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ALAN GLOVER  
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DEPUTY

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

Emmily Bristol, Mindy Hsu, RPh. ,  
Pharm.D., William Ramos, M.D.,

Plaintiffs,

vs.

Case No.: 09 OC 00506 IB

Personhood Nevada, a Ballot Advocacy  
Group; Richard Ziser, Olaf Vancura, and  
Kenneth Wilson, individuals; Ross Miller,  
in his official capacity as Secretary of State,

Dept. No.: I

Defendants.

PROPOSED ORDER

This matter came before the Court pursuant to a Complaint for Declaratory and Injunctive Relief filed by Emmily Bristol, Mindy Hsu R.Ph., Pharm. D., and William Ramos, M.D ("Plaintiffs") filed on November 12, 2009 against the "Personhood Nevada Initiative" ("Initiative"). Plaintiffs also filed a Memorandum of Points and Authorities in Support of the Complaint on the same date. Defendants Personhood Nevada, Richard Ziser, Olaf Vancura, and Kenneth Wilson ("Defendants") filed an Answer on December 10, 2009, and a brief in Opposition to Complaint for Declaratory and Injunctive Relief on December 18, 2009. Defendant Ross Miller in his capacity as Nevada Secretary of State filed an Answer on December 18, 2009. Plaintiffs filed a Reply to Defendants' Opposition on December 30, 2009.

This Court held a hearing on the merits on January 8, 2010. Plaintiffs were represented by attorneys Lee Rowland, Jennifer Dalven, Mimi Liu, and John Griffin; Defendants were

1 represented by attorney Michael R. Brooks, and the Secretary of State was represented by  
2 Deputy Attorney General Nhu Q. Nguyen.

3 The Initiative as filed reads in its entirety that "In the great state of Nevada, the term  
4 person shall apply to every human being."

5 Based upon all the arguments and briefing, the Court hereby finds and declares as  
6 follows:

7 THE COURT FINDS THAT although the Initiative is only fourteen words, it is very  
8 complex and broad: it impacts multiple unrelated provisions of Nevada's Constitution and laws,  
9 including, but not limited to, the constitutional rights to life, due process, equal protection, and  
10 search and seizure; has a huge impact on state criminal laws; and also has many social  
implications;

11 THE COURT FURTHER FINDS THAT the primary purpose of the Initiative is stated in  
12 terms that are too general and vague in nature, fails to give adequate notice to the voters and falls  
13 afoul of the prohibition on an "excessively general" statement of the primary purpose, see Las  
14 Vegas Taxpayer Accountability Comm. v. City Council of City of Las Vegas, 125 Nev. 17, 208  
15 P.3d 429, 439 (Nev. 2009), and in addition the primary purpose cannot even be determined from  
the Initiative itself or the description of effect;

16 THE COURT FURTHER FINDS THAT although Defendants have indicated that one of  
17 the intended purposes of the Initiative is to impact abortion and the rights of fertilized eggs,  
18 embryos, and fetuses, there is nothing in the Initiative that would allow the average voter to  
understand these impacts;

19 THE COURT FURTHER FINDS THAT the Initiative fails to adequately inform the  
20 voters of the State of Nevada of what they are voting on;

21 THE COURT FURTHER FINDS THAT the Initiative violates the single-subject rule;

22 THE COURT FURTHER FINDS THAT the Initiative's Description of Effect is  
misleading and fails to inform voters of the material consequences of the Initiative;

23 THE COURT FURTHER FINDS THAT the issue of severability does not apply to the  
24 instant Initiative, which has no discrete clauses that can be severed as set forth in Nevadans for  
25 the Protection of Property Rights, 122 Nev. 894; 141 P.3d (Nev. 2006);

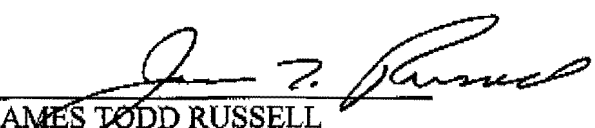
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THEREFORE IT IS HEREBY ORDERED AND DECLARED that the Initiative fails to comply with the single-subject rule as set forth in NRS 295.009;

IT IS FURTHER ORDERED AND DECLARED that the Personhood Initiative is an invalid initiative petition, and Defendant Secretary of State is enjoined from placing it on the ballot for the November 2010 general election.

IT IS SO ORDERED.

Dated this 21 day of January, 2010.

  
JAMES TODD RUSSELL  
DISTRICT COURT JUDGE

Submitted By:

LEE ROWLAND, ESQ.  
Nevada Bar No. 10209  
AMERICAN CIVIL LIBERTIES UNION OF NEVADA  
1325 Airmotive Way, Suite 202  
Reno, Nevada 89502  
Attorneys for Plaintiffs