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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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

Plaintiffs,

vs.

CLARK COUNTY, a political subdivision
of the state of Nevada.

Defendant(s).

Case No: 2:24-cv-00334

**DEFENDANT CLARK COUNTY'S
ANSWER TO PLAINTIFFS'
COMPLAINT [1]**

COMES NOW, Defendant CLARK COUNTY, a political subdivision of the State of Nevada (hereinafter "Defendant" or "this Answering Defendant"), through District Attorney STEVEN B. WOLFSON, by Deputy District Attorney Joel K. Browning, and hereby answers Plaintiffs LISA MCALLISTER' and BRANDON SUMMERS' Complaint [1] (hereinafter "Complaint" or "Plaintiffs' Complaint) by admitting, denying, and alleging as follows:

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1 **I. JURISDICTION AND VENUE**

- 2 1. Answering Paragraph 1 of Plaintiffs' Complaint, Defendant Answers that Paragraph 1
3 states a legal conclusion to which no answer is required. To the extent any answer is
4 required, Defendant denies the allegations contained therein.
- 5 2. Answering Paragraph 2 of Plaintiffs' Complaint, Defendant Answers that Paragraph 2
6 states a legal conclusion to which no answer is required. To the extent any answer is
7 required, Defendant denies the allegations contained therein.
- 8 3. Answering Paragraph 3 of Plaintiffs' Complaint, Defendant Answers that Paragraph 3
9 states a legal conclusion to which no answer is required. To the extent any answer is
10 required, Defendant denies the allegations contained therein.

11 **II. PARTIES**

- 12 4. Answering Paragraph 4 of Plaintiffs' Complaint, Defendant Answers that it is presently
13 without sufficient information to form a belief as to the truth of the allegations
14 contained therein, and therefore, denies the same.
- 15 5. Answering Paragraph 5 of Plaintiffs' Complaint, Defendant Answers that it is presently
16 without sufficient information to form a belief as to the truth of the allegations
17 contained therein, and therefore, denies the same.
- 18 6. Answering Paragraph 6 of Plaintiffs' Complaint, Defendant Admits that it is a political
19 subdivision of the State of Nevada and is eligible for suit and to receive service of
20 process pursuant to NRS 12.105, but denies the remaining allegations as worded
21 therein.

22 **III. STANDING**

23 **A. Brandon Summers**

- 24 7. Answering Paragraph 7 of Plaintiffs' Complaint, Defendant Answers that Paragraph 7
25 states a legal conclusion to which no answer is required. To the extent any answer is
26 required, Defendant denies the allegations contained therein.

1 8. Answering Paragraph 8 of Plaintiffs' Complaint, Defendant Answers that it is presently
2 without sufficient information to form a belief as to the truth of the allegations
3 contained therein, and therefore, denies the same.

4 9. Answering Paragraph 9 of Plaintiffs' Complaint, Defendant Answers that it is presently
5 without sufficient information to form a belief as to the truth of the allegations
6 contained therein, and therefore, denies the same.

7 10. Answering Paragraph 10 of Plaintiffs' Complaint, Defendant Answers that it is
8 presently without sufficient information to form a belief as to the truth of the allegations
9 contained therein, and therefore, denies the same.

10 11. Answering Paragraph 11 of Plaintiffs' Complaint, Defendant Answers that Paragraph
11 11 states a legal conclusion to which no answer is required. To the extent any answer
12 is required, Defendant denies the allegations contained therein.

13 12. Answering Paragraph 12 of Plaintiffs' Complaint, Defendant Answers that Paragraph
14 12 states a legal conclusion to which no answer is required. To the extent any answer
15 is required, Defendant denies the allegations contained therein.

16 13. Answering Paragraph 13 of Plaintiffs' Complaint, Defendant Answers that Paragraph
17 13 states a legal conclusion to which no answer is required. To the extent any answer
18 is required, Defendant denies the allegations contained therein.

19 14. Answering Paragraph 14 of Plaintiffs' Complaint, Defendant Answers that Paragraph
20 14 states a legal conclusion to which no answer is required. To the extent any answer
21 is required, Defendant denies the allegations contained therein.

22 **B. Lisa McAllister**

23 15. Answering Paragraph 15 of Plaintiffs' Complaint, Defendant Answers that Paragraph
24 15 states a legal conclusion to which no answer is required. To the extent any answer
25 is required, Defendant denies the allegations contained therein.

26 16. Answering Paragraph 16 of Plaintiffs' Complaint, Defendant Answers that it is
27 presently without sufficient information to form a belief as to the truth of the allegations
28 contained therein, and therefore, denies the same.

1 17. Answering Paragraph 17 of Plaintiffs' Complaint, Defendant Answers that it is
2 presently without sufficient information to form a belief as to the truth of the allegations
3 contained therein, and therefore, denies the same.

4 18. Answering Paragraph 18 of Plaintiffs' Complaint, Defendant Answers that it is
5 presently without sufficient information to form a belief as to the truth of the allegations
6 contained therein, and therefore, denies the same.

7 19. Answering Paragraph 19 of Plaintiffs' Complaint, Defendant Answers that it is
8 presently without sufficient information to form a belief as to the truth of the allegations
9 contained therein, and therefore, denies the same.

10 20. Answering Paragraph 20 of Plaintiffs' Complaint, Defendant Answers that it is
11 presently without sufficient information to form a belief as to the truth of the allegations
12 contained therein, and therefore, denies the same.

13 21. Answering Paragraph 21 of Plaintiffs' Complaint, Defendant denies the allegations
14 contained therein.

15 22. Answering Paragraph 22 of Plaintiffs' Complaint, Defendant denies the allegations
16 contained therein.

17 23. Answering Paragraph 23 of Plaintiffs' Complaint, Defendant Answers that Paragraph
18 23 states a legal conclusion to which no answer is required. To the extent any answer
19 is required, Defendant denies the allegations contained therein.

20 **C. Overbreadth Doctrine**

21 24. Answering Paragraph 24 of Plaintiffs' Complaint, Defendant Answers that Paragraph
22 24 states a legal conclusion to which no answer is required. To the extent any answer
23 is required, Defendant denies the allegations contained therein.

24 25. Answering Paragraph 25 of Plaintiffs' Complaint, Defendant Answers that Paragraph
25 25 states a legal conclusion to which no answer is required. To the extent any answer
26 is required, Defendant denies the allegations contained therein.

1 26. Answering Paragraph 26 of Plaintiffs' Complaint, Defendant Answers that Paragraph
2 26 states a legal conclusion to which no answer is required. To the extent any answer
3 is required, Defendant denies the allegations contained therein.

4 27. Answering Paragraph 27 of Plaintiffs' Complaint, Defendant Answers that Paragraph
5 27 states a legal conclusion to which no answer is required. To the extent any answer
6 is required, Defendant denies the allegations contained therein.

7 **IV. STATEMENT OF FACTS**

8 **The Ordinance at Issue**

9 28. Answering Paragraph 28 of Plaintiffs' Complaint, Defendant Admits that CCC
10 16.13.020 contains, among other language, the language identified in the Paragraph 28.

11 29. Answering Paragraph 29 of Plaintiffs' Complaint, Defendant Admits the allegations
12 contained therein.

13 30. Answering Paragraph 30 of Plaintiffs' Complaint, Defendant Admits the allegations
14 contained therein.

15 31. Answering Paragraph 31 of Plaintiffs' Complaint, Defendant Admits the allegations
16 contained therein.

17 32. Answering Paragraph 32 of Plaintiffs' Complaint, Defendant Answers that Paragraph
18 32 states a legal conclusion to which no answer is required. To the extent any answer
19 is required, Defendant denies the allegations contained therein.

20 33. Answering Paragraph 33 of Plaintiffs' Complaint, Defendant Answers that Paragraph
21 33 states a legal conclusion to which no answer is required. To the extent any answer
22 is required, Defendant denies the allegations contained therein.

23 34. Answering Paragraph 34 of Plaintiffs' Complaint, Defendant Admits the allegations
24 contained therein.

25 35. Answering Paragraph 35 of Plaintiffs' Complaint, Defendant Admits the allegations
26 contained therein.

1 36. Answering Paragraph 36 of Plaintiffs' Complaint, Defendant Answers that it is
2 presently without sufficient information to form a belief as to the truth of the allegations
3 contained therein, and therefore, denies the same.

4 37. Answering Paragraph 37 of Plaintiffs' Complaint, Defendant Answers that it is
5 presently without sufficient information to form a belief as to the truth of the allegations
6 contained therein, and therefore, denies the same.

7 38. Answering Paragraph 38 of Plaintiffs' Complaint, Defendant Answers that it is
8 presently without sufficient information to form a belief as to the truth of the allegations
9 contained therein, and therefore, denies the same.

10 39. Answering Paragraph 39 of Plaintiffs' Complaint, Defendant Admits the allegations
11 contained therein.

12 40. Answering Paragraph 40 of Plaintiffs' Complaint, Defendant Answers that it is
13 presently without sufficient information to form a belief as to the truth of the allegations
14 contained therein, and therefore, denies the same.

15 41. Answering Paragraph 41 of Plaintiffs' Complaint, Defendant Answers that it is
16 presently without sufficient information to form a belief as to the truth of the allegations
17 contained therein, and therefore, denies the same.

18 42. Answering Paragraph 42 of Plaintiffs' Complaint, Defendant Admits the allegations
19 contained therein.

20 43. Answering Paragraph 43 of Plaintiffs' Complaint, Defendant Answers that it is
21 presently without sufficient information to form a belief as to the truth of the allegations
22 contained therein, and therefore, denies the same.

23 44. Answering Paragraph 44 of Plaintiffs' Complaint, Defendant Admits the allegations
24 contained therein.

25 45. Answering Paragraph 45 of Plaintiffs' Complaint, Defendant Admits the allegations
26 contained therein.

1 46. Answering Paragraph 46 of Plaintiffs' Complaint, Defendant Answers that it is
2 presently without sufficient information to form a belief as to the truth of the allegations
3 contained therein, and therefore, denies the same.

4 47. Answering Paragraph 47 of Plaintiffs' Complaint, Defendant Answers that it is
5 presently without sufficient information to form a belief as to the truth of the allegations
6 contained therein, and therefore, denies the same.

7 48. Answering Paragraph 48 of Plaintiffs' Complaint, Defendant Admits the allegations
8 contained therein.

9 49. Answering Paragraph 49 of Plaintiffs' Complaint, Defendant Answers that it is
10 presently without sufficient information to form a belief as to the truth of the allegations
11 contained therein, and therefore, denies the same.

12 50. Answering Paragraph 50 of Plaintiffs' Complaint, Defendant Admits the allegations
13 contained therein.

14 51. Answering Paragraph 51 of Plaintiffs' Complaint, Defendant Answers that it is
15 presently without sufficient information to form a belief as to the truth of the allegations
16 contained therein, and therefore, denies the same.

17 52. Answering Paragraph 52 of Plaintiffs' Complaint, Defendant Answers that it is
18 presently without sufficient information to form a belief as to the truth of the allegations
19 contained therein, and therefore, denies the same.

20 **V. CAUSES OF ACTION**

21 **A. FIRST CAUSE OF ACTION: VIOLATION OF THE FOURTEENTH**
22 **AMENDMENT OF THE UNITED STATES CONSTITUTION**

23 53. Answering Paragraph 53 of Plaintiffs' Complaint, Defendant restates and incorporates
24 by reference its Answers to Paragraphs 1 through 52 above, as if fully set forth herein
25 at length.

26 54. Answering Paragraph 54 of Plaintiffs' Complaint, Defendant Answers that Paragraph
27 54 states a legal conclusion to which no answer is required. To the extent any answer
28 is required, Defendant denies the allegations contained therein.

1 55. Answering Paragraph 55 of Plaintiffs' Complaint, Defendant Answers that Paragraph
2 55 states a legal conclusion to which no answer is required. To the extent any answer
3 is required, Defendant denies the allegations contained therein.

4 56. Answering Paragraph 56 of Plaintiffs' Complaint, Defendant Answers that Paragraph
5 56 states a legal conclusion to which no answer is required. To the extent any answer
6 is required, Defendant denies the allegations contained therein.

7 57. Answering Paragraph 57 of Plaintiffs' Complaint, Defendant Answers that Paragraph
8 57 states a legal conclusion to which no answer is required. To the extent any answer
9 is required, Defendant denies the allegations contained therein.

10 58. Answering Paragraph 58 of Plaintiffs' Complaint, Defendant Answers that Paragraph
11 58 states a legal conclusion to which no answer is required. To the extent any answer
12 is required, Defendant denies the allegations contained therein.

13 59. Answering Paragraph 59 of Plaintiffs' Complaint, Defendant Answers that Paragraph
14 59 states a legal conclusion to which no answer is required. To the extent any answer
15 is required, Defendant denies the allegations contained therein.

16 60. Answering Paragraph 60 of Plaintiffs' Complaint, Defendant Answers that Paragraph
17 60 states a legal conclusion to which no answer is required. To the extent any answer
18 is required, Defendant denies the allegations contained therein.

19 61. Answering Paragraph 61 of Plaintiffs' Complaint, Defendant Answers that Paragraph
20 61 states a legal conclusion to which no answer is required. To the extent any answer
21 is required, Defendant denies the allegations contained therein.

22 62. Answering Paragraph 62 of Plaintiffs' Complaint, Defendant Answers that Paragraph
23 62 states a legal conclusion to which no answer is required. To the extent any answer
24 is required, Defendant denies the allegations contained therein.

25 63. Answering Paragraph 63 of Plaintiffs' Complaint, Defendant Answers that Paragraph
26 63 states a legal conclusion to which no answer is required. To the extent any answer
27 is required, Defendant denies the allegations contained therein.
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1 64. Answering Paragraph 64 of Plaintiffs' Complaint, Defendant Answers that Paragraph
2 64 states a legal conclusion to which no answer is required. To the extent any answer
3 is required, Defendant denies the allegations contained therein.

4 65. Answering Paragraph 65 of Plaintiffs' Complaint, Defendant Answers that Paragraph
5 65 states a legal conclusion to which no answer is required. To the extent any answer
6 is required, Defendant denies the allegations contained therein.

7 66. Answering Paragraph 66 of Plaintiffs' Complaint, Defendant Answers that Paragraph
8 66 states a legal conclusion to which no answer is required. To the extent any answer
9 is required, Defendant denies the allegations contained therein.

10 67. Answering Paragraph 67 of Plaintiffs' Complaint, Defendant Answers that Paragraph
11 67 states a legal conclusion to which no answer is required. To the extent any answer
12 is required, Defendant denies the allegations contained therein.

13 68. Answering Paragraph 68 of Plaintiffs' Complaint, Defendant Answers that Paragraph
14 68 states a legal conclusion to which no answer is required. To the extent any answer
15 is required, Defendant denies the allegations contained therein.

16 69. Answering Paragraph 69 of Plaintiffs' Complaint, Defendant Answers that Paragraph
17 69 states a legal conclusion to which no answer is required. To the extent any answer
18 is required, Defendant denies the allegations contained therein.

19 70. Answering Paragraph 70 of Plaintiffs' Complaint, Defendant Answers that Paragraph
20 70 states a legal conclusion to which no answer is required. To the extent any answer
21 is required, Defendant denies the allegations contained therein.

22 71. Answering Paragraph 71 of Plaintiffs' Complaint, Defendant Answers that it is
23 presently without sufficient information to form a belief as to the truth of the allegations
24 contained therein, and therefore, denies the same.

25 72. Answering Paragraph 72 of Plaintiffs' Complaint, Defendant Answers that it is
26 presently without sufficient information to form a belief as to the truth of the allegations
27 contained therein, and therefore, denies the same.

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1 73. Answering Paragraph 73 of Plaintiffs' Complaint, Defendant Answers that Paragraph
2 73 states a legal conclusion to which no answer is required. To the extent any answer
3 is required, Defendant denies the allegations contained therein.

4 74. Answering Paragraph 74 of Plaintiffs' Complaint, Defendant Answers that it is
5 presently without sufficient information to form a belief as to the truth of the allegations
6 contained therein, and therefore, denies the same.

7 75. Answering Paragraph 75 of Plaintiffs' Complaint, Defendant Answers that it is
8 presently without sufficient information to form a belief as to the truth of the allegations
9 contained therein, and therefore, denies the same.

10 76. Answering Paragraph 76 of Plaintiffs' Complaint, Defendant Answers that it is
11 presently without sufficient information to form a belief as to the truth of the allegations
12 contained therein, and therefore, denies the same.

13 77. Answering Paragraph 77 of Plaintiffs' Complaint, Defendant Answers that it is
14 presently without sufficient information to form a belief as to the truth of the allegations
15 contained therein, and therefore, denies the same.

16 78. Answering Paragraph 78 of Plaintiffs' Complaint, Defendant Answers that it is
17 presently without sufficient information to form a belief as to the truth of the allegations
18 contained therein, and therefore, denies the same.

19 79. Answering Paragraph 79 of Plaintiffs' Complaint, Defendant Answers that Paragraph
20 79 states a legal conclusion to which no answer is required. To the extent any answer
21 is required, Defendant denies the allegations contained therein.

22 80. Answering Paragraph 80 of Plaintiffs' Complaint, Defendant Answers that Paragraph
23 80 states a legal conclusion to which no answer is required. To the extent any answer
24 is required, Defendant denies the allegations contained therein.

25 81. Answering Paragraph 81 of Plaintiffs' Complaint, Defendant Answers that Paragraph
26 81 states a legal conclusion to which no answer is required. To the extent any answer
27 is required, Defendant denies the allegations contained therein.

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1 82. Answering Paragraph 82 of Plaintiffs' Complaint, Defendant Answers that Paragraph
2 82 states a legal conclusion to which no answer is required. To the extent any answer
3 is required, Defendant denies the allegations contained therein.

4 83. Answering Paragraph 83 of Plaintiffs' Complaint, Defendant Answers that Paragraph
5 83 states a legal conclusion to which no answer is required. To the extent any answer
6 is required, Defendant denies the allegations contained therein.

7 84. Answering Paragraph 84 of Plaintiffs' Complaint, Defendant Answers that Paragraph
8 84 states a legal conclusion to which no answer is required. To the extent any answer
9 is required, Defendant denies the allegations contained therein.

10 85. Answering Paragraph 85 of Plaintiffs' Complaint, Defendant Answers that Paragraph
11 85 states a legal conclusion to which no answer is required. To the extent any answer
12 is required, Defendant denies the allegations contained therein.

13 86. Answering Paragraph 86 of Plaintiffs' Complaint, Defendant Answers that it is
14 presently without sufficient information to form a belief as to the truth of the allegations
15 contained therein, and therefore, denies the same.

16 87. Answering Paragraph 87 of Plaintiffs' Complaint, Defendant Answers that it is
17 presently without sufficient information to form a belief as to the truth of the allegations
18 contained therein, and therefore, denies the same.

19 88. Answering Paragraph 88 of Plaintiffs' Complaint, Defendant Answers that it is
20 presently without sufficient information to form a belief as to the truth of the allegations
21 contained therein, and therefore, denies the same.

22 89. Answering Paragraph 89 of Plaintiffs' Complaint, Defendant Answers that Paragraph
23 89 states a legal conclusion to which no answer is required. To the extent any answer
24 is required, Defendant denies the allegations contained therein.

25 90. Answering Paragraph 90 of Plaintiffs' Complaint, Defendant Answers that it is
26 presently without sufficient information to form a belief as to the truth of the allegations
27 contained therein, and therefore, denies the same.

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**B. SECOND CAUSE OF ACTION: VIOLATION OF ARTICLE 1, SECTION 8
OF THE NEVADA CONSTITUTION**

91. Answering Paragraph 91 of Plaintiffs' Complaint, Defendant restates and incorporates by reference its Answers to Paragraphs 1 through 90 above, as if fully set forth herein at length.

92. Answering Paragraph 92 of Plaintiffs' Complaint, Defendant Answers that Paragraph 92 states a legal conclusion to which no answer is required. To the extent any answer is required, Defendant denies the allegations contained therein.

93. Answering Paragraph 93 of Plaintiffs' Complaint, Defendant Answers that Paragraph 93 states a legal conclusion to which no answer is required. To the extent any answer is required, Defendant denies the allegations contained therein.

94. Answering Paragraph 94 of Plaintiffs' Complaint, Defendant Answers that Paragraph 94 states a legal conclusion to which no answer is required. To the extent any answer is required, Defendant denies the allegations contained therein.

**C. THIRD CAUSE OF ACTION: VIOLATION OF THE FIRST AMENDMENT
OF THE UNITED STATES CONSTITUTION**

95. Answering Paragraph 95 of Plaintiffs' Complaint, Defendant restates and incorporates by reference its Answers to Paragraphs 1 through 94 above, as if fully set forth herein at length.

96. Answering Paragraph 96 of Plaintiffs' Complaint, Defendant Answers that Paragraph 96 states a legal conclusion to which no answer is required. To the extent any answer is required, Defendant denies the allegations contained therein.

97. Answering Paragraph 97 of Plaintiffs' Complaint, Defendant Answers that Paragraph 97 states a legal conclusion to which no answer is required. To the extent any answer is required, Defendant denies the allegations contained therein.

98. Answering Paragraph 98 of Plaintiffs' Complaint, Defendant Answers that Paragraph 98 states a legal conclusion to which no answer is required. To the extent any answer is required, Defendant denies the allegations contained therein.

1 99. Answering Paragraph 99 of Plaintiffs' Complaint, Defendant Answers that Paragraph
2 99 states a legal conclusion to which no answer is required. To the extent any answer
3 is required, Defendant denies the allegations contained therein.

4 100. Answering Paragraph 100 of Plaintiffs' Complaint, Defendant Answers that it
5 is presently without sufficient information to form a belief as to the truth of the
6 allegations contained therein, and therefore, denies the same.

7 101. Answering Paragraph 101 of Plaintiffs' Complaint, Defendant Answers that
8 Paragraph 101 states a legal conclusion to which no answer is required. To the extent
9 any answer is required, Defendant denies the allegations contained therein.

10 102. Answering Paragraph 102 of Plaintiffs' Complaint, Defendant Answers that
11 Paragraph 102 states a legal conclusion to which no answer is required. To the extent
12 any answer is required, Defendant denies the allegations contained therein.

13 103. Answering Paragraph 103 of Plaintiffs' Complaint, Defendant Answers that
14 Paragraph 103 states a legal conclusion to which no answer is required. To the extent
15 any answer is required, Defendant denies the allegations contained therein.

16 104. Answering Paragraph 104 of Plaintiffs' Complaint, Defendant Answers that
17 Paragraph 104 states a legal conclusion to which no answer is required. To the extent
18 any answer is required, Defendant denies the allegations contained therein.

19 105. Answering Paragraph 105 of Plaintiffs' Complaint, Defendant Answers that
20 Paragraph 105 states a legal conclusion to which no answer is required. To the extent
21 any answer is required, Defendant denies the allegations contained therein.

22 106. Answering Paragraph 106 of Plaintiffs' Complaint, Defendant Answers that
23 Paragraph 106 states a legal conclusion to which no answer is required. To the extent
24 any answer is required, Defendant denies the allegations contained therein.

25 107. Answering Paragraph 107 of Plaintiffs' Complaint, Defendant admits the
26 allegations contained therein.

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1 108. Answering Paragraph 108 of Plaintiffs' Complaint, Defendant Answers that
2 Paragraph 108 states a legal conclusion to which no answer is required. To the extent
3 any answer is required, Defendant denies the allegations contained therein.

4 109. Answering Paragraph 109 of Plaintiffs' Complaint, Defendant Answers that
5 Paragraph 109 states a legal conclusion to which no answer is required. To the extent
6 any answer is required, Defendant denies the allegations contained therein.

7 110. Answering Paragraph 110 of Plaintiffs' Complaint, Defendant Answers that
8 Paragraph 110 states a legal conclusion to which no answer is required. To the extent
9 any answer is required, Defendant denies the allegations contained therein.

10 111. Answering Paragraph 111 of Plaintiffs' Complaint, Defendant Answers that
11 Paragraph 111 states a legal conclusion to which no answer is required. To the extent
12 any answer is required, Defendant denies the allegations contained therein.

13 112. Answering Paragraph 112 of Plaintiffs' Complaint, Defendant Answers that
14 Paragraph 112 states a legal conclusion to which no answer is required. To the extent
15 any answer is required, Defendant denies the allegations contained therein.

16 113. Answering Paragraph 113 of Plaintiffs' Complaint, Defendant Answers that
17 Paragraph 113 states a legal conclusion to which no answer is required. To the extent
18 any answer is required, Defendant denies the allegations contained therein.

19 114. Answering Paragraph 114 of Plaintiffs' Complaint, Defendant Answers that
20 Paragraph 114 states a legal conclusion to which no answer is required. To the extent
21 any answer is required, Defendant denies the allegations contained therein.

22 115. Answering Paragraph 115 of Plaintiffs' Complaint, Defendant Answers that it
23 is presently without sufficient information to form a belief as to the truth of the
24 allegations contained therein, and therefore, denies the same.

25 116. Answering Paragraph 116 of Plaintiffs' Complaint, Defendant Answers that it
26 is presently without sufficient information to form a belief as to the truth of the
27 allegations contained therein, and therefore, denies the same.

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1 117. Answering Paragraph 117 of Plaintiffs' Complaint, Defendant Answers that
2 Paragraph 117 states a legal conclusion to which no answer is required. To the extent
3 any answer is required, Defendant denies the allegations contained therein.

4 118. Answering Paragraph 118 of Plaintiffs' Complaint, Defendant admits that CCC
5 16.13.030 is content neutral but denies the remainder of the allegations contained
6 therein.

7 119. Answering Paragraph 119 of Plaintiffs' Complaint, Defendant Answers that
8 Paragraph 119 states a legal conclusion to which no answer is required. To the extent
9 any answer is required, Defendant denies the allegations contained therein.

10 120. Answering Paragraph 120 of Plaintiffs' Complaint, Defendant Answers that
11 Paragraph 120 states a legal conclusion to which no answer is required. To the extent
12 any answer is required, Defendant denies the allegations contained therein.

13 121. Answering Paragraph 121 of Plaintiffs' Complaint, Defendant Answers that
14 Paragraph 121 states a legal conclusion to which no answer is required. To the extent
15 any answer is required, Defendant denies the allegations contained therein.

16 122. Answering Paragraph 122 of Plaintiffs' Complaint, Defendant denies the
17 allegations contained therein.

18 123. Answering Paragraph 123 of Plaintiffs' Complaint, Defendant Answers that
19 Paragraph 123 states a legal conclusion to which no answer is required. To the extent
20 any answer is required, Defendant denies the allegations contained therein.

21 124. Answering Paragraph 124 of Plaintiffs' Complaint, Defendant Answers that
22 Paragraph 124 states a legal conclusion to which no answer is required. To the extent
23 any answer is required, Defendant denies the allegations contained therein.

24 125. Answering Paragraph 125 of Plaintiffs' Complaint, Defendant Answers that
25 Paragraph 125 states a legal conclusion to which no answer is required. To the extent
26 any answer is required, Defendant denies the allegations contained therein.

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1 126. Answering Paragraph 126 of Plaintiffs' Complaint, Defendant Answers that
2 Paragraph 126 states a legal conclusion to which no answer is required. To the extent
3 any answer is required, Defendant denies the allegations contained therein.

4 **D. FOURTH CAUSE OF ACTION: VIOLATION OF ARTICLE 1, SECTION 9**
5 **OF THE NEVADA CONSTITUTION**

6 127. Answering Paragraph 127 of Plaintiffs' Complaint, Defendant restates and
7 incorporates by reference its Answers to Paragraphs 1 through 126 above, as if fully set
8 forth herein at length.

9 128. Answering Paragraph 128 of Plaintiffs' Complaint, Defendant Answers that
10 Paragraph 128 states a legal conclusion to which no answer is required. To the extent
11 any answer is required, Defendant denies the allegations contained therein.

12 129. Answering Paragraph 129 of Plaintiffs' Complaint, Defendant Answers that
13 Paragraph 129 states a legal conclusion to which no answer is required. To the extent
14 any answer is required, Defendant denies the allegations contained therein.

15 130. Answering Paragraph 130 of Plaintiffs' Complaint, Defendant Answers that
16 Paragraph 130 states a legal conclusion to which no answer is required. To the extent
17 any answer is required, Defendant denies the allegations contained therein.

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19 **E. FIFTH CAUSE OF ACTION: VIOLATION OF TITLE II OF THE**
20 **AMERICANS WITH DISABILITIES ACT, 42 U.S.C. § 12131 ET SEQ.**

21 131. Answering Paragraph 131 of Plaintiffs' Complaint, Defendant restates and
22 incorporates by reference its Answers to Paragraphs 1 through 130 above, as if fully set
23 forth herein at length.

24 132. Answering Paragraph 132 of Plaintiffs' Complaint, Defendant Answers that
25 Paragraph 132 states a legal conclusion to which no answer is required. To the extent
26 any answer is required, Defendant denies the allegations contained therein.

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1 133. Answering Paragraph 133 of Plaintiffs' Complaint, Defendant Answers that
2 Paragraph 133 states a legal conclusion to which no answer is required. To the extent
3 any answer is required, Defendant denies the allegations contained therein.

4 134. Answering Paragraph 134 of Plaintiffs' Complaint, Defendant Answers that
5 Paragraph 134 states a legal conclusion to which no answer is required. To the extent
6 any answer is required, Defendant denies the allegations contained therein.

7 135. Answering Paragraph 135 of Plaintiffs' Complaint, Defendant Answers that
8 Paragraph 135 states a legal conclusion to which no answer is required. To the extent
9 any answer is required, Defendant denies the allegations contained therein.

10 136. Answering Paragraph 136 of Plaintiffs' Complaint, Defendant Answers that
11 Paragraph 136 states a legal conclusion to which no answer is required. To the extent
12 any answer is required, Defendant denies the allegations contained therein.

13 137. Answering Paragraph 137 of Plaintiffs' Complaint, Defendant Answers that
14 Paragraph 137 states a legal conclusion to which no answer is required. To the extent
15 any answer is required, Defendant denies the allegations contained therein.

16 138. Answering Paragraph 138 of Plaintiffs' Complaint, Defendant Answers that
17 Paragraph 138 states a legal conclusion to which no answer is required. To the extent
18 any answer is required, Defendant denies the allegations contained therein.

19 139. Answering Paragraph 139 of Plaintiffs' Complaint, Defendant Answers that
20 Paragraph 139 states a legal conclusion to which no answer is required. To the extent
21 any answer is required, Defendant denies the allegations contained therein.

22 140. Answering Paragraph 140 of Plaintiffs' Complaint, Defendant Answers that
23 Paragraph 140 states a legal conclusion to which no answer is required. To the extent
24 any answer is required, Defendant denies the allegations contained therein.

25 141. Answering Paragraph 141 of Plaintiffs' Complaint, Defendant Answers that it
26 is presently without sufficient information to form a belief as to the truth of the
27 allegations contained therein, and therefore, denies the same.

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1 142. Answering Paragraph 142 of Plaintiffs' Complaint, Defendant Answers that it
2 is presently without sufficient information to form a belief as to the truth of the
3 allegations contained therein, and therefore, denies the same.

4 143. Answering Paragraph 143 of Plaintiffs' Complaint, Defendant Answers that it
5 is presently without sufficient information to form a belief as to the truth of the
6 allegations contained therein, and therefore, denies the same.

7 144. Answering Paragraph 144 of Plaintiffs' Complaint, Defendant Answers that it
8 is presently without sufficient information to form a belief as to the truth of the
9 allegations contained therein, and therefore, denies the same.

10 145. Answering Paragraph 145 of Plaintiffs' Complaint, Defendant Answers that it
11 is presently without sufficient information to form a belief as to the truth of the
12 allegations contained therein, and therefore, denies the same.

13 146. Answering Paragraph 146 of Plaintiffs' Complaint, Defendant Answers that it
14 is presently without sufficient information to form a belief as to the truth of the
15 allegations contained therein, and therefore, denies the same.

16 147. Answering Paragraph 147 of Plaintiffs' Complaint, Defendant Answers that it
17 is presently without sufficient information to form a belief as to the truth of the
18 allegations contained therein, and therefore, denies the same.

19 148. Answering Paragraph 148 of Plaintiffs' Complaint, Defendant Answers that it
20 is presently without sufficient information to form a belief as to the truth of the
21 allegations contained therein, and therefore, denies the same.

22 149. Answering Paragraph 149 of Plaintiffs' Complaint, Defendant Answers that
23 Paragraph 149 states a legal conclusion to which no answer is required. To the extent
24 any answer is required, Defendant denies the allegations contained therein.

25 150. Answering Paragraph 150 of Plaintiffs' Complaint, Defendant Answers that
26 Paragraph 150 states a legal conclusion to which no answer is required. To the extent
27 any answer is required, Defendant denies the allegations contained therein.

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1 151. Answering Paragraph 151 of Plaintiffs' Complaint, Defendant Answers that
2 Paragraph 151 states a legal conclusion to which no answer is required. To the extent
3 any answer is required, Defendant denies the allegations contained therein.

4 The remainder of Plaintiffs' Complaint contains their Prayer for Relief to which no
5 Answer is required. To the extent an Answer is required, Defendant denies the allegations
6 contained therein.

7 **Defendant denies each and every allegation not expressly admitted herein.**

8 **AFFIRMATIVE DEFENSES**

9 **FIRST AFFIRMATIVE DEFENSE**

10 The Complaint fails to state a claim against this Defendant upon which relief can be
11 granted.

12 **SECOND AFFIRMATIVE DEFENSE**

13 This Defendant is immune from liability by the operation of NRS 41.033 because this
14 Defendant did not have prior actual notice of an allegedly unsafe condition.

15 **THIRD AFFIRMATIVE DEFENSE**

16 Plaintiffs are barred from recovery of any amount as punitive or exemplary damages
17 for its Nevada constitutional claims in accordance with NRS 41.035.

18 **FOURTH AFFIRMATIVE DEFENSE**

19 Pursuant to NRS 41.035, an award against this Defendant may not exceed \$200,000
20 and Plaintiffs may not recover in excess of that amount as a result of the events described in
21 the Complaint, even if this Defendant is found to have liability.

22 **FIFTH AFFIRMATIVE DEFENSE**

23 The incident referred to in the Complaint and resulting damage, if any, was proximately
24 caused or contributed to by the negligence of others who are not under the direction and control
25 of this Defendant, and such comparative negligence was greater than the negligence, if any,
26 of this Defendant.

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1 SIXTH AFFIRMATIVE DEFENSE

2 The incident referred to in the Complaint and resulting damage, if any, to Plaintiffs,
3 was proximately caused by the Plaintiffs' own negligence and Plaintiff's comparative
4 negligence was greater than the negligence, if any, of the Defendant.

5 SEVENTH AFFIRMATIVE DEFENSE

6 Plaintiffs' damages, if any, were caused by pre-existing conditions or conditions that
7 were beyond the control of this Defendant.

8 EIGHTH AFFIRMATIVE DEFENSE

9 The damages and/or injuries, if any, claimed by the Plaintiffs were caused by or
10 otherwise contributed to by an unavoidable accident.

11 NINTH AFFIRMATIVE DEFENSE

12 Plaintiffs are barred from recovery of any amount awarded for prejudgment interest in
13 accordance with NRS 41.035 for their state law claims.

14 TENTH AFFIRMATIVE DEFENSE

15 Plaintiffs have failed to mitigate their damages, if any.

16 ELEVENTH AFFIRMATIVE DEFENSE

17 This Defendant is immune from suit for some or all of Plaintiffs' causes of action
18 pursuant to NRS 41.032 because all acts of it and its agents were discretionary and made within
19 the course and scope of their official duties.

20 TWELFTH AFFIRMATIVE DEFENSE

21 The conditions described in the Complaint was an open and obvious condition.

22 THIRTEENTH AFFIRMATIVE DEFENSE

23 Pursuant to NRCP 15 and NRCP 11, all possible affirmative defenses may not have
24 been alleged herein insofar as sufficient facts are not available after reasonable inquiry into
25 the Complaint, and therefore, Defendant reserves the right to amend its Answer to allege
26 additional affirmative defenses, if subsequent investigation warrants.

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1 FOURTEENTH AFFIRMATIVE DEFENSE

2 Attorney's fees are only recoverable through contract or by statute and are not
3 recoverable as damages in a lawsuit for personal injury damages. Plaintiffs' claim for
4 attorney's fees for state law claims as alleged in the Complaint is not recoverable herein and
5 has been improperly pled in Plaintiffs' Complaint. The answering Defendant specifically
6 reserves the right to have Plaintiffs' improperly-pled claim for attorney's fees dismissed prior
7 to trial.

8 FIFTEENTH AFFIRMATIVE DEFENSE

9 This Answering Defendant asserts that Plaintiffs were not damaged in the sum or sums
10 or ways alleged, or to be alleged, and that Plaintiff's alleged expenses were not reasonable
11 and/or necessary.

12 SEVENTEENTH AFFIRMATIVE DEFENSE

13 Plaintiff has failed to join all necessary and/or indispensable parties to this lawsuit.

14 EIGHTEENTH AFFIRMATIVE DEFENSE

15 This answering Defendant is informed and believes, and thereon alleges, that Plaintiff's
16 claims as alleged against this answering Defendant are barred under the Public Policy Doctrine
17 and therefore, Plaintiff is not entitled to recover from this answering Defendant.

18 NINETEENTH AFFIRMATIVE DEFENSE

19 This answering Defendant is informed and believes, and thereon alleges, that Plaintiff's
20 injuries, if any, as alleged herein, pre-existed the subject incident, thereby barring or limiting
21 recovery.

22 TWENTIETH AFFIRMATIVE DEFENSE

23 This answering Defendant is informed and believes, and thereon alleges, it is owed
24 indemnity by another entity/other entities for the injuries and damages alleged herein.

25 TWENTY-FIRST AFFIRMATIVE DEFENSE

26 This answering Defendant is informed and believes, and thereon alleges, it had no
27 actual or constructive notice of the alleged condition which the Plaintiff alleges caused her
28 condition.

1 TWENTY-SECOND AFFIRMATIVE DEFENSE

2 This answering Defendant is informed and believes, and thereon alleges, it is owed
3 contribution and/or apportionment by another entity/other entities for the injuries and damages
4 alleged herein.

5 TWENTY-FOURTH AFFIRMATIVE DEFENSE

6 Plaintiffs' claims are not ripe.

7 TWENTY-FIFTH AFFIRMATIVE DEFENSE

8 The subject ordinance furthers an important government interest by means that are
9 substantially related to that interest.

10 TWENTY-SIXTH AFFIRMATIVE DEFENSE

11 The subject ordinance is narrowly tailored to serve a substantial government interest
12 and leaves open ample alternative channels of communication.

13 TWENTY-SEVENTH AFFIRMATIVE DEFENSE

14 The subject ordinance is both content and viewpoint neutral and does not overburden
15 any specific type of speech.

16 TWENTY-EIGHTH AFFIRMATIVE DEFENSE

17 The harms underlying the enactment of the subject ordinance are real and not merely
18 conjectural and the subject ordinance will alleviate concerns associated with said harm.

19 TWENTY-NINTH AFFIRMATIVE DEFENSE

20 The subject ordinance does not prohibit any conduct which is integral to or commonly
21 associated with speech.

22 THIRTIETH AFFIRMATIVE DEFENSE

23 The subject ordinance is rationally related to a legitimate government interest.

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THIRTY-FIRST AFFIRMATIVE DEFENSE

The subject ordinance is necessary to achieve a compelling state interest and is narrowly tailored to achieve that compelling purpose, and it uses the least restrictive means to achieve that purpose.

DATED this 4th day of September 2024.

STEVEN B. WOLFSON
DISTRICT ATTORNEY

By: /s/ Joel K. Browning
JOEL K. BROWNING
Senior Deputy District Attorney
Bar No. 14489
500 South Grand Central Pkwy., Suite 5075
Las Vegas, Nevada 89155-2215
Attorneys for Defendant

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 4th day of September, 2024, I served a true and correct copy of the foregoing **DEFENDANT CLARK COUNTY'S ANSWER TO PLAINTIFFS' COMPLAINT [1]** (United States District Court Pacer System or the Eighth Judicial District Wiznet), by e-mailing the same to the following recipients. Service of the foregoing document by e-mail is in place of service via the United States Postal Service.

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Tatiana R. Smith
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/s/ Christine Wirt
An Employee of the Clark County District
Attorney's Office – Civil Division