

1 UZOMA NKWONTA (D.C. Bar No. 975323) (pro hac vice forthcoming)  
DAVID R. FOX (D.C. Bar No. 1015031) (pro hac vice)  
2 MAYA SEQUEIRA (D.C. Bar No. 1029352) (pro hac vice forthcoming)  
MELINDA K. JOHNSON (D.C. Bar No. 1620229) (pro hac vice forthcoming)

3 **ELIAS LAW GROUP LLP**  
10 G Street NE, Suite 600  
4 Washington, D.C. 20002

5 BRADLEY SCHRAGER (SBN 10217)  
DANIEL BRAVO (SBN 13078)  
6 **WOLF, RIFKIN, SHAPIRO,**  
**SCHULMAN & RABKIN, LLP**  
7 3773 Howard Hughes Parkway, Suite 590 South  
Las Vegas, Nevada 89169

8  
9 *Attorneys for Proposed Intervenor-Defendant*  
*Progressive Leadership Alliance of Nevada*

10 AARON D. FORD, Attorney General  
CRAIG A. NEWBY, Deputy Solicitor General  
11 LAENA ST-JULES, Deputy Attorney General  
**OFFICE OF THE ATTORNEY GENERAL**  
12 555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101

13 *Attorneys for Defendant Barbara Cegavske*

14 CHRISTOPHER J. HICKS, District Attorney  
15 HERBERT B. KAPLAN, Deputy District Attorney  
**WASHOE COUNTY DISTRICT ATTORNEY**  
16 One South Sierra St.  
Reno, Nevada 89501

17 *Attorneys for Defendant Deanna Spikula*

18  
19 **SECOND JUDICIAL DISTRICT COURT**  
**IN AND FOR THE COUNTY OF WASHOE**

20  
21 ROBERT BEADLES, an individual;  
RICHARD H. LEE, an individual; JEFF  
22 LOFY, an individual; CAROLYN  
SULLIVAN, an individual; PAMELA JO  
23 SORENSON, an individual; BETTY  
THIESSEN, an individual; MICHAEL KICH,  
an individual; DAVID CHAMBERLAIN, an  
24 individual; JILL RANSOM, an individual;  
LOUISA CRAVIOTTO, an individual;  
25 SIAVOSH SHAMSHIRPOURIAN, an  
individual; PENNY L. BROCK, an individual;  
26 JAMES M. BENTHIN, an individual;  
STACEY SAMPSON, an individual; LESTER  
27 K. COOPER, an individual; KEN  
KASTERKO, an individual; WAYNE  
28 CATES, an individual; J.S. MCELHINNEY.

Case No. CV22-00661  
Dept. No.: 7

**ORDER DENYING MOTION  
FOR TEMPORARY  
RESTRAINING ORDER**

1 III, an individual; D.E. FERREL, an  
individual; SEAN GALLAGHER, an  
2 individual; GALIN BROOKS, an individual;  
THOMAS HUFFORD, an individual; DELIA  
3 WHITE, an individual; JASON RAND  
LOWE, an individual; RICHARD SANDOZ,  
4 an individual; VALERIE WHARTON, an  
individual,

5  
6 Plaintiffs,

7 v.

8 BARBARA CEGAVSKE, in her official capacity as  
Nevada Secretary of State; DEANNA SPIKULA, in  
her official capacity as Registrar of Voters for  
9 Washoe County, Nevada; DOES I-X, inclusive; and  
ROE CORPORATIONS I-X, inclusive,

10 Defendants,

11 and

12 PROGRESSIVE LEADERSHIP ALLIANCE  
13 OF NEVADA,

14 Intervenor-Defendant.  
15

16 Before the Court is Plaintiffs' Ex Parte Application for a Temporary Restraining Order to  
17 Conduct Meaningful Voter Observation in Washoe County, Nevada on Order Shortening Time. The  
18 Court held a hearing on Plaintiffs' Motion on May 25, 2022. Counsel for all parties were present.  
19 The Court considered all of the papers filed by the parties, and the files and records in this matter,  
20 and the arguments of the parties.

21 "Injunctive relief is extraordinary relief," not ordinary relief. *Dep't of Conservation & Nat.*  
22 *Res., Div. of Water Res. v. Foley*, 121 Nev. 77, 80, 109 P.3d 760, 762 (2005). To obtain a temporary  
23 restraining order or preliminary injunction, Plaintiffs must show (1) a likelihood of success on the  
24 merits of their claim, and (2) a reasonable probability of suffering irreparable harm if a restraining  
25 order does not issue. *Univ. & Cmty. Coll. Sys. of Nev. v. Nevadans for Sound Gov't*, 120 Nev. 712,  
26 721, 100 P.3d 179, 187 (2004). Here, where Plaintiffs seek a mandatory injunction—one that goes  
27 beyond simply maintaining the status quo during litigation—they are subject to a heightened  
28 standard: they "must establish that the law and facts *clearly favor* [their] position, not simply that

1 [they are] likely to succeed.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (emphasis  
2 in original). “[C]ourts also weigh the potential hardships to the relative parties and others, and the  
3 public interest.” *Univ. & Cmty. Coll. Sys. of Nev.*, 120 Nev. at 721, 100 P.3d at 187. “The moving  
4 party bears the burden of providing testimony, exhibits, or documentary evidence to support its  
5 request for an injunction.” *Hosp. Int’l Grp. v. Gratitude Grp., LLC*, 132 Nev. 980, 387 P.3d 208  
6 (Dec. 2, 2016) (unpublished). “Evidence that goes beyond the unverified allegations of the pleadings  
7 and motion papers must be presented . . . .” *Lee v. Native Games Am., LLC*, No.  
8 216CV02665JADNJK, 2017 WL 4562631, at \*2 (D. Nev. Oct. 11, 2017) (quoting 11A Charles  
9 Alan Wright, Arthur R. Miller & Mary Kay Keane, *Federal Practice & Procedure* § 2949 at 237  
10 (3d ed. 2013)).

11         The Court finds that Plaintiffs have not met their burden to show that they are likely to  
12 succeed on the merits of their claims. Plaintiffs presented no evidence, only unsworn allegations  
13 and concerns. Plaintiffs ask the Court to interpret the word “observation” to encompass a host of  
14 duties and rights that are not included in the relevant statutes, but they do not cite any case or  
15 constitutional principle that would entitle them to the detailed forms of relief that they seek. The  
16 relief would also slow and complicate the voting process, and inject the judiciary into that process,  
17 without any showing that such relief is necessary to protect any legal right that Plaintiffs have.

18         The Court also finds that Plaintiffs lack standing and that their claims are not ripe. Plaintiffs  
19 assert a general interest common to all voters that the process for counting votes be an appropriate  
20 one, but their broad policy concerns about the election process do not constitute the type of concrete,  
21 individualized injury that would be required for them to sue. And their claims are based on the  
22 speculative prospect of a future problem, not an actual controversy today, and are therefore are not  
23 ripe.

24         Finally, the Court finds that Plaintiffs did not present any evidence that they face irreparable  
25 harm to themselves in the absence of relief.

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1 Approved as to Form & Content:

2 **JENNINGS & FULTON, LTD.**

3 /s/ Adam Fulton

4 Adam R. Fulton, Esq.  
5 Nevada Bar No. 11572  
6 afulton@jfnvlaw.com  
7 Logan G. Willson, Esq.  
8 Nevada Bar No. 14967  
9 logan@jfnvlaw.com  
10 2580 Sorrel Street  
11 Las Vegas, Nevada 89146  
12 Telephone: (702) 979-3565  
13 Facsimile: (702) 362-2060

9 *Attorneys for Plaintiffs*

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