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570 Marsh Ave.
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Electronically Filed
Jun 13 2022 11:53 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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 CROSS-APPEAL

Notice is hereby given that Respondent JENNY BREKHUS above named, by
and through the undersigned counsel, hereby cross-appeals the May 2, 2022
ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY
FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL in the above captioned
matter. The Respondent also tenders herewith the required \$500 appeal bond.

///

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 Jun 10, 2022

By: /s/ Luke Busby, Esq.

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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
11

12 KARL HALL, ESQ. for CITY OF RENO

13 And via US Mail and email to:

14 William Mantle
15 2040 Angel Ridge Dr.
16 Reno, NV 89521
17 Email: mantleformayor@gmail.com

18 **DATED** this Jun 10, 2022

19
20 By: /s/ Luke Busby, Esq.
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28

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Attorneys for the Respondent

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

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

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

CASE NO: CV22-00560

DEPT NO: 4

CASE APPEAL STATEMENT - CROSS APPEAL

Respondent JENNY BREKHUS above named, hereby files the following Case Statement for the appeal of the May 2, 2022 ORDER DENYING MOTION TO DISMISS AND FINDING BREKHUS'S CANDIDACY FOR THE 2022 MAYORAL ELECTION CONSTITUTIONAL ("Order") in the above captioned matter.

(1) The District Court case number is CV22-00560. The Parties are JENNY BREKHUS, Respondent, and Real Parties in Interest WILLIAM MANTLE, and the CITY OF RENO.

1 (2) The name of the judge who entered the order or judgment being appealed:

2 The Honorable Connie Steinheimer;

3 (3) The name of each appellant and the name and address of counsel for each
4 appellant are:

5 The appellant is JENNY BREKHUS.

6 Counsel for the Appellant is:

7 JOHN L. MARSHALL, ESQ.

8 SBN 6733

570 Marsh Ave.

9 Reno, Nevada 89509

(775) 303-4882

10 johnladuemarshall@gmail.com

11 LUKE A. BUSBY, ESQ.

12 SBN 10319

316 California Ave.

13 Reno, Nevada 89509

(775) 453-0112

14 luke@lukeandrewbusbyltd.com

15 (4) The name of each respondent and the name and address of appellate
16 counsel are:

17 THE CITY OF RENO:

18 Counsel for the Respondent City of Reno are:

19 KARL HALL

20 P.O. Box 1900

21 Reno, NV 89505

Phone: 775-334-2050

22 WILLIAM MANTLE, acting *pro se*.

23 William Mantle

24 2040 Angel Ridge Dr.

25 Reno, NV 89521

26 (5) The undersigned counsel believes that all attorneys named herein are
27 licensed to practice law in Nevada, but that Mr. Mantle, acting *pro se*, is not so
28 licensed;

1 (6) The Appellant was represented by counsel at the District Court;

2 (7) The Appellant will be represented by counsel on appeal;

3 (8) The district court did not grant the Appellant leave to proceed in forma
4 pauperis;

5 (9) The proceedings commenced in the District Court on April 6, 2022;

6 (10) The nature of the action and result in the District Court are as follows:

7 On April 6, 2022, the Reno City Attorney filed a Petition for an Order to Show
8 Cause ("Petition") regarding the challenge to the qualification of Jenny Brekhus for
9 the Office of Mayor of the City of Reno brought by William Mantle. The Petition
10 does not address the issue of whether the challenge by Mr. Mantle was timely filed.
11 On April 8, 2022, this Court issued an Order to Appear and Order to Show Cause
12 regarding the challenge filed by Mr. Mantle.

13 The District Court held a hearing on April 20, 2022 and issued its Order on
14 May 2, 2022 finding that the Petition was timely filed, that Ms. Brekhus' candidacy is
15 Constitutional, and denying Brekhus' request for a finding that the challenge was
16 frivolous and for attorney's fees and costs.

17 (11) This case is the subject of an appeal to the Supreme Court or the Nevada
18 Court of Appeals filed by Mr. Mantle in Case No. 84821.

19 (12) This appeal does not involve child custody or visitation; and

20 (13) The Appellant does not believe that the appeal involves the possibility of
21 settlement.

22 ///

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28 ///

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 Jun 10, 2022

By: /s/ Luke Busby, Esq.
JOHN L. MARSHALL, ESQ.
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CERTIFICATE OF SERVICE

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_____ delivery via Reno/Carson Messenger Service;

_____ sending via Federal Express (or other overnight delivery service);

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

 X delivery via electronic means (fax, eflex, NEF, etc.) to:

KARL HALL, ESQ. for CITY OF RENO

And via US Mail and email to:

William Mantle
2040 Angel Ridge Dr.
Reno, NV 89521
Email: mantleformayor@gmail.com

DATED this Jun 10, 2022

By: /s/ Luke Busby, Esq.

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

Case History - CV22-00560

Case Description: IN RE: JENNY BREKHUS (D4)

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

Parties

| <u>Party Type & 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 & 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 - SAB - **Supreme Court Appeal Bond
Additional Text: BOND ID: SAB-22-00020
- 56 6/1/2022 - 2515 - Notice of Appeal Supreme Court
No additional text exists for this entry.
- 57 6/1/2022 - 1310 - Case Appeal Statement
No additional text exists for this entry.
- 58 6/1/2022 - 3720 - Proof of Service
No additional text exists for this entry.
- 59 6/1/2022 - 3720 - Proof of Service
No additional text exists for this entry.
- 60 6/3/2022 - 1310 - Case Appeal Statement
Additional Text: CASE APPEAL STATEMENT - Transaction 9081454 - Approved By: NOREVIEW : 06-03-2022:09:08:50
- 61 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
- 62 6/3/2022 - FIE - **Document Filed in Error
Additional Text: Filed in Error - Payment Received
- 63 6/3/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 9081459 - Approved By: NOREVIEW : 06-03-2022:09:09:31
- 64 6/6/2022 - 1187 - **Supreme Court Case No. ...
Additional Text: SUPREME COURT NO. 84821
- 65 6/8/2022 - 1188 - Supreme Court Receipt for Doc
Additional Text: SUPREME COURT NO. 84821 - RECEIPT FOR DOCUMENTS - Transaction 9090021 - Approved By: NOREVIEW : 06-08-2022:15:01:10
- 66 6/8/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 9090031 - Approved By: NOREVIEW : 06-08-2022:15:02:03
- 67 6/10/2022 - \$2527 - \$Notice of Cross Appeal
Additional Text: Transaction 9095395 - Approved By: YVILORIA : 06-13-2022:08:03:18
- 68 6/10/2022 - SAB - **Supreme Court Appeal Bond
Additional Text: Transaction 9095410 - Approved By: YVILORIA : 06-13-2022:08:04:43
- 69 6/10/2022 - 1311 - Case Appeal Stmt-Cross Appeal
Additional Text: Transaction 9095420 - Approved By: NOREVIEW : 06-10-2022:16:48:02
- 70 6/10/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 9095425 - Approved By: NOREVIEW : 06-10-2022:16:48:41
- 71 6/13/2022 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$34.00 was made on receipt DCD693079.
- 72 6/13/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 9095712 - Approved By: NOREVIEW : 06-13-2022:08:03:58

- 73 6/13/2022 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$500.00 was made on receipt DCDC693081.
- 74 6/13/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 9095719 - Approved By: NOREVIEW : 06-13-2022:08:05:22
- 75 6/13/2022 - 1350 - Certificate of Clerk
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF CROSS-APPEAL - Transaction 9095822 - Approved By:
NOREVIEW : 06-13-2022:08:47:56
- 76 6/13/2022 - 4113 - District Ct Deficiency Notice
Additional Text: NOTICE OF CROSS-APPEAL DEFICIENCY FOR SUPREME COURT FILING FEES - Transaction 9095822 - Approved By:
NOREVIEW : 06-13-2022:08:47:56
- 77 6/13/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 9095825 - Approved By: NOREVIEW : 06-13-2022:08:48:37

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.”¹ 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 1.² Brekhus was subsequently elected to the same position in 2016 and again in 2020.³ 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.⁴ The term in
23 question, for Mayor for the City of Reno, is scheduled to end in 2026.

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

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

27 ³ *Id.*

28 ⁴ 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.⁵ NRS 293C governs local elections in
2 Nevada.⁶ 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 ⁵ “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 ⁶ “The provisions of [NRS 293C] apply only to city elections.” NRS 293C.100

III. SUMMARY OF RELEVANT PROCEDURAL HISTORY

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

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

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

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

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

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

IV. SUMMARY OF ARGUMENTS

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

⁷ On March 17, 2022, Mantle filed an Election Integrity Violation Report with the Nevada Secretary of State. *April 15, 2022, Response* at Exhibit 4. On April 4, 2022, a representative from 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**
during the 2022 election

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

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.

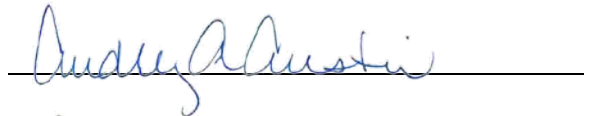
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

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:



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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.

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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
11

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

16
17 By: /s/ Luke Busby, Esq.
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FILED
Electronically
CV22-00560
2022-05-02 02:39:43 PM
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.”¹ 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 1.² Brekhus was subsequently elected to the same position in 2016 and again in 2020.³ 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.⁴ The term in
23 question, for Mayor for the City of Reno, is scheduled to end in 2026.

24
25 ¹ See <https://www.leg.state.nv.us/const/nvconst.html#Art15>

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

27 ³ *Id.*

28 ⁴ 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.⁵ NRS 293C governs local elections in
2 Nevada.⁶ 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 ⁵ “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 ⁶ “The provisions of [NRS 293C] apply only to city elections.” NRS 293C.100

III. SUMMARY OF RELEVANT PROCEDURAL HISTORY

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

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

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

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

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

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

IV. SUMMARY OF ARGUMENTS

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

⁷ On March 17, 2022, Mantle filed an Election Integrity Violation Report with the Nevada Secretary of State. *April 15, 2022, Response* at Exhibit 4. On April 4, 2022, a representative from 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**
during the 2022 election

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

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.

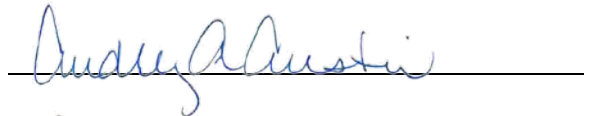
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

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.

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 MANGLE,

Challenger,

Case No. CV22-00560

vs.

Dept. No. 4

JENNIFER BREKHUS,

Respondent.

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF CROSS-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 13th day of June, 2022, I electronically filed the Notice of Cross-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 13th day of June, 2022.

ALICIA L. LERUD
Clerk of the Court
By /s/Y.Viloria
Y.Viloria
Deputy Clerk

Code 4132

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

WILLIAM MANGLE,

Case No. CV22-00560

Challenger,

Dept. No. 4

vs.

JENNIFER BREKHUS,

Respondent.

NOTICE OF APPEAL DEFICIENCY

TO: Clerk of the Court, Nevada Supreme Court,
and All Parties or their Respective Counsel Of Record:

On June 10th, 2022, Attorney Luke A. Busby, Esq., for Jenny Brekhus, filed a Notice of Cross-Appeal with the Court. Attorney Busby failed to include the Two Hundred Fifty Dollar (\$250.00) Supreme Court filing fee.

Pursuant to NRAP 3(a)(3), on June 13th, the Notice of Cross-Appeal was filed with the Nevada Supreme Court. By copy of this notice Attorney Busby, was apprised of the deficiency by electronic mail.

Dated this 13th day of June, 2022.

Alicia L. Lerud
Clerk of the Court

By: /s/Y.Viloria
Y.Viloria
Deputy Clerk

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 13th day of June, 2022, I electronically filed the Notice of Cross-Appeal Deficiency 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:

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:

By:/s/Y.Viloria
Y.Viloria
Deputy Clerk