

IN THE SUPREME COURT OF THE STATE OF NEVADA

SIGAL CHATTAH

Petitioners,

vs.

THE FIRST JUDICIAL DISTRICT
COURT, COUNTY OF CARSON
CITY, STATE OF NEVADA; AND
THE HONORABLE JAMES E.
WILSON, DISTRICT JUDGE,

Respondents,

and

BARBARA CEGAVSKE, in her
capacity as Nevada SECRETARY OF
STATE, JOHN T. KENNEDY, an
individual

Real Party in Interest.

Electronically Filed
Sep 09 2022 10:59 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court Case No. 22OC0091B
District Court Case No. 22OC0091B

**APPENDIX TO EMERGENCY PETITION FOR WRIT OF MANDAMUS
OR PROHIBITION**

EXHIBIT 1	NOTICE OF ENTRY OF ORDER	SC00001-SC00012
EXHIBIT 2	REPLY TO RESPONSE	SC00013-SC00017
EXHIBIT 3	MARK WLASCHKIN AFFIDAVIT	SC00018-00019
EXHIBIT 4	RESPONSE TO APPLICATION FOR TRO	SC00200-SC00040
EXHIBIT 5	APPLICATION FOR TRO	SC00041-SC00070
EXHIBIT 6	COMPLAINT	SC00071-SC00079

EXHIBIT "1"

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REC'D & FILED
2022 SEP -7 PM 1:58
AUBREY ROWLATT
CLERK
BY **S. BARAJAS**
DEPUTY

7 **IN THE FIRST JUDICIAL DISTRICT COURT**
8 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

9 SIGAL CHATTAH, an individual,)
10)
Plaintiff,) Case No: 22OC00091B
11) Dept No.: II
vs.)
12)
13 BARBARA CEGAVSKE, in her official)
capacity as NEVADA SECRETARY OF)
14 STATE, JOHN T. KENNEDY, an individual)
15 Defendants.)
16)

17 **NOTICE OF ENTRY OF ORDER**

18 PLEASE TAKE NOTICE that on the 7th day of September, 2022, the Court entered an
19 Order Denying Renewed Application for Temporary Restraining Order and Motion for
20 Preliminary Injunction and Related Relief. A copy of said Order is attached hereto.

21 **AFFIRMATION PURSUANT TO NRS 239B.030**

22 The undersigned does hereby affirm that the preceding document does not contain

23 ///

24 ///

25 ///

1 the social security number of any person.

2 DATED this 7th day of September, 2022.

3

JOEY GILBERT LAW

4

By: *Joe Gilbert* 1493

5

for Joseph S. Gilbert, Esq.
Nevada Bar No.: 9033

6

JOEY GILBERT LAW

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Attorney for Plaintiff

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25

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify I am an employee of JOEY GILBERT LAW,
3 and on the below date, I served the foregoing document on the parties set forth below by:

- 4 ☐ via the Court's Electronic Filing Service;
5 ☒ by placing the original, or a true copy thereof, in a sealed envelope placed for
6 mailing in the USPS, in Reno, NV, postage prepaid, following ordinary business
practices;
7 ☐ via facsimile (Fax) to
8 ☒ via email to - CNewby@ag.nv.gov & nlawrence@vegascase.com
9 ☐ via overnight delivery
10 ☐ personal delivery


11 to the following:

12 Craig Newby, Esq.
13 Office of the Attorney General
14 100 North Carson Street
15 Carson City, NV 89701

16 Nathan Lawrence, Esq.
17 Gallian Welker, & Beckstrom, LC
18 540 E. St., Louis Ave.
19 Las Vegas, NV 89104

20 DATED this 7th day of September, 2022.

21 JOEY GILBERT LAW

22 
23 Employee

2022 SEP -7 AM 10:35

ADJUDICATED

BY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

-oOo-

SIGAL CHATTAH, an individual,

CASE NO. 22 OC 00099 1B

Plaintiff,

DEPT. 2

v

BARBARA CEGAVSKE, in her official
capacity as NEVADA SECRETARY OF
STATE; JOHN T. KENNEDY, an
individual,

Defendants.

**ORDER DENYING RENEWED APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY
INJUNCTION AND RELATED RELIEF**

PROCEDURAL BACKGROUND

Before the Court is Sigal Chattah's Renewed Application for Temporary Restraining Order and Motion for Preliminary Injunction and Related Relief, Secretary of State Barbara Cegavske's response and supplemental response, and Chattah's reply. Defendant, John T. Kennedy, did not file a response. The Court held three conferences with counsel Joseph S. Gilbert, Esq. for Sigal Chattah, Craig Newby, Esq. for Secretary of State Cegavske, and Nathan Lawrence, Esq. for John T. Kennedy. The parties consented to the Court determining the request for a temporary restraining order on the pleadings and papers submitted by the Court and the arguments made during the conferences, and without an evidentiary hearing.

1 ***ISSUES***

2 Has Chattah shown that she is entitled to a temporary restraining order?

3 Has Chattah shown that the commission or continuance of some act, during the
4 litigation, would produce great or irreparable injury to her?

5 Has Chattah shown that during the litigation, the Secretary of State is doing or
6 threatens, or is about to do, or is procuring or suffering to be done, some act in violation
7 of Chattah's rights respecting her general election race, and tending to render the
8 judgment ineffectual?

9 ***FINDINGS OF FACT***

10
11 The following facts are undisputed.

12 Chattah is a candidate for attorney general in the upcoming general election.

13 On March 10, 2022 John T. Kennedy filed his declaration of candidacy for the
14 office of attorney general as a member of the Libertarian Party. The legislature, in NRS
15 293.177(2), established the language for the declaration of candidacy. As part of his
16 Declaration Kennedy swore or affirmed under penalty of perjury "that [he] will qualify
17 for the office if elected thereto." To qualify for the office of attorney general a candidate
18 must be at least 30 years old, be a qualified elector (defined by the Nevada Constitution
19 in Article 2, section 1 as: a citizen of the United States; who shall have actually, and not
20 constructively, resided in Nevada six months; and in the district or county 30 days next
21 preceding any election; not convicted of treason or felony in any state or territory of the
22 United States, unless restored to civil rights; and not have been adjudicated mentally
23 incompetent, unless restored to legal capacity); a citizen resident of Nevada for 3 years,
24 and a member of the State Bar of Nevada in good standing. NRS 228.010(3). Kennedy is
25 not a member of the State Bar of Nevada in good standing so he does not qualify for the
26 office of attorney general.

1 On July 26, 2022 Chattah filed with the Secretary of State's Office an Election
2 Integrity Complaint in which she stated that Kennedy is not qualified to be attorney
3 general because he is not a member of the State Bar of Nevada. Under NRS 293.165(4)
4 "no change may be made on the ballot for the general election after 5 p. m. on the fourth
5 Friday in July of the year in which the general election is held." The fourth Friday in July
6 was the 22nd.

7 Preelection candidate qualification challenges must be filed not later than 5 days
8 after the last day the person may withdraw his candidacy under NRS 293.182(1). A
9 withdrawal of candidacy must be submitted within 7 days, excluding Saturdays, Sundays
10 and holidays, after the last day for filing. NRS 293.182(1). The last day for filing is the
11 second Friday after the first Monday in March. NRS 293.177(1)(b).

12 The timeline is:

13 March 10, 2022 Kennedy filed his declaration of candidacy

14 March 25, 2022 Last day to file declaration of candidacy

15 April 5, 2022 Last day to withdraw candidacy

16 April 11, 2022 Last day to file preelection candidate qualification challenges

17 July 22, 2022 Deadline for changing the ballot

18 July 26, 2022 Chattah filed preelection candidate qualification challenge

19 Chattah filed her preelection candidate qualification challenge 105 days after the
20 statutory deadline for challenges, and 4 days after the deadline to change the general
21 election ballot.

22 **ANALYSIS**

23
24
25 Chattah blames the Secretary of State for failing to investigate Kennedy's
26 qualifications and cites NRS 293.124 to support her argument. NRS 293.124(1)
27

1 provides: "The Secretary of State shall serve as the Chief Officer of Elections for this
2 State. As Chief Officer, the Secretary of State is responsible for the execution and
3 enforcement of the provisions of title 24 of NRS"

4 The Secretary countered that the legislature intended that electors file
5 qualification challenges and cited NRS 293.182 for support. That statute provides in
6 pertinent part:

7
8 1. After a person files a declaration of candidacy . . . an elector may file
9 with the [Secretary of State] a written challenge of the person on the
grounds that the person fails to meet any qualification required for the
office

10 2. A challenge filed pursuant to subsection 1 must:

11 (a) Indicate each qualification the person fails to meet;

12 (b) Have attached all documentation and evidence supporting the
13 challenge; and

14 (c) Be in the form of an affidavit, signed by the elector under penalty of
perjury.

15 3. Upon receipt of a challenge pursuant to subsection 1:

16 (a) The Secretary of State shall immediately transmit the challenge to the
17 Attorney General.

18 . . .

19 The Court agrees with the Secretary. Under NRS 293.177(1) a candidate must file
20 a declaration of candidacy on a form that must include, under penalty of perjury, that,
21 among other things, the candidate "will qualify for the office if elected thereto." Kennedy
22 did that in this case. The statutes do not expressly or implicitly require the Secretary of
23 State to investigate every qualification of every candidate, or any qualification of any
24 candidate. Under NRS 293.182(1) an elector may file a qualification challenge and under
25 293.182(3) the Secretary of State's obligation is to process, not investigate, the
26 challenge.
27

1 The legislature, in NRS 293.2045(2), established the procedure for handling a
2 disqualified candidate's name on the ballot. Under that statute if the name appears on a
3 ballot because the statutory deadline for making changes to the ballot has passed, the
4 appropriate election officers shall post a sign at each polling place where the person's
5 name will appear on the ballot informing voters that the person is disqualified from
6 entering upon the duties of the office." NRS 293.2045(2) addresses ballots cast at
7 polling places, it does not address mail ballots. But NRS 293.2045(3), which applies in
8 "any preelection action brought to challenge a person who is a candidate for any office
9 on the grounds that the person fails to meet any qualification required for the office"
10 including, without limitation, any action brought for declaratory or injunctive relief or
11 any other legal or equitable relief. Chattah is seeking injunctive relief.

12 Under NRS 33.010, and injunction may be granted:

13 1. When it shall appear by the complaint that the plaintiff is
14 entitled to the relief demanded, and such relief or any part thereof
15 consists in restraining the commission or continuance of the act
complained of, either for a limited period or perpetually.

16 2. When it shall appear by the complaint or affidavit that the
17 commission or continuance of some act, during the litigation, would
produce great or irreparable injury to the plaintiff.

18 3. When it shall appear, during the litigation, that the defendant
19 is doing or threatens, or is about to do, or is procuring or suffering to
be done, some act in violation of the plaintiff's rights respecting the
20 subject of the action, and tending to render the judgment ineffectual.

21 There are four factors the Court must consider in deciding whether injunctive
22 relief is appropriate: (1) the threat of irreparable harm; (2) the relative interests of the
23 parties; (3) the moving party's likelihood of success on the merits; and (4) the interest of
24 the public. NRS 33.010, NRCP 65, and *Number One Rent-A-Car v. Ramada Inns, Inc.*,
25 94 Nev. 779, 587 P.2d 1329 (1978).

26 ///

27 ///

1 *(1) The threat of irreparable harm*

2 If mail voters know that Kennedy is disqualified and votes for Kennedy will not
3 be counted, those voters may vote for Chattah, but Chattah has not shown, under any
4 standard of proof, that having Kennedy's name on the ballot will negatively affect the
5 outcome of her attorney general race, the allegation is speculation.

6 The irreparable harm factor is also affected by the fact that Chattah filed her
7 preelection candidate qualification challenge 105 days after the statutory deadline, and 4
8 days after the deadline to change the general election ballot. A timely challenge by
9 Chattah could have avoided the present scenario.

10 *(2) The relative interests of the parties*

11 Chattah has an interest in having voters informed that Kennedy is disqualified
12 and that a vote for Kennedy will not be counted, so electors can decide which, if any,
13 qualified candidate to vote for.

14 The Secretary of State has an interest in having candidates and electors timely
15 comply with election statutes. The Secretary of State has an interest in not spending
16 taxpayer dollars to correct a failure of a party to timely file preelection candidate
17 qualification challenges. If the Court orders the Secretary to direct the county elections
18 officials to print on the mail ballot, or include an insert with mail ballots, under the facts
19 and circumstances of this case, there will be no incentive for a candidate or any elector
20 to comply with the statutes by timely filing a preelection candidate qualification
21 challenge because they will be able to file an action for an injunction up to 105 days after
22 the preelection candidate qualification challenge deadline and up to 4 days after the
23 deadline for changing the ballot.

24 *(3) The moving party's likelihood of success on the merits*

25 It is not reasonably likely that Chattah will prevail on her request to take
26 Kennedy's name off the ballot, or in the alternative, to include a notice of Kennedy's
27

1 disqualification with the mail ballots because of her extremely late filing of her
2 preelection candidate qualification challenge.

3 *(4) The interest of the public*

4 The public has an interest in having every legally cast ballot counted. Every
5 elector has an interest in knowing who the candidates are. A disqualified candidate is
6 not a candidate, so failure to give notice to mail voters that Kennedy is disqualified
7 affects those voters' interests in knowing who the candidates are and that a vote for
8 Kennedy will not be counted.

9 The public has an interest in having the Secretary of State, candidates and
10 electors comply with the election statutes. The public has an interest in not paying for
11 ballot corrective action caused by a very late filing of a preelection candidate
12 qualification challenge.

13
14 **CONCLUSIONS OF LAW**

15 The Court has carefully considered and weighed the factors for granting a
16 restraining order.

17 The fact that Chattah filed her preelection candidate qualification challenge 105 days
18 after the deadline and 4 days after the deadline for changing the ballot undermines her
19 request for a restraining order.

20 Chattah has not shown, under any standard of proof, that she is entitled to a
21 temporary restraining order.

22 Chattah has not shown, under any standard of proof, that the commission or
23 continuance of some act, during the litigation, would produce great or irreparable injury
24 to her.

25 Chattah has not shown, under any standard of proof, that during the litigation,
26 the Secretary of State is doing or threatens, or is about to do, or is procuring or suffering
27

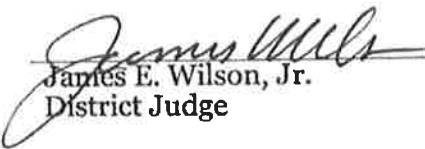
1 to be done, some act in violation of Chattah's rights respecting her general election race,
2 and tending to render the judgment ineffectual.

3
4 **THE COURT ORDERS:**

5 Sigal Chattah's Application and Renewed Application for Temporary Restraining
6 Order and Motion for Preliminary Injunction and Related Relief is denied.

7 If a party wants an evidentiary hearing on the request for a preliminary
8 injunction he or she must file and serve an immediate request to set a hearing and
9 include in the request a specific description of the facts the party believes are relevant
10 and disputed.

11
12 September 7, 2022.

13 
14 James E. Wilson, Jr.
15 District Judge
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the First Judicial District Court of Nevada; that
3 on the 7 day of September 2022, I served a copy of this document by placing a true
4 copy in an envelope addressed to:

5 Joseph S. Gilbert, Esq.
6 405 Marsh Ave.
7 Reno, NV 89509
8 joey@joeygilbertlaw.com

Craig Newby, Esq.
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
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9 Nathan Lawrence, Esq.
10 GALLIAN WELKER &
11 BECKSTROM, L.C.
12 540 East St. Louis Ave.
13 Las Vegas, NV 89104
14 nlawrence@vegascase.com
15 tbarrick@vegascase.com

16 the envelope sealed and then deposited in the Court's central mailing basket in the court
17 clerk's office for delivery to the USPS at 1111 South Rop Street, Carson City, Nevada, for
18 mailing.
19

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Billie Shadron
Judicial Assistant

EXHIBIT "2"

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10 *Counsel for Plaintiff*

11
12
13 **IN THE FIRST JUDICIAL DISTRICT COURT**
14
15 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

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SIGNAL CHATTAH, an individual,)
Plaintiff,) Case No: 22OC00091B
vs.) Dept No.: II
BARBARA CEGAVSKE, in her official)
capacity as NEVADA SECRETARY OF)
STATE, JOHN T. KENNEDY, an individual)
Defendants.)

17
18 **PLAINTIFF'S REPLY TO RESPONSE TO APPLICATION FOR TEMPORARY**
19 **RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION AND**
20 **RELATED RELIEF**

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COMES NOW, Plaintiff, SIGNAL CHATTAH by and through her attorney of record,
JOSEPH S. GILBERT, ESQ. of JOEY GILBERT LAW, and hereby submits the foregoing
Reply to Response Motion for temporary restraining order and preliminary injunction pursuant to
Rule 65 of the Nevada Rules of Civil Procedure restraining and preventing Defendants from
taking the actions set forth below.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Defendants' Response to Plaintiff's request attempt to shift the burden of NRS 293.124
3 on Chattah. NRS 293.124¹ specifically states that the Secretary of State is responsible for the
4 execution and enforcement of state laws relating to elections in this state, including NRS
5 228.010, which requires a candidate for Nevada Attorney General to be a member of the State
6 Bar of Nevada in good standing. It is conclusive at this time that Defendant John T. Kennedy is
7 neither.

8
9 Further, this Court required Defendants to provide proof of costs to modify the mail in
10 ballots. It is most significant to note that nowhere in Wlaschkin's Affidavit does he confirm that
11 the ballots have been printed. They have not. In fact, there is also no evidence of any contract or
12 payment to have the ballots printed yet, allowing the modification of the ballots easily without
13 the State incurring unnecessary costs.

14 Most important though is the fact that Defendants have known since Chattah filed her
15 Complaint on July 26, 2022 that Kennedy was a disqualified candidate. Wlashkins Affidavit
16 specifically states that the time to make the changes to the ballot was between August 15 and
17 August 22, 2022, almost a month after the Secretary of State was placed on notice of Kennedy's
18 disqualification and chose to ignore it.

19
20 NRS 293.124 obligated the Secretary of State to make the changes to the ballot after
21 being placed on notice that Kennedy was disqualified under NRS 228.010. She chose to do

22 ¹ **NRS 293.124 Secretary of State to serve as Chief Officer of Elections; regulations.**

23 1. The Secretary of State shall serve as the Chief Officer of Elections for this State. As Chief Officer, the
24 Secretary of State is responsible for the execution and enforcement of the provisions of title 24 of NRS and all other
25 provisions of state and federal law relating to elections in this State.

2. The Secretary of State shall adopt such regulations as are necessary to carry out the provisions of this
section.

1 neither and now seeks to shift the burden of inaction on a Candidate that is not deputized to
2 enforce election laws under NRS .124.

3 **NRS 293.2045 PROVIDES NO ADEQUATE REMEDY FOR CHATTAH²**

4 NRS 293.2045 does not contemplate the changes to Nevada's elections brought by AB
5 321, in 2021 allowing for Universal Mail In Ballots. In 2022, Nevada's Primary Election Results
6 demonstrate that 266,057 (56.7%) percent of total voters voted by Mail In Ballots.³ Therefore,
7 the recourse allowable under NRS 293.2045 in posting signs at all polling locations would have
8 no effect on a disqualified candidate appearing on mail in ballots, which would conclusively
9 prejudice Chattah in the Attorney General race.
10

11 Accordingly, the only remedy to ensure that a contested election does not occur due to a
12 disqualified candidate appearing on every mail in ballot in Nevada and unfairly prejudicing a
13 qualified candidate, is to simply have him removed from the ballot.

14 **CONCLUSION**

15 At this juncture, Defendants provided no proof that the mail in ballots have been printed.
16 They have known of the disqualified candidate since July 26, 2022, and refused to modify the
17 ballot, eliminating the disqualified candidate between August 15-22, 2022, pursuant to their own
18 deadline.

19 It is only Defendant Cegavske's obligation as Nevada Secretary of State to enforce all
20 election laws including candidate disqualification under NRS 293.124. The failure to enforce
21 NRS 228.010 lies solely at the hands of Defendant Cegavske.
22

23 ² NRS 293.2045 (b)(2) provides "If the name of a person who is disqualified from entering upon the duties of an
24 office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes
25 to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the
person's name will appear on the ballot informing voters that the person is disqualified from entering upon
the duties of the office.

³ Voter Turnout - Nevada Secretary of State 2022 Primary Election Results (nv.gov)

1 Plaintiff respectfully requests that this Court grant Plaintiff's Application for Temporary
2 Restraining Order and Motion for Preliminary Injunction and issue a Restraining Order
3 precluding Defendants from allowing the disqualified candidate John T. Kennedy from
4 remaining on the ballot and appearing on mail in ballots. As noted *supra*, the alternative would
5 simply compromise the integrity of the election, unfairly prejudice a qualified candidate running
6 for office and guarantee an election contest following the General Election.
7

8 Dated this 6th day of September, 2022.

9 JOEY GILBERT LAW

10 By:  14593

11 *Regan O'Donoghue for* Joseph S. Gilbert, Esq.
Nevada Bar No.: 9033

12 JOEY GILBERT LAW

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14 Attorney for Plaintiff
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EXHIBIT “3”

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6 *Attorneys for Defendant*
7 *Barbara Cegavske*

8
9 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE**
10 **STATE OF NEVADA IN AND FOR CARSON CITY**

11 SIGAL CHATTAH, an individual,

Case No. 22 OC 00099 1B

12 Plaintiffs,

Dept. No. II

13 vs.

14 BARBARA CEGAUSKE, in her official
capacity as NEVADA SECRETARY OF
15 STATE, JOHN T. KENNEDY, an individual

16 Defendant.

17 **DECLARATION OF MARK WLASCHIN**

18 I, MARK WLASCHIN, hereby state that the assertions of this declaration are true:

19 1. I have been the Deputy Secretary of State for Elections since October 2020.

20 I make this declaration based on personal knowledge.

21 2. This declaration is made in support of the Secretary's supplemental response
22 to Plaintiff's Renewed Application for Temporary Restraining Order and Motion for
23 Preliminary Injunction, and is attached thereto as **Exhibit C**.

24 3. I am informed of the request for additional information pertaining to the
25 costs and logistics associated with adding information to be included with mail ballot
26 mailings pertaining to Defendant Kennedy's ineligibility for office, notwithstanding the
27 lateness of this challenge.

1 4. Each Nevada county contracts for mail ballots to be printed by outside
2 vendors, who then print and mail the assembled mail ballots to active registered Nevada
3 voters within that county.

4 5. Understanding the urgency of this request, I have inquired with each
5 Nevada county on this question.

6 6. Additionally, I understand that certain Nevada counties contract with
7 Runbeck Election Services for mail ballot services.

8 7. Runbeck Election Services provided me an estimate of \$179,520 without tax
9 and shipment for providing such an insert for Clark County, Carson City, Humboldt
10 County, White Pine County, and maybe Nye County.

11 8. The deadline Runbeck Election Services has for doing such an insert for said
12 counties is no later than Wednesday, September 7th.

13 9. Washoe County provided me with an estimate of \$30,909.06 to put a notice
14 in its mail ballots from its mail ballot vendor.

15 10. For Elko County, I was informed that they would not have information to
16 respond to my request until next week.

17 11. For Lincoln County, I was informed that they did not information from their
18 vendor with which to respond to my request until next week.

19 12. In short, on the Friday prior to the Labor Day Weekend, it is not possible for
20 the Secretary to know whether all Nevada counties could timely add the additional sheet
21 with information to each mail ballot, and, if so, what the approximate cost would be.
22 Pursuant to NRS 53.045, I declare, under penalty of perjury, that the foregoing is true
23 and correct.

24 Executed on this 2nd day of September, 2022.

25
26 /s/ Mark Wlaschin
 MARK WLASCHIN

EXHIBIT "4"

1 AARON FORD
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6 *Attorneys for Defendant*
7 *Barbara Cegavske*

REC'D & FILED
2022 AUG 31 PM 1:23

AUDREY ROWLAND
CLERK
BY S. BARAJAS
DEPUTY

8 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE**
9 **STATE OF NEVADA IN AND FOR CARSON CITY**

10 SIGAL CHATTAH, an individual,

11 Plaintiffs,

12 vs.

13 BARBARA CEGAVSKE, in her official
14 capacity as NEVADA SECRETARY OF
STATE, JOHN T. KENNEDY, an individual

15 Defendant.

Case No. 22 OC 00099 1B

Dept. No. II

16
17 **RESPONSE TO PLAINTIFF'S RENEWED APPLICATION FOR TEMPORARY**
18 **RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION AND**
RELATED RELIEF

19 The Secretary of State submits the following response to Plaintiff's "Application for
20 Temporary Restraining Order and Motion for Preliminary Injunction and Related Relief"
21 (the "Application").
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MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

Plaintiff waited several months to challenge Defendant Kennedy's candidacy, missing both the deadline to have the Secretary to address the challenge and the statutory deadline for finalizing the 2022 general election ballot. The Legislature has determined the relief available for belated, yet meritorious challenges under NRS 293.2045. The Secretary, if this court determines that such relief is warranted, does not oppose it.

However, to the extent Plaintiff seeks extra-statutory relief to require the reprinting of ballots more than one month after the July 22 deadline, the Secretary opposes it.

II. Factual Background

A. Background on the 2022 Election and Required Declaration of Candidacy

This election cycle, 1,227 candidates filed for Nevada elected office.¹ Each candidate submitted a declaration of candidacy swearing that they "will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office."² Each candidate does so with the understanding that "knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office."³

The Secretary, as Nevada's Chief Elections Officer, reasonably relies on the candidates' truthfulness within their respective declarations of candidacy, checked by the competitive incentives of opposing candidates to seek disqualification of those who are not qualified.⁴ This election cycle, the Secretary received two timely challenges, resulting in

¹ See Wlaschin Decl. (8/29/2023) at ¶ 2, attached hereto as **Exhibit A**.

² NRS 293.177(2).

³ *Id.*

⁴ Plaintiff's own political consultant acknowledged this last weekend. See <https://muthstruths.com/heres-whos-really-to-blame-for-ineligible-candidates-appearing-on-the-ballot/> (last accessed August 29, 2023); <https://muthstruths.com/nevada-gop-establishment-bring-us-the-head-of-sigal-chattah-part->

1 the removal of two candidates from the 2022 election.⁵ One was an unqualified candidate
2 for the public office at issue in this case.⁶ Plaintiffs allegation that the Secretary has
3 affirmative “obligations to verify” candidacies does not cite to Nevada statute and is
4 contrary to the existing structure of candidate declarations and challenges.⁷

5 **B. The Libertarian Party’s Candidate Filing, Including Defendant**
6 **Kennedy**

7 Similarly, for minor political parties, the Secretary reasonably relies upon filings by
8 said political parties pursuant to Nevada statute. Defendant Kennedy is the Libertarian
9 Party’s candidate for Attorney General. NRS 293.1715(2) governs procedures for “minor
10 political parties” such as the Libertarian Party to place candidates’ names onto the ballot
11 for the general election. Specifically, the “names of the candidates for partisan office of a
12 minor political party must be placed on the ballot for the general election if the minor
13 political party is qualified.⁸ Among other requirements, the minor political party “must
14 have filed a list of its candidates for partisan office ... with the Secretary of State.”⁹

15 **C. Defendant Kennedy’s Declaration of Candidacy is Admittedly**
16 **Inaccurate**

17 Here, the Libertarian Party did such a filing for its candidates, including for
18 Defendant Kennedy.¹⁰ Further, Defendant Kennedy filed his declaration of candidacy.¹¹
19 Defendant Kennedy has now admitted that his declaration of candidacy is inaccurate
20 because he is not a Nevada attorney in good standing.¹² Following Plaintiffs public

21
22 [ii/?fbclid=IwAR24gUliFUxpPdluWlikEKmHi4-5p_aIBzvivSdTpV_zlRZUxqeik1lgvg&fbclid=IwAR24gUliFUxpPdluWlikEKmHi4-5p_aIBzvivSdTpV_zlRZUxqeik1lgvg](#) (last

23 [5p_aIBzvivSdTpV_zlRZUxqeik1lgvg](#) (acknowledging Plaintiff as a “new client”) (last
24 accessed August 29, 2022).

25 ⁵ See Ex. A at ¶ 3.

26 ⁶ *Id.*

27 ⁷ Compl. at ¶ 13.

28 ⁸ *Id.* (emphasis added).

⁹ *Id.*

¹⁰ A true and correct copy of the Libertarian Party filing is attached hereto as **Exhibit B.**

¹¹ A true and correct copy of Defendant Kennedy’s declaration of candidacy is attached
hereto as **Exhibit C.**

¹² See Kennedy E-Mail (8/26/2023), a true and correct copy of which is attached hereto as
Exhibit D.

1 demands for absolute criminal prosecution,¹³ Defendant Kennedy contends he did not know
2 there was any such requirement.¹⁴

3 **III. Standard of Review for Injunctive Relief**

4 Injunctive relief is extraordinary relief.¹⁵ A “preliminary injunction is an
5 “extraordinary remedy that may only be awarded upon clear showing that the plaintiff is
6 entitled to such relief.”¹⁶ A “preliminary injunction is available if an applicant can show a
7 likelihood of success on the merits and a reasonable probability the non-moving party’s
8 conduct, if allowed to continue, will cause irreparable harm.”¹⁷ Even where a plaintiff
9 makes those showings, a court may decline to order injunctive relief due to the potential
10 hardship on each party and considerations of the public interest.¹⁸ In cases like this one,
11 where the party opposing injunctive relief is a government entity, the potential hardship
12 and the public interest considerations are merged.¹⁹

13 Review of the factors demonstrate that Plaintiff cannot meet their extraordinary
14 burden at this time.

15 **IV. Legal Analysis**

16 **A. Plaintiff Missed the Deadline for Making an NRS 293.182 Challenge** 17 **Addressable Directly by the Secretary**

18 NRS 293.182 provided an April 5 deadline for anyone (including Plaintiff) to
19 challenge Defendant Kennedy’s candidacy to the Secretary, with potential referral and
20

21 ¹³ See Chattah4Nevada Twitter posts (8/25/2023) (seeking the “absolute prosecution of Mr.
22 Kennedy of a gross misdemeanor” by the current Attorney General). True and correct copies
of these Chattah4Nevada Twitter posts are attached hereto as Exhibit E.

23 ¹⁴ Ex. C. The Secretary vigorously disputes Defendant Kennedy’s additional allegations
24 regarding staff statements made when Defendant Kennedy completed his candidate
25 declaration. Ex. A at ¶ 7. While the Secretary does not believe this fact dispute needs to be
resolved to adjudicate this Renewed Application, the Secretary is prepared to present staff
26 declarations and testimony as needed to rebut Defendant Kennedy’s further inaccurate
statements.

27 ¹⁵ *Dep’t of Conservation & Nat. Res., Div. of Water Res. v. Foley*, 121 Nev. 77, 80, 109 P.3d
760, 762 (2005).

28 ¹⁶ *Winter v. Nat. Res. Def Council, Inc.*, 555 U.S. 7, 22 (2008), see also NRS 33.010(1).

¹⁷ *Clark Cty. Sch. Dist. v. Buchanan*, 112 Nev. 1146, 1149, 924 P.2d 716, 719 (1996).

¹⁸ *Univ. & Cmty. Coll. Sys. v. Nevadans for Sound Gov’t*, 120 Nev. 712, 721 (2004).

¹⁹ *Nken v. Holder*, 556 U.S. 418, 435 (2009).

1 investigation by law enforcement. It is undisputed that Plaintiff made no such timely
2 challenge.

3 Because no timely challenge was made, the Secretary lacked statutory authority to
4 use the NRS 293.182 process to consider removing Defendant Kennedy from the 2022
5 election. In that context, the Secretary lacked authority to take any of the "subsequent
6 remedial measures" Plaintiff desired because Plaintiff's challenge was untimely.²⁰ Any
7 allegation made by the Application to the contrary is untrue and unlikely to succeed on the
8 merits, such that it warrants injunctive relief.

9 **B. Plaintiff may have the Ability to Seek NRS 293.2045 Relief from this**
10 **Court, not the Secretary**

11 Plaintiff now alternatively seeks relief in this case pursuant to NRS 293.2045, which
12 provides a court of competent jurisdiction (not the Secretary nor any other official) the
13 authority to award certain specific statutory relief.²¹

14 However, Plaintiff is limited in the NRS 293.2045 relief they can be awarded by this
15 court, because Plaintiff missed the statutory deadline for revising the ballot for the general
16 election.²² That deadline was July '22, 2022, days before Plaintiff submitted her initial
17 complaint to the Secretary²³ and more than one month before filing this lawsuit.²⁴

18 Pursuant to the plain language of NRS 293.2045, if successful on this challenge,
19 Plaintiff is eligible for the following relief:

- 20 • Defendant Kennedy should be "disqualified from entering upon the duties of the
21 office for which [he] filed a declaration of candidacy."²⁵
- 22 • The Secretary will ensure that "the appropriate election officers shall post a sign at
23 each polling place where the person's name will appear on the ballot informing voters
24 that the person is disqualified from entering upon the duties of the office."²⁶

25 ²⁰ Compl. at ¶ 18.

26 ²¹ The Secretary does not take a position on the merits of the fraud claim against Defendant
Kennedy or any potential referral for criminal investigation.

27 ²² See App. at 7:7-8 (immediately following bolded text).

28 ²³ Compl. at ¶ 10.

²⁴ NRS 293.165(4).

²⁵ NRS 293.2045(1)(b).

²⁶ NRS 293.2045(2).

1 The Secretary does not oppose the imposition of this statutory relief only should the
2 court deem it warranted.

3 **C. Plaintiff does not have the Statutory Authority to Modify the Ballot**
4 **Deadline, Making the Likelihood of Success Low on that Claim for**
5 **Relief**

6 However, to the extent sought here, Plaintiff is not entitled to an injunction forcing
7 the Secretary to make changes to the ballot after the July 22 deadline. The Legislature has
8 set forth the available relief for the situation Plaintiff alleges here and specifically
9 precludes removing disqualified names from the ballot after this deadline.²⁷

10 Similarly, the Legislature has set forth the relief allowed to qualified minor political
11 parties had this challenge been made prior to the July 22 deadline. Specifically, had
12 Plaintiff made a timely challenge, "the executive committee of the [Libertarian Party]"
13 would have the statutory authority to designate a substitute candidate for Defendant
14 Kennedy.²⁸ Plaintiff's belated challenge results in the Libertarian Party having no
15 qualified candidate on the ballot for this statewide office.

16 Accordingly, Plaintiff is unlikely to succeed on the merits of its claim that the ballot
17 modification deadline should be ignored.

18 **D. The Public Interest, as Expressed by the Legislature, Warrants**
19 **Denial of the Application**

20 Even if Plaintiff was likely to succeed on the merits of the Application, this court
21 may decline to order injunctive relief due to the potential hardship on each party and
22 considerations of the public interest.²⁹

23 When weighing the public interest, this court must consider Plaintiff's own inaction
24 when determining whether extraordinary relief at great logistical expense and cost is
25 warranted. Delay seeking injunctive relief warranted denial of it, implying it is not
26 irreparable.³⁰ Here, basic due diligence by Plaintiff to bring a timely complaint would have

27 NRS 293.2045(1)(a).

28 NRS 293.165(1).

29 *Univ. & Cmty. Coll. Sys. v. Nevadans for Sound Gov't*, 120 Nev. 712, 721 (2004).

30 *See Oakland Tribune, Inc v. Chronicle Pub'g Co.*, 762 F.2d 1374, 1377 ("Plaintiff's long
28 delay before seeking a preliminary injunction implies a lack of urgency and irreparable

1 prevented her asserted harm. Instead, without statutory support, Plaintiff claims it is the
2 Secretary's job to investigate every candidate that already averred their candidacies are
3 truthful and valid, even under threat of a potential gross misdemeanor.

4 Weighed against Plaintiff's harm is the definite and certain harm to Nevadans
5 resulting from reformulating and reprinting ballots approved as to form more than one
6 month ago.³¹ The Secretary estimates that reformulating and reprinting ballots would cost
7 approximately \$2.7 million.³² Further, the Legislature weighed this exact balance of harms
8 between a candidate running against someone unqualified versus the Secretary's logistical
9 time and costs when delineating relief available 1) before the ballot deadline and 2) after
10 the ballot deadline. No good cause exists for undoing this weighing of the public interest
11 here.

12 Finally, in the alternative, should Plaintiff convince this court to ignore the
13 Legislature's directive as to reprinting ballots after the existing July 22 deadline, the same
14 deadline should be extended to allow the Libertarian Party, should it wish, to exercise its
15 NRS 293.165(1) rights to name a replacement candidate for this office.

16 V. CONCLUSION

17 Should the court determine the challenge has merit and that Plaintiff can seek such
18 relief, the Secretary submits that the Legislature specified the appropriate relief in NRS
19 293.2405(1)(b) and NRS 293.2045(2), based on the untimeliness of Plaintiff's complaint
20 relative to the statutory deadline for revising the general election ballot.

21 ///

22 ///

23 ///

24

25

26 harm."); *Garcia v. Google, Inc.*, 786 F.3d 733, 746 (9th Cir. 2015); *Fund for Animals v.*
27 *Frizzell*, 530 F.2d 982, 987 (D.C. Cir. 1975) (finding a 44-day delay in seeking injunctive
relief to be "inexcusable"). That reason alone justifies denying the TRO application.

28 ³¹ Ex. A at ¶ 8.

³² *Id.*

1 In the alternative, should this court ignore the Legislature's prescribed statutory
2 relief and consider modifying the July 22 ballot deadline for purposes of removing
3 Defendant Kennedy, the same July 22 deadline should be modified for the Libertarian
4 Party's statutory right to name a substitute, qualified candidate.

5 DATED this 31st day of August, 2022.

6 AARON D. FORD
7 Attorney General

8 By:  *10950
9

10 Craig Newby, Esq. (Bar No. 8591)
11 Deputy Solicitor General
12 *Attorneys for Defendant Barbara Cegavske*
13
14
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada,
and that on the 31st day of August, 2022, I deposited for mailing in the United States
Mail, first-class postage prepaid, a true and correct copy of the foregoing document,
addressed to the following:

JOSEPH S. GILBERT, ESQ.
405 Marsh Ave.
Reno, Nevada 89509
Attorney for Sigal Chattah

JOHN T. KENNEDY
1166 Slate Road
Wellington, NV 89444

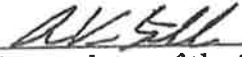

An employee of the Office
of the Nevada Attorney General

EXHIBIT "A"

EXHIBIT "A"

1 AARON FORD
Attorney General
2 Craig Newby, Esq. (Bar No. 8591)
Deputy Solicitor General
3 Office of the Attorney General
555 E. Washington Ave, Ste. 3900
4 Las Vegas, NV 89101
(702) 486-3420 (phone)
5 (702) 486-3773 (fax)
cnewby@ag.nv.gov

6
7 *Attorneys for Defendant*
Barbara Cegavske

8
9 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE**
STATE OF NEVADA IN AND FOR CARSON CITY

10 SIGAL CHATTAH, an individual,
11 Plaintiffs,

Case No. 22 OC 00099 1B
Dept. No. II

12 vs.

13 BARBARA CEGAUSKE, in her official
14 capacity as NEVADA SECRETARY OF
STATE, JOHN T. KENNEDY, an individual
15 Defendant.

16
17 **DECLARATION OF MARK WLASCHIN**

18 I, MARK WLASCHIN, hereby state that the assertions of this declaration are true:

19 1. I have been the Deputy Secretary of State for Elections since October 2020.

20 I make this declaration based on personal knowledge.

21 2. For the 2022 election cycle, 1,227 candidates filed for Nevada elected office,
22 135 of which filed with the Secretary of State.

23 3. In March and April 2022, the Secretary of State received challenges for two
24 candidates. First, on March 31, 2022, the Secretary of State received a challenge to the
25 candidacy of Nicole Sirotek, asserting that Ms. Sirotek failed to meet the qualifications to
26 be a Republican candidate for State Assembly, District 33. That challenge resulted in the
27 disqualification of Ms. Sirotek by order of the Fourth Judicial District Court of the State
28 of Nevada, filed April 25, 2022. Second, by April 4, 2022, the Secretary of State had

1 received more than one challenge to the candidacy of Stuart Mackie, asserting that Mr.
2 Mackie did not qualify to run for Attorney General because he was not a member of the
3 State Bar in good standing. The challenge to Mr. Mackie resulted in his disqualification
4 by order of the Third Judicial District Court of the State of Nevada, filed April 28, 2022.

5 4. The Libertarian Party submitted a list of its candidates for partisan office
6 with the Secretary of State by filing dated March 7, 2022. A true and correct copy of that
7 filing is attached to the Response to Plaintiff's Application for Temporary Restraining
8 Order and Motion for Preliminary Injunction and Related Relief ("Response") as **Exhibit**
9 **B**.

10 5. John T. Kennedy filed with the Secretary of State a declaration of candidacy
11 for the office of Attorney General for the 2022 Election, dated March 10, 2022. A true and
12 correct copy of that declaration is attached to the Response as **Exhibit C**.

13 6. On August 26, 2022, the Secretary of State received an email from Mr.
14 Kennedy. A true and correct copy of that email is attached to the Response as **Exhibit**
15 **D**. In that email, Mr. Kennedy states, "When I filed for my candidacy in your office I was
16 interviewed by two members of your staff, one of whom asked me if I was a lawyer. I
17 stated that I was not, but that it was my understanding that this was not a requirement
18 to run for the office. She verbally confirmed to me that it was not a requirement."

19 7. Following receipt of Mr. Kennedy's email, I investigated his allegations by
20 speaking with the likely two staff members he described. I am not identifying them by
21 name to preserve their personal privacy. Based on my initial investigation, the Secretary
22 of State disputes Mr. Kennedy's statement in his August 26, 2022 email that any member
23 of the Secretary of State's staff discussed candidate qualifications with him.

24 8. The deadline to make changes to the ballot across the state was between
25 August 15 and August 22, 2022. Ballots and sample ballot proofs are already being
26 printed to meet statutory deadlines.

27 9. Based on an examination of previous ballot expenditures, I estimate that
28 reformulating and reprinting ballots would cost approximately \$2.7 million.

1 Furthermore, I estimate that it would cost approximately \$330,000 to mail a separate
2 notice to mail ballot recipients notifying them of Mr. Kennedy's disqualification.

3 Pursuant to NRS 53.045, I declare, under penalty of perjury, that the foregoing is
4 true and correct.

5 Executed on this 31 day of August, 2022.

6 
7 MARK WLASCHIN

EXHIBIT "B"

EXHIBIT "B"



7 March 2022

Barbara Cegavske
Nevada Secretary of State
101 N. Carson Street, Suite 3
Carson City, Nevada 89701

Dear Ms. Cegavske & who it may concern with the Elections Division,
The Libertarian Party of Nevada has approved the following individuals to run for Partisan Public Offices:

United States Senate

Neil Scott
3150 Soft Breezes Dr., Apt. 1220
Las Vegas, Nevada 89128

United States Congressional District 1

Kenneth Cavanaugh
4800 Vegas Valley Dr., Trlr 179
Las Vegas, Nevada 89121

United States Congressional District 2

Darryl Baber
7259 Goldrush Dr.,
Ryndon, Nevada 89801

Lieutenant Governor

Javi Tachiquin
1484 Mary Jo Dr.
Gardnerville, Nevada 89460

Secretary of State

Ross Crane
9461 Ashlee Ridge Ave
Las Vegas, Nevada 89178

Treasurer

Bryan Elliott
10204 Orkiney Dr.
Las Vegas, Nevada 89144

Controller

Jed William Profeta
9068 National Park Dr.
Las Vegas, Nevada 89178

Attorney General

John T. Kennedy
1166 Slate Road
Wellington, Nevada 89444

State Senate District 9

Anna Sosnina
7379 Fort McDermitt Ave
Las Vegas, Nevada 89179

State Senate District 10

Christopher Cunningham
3150 W. Twain Ave, Apt 545
Las Vegas, Nevada 89103

State Senate District 16

Jeff Harper
375 Manciano Way
Reno, Nevada 89521

State Senate District 20

Brandon Mills
1319 Yucca St.
Boulder City, Nevada 89005

State Assembly District 2

Jason Bednarz
10008 Bow Ridge Ct.
Las Vegas, Nevada 89145

State Assembly District 5

Ron Morgan
1616 Cordoba Canyon St.
Las Vegas, Nevada 89117

LIBERTARIAN PARTY OF NEVADA

www.LPNevada.org | Phone: 725.217.5376 | P.O. Box 70974, Las Vegas, NV 89170

SC00035



State Assembly District 10

Brandon Fenimore
3257 Pampas Pl.
Las Vegas, Nevada 89146

State Assembly District 20

Josiah L. LaRow
2050 Irwin Cir.
Las Vegas, Nevada 89119

State Assembly District 23

Mercy Manley
1296 Black Mountain Ct.
Boulder City, Nevada 89005

State Assembly District 26

Reed Mitchell
9792 Quartette Dr.
Reno, Nevada 89521

State Assembly District 30

Garrett McGeein
884 Glen Molly Dr.
Sparks, Nevada 89434

State Assembly District 35

Mindy Robinson
5620 Benevento Ct.
Las Vegas, Nevada 89141

State Assembly District 37

Marc Tedoff
9100 Ballad Ave
Las Vegas, Nevada 89129

State Assembly District 40

Samuel Toll
1757 Main St.
Gold Hill, Nevada 89440

State Assembly District 41

Sean McNamara
306 Maddelena Ave
Las Vegas, Nevada 89183

Clark County Commissioner District G

Jesse Welsh
942 Westminster Ave
Las Vegas, Nevada 89119

Washoe County Commissioner District 2

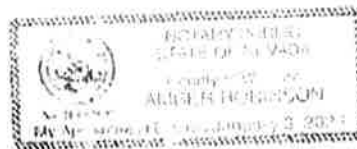
David Banuelos
4608 Neil Rd. #259
Reno, NV 89502

We certify the foregoing to be a true and correct list of Candidates chosen by the Libertarian Party of Nevada as prescribed by NRS and the LPN Bylaws.


Katharine Banuelos
Secretary, Libertarian Party of Nevada

State of Nevada
County of Washoe
This instrument was acknowledged
before me on

03-01-2022 by Katharine E.
Banuelos





(signature of notarial officer)

EXHIBIT "C"

EXHIBIT "C"

2022 Election

State of Nevada Declaration of Candidacy of

John T. Kennedydy
For the Office of
Attorney General

Minor Political Party - Partisan Office

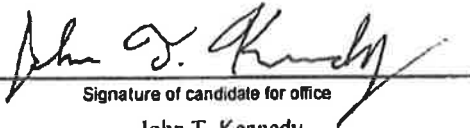
Secretary of State Barbara K. Cegavske

STATE OF NEVADA

COUNTY OF Carson City

For the purpose of having my name placed on the official ballot as a candidate for the Libertarian
Party nomination for the office of Attorney General, I, the undersigned
John T. Kennedydy, do swear or affirm under penalty of perjury that I actually, as opposed to
constructively, reside at [REDACTED], in the City or Town of
Wellington, County of Douglas, State of Nevada; that my actual, as opposed to constructive,
residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a
date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my
telephone number is [REDACTED], and the address at which I receive mail, if different than my
residence, is _____; that I am registered as a member of the

Libertarian Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of
the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I
have not, in violation of the provision of NRS 293.176, changed the designation of my political party or political party
affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this
election; that I generally believe in and intend to support the concepts found in the principles and policies of that
political party in the coming election; that if nominated as a candidate of the Libertarian Party
at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or
any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will
qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the
Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I
understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime
punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the
duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.


Signature of candidate for office
John T. Kennedydy

Designation of name to appear on ballot

John T. Kennedydy

Designation of name to appear on certificate of election

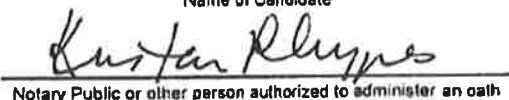
jtkennedy@gmail.com

E-mail address (optional)

EL103b
NRS 293.177
Revised, 2/10/2022

Subscribed and sworn or affirmed to before me this 10th
day of the month of March of the year 20 22

John T. Kennedydy
Name of Candidate


Notary Public or other person authorized to administer an oath

SC00038

EXHIBIT "D"

EXHIBIT "D"

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: John T. Kennedy <[REDACTED]>
Sent: Friday, August 26, 2022 3:12:55 PM (UTC-08:00) Pacific Time (US & Canada)
To: SOS Customer Service <sosmail@sos.nv.gov>
Subject: [REDACTED]

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To Barbara Cegavske
Nevada Secretary of State,

I'm John Kennedy, the Libertarian Party candidate for Attorney General of Nevada. Today it came to my attention that I was not eligible to run for this office because I am not a member of the bar in Nevada. That being the case, I seek to withdraw my candidacy and be removed from the ballot. I have no intention of campaigning for an office I'm not eligible to run for.

I was unaware of this requirement until today. When I filed for my candidacy in your office I was interviewed by two members of your staff, one of whom asked me if I was a lawyer. I stated that I was not, but that it was my understanding that this was not a requirement to run for the office. She verbally confirmed to me that it was not a requirement.

John T. Kennedy
[REDACTED]

SC00040

EXHIBIT "5"

1 **APP**
2 **JOSEPH S. GILBERT, ESQ.**
3 Nevada Bar No.: 9033
4 **JOEY GILBERT LAW**
5 405 Marsh Ave.
6 Reno, Nevada 89509
7 Tel: (775) 284-7000
8 Fax: (775) 284-3809
9 Joey@joeygilbertlaw.com
10 *Counsel for Plaintiff*

REC'D & FILED
2022 AUG 26 AM 10:08
AUDREY ROWLATT
CLERK
BY K. PETERSON
DEPUTY

11
12
13 **IN THE FIRST JUDICIAL DISTRICT COURT**
14
15 **OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

16 **SIGAL CHATTAH, an individual,**

17 **Plaintiff,**

18 **vs.**

19 **BARBARA CEGAVSKE, in her official**
20 **capacity as NEVADA SECRETARY OF**
21 **STATE, JOHN T. KENNEDY, an individual**

22 **Defendants.**

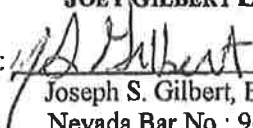
23)
24) **22OC0009918**
25) **Case No: 22OC000918**
) **Dept No.: II**

26 **PLAINTIFF'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND**
27 **MOTION FOR PRELIMINARY INJUNCTION AND RELATED RELIEF**

28 COMES NOW, Plaintiff, SIGAL CHATTAH by and through her attorney of record,
29 JOSEPH S. GILBERT, ESQ. of JOEY GILBERT LAW, and hereby moves this Court to issue a
30 temporary restraining order and preliminary injunction pursuant to Rule 65 of the Nevada Rules
31 of Civil Procedure restraining and preventing Defendants from taking the actions set forth below.

32 This Application and Motion is made and based upon N.R.C.P. 65, NRS 33.010, The
33 Complaint and the Memorandum of Points and Authorities set forth herein, all Exhibits and the
34 Affidavit attached hereto.
35

1 Dated this 26th day of August, 2022.

2
3 By: 
4 Joseph S. Gilbert, Esq.
5 Nevada Bar No.: 9033
6 JOEY GILBERT LAW
7 405 Marsh Ave
8 Reno, Nevada 89501
9 Tel: (775) 284-7000
10 Attorney for Plaintiff

11 NOTICE OF MOTION ON ORDER SHORTENING TIME

12 PLEASE TAKE NOTICE that Plaintiff, will bring the foregoing Application for a
13 Temporary Restraining Order and Motion for Preliminary Injunction on for hearing on the ____
14 day of _____, 2022 at the hour of _____ a.m./p.m. in the above-entitled Court, or
15 as soon thereafter as counsel may be heard.
16

17 Submitted by:

18 
19 JOEY GILBERT LAW
20
21
22
23
24
25

1 **DECLARATION OF SIGAL CHATTAH IN SUPPORT OF APPLICATION FOR**
2 **TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY**
3 **INJUNCTION ON ORDER SHORTENING TIME**

4 1. This Declaration is based on my own personal knowledge of the matters to which
5 I am competent to testify. As to those statements made upon information and belief, I believe
6 those statements to be true.

7 2. I am the Plaintiff in this matter.

8 3. This Application is made upon the basis that this Motion must be heard
9 immediately as Defendants are in the process of printing ballots with a disqualified candidate
10 appearing thereon as the candidate for Attorney General for the Libertarian Party.

11 4. This Declaration is in support of the subject Application is provided in accordance
12 with NRCP 65(b).

13 5. The requirements are met under NRCP 65 to issue a TRO and hearing set in an
14 expeditious manner as Plaintiff had requested this matter be resolved without proceeding to
15 litigation a month ago.

16 6. Defendant John T. Kennedy does not meet the qualifications of NRS 228.010
17 requiring him to be a member in good standing with the State Bar of Nevada. Defendant
18 Kennedy is not a lawyer in Nevada, immediately disqualified from serving as the Attorney
19 General of the State.

20 7. Defendant Kennedy knowingly misrepresented he was qualified on his
21 Declaration of Candidacy filed with the Secretary of State.

22 8. It is significant to note that the Secretary of State's office did not engage in
23 verification of Kennedy's credentials with the State Bar of Nevada.
24
25


1 9. Despite being placed on Notice of Disqualification by filing a Complaint on July
2 26, 2022, the Secretary of State refused to resolve the matter and remove Defendant Kennedy
3 from the ballot, instead issuing a correspondence that placed the burden to object to the
4 qualifications of the candidate on myself.

5 7. That following passage of AB 321, universal mail in ballots will be issued and the
6 remedy under NRS 293.2045, allowing for posting signs at polling locations will not affect those
7 who will vote via mail in ballot, which will compromise the integrity of the election.
8

9 8. Due to the fact that mail in ballots are going to be in nine days, this Court must
10 hear the matter in an expediter manner and enjoin the appearance of a disqualified candidate
11 from the ballot.

12 11. Under NRS 53.045, I declare under penalty of perjury that the foregoing is true and
13 correct.

14 Dated this 26thth day of August, 2022.

15
16 
17 SIGAL CHATTAH
18 Affiant
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20
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 STATEMENT OF FACTS

4 On November 6, 2018, current Attorney General Aaron D. Ford was elected as Nevada's
5 Attorney General by a margin of half a percentage point and currently remains the Nevada
6 Attorney General. On or about March 17, 2022, Plaintiff, Chattah, filed with the Secretary of
7 State her Declaration of Candidacy for the Office of Attorney General, to run against the
8 incumbent Aaron Ford.
9

10 On June 16, 2022, Plaintiff prevailed in the Nevada GOP primary as the victor in the
11 Attorney General race to proceed to the General Election against incumbent Ford.

12 Defendant JOHN T. KENNEDY, filed his Declaration of Candidacy, on behalf of the
13 Libertarian Party of Nevada, in ordinary course with the Nevada Secretary of State. Included in
14 the Declaration of Candidacy is the following language and statement, to wit;

15
16 "... that I will not violate any election law or any law defining and prohibiting corrupt
17 and fraudulent practices in campaigns and elections in this State, that I will qualify for
18 the office if elected thereto, including, but not limited to, complying with any litigation
19 prescribed by the Constitution and laws of this State concerning the number of years or
20 terms for which a person may hold the office; that I understand that knowingly and
willfully filing a declaration of candidacy which contains a false statement is a crime
punishable as a gross misdemeanor and also subjects me to a civil action disqualifying
me from entering upon the duties of the office..." [Emphasis added]

21 To qualify for the office of Attorney General, the qualifications are found in NRS
22 228.010 entitled Qualifications which provides:

23 No person shall be eligible to the Office of Attorney General unless the person:

- 24 1. Has attained the age of 30 years at the time of such election;
25 2. Is a qualified elector and has been a citizen resident of this State for 3 years next
preceding the election; and
3. Is a member of the State Bar of Nevada in good standing.

1 Plaintiff is a member in good standing with the State Bar of Nevada since 2002.
2
3 Defendant KENNEDY is not licensed as an attorney in the State of Nevada, nor is he a member
4 of the State Bar in Nevada in good standing, nor does he qualify to be a member in good
5 standing with the State Bar of Nevada.

6 On July 26, 2022, Plaintiff notified Defendant CEGAVSKE's office that Defendant
7 KENNEDY is not a member of the State Bar of Nevada by filing an Election Integrity
8 Complaint.¹ On same day, Plaintiff also notified Nevada Attorney General's office and provided
9 the office of the Nevada Attorney General the Election Integrity Complaint.

10 On August 17, 2022, Defendant, Secretary of State issue a correspondence that Plaintiff's
11 time to object to a candidate qualification had expired on April 5, 2022 under NRS 193.182 and
12 refused to take further action.² Defendant Secretary of State failed in her obligations to verify
13 that Defendant Kennedy had in fact met the qualifications of NRS 228.010 to run for office,
14 placing an onerous burden on Chattah to engage in such verification.
15

16 Additionally, the office of Nevada Attorney General's was notified of the disqualification
17 of Defendant KENNEDY and also refused to take any subsequent remedial measures thereon. As
18 noted *supra*, in the 2018 election, the margin for victory was less than half a point.

19 Having a disqualified candidate on the ballot poses a threat to the integrity of the election
20 for the Office of Attorney General, and can compromise the margin of victory for qualified
21 candidates in November, 2022.
22
23
24

25 ¹ See Complaint attached herein as Exhibit "1"

² See Secretary of State Correspondence attached hereto as Exhibit "2"

1 NRS 293.2045 entitled Remedies in preelection actions challenging candidates who fail
2 to meet qualifications for office; disqualification from taking office; removal from ballot or
3 notification to voters at polling places; applicability provides as follows:
4

5 1. In addition to any other remedy or penalty provided by law, but except as
6 otherwise provided in NRS 293.1265, if a court of competent jurisdiction finds in any
7 preelection action that a person who is a candidate for any office fails to meet any
8 qualification required for the office pursuant to the Constitution or laws of this State:
9 (a) **The name of the person must not appear on any ballot for the election for which
10 the person filed a declaration of candidacy, except that if the statutory deadline for
11 making changes to the ballot has passed, the provisions of subsection 2 apply; and**
12 (b) **The person is disqualified from entering upon the duties of the office for which the
13 person filed a declaration of candidacy.**

14 2. If the name of a person who is disqualified from entering upon the duties of an
15 office pursuant to subsection 1 appears on a ballot for the election because the statutory
16 deadline for making changes to the ballot has passed, **the appropriate election officers
17 shall post a sign at each polling place where the person's name will appear on the
18 ballot informing voters that the person is disqualified from entering upon the duties
19 of the office.**

20 3. The provisions of this section apply to any preelection action brought to challenge a
21 person who is a candidate for any office on the grounds that the person fails to meet any
22 qualification required for the office pursuant to the Constitution or laws of this State,
23 including, without limitation, any action brought pursuant to NRS
24 281.050, 293.182 or 293C.186 or any action brought for:

- 25 (a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;
(b) Writ relief pursuant to chapter 34 of NRS; or
(c) Any other legal or equitable relief.

Following the complete lack of subsequent remedial measures taken by the Nevada
Secretary of State and the Office of the Attorney General over the course of three weeks after
being placed on notice, Plaintiff has no other recourse than to bring this action for proper
adjudication by the judiciary in accordance with NRS 293.2045. Allowing a disqualified
candidate remain on the ballot severely prejudices Plaintiff and the integrity of the election for
the office of Nevada Attorney General.

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III.

LEGAL ARGUMENT

A. **PLAINTIFF IS SUBJECT TO IMMEDIATE AND IRREPARABLE HARM AND DAMAGE AND IS THUS ENTITLED TO A TEMPORARY RESTRAINING ORDER.**

A temporary restraining order should be issued pursuant to NRCP 65 where "it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the Plaintiff before the adverse party or that party's attorney can be heard in opposition." *NRCP 65(b)*. Good cause for this application exists as Plaintiff is subject to suffering immediate and irreparable loss and damage as a result of Defendants' actions.

As the Secretary of State, Defendant Cegavske is the Chief Office of Elections for Nevada and is responsible for the execution, administration, and enforcement of the State's election laws. *See NRS 293.124*. She already knows that Mail In ballots are being printed in less than ten (10) days. She knows that following the passage of AB 321, every registered voter in Nevada will receive a Mail In ballot. She further already knows that a large percentage of individuals will likely be voting by Mail In ballot.

Put simply, Cegavske knows that having a disqualified on a Mail In ballot will have no recourse possible other than his removal for voters voting by mail. It is unfathomable that knowingly having a disqualified candidate on the ballot and a failure to take subsequent remedial measures to remove him therefrom is such a daunting task for the Chief officer of Elections in Nevada. It is further unfathomable that a qualified candidate is burdened with seeking Court intervention on such a simplistic measure to ensure election integrity be maintained in the State of Nevada.

1 **B. A PRELIMINARY INJUNCTION SHOULD BE GRANTED SINCE**
2 **PLAINTIFF ENJOYS A REASONABLY PROBABILITY OF SUCCESS**
3 **ON THE MERITS AND IS SUBJECT TO GREAT AND IRREPARABLE**
4 **INJURY.**

5 *N.R.C.P. 65* and *NRS 33.010*, authorize the Court to grant injunctive relief in the
6 commission or continuance of an act that produces great and irreparable injury to the Plaintiff. In
7 relevant part, *NRS 33.010*, provides that an injunction may be granted under the following
8 circumstances:

- 9 1) When it shall appear by the complaint that the plaintiff is entitled to
10 The relief demanded, and such relief or any part thereof consists in
11 restraining the commission or continuance of the act complained of,
12 either for a limited period or perpetually.
13 2) When it shall appear by the complaint or affidavit that the commission
14 or continuance of some act, during the litigation, would produce great or
15 irreparable injury to plaintiff.
16 3) When it shall appear, during the litigation that the defendant is doing
17 or threatens, or is about to do, or is procuring or suffering to be done,
18 some act in violation of the plaintiff's rights respecting the subject of the
19 action, and tending to render the judgment ineffectual.

20 *NRS 33.010*

21 In *Sobel v. Capital Management Consultants, Inc.*, 102 Nev. 444, 726 P.2d (1986) the
22 Nevada Supreme Court discussed the granting of preliminary injunctions and held:

23 A preliminary injunction is available upon a showing that the party
24 seeking it enjoys a reasonable probability of success on the merits and
25 that the defendant's conduct, if allowed to continue, will result in
irreparable harm for which compensatory damages is an adequate
remedy.

Id at 446.

The Nevada Supreme Court has also permitted a reviewing court to consider the interest
of public when considering an application for preliminary injunction, but certainly has never
required such a consideration. See, *Clark County School District v. Buchanan*, 112 Nev. 1145,

1 1150, 924 P.2d 716, 719 (1996). In *Buchanan*, the Nevada Supreme Court stated, "the district
2 court may also weigh the public interest and the relative hardships of the parties in deciding
3 whether to grant a preliminary injunction. *Buchanan*, 112 Nev. at 1150.

4 As stated in *Buchanan*, neither the public's interest nor the hardships of the party are a
5 required element for the granting of a preliminary injunction. *See, Id.* In the instances where the
6 public's interest has been reviewed as part of a party's request for preliminary injunction, the
7 public's interest has been directly impacted by the granting or denial of a preliminary injunction.
8 *See, Id. (debate over the presence of a dog in the Clark County School District).* *See also, Ellis*
9 *v. McDaniel*, 95 Nev. 455, 459, 596 P.2d 222, 224-225 (1979)(availability to the public of an
10 orthopedic surgeon's special skills despite the validity of a non-compete agreement).

11 The Ninth Circuit in the past set forth two separate sets of criteria for determining
12 whether to grant preliminary injunctive relief: Under the traditional test, a plaintiff must show:
13 (1) a strong likelihood of success on the merits, (2) the possibility of irreparable injury to
14 plaintiff if preliminary relief is not granted, (3) a balance of hardships favoring the plaintiff, and
15 (4) advancement of the public interest (in certain cases). The alternative test requires that a
16 plaintiff demonstrate either a combination of probable success on the merits and the possibility
17 of irreparable injury or that serious questions are raised and the balance of hardships tips sharply
18 in his favor. *Taylor v. Westly*, 488 F.3d 1197, 1200 (9th Cir. 2007). "These two formulations
19 represent two points on a sliding scale in which the required degree of irreparable harm increases
20 as the probability of success decreases." *Id.*

21
22
23 **1. A Preliminary Injunction Is Warranted As Plaintiff Enjoys A Reasonable
24 Likelihood Of Success On The Merits.**

25 As stated above, Defendant does not meet the qualifications of NRS 228.010. There is no
merit to any objections that he does. Nor is there any merit to forcing Chattah to engage in this

1 action when there should have been immediate action by both the Attorney General's office and
2 Defendant Cegavske when Chattah placed them both on Notice of this disqualification.

3 Accordingly, Plaintiff enjoys a high likelihood of prevailing in this matter.

4 **2. Plaintiff Will Suffer Irreparable Injury If An Injunction Is Not Granted.**

5 The Supreme Court recently reiterated, however, that a plaintiff seeking an injunction
6 must demonstrate that irreparable harm is "*likely*," not just possible. *Winter v. NRDC*, 555 U.S. 7,
7 129 S. Ct. 365, 374-76, 172 L. Ed. 2d 249 (2008) (rejecting the Ninth Circuit's alternative "sliding
8 scale" test). The Ninth Circuit has explicitly recognized that its "possibility" test was
9 "definitively refuted" by *Winter*, and that "[t]he proper legal standard for preliminary injunctive
10 relief requires a party to demonstrate 'that he is likely to succeed on the merits, that he is likely to
11 suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his
12 favor, and that an injunction is in the public interest.'" *Stormans, Inc. v. Selecky*, 586 F.3d 1109,
13 1127 (9th Cir. 2009) (quoting *Winter*, 129 S. Ct. at 374) (reversing a district court's use of the
14 Ninth Circuit's pre-*Winter*, "sliding-scale" standard and remanding for application of the proper
15 standard).
16

17 A recent Ninth Circuit ruling relying largely on the dissenting opinion in *Winter* parsed
18 the language of *Winter* and subsequent Ninth Circuit rulings and ruled that the sliding scale test
19 remains viable when there is a lesser showing of likelihood of success on the merits amounting
20 to "serious questions," but not when there is a lesser showing of likelihood of irreparable harm.
21 See *Alliance for the Wild Rockies v. Cottrell*, 613 F.3d 960, 2010 WL 2926463, at 5-7 (9th Cir.
22 2010). As a preliminary matter, to the extent this interpretation of *Winter* is inconsistent with that
23 in *Selecky*, *Selecky* controls. See *Miller v. Gammie*, 335 F.3d 889, 899 (9th Cir. 2003) (en banc)
24 (holding that, in the absence of an intervening Supreme Court decision, only the en banc court
25 may overrule a decision by a three-judge panel). In any case, the Supreme Court has made clear

1 that a movant must show both "that he is *likely* to succeed on the merits [and] that he is *likely* to
2 suffer irreparable harm in the absence of preliminary relief" *Winter*, 129 S. Ct. at 374 (citing
3 *Munaf v. Geren*, 553 U.S. 674, 128 S. Ct. 2207, 2218-19, 171 L. Ed. 2d 1 (2008); *Amoco Prod.*
4 *Co. v. Gambell*, 480 U.S. 531, 542, 107 S. Ct. 1396, 94 L. Ed. 2d 542 (1987); *Weinberger v.*
5 *Romero-Barcelo*, 456 U.S. 305, 311-12, 102 S. Ct. 1798, 72 L. Ed. 2d 91 (1982)) (emphases
6 added). To satisfy *Winter*, the movant must show that he is "likely" to succeed on the merits. To
7 the extent the *Cottrell* court meant to imply that its "serious questions" standard was a lesser
8 standard than "likely," it is inconsistent with *Winter* and *Selecky*. The Court must reconcile the
9 cases by interpreting the *Cottrell* "serious questions" requirement to be in harmony with the
10 *Winter/Selecky* "likelihood" standard, not as being in competition with it. The movant must
11 therefore show that there are serious questions as to the merits of the case such that success on
12 the merits is likely. A claim can be weaker on the merits if it raises "serious questions" and the
13 amount of harm the injunction will prevent is very great, but the chance of success on the merits
14 cannot be weaker than "likely."

16 If the injunction is not granted, it is unquestionable that Plaintiff will suffer irreparable
17 injury as Plaintiff has a vested interest in fair election process with only qualified candidates to
18 remain on the ballot. The fact that a disqualified candidate remain on the ballot and even obtain
19 one vote in his favor compromises the integrity of the election process.

21 3. The Balance Of The Hardships Favor Plaintiff .

22 While this Court is not required to consider the balance of hardship between the parties,
23 as noted *supra*, in 2018, Ford won his election by approximately 5,000 votes in the Statewide
24
25

1 race for Nevada Attorney General against Republican Nominee Wes Duncan. The Third Party
2 Candidate, Joel Hansen in 2018 received approximately 32,000 votes. ³

3 It is not improbable that a Libertarian Candidate named John Kennedy will not receive
4 votes and may in fact receive sufficient votes to create irreparable harm to the integrity of an
5 election, if allowed to remain a disqualified candidate on the ballot.

6 **C. THE COURT SHOULD REQUIRE A MINIMAL BOND.**

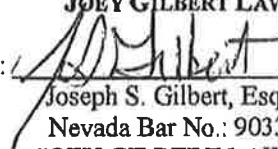
7 N.R.C.P. 65(c) requires Plaintiff to post bond before the issuance of a Temporary
8 Restraining Order. A minimal bond is sufficient in this case because the granting of a
9 Temporary Restraining Order was the only option left for Plaintiff following a refusal by the
10 Attorney General and Secretary of State to take subsequent remedial measures will placed on
11 notice. Further, Defendant will not incur any damages herein as this is not a monetary action.
12

13 **IV.**

14 **CONCLUSION**

15 Plaintiff respectfully requests that this Court grant Plaintiff's Application for Temporary
16 Restraining Order and Motion for Preliminary Injunction and issue a Restraining Order
17 precluding Defendants from allowing the disqualified candidate John T. Kennedy from
18 remaining on the ballot.

19 Dated this 25th day of August, 2022.

20
21 **JOEY GILBERT LAW**
22 By: 
23 Joseph S. Gilbert, Esq.
24 Nevada Bar No.: 9033
25 **JOEY GILBERT LAW**
405 Marsh Ave
Reno, Nevada 89501

³ Aaron Ford - Ballotpedia

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Tel: (775) 284-7000
Attorney for Plaintiff

EXHIBIT “1”



STATE OF NEVADA
SECRETARY OF STATE
BARBARA K. CEGAVSKE

101 N. Carson St.
Carson City, NV 89701

Phone: 775-684-5705
Fax: 775-684-5718

nvelect@sos.nv.gov
www.nvsos.gov

For official use only:

Received by: _____

Date Received: _____

Complaint
Type: _____

(Stamp here)

ELECTION INTEGRITY VIOLATION REPORT

The information you report on this form may be used to help us investigate violations of Nevada election laws. When completed, mail, email, or fax your form and supporting documents to the office listed above. Upon receipt, your complaint will be reviewed by a member of our staff. The length of this process can vary depending on the circumstances and information you provide with your complaint. The Office of the Secretary of State may contact you if additional information is needed.

INSTRUCTIONS: Please TYPE/PRINT your complaint in dark ink. You must write LEGIBLY. All fields **MUST** be completed.

SECTION 1.

COMPLAINANT INFORMATION

Salutation: ☐ Mr. ☒ Mrs. ☐ Ms. ☐ Miss

Your Name: Chattah Sigal
Last First MI

Your Organization, if any: _____

Your Address: 5875 S Rainbow Blvd #203 Las Vegas NV 89118
Address City State Zip

Your Phone Number: (702) 360-6200 (702) 494-7970 7026436292
Home Cell Work Fax

Email: Chattahlaw@gmail.com Call me between 8am-5pm at: ☐ Home ☒ Cell ☐ Work

SECTION 2.

TYPE OF COMPLAINT

- | | |
|---|---|
| <input type="checkbox"/> Campaign Practices | <input type="checkbox"/> Voter Fraud |
| <input type="checkbox"/> Contributions / Expenses | <input type="checkbox"/> Initiative / Referendum Petition |
| <input type="checkbox"/> Voter Registration | <input type="checkbox"/> Financial Disclosure Statement |
| <input checked="" type="checkbox"/> Other | |

Libertarian Candidate John Kennedy for Attorney General does not meet qualifications set in NRS 228.010

SECTION 3.

COMPLAINT IS AGAINST

Please detail the nature of your complaint. Include the name and contact information (if known) of the individual, candidate, campaign, or group that is the subject of your complaint. Your complaint must also include a clear and concise statement of facts sufficient to establish that the alleged violation occurred. Any relevant documents or other evidence that support your complaint should be listed and attached. You may attach additional sheets if necessary.

John T Kennedy
1168 State Road, Wellington, NV, 89444
jtkennedy@gmail.com

NRS228.010 entitled Qualifications, provides that

No person shall be eligible to the Office of Attorney General unless the person:

1. Has attained the age of 30 years at the time of such election;
2. Is a qualified elector and has been a citizen resident of this State for 3 years next preceding the election; and
3. Is a member of the State Bar of Nevada in good standing.

A review of the State Bar of Nevada confirms that Mr. Kennedy is not licensed in the State of Nevada, nor a member of good standing herein. See State Bar Docs Included herein

SECTION 4.

Sign and date this form. The Secretary of State's Office cannot process any unsigned, incomplete, or illegible complaints. In order to resolve your complaint, we may send a copy of this form to the person or group about whom you are complaining.

I am filing this complaint to notify the Office of the Secretary of State of the activities of a particular candidate, campaign, individual or group. I understand that the information contained in this complaint may be used to establish violations of Nevada law in both private and public enforcement actions. I authorize the Office of the Secretary of State to send my complaint and supporting documents to the individual or group identified in this complaint.

By signing my name below, I certify under penalty of perjury that the information provided in this complaint is true and correct to the best of my knowledge.


Signature
7/26/22
Date (mm/dd/yyyy)

Sigel Chaffah
Print Name



W

Find a Lawyer

Find a Lawyer



Find a Lawyer

For the Public (<https://nvbar.org/for-the-public/>) Find a Lawyer

Search Attorneys... (eg. last name, bar #, company or city) Search

Kennedy, Todd E.

Bar # : 6014

Member since: 10/14/1996

Status: ATTORNEY Active

Company: Kennedy & Couvillier (<http://www.kclawny.com>)

3271 E. Warm Springs Rd, Las Vegas, NV 89120

Phone : (702) 605-3440

Fax: (702) 625-6367

Email : tkennedy@kclawny.com (<mailto:tkennedy@kclawny.com>)

Law school : California Western, School of Law

Disciplinary Actions:

None.

Harmon Kennedy, Heather

Bar # : 11146

Member since: 10/14/2008

Status: ATTORNEY Inactive

Company: Harmon Kennedy PC (<http://www.harmonkennedy.com>)

233 Merchant St., Suite 120, Ambridge, PA 15003

Phone : (412) 501-3155

Email : heather@harmonkennedy.com (<mailto:heather@harmonkennedy.com>)

Law school : Drake University

Disciplinary Actions:

None.

Kennedy, Kirk T.

Bar # : 5032

Member since: 10/4/1993

Status: ATTORNEY Active

Company: Law Office of Kirk T Kennedy

815 S. Casino Center Blvd., Las Vegas, NV 89101

Phone : (702) 385-5534

Fax : (702) 385-1869

Law school : Cumberland School of Law

Disciplinary Actions:

1. **Type:** Order of transfer to 90 day Suspension

Effective Date: 10/24/14

Case Number: 65742

[[View Document](https://www.nvbar.org/wp-content/uploads/Kennedy_Kirk_T_CGP_90_Days_Suspension_10_24_14_97e22c7436766ee2bf5654a54898cc25.pdf)] ([https://www.nvbar.org/wp-](https://www.nvbar.org/wp-content/uploads/Kennedy_Kirk_T_CGP_90_Days_Suspension_10_24_14_97e22c7436766ee2bf5654a54898cc25.pdf)

[content/uploads/Kennedy_Kirk_T_CGP_90_Days_Suspension_10_24_14_97e22c7436766ee2bf5654a54898cc25.pdf](https://www.nvbar.org/wp-content/uploads/Kennedy_Kirk_T_CGP_90_Days_Suspension_10_24_14_97e22c7436766ee2bf5654a54898cc25.pdf))

2. **Type:** Public Reprimand

Filed: 02/26/16

Case No. SGI1-1193

Kennedy, Dennis L.

Bar # : 1462

Member since: 9/15/1975

Status: ATTORNEY Exempt

Active

Company: Bailey Kennedy, LLP (<http://www.baileykennedy.com>)

8984 Spanish Ridge Ave., Las Vegas, NV 89148

Phone : (702) 562-8820

Fax : (702) 562-8821

Email : dkennedy@baileykennedy.com (<mailto:dkennedy@baileykennedy.com>)

Law school : U. of Washington

Disciplinary Actions:

None.

Kennedy, Benjamin W.

Bar # : 9077

Member since: 10/20/2004

Status: ATTORNEY Active

Company: Dickinson Wright, PLLC (<http://www.dickinson-wright.com>)

100 W. Liberty St., Suite 940, Reno, NV 89501

Phone : (775) 343-7500

Fax : (775) 786-0131

Email : bkennedy@dickinsonwright.com (<mailto:bkennedy@dickinsonwright.com>)

Law school : University of Montana

Disciplinary Actions:

None.

Kennedy, Jr., James B.

Bar # : 9078

Member since: 10/20/2004

Status: ATTORNEY Active

Company: James Kennedy, P.L.L.C. (<http://www.epinjury.com>)

6216 Gateway Blvd. East, El Paso, TX 79905

Phone : (915) 544-5200

Fax : (915) 532-2423

Email : james@kennedyworksforyou.com (<mailto:james@kennedyworksforyou.com>)

Law school : Texas Tech University

Disciplinary Actions:

None.

Kennedy, William A.

Bar # : 9365

Member since: 4/20/2005

Status: ATTORNEY Suspended

Company: Law Office of William A. Kennedy

612 S. Third Street, Las Vegas, NV 89101

Phone : (702) 474-7000

Fax: (702) 474-4014

Email : attorneykennedy@gmail.com (<mailto:attorneykennedy@gmail.com>)

Law school: Washburn University

Disciplinary Actions:

1. **Type:** Suspension

Case No.: 71326

Effective Date: 02/27/17

[[View Document](https://www.nvbar.org/wp-content/uploads/Pages-from-02-27-17-Notice-of-Service-to-the-Courts-William-Kennedy-71326.pdf)] (<https://www.nvbar.org/wp-content/uploads/Pages-from-02-27-17-Notice-of-Service-to-the-Courts-William-Kennedy-71326.pdf>)

2. **Type:** Suspension

Case No.: 73805

Effective Date: 2/23/18

[[View Document](https://www.nvbar.org/wp-content/uploads/Pages-from-02-26-18-Ntc-to-Crts-Kennedy-W-73805.pdf)] (<https://www.nvbar.org/wp-content/uploads/Pages-from-02-26-18-Ntc-to-Crts-Kennedy-W-73805.pdf>)

Kennedy, Michael J.

Bar #: 10103

Member since: 1/12/2007

Status: ATTORNEY Active

Company: Law Offices of Michael Jerome Kennedy, PLLC

333 Flint Street, Reno, NV 89501

Phone: (775) 221-7100

Fax: (775) 221-7101

Email: michael@mjkennedylaw.com (<mailto:michael@mjkennedylaw.com>)

Law school: University of Minnesota

Disciplinary Actions:

None.

John, Philip A.

Bar # : 10627

Member since: 10/16/2007

Status: ATTORNEY Active

Company: McCormick Barstow LLP (<http://www.mccormickbarstow.com>)

8337 West Sunset Road, Suite 350, Las Vegas, NV 89138

Phone : (702) 949-1100

Fax : (702) 949-1101

Email : philip.john@mccormickbarstow.com (<mailto:philip.john@mccormickbarstow.com>)

Law school : University of San Francisco

Disciplinary Actions:

None.

Kennedy, Fred W.

Bar # : 2269

Member since: 9/18/1974

Status: ATTORNEY Suspended

617 E Hoover, Las Vegas, NV 89101

Phone : (702) 496-5430

Fax : (702) 385-3225

Email : pkennedy54@aol.com (<mailto:pkennedy54@aol.com>)

Law school : California Western, School of Law

Disciplinary Actions:

1. Type: Order of Suspension

Effective Date: 02/19/16

Case Number: 67305

[\[View Document\]](https://www.nvbar.org/wp-content/uploads/Pages-from-03-10-16-Notice-to-Courts-Kennedy-Fred-67305.pdf) (https://www.nvbar.org/wp-content/uploads/Pages-from-03-10-16-Notice-to-Courts-Kennedy-Fred-67305.pdf)

2. Type: Public Reprimand

Effective Date: 03/14/16

Case No.: SGI1-1345, SGI2-1534 and SGI3-1778

[\[View Document\]](https://www.nvbar.org/wp-content/uploads/Kennedy-Fred-W.-PU-03-14-16.pdf) (https://www.nvbar.org/wp-content/uploads/Kennedy-Fred-W.-PU-03-14-16.pdf)

Kennedy, Dennis V.

Bar # : 2612

Member since: 3/12/1979

Status: ATTORNEY Suspended

Law school : U. of Washington

Disciplinary Actions:

None.

John, Douglas S.

Bar # : 8512

Member since: 9/25/2003

Status: ATTORNEY Active

Company: Frazer Ryan Goldberg & Arnold (https://www.frgalaw.com)

1850 N Central Avenue, #1800, PHOENIX, AZ 85004

Phone : (602) 277-2010

Fax : (602) 277-2595

Email : djohn@frgalaw.com (mailto:djohn@frgalaw.com)

Law school : University of Arizona

Disciplinary Actions:

None.

Kennedy, Jack Edward

Bar # : 2127

Member since: 9/19/1977

Status: ATTORNEY Exempt
Inactive

853 Divot Drive, Fernley, NV 89408

Phone : (775) 742-4251

Fax : (775) 313-9636

Law school : McGeorge

Disciplinary Actions:

None.

Kennedy, Judy C.

Bar # : 11093

Member since: 10/14/2008

Status: ATTORNEY Inactive

EXHIBIT “2”

BARBARA K. CEGAVSKE
Secretary of State

STATE OF NEVADA



**OFFICE OF THE
SECRETARY OF STATE**

SCOTT W. ANDERSON
Chief Deputy Secretary of State

MARK A. WLASCHIN
Deputy Secretary for Elections

August 17, 2022

Sigal Chattah
chattahlaw@gmail.com

Via Email

**Re: Alleged Violation of Nevada Revised Statutes
File C22-314 SOS**

Dear Sigal Chattah,

The Secretary of State's office has finished its review of the Election Integrity Violation Reports received July 26, 2022. Specifically, the allegation asserted that John Kennedy is not qualified to run for Attorney General.

Preelection candidate qualification challenges must be made within the timeframe pursuant to NRS 293.182. The last day to challenge a candidate's qualification was April 5, 2022. See NRS 293.177, NRS 293.182 and NRS 293.202. Contests of candidate eligibility filed post-election are governed by the timelines in NRS 293.413.

NRS 293.182 Written challenges concerning qualifications of candidates; enforcement in preelection actions.

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 293.202, an elector may file with the filing officer for the office 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:

- (a) The Secretary of State shall immediately transmit the challenge to the Attorney General.
- (b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district 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.

NEVADA STATE CAPITOL
101 N. Carson Street, Suite 3
Carson City, Nevada 89701-3714

NEVADA ANNEX
COMMERCIAL RECORDINGS
202 N. Carson Street
Carson City, Nevada 89701-4201

LAS VEGAS OFFICE
2250 Las Vegas Blvd. North, Suite 400
North Las Vegas, NV 89030

nv.sos.gov

SC00068


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.

The Secretary of State, as the Chief Election Officer for the State of Nevada, is responsible for enforcement of the election laws contained in Title 24 of the Nevada Revised Statutes. However, since your complaint was not lodged in accordance with NRS, the Secretary of State's office will take no action. As a result, no further action will be taken by this office and this file will be closed.

If you have any questions regarding this letter and the Secretary of State's determination in the matter, please contact the undersigned at (775) 684-7172 or sedwards@sos.nv.gov.

Respectfully,

Barbara K. Cegavske
Secretary of State

By 
Sandra Edwards
Compliance Investigator

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: John T. Kennedy <[REDACTED]>
Sent: Friday, August 26, 2022 3:12:55 PM (UTC-08:00) Pacific Time (US & Canada)
To: SOS Customer Service <sosmail@sos.nv.gov>
Subject: [REDACTED]

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To Barbara Cegavske
Nevada Secretary of State,

I'm John Kennedy, the Libertarian Party candidate for Attorney General of Nevada. Today it came to my attention that I was not eligible to run for this office because I am not a member of the bar in Nevada. That being the case, I seek to withdraw my candidacy and be removed from the ballot. I have no intention of campaigning for an office I'm not eligible to run for.

I was unaware of this requirement until today. When I filed for my candidacy in your office I was interviewed by two members of your staff, one of whom asked me if I was a lawyer. I stated that I was not, but that it was my understanding that this was not a requirement to run for the office. She verbally confirmed to me that it was not a requirement.

John T. Kennedy
[REDACTED]

SC00070

EXHIBIT "6"

REC'D & FILED
2022 AUG 24 PM 4:40
AUBREY ROWLANDT
CLERK
BY K. PELEASON
DEPUTY

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I.

JURISDICTION AND VENUE

1. This Court has jurisdiction to hear Plaintiff's claims pursuant to NRS 293.2045 and grant declaratory and injunctive relief pursuant to NRS 30.40 and 33.010.

2. Venue is proper under NRS 13.020 and 13.040 because this action is against a public officer for acting in her official capacity, and pursuant to NRS 293.2045.

II.

PARTIES

1. Plaintiff, SIGAL CHATTAH, a Nevada resident, is at all times mentioned herein the Republican Candidate for Nevada Attorney General and brings this action in accordance with NRS 293.2045.

2. At all times mentioned herein, Defendant BARBARA CEGAVSKE, is named herein in her official capacity as Nevada Secretary of State. As the Secretary of State, Cegavske is the Chief Office of Elections for Nevada and is responsible for the execution, administration, and enforcement of the state's election laws. *See* NRS 293.124.

3. At all times mentioned herein Defendant, JOHN T. KENNEDY, a purported Nevada resident, is the candidate running for Nevada Attorney General, designated with the Libertarian party filing his Declaration of Candidacy in ordinary course with the Nevada Secretary of State.

4. All of the acts or failures to act herein were duly performed by and attributable to all Defendants, each acting as agent, employee, or under the direction and/or control of the others. Said acts or failures to act were within the scope of said agency and/or employment and each of the Defendants and ratified the acts and omissions by the other Defendants. Whenever

1 and wherever reference is made in this Complaint to any acts by Defendants, such allegations
2 and references shall also be deemed to mean the acts of each of the Defendants acting
3 individually, jointly or severally.

4 5. The true names and capacities, whether individual, corporate, associate, or
5 otherwise, of Defendants DOES I through XX, and ROE CORPORATIONS I through XX,
6 inclusive, are unknown to Plaintiff who therefore sues said Defendants by such fictitious names.
7 Plaintiff is informed and believes and thereon alleges that each of the Defendants designated
8 herein as a DOE or ROE CORPORATION is responsible in some manner for the events and
9 happenings herein referred to and damages caused proximately thereby to Plaintiff as herein
10 alleged; that Plaintiff will ask leave of this Court to amend this Complaint to insert the true
11 names and capacities of said Defendants DOES I through XX and/or ROE CORPORATIONS I
12 through XX, when same have been ascertained by Plaintiff together with appropriate charging
13 allegations, and to join such Defendants in this action.
14

15 **II.**
16 **GENERAL ALLEGATIONS**

17 1. Plaintiff repleads and realleges all of the paragraphs in the preceding Claims for
18 Relief and incorporates the same by reference as if fully set forth herein.

19 2. On November 6, 2018, current Attorney General Aaron D. Ford was elected as
20 Nevada's Attorney General by a margin of .05 percent and currently remains the Nevada
21 Attorney General.

22 3. On or about March 17, 2022, Plaintiff filed with the Secretary of State her
23 Declaration of Candidacy for the Office of Attorney General, to run against the incumbent Aaron
24 Ford.
25

1 4. On June 16, 2022, Plaintiff prevailed in the Nevada GOP primary as the victor in
2 the Attorney General race to proceed to the General Election against incumbent Ford.

3 5. Defendant JOHN T. KENNEDY, filed his Declaration of Candidacy, on behalf of
4 the Libertarian Party of Nevada, in ordinary course with the Nevada Secretary of State.

5 6. Included in the Declaration of Candidacy is the following statement, to wit;

6 “... that I will not violate any election law or any law defining and prohibiting corrupt
7 and fraudulent practices in campaigns and elections in this State, that I will qualify for
8 the office if elected thereto, including, but not limited to, complying with any litigation
9 prescribed by the Constitution and laws of this State concerning the number of years or
10 terms for which a person may hold the office; that I understand that knowingly and
11 willfully filing a declaration of candidacy which contains a false statement is a crime
punishable as a gross misdemeanor and also subjects me to a civil action disqualifying
me from entering upon the duties of the office...” [Emphasis added]

12 7. To qualify for the office of Attorney General, the qualifications are found in NRS
13 228.010 entitled Qualifications which provides:

14 No person shall be eligible to the Office of Attorney General unless the person:

- 15 1. Has attained the age of 30 years at the time of such election;
16 2. Is a qualified elector and has been a citizen resident of this State for 3 years next
preceding the election; and
17 3. Is a member of the State Bar of Nevada in good standing.

18 8. That Plaintiff is a member in good standing with the State Bar of Nevada since
19 2002.

20 9. That Defendant KENNEDY is not licensed as an attorney in the State of Nevada,
21 nor is he a member of the State Bar in Nevada in good standing, nor does he qualify to be a
22 member in good standing with the State Bar of Nevada.

23 10. That on July 26, 2022, Plaintiff notified Defendant CEGAVSKE's office that
24 Defendant KENNEDY is not a member of the State Bar of Nevada by filing an Election Integrity
25 Complaint.

1 11. On same day, Plaintiff also notified Nevada Attorney General's office and
2 provided the office of the Nevada Attorney General the Election Integrity Complaint.

3 12. That on August 17, 2022, Defendant, Secretary of State issue a correspondence
4 that Plaintiff's time to object to a candidate qualification had expired on April 5, 2022 under
5 NRS 193.182 and refused to take further action.

6 13. That Defendant Secretary of State failed in her obligations to verify that
7 Defendant Kennedy had in fact met the qualifications of NRS 228.010 to run for office, placing
8 an onerous burden on Plaintiff to engage in such verification.

9 14. That the office of Nevada Attorney General's was notified of the disqualification
10 of Defendant KENNEDY and also refused to take any subsequent remedial measures thereon.

11 15. That as noted *supra*, in the 2018 election, the margin for victory was less than half
12 a point.

13 16. That having a disqualified candidate on the ballot poses a threat to the integrity of
14 the election for the Office of Attorney General, and can compromise the margin of victory for
15 qualified candidates.

16 17. NRS 293.2045 *entitled* Remedies in preelection actions challenging candidates
17 who fail to meet qualifications for office; disqualification from taking office; removal from
18 ballot or notification to voters at polling places; applicability provides as follows:

- 19 1. In addition to any other remedy or penalty provided by law, but except as
20 otherwise provided in NRS 293.1265, if a court of competent jurisdiction finds in any
21 preelection action that a person who is a candidate for any office fails to meet any
22 qualification required for the office pursuant to the Constitution or laws of this State:
23 (a) **The name of the person must not appear on any ballot for the election for which**
24 **the person filed a declaration of candidacy, except that if the statutory deadline for**
25 **making changes to the ballot has passed, the provisions of subsection 2 apply; and**
(b) The person is disqualified from entering upon the duties of the office for which the
person filed a declaration of candidacy.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, **the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.**

3. The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:

- (a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;
- (b) Writ relief pursuant to chapter 34 of NRS; or
- (c) Any other legal or equitable relief.

18. That following complete lack of subsequent remedial measures taken by the Nevada Secretary of State and the office of the Attorney General over the course of three weeks after notice, Plaintiff has no other recourse than to bring this action for proper adjudication by the judiciary in accordance with NRS 293.2045.

19. That allowing a disqualified candidate remain on the ballot severely prejudices Plaintiff and the integrity of the election for the office of Nevada Attorney General.

**III
FIRST CLAIM FOR RELIEF
(FRAUD)
(Against Defendant KENNEDY)**

20. Plaintiff repleads and realleges all of the paragraphs in the preceding Claims for Relief and incorporates the same by reference as if fully set forth herein.

21. Defendant, JOHN T. KENNEDY, at no time relevant herein, was ever a licensed attorney with the State Bar of Nevada, disqualifying him from meeting the qualifications of NRS 228.010.

22. That Defendant intentionally and knowingly, with an utter disregard for the truth, signed a Declaration of Candidacy, without meeting the qualifications proscribed by law under

1 NRS 228.010, and further knowing that he would not meet the qualifications as proscribed, if
2 elected.

3 23. That Defendant KENNEDY, knowingly and willfully filed a declaration
4 containing the false statement that he qualifies for office under NRS 228.010, punishable as a
5 gross misdemeanor and this civil action brought *sub judice*.

6 24. That as a direct and proximate result of Defendants' fraud, Plaintiff has been
7 damaged in an amount in excess of \$15,000.00, the exact amount of which will be determined at
8 trial.

9 25. That it has been necessary for Plaintiff to retain counsel to prosecute this action
10 by reason of which she is entitled to reasonable attorney's fees.

11
12 IV.
13 SECOND CLAIM FOR RELIEF
14 (DECLARATORY RELIEF)
15 (Against All Defendants)

16 26. Plaintiff repleads and realleges all of the paragraphs in the preceding Claims for
17 Relief and incorporates the same by reference as if fully set forth herein.

18 27. A genuine justiciable controversy exists relevant to the rights of Plaintiff, having
19 a disqualified candidate appearing on the ballot in the General Election for the office of Nevada
20 Attorney General.

21 28. Plaintiff seeks an order from this Court declaring Defendant KENNEDY's
22 immediate disqualification from the ballot, under NRS 293.2045(1)(a), and immediately
23 removing him therefrom.

24 29. Plaintiff also seeks that each polling place shall post a sign where Defendant
25 KENNEDY's name may appear on the ballot informing voters that he is disqualified from
entering the upon the duties of the office in accordance with NRS 293.2045(b)(2).

30. That it has been necessary for Plaintiff to retain the services of legal counsel for which Plaintiff is entitled to recover such costs and expenses from Defendants.

V.
THIRD CLAIM FOR RELIEF
(INJUNCTIVE RELIEF)
(Against All Defendants)

31. Plaintiff repleads and realleges all of the paragraphs in the preceding Claims for Relief and incorporates the same by reference as if fully set forth herein

32. Plaintiff has suffered and will continue to suffer irreparable harm and damages by reason of the Defendants, and each of their, conduct, including but limited to, having Defendant KENNEDY's name on the ballot for the General Election on November 8, 2022 and there is no adequate remedy at law.

33. That Plaintiff seeks injunctive relief enjoining Defendant JOHN T. KENNEDY from appearing on the ballot for the 2022 General Election for the office of Nevada Attorney General.

34. That it has been necessary for Plaintiff to retain the services of legal counsel for which Plaintiff is entitled to recover such costs and expenses from Defendants.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

1. For punitive damages in an amount in excess of \$15,000.00;
2. For a referral to the Carson City District Attorney office for knowingly and willfully filing a Declaration of Candidacy containing a false statement.

3. For compensatory damages in excess of \$15,000.00;

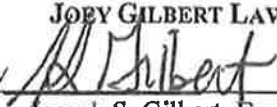
4. For declaratory and injunctive relief.

5. For attorney's fees and costs of suit;

///

1 5. For such other and further relief as this Honorable Court deems just and
2 reasonable under the circumstances.

3 Dated this 24th day of August, 2022.

4
5
6 By: 
7 JOEY GILBERT LAW
8 405 Marsh Ave
9 Reno, Nevada 89501
10 Tel: (775) 284-7000
11 Attorney for Plaintiff
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