

FILED

2022 JUN -1 PM 12:13

ALICIA L. LARUD  
CLERK OF THE COURT  
BY *[Signature]* Electronically Filed  
DEPUTY JUN 06 2022 02:22 p.m.  
*[Signature]* Elizabeth A. Brown  
Clerk of Supreme Court

No. CV22-00560

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

JENNY BREKHUS, Plaintiff }  
v. }  
WILLIAM MANTLE, Defendant }

**NOTICE OF APPEAL**

Notice is hereby given that WILLIAM MANTLE, defendant above named, hereby appeals to the Supreme Court of Nevada from the ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL entered in this action on the 2<sup>nd</sup> day of May, 2022.

*William Mantle*

William Mantle

May 28, 2022

Pro Se

1  
2 SECOND JUDICIAL DISTRICT COURT  
3 COUNTY OF WASHOE, STATE OF NEVADA

4 AFFIRMATION  
5 Pursuant to NRS 239B.030 and 603A.040

6 The undersigned does hereby affirm that the preceding document, *(title of document)*

7 Notice of Appeal

8 file in case number: CV22-00560

9  
10 (☒ mark one)

11 ☒ Document does not contain the personal information of any person.

12  
13 ☐ Document contains the social security number of a person as required by: (☒ mark one)

14 ☐ A specific state or federal law, to wit: *(write the specific state or federal law)*

15 \_\_\_\_\_  
16 ☐ For the administration of a public program

17 ☐ For the administration for a federal or state grant

18 ☐ Confidential Family Court Information Sheet (NRS 125.130, NRS 125.230, and  
19 NRS 125B.055)

20  
21  
22 DATED this (day) 31 day of (month) May, 2022

23  
24 Submitted By: *(Your signature)* William Mantle

25 *(Print your name)* William Mantle

26 *(Attorney for)* \_\_\_\_\_  
27  
28

FILED

2022 JUN -1 PM 12:13

ALICIA LERUD  
CLERK OF THE COURT  
BY   
DEPUTY

No. CV22-00560

Dept. No. 4

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

JENNY BREKHUS, Plaintiff }  
v. }  
WILLIAM MANTLE, Defendant }

**CASE APPEAL STATEMENT**

1. Name of appellant filing this case appeal statement:  
William Mantle.

2. Identify the judge issuing the decision, judgment, or order  
appealed from: The Honorable Connie J. Steinheimer.

3. Identify each appellant and the name and address of counsel  
for each appellant: William Mantle, Pro Se.

4. Identify each respondent and the name and address of  
appellate counsel, if known, for each respondent: Jenny Brekhus,  
respondent. Counsel: John L. Marshall Esq., SBN 6733 570 Marsh  
Ave., Reno, NV 89509 and Luke A. Busby Esq., SBN 10319, 316  
California Ave., #82, Reno, Nevada 89509.

5. Indicate whether any attorney identified above in response  
to question 3 or 4 is not licensed to practice law in Nevada

1 and, if so, whether the district court granted that attorney  
2 permission to appear under SCR 42: Non-applicable.

3 6. Indicate whether appellant was represented by appointed or  
4 retained counsel on appeal: No.

5 7. Indicate whether appellant is represented by appointed or  
6 retained counsel on appeal: Not presently.

7 8. Indicate whether appellant was granted leave to proceed in  
8 forma pauperis, and the date of entry of the district court  
9 order granting such leave. Non-applicable.

10 9. Indicate the date the proceedings commenced in the district  
11 court: April 6, 2022, Reno City Attorney filed Petition for  
12 Order to Show Cause Regarding the Candidacy of Jenny Brekhus for  
13 Mayor of the City of Reno.

14 10. Provide a brief description of the nature of the action  
15 and result in the district court, including the type of judgment  
16 or order being appealed and the relief granted by the district  
17 court: Non-Class action, this is a judicial review resulting  
18 from challenge filed by the Reno City Attorney based from a  
19 complaint filed by William Mantle under Article 15 § 3(2) of the  
20 Nevada Constitution challenging Jenny Brekhus' eligibility to be  
21 a candidate for Mayor for the City of Reno during the 2022  
22 election. The court found Brekhus' candidacy constitutional and  
23 Mantle's case grounded in law and fact and thus non-frivolous.

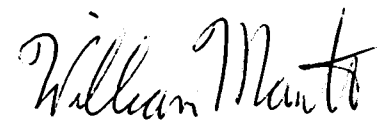
24 11. Indicate whether the case has previously been the subject  
25 of an appeal to or original write proceeding in the Supreme  
26

1 Court and, if so, the caption and the Supreme Court docket  
2 number of the prior proceeding: Non-applicable.

3 12. Indicate whether this appeal involves child custody or  
4 visitation: No.

5 13. If this is a civil case, indicate whether this appeal  
6 involves the possibility of settlement: No.

7  
8 Dated this 31 day of May, 2022



William Mantle

Pro Se

1  
2 SECOND JUDICIAL DISTRICT COURT  
3 COUNTY OF WASHOE, STATE OF NEVADA

4 AFFIRMATION  
5 Pursuant to NRS 239B.030 and 603A.040

6 The undersigned does hereby affirm that the preceding document, *(title of document)*

7 Case Appeal Statement

8 file in case number: CV22-00560

9  
10 (☒ mark one)

11 ☒ Document does not contain the personal information of any person.

12  
13 ☐ Document contains the social security number of a person as required by: (☒ mark one)

14 ☐ A specific state or federal law, to wit: *(write the specific state or federal law)*

15 \_\_\_\_\_  
16 ☐ For the administration of a public program

17 ☐ For the administration for a federal or state grant

18 ☐ Confidential Family Court Information Sheet (NRS 125.130, NRS 125.230, and  
19 NRS 125B.055)

20  
21  
22 DATED this (day) 31 day of (month) May, 2022.

23  
24 Submitted By: (Your signature) William Mantle

25 (Print your name) William Mantle

26 (Attorney for) \_\_\_\_\_  
27  
28

Code 1310

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

**WILLIAM MANTLE,**  
**Challenger,**

**vs.**

**JENNIFER BREKHUS,**  
**Respondent.**

**Case No. CV22-00560**

**Dept. No. 4**

**CASE APPEAL STATEMENT**

This case appeal statement is filed pursuant to NRAP 3(f).

1. Appellant is William Mantle.
2. This appeal is from an order entered by the Honorable Judge Connie J. Steinheimer.
3. Appellant is representing himself in Proper Person on appeal, the Appellant's address is:  
William Mantle  
2040 Angel Ridge Dr.  
Reno, Nevada 89521
4. Respondent is Jenny Brekhus. Respondent was represented in District Court by:  
John L. Marshall, Esq. SBN 6733  
570 Marsh Ave.  
Reno, Nevada 89509  
  
Luke A. Busby, Esq. SBN 10319  
316 California Ave.  
Reno, Nevada 89509

5. Respondent's attorney is not licensed to practice law in Nevada: n/a
6. Appellant is not represented by retained counsel in District Court.
7. Appellant is not represented by retained counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of a Petition for Order to Show Cause Regarding the Candidacy of Jenny Brekhus for Mayor of the City of Reno on April 6, 2022.
10. This is a civil proceeding and the Appellant is appealing the Order Denying Motion to Dismiss and Finding Brekhus's Candidacy for the 2022 Mayoral Election Constitutional filed May 2<sup>nd</sup>, 2022.
11. This case not involve child custody or visitation.
12. It is unknown if the case involves the possibility of a settlement.

Dated this 3rd day of June, 2022.

Alicia L. Lerud  
Clerk of the Court  
By: /s/ Y.Viloria  
Y.Viloria  
Deputy Clerk



**SECOND JUDICIAL DISTRICT COURT  
STATE OF NEVADA  
COUNTY OF WASHOE**

**Case History - CV22-00560**

**Case Description: IN RE: JENNY BREKHUS (D4)**

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**Case Number: CV22-00560 Case Type: OTHER CIVIL MATTERS - Initially Filed On: 4/6/2022**

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**Parties**

<u>Party Type &amp; Name</u>	<u>Party Status</u>
JUDG - CONNIE J. STEINHEIMER - D4	Active
ATTY - John L. Marshall, Esq. - 6733	Active
ATTY - Luke Andrew Busby, Esq. - 10319	Active
CA - Karl Schleigh Hall, Esq. - 23	Active
CA - William J. McKean, Esq. - 6740	Active
INST - WILLIAM MANTLE - @1384738	Active
PETR - CITY OF RENO - RENO	Active
RESP - JENNY BREKHUS - @1305981	Active

**Disposed Hearings**

- 1 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 4/14/2022 at 07:08:00  
Extra Event Text: EX PARTE MOTION FOR ORDER SHORTENING TIME TO RESPOND TO MOTION TO DISMISS UNTIMELY CHALLENGE TO CANDIDACY ON  
Event Disposition: S200 - 4/20/2022
- 2 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 4/18/2022 at 14:41:00  
Extra Event Text: APRIL 13, 2022 MOTION TO DISMISS, THE APRIL 15, 2022 RESPONSE AND APRIL 18, 2022 REPLY  
Event Disposition: S200 - 4/20/2022
- 3 Department: D4 -- Event: ORDER TO SHOW CAUSE -- Scheduled Date & Time: 4/20/2022 at 10:00:00  
  
Event Disposition: D840 - 4/20/2022
- 4 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 4/20/2022 at 10:00:00  
Extra Event Text: MOTION TO DISMISS UNTIMELY CHALLENGE TO CANDIDACY AND PETITION FOR ORDER TO SHOW CAUSE REGARDING THE CANDIDA  
Event Disposition: S200 - 5/2/2022

**Actions**

<u>Filing Date</u>	<u>-</u>	<u>Docket Code &amp; Description</u>
1	4/6/2022	- 3645 - Petition ...  Additional Text: PETITION FOR ORDER TO SHOW CAUSE REGARDING THE CANDIDACY OF JENNY BREKHUS FOR MAYOR OF THE CITY OF RENO - Transaction 8984109 - Approved By: CSULEZIC : 04-06-2022:12:07:05
2	4/8/2022	- 1520 - Declaration  Additional Text: 4/06/2022 JENNY BREKHUS & WILLIAM MANTLE Transaction 8988497 - Approved By: NOREVIEW : 04-08-2022:10:07:43
3	4/8/2022	- NEF - Proof of Electronic Service  Additional Text: Transaction 8988500 - Approved By: NOREVIEW : 04-08-2022:10:08:11
4	4/8/2022	- FIE - **Document Filed in Error  Additional Text: FILED IN ERROR - Transaction 8990067 - Approved By: NOREVIEW : 04-08-2022:17:00:51

**Report Does Not Contain Sealed Cases or Confidential Information**

- 5 4/8/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8990069 - Approved By: NOREVIEW : 04-08-2022:17:01:20
- 6 4/8/2022 - 3355 - Ord to Show Cause  
Additional Text: ORDER TO APPEAR AND SHOW CAUSE - HEARING SET FOR APRIL 20, 2022 AT 10:00 A.M. - Transaction 8990084 - Approved By: NOREVIEW : 04-08-2022:17:08:51
- 7 4/8/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8990086 - Approved By: NOREVIEW : 04-08-2022:17:09:29
- 8 4/11/2022 - 2520 - Notice of Appearance  
Additional Text: LUKE BUSBY ESQ OBO JENNY BREKHUS - Transaction 8991120 - Approved By: CSULEZIC : 04-11-2022:10:23:46
- 9 4/11/2022 - \$1560 - \$Def 1st Appearance - CV  
Additional Text: JENNY BREKHUS - Transaction 8991120 - Approved By: CSULEZIC : 04-11-2022:10:23:46
- 10 4/11/2022 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of \$208.00 was made on receipt DCDC689980.
- 11 4/11/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8991133 - Approved By: NOREVIEW : 04-11-2022:10:25:42
- 12 4/11/2022 - 2520 - Notice of Appearance  
Additional Text: WILLIAM MCKEAN CA - Transaction 8991887 - Approved By: CSULEZIC : 04-11-2022:13:56:12
- 13 4/11/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8992038 - Approved By: NOREVIEW : 04-11-2022:13:56:55
- 14 4/12/2022 - 3720 - Proof of Service  
Additional Text: LUKE BUSBY ESQ OBO JENNY BREKHUS & PERSONAL SERVICE ON WILLIAM MANTLE ON 4/11/2022 Transaction 8993400 - Approved By: NOREVIEW : 04-12-2022:08:06:02
- 15 4/12/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8993402 - Approved By: NOREVIEW : 04-12-2022:08:06:41
- 16 4/13/2022 - 2490 - Motion ...  
Additional Text: MOTION TO DISMISS UNTIMELY CHALLENGE TO CANDIDACY ON ORDER SHORTENING TIME - Transaction 8997463 - Approved By: CSULEZIC : 04-13-2022:16:21:22
- 17 4/13/2022 - 1670 - Ex-Parte Mtn...  
Additional Text: EX PARTE MOTION FOR ORDER SHORTENING TIME TO RESPOND TO MOTION TO DISMISS UNTIMELY CHALLENGE TO CANDIDACY ON ORDER SHORTENING TIME - Transaction 8997465 - Approved By: CSULEZIC : 04-13-2022:16:24:32
- 18 4/13/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8997515 - Approved By: NOREVIEW : 04-13-2022:16:21:49
- 19 4/13/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8997528 - Approved By: NOREVIEW : 04-13-2022:16:26:04
- 20 4/14/2022 - 3860 - Request for Submission  
Additional Text: - Transaction 8997737 - Approved By: NOREVIEW : 04-14-2022:07:08:17  
DOCUMENT TITLE: EX PARTE MOTION FOR ORDER SHORTENING TIME TO RESPOND TO MOTION TO DISMISS UNTIMELY CHALLENGE TO CANDIDACY ON ORDER SHORTENING TIME  
PARTY SUBMITTING: LUKE BUSBY ESQ  
DATE SUBMITTED: 4/14/2022  
SUBMITTED BY: CS  
DATE RECEIVED JUDGE OFFICE:

- 21 4/14/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8997738 - Approved By: NOREVIEW : 04-14-2022:07:08:47
- 22 4/15/2022 - 4105 - Supplemental ...  
Additional Text: SUPPLEMENT TO PETITION FOR ORDER TO SHOW CAUSE REGARDING THE CANDIDACY OF JENNY BREKHUS FOR MAYOR OF THE CITY OF RENO Transaction 9001654 - Approved By: NOREVIEW : 04-15-2022:14:46:16
- 23 4/15/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9001666 - Approved By: NOREVIEW : 04-15-2022:14:47:09
- 24 4/15/2022 - 2610 - Notice ...  
Additional Text: EXHIBIT LIST - Transaction 9001936 - Approved By: CSULEZIC : 04-15-2022:15:56:36
- 25 4/15/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9001956 - Approved By: NOREVIEW : 04-15-2022:15:57:33
- 26 4/15/2022 - 3880 - Response...  
Additional Text: RESPONSE TO MOTION TO DISMISS UNTIMELY CHALLENGE TO CANDIDACY ON ORDER SHORTENING TIME - Transaction 9002215 - Approved By: CSULEZIC : 04-18-2022:08:29:32
- 27 4/16/2022 - 4055 - Subpoena  
Additional Text: Transaction 9002290 - Approved By: NOREVIEW : 04-16-2022:09:45:50
- 28 4/16/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9002292 - Approved By: NOREVIEW : 04-16-2022:09:46:16
- 29 4/17/2022 - 2610 - Notice ...  
Additional Text: FIRST SUPPLEMENTAL EXHIBIT LIST - Transaction 9002379 - Approved By: CSULEZIC : 04-18-2022:08:33:01
- 30 4/18/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9002545 - Approved By: NOREVIEW : 04-18-2022:08:30:21
- 31 4/18/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9002555 - Approved By: NOREVIEW : 04-18-2022:08:33:41
- 32 4/18/2022 - 3790 - Reply to/in Opposition  
Additional Text: REPLY TO OPPOSITION TO MOTION TO DISMISS UNTIMELY CHALLENGE TO CANDIDACY ON ORDER SHORTENING TIME - Transaction 9003689 - Approved By: CSULEZIC : 04-18-2022:14:43:10
- 33 4/18/2022 - 3860 - Request for Submission  
Additional Text: REQUEST FOR SUBMISSION OF MOTION TO DISMISS UNTIMELY CHALLENGE TO CANDIDACY - Transaction 9003699 - Approved By: NOREVIEW : 04-18-2022:14:41:33  
DOCUMENT TITLE: APRIL 13, 2022 MOTION TO DISMISS, THE APRIL 15, 2022 RESPONSE AND APRIL 18, 2022 REPLY  
PARTY SUBMITTING: LUKE BUSBY ESQ  
DATE SUBMITTED: 4-18-22  
SUBMITTED BY: YV  
DATE RECEIVED JUDGE OFFICE:
- 34 4/18/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9003701 - Approved By: NOREVIEW : 04-18-2022:14:42:02
- 35 4/18/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9003704 - Approved By: NOREVIEW : 04-18-2022:14:43:41
- 36 4/18/2022 - 1520 - Declaration  
Additional Text: Declaration of Service of Subpoena - Transaction 9003710 - Approved By: NOREVIEW : 04-18-2022:14:45:35

- 37 4/18/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9003714 - Approved By: NOREVIEW : 04-18-2022:14:46:18
- 38 4/18/2022 - 3720 - Proof of Service  
Additional Text: Marshall of response to motion to dismiss untimely challenge via mail - Transaction 9004307 - Approved By: NOREVIEW : 04-18-2022:17:51:53
- 39 4/18/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9004308 - Approved By: NOREVIEW : 04-18-2022:17:52:33
- 40 4/20/2022 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 41 4/20/2022 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 42 4/21/2022 - 4105 - Supplemental ...  
Additional Text: SUPPLEMENT TO MOTION TO DISMISS UNTIMELY CHALLENGE TO CANDIDACY ON ORDER SHORTENING TIME-Transaction 9009136 - Approved By: NOREVIEW : 04-21-2022:08:02:10
- 43 4/21/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9009138 - Approved By: NOREVIEW : 04-21-2022:08:02:47
- 44 4/21/2022 - MIN - \*\*\*Minutes  
Additional Text: ORDER TO SHOW CAUSE HEARING - 4/20/2022 (IN-PERSON) - Transaction 9010348 - Approved By: NOREVIEW : 04-21-2022:13:31:04
- 45 4/21/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9010353 - Approved By: NOREVIEW : 04-21-2022:13:31:44
- 46 4/28/2022 - COC - Evidence Chain of Custody Form  
*No additional text exists for this entry.*
- 47 5/2/2022 - 2842 - Ord Denying Motion  
Additional Text: ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL - Transaction 9027087 - Approved By: NOREVIEW : 05-02-2022:13:22:47
- 48 5/2/2022 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 49 5/2/2022 - F140 - Adj Summary Judgment  
*No additional text exists for this entry.*
- 50 5/2/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9027090 - Approved By: NOREVIEW : 05-02-2022:13:23:28
- 51 5/2/2022 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 9027507 - Approved By: NOREVIEW : 05-02-2022:14:40:15
- 52 5/2/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9027513 - Approved By: NOREVIEW : 05-02-2022:14:41:03
- 53 5/31/2022 - \$2515 - \$Notice/Appeal Supreme Court  
Additional Text: DFX: CODE ENTERED ONLY TO CHARGE FILING FEE, DOCUMENTS WILL BE IMAGED AT A LATER DATE
- 54 5/31/2022 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of -\$24.00 was made on receipt DCDC692464.

55 6/1/2022 - 2515 - Notice of Appeal Supreme Court

*No additional text exists for this entry.*

56 6/1/2022 - 1310 - Case Appeal Statement

*No additional text exists for this entry.*

57 6/1/2022 - 3720 - Proof of Service

*No additional text exists for this entry.*

58 6/1/2022 - 3720 - Proof of Service

*No additional text exists for this entry.*

59 6/3/2022 - 1310 - Case Appeal Statement

Additional Text: CASE APPEAL STATEMENT - Transaction 9081454 - Approved By: NOREVIEW : 06-03-2022:09:08:50

60 6/3/2022 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 9081454 - Approved By: NOREVIEW : 06-03-2022:09:08:50

61 6/3/2022 - 4113 - District Ct Deficiency Notice

Additional Text: DISTRICT COURT SUPREME COURT APPEAL BOND FEE - Transaction 9081454 - Approved By: NOREVIEW : 06-03-2022:09:08:50

62 6/3/2022 - NEF - Proof of Electronic Service

Additional Text: Transaction 9081459 - Approved By: NOREVIEW : 06-03-2022:09:09:31

**IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA**  
**IN AND FOR THE COUNTY OF WASHOE**

WILLIAM MANTLE,

Challenger,

vs.

JENNIFER BREKHUS,

Respondent.

Case No. CV22-00560

Department No.: 4

**ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY  
FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL**

This judicial review involves a challenge filed by the Reno City Attorney based on a complaint filed by William Mantle ("Mantle"). Under Article 15 § 3(2) of the Nevada Constitution, Mantle is challenging Jennifer "Jenny" Brekhus's ("Brekhus") eligibility to be a candidate for Mayor for the City of Reno during the 2022 election.

**I. BACKGROUND**

"The City of Reno is a municipal corporation, organized and existing under the laws of the State of Nevada through a charter approved by the Legislature." *Lorton v. Jones*, 130 Nev. 51, 53 (2014). Under the Reno City Charter, "[t]he legislative power of the City is vested in a City Council consisting of six Council Members and a Mayor. RENO CITY CHARTER, art. II, § 2.010(1). "The Mayor and one Council Member represent the City at large and one Council Member represents each ward. The Mayor and Council Members serve for terms of 4 years." *Id.* at art. II § 2.010(3); *Id.* at art. V, § 5.0101(2)—(4). Every two years the City of Reno holds an election. *Id.* at art. V, § 5.0101(2)—(4). Reno's City Council's membership is staggered by this two-year election cycle. *Id.* The Mayor and City Council Members from the Second and

1 Fourth Wards are elected in one cycle. *Id.* A City Council Member at large and City Council  
2 Members from the First, Third, and Fifth Wards are elected in the other. *Id.*

3 In 1996, an amendment to Article 15 of the Nevada Constitution was “proposed by  
4 initiative petition and approved and ratified by the people at the 1994 and 1996 General  
5 Elections.”<sup>1</sup> The Amendment states, “[n]o person may be elected to any state office or local  
6 governing body who has served in that office, or at the expiration of his current term if he is so  
7 serving will have served, 12 years or more, unless the permissible number of terms or duration of  
8 service is otherwise specified in this Constitution.” NEV. CONST. art. XV, § 3(2).

9 The Nevada Supreme Court held that, for the purposes of Article 15 § (3)(2) of the  
10 Nevada Constitution, the position of Mayor for the City of Reno is equal to that of other  
11 members of the City Council. *Lorton*, 130 Nev. 51 at 63. “The mayor of Reno is not the chief  
12 executive and administrative officer, as that role is filled by the city manager, . . . , and the mayor  
13 has no administrative duties. The mayor is the head of the city government for ceremonial  
14 purposes only. While the Reno City Charter may assign additional duties to the Reno mayor,  
15 none of those added duties change the equality of all of the members of the city council or  
16 provide a basis for the unequal application of the limitations provision to all members of the  
17 local governing body. *Id.* (internal citations and quotation marks omitted).

## 18 **II. SUMMARY OF RELEVANT FACTS**

19 In 2012, Brekhus was elected to her first term as Reno City Council Member for Ward  
20 1.<sup>2</sup> Brekhus was subsequently elected to the same position in 2016 and again in 2020.<sup>3</sup> Brekhus’s  
21 current position as City Council Member for Ward 1 is scheduled to end in 2024. On March 17,  
22 2022, Brekhus filed her Declaration of Candidacy for Mayor for the City of Reno.<sup>4</sup> The term in  
23 question, for Mayor for the City of Reno, is scheduled to end in 2026.

24  
25 

---

<sup>1</sup> See <https://www.leg.state.nv.us/const/nvconst.html#Art15>

26 <sup>2</sup>See <https://www.reno.gov/government/city-council/city-council-members/ward-1-jenny-brekhus#ad-image-0>

27 <sup>3</sup> *Id.*

28 <sup>4</sup> April 6, 2022, *Petition for Order to Show Cause Regarding the Candidacy of Jenny Brekhus for Mayor of the City of Reno* at Exhibit 1.

1 NRS 293 governs general elections in Nevada.<sup>5</sup> NRS 293C governs local elections in  
2 Nevada.<sup>6</sup> NRS 293C.186(1) states:

- 3 1. After a person files a declaration of candidacy to be a candidate for an office,  
4 and not later than 5 days after the last day the person may withdraw his or her  
5 candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a  
6 written challenge of the person on the grounds that the person fails to meet  
7 any qualification required for the office pursuant to the Constitution or laws of  
8 this State. Before accepting the challenge from the elector, the filing officer  
9 shall notify the elector that if the challenge is found by a court to be frivolous,  
10 the elector may be required to pay the reasonable attorney's fees and court  
11 costs of the person who is being challenged.
- 12 2. A challenge filed pursuant to subsection 1 must:  
13 (a) Indicate each qualification the person fails to meet;  
14 (b) Have attached all documentation and evidence supporting the challenge;  
15 and  
16 (c) Be in the form of an affidavit, signed by the elector under penalty of  
17 perjury.
- 18 3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall  
19 immediately transmit the challenge to the city attorney.
- 20 4. If the city attorney determines that probable cause exists to support the  
21 challenge, the city attorney shall, not later than 5 working days after receiving  
22 the challenge, petition a court of competent jurisdiction to order the person to  
23 appear before the court. Upon receipt of such a petition, the court shall enter  
24 an order directing the person to appear before the court at a hearing, at a time  
25 and place to be fixed by the court in the order, to show cause why the  
26 challenge is not valid. A certified copy of the order must be served upon the  
27 person. The court shall give priority to such proceedings over all other matters  
28 pending with the court, except for criminal proceedings.
5. If, at the hearing, the court determines by a preponderance of the evidence that  
the challenge is valid or that the person otherwise fails to meet any  
qualification required for the office pursuant to the Constitution or laws of this  
State, or if the person fails to appear at the hearing, the person is subject to the  
provisions of NRS 293.2045.
6. If, at the hearing, the court determines that the challenge is frivolous, the court  
may order the elector who filed the challenge to pay the reasonable attorney's  
fees and court costs of the person who was challenged.

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25 <sup>5</sup> “The provisions of NRS 293.5772 to 293.5887, inclusive, apply to city elections. The other provisions of [NRS  
26 293], not inconsistent with the provisions of chapter 293C of NRS or a city charter, also apply to city elections.”  
NRS 293.126(1)—(2).

27 <sup>6</sup> “The provisions of [NRS 293C] apply only to city elections.” NRS 293C.100  
28



1                   **III.     SUMMARY OF RELEVANT PROCEDURAL HISTORY**

2                   On April 4, 2022, Mantle filed a *Registration and Election Report/Complaint* (“April 4,  
3 2022, *Complaint*”) with the Reno City Clerk.<sup>7</sup>

4                   On April 6, 2022, the Reno City Attorney filed *Petition for Order to Show Cause*  
5 *Regarding the Candidacy of Jenny Brekhus for Mayor of the City of Reno* (“April 6, 2022,  
6 *Petition*”).

7                   On April 8, 2022, the Court issued *Order to Appear and Order to Show Cause*.

8                   On April 13, 2022, Brekhus filed *Motion to Dismiss Untimely Challenge to Candidacy on*  
9 *Order Shortening Time* (“April 13, 2022, *Motion*”). On April 15, 2022, Brekhus filed *Supplement*  
10 *to Petition for Order to Show Cause Regarding the Candidacy of Jenny Brekhus for Mayor of the*  
11 *City of Reno*. On April 15, 2022, Mantle filed *Response to Motion to Dismiss Untimely*  
12 *Challenge to Candidacy on Order Shortening Time* (“April 15, 2022, *Response*”). On April 18,  
13 2022, Brekhus filed *Reply to Opposition to Motion to Dismiss Untimely Challenge to Candidacy*  
14 *on Order Shortening Time* (“April 18, 2022, *Reply*”).

15                  On April 15, 2022, and April 17, 2022, Brekhus filed *Exhibit List* and *First Supplemental*  
16 *Exhibit List*, respectively.

17                  On April 20, 2022, Mantle, appeared in pro per, Luke Busby, Esq. and John Marshall,  
18 Esq., appeared with Brekhus, and the Reno City Attorney Karl Hall appeared on behalf of the  
19 City of Reno at the scheduled Order to Show Cause Hearing. On April 21, 2022, Brekhus filed  
20 *Supplement to Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time*.

21                   **IV.     SUMMARY OF ARGUMENTS**

22                  Mantle asserts that “Brekhus is an [u]nqualified [e]lector per [Article 15 § 3(2) of the  
23 Nevada Constitution]. This is Brekhus’[s] [tenth] year in office for the Reno City Council. She  
24 was most recently elected to a term of 4 years in 2020. Brekhus’[s] current term takes her to

25 \_\_\_\_\_  
26 <sup>7</sup> On March 17, 2022, Mantle filed an Election Integrity Violation Report with the Nevada  
27 Secretary of State. *April 15, 2022, Response* at Exhibit 4. On April 4, 2022, a representative from  
28 the Nevada Secretary of State contacted Mantle and informed Mantle that the challenge must be  
filed with the Washoe County Registrar. *Id.* at Exhibit 5. Mantle explained during the April 20,  
2022, hearing that the Washoe County Registrar of Voters informed Mantle that the challenge  
must be filed with the Reno City Clerk.

2024. . . . [Article 15 § 3(2) of the Nevada Constitution states], “[n]o person may be elected to any state office or local governing body who has served in that office, or at the expiration of his current term if he is so serving will have served, 12 years or more, unless the permissible number of terms or duration of service is otherwise specified in this constitution.” “I am unaware of any exception in NRS, the NV [C]onstitution, or the Reno City Charter. . . . Br[e]khus is limited by her current term’s expiration of 12 years and thus is ineligible for election as an unqualified elector per [Article 15 § 3(2) of the Nevada Constitution] and cannot run for election of [Mayor for the City of Reno].” *April 15, 2022, Response* at Exhibit 6.

Brekhus argues that NRS 293C bars Mantel’s challenge because Mantle’s challenge is “untimely,” and, for this reason, Mantel’s challenge “must be dismissed by this Court.” *April 13, 2022, Motion*. Brekhus asserts that “[s]tatutory timelines are mandatory and jurisdictional.” *Id.*

## **V. DISCUSSION**

### **a. The Court has Jurisdiction**

“When interpreting a statute, [the Court] look[s] to [the statute’s] plain language. If a statute’s language is plain and unambiguous, [the Court] enforce[s] the statute as written, without resorting to the rules of construction. Whenever possible, [the Court] interprets a rule or statute in harmony with other rules or statutes.” *Cervantes-Guevara v. Eighth Jud. Dist. Ct. in & for Cty. of Clark*, 138 Nev. Adv. Op. 10 (2022) (internal citations and quotation marks omitted). “When interpreting a statute, [the Court] will give the statute its plain meaning and will examine the statute as a whole without rendering words or phrases superfluous or rendering a provision nugatory. [The Court] will award meaning to all words, phrases, and provisions of a statute.” *Haney v. State*, 124 Nev. 408, 411–12 (2008).

NRS 293C.186(1) states, “[a]fter a person files a declaration of candidacy to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector *may* file with the city clerk a written challenge” regarding the eligibility of a candidate. (emphasis added). NRS 293C.186(1) does not require that an elector must file a challenge with the city clerk “no later than 5 days after the last day the person may withdraw his or her candidacy,” NRS 293C.186(1) only requires that,

1 “[b]efore accepting the challenge from the elector, the filing officer *shall* notify the elector that if  
2 the challenge is found by a court to be frivolous, the elector may be required to pay the  
3 reasonable attorney’s fees and court costs of the person who is being challenged” (emphasis  
4 added). NRS 293C.186(1) provides one avenue for an elector to file a challenge regarding a  
5 candidate’s eligibility, and the only requirement stated in NRS 293C.186(1) is that the city clerk  
6 must apprise the challenger of the possibility that a court could find the challenge “frivolous”  
7 and the challenger may be “required to pay the reasonable attorney’s fees and court costs of the  
8 person who is being challenged.” Additionally, NRS 293C.186(1) does not prohibit an elector  
9 from filing a challenge outside of the timeframe stated in NRS 293C.186(1).

10 Furthermore, NRS 293C.186(2) only mandates what a “challenge filed pursuant to  
11 subsection 1 *must*” contain in order for the city clerk to be required to immediately transmit the  
12 challenge to the city attorney. (emphasis added). Similarly, NRS 293C.186(3) instructs that,  
13 “[u]pon receipt of a challenge pursuant to subsection 1, the city clerk *shall* immediately transmit  
14 the challenge to the city attorney.” (emphasis added). NRS 293C.186(3) mandates that the city  
15 clerk must “immediately transmit” a challenge that is filed in compliance with NRS 293C.186(1)  
16 and NRS 293C.186(2). However, 293.186(3) does not prohibit the city clerk from transmitting a  
17 challenge to the city attorney in the event that the requirements of 293C.186(1) and 293C.186(2)  
18 are not met.

19 Having determined that the City Clerk properly transmitted Mantle’s *April 4, 2022,*  
20 *Complaint* to the City Attorney, the Court now looks to NRS 293C.186(4). NRS 293C.186(4)  
21 states that “[i]f the city attorney determines that probable cause exists to support the challenge,  
22 the city attorney *shall*, not later than 5 working days after receiving the challenge, petition a  
23 court of competent jurisdiction to order the person to appear before the court.” (emphasis added)  
24 NRS 293C.186(4) gives discretion to the city attorney to determine if probable cause exists, and  
25 then requires the city attorney to petition a court of competent jurisdiction “not later than 5  
26 working days after receiving the challenge” if the city attorney “determines that probable cause  
27 exists.” Here, Mantle filed his challenge on April 4, 2022. The City Attorney determined that  
28 probable cause existed and petitioned the Court on April 6, 2022. The City Attorney’s actions

1 followed the requirements of NRS 293C.186(4), and therefore the Court has jurisdiction to hear  
2 the instant matter.

3 Moreover, this is in accord with NRS 293.2045(1). 293C.186(5) states that if “the court  
4 determines by a preponderance of the evidence that the challenge is valid or that the person  
5 otherwise fails to meet any qualification required for the office pursuant to the Constitution or  
6 laws of this State, or if the person fails to appear at the hearing, the person is subject to the  
7 provisions of NRS 293.2045.” NRS 293.2045(1) states the remedies available “[i]n addition to  
8 any other remedy or penalty provided by law, but except as otherwise provided in NRS  
9 293.1265, if a court of competent jurisdiction finds in *any preelection action* that a person who is  
10 a candidate for any office fails to meet any qualification required for the office pursuant to the  
11 Constitution or laws of this State. . . .” (emphasis added). NRS 293.2045(1) does not limit itself  
12 to the preelection actions specified in NRS 293 and NRS 293C. NRS 293.2045(1) allows  
13 remedies for “any preelection action.” NRS 293.2045(1) does not prohibit preelection actions  
14 other than those found in NRS 293 and NRS 293C. Therefore, pursuant to NRS 293.126(2),  
15 because NRS 293.2045(1) is not inconsistent with any provision of NRS 293C, NRS  
16 293.2045(1) applies to city elections.

17 For the above stated reasons, the Court has jurisdiction to hear Mantle’s challenge, and  
18 the Court finds the issue of whether Mantel filed his *April 4, 2022, Complaint* within the  
19 timeframe dictated in NRS 293C.186 moot.

20 **b. Article 15 § (3)(2) of the Nevada Constitution Does Not Prohibit**  
21 **Brekhus’s Eligibility to be a Candidate for Mayor for the City of Reno**  
22 **during the 2022 election**

23 Mantle argues that Brekhus is ineligible to run for Mayor for the City of Reno during the  
24 2022 election because the scheduled end date for Brekhus’s current position within the local  
25 governing body brings Brekhus’s time within said local governing body to twelve years. Mantle  
26 argues that Article 15 § 3(2) of the Nevada Constitution requires Brekhus to resign her position  
27 as Ward 1 City Council Member for the City of Reno before becoming eligible to run for Mayor  
28 for the City of Reno.

1           However, the question before the Court is not whether a person who, at the scheduled end  
2 of their current term within a local governing body would have served twelve years within the  
3 same local governing body, resigned their currently held position in order to become an eligible  
4 candidate for a separate position within said local governing body, the term for which would  
5 bring said person's position within said local governing body to fourteen years, the question  
6 before the Court is whether a person who is currently serving within a local governing body, for  
7 which the scheduled end of said person's current term within the local governing body brings  
8 said person to twelve years within the same local governing body, is eligible to be a candidate for  
9 a separate position within said local governing body, for which the new elected term would bring  
10 said person's time within said local governing body to fourteen years.

11           For this reason, the Court will not address what affect a person's resignation from their  
12 current position within a local governing body, before actually serving for twelve years, would  
13 have on their eligibility to be a candidate for a separate position within said local governing  
14 body, the term for which would extend said candidate's time within said local governing body to  
15 12 years or more. The Court will narrowly address whether a person, who at the end of their  
16 currently held term within a local governing body would have served twelve years within the  
17 same local governing body, is constitutionally prohibited from being a candidate for a separate  
18 position within said local governing body for which the new position's term's start date is prior  
19 to the scheduled end date of said person's currently held term, and for which, if the person is  
20 successful in their campaign, would extend said person's time within said local governing body  
21 to fourteen years.

22           “Consonant with the axiomatic principle that it is emphatically the province and duty of the  
23 judicial department to say what the law is, Nevada courts are the ultimate interpreter of the  
24 Nevada Constitution. When interpreting a constitutional provision, [the Court's] ultimate goal is  
25 to determine the public understanding of a legal text leading up to and in the period after its  
26 enactment or ratification. In doing so, we look to the provision's language; if it is plain, the text  
27 controls and we will apply it as written. Thus, when a constitutional provision's language is clear  
28 on its face, we will not go beyond that language in determining the voters' intent or to create an

1 ambiguity when none exists.” *Legislature of State v. Settlemeyer*, 137 Nev. Adv. Op. 21 (2021)  
2 (internal citations and quotations marks omitted).

3 “We will apply the plain meaning of a statute unless it is ambiguous, meaning that it is  
4 susceptible to two or more reasonable but inconsistent interpretations. If the constitutional  
5 provision is ambiguous, we look to the history, public policy, and reason for the provision.  
6 Additionally, the interpretation of a . . . constitutional provision will be harmonized with other  
7 statutes.” *Landreth v. Malik*, 127 Nev. 175, 180 (2011) (internal citations and quotation marks  
8 omitted). “[A] contemporaneous construction by the [L]egislature of a constitutional provision is  
9 a safe guide to its proper interpretation and creates a strong presumption that the interpretation  
10 was proper, because it is likely that legislation drafted near in time to the constitutional provision  
11 reflects the constitutional drafters' mindset.” *Ramsey v. City of N. Las Vegas*, 133 Nev. 96, 98  
12 (2017) (alteration in original) (internal quotation marks omitted).

13 It is undisputed that if Brekhus were to complete her current term as Reno City Council  
14 Member for Ward 1, that Article 15 § 3(2) of the Nevada Constitution would prohibit Brekhus  
15 from serving within that local governing body again. However, Brekhus’s candidacy for Mayor  
16 for the City of Reno is disputed because the scheduled end date for Brekhus’s current term, as  
17 Ward 1 City Council Member, puts Brekhus’s time for having served within the same local  
18 governing body at twelve years. The Court looks to the language of the Nevada Constitution  
19 when determining whether Brekhus is prohibited from being a candidate for Mayor for the City  
20 of Reno during the 2022 election. Article 15 § (3)(2) of the Nevada Constitution states, in  
21 relevant part, “[n]o person may be elected to any . . . local governing body who has served in that  
22 office, or at the expiration of his current term if he is so serving will have served, 12 years or  
23 more. . . .” The Court parses this language into three parts.

24 First, the Court focuses on the language: “12 years or more. . . .” The Court finds this  
25 language expressly acknowledges that a person could serve within a local governing body for a  
26 period of more than twelve years.

27 Second, the Court focuses on the language: “who has served in that office. . . .” The  
28 Court finds this language prohibits a person from serving within a local governing body if said

1 person has already served within a local governing body for a period of twelve years or more.  
2 This is in accord with the remainder of the Amendment, which prohibits a person from serving  
3 for twelve years or more within the same local governing body.

4 Finally, the Court focuses on the language: “at the expiration of his current term if he is  
5 so serving will have served. . . .” This is the language within Article 15 § (3)(2) of the Nevada  
6 Constitution that is being challenged. However, the Court finds only one reading of this language  
7 that is in accord with the remainder of the Amendment.

8 This language prohibits a person from becoming a candidate for a local governing body  
9 if, at the beginning of the term for which said person is a candidate, said person “will have  
10 served” twelve years or more within said local governing body. This language does not prohibit a  
11 person from becoming a candidate for a local governing body if, at the beginning of the term for  
12 which said person is a candidate, said person will not have served twelve years or more within  
13 said local governing body.

14 Here, if Brekhus is successful in the 2022 Mayoral election, it would be an impossibility  
15 for Brekhus to have served for twelve years or more within the same local governing body prior  
16 to assuming her new term as Mayor for the City of Reno. The term for the Mayoral position for  
17 which Brekhus is a candidate begins two years before Brekhus’s current term is scheduled to  
18 end. If Brekhus is successful in her Mayoral election, Brekhus will have served for ten years  
19 within the same local governing body prior to assuming her newly elected position. For this  
20 reason, if Brekhus is successful in her campaign for Mayor for the City of Reno, Brekhus would  
21 be unable to have served for twelve years or more within a local governing body prior to the start  
22 of her Mayoral term.

23 In regard to a person’s eligibility to be a candidate for a position within a local governing  
24 body, separate from said person’s currently held position within said local governing body and  
25 without said person having resigned said currently held position, Article 15 § (3)(2) of the  
26 Nevada Constitution does not prohibit said person’s eligibility based on the amount of time said  
27 person could have served within said local governing body under their current term; Article 15 §  
28 (3)(2) prohibits said person from becoming a candidate for a position within said local governing

body based on whether the term for the said new position begins at or after said person will have served for twelve years or more within said local governing body under said currently held position. If Brekhus is successful in her 2022 campaign for Mayor for the City of Reno, the staggered election cycles make it an impossibility for Brekhus to have served for twelve years or more within the same local governing body prior to assuming the position of Mayor for the City of Reno.

**c. The Court Does Not Find the Challenge was Frivolous and Will Not Order Mantle to Pay Reasonable Attorney's Fees and Costs**

A “frivolous action has been defined as one that is baseless, and baseless means that the pleading is [not] well grounded in fact [or is not] warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.” *Simonian v. Univ. & Cmty. Coll. Sys. of Nevada*, 122 Nev. 187, 196 (2006) (internal citations and quotation marks omitted) (alteration in original). A “complaint appears completely frivolous on its face [when] . . . it appears to lack an arguable basis either in law or in fact. . . .” *Jordan v. State ex rel. Dep't of Motor Vehicles & Pub. Safety*, 121 Nev. 44, 57–58 (2005) (abrogated on other grounds).

“The decision whether to award attorney's fees is within the sound discretion of the trial court.” *Bergmann v. Boyce*, 109 Nev. 670, 674 (1993) (abrogated on other grounds).

The Court finds Mantle had reasonable grounds to file the *April 4, 2022, Complaint*, and that Mantle did not file the *April 4, 2022, Complaint* to harass Brekhus. Mantle’s *April 4, 2022, Complaint* was grounded in fact and a good faith argument regarding whether a candidate is eligible for election under Article 15 § (3)(2) of the Nevada Constitution. For the above stated reasons, the Court finds that there was a basis in both law and fact for Mantle’s *April 4, 2022, Complaint*, and the Court does not find Mantle’s *April 4, 2022, Complaint* frivolous. The Court will not order Mantle to pay for Brekhus’s reasonable attorney fees or costs.

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**CERTIFICATE OF SERVICE**

CASE NO. CV22-00560

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 2 day of May, 2022, I electronically filed the **ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL** with the Clerk of the Court by using the ECF system.

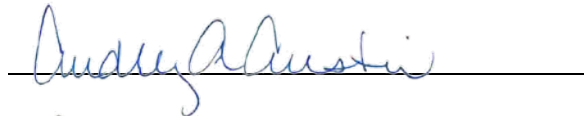
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

**Personal delivery to the following: [NONE]**

**Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

KARL HALL, ESQ. for CITY OF RENO  
WILLIAM MANTLE  
WILLIAM MCKEAN, ESQ. for CITY OF RENO  
LUKE BUSBY, ESQ. for JENNY BREKHUS

**Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:**



JOHN L. MARSHALL, ESQ.  
SBN 6733  
570 Marsh Ave.  
Reno, Nevada 89509  
(775) 303-4882  
[johnladuemarshall@gmail.com](mailto:johnladuemarshall@gmail.com)

LUKE A. BUSBY, ESQ.  
SBN 10319  
316 California Ave.  
Reno, Nevada 89509  
(775) 453-0112  
[luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)

*Attorneys for the Respondent*

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF WASHOE**

\* \* \*

IN THE MATTER OF CHALLENGE TO  
THE QUALIFICATIONS OF JENNY  
BREKHUS,

Jenny Brekhus, Respondent; William  
Mantle, Challenger, and Real Parties in  
Interest.

CASE NO: CV22-00560

DEPT NO: 4

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE: On May 2, 2022 the Court entered the ORDER  
DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY FOR THE  
2022 MAYORAL ELECTION CONSTITUTIONAL, a true and correct copy of which is  
attached hereto as Exhibit 1.

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**NRS 239B.030(4) AFFIRMATION**

Pursuant to NRS 239B.030 the undersigned hereby affirms that this document  
does not contain the social security number of any person.

**DATED** this May 2, 2022

By: /s/ Luke Busby, Esq.

JOHN L. MARSHALL, ESQ.

SBN 6733

570 Marsh Ave.

Reno, Nevada 89509

(775) 303-4882

[johnladuemarshall@gmail.com](mailto:johnladuemarshall@gmail.com)

LUKE A. BUSBY, ESQ.

SBN 10319

316 California Ave.

Reno, Nevada 89509

(775) 453-0112

[luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)

**EXHIBIT LIST**

1. ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S  
CANDIDACY FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL

1  
2 **CERTIFICATE OF SERVICE**

3 I certify that on the date shown below, I caused service to be completed of a true  
4 and correct copy of the foregoing Document by:

5 \_\_\_\_\_ personally delivering;

6 \_\_\_\_\_ delivery via Reno/Carson Messenger Service;

7 \_\_\_\_\_ sending via Federal Express (or other overnight delivery service);

8 \_\_\_\_\_ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,

9   X   delivery via electronic means (fax, eflex, NEF, etc.) to:  
10  
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12 KARL HALL, ESQ. for CITY OF RENO

13 WILLIAM MANTLE

14 WILLIAM MCKEAN, ESQ. for CITY OF RENO

15 **DATED** this May 2, 2022

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17 By:   /s/ Luke Busby, Esq.    
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Alicia L. Lerud  
Clerk of the Court  
Transaction # 9027507

Exhibit 1

Exhibit 1

**IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA**  
**IN AND FOR THE COUNTY OF WASHOE**

WILLIAM MANTLE,

Challenger,

vs.

JENNIFER BREKHUS,

Respondent.

Case No. CV22-00560

Department No.: 4

**ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY  
FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL**

This judicial review involves a challenge filed by the Reno City Attorney based on a complaint filed by William Mantle ("Mantle"). Under Article 15 § 3(2) of the Nevada Constitution, Mantle is challenging Jennifer "Jenny" Brekhus's ("Brekhus") eligibility to be a candidate for Mayor for the City of Reno during the 2022 election.

**I. BACKGROUND**

"The City of Reno is a municipal corporation, organized and existing under the laws of the State of Nevada through a charter approved by the Legislature." *Lorton v. Jones*, 130 Nev. 51, 53 (2014). Under the Reno City Charter, "[t]he legislative power of the City is vested in a City Council consisting of six Council Members and a Mayor. RENO CITY CHARTER, art. II, § 2.010(1). "The Mayor and one Council Member represent the City at large and one Council Member represents each ward. The Mayor and Council Members serve for terms of 4 years." *Id.* at art. II § 2.010(3); *Id.* at art. V, § 5.0101(2)—(4). Every two years the City of Reno holds an election. *Id.* at art. V, § 5.0101(2)—(4). Reno's City Council's membership is staggered by this two-year election cycle. *Id.* The Mayor and City Council Members from the Second and



1 Fourth Wards are elected in one cycle. *Id.* A City Council Member at large and City Council  
2 Members from the First, Third, and Fifth Wards are elected in the other. *Id.*

3 In 1996, an amendment to Article 15 of the Nevada Constitution was “proposed by  
4 initiative petition and approved and ratified by the people at the 1994 and 1996 General  
5 Elections.”<sup>1</sup> The Amendment states, “[n]o person may be elected to any state office or local  
6 governing body who has served in that office, or at the expiration of his current term if he is so  
7 serving will have served, 12 years or more, unless the permissible number of terms or duration of  
8 service is otherwise specified in this Constitution.” NEV. CONST. art. XV, § 3(2).

9 The Nevada Supreme Court held that, for the purposes of Article 15 § (3)(2) of the  
10 Nevada Constitution, the position of Mayor for the City of Reno is equal to that of other  
11 members of the City Council. *Lorton*, 130 Nev. 51 at 63. “The mayor of Reno is not the chief  
12 executive and administrative officer, as that role is filled by the city manager, . . . , and the mayor  
13 has no administrative duties. The mayor is the head of the city government for ceremonial  
14 purposes only. While the Reno City Charter may assign additional duties to the Reno mayor,  
15 none of those added duties change the equality of all of the members of the city council or  
16 provide a basis for the unequal application of the limitations provision to all members of the  
17 local governing body. *Id.* (internal citations and quotation marks omitted).

## 18 **II. SUMMARY OF RELEVANT FACTS**

19 In 2012, Brekhus was elected to her first term as Reno City Council Member for Ward  
20 1.<sup>2</sup> Brekhus was subsequently elected to the same position in 2016 and again in 2020.<sup>3</sup> Brekhus’s  
21 current position as City Council Member for Ward 1 is scheduled to end in 2024. On March 17,  
22 2022, Brekhus filed her Declaration of Candidacy for Mayor for the City of Reno.<sup>4</sup> The term in  
23 question, for Mayor for the City of Reno, is scheduled to end in 2026.

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<sup>1</sup> See <https://www.leg.state.nv.us/const/nvconst.html#Art15>

26 <sup>2</sup>See <https://www.reno.gov/government/city-council/city-council-members/ward-1-jenny-brekhus#ad-image-0>

27 <sup>3</sup> *Id.*

28 <sup>4</sup> April 6, 2022, *Petition for Order to Show Cause Regarding the Candidacy of Jenny Brekhus for Mayor of the City of Reno* at Exhibit 1.

1 NRS 293 governs general elections in Nevada.<sup>5</sup> NRS 293C governs local elections in  
2 Nevada.<sup>6</sup> NRS 293C.186(1) states:

- 3 1. After a person files a declaration of candidacy to be a candidate for an office,  
4 and not later than 5 days after the last day the person may withdraw his or her  
5 candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a  
6 written challenge of the person on the grounds that the person fails to meet  
7 any qualification required for the office pursuant to the Constitution or laws of  
8 this State. Before accepting the challenge from the elector, the filing officer  
9 shall notify the elector that if the challenge is found by a court to be frivolous,  
10 the elector may be required to pay the reasonable attorney's fees and court  
11 costs of the person who is being challenged.
- 12 2. A challenge filed pursuant to subsection 1 must:
- 13 (a) Indicate each qualification the person fails to meet;
  - 14 (b) Have attached all documentation and evidence supporting the challenge;  
15 and
  - 16 (c) Be in the form of an affidavit, signed by the elector under penalty of  
17 perjury.
- 18 3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall  
19 immediately transmit the challenge to the city attorney.
- 20 4. If the city attorney determines that probable cause exists to support the  
21 challenge, the city attorney shall, not later than 5 working days after receiving  
22 the challenge, petition a court of competent jurisdiction to order the person to  
23 appear before the court. Upon receipt of such a petition, the court shall enter  
24 an order directing the person to appear before the court at a hearing, at a time  
25 and place to be fixed by the court in the order, to show cause why the  
26 challenge is not valid. A certified copy of the order must be served upon the  
27 person. The court shall give priority to such proceedings over all other matters  
28 pending with the court, except for criminal proceedings.
5. If, at the hearing, the court determines by a preponderance of the evidence that  
the challenge is valid or that the person otherwise fails to meet any  
qualification required for the office pursuant to the Constitution or laws of this  
State, or if the person fails to appear at the hearing, the person is subject to the  
provisions of NRS 293.2045.
6. If, at the hearing, the court determines that the challenge is frivolous, the court  
may order the elector who filed the challenge to pay the reasonable attorney's  
fees and court costs of the person who was challenged.

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25 <sup>5</sup> “The provisions of NRS 293.5772 to 293.5887, inclusive, apply to city elections. The other provisions of [NRS  
26 293], not inconsistent with the provisions of chapter 293C of NRS or a city charter, also apply to city elections.”  
NRS 293.126(1)—(2).

27 <sup>6</sup> “The provisions of [NRS 293C] apply only to city elections.” NRS 293C.100

1                   **III.     SUMMARY OF RELEVANT PROCEDURAL HISTORY**

2                   On April 4, 2022, Mantle filed a *Registration and Election Report/Complaint* (“April 4,  
3 2022, *Complaint*”) with the Reno City Clerk.<sup>7</sup>

4                   On April 6, 2022, the Reno City Attorney filed *Petition for Order to Show Cause*  
5 *Regarding the Candidacy of Jenny Brekhus for Mayor of the City of Reno* (“April 6, 2022,  
6 *Petition*”).

7                   On April 8, 2022, the Court issued *Order to Appear and Order to Show Cause*.

8                   On April 13, 2022, Brekhus filed *Motion to Dismiss Untimely Challenge to Candidacy on*  
9 *Order Shortening Time* (“April 13, 2022, *Motion*”). On April 15, 2022, Brekhus filed *Supplement*  
10 *to Petition for Order to Show Cause Regarding the Candidacy of Jenny Brekhus for Mayor of the*  
11 *City of Reno*. On April 15, 2022, Mantle filed *Response to Motion to Dismiss Untimely*  
12 *Challenge to Candidacy on Order Shortening Time* (“April 15, 2022, *Response*”). On April 18,  
13 2022, Brekhus filed *Reply to Opposition to Motion to Dismiss Untimely Challenge to Candidacy*  
14 *on Order Shortening Time* (“April 18, 2022, *Reply*”).

15                  On April 15, 2022, and April 17, 2022, Brekhus filed *Exhibit List* and *First Supplemental*  
16 *Exhibit List*, respectively.

17                  On April 20, 2022, Mantle, appeared in pro per, Luke Busby, Esq. and John Marshall,  
18 Esq., appeared with Brekhus, and the Reno City Attorney Karl Hall appeared on behalf of the  
19 City of Reno at the scheduled Order to Show Cause Hearing. On April 21, 2022, Brekhus filed  
20 *Supplement to Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time*.

21                   **IV.     SUMMARY OF ARGUMENTS**

22                  Mantle asserts that “Brekhus is an [u]nqualified [e]lector per [Article 15 § 3(2) of the  
23 Nevada Constitution]. This is Brekhus’[s] [tenth] year in office for the Reno City Council. She  
24 was most recently elected to a term of 4 years in 2020. Brekhus’[s] current term takes her to

25 \_\_\_\_\_  
26 <sup>7</sup> On March 17, 2022, Mantle filed an Election Integrity Violation Report with the Nevada  
27 Secretary of State. *April 15, 2022, Response* at Exhibit 4. On April 4, 2022, a representative from  
28 the Nevada Secretary of State contacted Mantle and informed Mantle that the challenge must be  
filed with the Washoe County Registrar. *Id.* at Exhibit 5. Mantle explained during the April 20,  
2022, hearing that the Washoe County Registrar of Voters informed Mantle that the challenge  
must be filed with the Reno City Clerk.

2024. . . . [Article 15 § 3(2) of the Nevada Constitution states], “[n]o person may be elected to any state office or local governing body who has served in that office, or at the expiration of his current term if he is so serving will have served, 12 years or more, unless the permissible number of terms or duration of service is otherwise specified in this constitution.” “I am unaware of any exception in NRS, the NV [C]onstitution, or the Reno City Charter. . . . Br[e]khus is limited by her current term’s expiration of 12 years and thus is ineligible for election as an unqualified elector per [Article 15 § 3(2) of the Nevada Constitution] and cannot run for election of [Mayor for the City of Reno].” *April 15, 2022, Response* at Exhibit 6.

Brekhus argues that NRS 293C bars Mantel’s challenge because Mantle’s challenge is “untimely,” and, for this reason, Mantel’s challenge “must be dismissed by this Court.” *April 13, 2022, Motion*. Brekhus asserts that “[s]tatutory timelines are mandatory and jurisdictional.” *Id.*

## **V. DISCUSSION**

### **a. The Court has Jurisdiction**

“When interpreting a statute, [the Court] look[s] to [the statute’s] plain language. If a statute’s language is plain and unambiguous, [the Court] enforce[s] the statute as written, without resorting to the rules of construction. Whenever possible, [the Court] interprets a rule or statute in harmony with other rules or statutes.” *Cervantes-Guevara v. Eighth Jud. Dist. Ct. in & for Cty. of Clark*, 138 Nev. Adv. Op. 10 (2022) (internal citations and quotation marks omitted). “When interpreting a statute, [the Court] will give the statute its plain meaning and will examine the statute as a whole without rendering words or phrases superfluous or rendering a provision nugatory. [The Court] will award meaning to all words, phrases, and provisions of a statute.” *Haney v. State*, 124 Nev. 408, 411–12 (2008).

NRS 293C.186(1) states, “[a]fter a person files a declaration of candidacy to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector *may* file with the city clerk a written challenge” regarding the eligibility of a candidate. (emphasis added). NRS 293C.186(1) does not require that an elector must file a challenge with the city clerk “no later than 5 days after the last day the person may withdraw his or her candidacy,” NRS 293C.186(1) only requires that,

1 “[b]efore accepting the challenge from the elector, the filing officer *shall* notify the elector that if  
2 the challenge is found by a court to be frivolous, the elector may be required to pay the  
3 reasonable attorney’s fees and court costs of the person who is being challenged” (emphasis  
4 added). NRS 293C.186(1) provides one avenue for an elector to file a challenge regarding a  
5 candidate’s eligibility, and the only requirement stated in NRS 293C.186(1) is that the city clerk  
6 must apprise the challenger of the possibility that a court could find the challenge “frivolous”  
7 and the challenger may be “required to pay the reasonable attorney’s fees and court costs of the  
8 person who is being challenged.” Additionally, NRS 293C.186(1) does not prohibit an elector  
9 from filing a challenge outside of the timeframe stated in NRS 293C.186(1).

10 Furthermore, NRS 293C.186(2) only mandates what a “challenge filed pursuant to  
11 subsection 1 *must*” contain in order for the city clerk to be required to immediately transmit the  
12 challenge to the city attorney. (emphasis added). Similarly, NRS 293C.186(3) instructs that,  
13 “[u]pon receipt of a challenge pursuant to subsection 1, the city clerk *shall* immediately transmit  
14 the challenge to the city attorney.” (emphasis added). NRS 293C.186(3) mandates that the city  
15 clerk must “immediately transmit” a challenge that is filed in compliance with NRS 293C.186(1)  
16 and NRS 293C.186(2). However, 293.186(3) does not prohibit the city clerk from transmitting a  
17 challenge to the city attorney in the event that the requirements of 293C.186(1) and 293C.186(2)  
18 are not met.

19 Having determined that the City Clerk properly transmitted Mantle’s *April 4, 2022,*  
20 *Complaint* to the City Attorney, the Court now looks to NRS 293C.186(4). NRS 293C.186(4)  
21 states that “[i]f the city attorney determines that probable cause exists to support the challenge,  
22 the city attorney *shall*, not later than 5 working days after receiving the challenge, petition a  
23 court of competent jurisdiction to order the person to appear before the court.” (emphasis added)  
24 NRS 293C.186(4) gives discretion to the city attorney to determine if probable cause exists, and  
25 then requires the city attorney to petition a court of competent jurisdiction “not later than 5  
26 working days after receiving the challenge” if the city attorney “determines that probable cause  
27 exists.” Here, Mantle filed his challenge on April 4, 2022. The City Attorney determined that  
28 probable cause existed and petitioned the Court on April 6, 2022. The City Attorney’s actions

1 followed the requirements of NRS 293C.186(4), and therefore the Court has jurisdiction to hear  
2 the instant matter.

3 Moreover, this is in accord with NRS 293.2045(1). 293C.186(5) states that if “the court  
4 determines by a preponderance of the evidence that the challenge is valid or that the person  
5 otherwise fails to meet any qualification required for the office pursuant to the Constitution or  
6 laws of this State, or if the person fails to appear at the hearing, the person is subject to the  
7 provisions of NRS 293.2045.” NRS 293.2045(1) states the remedies available “[i]n addition to  
8 any other remedy or penalty provided by law, but except as otherwise provided in NRS  
9 293.1265, if a court of competent jurisdiction finds in *any preelection action* that a person who is  
10 a candidate for any office fails to meet any qualification required for the office pursuant to the  
11 Constitution or laws of this State. . . .” (emphasis added). NRS 293.2045(1) does not limit itself  
12 to the preelection actions specified in NRS 293 and NRS 293C. NRS 293.2045(1) allows  
13 remedies for “any preelection action.” NRS 293.2045(1) does not prohibit preelection actions  
14 other than those found in NRS 293 and NRS 293C. Therefore, pursuant to NRS 293.126(2),  
15 because NRS 293.2045(1) is not inconsistent with any provision of NRS 293C, NRS  
16 293.2045(1) applies to city elections.

17 For the above stated reasons, the Court has jurisdiction to hear Mantle’s challenge, and  
18 the Court finds the issue of whether Mantel filed his *April 4, 2022, Complaint* within the  
19 timeframe dictated in NRS 293C.186 moot.

20 **b. Article 15 § (3)(2) of the Nevada Constitution Does Not Prohibit**  
21 **Brekhus’s Eligibility to be a Candidate for Mayor for the City of Reno**  
22 **during the 2022 election**

23 Mantle argues that Brekhus is ineligible to run for Mayor for the City of Reno during the  
24 2022 election because the scheduled end date for Brekhus’s current position within the local  
25 governing body brings Brekhus’s time within said local governing body to twelve years. Mantle  
26 argues that Article 15 § 3(2) of the Nevada Constitution requires Brekhus to resign her position  
27 as Ward 1 City Council Member for the City of Reno before becoming eligible to run for Mayor  
28 for the City of Reno.

1           However, the question before the Court is not whether a person who, at the scheduled end  
2 of their current term within a local governing body would have served twelve years within the  
3 same local governing body, resigned their currently held position in order to become an eligible  
4 candidate for a separate position within said local governing body, the term for which would  
5 bring said person's position within said local governing body to fourteen years, the question  
6 before the Court is whether a person who is currently serving within a local governing body, for  
7 which the scheduled end of said person's current term within the local governing body brings  
8 said person to twelve years within the same local governing body, is eligible to be a candidate for  
9 a separate position within said local governing body, for which the new elected term would bring  
10 said person's time within said local governing body to fourteen years.

11           For this reason, the Court will not address what affect a person's resignation from their  
12 current position within a local governing body, before actually serving for twelve years, would  
13 have on their eligibility to be a candidate for a separate position within said local governing  
14 body, the term for which would extend said candidate's time within said local governing body to  
15 12 years or more. The Court will narrowly address whether a person, who at the end of their  
16 currently held term within a local governing body would have served twelve years within the  
17 same local governing body, is constitutionally prohibited from being a candidate for a separate  
18 position within said local governing body for which the new position's term's start date is prior  
19 to the scheduled end date of said person's currently held term, and for which, if the person is  
20 successful in their campaign, would extend said person's time within said local governing body  
21 to fourteen years.

22           “Consonant with the axiomatic principle that it is emphatically the province and duty of the  
23 judicial department to say what the law is, Nevada courts are the ultimate interpreter of the  
24 Nevada Constitution. When interpreting a constitutional provision, [the Court's] ultimate goal is  
25 to determine the public understanding of a legal text leading up to and in the period after its  
26 enactment or ratification. In doing so, we look to the provision's language; if it is plain, the text  
27 controls and we will apply it as written. Thus, when a constitutional provision's language is clear  
28 on its face, we will not go beyond that language in determining the voters' intent or to create an

1 ambiguity when none exists.” *Legislature of State v. Settlemeyer*, 137 Nev. Adv. Op. 21 (2021)  
2 (internal citations and quotations marks omitted).

3 “We will apply the plain meaning of a statute unless it is ambiguous, meaning that it is  
4 susceptible to two or more reasonable but inconsistent interpretations. If the constitutional  
5 provision is ambiguous, we look to the history, public policy, and reason for the provision.  
6 Additionally, the interpretation of a . . . constitutional provision will be harmonized with other  
7 statutes.” *Landreth v. Malik*, 127 Nev. 175, 180 (2011) (internal citations and quotation marks  
8 omitted). “[A] contemporaneous construction by the [L]egislature of a constitutional provision is  
9 a safe guide to its proper interpretation and creates a strong presumption that the interpretation  
10 was proper, because it is likely that legislation drafted near in time to the constitutional provision  
11 reflects the constitutional drafters' mindset.” *Ramsey v. City of N. Las Vegas*, 133 Nev. 96, 98  
12 (2017) (alteration in original) (internal quotation marks omitted).

13 It is undisputed that if Brekhus were to complete her current term as Reno City Council  
14 Member for Ward 1, that Article 15 § 3(2) of the Nevada Constitution would prohibit Brekhus  
15 from serving within that local governing body again. However, Brekhus’s candidacy for Mayor  
16 for the City of Reno is disputed because the scheduled end date for Brekhus’s current term, as  
17 Ward 1 City Council Member, puts Brekhus’s time for having served within the same local  
18 governing body at twelve years. The Court looks to the language of the Nevada Constitution  
19 when determining whether Brekhus is prohibited from being a candidate for Mayor for the City  
20 of Reno during the 2022 election. Article 15 § (3)(2) of the Nevada Constitution states, in  
21 relevant part, “[n]o person may be elected to any . . . local governing body who has served in that  
22 office, or at the expiration of his current term if he is so serving will have served, 12 years or  
23 more. . . .” The Court parses this language into three parts.

24 First, the Court focuses on the language: “12 years or more. . . .” The Court finds this  
25 language expressly acknowledges that a person could serve within a local governing body for a  
26 period of more than twelve years.

27 Second, the Court focuses on the language: “who has served in that office. . . .” The  
28 Court finds this language prohibits a person from serving within a local governing body if said



1 person has already served within a local governing body for a period of twelve years or more.  
2 This is in accord with the remainder of the Amendment, which prohibits a person from serving  
3 for twelve years or more within the same local governing body.

4 Finally, the Court focuses on the language: “at the expiration of his current term if he is  
5 so serving will have served. . . .” This is the language within Article 15 § (3)(2) of the Nevada  
6 Constitution that is being challenged. However, the Court finds only one reading of this language  
7 that is in accord with the remainder of the Amendment.

8 This language prohibits a person from becoming a candidate for a local governing body  
9 if, at the beginning of the term for which said person is a candidate, said person “will have  
10 served” twelve years or more within said local governing body. This language does not prohibit a  
11 person from becoming a candidate for a local governing body if, at the beginning of the term for  
12 which said person is a candidate, said person will not have served twelve years or more within  
13 said local governing body.

14 Here, if Brekhus is successful in the 2022 Mayoral election, it would be an impossibility  
15 for Brekhus to have served for twelve years or more within the same local governing body prior  
16 to assuming her new term as Mayor for the City of Reno. The term for the Mayoral position for  
17 which Brekhus is a candidate begins two years before Brekhus’s current term is scheduled to  
18 end. If Brekhus is successful in her Mayoral election, Brekhus will have served for ten years  
19 within the same local governing body prior to assuming her newly elected position. For this  
20 reason, if Brekhus is successful in her campaign for Mayor for the City of Reno, Brekhus would  
21 be unable to have served for twelve years or more within a local governing body prior to the start  
22 of her Mayoral term.

23 In regard to a person’s eligibility to be a candidate for a position within a local governing  
24 body, separate from said person’s currently held position within said local governing body and  
25 without said person having resigned said currently held position, Article 15 § (3)(2) of the  
26 Nevada Constitution does not prohibit said person’s eligibility based on the amount of time said  
27 person could have served within said local governing body under their current term; Article 15 §  
28 (3)(2) prohibits said person from becoming a candidate for a position within said local governing

body based on whether the term for the said new position begins at or after said person will have served for twelve years or more within said local governing body under said currently held position. If Brekhus is successful in her 2022 campaign for Mayor for the City of Reno, the staggered election cycles make it an impossibility for Brekhus to have served for twelve years or more within the same local governing body prior to assuming the position of Mayor for the City of Reno.

**c. The Court Does Not Find the Challenge was Frivolous and Will Not Order Mantle to Pay Reasonable Attorney's Fees and Costs**

A “frivolous action has been defined as one that is baseless, and baseless means that the pleading is [not] well grounded in fact [or is not] warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.” *Simonian v. Univ. & Cmty. Coll. Sys. of Nevada*, 122 Nev. 187, 196 (2006) (internal citations and quotation marks omitted) (alteration in original). A “complaint appears completely frivolous on its face [when] . . . it appears to lack an arguable basis either in law or in fact. . . .” *Jordan v. State ex rel. Dep't of Motor Vehicles & Pub. Safety*, 121 Nev. 44, 57–58 (2005) (abrogated on other grounds).

“The decision whether to award attorney's fees is within the sound discretion of the trial court.” *Bergmann v. Boyce*, 109 Nev. 670, 674 (1993) (abrogated on other grounds).

The Court finds Mantle had reasonable grounds to file the *April 4, 2022, Complaint*, and that Mantle did not file the *April 4, 2022, Complaint* to harass Brekhus. Mantle’s *April 4, 2022, Complaint* was grounded in fact and a good faith argument regarding whether a candidate is eligible for election under Article 15 § (3)(2) of the Nevada Constitution. For the above stated reasons, the Court finds that there was a basis in both law and fact for Mantle’s *April 4, 2022, Complaint*, and the Court does not find Mantle’s *April 4, 2022, Complaint* frivolous. The Court will not order Mantle to pay for Brekhus’s reasonable attorney fees or costs.

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**CERTIFICATE OF SERVICE**

CASE NO. CV22-00560

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 2 day of May, 2022, I electronically filed the **ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL** with the Clerk of the Court by using the ECF system.

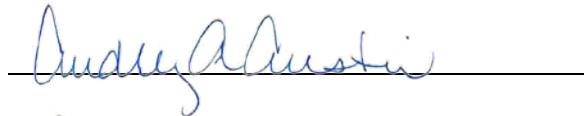
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

**Personal delivery to the following: [NONE]**

**Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

KARL HALL, ESQ. for CITY OF RENO  
WILLIAM MANTLE  
WILLIAM MCKEAN, ESQ. for CITY OF RENO  
LUKE BUSBY, ESQ. for JENNY BREKHUS

**Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:**



CASE NO. CV22-00560     **TITLE: IN REGARDS TO JENNY BREKHUS**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

4/20/2022

**ORDER TO SHOW CAUSE**

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

J. Kernan

(Reporter)

Reno City Attorney Karl Hall, Esq., represented the City of Reno. Interested Party William Mantle present representing himself. Respondent Jenny Brekhus present with counsel, Luke Busby, Esq., and John Marshall, Esq.

10:00 a.m. Court convened.

Appearances made for the record.

Court noted the pleadings filed in this matter.

Counsel Marshall requested that all exhibits attached to the pleadings be considered by the Court and admitted for purposes of this hearing. There being no objections made, **COURT ENTERED ORDER** that all exhibits attached to the pleadings admitted for purposes of this hearing.

Motion to Dismiss Untimely Challenge to Candidacy by counsel Marshall; presented argument; objection and argument by Interested Party Mantle; reply argument by counsel Marshall.

Interested Party Mantle presented objection to Jenny Brekhus' candidacy as Mayor of the City of Reno.

Counsel Hall addressed the Court as to the City of Reno's finding of probable cause to file the Petition.

Counsel Busby presented argument in support of Jenny Brekhus' Candidacy as Mayor of the City of Reno.

Interested Party Mantle replied to counsel Busby's argument in support of Jenny Brekhus' candidacy as Mayor of the City of Reno.

Counsel Hall addressed the Court as to the City of Reno's finding of probable cause to file the Petition.

Although the Court believes that the Motion to Dismiss will be denied and the issue of Jenny Brekhus' candidacy, **COURT** took both matters under advisement.

At the request of counsel Marshall and Busby, Respondent's PowerPoint presentation presented during this hearing was marked as Exhibit AA to this proceeding.

Court recessed.

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## Exhibits

Title: **IN THE MATTER OF JENNY BREKHUS**

PET: **CITY OF RENO**

ATTY: **KARL HALL, ESQ.**

RESP: **JENNY BREKHUS**

ATTY: **LUKE BUSBY, ESQ.**

**JOHN MARSHALL, ESQ.**

INT. PTY: **WILLIAM MANTLE**

ATTY: **PRO PER**

Case No: **CV22-00560**

Dept. No: **4**

Clerk: **M. Stone**

Date: **4/20/2022**

Exhibit No.	Party	Description	Marked	Offered	Admitted
AA.	Respondent	PowerPoint Presentation	4/20/200		

Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

**WILLIAM MANTLE,**  
**Challenger,**

**Case No. CV22-00560**

**vs.**

**Dept. No. 4**

**JENNIFER BREKHUS,**  
**Respondent.**

**CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 3rd day of June, 2022, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 3rd day of June, 2022.

Alicia L. Lerud  
Clerk of the Court  
By /s/Y.Viloria  
Y.Viloria  
Deputy Clerk