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10  
11 **IN THE FIRST JUDICIAL DISTRICT COURT**  
12 **CARSON CITY, NEVADA**

13 Jesse Law, an individual; Michael  
McDonald; an individual; James  
14 DeGraffenreid III, an individual; Durward  
James Hindle III, an individual; Eileen  
15 Rice, an individual; Shawn Meehan, an  
individual, as candidates for presidential  
16 electors on behalf of Donald J. Trump,

17 Contestants,

18 vs.

19 Judith Whitmer, an individual; Sarah  
Mahler, an individual; Joseph  
20 Throneberry, an individual; Artemesia  
Blanco, an individual; Gabrielle D'Ayr, an  
21 individual; and Yvanna Cancela, an  
individual, as candidates for presidential  
22 electors on behalf of Joseph R. Biden,  
Jr.,

23 Defendants.

Case No. 20 OC 001631B  
Dept. I

**CONTESTANTS' REPLY IN SUPPORT  
OF EX-PARTE MOTION FOR LEAVE  
TO IMMEDIATELY SET DEPOSITIONS  
ON SHORTENED NOTICE AND  
EXCEED THE TEN DEPOSITION LIMIT  
PROSCRIBED IN NRCP 30(a)(2)(A)(i)**

24  
25 Contestants, by and through their counsel of record, respectfully submit this Reply  
26 in Support Of Ex-Parte Motion For Leave To Immediately Set Depositions On Shortened  
27 Notice And Exceed The Ten Deposition Limit Proscribed In NRCP 30(a)(2)(A)(i).  
28

1           In their Opposition to Contestants' Ex Parte Motion ("Opposition"), Defendants  
2 attempt to spin a lawful and legal election contest into a mockery of jurisprudence.  
3 Instead of presenting valid concerns to this Court regarding discovery, Defendants open  
4 by subjecting this Court to typical mainstream media histrionics. Their passing  
5 references to "voter disenfranchisement" and intellectually dishonest arguments about  
6 legitimate, time-sensitive discovery as a "fishing expedition" do nothing to address the  
7 issues before the Court. Contestants have no need, no desire, and no time to fish for  
8 evidence in the depositions. Indeed, Contestants are already prepared to prove  
9 thousands of instances of fraud and irregularities; this is not a fishing expedition, it's  
10 shooting fish in a barrel. Although a majority of the contemplated depositions are for trial  
11 preservation to comply with NRS 293.415, the remaining depositions, which are  
12 expressly authorized by Nevada law on an expedited basis, will only further expose the  
13 extent of voter fraud that was waged against the State of Nevada.

14           **I. CONTESTANTS SEEK TO REMOVE VOTER DISENFRANCHISEMENT FROM**  
15           **NEVADA.**

16           Defendants are clearly confused about the definition of the term  
17 disenfranchisement. Perhaps they have been watching too much television and have  
18 simply adopted the self-serving mainstream media definition. Disenfranchisement is  
19 depriving someone of the right to vote. The State of Nevada did the opposite of  
20 disenfranchisement. Nevada foolishly and indiscriminately mailed out hundreds of  
21 thousands of ballots based on inaccurate voting rolls. In Nevada, even if you were not  
22 allowed to legally cast a vote, you were still able to vote. The failure to root out  
23 fraudulent and invalid ballots disenfranchised legal Nevada voters (*Purcell v. Gonzalez*,  
24 127 S.Ct. 5 (2006)).

25           Contestants are not seeking to disenfranchise voters or invalidate legally cast  
26 votes. Contestants are seeking to enforce Nevada law, which allows for the nullification  
27 of an election when widespread voting irregularities cast reasonable doubt on the  
28



1 fairness of the election. Nullification is not disenfranchisement. Requesting a statutory  
2 remedy for massive voter fraud that was enabled, aided and abetted by election officials  
3 and the Biden campaign is not disenfranchisement.

4 **II. CONTESTANTS' STATEMENT OF CONTEST ALLEGES FACTS WITH**  
5 **SUFFICIENT CERTAINTY.**

6 Defendants' primary basis for challenging Contestants' request is their  
7 unsupported argument that the Statement of Contest fails to set forth sufficient grounds  
8 to overturn the election results. Without accurately citing to a single statute or other  
9 Nevada authority, the Defendants argue that the Statement of Contest fails to  
10 adequately allege the contest grounds. In a misguided effort to propagate an untenable  
11 argument, the Defendants intentionally misrepresent the statutory basis for an election  
12 contest. Opposition, 4:1-5. Indeed, the Statement of Contest fully complies with NRS  
13 239.410 in that it clearly and specifically alleges over 17 pages of evidence across  
14 multiple categories of allowable grounds for an election contest that Contestants have  
15 and will present at trial. The Statement of Contest further alleges that 40,000 or more  
16 votes will be shown to have been illegally cast. Put another way, Contestants have  
17 alleged facts that, when proven at trial, will clearly demonstrate intentional wrongdoing  
18 and/or an outcome-dispositive error. NRS 293.410(2). Aside from attaching evidence,  
19 which is not required, it is difficult to imagine providing Defendants with a more articulate  
20 summation of the basis for the contest.

21 **III. CONTESTANTS' REQUEST TO IMMEDIATELY CONDUCT DEPOSITIONS IS**  
22 **NECESSARY AND PROPORTIONATE TO THE NEEDS OF THIS ELECTION**  
23 **CONTEST**

24 Defendants take issue with Contestants simple and straightforward request to (1)  
25 immediately take depositions; and (2) exceed the ten-deposition limit set forth in NRCP  
26 30(a)(2)(A)(i). The basis for the request is that NRS 293 requires it. It would be  
27 impossible for Contestants to comply with NRS 293.415 if it were not allowed to  
28

1 immediately take depositions, most of which are for trial preservation, and exceed the 10  
2 deposition limitation.

3 The one thing that Defendants got right in their Opposition is that election  
4 contests pursuant to NRS 293.413 are "highly expedited proceedings." Opposition,  
5 4:16. Defendants' recognition of these circumstances would logically lead to the  
6 conclusion that highly expedited proceedings warrant highly expedited discovery.  
7 However, in keeping with partisan politicking, Defendants take the position that  
8 regardless of these unique circumstances of expedited proceedings, no discovery  
9 should take place without Contestants briefing the Court as to why depositions are  
10 necessary, which witnesses are necessary, and why this information cannot be obtained  
11 in 10 deposition or less. See Opposition, 4:26-5:3.

12 In addition, Defendants attempt to assume the virtuous role of protector of the  
13 Nevada Rules of Civil Procedure by touting how the Rules are "carefully crafted" to  
14 provide structure to the discovery process. Opposition, 5:7-9. Here again, Defendants  
15 completely ignore the exigency of these proceedings. In order for Contestants to have  
16 any meaningful opportunity to have their day in court and present their case, some  
17 meaningful discovery needs to take place. That is precisely what Contestants are  
18 seeking – nothing more, nothing less. NRS 293.415 specifically contemplates the need  
19 for depositions and their use at trial, stating:

20 Any party to a contest may take the deposition of any  
21 witness. The matter shall be tried and submitted so far as  
22 may be possible upon depositions and written or oral  
argument as the court may order.

23 Contestants cannot and should not be forced to wait to notice depositions or be  
24 forced to comply with standard notice requirements under the Nevada Rules of Civil  
25 Procedure, which apply to traditional, non-election litigation. These are expedited  
26 proceedings, not litigation in the normal course.

27 As for Defendants' feigned concern regarding deponents having to possibly  
28 upend their plans with less than 48 hours' notice, Contestants recognize that we are



1 approaching a national holiday and have no intention of using the statutorily authorized  
2 mechanism of an election contest to upend holiday plans. Contestants expect that  
3 witnesses would be made available as soon as practicable after receiving notice. In the  
4 event that a discovery dispute arises as a result of witness availability, this Court, or an  
5 appointed Special Master, is can expeditiously address any dispute. Given the limited  
6 timeframe within which discovery may be conducted prior to a December 3 or 4 trial  
7 date, Defendants purported fear of unlimited depositions or overly burdensome  
8 discovery rings hollow. Contestants are simply seeking the ability to conduct some  
9 meaningful discovery within the very abbreviated period the parties have to work with.

10 **IV. CONCLUSION**

11 Given the abbreviated and expedited nature of these election contest  
12 proceedings, Contestants should be allowed to take depositions on limited notice as well  
13 as exceed the standard limitation of ten depositions. NRS 293.415 specifically  
14 underscores the importance of using deposition at trial under these circumstances.  
15 Without granting the leave being requested, Contestants will be forcibly stripped of their  
16 opportunity to present their case with all a full array of evidence at the time of trial.

17 **AFFIRMATION**

18 The undersigned attorney does hereby affirm, pursuant to NRS 239B.030, that  
19 this document and any attachments do not contain personal information as defined in  
20 NRS 603.040 about any persons.

21 Dated: this 24<sup>th</sup> day of November, 2020

WEIR LAW GROUP, LLC


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23  
24 BY: 

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1 CERTIFICATE OF SERVICE

2 I hereby certify that the foregoing **CONTESTANTS' REPLY IN SUPPORT OF**  
3 **EX-PARTE MOTION FOR LEAVE TO IMMEDIATELY SET DEPOSITIONS ON**  
4 **SHORTENED NOTICE AND EXCEED THE TEN DEPOSITION LIMIT PRO-**  
5 **SCRIBED IN NRCP 30(a)(2)(A)(i)** was submitted for filing and/or services with the  
6 First Judicial District Court on the 24<sup>th</sup> day of November, 2020. Service of the fore-  
7 going documents was made by electronic mail addressed to:

8 Bradley S. Schrager, Esq.  
9 Daniel Bravo, Esq.  
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