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13 *Attorneys for Plaintiff*

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

17 PROGRESSIVE LEADERSHIP ALLIANCE
OF NEVADA,

18 Plaintiff,

19 vs.

21 BARBARA CEGAVSKE, in her official
capacity as Nevada Secretary of State,

22 Defendant.

Case No.: 22 OC 00101 1B
Dept. No.: II

**PLAINTIFF'S CASE APPEAL
STATEMENT**

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1 Pursuant to NRAP 3A, Plaintiff, by and through its attorneys of record, hereby submits this
2 Case Appeal Statement pursuant to NRAP 3(f)(1).

- 3 1. Appellant filing this appeal statement: Progressive Leadership Alliance of Nevada
- 4 2. Judge issuing decision, judgment, or order appealed from: Hon. James Wilson
- 5 3. Appellant: Progressive Leadership Alliance of Nevada

6 COUNSEL OF RECORD:

7 Bradley S. Schragger, Esq.
8 John Samberg, Esq.
9 Daniel Bravo, Esq.
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- 19 4. Respondent: Barbara Cegavske in her official capacity as Nevada Secretary of
20 State

21 COUNSEL OF RECORD:

22 Craig A. Newby, Esq.
23 Laena St Jules, Esq.
24 **OFFICE OF THE ATTORNEY GENERAL**
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28 LStJules@ag.nv.gov

- 26 5. David Fox, Esq., out-of-state counsel for Appellant was granted permission to
27 appear by the District Court, Order attached hereto as **Exhibit 1**. All other in-state counsel
28 identified above are licensed to practice in Nevada, and the remaining out-of-state counsel will

1 file a pro hac vice motion.

2 6. Appellant was represented by retained counsel in the district court.

3 7. Appellant is represented by retained counsel on appeal.

4 8. No request has been made to proceed in forma pauperis.

5 9. The Complaint in this matter was originally filed on August 31, 2022.

6 10. Provide a brief description of the nature of the action and result in the district court,
7 including the type of judgment or order being appealed and the relief granted by district court:

8 Pursuant to NRS 233B.110(1), Plaintiff filed a complaint on August 31, 2022, in District
9 Court that challenges the Nevada Secretary of State's temporary regulation that authorizes county
10 clerks to conduct a hand count for (1) all contests on the ballot; (2) a specified number of contests
11 on the ballots; or (3) a specified sample of the precincts in the county. The Secretary's temporary
12 regulation allows county clerks to abandon the mechanical voting systems that have served Nevada
13 well for many years.

14 On September 1, 2022, Plaintiff filed a motion for preliminary injunction to prohibit the
15 Secretary of State from authorizing or permitting county to engage in hand counting, whether
16 under the temporary regulation or otherwise, except as part of an election contest or recount, or as
17 part of the testing of mechanical voting systems. On September 27, 2022, the Court denied
18 Plaintiff's motion for preliminary injunction.

19 11. The case has not been subject of an appeal to or original writ proceeding in the
20 Supreme Court.

21 12. This appeal does not involve child custody or visitation.

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13. Settlement in this case does not seem likely.

AFFIRMATION

The undersigned hereby affirm that the foregoing document does not contain the social security number of any person.

DATED this 28th day of September, 2022.

**WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP**

By: 

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Attorneys for Plaintiff

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on this 28th day of September, 2022, a true and correct copy of
3 the foregoing **PLAINTIFF'S CASE APPEAL STATEMENT** was served upon all parties via
4 electronic mailing to the following counsel of record pursuant to a written agreement among the
5 parties and a courtesy copy to the JEA:

6 Craig A. Newby, Esq.
7 Laena St Jules, Esq.
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10 LStJules@ag.nv.gov

Billie Shadron
Judicial Assistant to
Hon. Judge James E. Wilson
BShadron@carson.org

11 *Attorneys for Barbara Cegavske*

12 By 
13 Laura Simar an Employee of
14 WOLF, RIFKIN, SHAPIRO, SCHULMAN &
15 RABKIN, LLP

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INDEX OF EXHIBITS

Exhibit No.	Documents	Pages
1	Order Admitting David R. Fox to Practice	2

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EXHIBIT 1

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26 PROGRESSIVE LEADERSHIP ALLIANCE
27 OF NEVADA,

Case No.: 22 OC 00101 1B
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28 Plaintiff,

vs.

29 BARBARA CEGAVSKE, in her official
30 capacity as Nevada Secretary of State,

31 Defendant.

32 **PROGRESSIVE LEADERSHIP ALLIANCE OF NEVADA'S**

33 **[PROPOSED] ORDER ADMITTING TO PRACTICE**

34 David R. Fox, Esq. having filed his Motion to Associate Counsel under Nevada Supreme
35 Court Rule 42, together with a Verified Application for Association of Counsel, Certificate of
36 Good Standing for the Massachusetts, District of Columbia, and Virginia, and the State Bar of
37 Nevada Statement; said application having been noticed, no objections having been made, and
38

1 the Court being fully apprised in the premises, and good cause appearing, it is hereby
2 ORDERED, that said application is hereby granted, and David R. Fox, Esq. is hereby
3 admitted to practice in the above entitled Court for the purposes of the above entitled matter only.

4 Dated this 22 day of September 2022.

5 
6 DISTRICT COURT JUDGE

7 Submitted by:

8 /s/ Bradley S. Schrager
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19 *Progressive Leadership Alliance of Nevada*

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