

CASE NO: A-20-824153-C
Department 14

1 **Marquis Aurbach Coffing**
Brian R. Hardy, Esq.
2 Nevada Bar No. 10068
Alex K. Callaway, Esq.
3 Nevada Bar No. 15188
10001 Park Run Drive
4 Las Vegas, Nevada 89145
Telephone: (702) 382-0711
5 Facsimile: (702) 382-5816
bhardy@maclaw.com
6 acallaway@maclaw.com
Attorneys for Plaintiffs/Petitioners

7
8 **DISTRICT COURT**
CLARK COUNTY NEVADA

9 DONALD J. TRUMP FOR PRESIDENT, INC.;
10 the NEVADA REPUBLICAN PARTY,

11 Plaintiff/Petitioners,

12 vs.

13 JOSEPH P. GLORIA, in his official capacity as
14 Registrar of Voters for Clark County, Nevada,

15 Defendant/Respondent.

Case No.
Dept No.

Special Treatment Requested
Election-Related Action

16 **COMPLAINT**

17 Plaintiffs/Petitioners Donald J. Trump for President, Inc. and the Nevada Republican Party
18 (herein "Petitioners"), by and through their attorneys or record, allege and complain as follows:

19 **PARTIES**

20 1. Plaintiffs are and were at all times relevant herein organizations whose members
21 and candidates have a direct interest in the 2020 Election in Nevada.

22 2. Defendant JOSEPH P. GLORIA (the "Registrar") is and was at all times relevant
23 herein the Registrar of Voters for Clark County, Nevada and is hereby sued in such capacity.



24 **JURISDICTION AND VENUE**

25 3. This Court possesses jurisdiction over this matter because Clark County, Nevada is
26 the judicial district in which a substantial part of the events or omissions giving rise to the claims
27 set forth herein occurred.

1 9. Unfortunately, about thirty minutes later @NVElect had to inform Clark County
2 that “several polling locations in the county are experiencing technical problems and have not yet
3 opened.”



4 **Nevada Elections** 
5 @NVElect

6
7 Good morning, Nevada! Today is
8 #ElectionDay . If you are voting in
9 person, the polls open at 7am and
10 close at 7pm. As long as you are in
11 line by 7pm, you will be allowed to
12 #Vote . If you prefer to vote by
13 mail, all polling locations also double
14 as ballot drop off sites.
15
16

17 10. The result of these delays has caused availability and access to the polls in certain
18 precincts to be diminished by nearly an hour.

19 11. Notably the following precincts were negatively affected by the delays:

- 20 a. Burkholder, Lyal Mid. Sch.;
- 21 b. Clark County Building Department;
- 22 c. Heritage Park Senior Facility;
- 23 d. Shadow Ridge High School;
- 24 e. Goolsby, Judy And John Elem;
- 25 f. Guinn, Kenny C. Mid. Sch.;
- 26 g. Sun City Macdonald Ranch Community Ctr.;
- 27 h. Bass, John Elem. - 10377 Rancho Destino Rd.
- 28 i. Canarelli, Lawrence and Heidi Mid. Sch.;

- 1 j. Desert Breeze Community Ctr.
- 2 k. Conners, Eileen Elem.;
- 3 l. Kesterson, Lorna Elem.;
- 4 m. Gray, R. Guild Elem.;
- 5 n. Coleman, Cora Senior Ctr.;
- 6 o. Desert Oasis High School
- 7 p. Schofield, Jack J.H.S.;
- 8 q. Cram, Brian And Teri Mid. Sch.;
- 9 r. Leavitt, Justice Myron Mid. Sch.;
- 10 s. Cadwallader, Ralph L. Mid. Sch.;
- 11 t. Las Vegas Athletic Club;
- 12 u. Knudson, K. O. Mid. Sch.; and
- 13 v. Lawrence, Clifford J.H.S.

14 (hereinafter collectively the “Affected Locations”).

15 12. The above-referenced conduct obstructs the rights of voters under the First and
16 Fourteenth Amendments of the United States Constitution, 42 U.S.C. § 1971, 42 U.S.C. § 1983,
17 and NRS 293.273(1). These violations have caused plaintiffs and their members irreparable harm
18 and will continue to do so absent an injunction.

19 13. NRS 293.2546 (commonly referred to as the Voters Bill of Rights) affirms the
20 rights of Nevada Voters to “cast a ballot”; “vote on election day if the voter is waiting in line at
21 his or her polling place to vote before 7 p.m. and the voter has not already cast a vote in that
22 election”; “request assistance in voting, if necessary”; “have nondiscriminatory equal access to
23 the elections system”; “have a uniform, statewide standard for counting and recounting all votes
24 accurately” and “have complaints about elections and election contests resolved fairly, accurately
25 and efficiently.”

26 14. Given the issued listed above, this Court should order and/or mandate that the
27 Registrar allow the polls in the affected Clark County locations to remain open such that any voter
28 who is in line prior 8:00 p.m. (as opposed to 7:00 p.m.) will be afforded the right to vote in those

1 precincts. In the alternative, Petitioners request that the Court prohibit the Registrar from closing
2 the polls prior to 8:00 p.m.

3 **FIRST CLAIM FOR RELIEF**
4 **(Injunctive Relief)**

5 15. Plaintiffs repeat and reallege the paragraphs as though fully stated herein.

6 16. The conduct alleged herein has deprived Plaintiffs and their members of their rights
7 with respect to voting as guaranteed by the First and Fourteenth Amendments of the United States
8 Constitution and 42 U.S.C. § 1971 and pursuant to NRS 293.273(1).

9 17. Plaintiffs and its members have no adequate remedy at law.

10 18. Without injunctive relief, Plaintiffs and their members will suffer irreparable harm
11 for which compensatory damages are inadequate.

12 19. The public has a significant interest in rectifying, preventing, and stopping the harm
13 created by the delays in opening the polls.

14 **APPLICATION FOR WRIT OF MANDAMUS OR PROHIBITION**

15 20. Plaintiffs repeat and reallege the paragraphs as though fully stated herein.

16 21. In Nevada, a writ shall issue “in all cases where there is not a plain, speedy and
17 adequate remedy in the ordinary course of law.” NRS 34.170; NRS 34.330. “A writ of prohibition
18 is appropriate when a district court acts without or in excess of its jurisdiction.” *Cote v. District*
19 *Ct.*, 124 Nev. 36, 39, 175 P.3d 906, 907 (2008) (citing NRS 34.320; *State v. District Ct. (Anzalone)*,
20 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002)). “A writ of mandamus is available to ‘compel the
21 performance of an act which the law . . . [requires] as a duty resulting from an office, trust or
22 station.’ *Id.*, 124 Nev. At 39, 175 P.3d at 907-08 (quoting NRS 34.160), or to control a manifest
23 abuse or an arbitrary or capricious exercise of discretion. *Id.* (citing *Round Hill Gen. Imp. Dist. V.*
24 *Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981)). “Because both writs of prohibition and
25 writs of mandamus are extraordinary remedies, [the court has] complete discretion to determine
26 whether to consider them.” *Id.*, 124 Nev. At 39, 175 P.3d at 908 (citing *Smith v. District Ct.*, 107
27 Nev. 674, 818 P.2d 849 (1991)).
28

1 22. Even when an “arguable adequate remedy exists, this court may exercise its
2 discretion to entertain a petition for mandamus under circumstances of urgency or strong necessity,
3 or when an important issue of law needs clarification and sound judicial economy and
4 administration favor the granting of the petition.” *State v. District Ct.*, 118 Nev. 609, 614, 55 P.3d
5 420, 423 (2002) (citations omitted).

6 23. Here, “there is not a plain, speedy and adequate remedy in the ordinary course of
7 law.” NRS 34.170; NRS 34.330.

8 24. As such, this Court has the ability to mandate the Registrar to keep the Affected
9 Locations open until 8:00 p.m. to assure every voter in every precinct has a full 12 hours to cast
10 their vote.

11 25. Alternatively, a writ of prohibition is necessary to stop the polls from closing at the
12 Affected Locations until 8:00 p.m. to assure every voter in every precinct has a full 12 hours to
13 cast their vote.

PRAYER FOR RELIEF

14 WHEREFORE, Plaintiffs respectfully request that this Court:

15 1. Grant preliminary and permanent injunctive relief directing the Defendant to keep
16 the Affected Location open until 8:00 p.m.;

17 2. Mandate the Registrar to keep the Affected Locations open until 8:00 p.m.;

18 3. Alternatively, issue a writ of prohibition to stop the polls from closing at the
19 Affected Locations until 8:00 p.m. to assure every voter in every precinct has a full 12 hours to
20 cast their vote; and
21

22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Grant such other and further relief as the Court may deem just and proper.

Dated this 3rd day of November, 2020.

MARQUIS AURBACH COFFING

By /s/ Brian R. Hardy, Esq.
Brian R. Hardy, Esq.
Nevada Bar No. 10068
Alex K. Callaway, Esq.
Nevada Bar No. 15188
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Plaintiffs