



1 CASE NO. CV22-0503
2 DEPT. 1

FILED
FIFTH JUDICIAL DISTRICT

OCT 12 2022

Judy Ayotte County Clerk
Deputy

3
4 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
5
6 IN AND FOR THE COUNTY OF NYE

7 AMERICAN CIVIL LIBERTIES UNION
8 OF NEVADA, a domestic nonprofit
9 corporation; and STEVEN BACUS,
an individual,

10 Petitioners/Plaintiffs,

11 vs.

12 The COUNTY OF NYE, a governmental
13 Entity; and MARK KAMPF, in his official
14 capacity as interim County Clerk

15 Respondents/Defendants.
16

**ORDER DENYING WRIT OF
MANDAMUS, DECLARATORY
RELIEF, INJUNCTIVE RELIEF**

17 On October 4, 2022, Petitioners/Plaintiffs American Civil Liberties Union of
18 Nevada (ACLU), and Steven Bacus (Bacus), filed an Emergency Petition seeking (1) a
19 Writ of Mandamus, (2) a Declaratory Judgment; and/or (3) a Preliminary Injunction.

20 The ACLU and Bacus claim that the process and procedures outlined by Interim
21 Nye County Clerk Mark Kampf (Kampf) for conducting the 2022 General Election in
22 Nye County violates the Nevada Constitution and federal and state law.

23 The crux of the argument against the Nye County process and procedures
24 consists of alleged representations made by Kampf in his verbal presentation to the
25 Nye County Board of County Commissioners at the September 20, 2022, BOCC
26 meeting.
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1 All Nye County BOCC meetings are streamed live and are recorded.
2 Recordings can be obtained from Nye County for individual agenda items.
3 Unfortunately, the Petitioners/Plaintiffs did not provide a copy of Kampf's presentation
4 with their Emergency Petition. Instead, a footnote in the Emergency Petition
5 references the September 20, 2022, agenda item.
6

7 This Court's review of Kampf's verbal presentation is critical to analyzing the
8 various issues raised in the Emergency Petition. Yet neither a written transcript nor a
9 recording was provided to the Court of said presentation. It is unreasonable for
10 Petitioners/Plaintiffs to require the Court to access the September 20, 2022, BOCC
11 meeting from the Nye County website and watch a 7 hour and 23 minute video to find
12 Kampf's presentation. As the Seventh Circuit Court of Appeals observed in the now
13 famous maxim, "[j]udges are not like pigs, hunting for truffles buried in briefs." United
14 States v. Dunkel, 927 F.2d 955-956 (7th Cir. 1991). It is not the Court's obligation to
15 search through the internet references presented in the Emergency Petition to locate
16 the information Petitioners/Plaintiffs want the Court to review.
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18 It should also be noted that while Petitioners/Plaintiffs seek a preliminary
19 injunction, there is no certificate of service in the file, indicating
20 Respondents/Defendants were served with the Emergency Petition. Moreover, no
21 explanation has been provided to the Court as to why Petitioners/Respondents need a
22 Court decision without giving the Respondents/Defendants proper notice of the same.
23

24 Based upon the forgoing, Petitioners/Plaintiffs relief is DENIED.

25 DATED this 12th day of October 2022.

26
27 
28 KIMBERLY A. WANKER
DISTRICT JUDGE



CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 11TH day of October 2022, she mailed vis US mail (email or hand delivery) copies of the foregoing **ORDER** to the following:

Sadmira Ramic, Esq.
American Civil Liberties
Union Of Nevada
601 South Rancho Drive, Suite B-11
Las Vegas, NV 89106
Facsimile: (702) 830-9205
Email: ramic@aclunv.org

Nye County Board of County Commissioners
Pahrump, NV 89060
(Hand Delivered)

Mark Kampf, Nye County Clerk
Pahrump, NV 89060
(Hand Delivered)

Nye County District Attorney
Pahrump, NV 89060
(Hand Delivered)

Christel Raimondo
CHRISTEL RAIMONDO, JEA to
DISTRICT JUDGE

AFFIRMATION

The undersigned hereby affirms that this Court Order does not contain the social security number of any person.

Christel Raimondo
CHRISTEL RAIMONDO, JEA to
DISTRICT JUDGE