

**MOTION
EXHIBIT A**

1 **AFFIDAVIT OF DEPUTY DISTRICT ATTORNEY JOEL K. BROWNING IN**
2 **SUPPORT OF MOTION TO STAY DISCOVERY IN COMPLIANCE WITH LR**
3 **26-7(c) AND LR IA 1-3(f)**

4 STATE OF NEVADA)
5) ss.
6 COUNTY OF CLARK)

7 I, Deputy District Attorney JOEL K. BROWNING, the Affiant, being first duly
8 sworn, deposes, and says:

9 1. I am an attorney licensed to practice law before all courts in the State of
10 Nevada. I am a Deputy District Attorney for Clark County, counsel for Defendant Clark
11 County in this matter.

12 2. I have personal knowledge of the facts referred to in this affidavit and could
13 competently testify to these facts if called upon to do so in a court of law.

14 3. Plaintiffs filed their complaint [1] and motions for temporary restraining
15 order [5] and preliminary injunction [4] on February 16, 2024, and February 22, 2024,
16 respectively.

17 4. Clark County filed its motion to dismiss [9] the complaint and response to
18 the motions for temporary restraining order [5] and preliminary injunction [4] on or
19 around March 14, 2024.

20 5. Briefing on these various motions was completed on April 9, 2024, when
21 Clark County filed its reply [21] in support of its motion to dismiss [9]. Defendant's
22 motion to dismiss [9] and Plaintiffs' motions for temporary restraining order [5] and
23 preliminary injunction [4] are currently pending decision before the court.

24 6. On or around March 28, 2024, Plaintiffs' counsel reached out requesting
25 availability on April 9 or April 10 to conduct an FRCP 26(f) conference in this case. *See*
26 e-mail correspondence, attached hereto as **Exhibit A**.

27 7. On or around April 1, 2024, Affiant responded, citing to persuasive
28 authorities that, given Plaintiffs' lawsuit consisted of questions of law and facial

1 challenges to Clark County ordinances, it was Clark County's position that no discovery
2 was necessary to resolve the issues before the Court. *See Exhibit A.*

3 8. In that same correspondence on April 1, 2024, counsel for Defendant Clark
4 County proposed stipulating to a stay in discovery or seeking clarification from the Court
5 on its position regarding whether additional discovery was necessary by filing a motion
6 to stay. *See Exhibit A.*

7 9. Plaintiffs' counsel did not respond to this proposal and counsel for
8 Defendant Clark County misinterpreted this silence as acquiescence to filing a motion for
9 a stay with the Court to obtain its position on the matter. Accordingly, Clark County filed
10 a motion to stay [18] with the Court on or around April 3, 2024.

11 10. On or around April 16, 2024, Plaintiffs' counsel reached out and requested
12 an extension to file a response to the then pending motion to stay [18]. *See Exhibit A.*
13 This was counsel for Clark County's first indication that Plaintiffs' counsel was opposed
14 to the pending motion to stay [18] and was intending to oppose the same. *Id.*

15 11. The following day, on or around April 17, 2024, counsel for Clark County
16 agreed to the extension of the deadline for Plaintiffs' response to the then pending motion
17 to stay [18]. **Exhibit A.**

18 12. After contemplating Plaintiffs' intent to oppose the Motion to Stay [18],
19 counsel for Clark County reached out to Plaintiffs' counsel on or around April 18, 2024.
20 The purpose of this communication was to obtain Plaintiffs' position on the necessity of
21 discovery and to meet and confer in good faith to determine if this was an issue that the
22 parties could resolve without the assistance of the Court. **Exhibit A.**

23 13. Plaintiffs' counsel indicated that she was amenable to a meet and confer
24 conference via e-mail on April 18, 2024, and subsequently called later that day and spoke
25 briefly with counsel for Defendant Clark County. **Exhibit A.**

26 14. The meet and confer call on April 18, 2024, was brief. Plaintiff's counsel
27 inquired if Defendant would be amenable to stipulating to an extension of time for
28

1 Plaintiff's to respond to the National Resorts Association's ("NRA") brief, to which
2 Defendant responded in the affirmative. Plaintiffs' counsel further indicated that her
3 clients were looking for limited discovery only and that she would send some case law
4 regarding her position for review via e-mail over the weekend and confer with co-counsel
5 to determine the parameters of the discovery they were seeking and get back to counsel
6 for Defendant about a time for a more thorough meet and confer.

7 15. On or around April 24, 2024, counsel for Defendant again reached out to
8 Plaintiffs' counsel after having not received the case law and/or e-mail correspondence
9 discussed on April 18, 2024, and asked if Plaintiffs were still interested in meeting and
10 conferring on the necessity of discovery. **Exhibit A.** Counsel for Defendant proposed
11 stipulating to extend the deadline for Plaintiffs' response if Plaintiffs were still interested
12 in meeting and conferring on the issue. *Id.*

13 16. Plaintiffs agreed to stipulate to extend their response deadline and the
14 parties agreed to a meet and confer on the morning of Monday, April 29, 2024. **Exhibit**
15 **A.**

16 17. On the morning of Monday, April 29, 2024, counsel for Defendant, Deputy
17 District Attorney Joel K. Browning, spoke to counsel for Plaintiffs, Maggie McLetchie,
18 Esq. and Chris Peterson, Esq. on the telephone.

19 18. During the meet and confer, Plaintiffs' counsel represented that they
20 believed that regardless of the pending motions they had an obligation to conduct an
21 FRCP 26 conference and to submit a proposed scheduling order and discovery plan to the
22 Court. In response, Defendant requested that Plaintiffs prepare a standard proposed
23 discovery plan and scheduling order pursuant to FRCP 26 and that he would review it.

24 19. Counsel for Defendant inquired after the authority Plaintiffs contended
25 supported their position that discovery was necessary on facial challenges to ordinances.
26 Plaintiffs' counsel cited *Video Software Dealers Ass'n* and *Pierce v. Jacobsen* in support
27 of their contention that Defendant had an evidentiary burden to prove the ordinance was
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1 constitutional. While on the phone, counsel for Defendant pulled up both cases on
 2 Westlaw and read the language referenced by Plaintiffs' counsel as well as the factual
 3 background of each case. Defense counsel denied that either case stood for a government
 4 body having an *evidentiary* burden and indicated that neither applied anyway because
 5 they were both strict scrutiny analysis cases. After the call, Counsel for Defendant went
 6 and pulled the trial court docket for the cases and determined that *Video Software Dealers*
 7 *Ass'n* didn't even have discovery as the parties jointly submitted a case management
 8 statement in lieu of a discovery plan. *See, e.g.*, **Exhibit A.**

9 20. In response to Plaintiff's inquiry about Defendant's position, Defense
 10 counsel indicated that on facial challenges like this one the Court is the proper entity to
 11 determine the importance of the stated government interest and can rationally determine
 12 whether the scope of the ordinance as stated is narrowly tailored to achieve that interest—
 13 the same way it does with rational basis cases, the application of discretionary act
 14 immunity, and all other facial challenges. In response, Plaintiffs' counsel argued that this
 15 ordinance would not be reviewed under a rational basis standard; to which Defense
 16 counsel responded that it would also not be reviewed under a strict scrutiny standard.

17 21. Defense counsel further stated that given that all the challenges were facial,
 18 the pending motions for temporary restraining order and preliminary injunction, and the
 19 First Amendment Issues in the case, he anticipated an order from the Court on the
 20 pending motions in the next 45 to 90 days. In consideration of this, Defendant argued that
 21 regardless of the outcome (i.e., Clark County appealing a preliminary injunction or
 22 Plaintiffs' appealing an order dismissing the case), the order would likely be immediately
 23 appealable, and it made little sense to engage in a few weeks of discovery if the case were
 24 going to be stayed pending an appeal anyway. Plaintiffs' counsel argued that potential
 25 appeals did not obviate their duty to prepare a scheduling order and discovery plan and
 26 indicated they could see a potential scenario where both the motion for preliminary
 27 injunction and motion to dismiss were denied. Defendant responded that given the
 28

1 “likelihood of success on the merits” element of the preliminary injunction analysis, such
 2 an outcome was exceedingly unlikely.

3 22. Plaintiffs’ counsel also indicated that their ADA claim was not a facial
 4 constitutional challenge and, accordingly, it was eligible for discovery. Defendant’s
 5 counsel, however, countered that the ADA claim was still a facial challenge to the
 6 ordinance because their client had not been cited under the ordinance and had not
 7 requested and been denied a reasonable accommodation to access a government service
 8 or benefit. Accordingly, Plaintiffs’ ADA claim was still a question of law capable of
 9 being determined on its face by the Court without discovery.

10 23. Plaintiffs’ counsel indicated that if Defense counsel would be willing to
 11 stipulate to the plaintiffs’ standing in this case then they would be willing to work with
 12 Defendant on the scope of discovery conducted. Defendant inquired after the discovery
 13 sought and Plaintiffs’ counsel indicated that they intended to conduct the deposition of
 14 William H. Sousa, PhD (“Dr. Sousa”), who prepared a report on the crime and safety
 15 issues associated with the pedestrian bridges at issue in this case and attached as an
 16 exhibit to the NRA’s motion to intervene in this case. They also indicated that they
 17 wanted to subpoena the underlying statistical data on which Dr. Sousa relied—including
 18 LVMPD crime statistics and associated call data. Defendant countered that it had not
 19 attached Dr. Sousa’s report to its motion and did not intend to rely on Dr. Sousa’s report
 20 because the Board of County Commissioners (“BCC”) had made express findings in the
 21 language of the ordinance regarding its reasons for passing the same. When asked if
 22 Plaintiffs intended to subpoena records from individual County Commissioners or notice
 23 their depositions. Plaintiffs’ counsel responded that they understood the importance of
 24 not needlessly propounding discovery on public officials because of their ongoing
 25 working relationship on a wide variety of issues but did not expressly agree not to
 26 conduct such discovery either.

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1 24. Counsel for Defendant requested that Plaintiffs prepare a proposed
2 scheduling order and discovery plan that indicated the discovery they sought. Defense
3 counsel also indicated that he would look at the cases cited by Plaintiffs' counsel more
4 closely to see if they stood for the proposition cited by Plaintiffs and that in the interim
5 Defendant would withdraw its pending motion to stay discovery [18] while the parties
6 continued to meet and confer in good faith.

7 25. Plaintiffs' counsel also indicated that Defendant's first motion to stay [18]
8 was deficient because it failed to satisfy the meet and confer requirements under the local
9 rules, a point which Defense counsel conceded. Counsel for Defendant explained how he
10 misinterpreted Plaintiffs' counsel's silence as an acquiescence to seeking guidance from
11 the court on the appropriateness of a stay of discovery in such a case.

12 26. Thereafter on the same day, Defendant filed a notice of withdrawal [32] of
13 the motion to stay discovery pursuant to the understanding of the parties. Defendant also
14 reviewed the cases cited by Plaintiffs' counsel, including pulling up the trial court
15 dockets, to determine if they stood for the proposition cited. Defense counsel came to the
16 conclusion upon reviewing those and other cases that not only did the cases not stand for
17 the proposition that discovery was necessary in facial challenges, but also that many
18 courts have resoundingly held that it is appropriate to stay discovery until facial
19 challenges have been resolved and/or facial challenges require no additional discovery.

20 27. The following day the Court issued a minute order [33] informing the
21 parties that they must file one of the following three documents by May 14, 2024:

22 (1) a joint proposed discovery plan, (2) a renewed motion to
23 stay discovery, or (3) a joint proposed scheduling order
24 representing that no discovery is required in the case and
providing stipulated dates for the case to be decided on its
merits.

25 | // /

26 | //

27 | //

1 28. Counsel for Defendant reached out to Plaintiffs' counsel thereafter in an e-
 2 mail dated April 30, 2024, and informed them of his findings and indicated that based on
 3 his research he felt it would either be appropriate for the parties to stipulate to a joint
 4 scheduling order that stayed discovery pending a ruling on the motion to dismiss [9] and
 5 motion for preliminary injunction [4] that would set a summary judgment briefing
 6 schedule based on the legislative record, i.e., the minutes, video, and exhibits submitted
 7 at the BCC meeting where the ordinance was passed, or to have the County file another
 8 motion to stay discovery. *See, e.g., Exhibit A.*

9 29. In correspondence dated May 3, 2024, Plaintiffs' counsel disagreed, but
 10 provided no clear legal precedent or controlling case law supportive of their contention
 11 that they should be entitled to conduct discovery and review the data underlying the
 12 presentations, reports or public comments provided during the BCC meeting—
 13 information that the BCC commissioners themselves were not even privy to in voting on
 14 the subject ordinance. **Exhibit A.**

15 30. Plaintiff again asserted that they would be willing to entertain limiting
 16 discovery based on certain stipulations including Defendant's willingness to stipulate to
 17 Plaintiffs' standing to bring the instant claims. *See Exhibit A.* A fact they further noted in
 18 the proposed scheduling order and discovery plan attached to their May 3, 2024,
 19 correspondence. *See proposed scheduling order and discovery plan attached to Plaintiffs'*
 20 *counsel's May 3, 2024, e-mail correspondence, attached hereto as Exhibit B, at 3:27.*

21 31. In reviewing a detailed list of the discovery Plaintiffs seek in this matter,
 22 the topics were overly broad and vague and not likely to lead to the discovery of
 23 admissible evidence. *See Exhibit B* at 3:25-4:11. Furthermore, the topics sought by the
 24 Plaintiffs exceeded the scope of discovery initially identified during the meet and confer
 25 call regarding the same.

26 ///

27 ///

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1 32. In light of the foregoing, and despite working in good faith with the
2 Plaintiffs to find a mutually agreeable solution on discovery, Defendant Clark County is
3 now forced to come to the Court with the instant Motion to Stay Discovery pending a
4 determination by the Court on the pending motion to dismiss [9] and motion for
5 preliminary injunction [4].

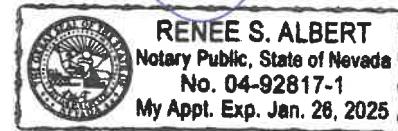
6 32. The instant Motion is brought in good faith and in compliance with LR IA
7 1-3(f) and LR 26-7(c).

8 Further, your Affiant sayeth naught.

9
10 12 SUBSCRIBED and SWORN to before me
11 13 This 14th day of May, 2024.

14 15 
16 17 18 19 20 21 22 23 24 25 26 27 28
NOTARY PUBLIC for said County and State.

JOEL K. BROWNING
DEPUTY DISTRICT ATTORNEY



**AFFIDAVIT
EXHIBIT A**

From: [Joel Browning](#)
To: [Maggie](#)
Cc: [Chris Peterson](#); [Tatiana Smith](#); [Leo Wolpert](#); [Patricia Villa](#); [Jeffrey Rogan](#); [Christine Wirt](#); [EFile](#); [Nadia](#)
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension
Date: Wednesday, May 8, 2024 4:53:00 PM

Hi Maggie,

I don't plan on introducing any facts or evidence unless the Court denies the County's motion to dismiss indicating it requires discovery on a certain issue because I don't think any facts or evidence are necessary. Facial challenges are called facial because they are determined "on the face" of the statute or ordinance. They are pure questions of law strictly determined by the court—not mixed questions of law and fact. *Silvar v. Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark*, 122 Nev. 289, 292, 129 P.3d 682, 684 (2006) ("The constitutionality of a statute is a question of law that we review *de novo*."). Abstract challenges to the application of the ADA are also questions of law reviewed *de novo* that require no discovery. See, e.g., *Robles v. Domino's Pizza, LLC*, 913 F.3d 898, 904 (9th Cir. 2019) ("the constitutionality of a statute or regulation is a question of law, we also review *de novo* the district court's holding that applying the ADA to websites and apps would violate due process").

By way of support, the court in the *Taylor* matter upheld the Clark County ordinances on their face without ever considering any evidence or discovery. While we were unable to stay discovery in that case because of the concurrent "as applied" challenge against Metro, the Court ultimately ruled in Clark County's favor without consideration of any facts or evidence identified in the brief period of discovery before the Court issued its order. I fully anticipate the same thing happening this time as this ordinance is even clearer and more narrowly tailored than the ordinance successfully upheld in *Taylor*. This time, however, there is no "as applied" challenges so discovery is not warranted and will not help the Court in making a decision on the questions of law put forth in the complaint.

I understand that you disagree with this assessment, but I think that just puts us at an impasse. Accordingly, I think it's best if the County files a new motion to stay next Tuesday and the Court can decide what it wants to do from there.

Joel K. Browning
Deputy District Attorney
Clark County District Attorney's Office
Civil Division
T: (702) 455-4761
F: (702) 382-5178

*Please note my office hours: M-Th (7:30 a.m. to 6:00 p.m.)

From: Maggie <maggie@nvlitigation.com>
Sent: Wednesday, May 8, 2024 11:18 AM

To: Joel Browning <Joel.Browning@clarkcountydanv.gov>
Cc: Chris Peterson <peterson@aclunv.org>; Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountydanv.gov>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountydanv.gov>; Christine Wirt <Christine.Wirt@clarkcountydanv.gov>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

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Joel: Just following up on this again. To emphasize, I think these conversations might be more productive if you could explain what facts you believe you intend to introduce.

From: Maggie
Sent: Friday, May 3, 2024 9:51 AM
To: 'Joel Browning' <Joel.Browning@clarkcountydanv.gov>
Cc: Chris Peterson <peterson@aclunv.org>; Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountydanv.gov>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountydanv.gov>; Christine Wirt <Christine.Wirt@clarkcountydanv.gov>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

Joel: I was out of the office earlier this week with a family emergency. Attached is the draft I had prepared on the scheduling order. As it reflects, we are narrow in our focus but we can't waive the right to discovery. We would be willing to enter certain stipulations, such as that the Plaintiffs have standing. I think these conversations might be more productive if you could explain what facts you believe you intend to introduce. In any case, the reason I conducted the early case conference Monday is because you are incorrect that filing a stay allows us to sidestep that process. In light of the below, we just plan to file our own Monday morning.

In *Video Software*, they stipulated to certain material facts. We will not just agree that the only facts that can be admitted is the legislative history.

The cases you cite are all irrelevant. For example, *Washington State Grange v. Washington State Republican Party*, 552 U.S. 442, 455, 128 S. Ct. 1184, 1193–94, 170 L. Ed. 2d 151 (2008) involved only a facial challenge to an election law and applied rational basis – contrary to your assumptions below and during our call, that's not the standard here. Also, I didn't check the district court record but the case does not have anything to do with discovery, or whether it is warranted here. While you comment that “the court is not a proper venue to rehash the policy debate that already played out regarding the subject ordinance, related discovery seems unwarranted and irrelevant”, we are entitled

to challenge, *inter alia*, narrow tailoring. See also *Ferguson v. Skrupa*, 372 U.S. 726, 726-27, 83 S. Ct. 1028, 1029 (1963) (affirmed the “judgment of a three-judge District Court enjoining, as being in violation of the Due Process Clause of the Fourteenth Amendment, a Kansas statute making it a misdemeanor for any person to engage “in the business of debt adjusting” except as an incident to “the lawful practice of law in this state.”) (did not address discovery).

From: Joel Browning <Joel.Browning@clarkcountydavn.gov>
Sent: Tuesday, April 30, 2024 5:58 PM
To: Maggie <maggie@nvlitigation.com>
Cc: Chris Peterson <peterson@aclunv.org>; Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountydavn.gov>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountydavn.gov>; Christine Wirt <Christine.Wirt@clarkcountydavn.gov>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

Hi Maggie and Chris,

It was good speaking with you on Monday. I've spent some time going through the cases you provided me as well as some other cases and just wanted to kind of provide an update on where we're at before your office put any work into a proposed scheduling order and discovery plan as we'd discussed on the phone (especially in light of the Court's minute order today).

Error! Hyperlink reference not valid.

I pulled up the district court docket for *Video Software Dealers Association*, the case you cited in support of your contention that the County had an evidentiary burden on facial challenges, and it appears that no discovery was conducted in that case despite the language contained therein. See attached the Joint Case Management Statement and Order. In that case the parties elected to set a briefing schedule on motions for summary judgment, if necessary, following the court's determination of the motions to dismiss/motion for preliminary injunction. *Id.*

Notably, such a scheduling order was one of the options provided by the court today in its minute order. If this is an option your clients would consider, I think the County might be able to agree to submit a joint case management statement that sets a deadline for providing the legislative record for the subject ordinance and a briefing schedule on cross motions for summary judgment following an order on the motion to dismiss, if necessary.

If your clients are not amenable to such a scheduling order, however, I think the County will likely need to re-file its motion to stay the case by the May 14, 2024, deadline for the reasons

detailed below.

Please consider my proposal and let me know what you think about a joint scheduling order.

Thanks,

Joel

County's Position Regarding Need for Discovery

Thinking about the discovery you've indicated that you'd like, including deposing Dr. Sousa, reviewing the statistics and the methodology he relied upon in his report, LVMPD arrest/citation/call data, and evaluating other underlying factors, I can't see any relevancy or permissible basis for such discovery in this case—especially at this juncture and in consideration of the allegations in the complaint. Case law pretty uniformly provides that it is not the role of the court to supplant its wisdom for that of the legislature or to second guess the wisdom or utility of legislation so long as it does not offend the Constitution. *Ferguson v. Skrupa*, 372 U.S. 726, 730–31, 83 S. Ct. 1028, 1031, 10 L. Ed. 2d 93 (1963); *Day-Brite Lighting Inc. v. State of Mo.*, 342 U.S. 421, 423, 72 S. Ct. 405, 407, 96 L. Ed. 469 (1952); *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 469, 101 S. Ct. 715, 726, 66 L. Ed. 2d 659 (1981); *Pac. Nw. Venison Producers v. Smitch*, 20 F.3d 1008, 1017 (9th Cir. 1994). And ultimately that's what reevaluating and dissecting testimony and positions presented by constituents at the BCC meeting will do. And, as the court is not a proper venue to rehash the policy debate that already played out regarding the subject ordinance, related discovery seems unwarranted and irrelevant.

Many courts have held that discovery is not necessary on facial challenges—and even more have held that facial challenges should be resolved prior to discovery even where warranted. See, e.g., *Washington State Grange v. Washington State Republican Party*, 552 U.S. 442, 455, 128 S. Ct. 1184, 1193–94, 170 L. Ed. 2d 151 (2008); *Shelby County v. Holder*, 270 F.R.D. 16, 19 (D.D.C. 2010); *Gen. Elec. Co. v. Johnson*, 362 F. Supp. 2d 327, 337 (D.D.C. 2005); *Chudasama v. Mazda Motor Corporation*, 123 F.3d 1353 (11th Cir. 1997); *Cotton v. Massachusetts Mut. Life Ins. Co.*, 402 F.3d 1267, 1292.

As all three causes of action brought by the Plaintiffs in this case, including the ADA claim, are facial in nature and questions of law, I can discern no reason for the Court to look at anything beyond the face of the ordinance (or maybe the legislative record at the MSJ stage?) when ruling on the issues presented in this case. Accordingly, the County cannot agree that discovery is necessary and cannot stipulate to any sort of joint discovery order.

Joel K. Browning

Deputy District Attorney
Clark County District Attorney's Office
Civil Division
T: (702) 455-4761
F: (702) 382-5178

*Please note my office hours: M-Th (7:30 a.m. to 6:00 p.m.)

From: Maggie <maggie@nvlitigation.com>
Sent: Thursday, April 25, 2024 10:26 AM
To: Joel Browning <Joel.Browning@clarkcountydanv.gov>
Cc: Chris Peterson <peterson@aclunv.org>; Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountydanv.gov>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountydanv.gov>; Christine Wirt <Christine.Wirt@clarkcountydanv.gov>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

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Joel: if you do happen to get 5 minutes, let's talk today. I am free except at 1.

From: Maggie <maggie@nvlitigation.com>
Sent: Wednesday, April 24, 2024 2:26 PM
To: Joel Browning <Joel.Browning@clarkcountydanv.gov>
Cc: Chris Peterson <peterson@aclunv.org>; Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountydanv.gov>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountydanv.gov>; Christine Wirt <Christine.Wirt@clarkcountydanv.gov>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>
Subject: Re: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

Yes I will make that slot work. Did you see the sao ?

On Apr 24, 2024, at 1:40 PM, Joel Browning <Joel.Browning@clarkcountydanv.gov> wrote:

Hi Maggie,

Tomorrow is bring your kids to work day so it may be difficult to set up a time to talk.

But I am free Monday from 7:30 am to 10:30 am before a depo if that might work?

Joel K. Browning
Deputy District Attorney

Clark County District Attorney's Office
Civil Division
T: (702) 455-4761
F: (702) 382-5178

*Please note my office hours: M-Th (7:30 a.m. to 6:00 p.m.)

From: Maggie <maggie@nvlitigation.com>
Sent: Wednesday, April 24, 2024 1:03 PM
To: Joel Browning <Joel.Browning@clarkcountydanv.gov>; Chris Peterson <peterson@aclunv.org>
Cc: Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountydanv.gov>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountydanv.gov>; Christine Wirt <Christine.Wirt@clarkcountydanv.gov>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>; Leo Wolpert <leo@nvlitigation.com>
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Hi, Joel. Let's stip another week. Do you have time tomorrow?

From: Joel Browning <Joel.Browning@clarkcountydanv.gov>
Sent: Wednesday, April 24, 2024 11:15 AM
To: Maggie <maggie@nvlitigation.com>; Chris Peterson <peterson@aclunv.org>
Cc: Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountydanv.gov>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountydanv.gov>; Christine Wirt <Christine.Wirt@clarkcountydanv.gov>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>; Leo Wolpert <leo@nvlitigation.com>
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

Hi Maggie,

After our call last Thursday I didn't see an e-mail from you regarding the case law you wanted me to review or your discussions with Chris on what, if any, discovery Plaintiffs thought was necessary and I just wanted to touch base and see if this was still a discussion you wanted to pursue.

Please let me know. I am in depositions most of the day, but I should be able to coordinate a stip to extend Plaintiffs' response deadline if we want to continue discussing it.

Joel K. Browning

Deputy District Attorney
Clark County District Attorney's Office
Civil Division
T: (702) 455-4761
F: (702) 382-5178

*Please note my office hours: M-Th (7:30 a.m. to 6:00 p.m.)

From: Maggie <maggie@nvlitigation.com>
Sent: Thursday, April 18, 2024 2:25 PM
To: Joel Browning <Joel.Browning@clarkcountydanv.gov>; Chris Peterson <peterson@aclunv.org>
Cc: Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountydanv.gov>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountydanv.gov>; Christine Wirt <Christine.Wirt@clarkcountydanv.gov>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>; Leo Wolpert <leo@nvlitigation.com>
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

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Joel: Always happy to speak. I will check in with Chris (he's lead) and loop back. Separately, I am asking Mr. Langberg for a week on our response to the NRA's brief and want to make sure you don't oppose that as well. Let me know.

Maggie McLetchie
<image001.png>
602 South Tenth Street
Las Vegas, NV 89101
(702)728-5300 (T) / (702)425-8220 (F)
www.nvlitigation.com

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From: Joel Browning <Joel.Browning@clarkcountydavn.gov>
Sent: Thursday, April 18, 2024 2:20 PM
To: Maggie <maggie@nvlitigation.com>; Chris Peterson <peterson@aclunv.org>
Cc: Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountydavn.gov>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountydavn.gov>; Christine Wirt <Christine.Wirt@clarkcountydavn.gov>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>; Leo Wolpert <leo@nvlitigation.com>
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

Hi Maggie,

I was thinking about our e-mail exchange last night and was just wondering if there were some way to address our positions on this in some sort of meet and confer process. Obviously I don't think there is any discovery necessary given the nature of the claims and the standard of review on those claims, but given your intent to file an opposition it seems that you feel differently. I had filed a motion with the court just to kind of clarify the need for an FRCP 26 conference and scheduling order (and had potentially misinterpreted your non-response to my e-mail as ascent to the need for clarification), not really to be adversarial about anything.

If there is some reason you or Chris think we need discovery I'd be willing to listen to your position and if it seems persuasive withdraw our motion for a stay.

Anyway just let me know what you think and hope you have a nice weekend.

Joel K. Browning
Deputy District Attorney
Clark County District Attorney's Office
Civil Division
T: (702) 455-4761
F: (702) 382-5178

*Please note my office hours: M-Th (7:30 a.m. to 6:00 p.m.)

From: Maggie <maggie@nvlitigation.com>
Sent: Wednesday, April 17, 2024 10:33 AM
To: Joel Browning <Joel.Browning@clarkcountydavn.gov>; Chris Peterson <peterson@aclunv.org>
Cc: Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountydavn.gov>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountydavn.gov>; Christine Wirt <Christine.Wirt@clarkcountydavn.gov>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>

<Nadia@nvlitigation.com>; Leo Wolpert <leo@nvlitigation.com>

Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

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Joel: Thanks for the professional courtesy. Please see attached.

From: Joel Browning <Joel.Browning@clarkcountydanv.gov>

Sent: Wednesday, April 17, 2024 7:53 AM

To: Maggie <maggie@nvlitigation.com>; Chris Peterson <peterson@aclunv.org>

Cc: Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia

Villa <Patricia.Villa@clarkcountydanv.gov>; Jeffrey Rogan

<Jeffrey.Rogan@clarkcountydanv.gov>; Christine Wirt

<Christine.Wirt@clarkcountydanv.gov>; EFile <EFile@nvlitigation.com>; Nadia

<Nadia@nvlitigation.com>; Leo Wolpert <leo@nvlitigation.com>

Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

Hi Maggie,

I don't have a problem agreeing to an extension.

Please send a stipulation over for review.

Thanks,

Joel K. Browning

Deputy District Attorney

Clark County District Attorney's Office

Civil Division

T: (702) 455-4761

F: (702) 382-5178

*Please note my office hours: M-Th (7:30 a.m. to 6:00 p.m.)

From: Maggie <maggie@nvlitigation.com>

Sent: Tuesday, April 16, 2024 4:31 PM

To: Joel Browning <Joel.Browning@clarkcountydanv.gov>; Chris Peterson <peterson@aclunv.org>

Cc: Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia

Villa <Patricia.Villa@clarkcountydanv.gov>; Jeffrey Rogan

<Jeffrey.Rogan@clarkcountydanv.gov>; Christine Wirt

<Christine.Wirt@clarkcountydanv.gov>; EFile <EFile@nvlitigation.com>; Nadia

<Nadia@nvlitigation.com>; Leo Wolpert <leo@nvlitigation.com>

Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

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Hi, Joel. I have had some unexpected things come up personally and professionally. May we have an extra week on this response?

From: Joel Browning <Joel.Browning@clarkcountyda.com>
Sent: Monday, April 1, 2024 10:59 AM
To: Maggie <maggie@nvlitigation.com>; Chris Peterson <peterson@aclunv.org>
Cc: Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountyda.com>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountyda.com>; Christine Wirt <Christine.Wirt@clarkcountyda.com>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

Hi Maggie,

It's good to hear from you.

Regarding the FRCP 26(f) conference, it's the County's position that, because this lawsuit involves purely questions of law, no discovery is warranted. See, e.g., *Doherty v. Wireless Broad. Sys. of Sacramento, Inc.*, 151 F.3d 1129, 1131 (9th Cir. 1998) (recognizing that “[t]he district court concluded that Pacific did not need to undertake discovery because the issue in this case involved a purely legal question.”); *Shelby County v. Holder*, 270 F.R.D. 16, 19 (D.D.C. 2010) (“Because Shelby County brings only a facial challenge to the [Voter Registration Act], discovery into that claim is unwarranted.”); *Briggs v. Yi*, No. 3:22-CV-00265-SLG, 2023 WL 2914395, at *5 (D. Alaska Apr. 12, 2023) (“Mr. Briggs’ facial challenge to the constitutionality of AMC 8.30.120(A)(2) is a pure question of law and Mr. Briggs has not identified any discoverable facts that would be relevant to resolving this question.”).

If you'd like us to clarify with the court by filing a motion to stay we can certainly do that. Alternatively, if you are amenable to stipulating to a stay I can prepare a draft stipulation and order for review.

Just let me know.

Thanks,

Joel K. Browning

Deputy District Attorney
Clark County District Attorney's Office
Civil Division
T: (702) 455-4761
F: (702) 382-5178

*Please note my office hours: M-Th (7:30 a.m. to 6:00 p.m.)

From: Maggie <maggie@nvlitigation.com>
Sent: Friday, March 29, 2024 10:42 AM
To: Joel Browning <Joel.Browning@clarkcountyda.com>; Chris Peterson <peterson@aclunv.org>
Cc: Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountyda.com>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountyda.com>; Christine Wirt <Christine.Wirt@clarkcountyda.com>; EFile <EFile@nvlitigation.com>; Nadia <Nadia@nvlitigation.com>
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

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Joel: I just noticed you don't work Fridays so I will follow up Monday!

From: Maggie
Sent: Thursday, March 28, 2024 4:21 PM
To: 'Joel Browning' <Joel.Browning@clarkcountyda.com>; Chris Peterson <peterson@aclunv.org>
Cc: Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountyda.com>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountyda.com>; Christine Wirt <Christine.Wirt@clarkcountyda.com>
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

Joel: Please let us know if April 9 or April 10 are good dates to do the 26(f) conference in this case.

From: Joel Browning <Joel.Browning@clarkcountyda.com>
Sent: Tuesday, March 19, 2024 4:59 PM
To: Chris Peterson <peterson@aclunv.org>
Cc: Maggie <maggie@nvlitigation.com>; Tatiana Smith <TSmith@aclunv.org>; Leo Wolpert <leo@nvlitigation.com>; Patricia Villa <Patricia.Villa@clarkcountyda.com>;

Jeffrey Rogan <Jeffrey.Rogan@clarkcountyda.com>; Christine Wirt

<Christine.Wirt@clarkcountyda.com>

Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

You may affix my signature.

Thanks,

Joel K. Browning

Deputy District Attorney
Clark County District Attorney's Office
Civil Division
T: (702) 455-4761
F: (702) 382-5178

*Please note my office hours: M-Th (7:30 a.m. to 6:00 p.m.)

From: Chris Peterson <peterson@aclunv.org>

Sent: Tuesday, March 19, 2024 4:34 PM

To: Joel Browning <Joel.Browning@clarkcountyda.com>

Cc: maggie@nvlitigation.com; Tatiana Smith <TSmith@aclunv.org>; leo@nvlitigation.com; Patricia Villa <Patricia.Villa@clarkcountyda.com>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountyda.com>; Christine Wirt <Christine.Wirt@clarkcountyda.com>

Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

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Hi Joel,

I have attached a proposed stip and order. Please let me know if I may affix your signature.

Christopher Peterson
Legal Director
ACLU of Nevada
4362 W Cheyenne Ave.
North Las Vegas, NV 89032

From: Joel Browning <Joel.Browning@clarkcountyda.com>

Sent: Tuesday, March 19, 2024 8:07 AM

To: Chris Peterson <peterson@aclunv.org>

Cc: maggie@nvlitigation.com; Tatiana Smith <TSmith@aclunv.org>;

leo@nvlitigation.com; Patricia Villa <Patricia.Villa@clarkcountyda.com>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountyda.com>; Christine Wirt <Christine.Wirt@clarkcountyda.com>
Subject: RE: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

Good Morning, Christopher.

We certainly relate to how hectic things can get.

The County is amenable to your request for an extension to file the reply by 3/26.

Joel K. Browning
Deputy District Attorney
Clark County District Attorney's Office
Civil Division
T: (702) 455-4761
F: (702) 382-5178

*Please note my office hours: M-Th (7:30 a.m. to 6:00 p.m.)

From: Chris Peterson <peterson@aclunv.org>
Sent: Tuesday, March 19, 2024 6:45 AM
To: Joel Browning <Joel.Browning@clarkcountyda.com>
Cc: maggie@nvlitigation.com; Tatiana Smith <TSmith@aclunv.org>; leo@nvlitigation.com; Patricia Villa <Patricia.Villa@clarkcountyda.com>; Jeffrey Rogan <Jeffrey.Rogan@clarkcountyda.com>; Christine Wirt <Christine.Wirt@clarkcountyda.com>
Subject: 2:24-cv-00334-JAD-NJK McAllister et al. v. Clark County - Extension

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Good morning Joel,

I'm afraid it's my turn to request a professional courtesy. Would you be amenable to extending Thursday's (3/21) deadline for our reply to the opposition to the motion for preliminary injunction and temporary restraining order to next Tuesday (3/26)?

By way of explanation, we had a motion for summary judgment due last Friday, an emergency filing this Monday, more court dates this week than expected, and I will now need to handle childcare for my daughter on Thursday.

Christopher Peterson

Legal Director
ACLU of Nevada
4362 W Cheyenne Ave.
North Las Vegas, NV 89032

**AFFIDAVIT
EXHIBIT B**

1 CHRISTOPHER M. PETERSON, Nevada Bar No.: 13932
2 TATIANA R. SMITH, Nevada Bar No.: 16627
3 **AMERICAN CIVIL LIBERTIES**
4 **UNION OF NEVADA**
5 4362 W. Cheyenne Ave.
6 North Las Vegas, NV 89032
7 Telephone: (702) 366-1226
8 Facsimile: (702) 830-9205
9 Emails: peterson@aclunv.org; tsmith@aclunv.org

10 MARGARET A. MCLETCHIE, Nevada Bar No. 10931
11 LEO S. WOLPERT, Nevada Bar No. 12658
12 **MCLETCHIE LAW**
13 602 South Tenth Street
14 Las Vegas, Nevada 89101
15 Telephone: (702) 728-5300; Fax: (702) 425-8220
16 Email: efile@nvlitigation.com

17 *Attorneys for Plaintiff*

18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**

20 LISA MCALLISTER, an individual; and
21 BRANDON SUMMERS, an individual,

22 Plaintiffs,

23 vs.

24 CLARK COUNTY, a political subdivision of
25 the state of Nevada,

26 Defendant.

27 **Case. No.: 2:24-cv-00334-JAD-NJK**

28 **[PROPOSED] DISCOVERY PLAN**
AND SCHEDULING ORDER

1 Plaintiffs LISA MCALLISTER and BRANDON SUMMERS, (“Plaintiffs”), by
2 and through their respective counsel, and Defendant, CLARK COUNTY (“Defendant”), by
3 and through their respective counsel (collectively the “Parties”), in accordance with Rule 26
4 of the Federal Rules of Civil Procedure, with Rule 26-1 of the Local Rules of the United
5 States District Court, District of Nevada, hereby submit their Stipulated Discovery Plan and
6 Scheduling Order for the Court’s approval. The parties met and conferred via phone on April
7 29, 2024.

8 **INFORMATION PURSUANT TO LR 26-1 AND FRCP 26(f)**

9 1. Discovery Cut-Off Date; Estimate of Time Required for Discovery (LR
10 26-1(b)(1); Fed. R. Civ. P. 16(b)):

11 In accordance with Local Rule 26-1(e)(1), one hundred eighty-two (182)¹ days
12 from April 29, 2024, places the discovery cut-off date on **Monday, October 28, 2024**.

13 2. Amendment of Pleadings and Addition of Parties (LR 26-1(e)(2); Fed. R.
14 Civ. P. 15(a)):

15 In accordance with Local Rule 26-1(e)(2), the last day to file motions to amend the
16 pleadings or to add parties would be Tuesday, **July 30, 2024**. (90 days prior to October 28,
17 2024.)

18 3. Disclosure of Expert Witnesses (LR 26-1(e)(3); Fed. R. Civ. P.
19 26(a)(2)(C)(i)):

20 In accordance with Local Rule 26-1(e)(3) modifying Fed. R. Civ. P. 26(a)(2), the
21 last day to disclose experts shall be Thursday, **August 29, 2024** (60 days prior to October 28,
22 2024). The last day to disclose rebuttal experts would be Monday, **September 30, 2024**. (32
23 days after August 29, 2024).²

24 4. Dispositive Motions (LR 26-1(e)(4); Fed. R. Civ. P. 56):

25 In accordance with Local Rule 26-1(e)(4) and Fed. R. Civ. P. 56, the last day to file
26 dispositive motions shall be Wednesday, **November 27, 2024**. (30 days after October 28,

27 _____
28 ¹ 180 days after April 29, 2024, is Saturday, October 26, 2024.

² 30 days after August 29, 2024, is Saturday, September 28, 2024.

1 2024.)

2 5. Pretrial Order and Disclosures (LR 26-1(b)(5) and LR 26-1(b)(6); Fed. R.
3 Civ. P. 26(a)(3)(B) and Fed. R. Civ. P. 26(a)(4)):

4 In accordance with Local Rule 26-1(b)(5), the last day to file the Joint Pretrial Order
5 (including the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereof)
6 shall be Friday, December 27, 2024 (30 days after November 27, 2024). In the event that
7 dispositive motions are filed, the deadline for filing the Joint Pretrial Order shall be
8 suspended until thirty (30) days after the decision of the dispositive motions or further order
9 of the Court.

10 6. Certification of Alternative Dispute Resolution (LR 26-1(b)(7); Discussions
11 Regarding Settlement (Fed. R. Civ. P. 26(f)(2))

12 The Parties hereby certify that they met and conferred about the possibility of using
13 alternative dispute-resolution (ADR) processes, including mediation and arbitration.

14 7. Certification of Alternative Forms of Case Disposition (LR 26-1(b)(8); Fed.
15 R. Civ. P. 73)):

16 The Parties hereby certify that they considered consent to trial by a magistrate judge
17 under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, use of the Short Trial Program (General
18 Order 2013-01), but do not agree to have this trial heard by a magistrate judge nor do they
19 agree to participate in the Short Trial Program.

20 **ADDITIONAL INFORMATION SUBMITTED PURSUANT TO FED. R. CIV. P. 26**

21 1. Timing of Initial Disclosures (Fed. R. Civ. P. 26(f)(3)(A)):

22 Pursuant to Fed. R. Civ. P. 26(a)(1)(C), initial disclosures are due within fourteen
23 (14) days of April 29, 2024, the date that the Rule 26(f) conference was conducted in this
24 case. Initial Disclosures shall be exchanged on or before May 13, 2024.

25 2. Discovery Subjects and Phasing (Fed. R. Civ. P. 26(f)(3)(B)):

26 Plaintiffs intend to engage in discovery on the following subjects:

27 • Facts concerning Plaintiffs' standing (unless Clark County stipulates to it);
28 • The purposes behind CCC 16.13.030;

- 1 • Facts regarding whether CCC 16.13.030 achieves its ends without
2 restricting substantially more speech than necessary;
- 3 • Facts regarding whether CCC 16.13.030 leaves ample alternatives;
- 4 • All facts referenced in filings by Clark County;
- 5 • All facts referenced in the Nevada Resort Association's brief and the
6 attached exhibit (the report of Dr. Thomas Sousa) regarding *inter alia* the safety;
- 7 • Data provided from the LVMPD Research & Analysis Unit and the Clark
8 County Public Works Department (cited by Dr. Sousa) and other data concerning calls for
9 service; and
- 10 • The impact of the County's "no stopping" ordinance on people on the
11 disabled.

12 It is the Parties' view that discovery need not be conducted in phases, nor be limited
13 to or focused on particular issues, other than the issues in the case.

14 3. Issues Regarding Electronically Stored Information ("ESI") (Fed. R. Civ.
15 P. 26(f)(3)(C)):

16 The Parties intend to further discuss and review the production of ESI.

17 4. Procedures for Asserting Privilege or Work Product Protections; Other
18 Orders (Fed. R. Civ. P. 26(f)(3)(D); Fed. R. Civ. P. 26(f)(3)(F)):

19 The Parties shall provide a log for any material claimed to be privileged or protected
20 by the work product doctrine (or material that is withheld for any reason).

21 5. Changes Made to Limitations on Discovery (Fed. R. Civ. P. 26(f)(3)(E)):

22 It is the parties' current view that changes are not necessary, and that the parties
23 should proceed to engage in and supplement all discovery as permitted under the Federal
24 Rules of Civil Procedure and the Local Court Rules, including Depositions, Interrogatories,
25 Requests for Production of Documents, and Requests for Admissions.

26 6. Extensions or Modifications of the Discovery Plan and Scheduling Order
27 (LR 26-3):

28 In accordance with Local Rule 26-3, any request for an extension of this discovery

1 plan or any of the individual dates herein shall be filed and served no later than twenty-one
2 (21) days before the expiration of the subject deadline. Any motion of stipulation shall
3 include:

4 a) A statement specifying the discovery completed;
5 b) A specific description of the discovery that remains to be completed;
6 c) The reasons why the deadline was not satisfied or the remaining discovery
7 was not completed within the time limits set by the discovery plan; and
8 d) A proposed schedule for completing all remaining discovery.

9
10 **IT IS SO STIPULATED.**

11 DATED this 30th day of April 2024.

12 MCLETCHIE LAW

13 By: /s/ Margaret A. McLetchie
14 Margaret A. McLetchie, Esq.
15 Nevada Bar No. 10931
16 Leo S. Wolpert, Esq.
17 Nevada Bar No. 12658
18 602 South 10th Street
19 Las Vegas, Nevada 89101
20 Attorneys for Plaintiffs

21 By: /s/ Christopher M. Peterson
22 Christopher M. Peterson, Esq.
23 Nevada Bar No. 13932
24 Tatiana R. Smith, Esq.
25 Nevada Bar No. 16627
26 **AMERICAN CIVIL LIBERTIES**
27 **UNION OF NEVADA**
28 4362 W. Cheyenne Ave.
North Las Vegas, NV 89032
Attorneys for Plaintiffs

DATED this 30th day of April 2024.

STEVEN B. WOLFSON

By: /s/ Joel K. Browning, Esq./DRAFT
Steven B. Wolfson, Esq.
District Attorney
CIVIL DIVISION
Nevada Bar No. 1565
Joel K. Browning, Esq.
Senior Deputy District Attorney
Nevada Bar No. 14489
Jeffrey S. Rogan, Esq.
Deputy District Attorney
Nevada Bar No. 010734
500 South Grand Central Pkwy
Suite 5075
Las Vegas, Nevada 89155
Attorneys for Clark County

25 **ORDER**
26
27

28 **IT IS SO ORDERED.**

1

 UNITED STATES MAGISTRATE JUDGE

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