

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

Electronically Filed
Jun 17 2022 04:18 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

WILLIAM MANTLE,

Appellant,

vs.

JENNIFER BREKHUS,

Respondent.

Sup. Ct. Case No. 84821

Case No. CV22-00560

Dept. 4

RECORD ON APPEAL

VOLUME 5 OF 5

DOCUMENTS

APPELLANT

William Mantle
2040 Angel Ridge Dr.
Reno, Nevada 89521

RESPONDENT

John L. Marshall Esq SBN 6733
570 Marsh Ave.
Reno, Nevada 89509

Luke A. Busby, Esq. SBN 10319
316 California Ave.
Reno, Nevada 89509
Attorneys for Jennifer Brekhus

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 DISTRICT CASE NO: CV22-00560
 WILLIAM MANTLE vs JENNIFER BREKHUS
 DATE: JUNE 17, 2022

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Return Of NEF**Recipients**

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Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Subpoena

Filed By:

Luke A. Busby

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WILLIAM MANTLE

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JOHN L. MARSHALL, ESQ. for JENNY
BREKHUS

Address:

JOHN L. MARSHALL,
ESQ.

570 Marsh Avenue

Reno, NV 89509

JOHN L. MARSHALL, ESQ.
SBN 6733
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LUKE A. BUSBY, ESQ.
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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 Brekhuis, Respondent; William
Mantle, Challenger, and Real Parties in
Interest.

CASE NO: CV22-00560

DEPT NO: 4

FIRST SUPPLEMENTAL EXHIBIT LIST

COMES NOW, Respondent JENNY BREKUS, by and through the undersigned
counsel, and hereby files the following first supplemental list of exhibits, attached
hereto, for the April 20, 2022 hearing scheduled in this matter.

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 Apr 17, 2022

By: /s/ Luke Busby, Esq.
JOHN L. MARSHALL, ESQ.
SBN 6733
570 Marsh Ave.
Reno, Nevada 89509
(775) 303-4882
johnladuemarshall@gmail.com

LUKE A. BUSBY, ESQ.
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luke@lukeandrewbusbyltd.com

CERTIFICATE OF SERVICE

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

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_____ 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 Apr 17, 2022

By: /s/ Luke Busby, Esq.

EXHIBITS

Exhibit No.	Date	Title	Description	Author
13	N/A	SOS Notice of Completion of Campaign Form	Same	Nevada SOS

Exhibit 13

Exhibit 13



BARBARA K. CEGAVSKE
 Secretary of State
 Elections Division
 101 North Carson Street, Suite 3
 Carson City, Nevada 89701-3714
 Phone: (775) 684-5705
 Fax: (775) 684-5718
 Website: www.nvsos.gov

Notice of Completion of Campaign

CANDIDATE INFORMATION:

Name of Candidate	Title of Office
Mailing Address	
Street Name, Number	City
State	Zip Code

STATEMENT: (One of the following *must* be checked)

- ☐ I have withdrawn my candidacy pursuant to NRS 293.202 or 293C.195.*
 * If above box is checked, candidate must enclose a copy of the withdrawal of candidacy with this notice.
- ☐ I have ended my campaign without withdrawing my candidacy pursuant to NRS 293.202 or NRS 293C.195.
- ☐ I was defeated at the primary election for the office noted above.
- ☐ I was removed from the ballot by court order.

MANDATORY STATEMENTS: (The following *must* be checked)

- ☐ I hereby affirm that I have properly disposed of all unspent or excess contributions pursuant to NRS 294A.160.
- ☐ I hereby give notice to the Secretary of State's Office that I am ending my campaign and will not accept any additional contributions.

AFFIRMATION: (One of the following *must* be checked)

- ☐ I Declare Under Penalty of Perjury that the Foregoing is True and Correct.
- ☐ I Declare Under an Oath to God that the Foregoing is True and Correct. *

* A declaration under an oath to God is subject to the same penalties as a declaration under penalty of perjury.

X

Date _____

Signature _____

EL113
 NRS 294A.350
 Revised: 8-28-19

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Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Response

- **Continuation
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Filed By:

William Mantle

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BREKHUS

WILLIAM MANTLE

KARL SCHLEIGH HALL, ESQ. for CITY OF
RENO

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JOHN L. MARSHALL, ESQ. for JENNY
BREKHUS

Address:

JOHN L. MARSHALL,
ESQ.

570 Marsh Avenue

Reno, NV 89509

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ESQ.

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Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

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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

**REPLY TO OPPOSITION TO MOTION TO DISMISS UNTIMELY CHALLENGE TO
CANDIDACY ON ORDER SHORTENING TIME**

COMES NOW, Respondent JENNY BREKHUS, by and through the undersigned counsel, and hereby files this REPLY TO OPPOSITION TO MOTION TO DISMISS the April 4, 2022 challenge to the mayoral candidacy of Respondent filed by Real Party in Interest William Mantle on April 15, 2022.

This Reply is made and based upon all the pleadings and records on file for

1 this proceeding together with every exhibit that is mentioned herein or attached
2 hereto (each of which is incorporated by this reference as though it were set forth
3 herein haec verba), if any there be, as well as the points and authorities set forth
4 directly hereinafter.
5

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 Under the clearly applicable statutes, Mr. Mantle filed his challenge five days
8 late. As set forth in Ms. Brekus's Motion to Dismiss, NRS Chapter 293C requires
9 challenges to be brought within five days of the end of the period for candidacy
10 withdrawals. The plain language of NRS 293C.186(1) and 293C.195, provide that
11 the last day to file a challenge to a candidate was March 29, 2022 (five (5) business
12 days after the last day to withdraw, which was March 22, 2022.
13

14 In an effort to avoid the straightforward application of relevant statutes, Mr.
15 Mantle argues: (1) that he was told and believed that he had until April 4, 2022 to
16 make a challenge to Ms. Brekhus' candidacy by the City Clerk, and (2) that he
17 believes that AB 50, passed in 2019, did away with the "city election" process. Both
18 arguments fail to overcome the plain language of the provisions in NRS Chapter
19 239C. Because there is no reasonable question as to whether the provisions of
20 NRS 293C apply to the challenge filed by Mr. Mantle, and the challenge was filed
21 beyond the timeframe permitted under NRS 293C, this Court lacks jurisdiction to
22 rule on the challenge, and it should be dismissed accordingly.
23
24

25 **Bad Advice**

26 Mr. Mantle argues that he was told by others that the due date to file a
27 challenge to candidacy was April 4, 2022, including information he was provided by
28

1 the Reno City Clerk via a candidate packet, and the Nevada Secretary of State via
2 their election calendar, and by an official at the Secretary of State's Office. See
3 Opposition at pages 1-5 generally. There is no indication that Mr. Mantle consulted
4 with counsel about the timelines applicable to his challenge of Brekhus' candidacy,
5 or that he did a review of the statutory requirements at issue himself. Rather, it
6 appears Mr. Mantle assumed from what he was told in pamphlets that he was
7 provided that the deadline for his proposed challenge was April 4, 2022 and that the
8 provisions of NRS Chapter 293, and not NRS Chapter 293C apply. However, NRS
9 Chapter 293 is applicable to city elections only if not inconsistent with the provisions
10 of NRS Chapter 293C, and specific and express deadlines for candidate challenges
11 are provided in NRS Chapter 293C. See NRS 293.126(2).

14 The fact that the Reno City Attorney filed the Petition with this Court is also not
15 relevant, because the City's Petition does not address or account for the lack of
16 timeliness of Mr. Mantle's challenge, nor does the Supplement filed by the City
17 Attorney on April 15, 2022, directly account for the lack of timeliness with a legal
18 argument. The City's supplement includes a "Response Affidavit" from the City
19 Clerk Mikki Huntsman in Exhibit 5, which states that Ms. Huntsman told candidates
20 that the deadline for candidate withdrawal was required to be presented 7 days after
21 the last day for filing. However, this advice directly contradicts the provisions NRS
22 293C.195, which plainly states that the last day to withdraw as a candidate is two (2)
23 business days after the last day to declare candidacy, or March 22, 2022.
24 Furthermore, the City Clerk states in Exhibit 5 that she "relied on information
25 provided by the Secretary of State, including the above-referenced candidate
26
27
28

1 withdrawal form, as well as 2022 Nevada Election Calendar.” There is no indication
2 in the Affidavit in Exhibit 5 to the City’s supplement that the City Clerk reviewed the
3 applicable statutory provisions, sought counsel from an attorney in approving the
4 information she was providing to candidates, or that the City Clerk is an attorney.
5 The Reno City Clerk’s reliance on materials provided by the Secretary of State was
6 also clearly misplaced, as the Secretary of State oversees statewide elections under
7 NRS Chapter 293, not city elections. See NRS 293.124(1), “The Secretary of State
8 shall serve as the Chief Officer of Elections for this State.” Further, NRS 293.126(2)
9 states that the provisions of NRS Chapter 293 apply to city elections only if not
10 inconsistent with the provisions of chapter 293C of NRS or a city charter.
11

12
13 The other statements referred to in the Opposition to the Motion, i.e. those of
14 other government officials such as Sandy Edwards, are clearly hearsay, not
15 evidence, and should not be considered by the Court under NRS 50.065. Further,
16 these statements illustrate the logic behind the rule. While Mr. Mantle reports what
17 he was told, it's not clear what he asked the officials at issue, i.e. whether he was
18 specifically asking for timelines applicable to city elections or statewide elections.
19

20 Mr. Mantle further argues that, pursuant to an Interlocal Agreement between
21 Washoe County and The City of Reno, that Washoe County oversees the elections
22 for the City of Reno. This argument lacks a clear point. The terms of an interlocal
23 agreement cannot alter statutory timelines. Further, the Interlocal Agreement at
24 issue, attached as Exhibit B to Exhibit 5 to the City Attorney’s April 15, 2022
25 Supplement, clearly states that, “All City elections shall be conducted by the parties
26 hereto in accordance with Chapter 293, 293B, and 293C of the Nevada Revised
27
28

Statutes, and to the extent not in conflict with such statutes, the Reno City Charter.”

The Interlocal Agreement at issue, attached as Exhibit C to Exhibit 5 to the City Attorney’s April 15, 2022 Supplement similarly and more directly states: “WHEREAS, City’s municipal elections are governed by NRS Chapter 293C.”

As argued in the Motion, statutory timelines are mandatory and jurisdictional. *Seino v. Emplrs Ins. Co.*, 121 Nev. 146, 153, 111 P.3d 1107, 1112 (2005) citing *State Indus. Ins. Sys. v. Partlow-Hursh*, 101 Nev. 122, 125, 696 P.2d 462, 464 (1985). Courts cannot countenance a failure to meet a statutory timeline based on a claim that a party misunderstood the law, failed to research the law, or was misinformed as to what the law is, which is the substance of Mr. Mantle’s argument on this issue.

City Elections

Mr. Mantle argues that AB 50, passed in 2019: “effectively eliminates the practice of ‘City Elections’ in Nevada and creates uniformity in election practices statewide.” Opposition at 6:15. A passing review of the provisions of AB 50, attached to the Opposition as Exhibit 9, shows that AB 50 did nothing of the sort.

AB 50 primary thrust was to require city elections to be held in even-numbered years on the statewide election cycle. AB 50 did not repeal the separate provisions in NRS Chapter 293C applicable to City Elections. Further, AB 50 does not remove the specific periods for filing a candidate challenge in city elections in NRS 293C.186 and 293C.195. If the Legislature had intended to simply consolidate all election rules into one chapter of the NRS, they certainly could have repealed NRS Chapter 293C in its entirety in AB 50, but they did not. Instead, the Legislature

1 passed a modest common sense law syncing up all elections with the statewide
2 election cycle.

3 The remainder of Mr. Mantle's arguments, i.e. that Ms. Brekhus' position in the
4 Motion contradicts her campaign statements to restore integrity, clarity,
5 accountability, and transparency to city government are irrelevant political theater
6 and personal attacks that do not warrant a response.

7
8 WHEREFORE: Respondent Jenny Brekhus moves that this Court dismiss the
9 challenge of Mr. Mantle because it was not timely filed. Further, under the
10 provisions of NRS 293C.186(6), Ms. Brekhus requests that the Court require Mr.
11 Mantle to pay the reasonable attorney's fees and court costs of Ms. Brekhus, as he
12 maintained the challenge despite being made aware that it violated a mandatory
13 and jurisdictional statutory timeline.

14
15 **NRS 239B.030(4) AFFIRMATION**

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

18
19 **DATED** this Apr 18, 2022

20
21 By: /s/ Luke Busby, Esq.
22 JOHN L. MARSHALL, ESQ.
23 SBN 6733
24 570 Marsh Ave.
25 Reno, Nevada 89509
26 (775) 303-4882
27 johnladuemarshall@gmail.com

28 LUKE A. BUSBY, ESQ.
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316 California Ave.
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 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 Apr 18, 2022

By: /s/ Luke Busby, Esq.

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Attorneys for the Respondent

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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

REQUEST FOR SUBMISSION OF MOTION TO DISMISS UNTIMELY

CHALLENGE TO CANDIDACY ON ORDER SHORTENING TIME

COMES NOW, Respondent JENNY BREKHUS, by and through the undersigned counsel, and hereby requests that the April 13, 2022 Motion to Dismiss, the April 15, 2022 Response thereto, and the April 18, 2022 Reply be submitted to the Court for decision.

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 Apr 18, 2022

By: /s/ Luke Busby, Esq.

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And via US Mail and email to:

William Mantle
2040 Angel Ridge Dr.
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Email: mantleformayor@gmail.com

DATED this Apr 18, 2022

By: /s/ Luke Busby, Esq.

Return Of NEF**Recipients**

KARL HALL, ESQ. - Notification received on 2022-04-18 14:41:46.02.

WILLIAM MANTLE - Notification received on 2022-04-18 14:41:45.301.

WILLIAM MCKEAN, - Notification received on 2022-04-18 14:41:45.707.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-04-18 14:41:44.785.

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A filing has been submitted to the court RE: CV22-00560

Judge:

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04-18-2022:14:41:10

Clerk Accepted:

04-18-2022:14:41:33

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Request for Submission

Filed By:

Luke A. Busby

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LUKE ANDREW BUSBY, ESQ. for JENNY
BREKHUS

WILLIAM MANTLE

KARL SCHLEIGH HALL, ESQ. for CITY OF
RENO

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

JOHN L. MARSHALL, ESQ. for JENNY
BREKHUS

Address:

JOHN L. MARSHALL,
ESQ.

570 Marsh Avenue

Reno, NV 89509

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KARL HALL, ESQ. - Notification received on 2022-04-18 14:43:23.255.

WILLIAM MANTLE - Notification received on 2022-04-18 14:43:22.583.

WILLIAM MCKEAN, - Notification received on 2022-04-18 14:43:22.989.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-04-18 14:43:22.349.

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A filing has been submitted to the court RE: CV22-00560

Judge:

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Official File Stamp:

04-18-2022:14:35:45

Clerk Accepted:

04-18-2022:14:43:10

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Reply to/in Opposition

Filed By:

Luke A. Busby

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Reno, NV 89509

JOHN L. MARSHALL, ESQ.
SBN 6733
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Reno, Nevada 89509
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johnladuemarshall@gmail.com

LUKE A. BUSBY, ESQ.
SBN 10319
316 California Ave.
Reno, Nevada 89509
(775) 453-0112
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 Brekhush, Respondent; William
Mantle, Challenger, and Real Parties in
Interest.

CASE NO: CV22-00560

DEPT NO: 4

DECLARATION OF SERVICE

I, Michael Erwine, being duly sworn or under penalty of perjury of the State of Nevada, state that at all times relevant, I was over 18 years of age and not a party to or interested in the above-captioned case; that on April 18, 2022 at 8:20 a.m. I served true and correct copies of:

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- (1) SUBPOENA FOR WITNESS TESTIMONY AND FOR THE PRODUCTION
OF DOCUMENTS;
- (2) Witness check; and
- (3) Letter to William Mantle from Luke Busby, Esq. dated April 16, 2022.

in the above-captioned matter upon William Mantle, at 1 South Sierra St (Mills
B Lane Justice Center), 4th floor, South Tower, Family Support division - Front Desk.

I am not required to be licensed under chapter 648 of the Nevada Revised
Statutes or another provision of law because I am not engaged in the business of
serving legal process within the State of Nevada.

I declare under penalty of perjury under the law of the State of Nevada that the
foregoing is true and correct.

DATED this 18 day of April, 2022

By: 
Michael Erwine

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 Apr 18, 2022

By: /s/ Luke Busby, Esq.

JOHN L. MARSHALL, ESQ.

SBN 6733

570 Marsh Ave.

Reno, Nevada 89509

(775) 303-4882

johnladuemarshall@gmail.com

LUKE A. BUSBY, ESQ.

SBN 10319

316 California Ave.

Reno, Nevada 89509

(775) 453-0112

luke@lukeandrewbusbyltd.com

CERTIFICATE OF SERVICE

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 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 Apr 18, 2022

By: /s/ Luke Busby, Esq.

Return Of NEF

Recipients

KARL HALL, ESQ. - Notification received on 2022-04-18 14:45:57.294.

WILLIAM MANTLE - Notification received on 2022-04-18 14:45:55.919.

WILLIAM MCKEAN, - Notification received on 2022-04-18 14:45:56.809.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-04-18 14:45:55.481.

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A filing has been submitted to the court RE: CV22-00560

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

04-18-2022:14:45:23

Clerk Accepted:

04-18-2022:14:45:35

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Declaration

Filed By:

Luke A. Busby

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LUKE ANDREW BUSBY, ESQ. for JENNY
BREKHUS

WILLIAM MANTLE

KARL SCHLEIGH HALL, ESQ. for CITY OF
RENO

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

JOHN L. MARSHALL, ESQ. for JENNY
BREKHUS

Address:

JOHN L. MARSHALL,
ESQ.

570 Marsh Avenue

Reno, NV 89509

Code: 3720
Name: William Mantle
Address: 2040 Angel Ridge Dr.
Reno, Nv 89521
Telephone: 775-842-9394
Email: mantlefor mayor@gmail.com
Self-Represented Litigant

IN THE FAMILY DIVISION

~~OF~~ 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

Plaintiff / Petitioner / Joint Petitioner,

Case No. CV22-00560

vs. Jenny Brekhus, Respondent;
William Mantle, Challenger, and
Real parties in interest

Dept. No. 4

Defendant / Respondent / Joint Petitioner.

PROOF OF SERVICE

I served a true and correct copy of Response to motion to dismiss untimely challenge to candidacy
upon the following people: ON order shortening time. (Name of document(s) served)

1. Name: John L. Marshall Esq. Date: 4/18/2022

By: ☐ Service by eFlex

☐ Personal Service

☐ Certified mail, return receipt attached

☒ U.S. Mail, postage prepaid

☐ Other: _____

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If more room is needed, attach additional sheets.

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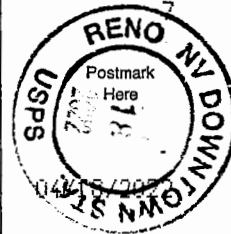
Date: 4/18/2022

Your Signature: William Mantle

Print Your Name: William Mantle

7021 0950 0001 2615 8720

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KARL HALL, ESQ. - Notification received on 2022-04-18 17:52:13.807.

WILLIAM MANTLE - Notification received on 2022-04-18 17:52:12.916.

WILLIAM MCKEAN, - Notification received on 2022-04-18 17:52:13.463.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-04-18 17:52:12.557.

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A filing has been submitted to the court RE: CV22-00560

Judge:

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04-18-2022:17:51:41

Clerk Accepted:

04-18-2022:17:51:53

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

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William Mantle

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LUKE ANDREW BUSBY, ESQ. for JENNY
BREKHUS

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BREKHUS

Address:

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570 Marsh Avenue

Reno, NV 89509

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LUKE A. BUSBY, ESQ.
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316 California Ave.
Reno, Nevada 89509
(775) 453-0112
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

**SUPPLEMENT TO MOTION TO DISMISS UNTIMELY CHALLENGE TO
CANDIDACY ON ORDER SHORTENING TIME**

COMES NOW, Respondent JENNY BREKHUS, by and through the undersigned counsel, and hereby files this SUPPLEMENT TO MOTION TO DISMISS the April 4, 2022 challenge to the mayoral candidacy of Respondent filed by Real Party in Interest William Mantle on April 15, 2022, to address the issue of a case cited by the City of Reno in its argument before the Court at the April 20, 2022

1 hearing.

2 **MEMORANDUM OF POINTS AND AUTHORITIES**

3 During argument before the Court at the April 20, 2022 hearing, the City of
4 Reno cited *City of Fernley v. State*, 132 Nev. 32, 366 P.3d 699 (2016) and requested
5 that the Court disregard the applicable limitations period in NRS 293C.186 due to
6 the fact that the underlying challenge is based on a constitutional question.
7

8 In *City of Fernley v. State* case, the issue was whether a local government tax
9 distribution account was special or local legislation in violation of Sections 20 and
10 21 of the Nevada Constitution. The Court held the city's claim for retrospective relief
11 was time barred by the statute of limitations, but that the city retained the right to
12 prevent future violations of its constitutional rights, and that such issues were not
13 time barred. The Court also held that although the statute of limitations may
14 time-bar a claim, it does not prohibit review of the constitutionality of an enacted
15 statute. *Id.* at 41. The *City of Fernley v. State* case does not hold that a court may
16 disregard a limitations period simply because a case involves a claim of a
17 constitutional issue, as argued by the City of Reno. In this case, no one's
18 constitutional rights are at issue and no one is contesting the constitutionality of a
19 statute.
20
21
22

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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 Apr 21, 2022

By: /s/ Luke Busby, Esq.

JOHN L. MARSHALL, ESQ.

SBN 6733

570 Marsh Ave.

Reno, Nevada 89509

(775) 303-4882

johnladuemarshall@gmail.com

LUKE A. BUSBY, ESQ.

SBN 10319

316 California Ave.

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(775) 453-0112

luke@lukeandrewbusbyltd.com

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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 Apr 21, 2022

By: /s/ Luke Busby, Esq.

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KARL HALL, ESQ. - Notification received on 2022-04-21 08:02:29.374.

WILLIAM MANTLE - Notification received on 2022-04-21 08:02:28.764.

WILLIAM MCKEAN, - Notification received on 2022-04-21 08:02:29.186.
ESQ.

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A filing has been submitted to the court RE: CV22-00560

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

04-21-2022:08:01:49

Clerk Accepted:

04-21-2022:08:02:10

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Supplemental ...

Filed By:

Luke A. Busby

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BREKHUS

Address:

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ESQ.

570 Marsh Avenue

Reno, NV 89509

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

Reno City Attorney Karl Hall, Esq., represented the City of Reno. Interested

CONNIE

Party William Mantle present representing himself. Respondent Jenny Brekhus

STEINHEIMER

present with counsel, Luke Busby, Esq., and John Marshall, Esq.

DEPT. NO.4

10:00 a.m. Court convened.

M. Stone

Appearances made for the record.

(Clerk)

Court noted the pleadings filed in this matter.

J. Kernan

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.

(Reporter)

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		

Return Of NEF

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KARL HALL, ESQ. - Notification received on 2022-04-21 13:31:23.566.

WILLIAM MANTLE - Notification received on 2022-04-21 13:31:22.691.

WILLIAM MCKEAN, - Notification received on 2022-04-21 13:31:23.3.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-04-21 13:31:22.456.

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Judge:

HONORABLE CONNIE J. STEINHEIMER

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04-21-2022:13:30:38

Clerk Accepted:

04-21-2022:13:31:04

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

***Minutes

Filed By:

Court Clerk MTrabert

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Reno, NV 89509

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

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

In 1996, an amendment to Article 15 of the Nevada Constitution was “proposed by initiative petition and approved and ratified by the people at the 1994 and 1996 General Elections.”¹ The Amendment 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.” NEV. CONST. art. XV, § 3(2).

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

II. SUMMARY OF RELEVANT FACTS

In 2012, Brekhus was elected to her first term as Reno City Council Member for Ward 1.² Brekhus was subsequently elected to the same position in 2016 and again in 2020.³ Brekhus’s current position as City Council Member for Ward 1 is scheduled to end in 2024. On March 17, 2022, Brekhus filed her Declaration of Candidacy for Mayor for the City of Reno.⁴ The term in question, for Mayor for the City of Reno, is scheduled to end in 2026.

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

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

³ *Id.*

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.

NRS 293 governs general elections in Nevada.⁵ NRS 293C governs local elections in Nevada.⁶ NRS 293C.186(1) states:

1. After 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 of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State. Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the person who is being challenged.
2. A challenge filed pursuant to subsection 1 must:
 - (a) Indicate each qualification the person fails to meet;
 - (b) Have attached all documentation and evidence supporting the challenge; and
 - (c) Be in the form of an affidavit, signed by the elector under penalty of perjury.
3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.
4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters 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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⁵ “The provisions of NRS 293.5772 to 293.5887, inclusive, apply to city elections. The other provisions of [NRS 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).

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,

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

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

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

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

Moreover, this is in accord with NRS 293.2045(1). 293C.186(5) states that if “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.” NRS 293.2045(1) states the remedies available “[i]n addition to any other remedy or penalty provided by law, but except as otherwise provided in NRS 293.1265, if a court of competent jurisdiction finds in *any preelection action* that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State. . . .” (emphasis added). NRS 293.2045(1) does not limit itself to the preelection actions specified in NRS 293 and NRS 293C. NRS 293.2045(1) allows remedies for “any preelection action.” NRS 293.2045(1) does not prohibit preelection actions other than those found in NRS 293 and NRS 293C. Therefore, pursuant to NRS 293.126(2), because NRS 293.2045(1) is not inconsistent with any provision of NRS 293C, NRS 293.2045(1) applies to city elections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the above stated reasons, the Court finds Article 15 § (3)(2) of the Nevada Constitution does not prohibit Brekhus's eligibility to be a candidate for Mayor for the City of Reno during the 2022 election.

Based on the foregoing and good cause appearing,

IT IS HEREBY ORDERED that Jenny Brekhus' April 13, 2022, *Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time* is DENIED.

IT IS HEREBY FURTHER ORDERED that Article 15 § (3)(2) of the Nevada Constitution does not prohibit Brekhus's eligibility to be a candidate for Mayor for the City of Reno during the 2022 election.

IT IS HEREBY FURTHER ORDERED that Jenny Brekhus's request for attorney's fees and costs is DENIED.

DATED this 2 day of May, 2022.


DISTRICT JUDGE

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.

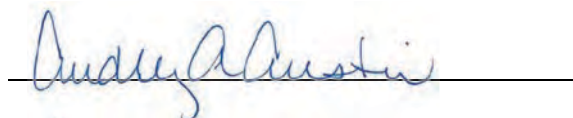
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

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:

A handwritten signature in blue ink, appearing to read "Audrey A. Austin", is written over a horizontal line.

Return Of NEF**Recipients**

KARL HALL, ESQ. - Notification received on 2022-05-02 13:23:07.076.

WILLIAM MANTLE - Notification received on 2022-05-02 13:23:06.529.

WILLIAM MCKEAN, - Notification received on 2022-05-02 13:23:06.857.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-05-02 13:23:06.295.

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-

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Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

05-02-2022:13:22:30

Clerk Accepted:

05-02-2022:13:22:47

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Ord Denying Motion

Filed By:

Judicial Asst. AAustin

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

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If service is not required for this document (e.g., Minutes), please disregard the below language.

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KARL SCHLEIGH HALL, ESQ. for CITY OF
RENO

WILLIAM MANTLE

WILLIAM J. MCKEAN, ESQ. for CITY OF RENO

LUKE ANDREW BUSBY, ESQ. for JENNY
BREKHUS

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

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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

CERTIFICATE OF SERVICE

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

_____ personally delivering;

_____ 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

WILLIAM MANTLE

WILLIAM MCKEAN, ESQ. for CITY OF RENO

DATED this May 2, 2022

By: /s/ Luke Busby, Esq.

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

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

In 1996, an amendment to Article 15 of the Nevada Constitution was “proposed by initiative petition and approved and ratified by the people at the 1994 and 1996 General Elections.”¹ The Amendment 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.” NEV. CONST. art. XV, § 3(2).

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

II. SUMMARY OF RELEVANT FACTS

In 2012, Brekhus was elected to her first term as Reno City Council Member for Ward 1.² Brekhus was subsequently elected to the same position in 2016 and again in 2020.³ Brekhus’s current position as City Council Member for Ward 1 is scheduled to end in 2024. On March 17, 2022, Brekhus filed her Declaration of Candidacy for Mayor for the City of Reno.⁴ The term in question, for Mayor for the City of Reno, is scheduled to end in 2026.

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

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

³ *Id.*

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.

NRS 293 governs general elections in Nevada.⁵ NRS 293C governs local elections in Nevada.⁶ NRS 293C.186(1) states:

1. After 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 of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State. Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the person who is being challenged.
2. A challenge filed pursuant to subsection 1 must:
 - (a) Indicate each qualification the person fails to meet;
 - (b) Have attached all documentation and evidence supporting the challenge; and
 - (c) Be in the form of an affidavit, signed by the elector under penalty of perjury.
3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.
4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters 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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⁵ “The provisions of NRS 293.5772 to 293.5887, inclusive, apply to city elections. The other provisions of [NRS 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).

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,

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

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

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

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

Moreover, this is in accord with NRS 293.2045(1). 293C.186(5) states that if “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.” NRS 293.2045(1) states the remedies available “[i]n addition to any other remedy or penalty provided by law, but except as otherwise provided in NRS 293.1265, if a court of competent jurisdiction finds in *any preelection action* that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State. . . .” (emphasis added). NRS 293.2045(1) does not limit itself to the preelection actions specified in NRS 293 and NRS 293C. NRS 293.2045(1) allows remedies for “any preelection action.” NRS 293.2045(1) does not prohibit preelection actions other than those found in NRS 293 and NRS 293C. Therefore, pursuant to NRS 293.126(2), because NRS 293.2045(1) is not inconsistent with any provision of NRS 293C, NRS 293.2045(1) applies to city elections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the above stated reasons, the Court finds Article 15 § (3)(2) of the Nevada Constitution does not prohibit Brekhus's eligibility to be a candidate for Mayor for the City of Reno during the 2022 election.

Based on the foregoing and good cause appearing,

IT IS HEREBY ORDERED that Jenny Brekhus' April 13, 2022, *Motion to Dismiss Untimely Challenge to Candidacy on Order Shortening Time* is DENIED.

IT IS HEREBY FURTHER ORDERED that Article 15 § (3)(2) of the Nevada Constitution does not prohibit Brekhus's eligibility to be a candidate for Mayor for the City of Reno during the 2022 election.

IT IS HEREBY FURTHER ORDERED that Jenny Brekhus's request for attorney's fees and costs is DENIED.

DATED this 2 day of May, 2022.


DISTRICT JUDGE

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.

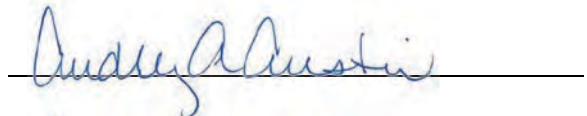
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

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:

A handwritten signature in blue ink, appearing to read "Audrey A. Austin", is written over a horizontal line.

Return Of NEF**Recipients**

KARL HALL, ESQ. - Notification received on 2022-05-02 14:40:35.256.

WILLIAM MANTLE - Notification received on 2022-05-02 14:40:34.49.

WILLIAM MCKEAN, - Notification received on 2022-05-02 14:40:34.975.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-05-02 14:40:34.146.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
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-

A filing has been submitted to the court RE: CV22-00560

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

05-02-2022:14:39:43

Clerk Accepted:

05-02-2022:14:40:15

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Notice of Entry of Ord

- **Continuation

Filed By:

Luke A. Busby

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

KARL SCHLEIGH HALL, ESQ. for CITY OF
RENO

WILLIAM MANTLE

WILLIAM J. MCKEAN, ESQ. for CITY OF RENO

LUKE ANDREW BUSBY, ESQ. for JENNY
BREKHUS

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

JOHN L. MARSHALL, ESQ. for JENNY
BREKHUS

Address:

JOHN L. MARSHALL,
ESQ.

570 Marsh Avenue

Reno, NV 89509

FILED

2022 JUN -1 PM 12:13

ALICIA L. LARUD
CLERK OF THE COURT
BY

DEPUTY

Dept. No. 4

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 2nd day of May, 2022.



William Mantle

May 28, 2022

Pro Se

SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA

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

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

Notice of Appeal

file in case number: CV22-00560

☒ *mark one*

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

☐ Document contains the social security number of a person as required by: ☒ *mark one*

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

☐ For the administration of a public program

☐ For the administration for a federal or state grant

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

DATED this (day) 31 day of (month) May, 2022

Submitted By: *(Your signature)*

William Mantle

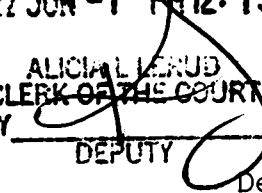
(Print your name)

William Mantle

(Attorney for)

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.

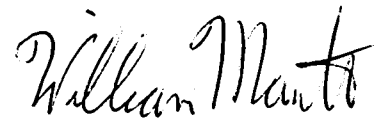
24 11. Indicate whether the case has previously been the subject
25 of an appeal to or original write proceeding in the Supreme
26

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

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10 

11 William Mantle

12 Pro Se
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SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA

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

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

Case Appeal Statement

file in case number: CV22-00560

(☒ mark one)

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

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

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

☐ For the administration of a public program

☐ For the administration for a federal or state grant

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

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

Submitted By: (Your signature) William Mantle

(Print your name) William Mantle

(Attorney for) _____

FILED

2022 JUN -1 PM 12:13

ALICIA L. LERUD
CLERK OF THE COURT
BY DEPUTY

Code: 3720
 Name: William Mantle
 Address: 2040 Angel Ridge Dr.
 Reno, Nevada 89521
 Telephone: 775-842-9394
 Email: mantleformayor@gmail.com
 Self-Represented Litigant

IN THE

SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

JENNY BREKHUS

Plaintiff / Petitioner / Joint Petitioner,

Case No. CV22-00560

vs.

Dept. No. 4

WILLIAM MANTLE

Defendant / Respondent / Joint Petitioner.

PROOF OF SERVICEI served a true and correct copy of NOTICE OF APPEAL

(Name of document(s) served)

upon the following people:

1. Name: LUKE A. BUSBY ESQDate: 05/28/2022By: ☐ Service by eFlex☐ Personal Service☒ Certified mail, return receipt attached☐ U.S. Mail, postage prepaid☐ Other: _____Address where service occurred, if applicable: 316 California Ave., #82, Reno, NV 89509

If more room is needed, attach additional sheets.

A copy of this Proof of Service has been electronically served, mailed, or personally delivered
 to all parties or their lawyer.

This document does not contain the personal information of any person as defined by
 NRS 603A.040.

Date: 05/28/2022Your Signature: William MantlePrint Your Name: William Mantle

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FILED

Code: 3720
 Name: William Mantle
 Address: 2040 Angel Ridge Dr.
 Reno, Nevada 89521
 Telephone: 775-842-9394
 Email: mantleformayor@gmail.com
 Self-Represented Litigant

2022 JUN -1 PM 12:13

ALICIA L. VERED
 CLERK OF THE COURT
 BY 
 DEPUTY

IN THE

SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

JENNY BREKHUS

Plaintiff / Petitioner / Joint Petitioner,

Case No. CV22-00560

vs.

Dept. No. 4

WILLIAM MANTLE

Defendant / Respondent / Joint Petitioner.

PROOF OF SERVICEI served a true and correct copy of NOTICE OF APPEAL

(Name of document(s) served)

upon the following people:

1. Name: JOHN L. MARSHALL ESQDate: 05/28/2022By: ☐ Service by eFlex☐ Personal Service☒ Certified mail, return receipt attached☐ U.S. Mail, postage prepaid☐ Other: _____Address where service occurred, if applicable: 570 Marsh Ave., Reno, NV 89509

If more room is needed, attach additional sheets.

A copy of this Proof of Service has been electronically served, mailed, or personally delivered
 to all parties or their lawyer.

This document does not contain the personal information of any person as defined by
 NRS 603A.040.

Date: 05/28/2022Your Signature: Print Your Name: William Mantle

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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
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Total Postage and Fees	\$4.33

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 MAY 26 2022
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Reno, NV 89509

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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 2nd, 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

Code 1350

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

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

Return Of NEF**Recipients**

KARL HALL, ESQ. - Notification received on 2022-06-03 09:09:08.721.

WILLIAM MANTLE - Notification received on 2022-06-03 09:09:07.236.

WILLIAM MCKEAN, - Notification received on 2022-06-03 09:09:08.236.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-06-03 09:09:06.971.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CV22-00560

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

06-03-2022:09:08:31

Clerk Accepted:

06-03-2022:09:08:50

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

District Ct Deficiency Notice
Case Appeal Statement
Certificate of Clerk

Filed By:

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

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RENO

WILLIAM MANTLE

WILLIAM J. MCKEAN, ESQ. for CITY OF RENO

LUKE ANDREW BUSBY, ESQ. for JENNY
BREKHUS

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

JOHN L. MARSHALL, ESQ. for JENNY
BREKHUS

Address:

JOHN L. MARSHALL,
ESQ.

570 Marsh Avenue

Reno, NV 89509

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

WILLIAM MANTLE,
Appellant,
vs.
**JENNIFER BREKHUS, A/K/A JENNY
BREKHUS,**
Respondent.

Supreme Court No. 84821
District Court Case No. ~~CV2000560~~

CV22-00560

RECEIPT FOR DOCUMENTS

TO: William Mantle
John L. Marshall
Luke A. Busby
Alicia L. Lerud, Washoe District Court Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

06/06/2022 Filing Fee due for Appeal. Filing fee will be forwarded by the District Court. (SC)

06/06/2022 Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (SC)

DATE: June 06, 2022

Elizabeth A. Brown, Clerk of Court
lh

Return Of NEF**Recipients**

KARL HALL, ESQ. - Notification received on 2022-06-08 15:01:40.865.

WILLIAM MANTLE - Notification received on 2022-06-08 15:01:39.209.

WILLIAM MCKEAN, - Notification received on 2022-06-08 15:01:40.052.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-06-08 15:01:38.63.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

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A filing has been submitted to the court RE: CV22-00560

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

06-08-2022:15:00:37

Clerk Accepted:

06-08-2022:15:01:10

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Supreme Court Receipt for Doc

Filed By:

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

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LUKE ANDREW BUSBY, ESQ. for JENNY
BREKHUS

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

JOHN L. MARSHALL, ESQ. for JENNY
BREKHUS

Address:

JOHN L. MARSHALL,
ESQ.

570 Marsh Avenue

Reno, NV 89509

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

LUKE A. BUSBY, ESQ.
SBN 10319
316 California Ave.
Reno, Nevada 89509
(775) 453-0112
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 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.

JOHN L. MARSHALL, ESQ.

SBN 6733

570 Marsh Ave.

Reno, Nevada 89509

(775) 303-4882

johnladuemarshall@gmail.com

LUKE A. BUSBY, ESQ.

SBN 10319

316 California Ave.

Reno, Nevada 89509

(775) 453-0112

luke@lukeandrewbusbyltd.com

CERTIFICATE OF SERVICE

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

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 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.

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

LUKE A. BUSBY, ESQ.
SBN 10319
316 California Ave.
Reno, Nevada 89509
(775) 453-0112
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 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.

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

The Honorable Connie Steinheimer;

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

The appellant is JENNY BREKHUS.

Counsel for the Appellant is:

JOHN L. MARSHALL, ESQ.

SBN 6733

570 Marsh Ave.

Reno, Nevada 89509

(775) 303-4882

johnladuemarshall@gmail.com

LUKE A. BUSBY, ESQ.

SBN 10319

316 California Ave.

Reno, Nevada 89509

(775) 453-0112

luke@lukeandrewbusbyltd.com

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

THE CITY OF RENO:

Counsel for the Respondent City of Reno are:

KARL HALL

P.O. Box 1900

Reno, NV 89505

Phone: 775-334-2050

WILLIAM MANTLE, acting *pro se*.

William Mantle

2040 Angel Ridge Dr.

Reno, NV 89521

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

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

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

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

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

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

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

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

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

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

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

///

///

///

///

///

///

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.
SBN 6733
570 Marsh Ave.
Reno, Nevada 89509
(775) 303-4882
johnladuemarshall@gmail.com

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

CERTIFICATE OF SERVICE

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 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.

Return Of NEF**Recipients**

KARL HALL, ESQ. - Notification received on 2022-06-10 16:48:23.43.

WILLIAM MANTLE - Notification received on 2022-06-10 16:48:22.508.

WILLIAM MCKEAN, - Notification received on 2022-06-10 16:48:23.04.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-06-10 16:48:21.696.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
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A filing has been submitted to the court RE: CV22-00560

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

06-10-2022:16:47:44

Clerk Accepted:

06-10-2022:16:48:02

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Case Appeal Stmt-Cross Appeal

Filed By:

Luke A. Busby

You may review this filing by clicking on the following link to take you to your cases.

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The following people were served electronically:

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WILLIAM MANTLE

WILLIAM J. MCKEAN, ESQ. for CITY OF RENO

LUKE ANDREW BUSBY, ESQ. for JENNY
BREKHUS

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

JOHN L. MARSHALL, ESQ. for JENNY
BREKHUS

Address:

JOHN L. MARSHALL,
ESQ.

570 Marsh Avenue

Reno, NV 89509

Return Of NEF**Recipients**

KARL HALL, ESQ. - Notification received on 2022-06-13 08:03:33.843.

WILLIAM MANTLE - Notification received on 2022-06-13 08:03:33.015.

WILLIAM MCKEAN, - Notification received on 2022-06-13 08:03:33.593.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-06-13 08:03:32.578.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

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A filing has been submitted to the court RE: CV22-00560

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

06-10-2022:16:45:16

Clerk Accepted:

06-13-2022:08:03:18

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Notice of Cross Appeal

Filed By:

Luke A. Busby

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

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The following people were served electronically:

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RENO

WILLIAM MANTLE

WILLIAM J. MCKEAN, ESQ. for CITY OF RENO

LUKE ANDREW BUSBY, ESQ. for JENNY
BREKHUS

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

JOHN L. MARSHALL, ESQ. for JENNY
BREKHUS

Address:

JOHN L. MARSHALL,
ESQ.

570 Marsh Avenue

Reno, NV 89509

Return Of NEF

Recipients

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

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

Return Of NEF**Recipients**

KARL HALL, ESQ. - Notification received on 2022-06-13 08:48:14.732.

WILLIAM MANTLE - Notification received on 2022-06-13 08:48:14.014.

WILLIAM MCKEAN, - Notification received on 2022-06-13 08:48:14.451.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-06-13 08:48:13.779.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

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A filing has been submitted to the court RE: CV22-00560

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

06-13-2022:08:47:40

Clerk Accepted:

06-13-2022:08:47:56

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

District Ct Deficiency Notice
Certificate of Clerk

Filed By:

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

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RENO

WILLIAM MANTLE

WILLIAM J. MCKEAN, ESQ. for CITY OF RENO

LUKE ANDREW BUSBY, ESQ. for JENNY
BREKHUS

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

JOHN L. MARSHALL, ESQ. for JENNY
BREKHUS

Address:

JOHN L. MARSHALL,
ESQ.

570 Marsh Avenue

Reno, NV 89509

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

WILLIAM MANTLE,
Appellant/Cross-Respondent,
vs.
JENNIFER BREKHUS, A/K/A JENNY
BREKHUS,
Respondent/Cross-Appellant,
vs.
THE CITY OF RENO,
Cross-Respondent.

Supreme Court No. 84821
District Court Case No. CV2200560

RECEIPT FOR DOCUMENTS

TO: Luke A. Busby
John L. Marshall
William Mantle
Reno City Attorney \ Karl Schleigh Hall
Alicia L. Lerud, Washoe District Court Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

06/13/2022 Filing Fee due for Cross-Appeal. (SC)

06/13/2022 Filed Notice of Cross-Appeal. (SC)

DATE: June 13, 2022

Elizabeth A. Brown, Clerk of Court
lh

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM MANTLE,
Appellant/Cross-Respondent,
vs.
JENNIFER BREKHUS, A/K/A JENNY
BREKHUS,
Respondent/Cross-Appellant,
and
THE CITY OF RENO,
Cross-Respondent.

No. 84821


FILED

JUN 13 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. J. J. J.
DEPUTY CLERK*ORDER DIRECTING TRANSMISSION OF RECORD*

Having reviewed the documents on file in this pro se appeal, this court concludes that review of the complete record is warranted. NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. CV22-00560. See NRAP 11(a)(2) (providing that the complete "record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court," as well as "any previously prepared transcripts of the proceedings in the district court"). The record shall not include any exhibits filed in the district court. NRAP 11(a)(1).

It is so ORDERED.


_____, C.J.

cc: William Mantle
Reno City Attorney
John L. Marshall
Luke A. Busby
Washoe District Court Clerk

Return Of NEF**Recipients**

KARL HALL, ESQ. - Notification received on 2022-06-15 14:45:19.608.

WILLIAM MANTLE - Notification received on 2022-06-15 14:45:17.717.

WILLIAM MCKEAN, - Notification received on 2022-06-15 14:45:18.717.
ESQ.

LUKE BUSBY, ESQ. - Notification received on 2022-06-15 14:45:17.045.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CV22-00560

Judge:

HONORABLE CONNIE J. STEINHEIMER

Official File Stamp:

06-15-2022:14:42:41

Clerk Accepted:

06-15-2022:14:44:53

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

IN RE: JENNY BREKHUS (D4)

Document(s) Submitted:

Supreme Court Receipt for Doc
Supreme Ct Order Directing

Filed By:

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

KARL SCHLEIGH HALL, ESQ. for CITY OF
RENO

WILLIAM MANTLE

WILLIAM J. MCKEAN, ESQ. for CITY OF RENO

LUKE ANDREW BUSBY, ESQ. for JENNY
BREKHUS

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

JOHN L. MARSHALL, ESQ. for JENNY
BREKHUS

Address:

JOHN L. MARSHALL,
ESQ.

570 Marsh Avenue

Reno, NV 89509