

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSE LAW, AN INDIVIDUAL;  
MICHAEL MCDONALD, AN  
INDIVIDUAL; JAMES  
DEGRAFFENREID, III, AN  
INDIVIDUAL; DURWARD JAMES  
HINDLE, III, AN INDIVIDUAL;  
EILEEN RICE, AN INDIVIDUAL; AND  
SHAWN MEEHAN, AN INDIVIDUAL,  
AS CANDIDATES FOR PRESIDENTIAL  
ELECTORS ON BEHALF OF DONALD  
J. TRUMP,

Appellants,

vs.

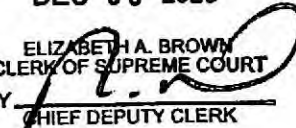
JUDITH WHITMER, AN INDIVIDUAL;  
SARAH MAHLER, AN INDIVIDUAL;  
JOSEPH THRONEBERRY, AN  
INDIVIDUAL; ARTEMESIA BLANCO,  
AN INDIVIDUAL; GABRIELLE D'AYR,  
AN INDIVIDUAL; AND YVANNA  
CANCELA, AN INDIVIDUAL, AS  
CANDIDATES FOR PRESIDENTIAL  
ELECTORS ON BEHALF OF JOSEPH  
R. BIDEN, JR.,

Respondents.

No. 82178

FILED

DEC 08 2020




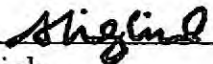
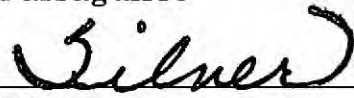
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER DENYING MOTION TO DISQUALIFY*

Appellants have filed a motion to disqualify Justice James Hardesty, asserting that comments he made following the Secretary of State's presentation during the canvass of the Nevada 2020 general election results demonstrate actual bias, prejudgment of the issues presented in this matter, or an appearance of impropriety. Justice Hardesty has submitted a written response detailing the nature of his comments and the circumstances surrounding them and stating that he harbors no personal

bias or prejudice as to this matter and did not express any views regarding the facts or issues in this matter. *See* NRAP 35(b)(2) (allowing a challenged justice to submit a written response to a motion to disqualify). Having considered the motion and response, we find no basis for Justice Hardesty's disqualification. *See* NRS 1.225(1)-(2) (stating grounds for disqualifying Supreme Court justice); NCJC Rule 2.11(A) (identifying circumstances in which a judge shall disqualify himself or herself, including based on personal bias or prejudice concerning a party or a public statement other than during a judicial proceeding or in a judicial decision that commits or appears to commit the judge to a particular result in a particular proceeding); *Rippo v. Baker*, 137 S. Ct. 905, 907 (2017) (explaining that the Fourteenth Amendment's Due Process Clause requires disqualification "when, objectively speaking, 'the probability of actual bias on the part of the judge . . . is too high to be constitutionally tolerable'" (quoting *Withrow v. Larkin*, 421 U.S. 35, 47 (1975))); *Goldman v. Bryan*, 104 Nev. 644, 649, 764 P.2d 1296, 1299 (1988) (stating that a "justice is presumed not to be biased, and the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification"), *disavowed on other grounds by Halverson v. Hardcastle*, 123 Nev. 245, 266, 163 P.3d 428, 443 (2007). Accordingly, the motion to disqualify Justice Hardesty is denied.

It is so ORDERED.

 _____, J. Gibbons	 _____, C.J. Pickering	 _____, J. Parraguirre
 _____, J. Stiglich		 _____, J. Silver

cc: Harvey & Binnall, PLLC  
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