for the regulation don't make
11 any difference.

12 Now, here's -- here's what the Court did on
13 the substantially advance test. Justice Scalia in the
14 oral argument said, you know, we're going to have to
10:17:07 15 eat humble pie on this one. The substantially advance
16 test was a big mistake.

17 The Court held that where the action was
18 arbitrary, irrational, or made in good faith has no
19 proper place in our takings jurisprudence. Why?
10:17:20 20 Because it doesn't help identify those regulations
21 whose effects are functionally comparable to government
22 appropriation or invasion of private property.

23 Indeed, such an -- so they're saying that this
24 inquiry is tethered neither to the next -- to the text
10:17:37 25 in the takings clause nor to the basic justification

10:17:40 1 for allowing regulatory actions to be challenged under
2 the clause.

3 The Court said that the notion that a
4 regulation nevertheless takes property for public use
10:17:54 5 merely by virtue of its ineffectiveness or a
6 foolishness is untenable. Instead of addressing a
7 challenge regulation's effect on private property, the
8 substantially advances inquiry probes the regulation's
9 underlying validity.

10:18:10 10 Again, your Honor, this is directly relevant
11 to these interrogatories, because that's what they're
12 doing. Such inquiry is logically prior to and distinct
13 from the question whether a regulation effects a
14 taking, for the takings clause presupposes that the
10:18:25 15 government has acted pursuant to a valid public
16 purpose.

17 The clause expressly requires compensation
18 where government takes property for public use. It
19 does not bar government from interfering with property
10:18:38 20 rights but rather requires compensation in the event of
21 otherwise proper interference amounting to a taking.

22 Conversely, if a government action is found to
23 be impermissible, for instance, because it violates due
24 process, that's the end of the inquiry. No amount of
10:18:54 25 compensation can authorize such an action.

10:18:58 1 Finally, the substantially advances formula is
2 not only doctrinally untenable as a takings test; its
3 application as such would also present serious
4 practical difficulties.

10:19:11 5 This is, again, directly relevant to these
6 interrogatories, your Honor.

7 The Court went on to say the Agins formula --
8 that is the substantially advance test -- can be read
9 to demand heightened intense review of virtually any
10:19:23 10 regulation of private property. If so interpreted, it
11 would require courts to scrutinize the efficacy of a
12 vast array of state and federal regulations, a task for
13 which courts are not well-suited.

14 Moreover, it would empower and might often
10:19:39 15 require courts to substitute their predicted judgments
16 for those of elected legislators and expert agencies.

17 So, in sum, the reasons for the government
18 action have nothing to do with takings. Takings is
19 only concerned with the economic impact.

10:19:54 20 Whether a regulation is fair, whether it's
21 wise, completely irrelevant. If it's unfair or if the
22 claim is it's unfair or arbitrary and capricious or it
23 doesn't have good reasons, that's a due process claim,
24 not a takings claim.

10:20:14 25 So let's look at the -- the developer's claims

10:20:19 1 here. They have a categorical in Penn Central. They
2 claim that the City's denial of their applications to
3 develop the 35-acre property, which was done by a
4 legislative body, the city council at a public hearing,
10:20:31 5 they claim that -- that that is a wipeout taking, a
6 categorical taking, or a Penn Central claim, which has
7 got to be close to a wipeout.

8 So you look at the economic impact of that
9 decision. What bearing could former council members'
10:20:49 10 statements a year after that decision was made on the
11 35 acre applications, what power -- what opinions of
12 Council Member Seroke, what mental impressions, who he
13 relied on for an opinion and why, his reasons for an
14 opinion, what possible relevance would that have to the
10:21:11 15 inquiry before this Court, which is what is the
16 economic impact of a decision of the city council made
17 a year -- in June 2017 -- a year before Council Member
18 Seroke made those statements?

19 Not only that, Council Member Seroke was not
10:21:30 20 even on the city council when the city council
21 disapproved the 35-acre applications.

22 Again, what relevance could his state of mind
23 or his mental impressions or his reasons for holding an
24 opinion have -- what bearing could it have on that?

10:21:50 25 Now, yes, Council Member Seroke was on the

10:21:52 1 council when the council voted to deny a master
2 development agreement that the developer presented.
3 But this Court has said itself statements of individual
4 council members are not relevant, and this wasn't even
10:22:07 5 a statement at the hearing on the master development
6 agreement.

7 Council Member Seroka's statements, his
8 opinions are not the law. They -- his opinions alone
9 have no economic impact on this decision.

10:22:25 10 The decision is a matter of public record.
11 The only thing the Court looks at in this case is that
12 decision of the city council on the 35 acre
13 applications and the master development agreement and
14 what the economic impact was on the property. That's
10:22:43 15 why the Court properly granted the City's motion to
16 compel information about the economic impact of that
17 regulation on the property.

18 Council Member Seroka's opinions are
19 completely irrelevant.

10:22:57 20 In denying the potential for judicial review
21 in this case, this Court said, and I'm starting in
22 paragraph 33 of its --

23 THE COURT: You understand that's a different
24 standard, right?

03:07:54 25 (Multiple speaker cross-talk)

10:23:08 1 MR. SCHWARTZ: -- provisions of law --

2 THE COURT: That's a different standard. I

3 mean, that's a --

4 MR. SCHWARTZ: -- from November 26.

10:23:13 5 THE COURT: I don't want to go down that. I

6 don't want to open that up.

7 But go ahead, sir.

8 MR. SCHWARTZ: Well, you said in that

9 decision, your Honor, that the action this Court's

10:23:22 10 tasked to review is the decision of the governing body,

11 not statements made by individual city council members

12 leading up to that decision. The statements of

13 individual council members are not indicative of any

14 arbitrary or capricious decision making.

10:23:37 15 The action that the Court is tasked with

16 reviewing is the decision of the governing body, not

17 statements made by individual council members leading

18 up to the decision.

19 The council -- the council's action occurred

10:23:49 20 with a vote, not the prior statements made by

21 individual city council members.

22 The Court finds -- the Court -- and I'm

23 paraphrasing -- rejects the developer's contention that

24 the statements of individual council members require

10:24:02 25 the Court to overturn the council's decision.

Peggy Isom, CCR 541, RMR

(702)671-4402 - DEPT16REPORTER@GMAIL.COM

Pursuant to NRS 239.053, illegal to copy without payment.

006146

RA 03853

10:24:04 1 And, yes, this was a petition for judicial
2 review. But the principle is the same. If -- if
3 the -- the only action of the City that's relevant here
4 is an action of the city council as a whole.

10:24:23 5 That principle applies whether it is -- the
6 challenge is to a petition for judicial review or in
7 takings, because what the Court focuses on is what is
8 the economic impact of a law, a regulation.

9 An individual council member's statements,
10:24:38 10 opinions, actions has nothing to do with the Court's
11 inquiry.

12 Now, the developer says, Well, we need to know
13 whether Council Member Seroka was telling the truth
14 when he made a statement at some meeting.

10:24:54 15 No, we don't.

16 What is -- what is -- what on earth does
17 whether his statement, well, I think this -- I think
18 that the law should be this or I think this happened,
19 what possible relevance could Judge -- Council Member
10:25:11 20 Seroka's, the truth or falsity of the reasons for his
21 opinion have to do with this case?

22 Now, nor are the statements that that
23 developer seeks to probe and the mental impressions
24 relevant at all to the physical takings claim. The
10:25:33 25 only thing relevant there is did the City pass a law

10:25:37 1 that required the developer to submit to the occupation
2 of the property by the public. Did it? Did the law
3 say that or not?

4 The developer relies on this bill, 2018-24,
10:25:51 5 passed in November of 2018. They claim that it -- that
6 the -- that the law required the developer to allow the
7 public on its property.

8 Well, that's a decision for the Court as to
9 what that law means. And just -- and Council Member
10:26:10 10 Seroka's statements either in the city council
11 proceeding on that law or outside have no bearing on
12 what that law means and what its application is.
13 That's a decision of the Court.

14 For the nonregulatory taking, same thing.

10:26:31 15 Justice -- Council Member Seroka's statements
16 about his opinions about things have nothing to do
17 whether the City's actions -- actions of the City, the
18 City, effected a nonregulatory taking.

19 The developer has never said what exactly the
10:26:48 20 City did to commit a nonregulatory taking.

21 But I can't see how it could possibly be
22 relevant. A nonregulatory taking is either a physical
23 taking. It's kind of duplicative of the Loretto
24 physical taking claim. Or there has to be some
10:27:02 25 precondemnation conduct that renders the property

10:27:07 1 useless or valueless.

2 Nothing that Council Member Seroka could say
3 or do as an individual could render the 35-acre
4 property useless or valueless. It's got to be a law,
10:27:22 5 something with the force of law. And that has to be
6 the city council voting as a group. And the Court
7 found that to be the case in denying the petition for
8 judicial review, and it applies here.

9 Now, here's what -- here's what the
10:27:34 10 developer's counsel stated at the hearing on the motion
11 to -- in opposition to the motion to compel.

12 I'm quoting here:

13 "If indeed there were no facts to support the
14 basis of Seroka's statement, then that would create a
10:27:51 15 problem for the City."

16 So counsel is saying if Seroka didn't have
17 good reasons for making that statement, that would be a
18 problem for the City, I guess, in its takings claims.

19 Another quote:

10:28:04 20 "So if there was no basis for Council
21 Member Seroka's statements, that causes a great
22 concern for the developer. If there was no
23 basis for Seroka's statements, it would be more
24 evidence to show that the City engaged in a
10:28:16 25 conduct to deny the developer all use of their

10:28:19 1

property."

2

So, your Honor, that's the basis of our
request for these interrogatories.

4

10:28:31 5

So according to the developer's theory here,
if Council Member Seroka's statements are without basis
and if he didn't have good reason for making a
statement at any -- then the city council's decision,
the decision of the entire city council itself was
irrational and arbitrary and invalid.

10:28:46 10

Now, the Court already found that that
decision was not arbitrary or irrational and invalid.

12

But that's exactly what the developer is
trying to do here, your Honor. It's trying to retry
the petition for judicial review.

10:29:03 15

This is the takings claim. It has nothing to
do with whether there is substantial evidence to
support the decision of the city council. I mean,
getting beyond the fact that one individual member's
statements have nothing to do with the action of the
city council, which is at issue here, but whether the
city council's decision was a good or bad decision has
already been decided in the petition for judicial
review in paragraphs 4 and 10, 11, 19, 22.

10:29:17 20

24

The Court went on at great length about why
the -- the Court doesn't step into the shoes of the

10:29:39 25

10:29:47 1 decision-maker and dictate policy.

2 But these questions go directly to whether a
3 policy was a good or a bad policy. And that's why this
4 is so -- such a big problem for the City and for a
10:30:03 5 democratic system of government.

6 Because the reasons a legislature makes a
7 decision aren't relevant. They can't be relevant.
8 Otherwise, you could make policy through a lawsuit.

9 The Supreme Court in Lingle said the inquiry
10:30:23 10 about whether there's a legitimate basis for a decision
11 is a due process inquiry.

12 And that's exactly what this inquiry is. The
13 developer is trying to convert this case into a due
14 process case. But they haven't pled a due process
10:30:38 15 claim, nor could they, because the Ninth Circuit has
16 already ruled in a case where the developer sued
17 Council Member Seroke individually that the City and --
18 did not violate the developer's due process rights in
19 this case.

10:30:56 20 So that -- that's a -- decision is an issue
21 preclusion bar to a due process claim and, therefore,
22 it also should rule out any inquiry into the state of
23 mind or the mental impressions of a legislator to the
24 city.

10:31:14 25 Okay. So, that's -- that's why this is not

10:31:18 1 relevant, your Honor. And I think the Court -- I think
2 relevance is really crucial to understand the second
3 reason why this motion to compel be denied, because,
4 you know, recognizing that this kind of thing -- this
10:31:39 5 kind of inquiry into a legislator's state of mind could
6 completely undermine our system of government. We have
7 separation of powers between -- in all levels of
8 government, including the State of Nevada. That's a
9 very strong policy for the state is separation of
10:31:56 10 powers between the judicial branch and the legislative
11 branch and the administrative executive branches. The
12 executive administrative branches and legislative
13 branches make social policy. They decide what are the
14 laws going to be to regulate the use of land to protect
10:32:13 15 community interests.

16 Now, the Courts do have a role -- and that's
17 under the Constitution.

18 But the United States Supreme Court and the
19 Nevada Supreme Court has said the only role for the
10:32:23 20 Court in land use policy is to award just compensation
21 where there's been a wipeout or a near wipeout. That's
22 the only role of the Court.

23 So we have cited -- we have cited 15 cases as
24 to why it is improper to inquire -- in discovery it is
10:32:46 25 improper to inquire into the state of mind of a

10:32:52 1 legislator or a decision-maker on a land use permit.

2 Same thing.

3 There's the mental process and deliberative

4 process privileges. Take, for example, the City of

10:33:03 5 Las Vegas vs. Foley. It's a Ninth Circuit case. It

6 says that -- the Court said:

7 "The relevant governmental interest is

8 determined by objective indicators as taken from the

9 face of the statute, the effect of the statute,

10:33:17 10 comparison to prior law, facts surrounding enactment of

11 the statute, the stated purpose, and the record of

12 proceedings."

13 That's the only way that a Court -- that's the

14 only evidence that a Court can look at in -- in

10:33:33 15 determining the meaning of the statute, the application

16 of the statute, interpreting the statute.

17 Again, we've cited 15 cases in support of the

18 absolute unqualified privilege of legislators against

19 discovery. You can't sit -- I mean, you can't sit down

10:33:53 20 a member of the Nevada legislature. You challenge a

21 law passed by the legislature and sit a member of the

22 Nevada legislature down for a deposition and ask them

23 if they had good reasons to pass that law, what was

24 their state of mind, who did they rely on.

10:34:08 25 THE COURT: But that's not -- but you know

Peggy Isom, CCR 541, RMR

(702)671-4402 - DEPT16REPORTER@GMAIL.COM

Pursuant to NRS 239.053, illegal to copy without payment.

006153

RA 03860

10:34:08 1 what --

2 MR. SCHWARTZ: What experts did they rely on.

3 THE COURT: Sir, that's not what they're

4 asking for. And it's my recollection based upon the

10:34:13 5 history of this case, this councilman wasn't part of

6 the legislative process; right?

7 MR. SCHWARTZ: Well, he was not part of the

8 legislative process to deny the 35 acre applications.

9 THE COURT: Right.

10:34:29 10 MR. SCHWARTZ: He was for the -- for the

11 master development agreement.

12 But if he wasn't -- if he wasn't part of

13 the -- I mean, so what possible relevance could his

14 opinions have to the denial of the 35-acre

10:34:46 15 applications? That's what's at issue here.

16 THE COURT: Well, no, but, see --

17 MR. SCHWARTZ: Again --

18 THE COURT: What you're doing is you're

19 framing the issue. What you need to tell me is this:

10:34:53 20 How is this relevant to the affirmative defenses

21 alleged in this case? Because that's the position the

22 plaintiff is taking.

23 The plaintiff is saying, Look, Judge -- and

24 this is on page 10 of their opposition at line 14. It

10:35:08 25 starts:

Peggy Isom, CCR 541, RMR

(702)671-4402 - DEPT16REPORTER@GMAIL.COM

Pursuant to NRS 239.053, illegal to copy without payment.

006154

RA 03861

10:35:09 1 "The landowner served Interrogatories 1, 2,
2 and 3 related to the City's defenses that there
3 was allegedly an open space dedication
4 requirement imposed on the 35-acre property
10:35:22 5 long ago and, as a result, the City's actions
6 cannot amount to a taking in this case."

7 MR. SCHWARTZ: Okay. The open space
8 dedication was a park and recreation open space
9 dedication in the general plan imposed by the city
10:35:41 10 council on the property in 1992.

11 And that -- that designation in the general
12 plan was readopted, affirmed multiple times both before
13 and after the developer acquired the property. And
14 that's our Exhibits I through Q.

10:36:06 15 Ordinances imposing a DROS general plan
16 designation on the property. That's legislation, your
17 Honor. Council Member Seroke had nothing to do with
18 that. And even if he did, his opinions are completely
19 irrelevant.

10:36:21 20 We've got an ordinance of the City that
21 imposes an open space, a PROS designation on the
22 property. And that -- these inquiries have absolutely
23 nothing to do with the validity or the application of
24 that ordinance. That's a job for the Courts. That's a
10:36:40 25 question of statutory interpretation, and these

10:36:43 1 facts --

2 (Multiple speaker cross-talk)

3 THE COURT: But I haven't -- I haven't been
4 asked to interpret any statutes yet. And my point is
10:36:50 5 maybe you're right from a purpose of relevancy for the
6 purposes of trial in this case. But understand, this
7 is discovery. This is an inverse condemnation case.
8 It's not a petition for judicial review. There's
9 clearly a difference in distinction there.

10:37:09 10 If the City is taking some defenses -- and you
11 can tell me if they're taking that position or not.
12 But if they're taking a position as it relates to the
13 open spaces, and it appears to me that based upon
14 public statements maybe this council member has some
10:37:27 15 information on that, it might be discoverable. Whether
16 it's admissible or not, that's another analysis I have
17 to conduct.

18 But --

19 MR. SCHWARTZ: What possible --

10:37:34 20 THE COURT: But is that part of the defense
21 that the City's taking in this case?

22 MR. SCHWARTZ: Our defense is that there's a
23 law on the books, and it's been on the books since
24 1992, that prevents residential use of the Badlands,
10:37:51 25 period. So that if the City decides it's not going to

10:37:57 1 change the law, there's no taking. Yes, that's our
2 position. Council Member Seroka's opinions about that
3 law in 2018 have absolutely nothing to do with whether
4 that defense is valid or not.

10:38:13 5 In the petition for judicial review this Court
6 said this:

7 "The developer" --

8 THE COURT: I'm not --

9 (Multiple speaker cross-talk)

10:38:19 10 MR. SCHWARTZ: "... its interest in the
11 Badlands Golf Course" --

12 THE COURT: Sir, I don't mind telling you
13 that --

14 (Multiple speaker cross-talk)

10:38:22 15 MR. SCHWARTZ: -- "noting that the City's
16 general plan" --

17 THE COURT: Wait. Wait. Wait.

18 For the purpose of the petition for judicial
19 review, that's not of ultimate concern with me right
10:38:30 20 now in an inverse condemnation case. I know
21 specifically why I ruled the way I ruled. You don't
22 have to refresh my recollection on that. And I feel
23 fairly confident in my decision made as it pertained to
24 the petition for judicial review. I don't mind saying
10:38:46 25 that.

10:38:46 1 I'm just looking at it from this perspective.
2 Because at the end of the day, I have to make a
3 determination as to whether or not this -- for the
4 purposes of discovery this inquiry is relevant.

10:39:00 5 Nothing more, nothing less, right?

6 And we've had a very rigorous discussion in
7 the past in this case, and I think we have a pretty
8 good record on how I viewed the petition for judicial
9 review and whether or not that rises to a level of
10 issue preclusion or claims preclusion vis-à-vis the
11 inverse condemnation case. And I've ruled on that,
12 right?

13 And so I'm trying to -- I want to understand
14 what your position is. I don't need the history. I
10:39:28 15 understand the economic impact. I had to because, I
16 mean, I don't mind saying this: The first time I've
17 ever granted a request for Rule 56(d) relief ever in
18 over 15 years in handling many, many, many, many
19 complex litigation cases before the motion --
10:39:46 20 opposition for the motion for summary judgment is filed
21 is in this case.

22 Because I went back and I looked at it and I
23 thought about it. And to me, it just kind of made
24 sense, right? It just did.

10:39:58 25 And just as important too, I try to be

10:40:00 1 efficient in my decision making.

2 Whether that bears fruit or not, I have no
3 clue.

4 But I just felt the City had a right to
10:40:08 5 conduct an inquiry on this issue; right? Over vigorous
6 objection.

7 And so on the flip side, here's the question:
8 Does -- the plaintiff in this case, the landowner, has
9 a right to conduct an inquiry on this issue if it's a
10:40:25 10 defense in this case as to not what the opinions are
11 but what facts this councilman was relying upon to give
12 that opinion. Maybe he has no facts at all. Maybe
13 they didn't even come in; right? I'm not making that
14 decision as far as admissibility at this point. Maybe
10:40:46 15 there will be a motion in limine on that issue.

16 I mean, I don't know. But --

17 MR. SCHWARTZ: But, your Honor --

18 THE COURT: -- I'm going to give everyone an
19 opportunity to develop their claims for relief and
10:40:59 20 their defenses. I'm going to do that.

21 MR. SCHWARTZ: The opinion has no relevance to
22 the case.

23 THE COURT: Okay. I understand.

24 MR. SCHWARTZ: So the reasons for the opinion
10:41:06 25 can't have any relevance to the case.

10:41:08 1 Your Honor, I do want to point out, in the
2 PJ -- in the decision denying the petition for judicial
3 review, the Court found that the parks, recreation, and
4 open space designation of the Badlands, which is a law,
10:41:25 5 a law passed by the city council, the Court found that
6 that law was valid and applied.

7 There can't be a valid PROS designation in the
8 law that -- that is valid and applicable for a PJR and
9 somehow that it's not a valid law or applicable for
10:41:46 10 purposes of taking it.

11 Now, the remedies -- the -- the -- what you
12 need to prove in a petition for judicial review is a --
13 you -- that there was substantial evidence -- or if
14 you're the petitioner, there's a lack of substantial
10:42:04 15 evidence to support the decision. So not good reasons.

16 In takings, you have to show a wipeout.

17 The remedies are different.

18 THE COURT: Well --

19 (Multiple speaker cross-talk)

10:42:11 20 MR. SCHWARTZ: The form -- of the defect --

21 THE COURT: I understand. But, sir, my point
22 is --

23 MR. SCHWARTZ: But the law is the same.

24 THE COURT: But you're not listening to me. I
10:42:17 25 understand all that. I don't see any need to replot

10:42:19 1 **this ground.** I understand what substantial evidence
2 means. I'll tell you what it means: More than a
3 scintilla of evidence, less than a preponderance of the
4 evidence. That's what it means. That's the definition
10:42:30 5 of "substantial evidence." I get it. I understand all
6 the burdens.

7 And so my point is this: I want to come back
8 to -- and if you say, Judge, the -- whatever he had to
9 say is not relevant to this inquiry. Okay. I get it.

10:42:49 10 MR. SCHWARTZ: Well, your Honor, just one
11 more --

12 THE COURT: Okay.

13 MR. SCHWARTZ: -- comment on that.

14 The general plan designation of the property
10:42:59 15 is a law.

16 And while there may be differences --
17 procedural differences between the PJR and a takings
18 claim, that law is the same for both.

19 And in the takings context, our defense to the
10:43:15 20 takings is that property, when the developer bought the
21 property -- I mean, if the judge -- you said this in
22 the PJR. When the developer bought the property, the
23 PR -- the PROS designation was the law. And it
24 applied. And you knew it. And that didn't allow
10:43:32 25 housing on the property.

10:43:34 1 So for the City to say, no, we're not going to
2 change that and allow housing on the property,
3 that's -- there was substantial evidence to support
4 that decision.

10:43:44 5 For the same reasons, we're talking about the
6 same law. And that law doesn't disappear just because
7 it's a different claim. That law is the same.

8 When the developer bought the property, the
9 property was designated PROS, and the general plan
10:44:00 10 prohibits housing, so it can't be a taking.

11 If the government says, Oh, we're just going
12 to maintain the status quo, we're just going to leave
13 the property the way it was when you bought it, that
14 can't have any economic impact on the property. This
10:44:14 15 is the nub of the case. The same law.

16 And what Council Member Seroka has to say
17 about whether that PROS designation of law is a valid
18 law or applicable, his opinions, how could they
19 possibly be relevant to that? They can't.

10:44:37 20 We briefed this issue of privilege. The
21 privilege is unqualified and absolute. We cited 15
22 cases that you cannot -- you cannot take the deposition
23 of a legislator unless they have percipient facts that
24 are relevant. That's the only case.

10:44:54 25 THE COURT: But that's what they're trying to

10:44:55 1 inquire, as to whether or not it's --

2 MR. SCHWARTZ: No.

3 THE COURT: Well, we'll listen to them, but

4 that was my impression. They want to know what are the

10:45:03 5 percipient facts that might be relevant to this case.

6 I get that.

7 MR. SCHWARTZ: Well, let me give you an

8 example, your Honor.

9 A legislator is walking down the street and

10:45:10 10 witnesses a car accident. The plaintiff or the parties

11 to that car accident can ask the legislator about what

12 the legislator saw.

13 But you -- there is an absolute, total

14 privilege against discovery from a legislator that goes

10:45:32 15 to the reasons -- anything they did as a legislator

16 with regard to the challenged matter.

17 THE COURT: Yeah.

18 MR. SCHWARTZ: That's the question for the

19 Courts, to interpret --

10:45:43 20 THE COURT: I agree with that.

21 MR. SCHWARTZ: -- the law.

22 THE COURT: I don't know if that's the best

23 example. But in a tort case, what he did the day

24 before, what bill he passed clearly is not germane to

10:45:52 25 whether or not he was following the rules of the road.

Peggy Isom, CCR 541, RMR

(702)671-4402 - DEPT16REPORTER@GMAIL.COM

Pursuant to NRS 239.053, illegal to copy without payment.

006163
RA 03870

10:45:54 1 Here we have a slightly different scenario. It's a
2 claim for inverse condemnation.

3 MR. SCHWARTZ: Well --

4 THE COURT: Right?

10:45:59 5 MR. SCHWARTZ: -- except there -- we've cited
6 15 cases that say that you cannot do that. And in
7 their opposition to the motion, the developer didn't
8 even address the argument, the privilege, your Honor.
9 They cited no authority, no argument, nothing. They
10:46:14 10 didn't even mention it because there is no -- there is
11 no basis to oppose that. The privilege is absolute.
12 It's total.

13 Why is this important? Because any time
14 someone wants to challenge the -- a law, this means
10:46:33 15 they can -- they can sit down, the -- the elected
16 representatives of the people, and ask them: Why did
17 you vote for that law? What were your reasons? And
18 then show, well, they didn't have a good reason to vote
19 for it; therefore, the Court should strike down the
10:46:47 20 law.

21 This -- this goes to the heart of the
22 separation of powers. It's -- it's absolutely crucial
23 to our form of government where we have a legislative
24 branch of government, people elect -- it's a republican
10:47:03 25 form of government. They elect people to a

10:47:06 1 legislature. They make laws. The Courts don't make
2 the laws. They don't make the policies.

3 THE COURT: But, sir --

4 (Multiple speaker cross-talk)

10:47:11 5 MR. SCHWARTZ: -- they only interfere when it
6 implicates constitutional rights.

7 THE COURT: Here's my -- I mean, I'm looking
8 here at the question -- I mean, the cases you cited.
9 For example, it's -- I mean, the inquiry as far as
10:47:22 10 Mr. Seroka is concerned isn't going to go into as to
11 why or was he involved in the adoption of a specific
12 ordinance and why he adopted or voted for the
13 ordinance. It's my understanding that is not what the
14 inquiry is going to be about.

10:47:40 15 MR. SCHWARTZ: Well, then that inquiry is
16 totally irrelevant. The only thing that's relevant
17 here is what the city council did in passing a law. So
18 it's even less relevant.

19 I mean, what -- what is his -- what -- what he
10:47:55 20 had for breakfast, what he thinks about this, what he
21 thinks about that, it has nothing to do with this case,
22 which is the city council took an action. The
23 developer claims that it wiped out their value or near
24 wiped out their value or economic use of the property.

10:48:14 25 Council Member Seroka's thoughts, opinions,

10:48:18 1 reasons, who he talked to, nothing whatever to do with
2 that.

3 And if you let them take this deposition, then
4 what's to stop anybody from deposing a legislator?

10:48:31 5 What's the -- (indiscernible) of the fact -- to stop
6 them from deposing a judge, challenging a decision?

7 You know, the developer in this case
8 challenged -- they sued Judge Crockett. What's to stop
9 them from sitting Judge Crockett down and asking him,
10:48:48 10 What were the reasons for your decisions, to show that
11 he had bad reasons. What's to stop someone from
12 sitting down a member of Congress or the president who
13 has to sign legislation and take their deposition and
14 probe the reasons for their mental processes or the
10:49:02 15 deliberations they use or whom they relied on or what
16 they consulted.

17 Again, this goes to the very core of our
18 system of government. And that's why this is so
19 important, your Honor. This is -- this is absolutely
10:49:15 20 different --

21 THE COURT: But, I mean --

22 MR. SCHWARTZ: -- than the discovery the City
23 sought.

24 THE COURT: But the inquiry doesn't ask what
10:49:21 25 you're saying it asks for; right?

10:49:23 1 For example, I look at Interrogatory No. 1.
2 And I'm assuming that this is correct. But the inquiry
3 is the landowner have asked for names, addresses,
4 telephone numbers, and a summary of information that
10:49:36 5 was allegedly provided by experts to Mr. Seroka.
6 They're not asking him, Well, why did you vote
7 this way, or why did you do this, or why did you do
8 that? They're not asking him that question.
9 MR. SCHWARTZ: Oh, no. The next
10:49:49 10 interrogatories say -- say, you know, What's the basis
11 of your opinion that the City -- the City has a right
12 to require some developer to set aside 20 percent of
13 their property? That's what these questions ask for.
14 Look, counsel said at the hearing, at the last
10:50:08 15 hearing, if there's no basis for Council Member
16 Seroka's statements, it would be more evidence to show
17 that the City -- they've switched from Council Member
18 Seroka to the City -- engaged in a conduct to deny the
19 developer all use of the property.
10:50:28 20 First of all, what the City did, it passed a
21 law. It took -- it issued a decision on a development
22 application. It's in the public record. What the
23 City -- there's no dispute about what the City did.
24 Whether that conduct denied all use of the
10:50:43 25 property, you know, that -- that may be subject to

10:50:48 1 evidence. But Council Member Seroka's opinions about
2 some -- about some -- what he thinks the City did or
3 what the law is and who he relied on has absolutely
4 nothing to do with that.

10:51:03 5 You know, it said -- it -- Counsel said, if
6 indeed there were no facts to support the basis of
7 Council Member Seroka's statement, than that would
8 create a problem for the City.

9 What problem for the City? The issue is city
10:51:19 10 council takes an action. What's the economic impact on
11 the property?

12 It has nothing to do with it, your Honor. I
13 mean, the City's discovery -- if you compare the City's
14 discovery, we want to know how much the developer paid
10:51:38 15 for the property because we want to show that the
16 developer, in obtaining the City's approval for the
17 17-acre project for the 435 units has already
18 multiplied its investment by six times.

19 So that goes to the economic impact of the
10:51:53 20 regulation on the property. That's what a takings
21 inquiry is about.

22 We also wanted discovery on the physical
23 taking claim. They -- the developer submitted a
24 declaration, said the public's walking on my property,
10:52:05 25 and it's the City -- it's the City's fault or the City

10:52:08 1 told them they could do that. Well, that goes to the
2 physical taking claim.

3 This evidence has absolutely nothing to do
4 with anything, and it's very dangerous. Very
10:52:19 5 dangerous. Thank you.

6 THE COURT: All right. Thank you, sir.

7 THE MARSHAL: Your Honor, can we take a break?

8 THE COURT: Do you need a break, Peggy?

9 THE COURT REPORTER: Yeah.

10:52:29 10 THE COURT: Okay. What we're going to do,
11 we're going to take -- we only have one matter after
12 this, correct?

13 THE COURT CLERK: This is the final morning.

14 THE COURT: Oh, okay. We're going to take a
10:52:46 15 quick 15. This is the last matter on calendar for
16 today, for this morning.

17 THE COURT CLERK: This morning for sure.

18 THE COURT: Okay. We'll take 15. We'll give
19 our court reporter a break. And then we'll hear from
10:52:55 20 the plaintiff, 180, 180 Land.

21 -o0o-
(Recess)
22 -o0o-

23 THE COURT: Okay. We're going to go back live
24 and continue on.

11:11:39 25 And just want to make sure everyone is

11:11:43 1 connected.

2 Does it appear to be, CJ?

3 THE COURT CLERK: Um-hum. Three have video,
4 and the other three are by phone.

11:11:57 5 THE COURT: I thought Mr. Leavitt was on, was
6 he?

7 THE COURT CLERK: He is. I see his video.

8 MR. LEAVITT: I'm here, your Honor.

9 THE COURT: All right. I guess, sir, we're
11:12:03 10 going to pass the floor to you, sir.

11 MR. LEAVITT: I appreciate it, your Honor.

12 Your Honor, I'll be pointed in my response as
13 this is a discovery issue. Just very quickly, as you
14 recall, your Honor, there is a history here where we've
11:12:16 15 already heard this exact same issue and the exact same
16 argument that Mr. Schwartz just presented to you.
17 There is no new facts. And there's no new law that
18 Mr. Schwartz has brought to you to have you change your
19 mind.

11:12:26 20 And as you recall, approximately ten days ago
21 we were before you on the City's 56(d) motion. And as
22 you mentioned, that was an unusual request. It was a
23 request to not even allow us to present our summary
24 judgment so that the City could engage in discovery.

11:12:41 25 Well, that goes both ways.

11:12:43 1 Now that the City has won that -- after the
2 City won that decision, now the City is saying it
3 doesn't want to engage in discovery, and it doesn't
4 want to respond to certain interrogatories.

11:12:52 5 Your Honor, this is a two-way street. And
6 when we lost that 56(d) motion, we lived with it.
7 Judge, we didn't bring a motion to reconsider. We're
8 going to go through discovery. We're going to comply
9 with the Court's order, and we'll refile that motion
11:13:04 10 for summary judgment at an appropriate time after
11 discovery is done.

12 But if the City is going to be able to engage
13 in discovery, so should the landowner. We should be
14 given that opportunity. And you heard what the City
11:13:15 15 said at the very beginning of their argument. I wrote
16 it down. They said the City is not concerned about
17 responding to the interrogatories.

18 The City didn't say it's overburdensome. The
19 City didn't say it would take too much time. The City
11:13:29 20 didn't say, Hey, this is going to be a big problem for
21 us, Judge.

22 The City said, We're not concerned about
23 responding to this interrogatory. And it won't.

24 It's very telling, your Honor, that the City
11:13:41 25 asked for the 56(d) motion. The City gets the time to

11:13:44 1 do discovery. The City is not concerned about
2 responding to this interrogatory, but the City simply
3 won't do it.

4 That tells us, your Honor, that there's
11:13:51 5 something there that the City does not want to disclose
6 which is adverse to the City's case.

7 Now, moving to Councilman Seroka, your Honor,
8 he stated -- it's in writing. We have the recording.
9 He stated that he has facts to show that there's an
11:14:09 10 open space or a PROS designation on the property. He
11 then told the surrounding homeowners that he has these
12 facts. And he told the surrounding homeowners because
13 of the facts that he has, the surrounding homeowners
14 can go onto the landowner's property and use it for
11:14:24 15 open space and recreation.

16 We are certainly entitled to those facts
17 because that is -- that goes to the very core of two
18 things, which I'll address, your Honor. It not only
19 goes to the core of the taking, but it also goes to the
11:14:37 20 core of the City's defense that there's this PROS.
21 We're certainly entitled to get the facts that
22 Mr. Seroka said that he knew about. And Mr. Seroka
23 said he received facts from an expert. We're entitled
24 to know the facts of who those experts are. We're
11:14:50 25 entitled to know the facts of what those experts told

11:14:54 1 him. He said he has facts that there's a 20 percent
2 requirement on the property. We're entitled to know
3 what those facts are. We're entitled to know where
4 those facts come from.

11:15:03 5 Now, counsel said that he cited to 15 cases
6 where there's a privilege that we're not entitled to
7 know these facts.

8 Well, Judge, we don't need to cite to 15
9 cases. We only need to cite to one case. It's a
11:15:18 10 Nevada Supreme Court case, and we cite it in our brief.
11 It's the DR Partners vs. Board of County Commissioners
12 case, a 2000 case. This is what the Court held in
13 regards to Mr. Schwartz' argument.

14 He said:

11:15:30 15 "The privilege is not, at least in general,
16 designed to protect purely factual matters."

17 And that's what we're asking for here. We're
18 not asking to go into what Mr. Seroka knew or didn't
19 know or what he was -- what was in his mind at the time
11:15:46 20 he made these statements. We're asking to find out the
21 facts that he said that he had at that time. That's
22 all we're asking for at this time.

23 And counsel keeps saying that we're not
24 entitled to depose him. At this point in time, we're
11:15:59 25 not asking for a deposition. All we're asking for are

11:16:03 1 the facts that he said he has.

2 We saw the words come out of his mouth --
3 they're in a transcript -- that he has these facts. We
4 want to see those facts.

11:16:13 5 Judge, let me tell you how these facts are
6 relevant. They're relevant in two ways, despite what
7 counsel tells you.

8 We have asserted a per se regulatory taking
9 claim. That per se regulatory taking claim clearly
11:16:27 10 states that if the government engages in an action that
11 authorizes the public to use private property or
12 preserves private property for use by the public, then
13 that's a taking.

14 Mr. Seroka told the surrounding homeowners
11:16:41 15 that the landowner's 250-acre property was their
16 recreation property. Mr. Seroka told the surrounding
17 landowners that they could enter onto the landowner's
18 property and use it. And we have the affidavit of Don
19 Richards where he has submitted hundreds of photos and
11:16:57 20 spoken to numerous of these individuals, showing
21 numerous of these individuals entering onto the
22 property, that asked them, Why are you on this
23 property?

24 And they said, Because the City authorized us
11:17:07 25 to be on your property.

11:17:08 1 Your Honor, those are facts that go directly
2 to the taking claim that the landowners have made in
3 this case. They're facts that go directly to show that
4 the City authorized the public to enter onto the
11:17:23 5 landowner's property.

6 Now, I can see Mr. Schwartz's writing. I know
7 exactly what Mr. Schwartz is going to say here. He's
8 going to say, Judge, that's not -- that's not the
9 standard. Judge, you have to show a physical
11:17:35 10 appropriation or a total wipeout.

11 Okay. That's simply not true, and you've
12 already decided that issue.

13 And in your order, Judge, that was filed on
14 May 15th, 2019, you listed the landowner's taking
11:17:47 15 actions or taking causes of action. You listed all
16 five of them. And you listed the standard. And I'm
17 not going to rehash it here other than to read what one
18 of those standards is.

19 "To constitute a taking under the Fifth
11:17:59 20 Amendment, it's not necessary that the property
21 be absolutely taken in the narrow sense of that
22 word. It is sufficient if the action by the
23 government involves a direct interference with
24 or disturbance of property rights."

11:18:13 25 That's the law of this case.

11:18:14 1 And the law of this case is based upon the
2 State versus Eighth Judicial District Court case that
3 you cited in your order, and it's a correct statement
4 of the law, that the government engages in actions that
11:18:25 5 directly interfere with or disturb property rights,
6 that is a taking.

7 That's a direct quote from case law. That's a
8 direct quote from this order. And the Court does not
9 need to find the total wipeout or a physical
11:18:37 10 appropriation under Nevada law.

11 And these actions that Mr. Seroka engaged in
12 while he was a councilman telling the public that the
13 landowner's property is their property is one of the
14 aggregate of government actions that results in a
11:18:52 15 taking.

16 Now, what counsel is going to also say is
17 statements by councilpersons are irrelevant. I
18 probably heard that ten times during the argument.

19 That is patently untrue. In the Sisolak case,
11:19:06 20 your Honor, the Nevada Supreme Court has a long list of
21 the actions, and it goes through the facts and detail
22 in the Sisolak case.

23 Here's what the Court found was one of the
24 relevant facts to find a taking in the Sisolak case:

11:19:20 25 Sisolak spoke with Bill Keller, a principal

11:19:23 1 planner with the Department of Aviation.

2 So, Judge, we have, in the Sisolak case, Bill
3 Keller, he's a principal planner. He's not the highest
4 level person. He's not on the Board of County
11:19:35 5 Commissioners. He's not a councilperson. He's simply
6 a planner. I'm not degrading that. I'm just telling
7 you he's not one of the councilpersons.

8 Keller told Mr. Sisolak not to bother asking
9 for a variance to build above more than 75 feet because
11:19:48 10 the county wouldn't approve it. Keller stated that
11 height estimates would have -- would have -- given
12 Sisolak would have been in response to hypothetical
13 situations, not specific to Sisolak's property.

14 So the Court in the -- in the Sisolak case
11:20:01 15 relied upon statements by Bill Keller, a principal
16 planner, to assist it to find a taking in that case.

17 So for counsel to tell you that statements by
18 even higher level people at the City of Las Vegas,
19 councilpersons, are entirely irrelevant is patently
11:20:19 20 contrary to Nevada law, because Nevada law -- we don't
21 even have to say what Nevada law says. We see in the
22 decision that the Nevada Supreme Court relied upon the
23 statements by principal planner Mr. Keller.

24 Okay. So the first -- the first purpose for
11:20:36 25 obtaining this information is to help establish the

11:20:39 1 taking itself.

2 These facts go to the very core of one of the
3 landowner's taking claims. And, Judge, you also hit it
4 right on the head.

11:20:48 5 You said, Well, wait a minute, Mr. Schwartz.
6 You're claiming as a defense this property has always
7 been an open space. You're claiming as a defense that
8 this property has always been PROS. These facts that
9 we want to discover, that we're asking for in these
11:21:02 10 interrogatories, go to those very issues.

11 I cannot think of anything more relevant than
12 the fact of who the experts were that Mr. Seroka spoke
13 to that told him this PROS and open space around the
14 property, the fact that the experts -- who those

11:21:18 15 experts are, their names, addresses, and telephone
16 numbers, the facts that Mr. Seroka said that 20 percent
17 of the property must be reserved for open space, we're
18 entitled to know the factual basis for that. Was it --
19 was it the Nevada Revised Statute? Was it City code?
11:21:32 20 Was it an ordinance? Was it a regulation? Who
21 provided him that 20 percent requirement? And all of
22 the developments in the City of Las Vegas that have
23 that 20 percent requirement.

24 Again, Mr. Schwartz said that the City has no
11:21:45 25 problem responding to this. This is an easy thing to

11:21:48 1 respond to, that -- that -- the words that he used was
2 that the City is not concerned about responding to the
3 interrogatories. So there's no prejudice to the City.
4 There's no overburdensome. The City can provide this
11:22:00 5 data, which is clearly -- clearly discoverable, your
6 Honor, but clearly goes to these two incredibly
7 important issues in this case.

8 Now, one other issue that I want to address is
9 that Mr. Schwartz repeatedly is citing to the petition
11:22:16 10 for judicial review order. And, Judge, I know you've
11 heard this. You have three orders, Judge. There's
12 three -- not one, not two, but three orders where you
13 lay out in detail why the petition for judicial review
14 orders are entirely irrelevant in this inverse
11:22:31 15 condemnation case.

16 You said it several times. We're going to ask
17 that it be put in this order also. Because this will
18 now be the fourth time that the City is trying to argue
19 the petition for judicial review order in this case.
11:22:43 20 You said it's not relevant. You said it three times.
21 This will be the fourth time.

22 Let me -- let me -- let me explain a little
23 bit more just very quickly, again, why that petition
24 for judicial review order is specifically not relevant
11:22:57 25 to the PROS issue, which Mr. Schwartz either forgot

11:23:00 1 about or didn't mention, is we appeared before you at
2 the end of 2020. In November 2020, there's an order
3 that's been entered in this case. And that order is on
4 the property rights issue. You'll recall, your Honor,
11:23:12 5 we had an argument over what the property rights are
6 that the landowner had prior to the government
7 interference. And you entered an order, and you held
8 that the property rights are that the property -- that
9 zoning must govern the determination of the property
11:23:24 10 rights. The zoning is R-PD7. And under R-PD7, the
11 landowners have the legally permissible right to use
12 the property for residential purposes.

13 And, therefore, the 35-acre property has the
14 right or is permitted by right to be used for
11:23:41 15 residential purposes. That's the order you entered.

16 Why did the Court not hang its hat on the PROS
17 that Mr. Schwartz is saying you already decided?
18 Here's why, Judge. Is because subsequent to -- or as
19 part of your PJR order, you relied upon the Crockett
11:23:56 20 order. You remember the Crockett order has been
21 adopted, and the Crockett order adopted the PROS
22 argument. We then appealed the Crockett order to the
23 Nevada Supreme Court, and the Nevada Supreme Court
24 reversed the Crockett order. It reversed the PROS
11:24:12 25 issue in the Crockett order.

11:24:13 1 Now, there's other bases that you have in your
2 PJR order to uphold it. For example, you said that
3 there were three bases to uphold your PJR order. One
4 of them was that the City relied upon the surrounding
11:24:27 5 landowners complaining that they -- they didn't want
6 this property developed. And you held that that was
7 substantial evidence for the City to deny the
8 application on the PJR side. Okay?

9 And you also said the PROS. But, again, that
11:24:40 10 PROS Crockett order has been reversed by the Nevada
11 Supreme Court. The Nevada Supreme Court reversed the
12 Crockett order in the 17-acre case.

13 And, your Honor, if I may say, that PJR
14 finding where you found that the City of Las Vegas
11:24:57 15 denied the applications based upon what the surrounding
16 property owners told them more fully supports the
17 taking action here because, again, one of the standards
18 to find a taking is if the government preserves
19 property for use by the surrounding property owners.

11:25:11 20 Your Honor, I could go on. I could go on and
21 I could respond to the -- the discussion that
22 Mr. Schwartz just presented to you about takings
23 jurisprudence. We don't need to do that right now,
24 Judge. All we need to know is that this -- these
11:25:29 25 facts, this evidence that we want to discover, is

11:25:32 1 relevant to help establish the per se regulatory taking
2 claim, and it's relevant to rebut the City's continual
3 representation that there's some open space or PROS on
4 this property.

11:25:43 5 Now, Mr. Schwartz said, Hey, Judge, we don't
6 need to know this because there is an ordinance that
7 found that there is a PROS. They made that argument to
8 you in the end of 2020 in the property interest motion,
9 and it was rejected. The reason that argument was
11:25:57 10 rejected is because there is no ordinance that adopts a
11 PROS on the landowner's property.

12 Which brings into question: Why did
13 Mr. Seroke say this? Why did he say, Hey, I have all
14 these facts, I have all these experts, I have this
11:26:12 15 20 percent requirement. We should be able to obtain
16 those facts to help more fully rebut the City's
17 argument that there is this PROS and to more fully
18 establish the taking actions by the City of Las Vegas
19 in this matter.

11:26:25 20 Your Honor, if there's anything else you want
21 me to respond to, I can respond to it.

22 I will conclude by saying we've been down this
23 road. We've discussed it with the City. You entered
24 your order. The City didn't bring to you one fact or
11:26:41 25 one law different than it argued to you before. The

11:26:43 1 Courts have held that it's only under very rare
2 circumstances that a Court should reconsider its
3 holding, especially under this circumstance where the
4 City is asserting a continual defense and these facts
11:26:56 5 go directly to that defense.

6 And, your Honor, we're not talking here
7 about -- Mr. Schwartz has talked about how critically
8 important this is. Let's talk about how critically
9 important this is to the landowner. In the Knick
11:27:08 10 decision, a 2018 decision out of the United States
11 Supreme Court, the United States Supreme Court said
12 that these Fifth Amendment rights that these landowners
13 have in this case should be held in the highest regard
14 on the same level as other rights in the Bill of
11:27:23 15 Rights, the First Amendment, the Fourth Amendment, the
16 Sixth Amendment. Those are pretty important rights.
17 The Second Amendment. These are pretty important
18 rights that we have in our Bill of Rights. And the
19 Nevada -- United States Supreme Court said these Fifth
11:27:35 20 Amendment rights must be held at that same level.

21 And what we have here today is we have a
22 governmental entity wanting to make a defense to a
23 taking and not allow discovery on that defense in a
24 constitutional proceeding where constitutional rights
11:27:54 25 are at issue.

11:27:55 1 Your Honor, we have important rights here
2 also. We have rights here to the payment of just
3 compensation when our property is being taken by the
4 government that is held to the highest regard. The
11:28:06 5 government hasn't cited a -- a -- a policy which is
6 higher than what's found in the Bill of Rights.

7 So, your Honor, we think it's critical in
8 order to protect that right -- not I think. I know
9 it's critical in order to protect that right we be
11:28:21 10 given a full opportunity to engage in discovery the
11 same as the Court has given to the City by granting
12 that 56(d) motion.

13 And I can answer any questions, if you'd like,
14 your Honor.

11:28:32 15 THE COURT: None at this time, sir.

16 MR. LEAVITT: All right. Thank you.

17 THE COURT: We'll hear from the City in reply.

18 THE COURT CLERK: I can see Mr. Schwartz.

19 THE COURT: Mr. Schwartz, are you on, sir?

11:29:03 20 You might have to unmute.

21 MR. SCHWARTZ: I am, your Honor.

22 THE COURT: Okay.

23 MR. SCHWARTZ: Your Honor, counsel didn't cite
24 this DR Partners case in their opposition to the
11:29:16 25 motion. But I did look at the case while counsel was

11:29:21 1 arguing, and it doesn't apply, your Honor.

2 That was a case where litigants sought to show
3 that the government -- government employees were
4 misusing cell phones, were misusing public funds on
11:29:37 5 cell phone use. And they requested documents from the
6 city manager, not a legislator, but it's the city
7 manager.

8 And the Court found that the city manager and
9 the staff's discussions and use of those cell phones
11:29:55 10 was relevant -- of course was relevant in that case.

11 It has nothing to do with this case where
12 there is an absolute rule that a legislator cannot be
13 deposed or required to answer interrogatories or
14 produce documents. It's an unqualified, absolute rule.

11:30:16 15 We cited 15 cases for that rule. If the Court
16 were to allow these depositions or these
17 interrogatories -- require that these interrogatories
18 be answered, it would be completely unprecedented and
19 against the law.

11:30:31 20 Now, I think this issue of the PROS
21 designation goes to the heart of this case. Counsel
22 said the PROS designation does not exist. He said that
23 there is no such ordinance.

24 I refer the Court to the City's Exhibits I
11:30:53 25 through Q which are ordinances imposing the PROS

11:31:00 1 designation. And that goes to the heart of this case,
2 your Honor.

3 The -- whether the PROS designation applies to
4 the property, it clearly does. It's right there in the
11:31:16 5 ordinance. Nothing that Council Member Seroka or
6 anyone -- anyone can effect whether that designation
7 exists, whether it applies to the property. Again,
8 this Court has already determined that that PROS
9 designation is valid, that the developer knew about it
11:31:38 10 at the time they bought the property, and that the City
11 had no obligation to lift that designation.

12 That -- those facts, those issues are not only
13 irrelevant to the PJR claim, but they also go to the
14 inverse claim. And I spent a large part of this
11:31:57 15 hearing explaining why, yeah, the law of inverse
16 condemnation is no different than the law of PJR.
17 There is no -- there is no case law that says the law
18 is different when they're both based on the same
19 ordinance.

11:32:14 20 THE COURT: Wait. Wait. Wait. Wait.

21 MR. SCHWARTZ: The same law.

22 THE COURT: The law as it relates to petitions
23 for judicial review are much different than a civil
24 litigation seeking compensation for inverse
11:32:23 25 condemnation, sir.

11:32:26 1 MR. SCHWARTZ: Well --

2 THE COURT: The standards are different. I
3 mean, for example, they got to meet their burden by a
4 preponderance of the evidence. It's substantial -- I

11:32:33 5 mean, it's a totally different -- it's an
6 administrative process versus a full-blown jury trial
7 in this case. It's different completely.

8 MR. SCHWARTZ: But the underlying issue, your
9 Honor -- the underlying issue is, is there a PROS
11:32:45 10 designation?

11 THE COURT: Well, wait a second.

12 (Multiple speaker cross-talk)

13 MR. SCHWARTZ: Does it apply to the --

14 THE COURT: I'm going to tell you what the
11:32:49 15 underlying issue was in the other matter whether or not
16 there was substantial evidence in the record to support
17 the actions of the board or the city council.

18 MR. SCHWARTZ: That's correct.

19 THE COURT: And that's a much different
11:32:58 20 analysis than what's going on in this case.

21 If that's the case then, if you lose on
22 petition for judicial review, then you have no right to
23 a jury trial as a matter of law in an inverse
24 condemnation case.

11:33:10 25 And I don't think there's any law that says

11:33:12 1 that.

2 MR. SCHWARTZ: You don't have a right to a
3 jury trial in -- for liability for an inverse
4 condemnation case, only on damages. But, your Honor --

11:33:20 5 THE COURT: That's what I'm talking about. I
6 understand what my role will be. I get it. I get
7 that.

8 But at the end of the day, when it comes to
9 damages, I'm not going to decide that, right?

11:33:28 10 MR. SCHWARTZ: No. The point is that the
11 basis for the Court to find that there was substantial
12 evidence and no abuse of discretion by the city council
13 in denying the 35-acre applications was the PROS
14 designation which the Court expounded on in its order
11:33:49 15 denying the petition for judicial review. The Court
16 said what that holds, that they had to apply for an
17 amendment, that it was discretionary for the City to
18 lift it.

19 The basis for their inverse claim is the same.
11:34:03 20 They've got to show that the City, in denying that
21 application, wiped out the economic value.

22 The fact and the law --

23 THE COURT: But what about the per se
24 regulatory taking?

03:07:54 25 (Multiple speaker cross-talk)

11:34:14 1 MR. SCHWARTZ: The law --

2 THE COURT: What about -- but tell me, what
3 about the per se regulatory taking claim for relief in
4 this case?

11:34:21 5 MR. SCHWARTZ: That the PROS designation has
6 nothing to do with the physical takings claim.

7 The developers characterized their physical
8 takings claim as a per se regulatory taking.

9 The PROS designation has nothing to do with
11:34:40 10 that claim. That claim is whether the City passed a
11 law that required persons -- that required the
12 developer to allow the City or the public on their
13 property, physically on their property.

14 That is a question of interpretation for the
11:35:00 15 judge. Now, the developer relies on the Sisolak case,
16 which was a physical takings case. In that case, that
17 was a per se regulatory takings case where the
18 developer claimed that government regulation allowed
19 the public to use their air space.

11:35:21 20 Here's what the Court said in Sisolak:

21 "In determining whether a property owner
22 has suffered a per se taking by physical
23 invasion, a court must determine whether the
24 regulation has granted the government physical
11:35:34 25 possession of the property or whether it merely

11:35:36 1 forbids certain private uses of the space."

2 That could be the owner's use.

3 "If the regulation forces the property

4 owner to acquiesce to a permanent physical

11:35:48 5 occupation, compensation is automatically

6 warranted, since this constitutes a per se

7 taking. 'This element of required acquiescence

8 is at the heart of the concept of occupation.'

9 The second type of per se taking, complete

11:36:05 10 deprivation of value, is not at issue in this

11 case because Sisolak never argued that the

12 Ordinances completely deprived him of all

13 beneficial use of his property."

14 So Sisolak is clearly a physical takings case.

11:36:21 15 In that case, the Court interpreted ordinances which on

16 their face -- on their face -- require the property

17 owner to allow airplanes to fly in their airspace, to

18 physically occupy their property.

19 In the background section of the opinion, the

11:36:38 20 Court noted this discussion between the planner of -- a

21 planner and someone representing the property owner.

22 But it was background. It had nothing to do with the

23 Court's decision, which was to interpret an ordinance

24 on its face.

11:36:54 25 We have the same situation here. What -- what

Peggy Isom, CCR 541, RMR

(702)671-4402 - DEPT16REPORTER@GMAIL.COM

Pursuant to NRS 239.053, illegal to copy without payment.

006190

RA 03897

11:37:00 1 Council Member Seroka told the public about who owned
2 what property and what they could do has nothing to do
3 with whether the City adopted an ordinance that
4 required the property owner to allow the City or the
11:37:15 5 public on their property.

6 Now, that's what's alleged. And we're going
7 to prove that the ordinance in question did not require
8 the developer to allow the public on their property.
9 That's for our motion for summary judgment.

11:37:28 10 But as far as what Seroka claims was the
11 regulation that required some set-aside of property for
12 open space is not at all relevant to the physical
13 takings claim. It's only potentially relevant to the
14 regulatory claim, the categorical claim, or the Penn
11:37:50 15 Central claim where the developer argues that
16 regulation prevented the developer's use of the
17 property.

18 However, the law is the law. You've looked at
19 Exhibits I through Q. They're ordinances. They say
11:38:03 20 PROS designation of the Badlands. It defines what PROS
21 means. It says you can open it and use it for these
22 uses, but you can't use it for housing. That's the
23 law. And that applies to an inverse condemnation claim
24 or a PJR or any other claim for relief regardless of
11:38:21 25 whether the claim -- the standard is substantial

11:38:24 1 evidence or liability, that's the law. And the Court
2 has already recognized that law.

3 And in his closing remark, counsel said
4 these -- these statements go directly to our defense,
11:38:36 5 to the City's defense. He didn't say what that defense
6 was.

7 We -- we're not claiming that there was some
8 20 percent set-aside rule that Council Member Seroka
9 may have believed existed. We're showing the Court the
11:38:57 10 law, which is Exhibits I through Q, which are City
11 ordinances passed by the city council as a whole. The
12 City can only act through the city council to affect
13 property. Can only make laws through the city council.
14 These are the laws that apply in this case.

11:39:12 15 And the Court has never found that the
16 property owner has a property right to build
17 residential units in the subject property regardless of
18 the general plan. It's never found it has a property
19 right under zoning to do anything. In fact, the Court
11:39:34 20 found the opposite in the PJR.

21 So either the property owner has a property
22 right or not. And it doesn't matter whether it's a PJR
23 or inverse condemnation. If both claims are based on
24 the claim that the property owner has a property right
11:39:51 25 under zoning, which is an absurd proposition and

11:39:54 1 contradicted by all -- all authority, and, again, this
2 Court found that it does not, and the Ninth Circuit
3 found that it does not, which we contend is an issue
4 preclusion bar on that issue.

11:40:05 5 But these are all legal issues. They're for
6 the Court to decide based on ordinances and other
7 official City actions of the city council, which are
8 all in the public record. What Council Member Seroka
9 says about those actions or any other actions has
11:40:24 10 absolutely nothing to do with this case.

11 And, again, there is no precedent for allowing
12 a discovery from a legislator on a matter in
13 controversy, no precedent at all. All the cases are
14 the other way. And for very good reason, because to do
11:40:41 15 so would break down the separation of powers, and it
16 would have severe adverse effects on our republican
17 form of government.

18 Thank you.

19 THE COURT: All right. Okay. This is what
11:40:53 20 I'm going to do. And I want to make sure the record is
21 clear in this regard.

22 Number one, I see a distinct difference
23 between the mental processes of a member of the
24 legislature when it comes to enacting ordinances and/or
11:41:06 25 state statutes.

11:41:08 1 And that's not really what we're talking about
2 here, and that's not what the thrust of the
3 interrogatories really focus on.

4 Just as important too, and I want to say this
11:41:18 5 for the record: I don't believe in a "what's good for
6 the goose is good for the gander" argument when it
7 comes to any issue.

8 For example, I remember in one of my earlier
9 jury trials a lawyer said, Look, Judge, you sustained
11:41:36 10 their objection eight times in a row. Well, that's not
11 part of the analysis, because I've had cases where I've
12 had over a hundred pretrial motions. I don't sit there
13 and say, Well, I'm going to give some to one side and
14 some to the other. You just -- you just look at it
11:41:50 15 from an umpire's perspective, and you look at that one
16 pitch. And if that pitch is a strike, it's a strike.
17 If it's a ball, it's a ball.

18 Just as important, maybe you have a talented
19 pitcher on the mound like Sandy Koufax, who is known
11:42:06 20 for striking -- you know, striking -- throwing -- he
21 was known for his efficiency as a pitcher as it
22 pertains to strikeouts. And so that's my point.

23 Just as important too, this isn't a petition
24 for judicial review. It's not a motion for summary
11:42:21 25 judgment. All we're talking about here is a simple

11:42:24 1 discovery motion, more or less.

2 And the law is pretty clear as it relates to
3 discovery. And that's much broader than admissibility
4 at the time of trial.

11:42:36 5 Here, the plaintiff is alleging a per se
6 regulatory taking.

7 And I don't see any change in the law or facts
8 that would be the basis for me to grant a motion for
9 reconsideration under the facts of this case.

11:42:50 10 And so what I am going to do is this regarding
11 the City's motion for rehearing and also for
12 reconsideration, I'm going to grant the motion for
13 reconsideration and let the three interrogatories
14 stand.

11:43:03 15 That doesn't mean, Mr. Leavitt, that what you
16 find out will necessarily be admissible automatically
17 at the time of trial. I think you understand that.
18 But it's a simple discovery motion, nothing more,
19 nothing less.

11:43:17 20 And that's going to be the basis for my
21 decision today, gentlemen.

22 All right. And, Mr. Leavitt, can you prepare
23 the order, sir?

24 MR. LEAVITT: Yes, your Honor. I'll prepare
11:43:28 25 the order.

11:43:28 1 And thank you for your time.
2 THE COURT: All right. Everyone enjoy your
3 day.
4 MR. LEAVITT: Thank you.
11:43:33 5 MR. OGILVIE: Thank you.
6 MS. HAM: Thank you, your Honor.

7
8
9

10 (Proceedings were concluded.)

11

12 * * * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

Peggy Isom, CCR 541, RMR
(702) 671-4402 - DEPT16REPORTER@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

006196
RA 03903

1 REPORTER'S CERTIFICATE

2 STATE OF NEVADA)

:SS

3 COUNTY OF CLARK)

4 I, PEGGY ISOM, CERTIFIED SHORTHAND REPORTER DO
5 HEREBY CERTIFY THAT I TOOK DOWN IN STENOGRAPH ALL OF THE
6 TELEPHONIC PROCEEDINGS HAD IN THE BEFORE-ENTITLED
7 MATTER AT THE TIME AND PLACE INDICATED, AND THAT
8 THEREAFTER SAID STENOGRAPH NOTES WERE TRANSCRIBED INTO
9 TYPEWRITING AT AND UNDER MY DIRECTION AND SUPERVISION
10 AND THE FOREGOING TRANSCRIPT CONSTITUTES A FULL, TRUE
11 AND ACCURATE RECORD TO THE BEST OF MY ABILITY OF THE
12 PROCEEDINGS HAD.

13 IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED
14 MY NAME IN MY OFFICE IN THE COUNTY OF CLARK, STATE OF
15 NEVADA.

16
17 _____
18 PEGGY ISOM, RMR, CCR 541
19
20
21
22
23
24
25

Peggy Isom, CCR 541, RMR
(702) 671-4402 - DEPT16REPORTER@GMAIL.COM
Pursuant to NRS 239.053, illegal to copy without payment.

006197
RA 03904

<p>MR. BYRNES: [1] 6/11 MR. LEAVITT: [8] 5/13 6/2 6/15 53/8 53/11 67/16 78/24 79/4 MR. OGILVIE: [3] 5/14 6/7 79/5 MR. SCHWARTZ: [66] 5/18 5/21 6/9 6/23 9/5 9/8 9/10 9/15 9/18 9/25 10/6 10/8 11/22 12/3 12/9 12/19 13/4 13/20 14/4 16/4 16/9 16/11 16/21 17/12 17/20 19/20 29/1 29/4 29/8 37/2 37/7 37/10 37/17 38/7 39/19 39/22 40/10 40/15 42/17 42/21 42/24 43/20 43/23 44/10 44/13 46/2 46/7 46/18 46/21 47/3 47/5 48/5 48/15 49/22 50/9 67/21 67/23 69/21 70/1 70/8 70/13 70/18 71/2 71/10 72/1 72/5 MS. HAM: [2] 6/5 79/6 THE COURT CLERK: [5] 52/13 52/17 53/3 53/7 67/18 THE COURT REPORTER: [1] 52/9 THE COURT: [80] 5/6 5/15 5/20 5/24 6/13 6/17 9/4 9/6 9/9 9/11 9/16 9/19 10/1 10/7 10/22 12/1 12/8 12/10 12/22 13/18 14/2 16/3 16/5 16/10 16/16 16/22 17/18 19/19 28/23 29/2 29/5 36/25 37/3 37/9 37/16 37/18 39/3 39/20 40/8 40/12 40/17 42/18 42/23 43/18 43/21 43/24 44/12 45/25 46/3 46/17 46/20 46/22 47/4 48/3</p>	<p>48/7 49/21 49/24 52/6 52/8 52/23 52/14 52/18 52/23 53/5 53/9 67/15 67/17 67/19 67/22 69/20 69/22 70/2 70/11 70/14 70/19 71/5 71/23 72/2 76/19 79/2 THE MARSHAL: [1] 52/7 ' This [1] 73/7 - -oo [2] 52/21 52/22 1 10 [3] 2/2 33/23 37/24 1000 [1] 3/7 11 [1] 33/23 12 [1] 5/6 120 [1] 2/20 1215 [1] 2/19 13 [2] 1/22 5/1 14 [1] 37/24 15 [10] 35/23 36/17 41/18 45/21 47/6 52/15 52/18 56/5 56/8 68/15 15th [1] 58/14 16 [1] 2/2 17-acre [2] 51/17 64/12 1749 [1] 3/20 180 [7] 1/9 5/7 6/3 11/7 12/16 52/20 52/20 19 [1] 33/23 1922 [3] 14/8 15/2 21/17 1964 [1] 2/12 1978 [2] 15/5 15/15 1980 [2] 17/23 17/24 1982 [1] 18/16 1985 [2] 8/14 8/19 1992 [3] 18/24 38/10 39/24 2 20 [4] 8/9 50/12 56/1 75/8 20 percent [7] 8/10 8/13 8/17</p>	<p>61/16 61/21 61/23 65/15 20-10 [1] 2/2 2000 [1] 56/12 2005 [4] 8/14 8/19 19/21 21/16 2015 [1] 23/25 2017 [1] 27/17 2018 [4] 7/19 31/5 40/3 66/10 2018-24 [1] 31/4 2019 [1] 58/14 2020 [3] 63/2 63/2 65/8 2021 [2] 1/22 5/1 21st [1] 7/18 22 [1] 33/23 2269 [1] 3/19 229-2269 [1] 3/19 2300 [1] 3/6 24 [1] 31/4 250-acre [1] 57/15 26 [1] 29/4 3 33 [1] 28/22 35 acre [3] 27/11 28/12 37/8 35-acre [7] 27/3 27/21 32/3 37/14 38/4 63/13 71/13 386-1749 [1] 3/20 396 [1] 4/5 4 400 [1] 3/16 4100 [1] 3/9 415 [2] 4/7 4/8 435 [1] 51/17 5 50-story [1] 15/17 541 [2] 1/25 80/17 552-5816 [1] 4/8 552-7272 [1] 4/7 56 [6] 16/18 41/17 53/21 54/6 54/25 67/12 5816 [1] 4/8 6 6930 [1] 2/22 6938 [1] 2/23 7 702 [8] 2/11 2/12 2/22 2/23 3/9 3/10 3/19 3/20 704 [1] 2/9</p>	<p>7272 [1] 4/7 731-1964 [1] 2/12 733-8877 [1] 2/11 75 feet [1] 60/9 8 83 [1] 21/17 873-4100 [1] 3/9 873-9966 [1] 3/10 8877 [1] 2/11 89101 [2] 2/10 3/18 89102 [1] 3/8 89117 [1] 2/21 9 940-6930 [1] 2/22 940-6938 [1] 2/23 94102 [1] 4/6 9966 [1] 3/10 9:51 [1] 5/2 : :SS [1] 80/2 A A.M [1] 5/2 ABILITY [1] 80/11 able [2] 54/12 65/15 about [41] 8/22 9/10 9/12 11/18 16/17 28/16 31/16 31/16 33/24 34/10 40/2 41/23 45/5 45/17 46/11 48/14 48/20 48/21 50/23 51/1 51/2 51/21 54/16 54/22 55/1 55/22 62/2 63/1 64/22 66/7 66/7 66/8 69/9 71/5 71/23 72/2 72/3 74/1 76/9 77/1 77/25 above [1] 60/9 absolute [6] 36/18 45/21 46/13 47/11 68/12 68/14 absolutely [13] 8/24 12/4 12/4 12/9 13/9 38/22 40/3 47/22 49/19 51/3 52/3 58/21 76/10 absurd [1] 75/25 abuse [1] 71/12 accepted [2] 8/7 8/7 accident [2] 46/10</p>	<p>46/11 according [1] 33/4 Accordingly [1] 22/12 accounting [1] 8/7 ACCURATE [1] 80/11 acquiesce [1] 73/4 acquiescence [1] 73/7 acquired [1] 38/13 acre [13] 27/3 27/11 27/21 28/12 32/3 37/8 37/14 38/4 51/17 57/15 63/13 64/12 71/13 acreage [1] 8/8 acres [1] 18/1 act [1] 75/12 acted [1] 25/15 action [17] 9/2 24/17 25/22 25/25 26/18 29/9 29/15 29/19 30/3 30/4 33/19 48/22 51/10 57/10 58/15 58/22 64/17 actions [16] 22/9 25/1 30/10 31/17 31/17 38/5 58/15 59/4 59/11 59/14 59/21 65/18 70/17 76/7 76/9 76/9 activity [1] 15/9 address [4] 8/3 47/8 55/18 62/8 addresses [2] 50/3 61/15 addressing [1] 25/6 administrative [5] 2/2 10/18 35/11 35/12 70/6 admissibility [3] 9/23 42/14 78/3 admissible [5] 10/3 10/4 11/3 39/16 78/16 admitted [1] 11/4 adopt [1] 18/4 adopted [7] 15/23 18/2 19/23 48/12 63/21 63/21 74/3 adoption [1] 48/11 adopts [1] 65/10 advance [10] 18/7 18/10 18/12 20/10 20/23 21/7 21/12</p>
---	---	--	--	---

A	advance... [3] 24/13 24/15 26/8 advances [2] 25/8 26/1 adverse [3] 11/1 55/6 76/16 advocate [1] 12/18 affect [1] 75/12 affidavit [1] 57/18 affirmative [1] 37/20 affirmed [1] 38/12 after [6] 21/17 27/10 38/13 52/11 54/1 54/10 again [13] 25/10 26/5 27/22 36/17 37/17 49/17 61/24 62/23 64/9 64/17 69/7 76/1 76/11 against [3] 36/18 46/14 68/19 agencies [1] 26/16 aggregate [1] 59/14 Agin [4] 17/24 20/9 21/5 26/7 ago [2] 38/5 53/20 agree [4] 9/24 10/6 10/8 46/20 agreed [1] 8/10 agreed-upon [1] 8/10 agreement [4] 28/2 28/6 28/13 37/11 ahead [9] 5/9 5/16 5/20 5/25 11/7 11/14 12/2 13/19 29/7 aims [1] 22/8 air [1] 72/19 airplanes [1] 73/17 airspace [1] 73/17 all [50] 2/2 6/13 6/13 6/17 9/24 10/14 11/6 11/16 11/20 12/15 13/2 13/3 18/6 19/10 19/20 23/19 23/23 24/2 30/24 32/25 35/7 42/12 43/25 44/5 50/19 50/20 50/24 52/6 53/9 56/22 56/25 58/15 61/21 64/24 65/13	65/14 67/16 73/12 74/12 76/1 76/1 76/5 76/8 76/13 76/13 76/19 77/25 78/22 79/2 80/5 allege [1] 24/5 alleged [2] 37/21 74/6 allegedly [2] 38/3 50/5 alleging [1] 78/5 allow [13] 14/16 18/18 18/21 31/6 44/24 45/2 53/23 66/23 68/16 72/12 73/17 74/4 74/8 allowed [1] 72/18 allowing [2] 25/1 76/11 allows [1] 18/22 alone [1] 28/8 already [9] 33/10 33/22 34/16 51/17 53/15 58/12 63/17 69/8 75/2 also [16] 6/6 11/20 12/3 12/3 23/10 26/3 34/22 51/22 55/19 59/16 61/3 62/17 64/9 67/2 69/13 78/11 Although [1] 21/24 always [2] 61/6 61/8 am [2] 67/21 78/10 amendment [9] 14/5 58/20 66/12 66/15 66/15 66/16 66/17 66/20 71/17 amount [2] 25/24 38/6 amounting [1] 25/21 analysis [3] 39/16 70/20 77/11 ANDREW [5] 4/4 4/9 5/18 5/21 6/9 another [2] 32/19 39/16 answer [2] 67/13 68/13 answered [1] 68/18 answers [2] 8/22 8/23 any [24] 7/20 13/4 13/25 14/10 14/13 17/2 20/11 23/4	24/11 26/9 29/13 33/7 34/22 39/4 42/25 43/25 45/14 47/13 67/13 70/25 74/24 76/9 77/7 78/7 anybody [2] 12/18 49/4 anyone [3] 17/7 69/6 69/6 anything [8] 12/11 12/13 19/6 46/15 52/4 61/11 65/20 75/19 APACHE [1] 2/19 apartment [1] 18/18 appealed [1] 63/22 appear [1] 53/2 APPEARANCE [1] 2/3 appearances [6] 2/1 2/24 3/22 5/9 5/25 6/14 appeared [1] 63/1 appears [4] 9/13 17/8 17/8 39/13 applicable [3] 43/8 43/9 45/18 application [7] 26/3 31/12 36/15 38/23 50/22 64/8 71/21 applications [8] 27/2 27/11 27/21 28/13 37/8 37/15 64/15 71/13 applied [2] 43/6 44/24 applies [5] 30/5 32/8 69/3 69/7 74/23 apply [5] 14/6 68/1 70/13 71/16 75/14 appreciate [1] 53/11 appropriate [3] 12/16 13/2 54/10 appropriates [1] 22/11 appropriation [3] 24/22 58/10 59/10 approval [1] 51/16 approve [1] 60/10 approximately [2] 8/17 53/20 arbitrary [5] 24/18 26/22 29/14 33/9	33/11 are [51] 2/2 6/25 9/7 10/10 10/11 13/9 17/14 21/11 22/9 24/21 26/13 28/4 28/8 28/18 29/13 30/22 33/5 35/13 38/18 42/10 43/17 45/24 46/4 53/4 55/16 55/24 56/3 56/25 57/5 57/22 58/1 59/17 60/19 61/15 62/14 63/5 63/8 66/16 66/17 66/25 67/19 68/25 69/12 69/23 70/2 75/10 75/14 75/23 76/5 76/7 76/13 aren't [1] 34/7 argue [1] 62/18 argued [3] 20/21 65/25 73/11 argues [1] 74/15 arguing [1] 68/1 argument [15] 7/13 12/25 24/14 47/8 47/9 53/16 54/15 56/13 59/18 63/5 63/22 65/7 65/9 65/17 77/6 around [1] 61/13 array [1] 26/12 as [60] 7/24 7/24 8/14 8/19 9/22 11/16 11/17 11/18 12/15 14/24 14/25 16/7 16/23 16/24 17/1 20/15 21/25 23/2 26/2 26/3 30/4 31/8 32/3 32/6 35/23 36/8 38/5 39/12 40/23 41/3 41/25 42/10 42/14 42/14 46/1 46/15 48/9 48/9 48/10 53/12 53/13 53/20 53/21 61/6 61/7 63/18 66/14 67/11 69/22 70/23 72/8 74/10 74/10 75/11 77/4 77/18 77/21 77/21 77/23 78/2 aside [3] 50/12 74/11 75/8 ask [7] 13/7 36/22 46/11 47/16 49/24 50/13 62/16	asked [4] 39/4 50/3 54/25 57/22 asking [13] 7/1 37/4 49/9 50/6 50/8 56/17 56/18 56/20 56/22 56/25 56/25 60/8 61/9 asks [2] 8/2 49/25 asserted [1] 57/8 asserting [1] 66/4 assist [1] 60/16 assume [1] 5/11 assuming [2] 17/6 50/2 at [60] 7/19 8/6 9/1 9/9 9/11 9/23 10/9 10/14 10/23 11/4 11/17 26/25 27/4 27/8 28/5 28/11 30/14 30/24 32/10 33/7 33/20 33/24 36/14 37/15 37/24 41/1 41/2 41/22 42/12 42/14 48/8 50/1 50/14 50/14 54/10 54/15 56/15 56/19 56/21 56/22 56/24 60/18 63/1 66/20 66/25 67/15 67/25 69/10 71/8 73/8 73/10 74/12 74/18 76/13 77/14 77/15 78/4 78/17 80/7 80/9 authority [4] 12/6 14/15 47/9 76/1 authorize [1] 25/25 authorized [3] 13/5 57/24 58/4 authorizes [1] 57/11 automatic [1] 18/23 automatically [2] 73/5 78/16 AVENUE [2] 3/6 3/16 Aviation [1] 60/1 award [1] 35/20
			B		
			back [3] 41/22 44/7 52/23 backed [1] 16/1 background [2] 73/19 73/22 bad [10] 18/14 20/12 20/15 20/25		

<p>B</p> <p>bad... [6] 20/25 21/1 21/22 33/21 34/3 49/11</p> <p>Badlands [4] 39/24 40/11 43/4 74/20</p> <p>balancing [1] 23/9</p> <p>ball [2] 77/17 77/17</p> <p>ballpark [1] 8/10</p> <p>bar [3] 25/19 34/21 76/4</p> <p>based [9] 7/9 17/15 37/4 39/13 59/1 64/15 69/18 75/23 76/6</p> <p>bases [2] 64/1 64/3</p> <p>basic [2] 18/25 24/25</p> <p>basis [17] 7/17 15/11 32/14 32/20 32/23 33/2 33/5 34/10 47/11 50/10 50/15 51/6 61/18 71/11 71/19 78/8 78/20</p> <p>be [73] 5/22 5/24 7/9 8/25 10/3 12/25 13/24 14/11 14/25 17/8 17/8 17/21 21/6 21/25 22/5 22/18 22/23 22/24 23/2 23/5 23/9 23/11 24/1 25/1 25/23 26/8 27/7 30/18 31/21 31/24 32/4 32/5 32/7 32/17 32/23 34/7 35/3 35/14 39/15 41/25 42/15 43/7 44/16 45/10 45/19 46/5 48/14 50/16 50/25 53/2 53/12 54/12 54/13 54/20 57/25 58/21 61/17 62/17 62/18 62/21 63/14 65/15 66/13 66/20 67/9 68/12 68/18 68/18 71/6 73/2 78/8 78/16 78/20</p> <p>bearing [3] 27/9 27/24 31/11</p> <p>bears [1] 42/2</p> <p>because [43] 7/9 9/5 9/9 9/11 10/2</p>	<p>10/4 10/23 12/18 13/10 15/21 16/17 17/8 18/10 20/23 23/22 24/20 25/11 25/23 30/7 34/6 34/15 35/3 37/21 41/2 41/15 41/22 45/6 47/10 47/13 51/15 55/12 55/17 57/24 60/9 60/20 62/17 63/18 64/17 65/6 65/10 73/11 76/14 77/11</p> <p>become [1] 10/25</p> <p>been [12] 20/20 33/22 35/21 39/3 39/23 60/12 61/7 61/8 63/3 63/20 64/10 65/22</p> <p>before [10] 1/19 27/15 27/17 38/12 41/19 46/24 53/21 63/1 65/25 80/6</p> <p>BEFORE-ENTITLED [1] 80/6</p> <p>beginning [1] 54/15</p> <p>behalf [6] 6/3 6/6 6/8 6/10 6/12 6/15</p> <p>being [2] 2/2 67/3</p> <p>believe [2] 16/24 77/5</p> <p>believed [1] 75/9</p> <p>beneficial [3] 23/20 24/3 73/13</p> <p>benefit [1] 20/7</p> <p>best [2] 46/22 80/11</p> <p>between [9] 8/13 8/19 10/17 15/4 35/7 35/10 44/17 73/20 76/23</p> <p>beyond [1] 33/18</p> <p>big [4] 21/5 24/16 34/4 54/20</p> <p>bill [8] 31/4 46/24 59/25 60/2 60/15 66/14 66/18 67/6</p> <p>bit [2] 17/16 62/23</p> <p>blown [1] 70/6</p> <p>board [3] 56/11 60/4 70/17</p> <p>body [3] 27/4 29/10 29/16</p> <p>books [2] 39/23 39/23</p> <p>both [6] 17/9 38/12 44/18 53/25</p>	<p>69/18 75/23</p> <p>bother [1] 60/8</p> <p>bought [5] 44/20 44/22 45/8 45/13 69/10</p> <p>Boulder [1] 23/21</p> <p>branch [3] 35/10 35/11 47/24</p> <p>branches [4] 10/18 35/11 35/12 35/13</p> <p>break [4] 52/7 52/8 52/19 76/15</p> <p>breakfast [1] 48/20</p> <p>brief [1] 56/10</p> <p>briefed [1] 45/20</p> <p>bring [2] 54/7 65/24</p> <p>bringing [2] 9/3 10/21</p> <p>brings [2] 13/16 65/12</p> <p>broad [1] 10/2</p> <p>broader [2] 9/22 78/3</p> <p>brought [1] 53/18</p> <p>build [2] 60/9 75/16</p> <p>building [1] 15/18</p> <p>buildings [1] 18/18</p> <p>burden [3] 22/13 23/5 70/3</p> <p>burdens [1] 44/6</p> <p>but [68] 5/16 9/1 9/21 10/3 11/5 11/14 12/3 13/12 13/19 14/23 15/23 17/1 17/5 23/10 25/20 28/3 29/7 30/2 31/21 33/12 33/20 34/2 34/14 35/18 36/25 36/25 37/12 37/16 39/3 39/6 39/12 39/18 39/20 42/4 42/11 42/16 42/17 43/21 43/23 43/24 45/25 46/3 46/13 46/23 48/3 49/21 49/24 50/2 51/1 54/12 55/2 55/19 62/6 62/12 64/9 67/25 68/6 69/13 70/8 71/4 71/8 71/23 72/2 73/22 74/10 74/22 76/5 78/18</p> <p>BYRNES [2] 3/15 6/12</p>	<p>C</p> <p>CA [1] 4/6</p> <p>cable [1] 18/18</p> <p>calendar [3] 5/7 5/7 52/15</p> <p>call [1] 13/21</p> <p>came [2] 21/19 23/13</p> <p>can [28] 9/24 10/13 11/3 11/19 11/20 13/6 14/25 22/24 24/6 25/25 26/8 36/14 39/11 46/11 47/15 47/15 52/7 55/14 58/6 62/4 65/21 67/13 67/18 69/6 74/21 75/12 75/13 78/22</p> <p>can't [14] 10/4 13/10 17/7 24/5 31/21 34/7 36/19 36/19 42/25 43/7 45/10 45/14 45/19 74/22</p> <p>cannot [8] 12/6 21/25 38/6 45/22 45/22 47/6 61/11 68/12</p> <p>capricious [2] 26/22 29/14</p> <p>car [2] 46/10 46/11</p> <p>CARANO [1] 3/4</p> <p>case [96]</p> <p>cases [13] 11/16 19/5 35/23 36/17 41/19 45/22 47/6 48/8 56/5 56/9 68/15 76/13 77/11</p> <p>categorical [11] 13/16 13/20 19/1 19/2 19/3 19/11 19/15 22/17 27/1 27/6 74/14</p> <p>cause [1] 7/10</p> <p>causes [2] 32/21 58/15</p> <p>cave [1] 14/17</p> <p>CCR [2] 1/25 80/17</p> <p>cell [3] 68/4 68/5 68/9</p> <p>Central [16] 13/19 13/20 15/5 15/15 15/18 15/21 17/20 18/4 19/14 19/17 22/1 22/4 22/17 27/1 27/6 74/15</p> <p>certain [3] 7/4 54/4 73/1</p>	<p>certainly [2] 55/16 55/21</p> <p>CERTIFICATE [1] 80/1</p> <p>CERTIFIED [1] 80/4</p> <p>CERTIFY [1] 80/5</p> <p>challenge [4] 25/7 30/6 36/20 47/14</p> <p>challenged [3] 25/1 46/16 49/8</p> <p>challenging [1] 49/6</p> <p>chance [1] 17/5</p> <p>change [4] 40/1 45/2 53/18 78/7</p> <p>character [1] 16/1</p> <p>characterized [2] 21/25 72/7</p> <p>charge [1] 20/5</p> <p>Chevron [1] 19/22</p> <p>circle [2] 21/16 21/19</p> <p>Circuit [3] 34/15 36/5 76/2</p> <p>circumstance [1] 66/3</p> <p>circumstances [1] 66/2</p> <p>cite [4] 56/8 56/9 56/10 67/23</p> <p>cited [11] 35/23 35/23 36/17 45/21 47/5 47/9 48/8 56/5 59/3 67/5 68/15</p> <p>citing [1] 62/9</p> <p>city [125]</p> <p>City's [20] 6/18 27/2 28/15 31/17 38/2 38/5 39/21 40/15 51/13 51/13 51/16 51/25 53/21 55/6 55/20 65/2 65/16 68/24 75/5 78/11</p> <p>civil [2] 13/6 69/23</p> <p>CJ [1] 53/2</p> <p>claim [43] 13/21 13/22 13/22 13/23 19/14 22/17 26/22 26/23 26/24 27/2 27/5 27/6 30/24 31/5 31/24 33/15 34/15 34/21 44/18 45/7 47/2 51/23 52/2 57/9 57/9 58/2 65/2 69/13 69/14 71/19 72/3 72/6</p>
--	---	---	--	---

Peggy Isom, CCR 541, RMR

(3) bad... - claim

(702)671-4402 - DEPT16REPORTER@GMAIL.COM Pursuant to NRS 239.053, illegal to copy without payment.

006200
RA 03907

<p>C</p> <p>claim... [11] 72/8 72/10 72/10 74/13 74/14 74/14 74/15 74/23 74/24 74/25 75/24</p> <p>claimed [2] 20/9 72/18</p> <p>claiming [3] 61/6 61/7 75/7</p> <p>claims [11] 13/16 13/25 22/8 26/25 32/18 41/10 42/19 48/23 61/3 74/10 75/23</p> <p>clarified [1] 21/20</p> <p>CLARK [3] 1/7 80/3 80/14</p> <p>classic [1] 22/10</p> <p>clause [6] 14/4 22/23 24/25 25/2 25/14 25/17</p> <p>clear [3] 8/21 76/21 78/2</p> <p>clearly [9] 7/12 39/9 46/24 57/9 62/5 62/5 62/6 69/4 73/14</p> <p>close [4] 22/18 23/6 24/7 27/7</p> <p>closing [1] 75/3</p> <p>clue [1] 42/3</p> <p>coal [7] 14/8 14/10 14/10 14/15 14/16 19/4 21/17</p> <p>code [2] 8/12 61/19</p> <p>come [5] 21/16 42/13 44/7 56/4 57/2</p> <p>comes [3] 71/8 76/24 77/7</p> <p>comment [1] 44/13</p> <p>Commissioners [2] 56/11 60/5</p> <p>commit [1] 31/20</p> <p>common [1] 22/7</p> <p>community [2] 14/21 35/15</p> <p>companies [2] 2/17 19/24</p> <p>company [6] 1/9 5/7 12/17 14/10 20/6 20/9</p> <p>comparable [1] 24/21</p> <p>compare [1] 51/13</p>	<p>comparison [1] 36/10</p> <p>compel [5] 6/20 6/24 28/16 32/11 35/3</p> <p>compensation [8] 19/7 25/17 25/20 25/25 35/20 67/3 69/24 73/5</p> <p>complaining [1] 64/5</p> <p>complete [1] 73/9</p> <p>completely [10] 11/24 16/15 24/2 26/21 28/19 35/6 38/18 68/18 70/7 73/12</p> <p>complex [1] 41/19</p> <p>comply [1] 54/8</p> <p>concept [1] 73/8</p> <p>concern [2] 32/22 40/19</p> <p>concerned [7] 8/22 26/19 48/10 54/16 54/22 55/1 62/2</p> <p>conclude [1] 65/22</p> <p>concluded [1] 79/10</p> <p>condemnation [14] 12/12 14/12 22/24 39/7 40/20 41/11 47/2 62/15 69/16 69/25 70/24 71/4 74/23 75/23</p> <p>conduct [12] 10/2 10/5 12/14 12/17 16/8 31/25 32/25 39/17 42/5 42/9 50/18 50/24</p> <p>conducting [1] 12/12</p> <p>conducts [2] 12/24 12/25</p> <p>confident [1] 40/23</p> <p>Congress [1] 49/12</p> <p>connected [1] 53/1</p> <p>consider [1] 11/20</p> <p>considered [1] 13/25</p> <p>constitute [1] 58/19</p> <p>constitutes [2] 73/6 80/10</p> <p>constitution [4] 14/5 14/6 22/22</p>	<p>35/17</p> <p>constitutional [3] 48/6 66/24 66/24</p> <p>consulted [1] 49/16</p> <p>consumers [3] 20/1 20/2 20/8</p> <p>contact [1] 22/22</p> <p>contend [2] 7/11 76/3</p> <p>contention [1] 29/23</p> <p>contested [1] 5/7</p> <p>context [1] 44/19</p> <p>continual [2] 65/2 66/4</p> <p>continue [1] 52/24</p> <p>CONTINUED [2] 3/1 4/1</p> <p>contradicted [1] 76/1</p> <p>contrary [1] 60/20</p> <p>control [1] 20/18</p> <p>controversy [1] 76/13</p> <p>Conversely [1] 25/22</p> <p>convert [1] 34/13</p> <p>core [5] 49/17 55/17 55/19 55/20 61/2</p> <p>correct [5] 5/12 50/2 52/12 59/3 70/18</p> <p>could [29] 7/24 12/25 14/11 15/22 17/17 17/21 20/5 20/7 21/6 27/9 27/22 27/24 30/19 31/21 32/2 32/3 34/8 34/15 35/5 37/13 45/18 52/1 53/24 57/17 64/20 64/20 64/21 73/2 74/2</p> <p>council [69] 7/3 7/6 7/7 7/18 7/20 7/22 8/4 8/5 11/9 27/4 27/9 27/12 27/16 27/17 27/19 27/20 27/20 27/25 28/1 28/1 28/4 28/7 28/12 28/18 29/11 29/13 29/17 29/19 29/21 29/24 30/4 30/9 30/13 30/19 31/9 31/10 31/15 32/2 32/6 32/20</p>	<p>33/5 33/8 33/17 33/20 34/17 38/10 38/17 39/14 40/2 43/5 45/16 48/17 48/22 48/25 50/15 50/17 51/1 51/7 51/10 69/5 70/17 71/12 74/1 75/8 75/11 75/12 75/13 76/7 76/8</p> <p>council's [4] 29/19 29/25 33/7 33/21</p> <p>councilman [7] 8/14 8/20 11/11 37/5 42/11 55/7 59/12</p> <p>councilperson [1] 60/5</p> <p>councilpersons [3] 59/17 60/7 60/19</p> <p>counsel [13] 32/10 32/16 50/14 51/5 56/5 56/23 57/7 59/16 60/17 67/23 67/25 68/21 75/3</p> <p>county [6] 1/7 56/11 60/4 60/10 80/3 80/14</p> <p>course [2] 40/11 68/10</p> <p>court [109]</p> <p>Court's [6] 6/19 7/9 29/9 30/10 54/9 73/23</p> <p>courts [16] 10/13 10/17 12/5 13/5 15/12 15/15 21/18 24/9 26/11 26/13 26/15 35/16 38/24 46/19 48/1 66/1</p> <p>cover [1] 6/13</p> <p>create [2] 32/14 51/8</p> <p>critical [2] 67/7 67/9</p> <p>critically [2] 66/7 66/8</p> <p>Crockett [10] 49/8 49/9 63/19 63/20 63/21 63/22 63/24 63/25 64/10 64/12</p> <p>cross [8] 28/25 39/2 40/9 40/14 43/19 48/4 70/12 71/25</p> <p>cross-talk [8] 28/25 39/2 40/9 40/14 43/19 48/4</p>	<p>70/12 71/25</p> <p>crucial [2] 35/2 47/22</p> <p>D</p> <p>damages [2] 71/4 71/9</p> <p>dangerous [2] 52/4 52/5</p> <p>data [1] 62/5</p> <p>date [1] 15/4</p> <p>DATED [1] 1/22</p> <p>day [7] 9/9 9/12 10/23 41/2 46/23 71/8 79/3</p> <p>days [1] 53/20</p> <p>Deal [1] 15/6</p> <p>dealers [2] 20/5 20/7</p> <p>decide [3] 35/13 71/9 76/6</p> <p>decided [6] 17/24 18/16 18/16 33/22 58/12 63/17</p> <p>decides [1] 39/25</p> <p>decision [48] 7/4 7/9 7/11 9/20 20/22 21/4 21/22 21/22 27/9 27/10 27/16 28/9 28/10 28/12 29/9 29/10 29/12 29/14 29/16 29/18 29/25 31/8 31/13 33/7 33/8 33/11 33/17 33/21 33/21 34/1 34/7 34/10 34/20 36/1 40/23 42/1 42/14 43/2 43/15 45/4 49/6 50/21 54/2 60/22 66/10 66/10 73/23 78/21</p> <p>decision-maker [2] 34/1 36/1</p> <p>decisions [1] 49/10</p> <p>declaration [1] 51/24</p> <p>dedication [5] 8/13 8/18 38/3 38/8 38/9</p> <p>defect [1] 43/20</p> <p>defendant [3] 1/13 3/3 12/24</p> <p>defense [15] 39/20 39/22 40/4 42/10 44/19 55/20 61/6 61/7 66/4 66/5 66/22 66/23 75/4</p>
---	---	---	---	---

Peggy Isom, CCR 541, RMR

(4) claim... - defense

(702)671-4402 - DEPT16REPORTER@GMAIL.COM Pursuant to NRS 239.053, illegal to copy without payment.

006201
RA 03908

D defense... [2] 75/5 defenses [5] 17/3 37/20 38/2 39/10 42/20 defer [1] 15/13 deference [2] 14/20 23/14 deferential [2] 15/8 23/11 defines [1] 74/20 definition [1] 44/4 degrading [1] 60/6 deliberations [1] 49/15 deliberative [1] 36/3 demand [1] 26/9 democratic [2] 10/15 34/5 denial [2] 27/2 37/14 denied [3] 35/3 50/24 64/15 denies [2] 18/6 23/19 deny [5] 28/1 32/25 37/8 50/18 64/7 denying [6] 28/20 32/7 43/2 71/13 71/15 71/20 DEPARTMENT [2] 2/2 60/1 depose [2] 11/2 56/24 deposed [1] 68/13 deposing [2] 49/4 49/6 deposition [5] 36/22 45/22 49/3 49/13 56/25 depositions [3] 11/8 13/7 68/16 deprivation [1] 73/10 deprive [1] 24/2 deprived [2] 14/13 73/12 DEPT [1] 1/3 designated [1] 45/9 designation [21] 38/11 38/16 38/21 43/4 43/7 44/14 44/23 45/17 55/10 68/21 68/22 69/1	69/3 69/6 69/9 69/11 70/10 71/14 72/5 72/9 74/20 designed [1] 56/16 despite [1] 57/6 destroy [1] 23/23 detail [2] 59/21 62/13 determination [2] 41/3 63/9 determine [1] 72/23 determined [2] 36/8 69/8 determining [2] 36/15 72/21 develop [3] 17/2 27/3 42/19 developed [3] 15/7 15/10 64/6 developer [33] 7/16 13/15 28/2 30/12 30/23 31/1 31/4 31/6 31/19 32/22 32/25 33/12 34/13 34/16 38/13 40/7 44/20 44/22 45/8 47/7 48/23 49/7 50/12 50/19 51/14 51/16 51/23 69/9 72/12 72/15 72/18 74/8 74/15 developer's [6] 26/25 29/23 32/10 33/4 34/18 74/16 developers [1] 72/7 development [8] 8/16 15/17 18/1 28/2 28/5 28/13 37/11 50/21 developments [1] 61/22 dictate [1] 34/1 did [34] 7/25 9/14 9/14 9/16 9/16 16/19 18/14 20/23 23/23 24/12 30/25 31/2 31/2 31/20 34/18 36/24 37/2 38/18 41/24 46/15 46/23 47/16 48/17 50/6 50/7 50/7 50/20 50/23 51/2 63/16 65/12 65/13 67/25 74/7 didn't [22] 15/19 18/4 18/4 20/10	20/11 32/16 33/6 42/13 44/24 47/7 47/10 47/18 54/7 54/18 54/19 54/20 56/18 63/1 64/5 65/24 67/23 75/5 difference [4] 8/24 24/11 39/9 76/22 differences [2] 44/16 44/17 different [16] 10/5 11/5 28/23 29/2 43/17 45/7 47/1 49/20 65/25 69/16 69/18 69/23 70/2 70/5 70/7 70/19 difficulties [1] 26/4 dilatory [2] 17/6 17/7 diligence [1] 17/9 diligent [1] 17/6 direct [5] 14/11 22/23 58/23 59/7 59/8 DIRECTION [1] 80/9 directly [11] 18/11 22/11 22/13 25/10 26/5 34/2 58/1 58/3 59/5 66/5 75/4 disagree [1] 11/19 disappear [1] 45/6 disapproved [1] 27/21 disapproving [1] 20/22 disclose [1] 55/5 discover [2] 61/9 64/25 discoverable [2] 39/15 62/5 discovery [34] 9/21 10/2 10/2 10/5 11/3 11/23 12/14 12/17 12/24 12/25 16/8 16/25 35/24 36/19 39/7 41/4 46/14 49/22 51/13 51/14 51/22 53/13 53/24 54/3 54/8 54/11 54/13 55/1 66/23 67/10 76/12 78/1 78/3 78/18 discretion [1] 71/12 discretionary [1] 71/17	discussed [1] 65/23 discussion [3] 41/6 64/21 73/20 discussions [1] 68/9 dispositive [1] 17/4 dispute [1] 50/23 distinct [2] 25/12 76/22 distinction [1] 39/9 DISTRICT [3] 1/6 1/20 59/2 disturb [1] 59/5 disturbance [1] 58/24 do [48] 11/21 12/5 13/10 17/5 17/6 21/8 21/21 21/21 26/18 30/10 30/21 31/16 32/3 33/13 33/16 33/19 35/16 38/17 38/23 40/3 42/20 43/1 47/6 48/21 49/1 50/7 50/7 51/4 51/12 52/1 52/3 52/8 52/10 55/1 55/3 64/23 68/11 72/6 72/9 73/22 74/2 74/2 75/19 76/10 76/14 76/20 78/10 80/4 DOCKET [1] 1/2 doctrinally [1] 26/2 documents [2] 68/5 68/14 does [15] 5/16 6/13 18/7 21/6 25/19 30/16 42/8 53/2 55/5 59/8 68/22 69/4 70/13 76/2 76/3 doesn't [14] 10/3 10/4 11/4 22/5 24/20 26/23 33/25 45/6 49/24 54/3 54/3 68/1 75/22 78/15 doing [6] 13/1 13/1 13/2 23/8 25/12 37/18 domain [9] 14/7 14/12 14/25 15/20 22/12 22/20 22/24	23/3 23/6 Don [1] 57/18 don't [32] 7/12 15/12 15/12 16/16 17/1 19/5 19/12 24/5 24/5 24/10 29/5 29/6 30/15 40/12 40/21 40/24 41/14 41/16 42/16 43/25 46/22 48/1 48/2 56/8 60/20 64/23 65/5 70/25 71/2 77/5 77/12 78/7 done [2] 27/3 54/11 door [1] 11/13 down [12] 29/5 36/19 36/22 46/9 47/15 47/19 49/9 49/12 54/16 65/22 76/15 80/5 DR [2] 56/11 67/24 DROS [1] 38/15 due [9] 19/8 22/24 25/23 26/23 34/11 34/13 34/14 34/18 34/21 dueling [1] 20/14 duplicative [1] 31/23 during [2] 7/19 59/18
E				
each [4] 11/8 22/8 22/8 22/12 earlier [1] 77/8 earth [1] 30/16 easy [1] 61/25 eat [1] 24/15 economic [25] 14/13 14/24 15/9 15/24 19/10 21/21 22/4 23/1 23/5 23/16 23/23 24/6 26/19 27/8 27/16 28/9 28/14 28/16 30/8 41/15 45/14 48/24 51/10 51/19 71/21 economically [3] 18/6 23/19 24/2 economists [1] 20/15 effect [3] 25/7 36/9 69/6 effected [1] 31/18 effects [3] 24/21				

E	56/24 61/18 80/6	expert [2] 26/16	3/20	65/7 67/6 68/8
effects... [2] 25/13	entity [1] 66/22	55/23	federal [2] 24/8	75/15 75/18 75/20
76/16	equivalent [7]	experts [10] 7/25	26/12	76/2 76/3
efficacy [1] 26/11	14/11 15/1 15/20	8/4 37/2 50/5 55/24	feel [1] 40/22	fourth [3] 62/18
efficiency [1]	22/10 22/19 22/25	55/25 61/12 61/14	feet [1] 60/9	62/21 66/15
77/21	23/6	61/15 65/14	felt [1] 42/4	framing [1] 37/19
efficient [1] 42/1	erroneous [1] 7/12	explain [6] 10/22	Fifth [4] 14/5	FRANCISCO [1]
EHAM [1] 2/24	especially [1] 66/3	11/25 13/13 14/1	58/19 66/12 66/19	4/6
EHB [1] 2/17	ESQ [5] 2/8 2/18	16/14 62/22	filed [2] 41/20	free [1] 23/10
EHBCOMPANIES.C	3/5 3/15 4/4	explaining [1]	58/13	fruit [1] 42/2
OM [1] 2/24	establish [3] 60/25	69/15	final [1] 52/13	full [5] 21/16 21/19
eight [1] 77/10	65/1 65/18	expounded [1]	Finally [1] 26/1	67/10 70/6 80/10
Eighth [1] 59/2	estate [1] 19/25	71/14	find [7] 56/20 59/9	full-blown [1] 70/6
either [5] 21/1	estimates [1]	expressly [1]	59/24 60/16 64/18	fully [3] 64/16
31/10 31/22 62/25	60/11	25/17	71/11 78/16	65/16 65/17
75/21	even [10] 27/20	extends [1] 13/4	finding [1] 64/14	function [1] 22/25
elect [2] 47/24	28/4 38/18 42/13	extraordinary [1]	finds [1] 29/22	functional [2]
47/25	47/8 47/10 48/18	9/2	first [10] 6/1 7/8	14/11 15/1
elected [3] 7/2	53/23 60/18 60/21	extreme [1] 23/15	13/13 15/2 21/15	functionally [2]
26/16 47/15	event [1] 25/20	extremely [1] 10/9	41/16 50/20 60/24	22/9 24/21
element [1] 73/7	ever [2] 41/17	F	60/24 66/15	funds [1] 68/4
ELIZABETH [2]	41/17	face [4] 36/9 73/16	five [3] 13/16 18/1	G
2/18 6/5	every [2] 8/16	73/16 73/24	58/16	gander [1] 77/6
else [2] 19/6 65/20	12/23	facilities [1] 18/19	flip [1] 42/7	gas [2] 20/6 20/7
eminent [8] 14/7	everybody [1]	fact [8] 15/10	floor [4] 3/17 14/2	gasoline [1] 20/4
14/12 14/25 15/20	5/16	33/18 49/5 61/12	17/18 53/10	gatekeeper [1]
22/19 22/24 23/2	everyone [6]	61/14 65/24 71/22	fly [1] 73/17	12/15
23/6	16/24 17/5 17/8	75/19	focus [1] 77/3	general [8] 38/9
employees [1]	42/18 52/25 79/2	factor [2] 15/23	focuses [2] 22/13	38/11 38/15 40/16
68/3	evidence [25] 7/16	18/2	30/7	44/14 45/9 56/15
empower [1]	8/25 11/3 13/24	factors [1] 17/22	focusing [1] 11/10	75/18
26/14	16/12 16/14 32/24	facts [43] 7/13	Foley [1] 36/5	generally [2] 8/6
enacting [1] 76/24	33/16 36/14 43/13	9/13 10/10 32/13	following [1]	8/7
enactment [1]	43/15 44/1 44/3	36/10 39/1 42/11	46/25	gentlemen [1]
36/10	44/4 44/5 45/3	42/12 45/23 46/5	follows [1] 23/17	78/21
end [9] 9/9 9/11	50/16 51/1 52/3	51/6 53/17 55/9	foolishness [1]	GEORGE [2] 3/5
10/23 15/7 25/24	64/7 64/25 70/4	55/12 55/13 55/16	25/6	6/8
41/2 63/2 65/8 71/8	70/16 71/12 75/1	55/21 55/23 55/24	footnotes [1] 21/4	germane [1] 46/24
ends [2] 18/13	exact [2] 53/15	55/25 56/1 56/3	forbids [1] 73/1	get [14] 11/4 11/4
21/8	53/15	56/4 56/7 56/21	force [1] 32/5	13/12 13/19 16/8
engage [4] 53/24	exactly [5] 21/10	57/1 57/3 57/4 57/5	forces [1] 73/3	16/25 17/10 17/14
54/3 54/12 67/10	31/19 33/12 34/12	58/1 58/3 59/21	FOREGOING [1]	44/5 44/9 46/6
engaged [3] 32/24	58/7	59/24 61/2 61/8	80/10	55/21 71/6 71/6
50/18 59/11	example [8] 36/4	61/16 64/25 65/14	forgot [1] 62/25	gets [1] 54/25
engages [2] 57/10	46/8 46/23 48/9	65/16 66/4 69/12	form [5] 7/6 43/20	getting [1] 33/18
59/4	50/1 64/2 70/3 77/8	78/7 78/9	47/23 47/25 76/17	Ghanem [1] 6/6
enjoy [1] 79/2	except [1] 47/5	factual [2] 56/16	former [3] 7/7	give [7] 11/17 17/5
enter [2] 57/17	excessive [2] 22/3	61/18	7/18 27/9	42/11 42/18 46/7
58/4	23/10	fair [1] 26/20	formula [2] 26/1	52/18 77/13
entered [4] 63/3	executive [3]	10/18 35/11 35/12	26/7	given [4] 54/14
63/7 63/15 65/23	Exhibits [4] 38/14	68/24 74/19 75/10	formulation [1]	60/11 67/10 67/11
entering [1] 57/21	68/24 74/19 75/10	exist [1] 68/22	23/4	giving [1] 23/13
entire [1] 33/8	existed [1] 75/9	exists [1] 69/7	FORT [1] 2/19	go [26] 5/9 5/16
entirely [2] 60/19	expectations [1]	16/1	forth [1] 5/9	5/20 5/25 11/7
62/14			found [18] 15/16	11/14 12/1 13/19
entitled [10] 55/16			20/17 20/19 25/22	19/20 29/5 29/7
55/21 55/23 55/25			32/7 33/10 43/3	34/2 48/10 52/23
56/2 56/3 56/6			43/5 59/23 64/14	54/8 55/14 56/18
		Fax [3] 2/23 3/10		

Peggy Isom, CCR 541, RMR

(6) effects... - go

(702)671-4402 - DEPT16REPORTER@GMAIL.COM Pursuant to NRS 239.053, illegal to copy without payment.

006203
RA 03910

<p>G</p> <p>go... [9] 58/1 58/3 61/2 61/10 64/20 64/20 66/5 69/13 75/4</p> <p>goes [16] 10/14 14/23 18/10 46/14 47/21 49/17 51/19 52/1 53/25 55/17 55/19 55/19 59/21 62/6 68/21 69/1</p> <p>GOGILVIE [1] 3/11</p> <p>going [42] 10/3 12/11 14/16 17/5 19/20 20/12 20/18 20/18 21/11 24/14 35/14 39/25 42/18 42/20 45/1 45/11 45/12 48/10 48/14 52/10 52/11 52/14 52/23 53/10 54/8 54/8 54/12 54/20 58/7 58/8 58/17 59/16 62/16 70/14 70/20 71/9 74/6 76/20 77/13 78/10 78/12 78/20</p> <p>Golf [1] 40/11</p> <p>good [27] 6/2 6/5 6/7 6/9 6/11 14/22 18/14 18/14 20/11 20/15 20/16 20/17 21/22 23/12 24/18 26/23 32/17 33/6 33/21 34/3 36/23 41/8 43/15 47/18 76/14 77/5 77/6</p> <p>goose [1] 77/6</p> <p>got [11] 13/18 16/20 18/25 19/15 22/16 22/18 27/7 32/4 38/20 70/3 71/20</p> <p>govern [1] 63/9</p> <p>governing [2] 29/10 29/16</p> <p>government [37] 10/15 10/19 15/8 18/8 18/22 20/24 20/24 22/10 22/14 23/10 24/21 25/15 25/18 25/19 25/22 26/17 34/5 35/6 35/8 45/11 47/23 47/24 47/25 49/18 57/10 58/23 59/4 59/14 63/6 64/18 67/4 67/5 68/3 68/3</p>	<p>72/18 72/24 76/17</p> <p>governmental [2] 36/7 66/22</p> <p>Grand [1] 15/18</p> <p>grant [2] 78/8 78/12</p> <p>granted [6] 6/24 16/6 16/18 28/15 41/17 72/24</p> <p>granting [2] 6/20 67/11</p> <p>great [4] 14/20 23/14 32/21 33/24</p> <p>ground [1] 44/1</p> <p>group [2] 7/21 32/6</p> <p>guess [3] 11/20 32/18 53/9</p> <p>H</p> <p>had [21] 8/17 15/21 20/20 36/23 38/17 41/6 41/15 42/4 44/8 48/20 49/11 56/21 63/5 63/6 69/11 71/16 73/22 77/11 77/12 80/6 80/12</p> <p>HAM [2] 2/18 6/6</p> <p>hand [1] 10/17</p> <p>handling [1] 41/18</p> <p>hang [1] 63/16</p> <p>happened [1] 30/18</p> <p>has [66] 11/1 17/15 21/8 21/13 21/16 21/20 23/1 23/5 23/11 24/6 24/18 25/15 27/6 28/3 30/10 31/19 31/24 32/5 33/15 33/21 34/15 35/19 39/14 42/8 42/12 42/21 45/16 48/21 49/13 50/11 51/3 51/12 51/17 52/3 53/18 54/1 55/9 55/11 55/13 56/1 57/1 57/3 57/19 59/20 61/6 61/8 61/24 63/13 63/20 64/10 66/7 67/11 68/11 69/8 72/5 72/9 72/22 72/24 74/2 75/2 75/15 75/16 75/18 75/21 75/24 76/9</p> <p>hasn't [1] 67/5</p> <p>hat [1] 63/16</p>	<p>have [82]</p> <p>haven't [3] 34/14 39/3 39/3</p> <p>having [1] 60/11</p> <p>Hawaii [2] 19/23 19/25</p> <p>HAYES [1] 4/5</p> <p>he [56] 9/14 9/14 9/16 9/16 11/10 27/12 30/14 33/6 37/7 37/10 37/12 37/12 38/18 42/12 44/8 46/23 46/24 46/25 48/11 48/12 48/19 48/20 48/20 49/1 49/11 51/2 51/3 53/6 53/7 55/8 55/9 55/9 55/10 55/11 55/12 55/13 55/22 55/23 56/1 56/1 56/5 56/14 56/19 56/20 56/21 56/21 57/1 57/1 57/3 57/19 59/12 62/1 65/13 68/22 75/5 77/20</p> <p>he's [9] 7/6 11/12 58/7 60/3 60/3 60/4 60/5 60/5 60/7</p> <p>head [1] 61/4</p> <p>hear [4] 6/22 17/4 52/19 67/17</p> <p>heard [5] 2/2 53/15 54/14 59/18 62/11</p> <p>hearing [9] 1/16 1/17 7/20 27/4 28/5 32/10 50/14 50/15 69/15</p> <p>heart [5] 10/14 47/21 68/21 69/1 73/8</p> <p>height [1] 60/11</p> <p>heightened [2] 17/9 26/9</p> <p>held [9] 20/14 24/17 56/12 63/7 64/6 66/1 66/13 66/20 67/4</p> <p>help [4] 24/20 60/25 65/1 65/16</p> <p>here [34] 7/17 8/9 9/2 10/9 12/11 13/15 16/14 23/8 24/4 27/1 30/3 32/8 32/12 33/4 33/13 33/20 37/15 47/1 48/8 48/17 53/8</p>	<p>53/14 56/17 58/7 58/17 64/17 66/6 66/21 67/1 67/2 73/25 77/2 77/25 78/5</p> <p>here's [11] 9/19 21/14 24/12 24/12 32/9 32/9 42/7 48/7 59/23 63/18 72/20</p> <p>HEREBY [1] 80/5</p> <p>HEREUNTO [1] 80/13</p> <p>Hey [3] 54/20 65/5 65/13</p> <p>high [1] 20/3</p> <p>higher [2] 60/18 67/6</p> <p>highest [3] 60/3 66/13 67/4</p> <p>highly [2] 15/7 23/11</p> <p>him [8] 49/9 50/6 50/8 56/1 56/24 61/13 61/21 73/12</p> <p>his [22] 7/4 16/18 22/12 27/13 27/22 27/23 27/23 28/7 28/8 30/17 30/20 31/16 37/13 38/18 45/18 48/19 53/7 56/19 57/2 73/13 75/3 77/21</p> <p>historic [2] 15/16 15/22</p> <p>history [4] 17/16 37/5 41/14 53/14</p> <p>hit [1] 61/3</p> <p>holding [2] 27/23 66/3</p> <p>holds [1] 71/16</p> <p>homeowners [4] 55/11 55/12 55/13 57/14</p> <p>Honor [68] 5/13 5/14 5/23 6/2 6/5 6/7 6/10 6/11 6/15 6/23 7/15 8/21 9/15 9/25 10/8 10/21 11/22 12/19 13/12 14/1 16/11 17/17 18/9 19/21 21/10 25/10 26/6 29/9 33/2 33/13 35/1 38/17 42/17 43/1 44/10 46/8 47/8 49/19 51/12 52/7 53/8 53/11 53/12 53/14 54/5 54/24</p>	<p>55/4 55/7 55/18 58/1 59/20 62/6 63/4 64/13 64/20 65/20 66/6 67/1 67/7 67/14 67/21 67/23 68/1 69/2 70/9 71/4 78/24 79/6</p> <p>HONORABLE [1] 1/19</p> <p>housing [4] 44/25 45/2 45/10 74/22</p> <p>how [9] 10/22 31/21 37/20 41/8 45/18 51/14 57/5 66/7 66/8</p> <p>However [1] 74/18</p> <p>hum [1] 53/3</p> <p>humble [1] 24/15</p> <p>hundred [1] 77/12</p> <p>hundreds [1] 57/19</p> <p>hyperbole [1] 10/16</p> <p>hypothetical [1] 60/12</p> <p>I</p> <p>I'll [5] 17/4 44/2 53/12 55/18 78/24</p> <p>I'm [43] 9/8 9/10 9/20 11/8 11/15 11/17 12/1 12/10 12/13 12/16 12/17 12/18 13/1 13/2 14/2 14/2 16/13 17/5 17/12 17/12 17/18 19/20 28/21 29/22 32/12 40/8 41/1 41/13 42/13 42/18 42/20 48/7 50/2 53/8 58/16 60/6 60/6 70/14 71/5 71/9 76/20 77/13 78/12</p> <p>I've [4] 41/11 41/16 77/11 77/11</p> <p>identify [3] 22/8 22/9 24/20</p> <p>if [60] 7/11 10/23 11/2 11/3 11/11 11/18 12/23 14/16 17/17 18/21 18/21 19/6 19/12 22/25 23/19 24/4 25/22 26/10 26/21 26/21 30/2 30/2 32/13 32/16 32/20 32/22 33/5 33/6 36/23</p>
--	---	--	---	--

<p>I</p> <p>if... [31] 37/12 37/12 38/18 39/10 39/11 39/12 39/25 42/9 43/13 44/8 44/21 45/11 46/22 49/3 50/15 51/5 51/13 54/12 57/10 58/22 64/13 64/18 65/20 67/13 68/15 70/21 70/21 73/3 75/23 77/16 77/17</p> <p>III [1] 3/5</p> <p>impact [15] 15/24 21/21 22/4 23/1 26/19 27/8 27/16 28/9 28/14 28/16 30/8 41/15 45/14 51/10 51/19</p> <p>impediments [1] 17/2</p> <p>impermissible [1] 25/23</p> <p>implicates [1] 48/6</p> <p>important [20] 10/9 10/20 10/23 11/15 11/18 16/23 17/1 18/9 41/25 47/13 49/19 62/7 66/8 66/9 66/16 66/17 67/1 77/4 77/18 77/23</p> <p>imposed [4] 8/18 22/14 38/4 38/9</p> <p>imposes [1] 38/21</p> <p>imposing [2] 38/15 68/25</p> <p>impression [1] 46/4</p> <p>impressions [6] 9/12 10/11 27/12 27/23 30/23 34/23</p> <p>improper [2] 35/24 35/25</p> <p>in [220]</p> <p>including [1] 35/8</p> <p>increase [1] 20/1</p> <p>incredibly [1] 62/6</p> <p>indeed [3] 24/23 32/13 51/6</p> <p>independent [3] 11/8 20/5 20/6</p> <p>INDICATED [1] 80/7</p> <p>indication [1] 11/17</p> <p>indicative [1] 29/13</p>	<p>indicators [1] 36/8</p> <p>indiscernible [1] 49/5</p> <p>individual [10] 11/9 28/3 29/11 29/13 29/17 29/21 29/24 30/9 32/3 33/18</p> <p>individually [1] 34/17</p> <p>individuals [2] 57/20 57/21</p> <p>ineffectiveness [1] 25/5</p> <p>information [4] 28/16 39/15 50/4 60/25</p> <p>inordinately [1] 20/3</p> <p>inquire [3] 35/24 35/25 46/1</p> <p>inquiries [3] 22/1 22/7 38/22</p> <p>inquiry [24] 10/14 10/16 11/13 24/24 25/8 25/12 25/24 27/15 30/11 34/9 34/11 34/12 34/22 35/5 41/4 42/5 42/9 44/9 48/9 48/14 48/15 49/24 50/2 51/21</p> <p>instance [1] 25/23</p> <p>Instead [1] 25/6</p> <p>intended [1] 14/6</p> <p>intense [1] 26/9</p> <p>interest [3] 36/7 40/10 65/8</p> <p>interests [4] 20/24 20/24 21/7 35/15</p> <p>interfere [2] 48/5 59/5</p> <p>interfered [1] 15/25</p> <p>interference [3] 25/21 58/23 63/7</p> <p>interfering [1] 25/19</p> <p>interpret [3] 39/4 46/19 73/23</p> <p>interpretation [2] 38/25 72/14</p> <p>interpreted [2] 26/10 73/15</p> <p>interpreting [1] 36/16</p> <p>interrogatories [20] 6/21 6/25</p>	<p>8/23 8/24 13/7 21/11 25/11 26/6 33/3 38/1 50/10 54/4 54/17 61/10 62/3 68/13 68/17 68/17 77/3 78/13</p> <p>interrogatory [7] 8/2 8/5 8/11 8/15 50/1 54/23 55/2</p> <p>into [9] 33/25 34/13 34/22 35/5 35/25 48/10 56/18 65/12 80/8</p> <p>invalid [2] 33/9 33/11</p> <p>invasion [3] 19/7 24/22 72/23</p> <p>inverse [14] 12/12 39/7 40/20 41/11 47/2 62/14 69/14 69/15 69/24 70/23 71/3 71/19 74/23 75/23</p> <p>investment [2] 16/1 51/18</p> <p>investment-backe d [1] 16/1</p> <p>involved [1] 48/11</p> <p>involves [1] 58/23</p> <p>irrational [3] 24/18 33/9 33/11</p> <p>irrelevant [11] 8/25 11/24 16/15 26/21 28/19 38/19 48/16 59/17 60/19 62/14 69/13</p> <p>is [245]</p> <p>isn't [4] 11/6 17/10 48/10 77/23</p> <p>ISOM [3] 1/25 80/4 80/17</p> <p>issue [28] 11/5 18/11 33/20 34/20 37/15 37/19 41/10 42/5 42/9 42/15 45/20 51/9 53/13 53/15 58/12 62/8 62/25 63/4 63/25 66/25 68/20 70/8 70/9 70/15 73/10 76/3 76/4 77/7</p> <p>issued [1] 50/21</p> <p>issues [5] 11/25 61/10 62/7 69/12 76/5</p> <p>it [169]</p> <p>it's [85]</p> <p>its [15] 14/10</p>	<p>15/22 17/15 25/5 26/2 28/22 31/7 31/12 32/18 40/10 51/18 63/16 66/2 71/14 73/24</p> <p>itself [3] 28/3 33/8 61/1</p> <p>J</p> <p>JAMES [2] 2/8 6/2</p> <p>JIM [1] 2/13</p> <p>job [1] 38/24</p> <p>journey [1] 17/13</p> <p>judge [28] 1/19 1/20 11/16 12/15 16/24 30/19 37/23 44/8 44/21 49/6 49/8 49/9 54/7 54/21 56/8 57/5 58/8 58/9 58/13 60/2 61/3 62/10 62/11 63/18 64/24 65/5 72/15 77/9</p> <p>Judge Crockett [1] 49/8</p> <p>judgment [5] 41/20 53/24 54/10 74/9 77/25</p> <p>judgments [1] 26/15</p> <p>judicial [24] 12/20 28/20 30/1 30/6 32/8 33/14 33/22 35/10 39/8 40/5 40/18 40/24 41/8 43/2 43/12 59/2 62/10 62/13 62/19 62/24 69/23 70/22 71/15 77/24</p> <p>June [2] 7/18 27/17</p> <p>jurisprudence [4] 17/16 21/24 24/19 64/23</p> <p>jury [4] 70/6 70/23 71/3 77/9</p> <p>just [37] 5/16 9/8 9/10 10/2 10/3 11/10 11/14 11/18 11/19 16/23 17/1 17/10 17/16 21/1 31/9 35/20 41/1 41/23 41/24 41/25 42/4 44/10 45/6 45/11 45/12 52/25 53/13 53/16 60/6 62/23 64/22 67/2 77/4 77/14 77/14 77/18 77/23</p>	<p>Justice [2] 24/13 31/15</p> <p>justification [1] 24/25</p> <p>K</p> <p>keeps [1] 56/23</p> <p>Keller [6] 59/25 60/3 60/8 60/10 60/15 60/23</p> <p>Kelly [1] 23/18</p> <p>KERMITT [1] 2/7</p> <p>KERMITTWATERS. COM [1] 2/13</p> <p>kind [6] 11/16 13/5 31/23 35/4 35/5 41/23</p> <p>knew [4] 44/24 55/22 56/18 69/9</p> <p>Knick [1] 66/9</p> <p>know [29] 5/15 9/14 9/17 24/14 30/12 35/4 36/25 40/20 42/16 46/4 46/22 49/7 50/10 50/25 51/5 51/14 55/24 55/25 56/2 56/3 56/7 56/19 58/6 61/18 62/10 64/24 65/6 67/8 77/20</p> <p>known [2] 77/19 77/21</p> <p>Koufax [1] 77/19</p> <p>L</p> <p>lack [1] 43/14</p> <p>land [13] 1/9 5/7 6/4 11/7 12/17 15/8 20/22 23/12 23/20 35/14 35/20 36/1 52/20</p> <p>landowner [7] 6/3 38/1 42/8 50/3 54/13 63/6 66/9</p> <p>landowner's [8] 55/14 57/15 57/17 58/5 58/14 59/13 61/3 65/11</p> <p>landowners [5] 57/17 58/2 63/11 64/5 66/12</p> <p>large [1] 69/14</p> <p>LAS [15] 1/12 2/10 2/21 3/8 3/14 3/18 4/17 5/8 8/16 8/19 36/5 60/18 61/22 64/14 65/18</p> <p>Las Vegas [8] 5/8</p>
--	--	--	--	--

L	22/18 41/5 44/3 48/18 78/1 78/19 let [8] 8/21 46/7 49/3 57/5 62/22 62/22 62/22 78/13 let's [4] 5/9 5/25 26/25 66/8 level [6] 17/9 41/9 60/4 60/18 66/14 66/20 levels [1] 35/7 liability [4] 17/3 18/21 71/3 75/1 lift [2] 69/11 71/18 like [8] 5/22 11/12 11/16 18/12 19/4 21/4 67/13 77/19 limine [1] 42/15 limitations [1] 16/25 line [1] 37/24 Lingle [8] 19/21 19/21 20/21 21/23 23/13 23/18 24/3 34/9 list [1] 59/20 listed [3] 58/14 58/15 58/16 listen [1] 46/3 listening [5] 12/1 14/2 14/3 17/19 43/24 litigants [2] 20/21 68/2 litigation [6] 11/1 12/23 20/20 21/18 41/19 69/24 little [2] 17/16 62/22 live [1] 52/23 lived [1] 54/6 LLC [3] 1/9 2/17 5/7 LLP [2] 3/4 4/3 location [1] 8/16 logically [1] 25/12 long [2] 38/5 59/20 look [10] 26/25 27/8 36/14 37/23 50/1 50/14 67/25 77/9 77/14 77/15 looked [2] 41/22 74/18 looking [2] 41/1 48/7 looks [1] 28/11 Loretto [4] 18/17 22/1 22/2 31/23	lose [1] 70/21 loses [1] 22/21 lost [1] 54/6 lot [3] 8/1 20/20 21/17 lower [1] 21/18 Lucas [3] 18/24 22/1 22/2	M made [18] 7/3 7/18 11/11 13/1 21/5 24/18 27/10 27/16 27/18 29/11 29/17 29/20 30/14 40/23 41/23 56/20 58/2 65/7 Mahon [1] 14/8 maintain [1] 45/12 make [19] 5/17 7/13 8/21 8/24 10/13 15/12 15/13 20/10 24/10 34/8 35/13 41/2 48/1 48/1 48/2 52/25 66/22 75/13 76/20 maker [2] 34/1 36/1 makes [4] 7/23 10/24 10/24 34/6 making [7] 9/20 11/12 29/14 32/17 33/6 42/1 42/13 manager [3] 68/6 68/7 68/8 manifesto [1] 21/4 many [4] 41/18 41/18 41/18 41/18 master [4] 28/1 28/5 28/13 37/11 matter [12] 5/11 5/22 28/10 46/16 52/11 52/15 65/19 70/15 70/23 75/22 76/12 80/7 matters [3] 2/2 7/5 56/16 maxim [1] 10/1 may [7] 1/22 5/1 44/16 50/25 58/14 64/13 75/9 May 15th [1] 58/14 maybe [9] 11/1 11/4 11/12 39/5 39/14 42/12 42/12 42/14 77/18 MCDONALD [1] 3/4	MCDONALDCARAN O.COM [1] 3/11 me [22] 8/21 9/13 10/22 11/11 11/15 11/17 11/19 17/10 37/19 39/11 39/13 40/19 41/23 43/24 46/7 57/5 62/22 62/22 62/22 65/21 72/2 78/8 mean [21] 10/1 10/3 10/4 12/20 16/8 29/3 33/17 36/19 37/13 41/16 42/16 44/21 48/7 48/8 48/9 48/19 49/21 51/13 70/3 70/5 78/15 meaning [1] 36/15 means [11] 18/13 21/8 23/1 23/4 31/9 31/12 44/2 44/2 44/4 47/14 74/21 means/ends [2] 18/13 21/8 meantime [1] 15/4 meet [1] 70/3 meeting [4] 7/19 7/21 8/5 30/14 member [38] 7/6 7/7 7/18 7/22 8/4 8/6 11/9 27/12 27/17 27/19 27/25 28/7 28/18 30/13 30/19 31/9 31/15 32/2 32/21 33/5 34/17 36/20 36/21 38/17 39/14 40/2 45/16 48/25 49/12 50/15 50/17 51/1 51/7 69/5 74/1 75/8 76/8 76/23 member's [2] 30/9 33/18 members [6] 28/4 29/11 29/13 29/17 29/21 29/24 members' [1] 27/9 mental [13] 7/1 9/12 10/11 11/23 12/6 13/8 27/12 27/23 30/23 34/23 36/3 49/14 76/23 mention [2] 47/10 63/1 mentioned [1] 53/22 merely [2] 25/5	72/25 might [6] 19/13 19/14 26/14 39/15 46/5 67/20 MIHALY [1] 4/3 mind [11] 7/1 27/22 34/23 35/5 35/25 36/24 40/12 40/24 41/16 53/19 56/19 mindful [1] 14/19 mine [1] 14/16 minute [2] 21/5 61/5 mistake [2] 21/5 24/16 misusing [2] 68/4 68/4 more [14] 17/16 32/23 41/5 44/2 44/11 50/16 60/9 61/11 62/23 64/16 65/16 65/17 78/1 78/18 Moreover [1] 26/14 morning [8] 6/2 6/5 6/7 6/9 6/11 52/13 52/16 52/17 motion [34] 6/19 6/20 6/24 7/8 7/8 7/14 9/3 10/21 16/7 16/13 18/11 28/15 32/10 32/11 35/3 41/19 41/20 42/15 47/7 53/21 54/6 54/7 54/9 54/25 65/8 67/12 67/25 74/9 77/24 78/1 78/8 78/11 78/12 78/18 motions [2] 17/4 77/12 mound [1] 77/19 mouth [1] 57/2 moving [1] 55/7 Mr. [33] 16/7 16/12 48/10 50/5 53/5 53/16 53/18 55/22 55/22 56/13 56/18 57/14 57/16 58/6 58/7 59/11 60/8 60/23 61/5 61/12 61/16 61/24 62/9 62/25 63/17 64/22 65/5 65/13 66/7 67/18 67/19 78/15 78/22
----------	---	---	--	---	---

M	necessarily [1] 78/16 necessary [1] 58/20 need [16] 7/12 13/13 13/25 19/5 30/12 37/19 41/14 43/12 43/25 52/8 56/8 56/9 59/9 64/23 64/24 65/6 neighborhood [1] 7/19 neither [1] 24/24 NEVADA [27] 1/7 5/1 8/12 14/5 17/15 23/17 23/25 24/9 35/8 35/19 36/20 36/22 56/10 59/10 59/20 60/20 60/20 60/21 60/22 61/19 63/23 63/23 64/10 64/11 66/19 80/2 80/15 never [4] 31/19 73/11 75/15 75/18 nevertheless [1] 25/4 new [6] 7/12 15/6 18/17 18/17 53/17 53/17 next [3] 5/6 24/24 50/9 NINTH [5] 2/9 3/17 34/15 36/5 76/2 no [46] 1/1 8/24 12/6 13/18 21/4 21/13 24/18 25/24 28/9 30/15 31/11 32/13 32/20 32/22 37/16 40/1 42/2 42/12 42/21 45/1 46/2 47/9 47/9 47/10 47/11 50/1 50/9 50/15 50/23 51/6 53/17 53/17 61/24 62/3 62/4 65/10 68/23 69/11 69/16 69/17 69/17 70/22 71/10 71/12 76/11 76/13 None [1] 67/15 nonregulatory [5] 13/22 31/14 31/18 31/20 31/22 nor [3] 24/25 30/22 34/15 not [125]	noted [1] 73/20 NOTES [1] 80/8 nothing [28] 21/8 21/21 26/18 30/10 31/16 32/2 33/15 33/19 38/17 38/23 40/3 41/5 41/5 47/9 48/21 49/1 51/4 51/12 52/3 68/11 69/5 72/6 72/9 73/22 74/2 76/10 78/18 78/19 noting [1] 40/15 notion [1] 25/3 November [3] 29/4 31/5 63/2 now [29] 8/21 9/21 15/2 19/23 21/10 21/15 24/12 27/25 30/12 30/22 32/9 33/10 35/16 40/20 43/11 54/1 54/2 55/7 56/5 58/6 59/16 62/8 62/18 64/1 64/23 65/5 68/20 72/15 74/6 nub [1] 45/15 number [3] 8/3 11/24 76/22 numbers [2] 50/4 61/16 numerous [2] 57/20 57/21 NV [5] 1/25 2/10 2/21 3/8 3/18	official [3] 7/20 10/24 76/7 often [1] 26/14 OGILVIE [3] 3/5 6/8 16/12 Ogilvie's [1] 16/7 Oh [3] 45/11 50/9 52/14 oil [3] 19/24 20/6 20/9 okay [22] 5/6 5/25 6/14 11/19 12/1 16/16 17/12 18/25 34/25 38/7 42/23 44/9 44/12 52/10 52/14 52/18 52/23 58/11 60/24 64/8 67/22 76/19 on [115] one [24] 8/21 10/17 11/5 11/24 24/15 33/18 44/10 52/11 56/9 58/17 59/13 59/23 60/7 61/2 62/8 62/12 64/3 64/17 65/24 65/25 76/22 77/8 77/13 77/15 only [24] 14/6 21/20 26/2 26/19 27/19 28/11 30/3 30/25 35/19 35/22 36/13 36/14 45/24 48/5 48/16 52/11 55/18 56/9 66/1 69/12 71/4 74/13 75/12 75/13 onto [4] 55/14 57/17 57/21 58/4 open [18] 8/8 8/13 8/17 29/6 38/3 38/7 38/8 38/21 39/13 43/4 55/10 55/15 61/7 61/13 61/17 65/3 74/12 74/21 opened [1] 11/12 operate [1] 15/22 opinion [9] 27/13 27/14 27/24 30/21 42/12 42/21 42/24 50/11 73/19 opinions [15] 7/4 10/12 27/11 28/8 28/8 28/18 30/10 31/16 37/14 38/18 40/2 42/10 45/18 48/25 51/1 opportunity [3]	42/19 54/14 67/10 oppose [1] 47/11 opposite [1] 75/20 opposition [5] 32/11 37/24 41/20 47/7 67/24 or [116] oral [1] 24/14 order [32] 2/2 6/20 20/1 54/9 58/13 59/3 59/8 62/10 62/17 62/19 62/24 63/2 63/3 63/7 63/15 63/19 63/20 63/20 63/21 63/22 63/24 63/25 64/2 64/3 64/10 64/12 65/24 67/8 67/9 71/14 78/23 78/25 orders [3] 62/11 62/12 62/14 ordinance [14] 8/12 38/20 38/24 48/12 48/13 61/20 65/6 65/10 68/23 69/5 69/19 73/23 74/3 74/7 ordinances [8] 38/15 68/25 73/12 73/15 74/19 75/11 76/6 76/24 originally [1] 14/6 other [14] 10/19 11/3 15/9 53/4 58/17 62/8 64/1 66/14 70/15 74/24 76/6 76/9 76/14 77/14 otherwise [4] 22/19 22/21 25/21 34/8 our [21] 5/9 5/25 10/14 21/24 24/19 33/2 35/6 38/14 39/22 40/1 44/19 47/23 49/17 52/19 53/23 56/10 66/18 67/3 74/9 75/4 76/16 ousts [1] 22/11 out [17] 14/24 15/19 19/4 22/3 23/6 23/13 24/6 34/22 43/1 48/23 48/24 56/20 57/2 62/13 66/10 71/21 78/16 outside [2] 7/21
N	name [2] 8/3 80/14 names [2] 50/3 61/15 narrow [1] 58/21 narrowed [1] 21/19 narrowing [1] 23/14 near [3] 23/16 35/21 48/23	O oOo [2] 52/21 52/22 object [1] 20/2 objection [2] 42/6 77/10 objective [2] 18/8 36/8 obligation [2] 17/2 69/11 obtain [2] 9/13 65/15 obtaining [2] 51/16 60/25 occupation [2] 31/1 73/5 occupation.' [1] 73/8 occupy [2] 18/23 73/18 occurred [1] 29/19 office [2] 15/18 80/14		

O	payment [1] 67/2 PBYRNES [1] 3/21 PD7 [2] 63/10 63/10 PEGGY [4] 1/25 52/8 80/4 80/17 Penn [15] 13/19 13/20 15/5 15/15 15/21 17/20 18/4 19/14 19/17 22/1 22/4 22/17 27/1 27/6 74/14 Pennsylvania [3] 14/8 19/4 21/16 people [4] 47/16 47/24 47/25 60/18 per [15] 13/21 19/1 19/2 19/3 57/8 57/9 65/1 71/23 72/3 72/8 72/17 72/22 73/6 73/9 78/5 per se [14] 19/1 19/2 19/3 57/8 57/9 65/1 71/23 72/3 72/8 72/17 72/22 73/6 73/9 78/5 percent [11] 8/9 8/10 8/13 8/17 50/12 56/1 61/16 61/21 61/23 65/15 75/8 percentage [1] 8/8 percipient [3] 10/10 45/23 46/5 period [2] 24/7 39/25 permanent [1] 73/4 permissible [1] 63/11 permit [2] 20/22 36/1 permitted [2] 13/24 63/14 person [1] 60/4 persons [1] 72/11 perspective [2] 41/1 77/15 pertained [1] 40/23 pertains [2] 9/22 77/22 petition [19] 30/1 30/6 32/7 33/14 33/22 39/8 40/5 40/18 40/24 41/8 43/2 43/12 62/9	62/13 62/19 62/23 70/22 71/15 77/23 petitioner [1] 43/14 petitions [1] 69/22 PHIL [2] 3/15 6/11 phone [3] 8/3 53/4 68/5 phones [2] 68/4 68/9 photos [1] 57/19 physical [20] 13/21 18/20 19/5 19/7 22/2 30/24 31/22 31/24 51/22 52/2 58/9 59/9 72/6 72/7 72/16 72/22 72/24 73/4 73/14 74/12 physically [3] 18/22 72/13 73/18 picked [1] 9/2 pie [1] 24/15 pitch [2] 77/16 77/16 pitcher [2] 77/19 77/21 PJ [1] 43/2 PJR [13] 43/8 44/17 44/22 63/19 64/2 64/3 64/8 64/13 69/13 69/16 74/24 75/20 75/22 place [3] 21/13 24/19 80/7 plaintiff [12] 1/10 2/5 6/1 6/3 6/16 12/25 37/22 37/23 42/8 46/10 52/20 78/5 plaintiff's [1] 6/20 plaintiffs [1] 6/6 plan [7] 38/9 38/12 38/15 40/16 44/14 45/9 75/18 planner [7] 60/1 60/3 60/6 60/16 60/23 73/20 73/21 please [1] 5/23 pled [1] 34/14 point [12] 9/15 9/19 13/8 13/10 39/4 42/14 43/1 43/21 44/7 56/24 71/10 77/22 pointed [1] 53/12 police [4] 14/18 14/20 23/11 23/14	policies [2] 15/13 48/2 policy [9] 15/12 34/1 34/3 34/3 34/8 35/9 35/13 35/20 67/5 position [5] 37/21 39/11 39/12 40/2 41/14 possession [1] 72/25 possible [4] 27/14 30/19 37/13 39/19 possibly [2] 31/21 45/19 potential [2] 10/24 28/20 potentially [3] 9/20 10/25 74/13 power [4] 14/20 23/11 23/14 27/11 powers [7] 10/17 14/18 15/11 35/7 35/10 47/22 76/15 PR [1] 44/23 practical [1] 26/4 precedent [2] 76/11 76/13 preclusion [4] 34/21 41/10 41/10 76/4 precondemnation [1] 31/25 predicted [1] 26/15 prejudice [1] 62/3 preoccupied [1] 15/5 prepare [2] 78/22 78/24 preponderance [2] 44/3 70/4 present [2] 26/3 53/23 presented [3] 28/2 53/16 64/22 preservation [1] 15/16 preserves [2] 57/12 64/18 president [1] 49/12 presupposes [1] 25/14 pretrial [1] 77/12 pretty [4] 41/7 66/16 66/17 78/2 prevent [1] 20/2	prevented [2] 15/17 74/16 prevents [3] 14/10 19/10 39/24 prices [2] 20/3 20/18 principal [4] 59/25 60/3 60/15 60/23 principle [3] 9/1 30/2 30/5 principles [2] 8/7 9/7 prior [5] 11/16 25/12 29/20 36/10 63/6 private [9] 22/11 22/14 22/15 24/22 25/7 26/10 57/11 57/12 73/1 privilege [10] 12/5 13/4 36/18 45/20 45/21 46/14 47/8 47/11 56/6 56/15 privileged [4] 12/4 12/4 13/9 13/11 privileges [1] 36/4 probably [2] 5/16 59/18 probe [4] 12/6 13/5 30/23 49/14 probes [1] 25/8 probing [4] 12/10 12/13 12/13 12/17 problem [7] 32/15 32/18 34/4 51/8 51/9 54/20 61/25 procedural [1] 44/17 procedurally [1] 7/14 Procedure [1] 13/6 proceeding [5] 7/20 12/20 13/14 31/11 66/24 proceedings [4] 36/12 79/10 80/6 80/12 process [12] 25/24 26/23 34/11 34/14 34/14 34/18 34/21 36/3 36/4 37/6 37/8 70/6 processes [6] 7/1 11/23 12/7 13/8 49/14 76/23 produce [1] 68/14 productive [1] 23/20
P	page [2] 5/6 37/24 page 10 [1] 37/24 page 12 [1] 5/6 paid [1] 51/14 paragraph [1] 28/22 paragraph 33 [1] 28/22 paragraphs [1] 33/23 paragraphs 4 [1] 33/23 paraphrasing [1] 29/23 park [1] 38/8 parks [1] 43/3 part [9] 10/25 11/20 37/5 37/7 37/12 39/20 63/19 69/14 77/11 parties [2] 17/9 46/10 Partners [2] 56/11 67/24 party [5] 11/1 12/11 12/23 13/6 13/10 party's [1] 17/2 pass [3] 30/25 36/23 53/10 passed [7] 31/5 36/21 43/5 46/24 50/20 72/10 75/11 passing [1] 48/17 past [1] 41/7 patently [2] 59/19 60/19 paying [1] 20/3			

<p>P</p> <p>prohibits [1] 45/10 project [1] 51/17 proper [4] 7/8 7/14 24/19 25/21 properly [1] 28/15 property [118] proposition [1] 75/25 PROS [30] 38/21 43/7 44/23 45/9 45/17 55/10 55/20 61/8 61/13 62/25 63/16 63/21 63/24 64/9 64/10 65/3 65/7 65/11 65/17 68/20 68/22 68/25 69/3 69/8 70/9 71/13 72/5 72/9 74/20 74/20 protect [5] 20/1 35/14 56/16 67/8 67/9 prove [2] 43/12 74/7 provide [2] 8/15 62/4 provided [2] 50/5 61/21 provisions [1] 29/1 public [26] 10/23 10/24 11/10 11/12 18/22 23/12 25/4 25/15 25/18 27/4 28/10 31/2 31/7 39/14 50/22 57/11 57/12 58/4 59/12 68/4 72/12 72/19 74/1 74/5 74/8 76/8 public's [1] 51/24 purely [1] 56/16 purportedly [1] 7/23 purpose [5] 25/16 36/11 39/5 40/18 60/24 purposes [7] 9/21 11/2 39/6 41/4 43/10 63/12 63/15 pursuant [2] 2/2 25/15 put [2] 17/1 62/17</p> <p>Q</p> <p>question [9] 25/13 38/25 42/7 46/18 48/8 50/8 65/12 72/14 74/7</p>	<p>questions [3] 34/2 50/13 67/13 quick [1] 52/15 quickly [2] 53/13 62/23 quo [1] 45/12 quote [3] 32/19 59/7 59/8 quoting [2] 24/3 32/12</p> <p>R</p> <p>R-PD7 [2] 63/10 63/10 rare [1] 66/1 rather [1] 25/20 rational [1] 15/11 read [3] 21/4 26/8 58/17 readopted [1] 38/12 real [1] 19/24 really [4] 21/12 35/2 77/1 77/3 reason [6] 11/14 33/6 35/3 47/18 65/9 76/14 reasons [26] 7/2 7/4 18/14 20/11 20/16 20/17 20/25 20/25 24/10 26/17 26/23 27/13 27/23 30/20 32/17 34/6 36/23 42/24 43/15 45/5 46/15 47/17 49/1 49/10 49/11 49/14 rebut [2] 65/2 65/16 recall [3] 53/14 53/20 63/4 received [1] 55/23 Recess [1] 52/21 recognize [1] 14/14 recognized [1] 75/2 recognizing [1] 35/4 recollection [3] 6/18 37/4 40/22 reconsider [2] 54/7 66/2 reconsideration [5] 6/19 9/3 78/9 78/12 78/13 record [13] 5/10 6/1 9/4 9/7 28/10 36/11 41/8 50/22</p>	<p>70/16 76/8 76/20 77/5 80/11 recording [1] 55/8 recreation [4] 38/8 43/3 55/15 57/16 recreational [1] 8/8 refer [1] 68/24 referenced [2] 8/14 8/19 refile [1] 54/9 refresh [1] 40/22 regard [4] 46/16 66/13 67/4 76/21 regarding [1] 78/10 regardless [2] 74/24 75/17 regards [1] 56/13 regulate [4] 14/15 14/21 23/12 35/14 regulation [37] 8/12 14/9 14/23 15/8 15/17 15/24 15/25 16/2 18/5 18/21 19/10 19/12 19/15 21/6 22/3 22/5 22/25 23/5 23/10 23/19 23/23 24/1 24/6 24/10 25/4 25/13 26/10 26/20 28/17 30/8 51/20 61/20 72/18 72/24 73/3 74/11 74/16 regulation's [2] 25/7 25/8 regulations [2] 24/20 26/12 regulatory [15] 13/21 15/2 19/9 21/24 22/9 25/1 57/8 57/9 65/1 71/24 72/3 72/8 72/17 74/14 78/6 rehash [1] 58/17 rehearing [2] 6/19 78/11 rejected [2] 65/9 65/10 rejects [1] 29/23 related [2] 16/7 38/2 relates [3] 39/12 69/22 78/2 relevance [7] 27/14 27/22 30/19 35/2 37/13 42/21</p>	<p>42/25 relevancy [3] 9/22 16/17 39/5 relevant [36] 11/2 13/14 16/13 16/19 17/11 25/10 26/5 28/4 30/3 30/24 30/25 31/22 34/7 34/7 35/1 36/7 37/20 41/4 44/9 45/19 45/24 46/5 48/16 48/18 57/6 57/6 59/24 61/11 62/20 62/24 65/1 65/2 68/10 68/10 74/12 74/13 relied [7] 27/13 49/15 51/3 60/15 60/22 63/19 64/4 relief [6] 16/7 16/18 41/17 42/19 72/3 74/24 relies [2] 31/4 72/15 rely [2] 36/24 37/2 relying [1] 42/11 remark [1] 75/3 remedies [2] 43/11 43/17 remember [5] 9/21 12/8 22/22 63/20 77/8 render [1] 32/3 renders [1] 31/25 rent [2] 20/4 20/5 rents [1] 20/1 repeatedly [1] 62/9 replow [1] 43/25 reply [1] 67/17 reported [4] 1/25 5/11 5/22 5/24 reporter [2] 52/19 80/4 REPORTER'S [2] 1/15 79/13 representation [1] 65/3 representative [1] 7/3 representatives [1] 47/16 representing [3] 5/19 5/21 73/21 republican [2] 47/24 76/16 request [4] 33/3 41/17 53/22 53/23</p>	<p>requested [1] 68/5 require [7] 26/11 26/15 29/24 50/12 68/17 73/16 74/7 required [10] 8/13 18/17 31/1 31/6 68/13 72/11 72/11 73/7 74/4 74/11 requirement [6] 8/18 38/4 56/2 61/21 61/23 65/15 requires [3] 17/16 25/17 25/20 reserved [1] 61/17 residential [4] 39/24 63/12 63/15 75/17 respond [6] 6/25 54/4 62/1 64/21 65/21 65/21 responding [5] 54/17 54/23 55/2 61/25 62/2 response [2] 53/12 60/12 responses [1] 6/20 restricted [3] 19/24 19/25 20/4 restriction [1] 18/1 restricts [1] 19/13 result [1] 38/5 results [1] 59/14 retail [1] 20/3 retry [1] 33/13 reversed [4] 63/24 63/24 64/10 64/11 review [23] 26/9 28/20 29/10 30/2 30/6 32/8 33/14 33/23 39/8 40/5 40/19 40/24 41/9 43/3 43/12 62/10 62/13 62/19 62/24 69/23 70/22 71/15 77/24 reviewing [1] 29/16 Revised [1] 61/19 Richards [1] 57/19 right [47] 6/13 6/17 9/14 9/23 10/14 11/1 11/9 16/8 16/19 20/1 23/9 28/24 37/6 37/9 39/5 40/19 41/5 41/12 41/24 42/4 42/5 42/9</p>
---	---	--	---	--

<p>R</p> <p>right... [25] 42/13 47/4 49/25 50/11 52/6 53/9 61/4 63/11 63/14 63/14 64/23 67/8 67/9 67/16 69/4 70/22 71/2 71/9 75/16 75/19 75/22 75/24 76/19 78/22 79/2</p> <p>rights [22] 22/14 22/15 25/20 34/18 48/6 58/24 59/5 63/4 63/5 63/8 63/10 66/12 66/14 66/15 66/16 66/18 66/18 66/20 66/24 67/1 67/2 67/6</p> <p>rigorous [1] 41/6</p> <p>rises [1] 41/9</p> <p>RMR [2] 1/25 80/17</p> <p>road [2] 46/25 65/23</p> <p>role [4] 35/16 35/19 35/22 71/6</p> <p>roughly [1] 8/10</p> <p>row [1] 77/10</p> <p>rule [6] 34/22 41/17 68/12 68/14 68/15 75/8</p> <p>ruled [4] 34/16 40/21 40/21 41/11</p> <p>rules [3] 7/24 13/6 46/25</p> <p>ruling [1] 13/2</p>	<p>71/16 72/20 75/3 77/9 80/8</p> <p>same [26] 8/5 14/25 16/4 19/1 19/2 22/25 23/1 23/2 30/2 31/14 36/2 43/23 44/18 45/5 45/6 45/7 45/15 53/15 53/15 66/14 66/20 67/11 69/18 69/21 71/19 73/25</p> <p>SAN [1] 4/6</p> <p>Sandy [1] 77/19</p> <p>saw [2] 46/12 57/2</p> <p>say [26] 12/19 17/7 26/7 31/3 32/2 44/8 44/9 45/1 45/16 47/6 50/10 50/10 54/18 54/19 54/20 58/7 58/8 59/16 60/21 64/13 65/13 65/13 74/19 75/5 77/4 77/13</p> <p>saying [17] 11/15 12/16 21/6 22/2 22/16 22/21 24/4 24/23 32/16 37/23 40/24 41/16 49/25 54/2 56/23 63/17 65/22</p> <p>says [10] 8/11 22/6 30/12 36/6 45/11 60/21 69/17 70/25 74/21 76/9</p> <p>Scalia [1] 24/13</p> <p>scenario [2] 11/6 47/1</p>	<p>second [5] 8/5 35/2 66/17 70/11 73/9</p> <p>section [1] 73/19</p> <p>see [10] 31/21 37/16 43/25 53/7 57/4 58/6 60/21 67/18 76/22 78/7</p> <p>seeking [2] 9/13 69/24</p> <p>seeks [2] 7/16 30/23</p> <p>seems [1] 11/11</p> <p>sell [1] 20/7</p> <p>sense [3] 20/11 41/24 58/21</p> <p>separation [6] 10/16 15/11 35/7 35/9 47/22 76/15</p> <p>serious [1] 26/3</p> <p>Seroka [35] 7/6 7/18 7/22 8/4 8/6 8/14 8/20 27/12 27/18 27/19 27/25 30/13 32/2 32/16 34/17 38/17 45/16 48/10 50/5 50/18 55/7 55/22 55/22 56/18 57/14 57/16 59/11 61/12 61/16 65/13 69/5 74/1 74/10 75/8 76/8</p> <p>Seroka's [14] 28/7 28/18 30/20 31/10 31/15 32/14 32/21 32/23 33/5 40/2 48/25 50/16 51/1 51/7</p>	<p>show [14] 14/20 19/6 24/6 32/24 43/16 47/18 49/10 50/16 51/15 55/9 58/3 58/9 68/2 71/20</p> <p>showing [2] 57/20 75/9</p> <p>shown [2] 19/6 19/7</p> <p>SHUTE [1] 4/3</p> <p>side [3] 42/7 64/8 77/13</p> <p>sign [1] 49/13</p> <p>significant [2] 9/1 17/23</p> <p>simple [2] 77/25 78/18</p> <p>simplified [1] 21/19</p> <p>simply [3] 55/2 58/11 60/5</p> <p>since [2] 39/23 73/6</p> <p>sir [16] 5/20 5/24 16/3 17/18 29/7 37/3 40/12 43/21 48/3 52/6 53/9 53/10 67/15 67/19 69/25 78/23</p> <p>Sisolak [12] 59/19 59/22 59/24 59/25 60/2 60/8 60/12 60/14 72/15 72/20 73/11 73/14</p> <p>Sisolak's [1] 60/13</p> <p>sit [5] 36/19 36/19 36/21 47/15 77/12</p> <p>sitting [2] 49/9 49/12</p> <p>situation [1] 73/25</p> <p>situations [1] 60/13</p> <p>six [1] 51/18</p> <p>Sixth [1] 66/16</p> <p>slightly [1] 47/1</p> <p>so [63] 6/24 7/8 7/14 7/23 12/15 14/16 14/23 16/10 17/10 17/20 19/15 20/4 20/6 20/17 21/2 21/14 21/17 21/23 22/1 22/16 23/2 23/4 23/8 23/13 24/4 24/23 26/10 26/17 26/25 27/8 32/16 32/20 33/2 33/4 34/4</p>	<p>34/20 34/25 35/23 37/13 39/25 41/13 42/7 42/24 43/15 44/7 45/1 45/10 48/17 49/18 51/19 53/24 54/13 60/2 60/14 60/17 60/24 62/3 67/7 73/14 75/21 76/15 77/22 78/10</p> <p>social [2] 15/9 35/13</p> <p>some [13] 11/13 30/14 31/24 39/10 39/14 50/12 51/2 51/2 65/3 74/11 75/7 77/13 77/14</p> <p>somehow [1] 43/9</p> <p>someone [3] 47/14 49/11 73/21</p> <p>something [8] 17/20 17/21 18/5 19/13 19/17 22/18 32/5 55/5</p> <p>sorry [1] 11/8</p> <p>sort [1] 11/13</p> <p>sought [4] 16/12 16/14 49/23 68/2</p> <p>SOUTH [2] 2/9 2/19</p> <p>space [17] 8/8 8/13 8/17 38/3 38/7 38/8 38/21 43/4 55/10 55/15 61/7 61/13 61/17 65/3 72/19 73/1 74/12</p> <p>space/recreational [1] 8/8</p> <p>spaces [1] 39/13</p> <p>speaker [8] 28/25 39/2 40/9 40/14 43/19 48/4 70/12 71/25</p> <p>specific [2] 48/11 60/13</p> <p>specifically [2] 40/21 62/24</p> <p>spent [1] 69/14</p> <p>spoke [2] 59/25 61/12</p> <p>spoken [1] 57/20</p> <p>staff's [1] 68/9</p> <p>stake [2] 9/1 10/9</p> <p>stand [1] 78/14</p> <p>standard [5] 28/24 29/2 58/9 58/16 74/25</p> <p>standards [4] 10/5</p>
<p>S</p> <p>SAHARA [1] 3/6</p> <p>said [61] 5/15 8/6 14/9 14/14 14/19 17/25 18/5 18/20 18/25 19/12 21/5 21/13 21/14 21/15 21/23 23/18 24/1 24/14 25/3 28/3 28/21 29/8 31/19 34/9 35/19 36/6 40/6 44/21 50/14 51/5 51/5 51/24 54/15 54/16 54/22 55/22 55/23 56/1 56/5 56/14 56/21 57/1 57/24 61/5 61/16 61/24 62/16 62/20 62/20 64/2 64/9 65/5 66/11 66/19 68/22 68/22</p>	<p>school [1] 7/23</p> <p>SCHWARTZ [18] 4/4 4/9 5/18 5/21 6/9 53/16 53/18 58/7 61/5 61/24 62/9 62/25 63/17 64/22 65/5 66/7 67/18 67/19</p> <p>Schwartz' [1] 56/13</p> <p>Schwartz's [1] 58/6</p> <p>scintilla [1] 44/3</p> <p>scrutinize [1] 26/11</p> <p>se [15] 13/22 19/1 19/2 19/3 57/8 57/9 65/1 71/23 72/3 72/8 72/17 72/22 73/6 73/9 78/5</p>	<p>served [1] 38/1</p> <p>service [1] 19/25</p> <p>set [5] 5/9 5/25 50/12 74/11 75/8</p> <p>set-aside [2] 74/11 75/8</p> <p>several [1] 62/16</p> <p>severe [2] 23/2 76/16</p> <p>severely [1] 19/13</p> <p>severity [1] 22/13</p> <p>shall [1] 5/24</p> <p>share [1] 22/7</p> <p>shoes [1] 33/25</p> <p>SHORTHAND [1] 80/4</p> <p>should [8] 30/18 34/22 47/19 54/13 54/13 65/15 66/2 66/13</p>		

Peggy Isom, CCR 541, RMR

(13) right... - standards

(702)671-4402 - DEPT16REPORTER@GMAIL.COM Pursuant to NRS 239.053, illegal to copy without payment.

006210
RA 03917

S standards... [3] 58/18 64/17 70/2 start [1] 6/1 starting [1] 28/21 starts [1] 37/25 state [22] 7/1 7/17 8/2 8/11 14/15 14/18 14/21 19/23 21/7 23/25 26/12 27/22 34/22 35/5 35/8 35/9 35/25 36/24 59/2 76/25 80/2 80/14 stated [5] 32/10 36/11 55/8 55/9 60/10 statement [11] 7/17 7/22 8/20 28/5 30/14 30/17 32/14 32/17 33/7 51/7 59/3 statements [28] 10/24 11/10 11/12 27/10 27/18 28/3 28/7 29/11 29/12 29/17 29/20 29/24 30/9 30/22 31/10 31/15 32/21 32/23 33/5 33/19 39/14 50/16 56/20 59/17 60/15 60/17 60/23 75/4 states [8] 14/9 17/24 21/3 35/18 57/10 66/10 66/11 66/19 station [1] 20/6 stations [1] 19/25 status [1] 45/12 statute [8] 8/12 36/9 36/9 36/11 36/15 36/16 36/16 61/19 statutes [2] 39/4 76/25 statutory [1] 38/25 STENOTYPE [2] 80/5 80/8 step [1] 33/25 STEWART [1] 3/16 still [1] 15/21 stop [4] 49/4 49/5 49/8 49/11 story [1] 15/17 street [4] 2/9 4/5 46/9 54/5	Strict [1] 18/21 strike [3] 47/19 77/16 77/16 strikeouts [1] 77/22 striking [2] 77/20 77/20 strong [2] 21/1 35/9 studied [2] 7/23 7/24 study [1] 7/25 stupid [1] 20/13 subject [2] 50/25 75/17 submit [1] 31/1 submitted [2] 51/23 57/19 SUBSCRIBED [1] 80/13 subsequent [1] 63/18 substantial [11] 33/16 43/13 43/14 44/1 44/5 45/3 64/7 70/4 70/16 71/11 74/25 substantially [12] 18/7 18/10 18/12 20/10 20/23 21/7 21/12 24/13 24/15 25/8 26/1 26/8 substantive [1] 8/23 substitute [1] 26/15 such [6] 24/23 25/12 25/25 26/3 34/4 68/23 sudden [1] 11/7 sued [2] 34/16 49/8 suffered [1] 72/22 sufficient [2] 7/10 58/22 SUITE [2] 2/20 3/7 suited [1] 26/13 sum [1] 26/17 summary [7] 8/3 41/20 50/4 53/23 54/10 74/9 77/24 SUPERVISION [1] 80/9 support [9] 18/15 20/16 32/13 33/17 36/17 43/15 45/3 51/6 70/16 supports [1] 64/16	supposed [1] 22/23 Supreme [23] 14/9 17/13 17/15 17/24 18/24 21/3 21/18 23/17 23/25 24/9 34/9 35/18 35/19 56/10 59/20 60/22 63/23 63/23 64/11 64/11 66/11 66/11 66/19 sure [4] 5/17 52/17 52/25 76/20 surface [1] 14/17 surrounding [9] 36/10 55/11 55/12 55/13 57/14 57/16 64/4 64/15 64/19 sustained [1] 77/9 switched [1] 50/17 system [4] 10/15 34/5 35/6 49/18	take [11] 11/7 13/7 36/4 45/22 49/3 49/13 52/7 52/11 52/14 52/18 54/19 taken [3] 36/8 58/21 67/3 takes [3] 25/4 25/18 51/10 taking [75] 13/16 15/1 15/19 15/20 16/13 17/15 17/21 18/2 18/3 18/5 18/20 18/23 19/3 19/5 19/11 19/16 20/19 20/23 21/6 21/20 22/2 22/10 23/19 23/21 23/22 24/1 24/5 24/8 25/14 25/21 27/5 27/6 31/14 31/18 31/20 31/22 31/23 31/24 37/22 38/6 39/10 39/11 39/12 39/21 40/1 43/10 45/10 51/23 52/2 55/19 57/8 57/9 57/13 58/2 58/14 58/15 58/19 59/6 59/15 59/24 60/16 61/1 61/3 64/17 64/18 65/1 65/18 66/23 71/24 72/3 72/8 72/22 73/7 73/9 78/6	takings [39] 13/15 13/16 13/21 13/22 13/22 13/23 14/4 15/2 18/25 19/1 19/14 21/9 21/13 21/24 22/23 23/15 24/19 24/25 25/14 26/2 26/18 26/18 26/24 30/7 30/24 32/18 33/15 43/16 44/17 44/19 44/20 51/20 64/22 72/6 72/8 72/16 72/17 73/14 74/13 talented [1] 77/18 talk [12] 9/12 9/14 9/16 28/25 39/2 40/9 40/14 43/19 48/4 66/8 70/12 71/25 talked [2] 49/1 66/7 talking [5] 45/5 66/6 71/5 77/1 77/25 task [1] 26/12 tasked [2] 29/10 29/15 telephone [2] 50/4 61/15 TELEPHONIC [3] 1/17 2/2 80/6 tell [11] 9/10 11/19 15/12 17/10 37/19 39/11 44/2 57/5 60/17 70/14 72/2 telling [5] 30/13 40/12 54/24 59/12 60/6 tells [2] 55/4 57/7 temporary [1] 13/23 ten [2] 53/20 59/18 terminal [3] 15/18 15/21 15/22 test [19] 15/11 15/24 18/2 18/5 18/10 18/10 18/12 18/13 18/13 20/10 21/8 21/12 21/20 23/5 24/8 24/13 24/16 26/2 26/8 testimony [2] 10/11 13/13 tests [2] 15/7 22/13 tethered [1] 24/24	text [1] 24/24 than [15] 9/22 17/21 44/2 44/3 49/22 51/7 58/17 60/9 61/11 65/25 67/6 69/16 69/23 70/20 78/3 thank [9] 6/23 52/5 52/6 67/16 76/18 79/1 79/4 79/5 79/6 that [411] that's [89] their [34] 17/2 18/19 19/25 26/15 27/2 32/25 36/24 37/24 42/19 42/20 47/7 48/23 48/24 49/13 49/14 50/13 54/15 57/15 59/13 61/15 67/24 70/3 71/19 72/7 72/12 72/13 72/19 73/16 73/16 73/17 73/18 74/5 74/8 77/10 them [13] 11/2 15/14 36/22 46/3 47/16 49/3 49/6 49/9 52/1 57/22 58/16 64/4 64/16 then [18] 17/4 17/23 18/16 18/24 19/7 19/18 23/17 32/14 33/7 47/18 48/15 49/3 52/19 55/11 57/12 63/22 70/21 70/22 theories [1] 17/3 theory [1] 33/4 there [45] 9/1 14/12 15/23 17/8 20/2 20/16 20/20 23/15 30/25 31/24 32/13 32/20 32/22 33/16 38/2 39/9 42/15 43/7 43/13 44/16 45/3 46/13 47/5 47/10 47/10 51/6 53/14 53/17 55/5 64/3 65/6 65/7 65/10 65/17 68/12 68/23 69/4 69/17 69/17 70/9 70/16 71/11 75/7 76/11 77/12 there's [24] 12/4 34/10 35/21 36/3 39/8 39/22 40/1
---	---	--	--	---	--

<p>T</p> <p>there's... [17] 43/14 50/15 50/23 53/17 55/4 55/9 55/20 56/1 56/6 62/3 62/4 62/11 63/2 64/1 65/3 65/20 70/25</p> <p>THEREAFTER [1] 80/8</p> <p>therefore [4] 20/19 34/21 47/19 63/13</p> <p>these [44] 8/4 8/23 10/10 10/11 13/25 21/11 21/25 22/7 22/12 25/11 26/5 33/3 34/2 38/22 38/25 50/13 55/11 56/7 56/20 57/3 57/5 57/20 57/21 59/11 61/2 61/8 61/9 62/6 64/24 65/14 65/14 66/4 66/12 66/12 66/17 66/19 68/16 68/16 68/17 74/21 75/4 75/4 75/14 76/5</p> <p>they [54] 12/6 13/21 15/12 15/13 15/22 17/5 20/4 20/5 27/1 27/1 27/5 28/8 31/5 34/7 34/14 34/15 35/13 36/23 36/24 37/2 42/13 45/18 45/19 45/23 46/4 46/15 47/9 47/9 47/15 47/15 47/18 47/25 48/1 48/2 48/5 49/8 49/15 49/15 49/16 51/23 52/1 54/16 57/17 57/24 64/5 64/5 65/7 68/5 69/10 69/13 70/3 71/16 74/2 74/19</p> <p>they're [18] 9/13 10/5 12/13 17/6 24/23 25/11 37/3 39/11 39/12 45/25 50/6 50/8 57/3 57/6 58/3 69/18 74/19 76/5</p> <p>they've [2] 50/17 71/20</p> <p>thing [10] 8/21 19/1 19/2 28/11</p>	<p>30/25 31/14 35/4 36/2 48/16 61/25</p> <p>things [2] 31/16 55/18</p> <p>think [15] 13/13 16/23 19/19 30/17 30/17 30/18 35/1 35/1 41/7 61/11 67/7 67/8 68/20 70/25 78/17</p> <p>thinking [1] 11/18</p> <p>thinks [3] 48/20 48/21 51/2</p> <p>third [1] 8/15</p> <p>this [186]</p> <p>those [21] 9/7 19/5 24/20 26/16 27/18 55/16 55/24 55/25 56/3 56/4 57/4 58/1 58/18 61/10 61/14 65/16 66/16 68/9 69/12 69/12 76/9</p> <p>thought [3] 16/18 41/23 53/5</p> <p>thoughts [1] 48/25</p> <p>three [13] 6/25 15/23 17/22 21/25 22/7 53/3 53/4 62/11 62/12 62/12 62/20 64/3 78/13</p> <p>three-factor [1] 15/23</p> <p>through [10] 17/14 34/8 38/14 54/8 59/21 68/25 74/19 75/10 75/12 75/13</p> <p>throwing [1] 77/20</p> <p>thrust [1] 77/2</p> <p>THURSDAY [2] 1/22 5/1</p> <p>Tiburon [2] 17/25 18/1</p> <p>time [19] 8/6 9/23 41/16 47/13 54/10 54/19 54/25 56/19 56/21 56/22 56/24 62/18 62/21 67/15 69/10 78/4 78/17 79/1 80/7</p> <p>times [6] 38/12 51/18 59/18 62/16 62/20 77/10</p> <p>TIMOTHY [1] 1/19</p> <p>today [5] 16/4 17/14 52/16 66/21 78/21</p>	<p>told [10] 52/1 55/11 55/12 55/25 57/14 57/16 60/8 61/13 64/16 74/1</p> <p>too [7] 11/15 11/18 17/1 41/25 54/19 77/4 77/23</p> <p>took [3] 48/22 50/21 80/5</p> <p>tort [1] 46/23</p> <p>total [5] 17/21 46/13 47/12 58/10 59/9</p> <p>totally [4] 8/25 11/5 48/16 70/5</p> <p>touchstone [1] 22/8</p> <p>TRANSCRIBED [1] 80/8</p> <p>transcript [3] 1/15 57/3 80/10</p> <p>trial [12] 9/23 11/4 11/16 12/15 16/24 20/14 39/6 70/6 70/23 71/3 78/4 78/17</p> <p>trials [1] 77/9</p> <p>true [2] 58/11 80/10</p> <p>truth [2] 30/13 30/20</p> <p>try [1] 41/25</p> <p>trying [8] 12/13 16/13 33/13 33/13 34/13 41/13 45/25 62/18</p> <p>TV [1] 18/18</p> <p>two [7] 18/2 18/25 54/5 55/17 57/6 62/6 62/12</p> <p>two-factor [1] 18/2</p> <p>two-way [1] 54/5</p> <p>type [2] 11/23 73/9</p> <p>types [1] 18/25</p> <p>TYPEWRITING [1] 80/9</p>	<p>20/9 23/4 25/1 35/17 58/19 59/10 63/10 66/1 66/3 75/19 75/25 78/9 80/9</p> <p>underlying [4] 25/9 70/8 70/9 70/15</p> <p>undermine [1] 35/6</p> <p>undermines [1] 10/16</p> <p>understand [19] 13/18 13/19 16/3 16/6 16/24 16/25 17/11 28/23 35/2 39/6 41/13 41/15 42/23 43/21 43/25 44/1 44/5 71/6 78/17</p> <p>understanding [1] 48/13</p> <p>understood [1] 16/22</p> <p>unfair [2] 26/21 26/22</p> <p>unfortunately [1] 17/13</p> <p>unified [1] 21/25</p> <p>United [7] 14/9 17/24 21/2 35/18 66/10 66/11 66/19</p> <p>units [2] 51/17 75/17</p> <p>unless [3] 16/18 24/5 45/23</p> <p>unmute [1] 67/20</p> <p>unprecedented [1] 68/18</p> <p>unqualified [4] 12/5 36/18 45/21 68/14</p> <p>untenable [2] 25/6 26/2</p> <p>untrue [1] 59/19</p> <p>unusual [1] 53/22</p> <p>unwise [1] 20/13</p> <p>up [8] 5/6 8/9 11/13 20/20 21/2 29/6 29/12 29/18</p> <p>uphold [2] 64/2 64/3</p> <p>upon [13] 8/10 22/13 22/14 22/14 37/4 39/13 42/11 59/1 60/15 60/22 63/19 64/4 64/15</p> <p>us [6] 17/13 24/9</p>	<p>53/23 54/21 55/4 57/24</p> <p>USA [1] 19/22</p> <p>use [42] 14/13 14/15 14/21 14/24 15/8 15/22 18/7 19/10 19/10 19/13 19/16 20/22 22/3 22/5 23/12 23/20 24/3 25/4 25/18 32/25 35/14 35/20 36/1 39/24 48/24 49/15 50/19 50/24 55/14 57/11 57/12 57/18 63/11 64/19 68/5 68/9 72/19 73/2 73/13 74/16 74/21 74/22</p> <p>used [2] 62/1 63/14</p> <p>useless [2] 32/1 32/4</p> <p>uses [2] 73/1 74/22</p> <p>using [1] 14/10</p>
		<p>U</p> <p>ultimate [1] 40/19</p> <p>ultimately [1] 10/25</p> <p>Um [1] 53/3</p> <p>Um-hum [1] 53/3</p> <p>umpire's [1] 77/15</p> <p>unanimous [1] 21/3</p> <p>under [17] 7/12 13/6 15/11 17/22</p>		<p>V</p> <p>valid [8] 25/15 40/4 43/6 43/7 43/8 43/9 45/17 69/9</p> <p>validity [2] 25/9 38/23</p> <p>value [10] 14/24 15/19 19/4 23/16 23/23 24/7 48/23 48/24 71/21 73/10</p> <p>valueless [2] 32/1 32/4</p> <p>variance [1] 60/9</p> <p>vast [1] 26/12</p> <p>VEGAS [15] 1/12 2/10 2/21 3/8 3/14 3/18 5/1 5/8 8/16 8/19 36/5 60/18 61/22 64/14 65/18</p> <p>versus [3] 5/8 59/2 70/6</p> <p>very [16] 18/9 24/7 35/9 41/6 49/17 52/4 52/4 53/13 54/15 54/24 55/17 61/2 61/10 62/23 66/1 76/14</p> <p>VIA [1] 2/2</p> <p>viable [2] 18/7 23/23</p> <p>video [2] 53/3 53/7</p> <p>viewed [1] 41/8</p> <p>vigorous [1] 42/5</p>

V	54/6 54/6 54/7 54/13 55/8 55/16 56/8 56/9 56/10 57/2 57/3 57/8 57/18 60/2 60/20 60/21 61/9 63/1 63/5 63/22 64/23 64/24 64/25 65/5 65/15 66/18 66/21 66/21 67/1 67/2 67/7 67/9 68/15 73/25 75/7 76/3 we'll [8] 6/1 6/22 46/3 52/18 52/18 52/19 54/9 67/17 we're [40] 10/20 11/5 11/6 14/19 21/15 24/14 45/1 45/5 45/11 45/12 52/10 52/11 52/14 52/23 53/9 54/7 54/8 54/22 55/21 55/23 55/24 56/2 56/3 56/6 56/17 56/17 56/20 56/22 56/23 56/24 56/25 61/9 61/17 62/16 66/6 74/6 75/7 75/9 77/1 77/25 we've [9] 18/25 19/15 36/17 38/20 41/6 47/5 53/14 65/22 65/23 WEINBERGER [1] 4/3 well [29] 10/22 11/22 12/19 16/16 18/13 22/24 26/13 29/8 30/12 30/17 31/8 37/7 37/16 43/18 44/10 46/3 46/7 47/3 47/18 48/15 50/6 52/1 53/25 56/8 61/5 70/1 70/11 77/10 77/13 well-suited [1] 26/13 went [6] 7/23 17/14 21/2 26/7 33/24 41/22 were [15] 15/7 20/16 21/1 32/13 47/17 49/10 51/6 53/21 61/12 64/3 68/3 68/4 68/16 79/10 80/8 WEST [1] 3/6	what [119] what's [15] 10/9 12/11 23/8 24/4 37/15 49/4 49/5 49/8 49/11 50/10 51/10 67/6 70/20 74/6 77/5 whatever [2] 44/8 49/1 when [17] 12/19 15/10 20/5 27/20 28/1 30/14 44/20 44/22 45/8 45/13 48/5 54/6 67/3 69/18 71/8 76/24 77/6 where [27] 11/6 12/24 14/9 14/23 17/14 18/17 19/9 20/21 23/15 24/17 25/18 34/16 35/21 47/23 53/14 56/3 56/6 57/19 62/12 64/14 66/3 66/24 68/2 68/11 72/17 74/15 77/11 WHEREOF [1] 80/13 whether [39] 10/13 12/16 13/2 15/25 20/15 20/16 21/21 22/16 25/13 26/20 26/20 30/5 30/13 30/17 31/17 33/16 33/20 34/2 34/10 39/15 40/3 41/3 41/9 42/2 45/17 46/1 46/25 50/24 69/3 69/6 69/7 70/15 72/10 72/21 72/23 72/25 74/3 74/25 75/22 which [28] 13/17 17/15 22/10 22/17 22/22 26/13 27/3 27/6 27/15 33/20 43/4 48/22 55/6 55/18 62/5 62/25 65/12 67/5 68/25 71/14 72/16 73/15 73/23 75/10 75/10 75/25 76/3 76/7 while [3] 44/16 59/12 67/25 who [15] 5/15 9/14 9/16 20/2 27/12 36/24 49/1 49/12 51/3 55/24 61/12	61/14 61/20 74/1 77/19 whole [2] 30/4 75/11 whom [1] 49/15 whose [1] 24/21 why [35] 9/2 10/20 11/14 11/19 13/13 14/1 16/6 16/14 16/14 17/10 24/19 27/13 28/15 33/24 34/3 34/25 35/3 35/24 40/21 47/13 47/16 48/11 48/12 49/18 50/6 50/7 50/7 57/22 62/13 62/23 63/16 63/18 65/12 65/13 69/15 will [8] 11/25 13/12 42/15 62/17 62/21 65/22 71/6 78/16 WILLIAMS [1] 1/19 WILSON [1] 3/4 wipe [3] 14/24 15/19 23/6 wiped [4] 24/6 48/23 48/24 71/21 wipeout [20] 17/21 18/6 19/3 19/6 19/9 19/12 19/16 22/5 22/17 22/19 23/7 23/15 23/16 27/5 27/7 35/21 35/21 43/16 58/10 59/9 wipes [2] 19/4 22/3 wise [1] 26/21 without [1] 33/5 witness [2] 10/10 80/13 witnesses [1] 46/10 won [2] 54/1 54/2 won't [2] 54/23 55/3 word [1] 58/22 words [2] 57/2 62/1 work [2] 20/12 20/18 worry [1] 16/17 would [20] 5/22 8/25 20/7 26/3 26/11 26/14 27/14 32/14 32/17 32/23	50/16 51/7 54/19 60/11 60/11 60/12 68/18 76/15 76/16 78/8 wouldn't [2] 16/17 60/10 writing [2] 55/8 58/6 wrote [1] 54/15 X XVI [1] 1/3 Y yeah [4] 10/7 46/17 52/9 69/15 year [3] 27/10 27/17 27/17 years [2] 21/17 41/18 yes [15] 5/13 5/14 5/15 6/15 9/20 13/6 14/14 16/9 16/11 16/11 16/21 27/25 30/1 40/1 78/24 yet [1] 39/4 York [2] 18/17 18/17 you [125] you'd [1] 67/13 You'll [1] 63/4 you're [8] 37/18 37/18 39/5 43/14 43/24 49/25 61/6 61/7 you've [6] 19/6 19/7 22/16 58/11 62/10 74/18 your [82] Z zoning [4] 63/9 63/10 75/19 75/25
----------	---	--	---	--