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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

LISA MCALLISTER, an individual;  
BRANDON SUMMERS, an individual;  
JORDAN POLOVINA, an individual,

Plaintiffs,

vs.

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

Defendant

Case No.: 2:24-cv-00334

**FIRST AMENDED COMPLAINT**

1 Plaintiffs, LISA MCALLISTER, BRANDON SUMMERS, and JORDAN POLOVINA  
2 (collectively referred to as “Plaintiffs”), hereby bring this Complaint. Plaintiffs are seeking an  
3 order declaring Section 16.13.030 of the Clark County Code (“CCC”) void in violation of the  
4 First and Fourteenth Amendments of the United States Constitution, and Article 1, Sections 8 and  
5 9 of the Nevada Constitution; injunctive relief to enjoin CCC 16.13.030; and costs and attorney’s  
6 fees.

7 **I. JURISDICTION AND VENUE**

8 1. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28  
9 U.S.C. § 1343 (civil-rights violation), 28 U.S.C. § 2201 (declaratory relief), and 28 U.S.C. § 2202  
10 (injunctive relief).

11 2. This Court also has jurisdiction pursuant to the First and Fourteenth Amendments  
12 of the United States Constitution and 42 U.S.C. § 1983 (deprivation of rights).

13 3. Venue is proper pursuant to 28 U.S.C. § 1391(b) as the events giving rise to these  
14 claims occurred in the District of Nevada, specifically in Clark County.

15 **II. PARTIES**

16 4. Plaintiff, BRANDON SUMMERS was at all relevant times herein a musician and  
17 street performer who resides in Clark County, Nevada. He currently resides in Chicago, Illinois,  
18 but continues to return to Clark County, Nevada to perform in the Resort Corridor.

19 5. Plaintiff, JORDAN POLOVINA, is and at all relevant times herein was, a  
20 musician and street performer who resides in Clark County, Nevada. He continues to perform in  
21 the Resort Corridor.

22 6. Plaintiff, LISA MCALLISTER, is, and at all relevant times herein was, a person  
23 that is disabled who resides in Clark County, Nevada.

24 7. Defendant, CLARK COUNTY, is a political subdivision of the state of Nevada,  
25 organized under the Clark County Code, created by and operating under the laws of the State of  
26 Nevada and, pursuant to Nev. Rev. Stat. § 12.105, may be served with process herein by service  
27  
28

upon the Clark County Clerk, located at 500 S. Grand Central Parkway, 1st Floor, Las Vegas, NV 89155.

### **III. STANDING**

8. “To satisfy Article III standing, a plaintiff must show: (1) an injury in fact that is concrete and particularized and actual or imminent, not conjectural or hypothetical; (2) a causal connection between the injury and the challenged action of the defendant; and (3) that it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.” *Jackson v. City & County of San Francisco*, 746 F.3d 953, 967 (9th Cir. 2014) (cleaned up).

9. All Plaintiffs have standing to challenge CCC 16.13.030 as vague and overbroad under the Fourteenth Amendment of the United States Constitution.

10. All Plaintiffs have standing for a challenge to CCC 16.13.030 as vague and overbroad under Article 1, Section 8, of the Nevada Constitution.

11. All Plaintiffs have standing for a facial challenge to CCC 16.13.030 as overbroad under the First Amendment of the United States Constitution.

12. Plaintiffs SUMMERS and POLOVINA have standing to challenge CCC 16.13.030 as applied to them pursuant to the First Amendment of the United States Constitution.

13. All Plaintiffs have standing for a facial challenge to CCC 16.13.030 as overbroad under Article 1, Section 9 of the Nevada Constitution.

14. Plaintiffs SUMMERS and POLOVINA have standing to challenge CCC 16.13.030 as applied to them pursuant to Article 1, Section 9 of the Nevada Constitution.

#### **A. Brandon Summers**

15. SUMMERS is a street performer who plays the violin.

16. Since 2009, SUMMERS has consistently played the violin on the sidewalks located in the Resort Corridor and continues to do so to this day.

17. SUMMERS is a violinist that has engaged in street performance on the Las Vegas Strip since 2009.

1 18. SUMMERS has engaged in street performance on the pedestrian bridges on the  
2 Las Vegas Strip since 2011.

3 19. SUMMERS consistently performed on the pedestrian bridges in the Resort  
4 Corridor prior to the passage of CCC 16.13.030.

5 20. SUMMERS typically performs on three pedestrian bridges located within the  
6 Resort Corridor between Bally's and The Cromwell, between MGM Grand and The Tropicana,  
7 and between Fashion Show Mall and the Wynn.

8 21. SUMMERS accepts tips and donations during his performances in the Resort  
9 Corridor by leaving his violin case open while performing and posting a sign requesting tips for  
10 his performance.

11 22. SUMMERS uses a small speaker to amplify the sound of his music while  
12 performing in the Resort Corridor.

13 23. SUMMERS does not impede pedestrian traffic during his performances by  
14 standing with his back against the wall of the pedestrian bridge and condensing his amplifier and  
15 backpack to be as compact as possible.

16 24. As SUMMERS cannot play his violin while soliciting tips for his performance or  
17 while using amplified sound during his performance without the risk of criminal penalties, he  
18 stopped playing on the pedestrian bridges following the passage of CCC 16.13.030.

19 25. SUMMERS has established an injury in fact because SUMMERS has an interest  
20 in engaging in protected First Amendment activity on the pedestrian bridges and but for CCC  
21 16.13.030 he would do so. *Teter v. Lopez*, 76 F.4th 938, 943–44 (9th Cir. 2023).

22 26. SUMMERS has established a causal connection between his injury and  
23 Defendant's actions as he is at risk of prosecution under CCC 16.13.030 by engaging in his regular  
24 practice of performing on pedestrian bridges.

25 27. A favorable decision will redress SUMMERS's injury by eliminating his risk of  
26 prosecution under CCC 16.13.030.

**B. Lisa McAllister**

28. MCALLISTER is disabled due to a spinal injury and uses a manual wheelchair to travel.

29. MCALLISTER has used the pedestrian bridges on the Las Vegas Strip to travel through the resort corridor in her wheelchair.

30. MCALLISTER has needed to stop in public areas because her wheelchair malfunctioned.

31. MCALLISTER has needed to stop in public areas to rest when her arms are tired.

32. MCALLISTER has needed to stop in crowded public areas due to limited visibility in order to determine where there is space for her to travel in her wheelchair.

33. MCALLISTER has established injury in fact because the risk of criminal penalties under CCC 16.13.030 is a barrier to MCALLISTER accessing the pedestrian bridges and she is deterred from returning to the area.

34. MCALLISTER has established a causal connection between her injury and Defendant's actions as she is at risk of prosecution under CCC 16.13.030 for stopping on a pedestrian bridge due to her disability.

35. A favorable decision will redress MCALLISTER's injury by eliminating her risk of prosecution under CCC 16.13.030.

**C. Jordan Polovina**

36. POLOVINA is a street performer who has consistently played the cello on the sidewalks located in the Resort Corridor since 2022 and continues to do so to this day.

37. POLOVINA is unable to move while performing because the size of his cello makes it impractical to carry while playing.

38. Prior to the passage of CCC 16.13.030, POLOVINA performed on the pedestrian bridges in the Resort Corridor approximately four times a week.

39. POLOVINA usually performed on the pedestrian bridge located within the resort corridor between Park MGM and the Hard Rock Café because the pedestrian bridges do not have

1 the same ambient traffic noise as the street-level sidewalks that prevent people passing by from  
2 hearing his music.

3 40. POLOVINA does not impede pedestrian traffic during his performances by  
4 standing with his back against the wall of the pedestrian bridge and condensing his amplifier and  
5 belongings to be as compact as possible.

6 41. POLOVINA uses a box to solicit tips while performing in the Resort Corridor.

7 42. POLOVINA uses a speaker to amplify the sound of his music while performing in  
8 the Resort Corridor.

9 43. After the passage of CCC 16.13.030, POLOVINA received a warning pursuant to  
10 CCC 16.13.030 from law enforcement for performing on a pedestrian bridge.

11 44. POLOVINA has not performed on a pedestrian bridge since this warning due to  
12 the risk of prosecution.

13 45. POLOVINA has established an injury in fact because POLOVINA has an interest  
14 in engaging in protected First Amendment activity on the pedestrian bridges and but for CCC  
15 16.13.030 he would do so. *Teter*, 76 F.4th at 943–44.

16 46. POLOVINA has established a causal connection between his injury and  
17 Defendant’s actions as he is at risk of prosecution under CCC 16.13.030 by engaging in his regular  
18 practice of performing on pedestrian bridges.

19 47. A favorable decision will redress POLOVINA’s injury by eliminating his risk of  
20 prosecution under CCC 16.13.030.

21 **D. First Amendment overbreadth doctrine**

22 48. “[A] law may be invalidated under the First Amendment overbreadth doctrine if  
23 ‘a substantial number of its applications are unconstitutional, judged in relation to the statute’s  
24 plainly legitimate sweep.’” *Arce v. Douglas*, 793 F.3d 968, 984 (9th Cir. 2015) (quoting *United*  
25 *States v. Stevens*, 559 U.S. 460, 473, 130 S. Ct. 1577, 176 L. Ed. 2d 435 (2010)).

26 49. “The doctrine exists out of concern that the threat of enforcement of an overbroad  
27 law may chill constitutionally protected speech.” *Id.*

1           50. “Under the First Amendment overbreadth doctrine, ‘[l]itigants . . . are permitted  
2 to challenge a statute not because their own rights of free expression are violated, but because of  
3 a judicial prediction or assumption that the statute’s very existence may cause others not before  
4 the court to refrain from constitutionally protected speech or expression.’” *Kashem v. Barr*, 941  
5 F.3d 358, 375 n.9 (9th Cir. 2019) (quoting *Broadrick v. Oklahoma*, 413 U.S. 601, 612, 93 S. Ct.  
6 2908, 37 L. Ed. 2d 830 (1973)).

7           51. Beyond the First Amendment activities specifically engaged in by the Plaintiffs  
8 SUMMERS and POLOVINA, other people and organizations engage in expressive activities on  
9 the pedestrian bridges.

10          52. Expressive activities other people besides Plaintiffs engage in on the pedestrian  
11 bridges include but are not limited to street performances, solicitation, use of amplified sound,  
12 tabling, handbilling, protesting, and proselytizing.

13          53. These activities are protected by the First Amendment of the United States  
14 Constitution and Article 1, Section 9, of the Nevada Constitution.

15          54. These activities, which require stopping for some period of time for either  
16 execution or preparation, are effectively banned by CCC 16.13.030 on pedestrian bridges.

17          55. Considering the scope of First Amendment activity prevented by CCC 16.13.030,  
18 Plaintiffs have standing to challenge the illegitimate sweep of the ordinance.

19       **IV. STATEMENT OF FACTS**

20       **A. First Amendment activity on the pedestrian bridges**

21          56. There are currently 17 pedestrian bridges located within the Resort Corridor.

22          57. The first pedestrian bridge was built in the Resort Corridor in 1995 at the  
23 intersection of Las Vegas Boulevard and Tropicana.

24          58. While varying in length, the pedestrian pathways across the bridges are required  
25 to be at least 15 feet wide.  
26  
27  
28

1           59. Throughout the bridges' existence, people have engaged in activities protected by  
2 the First Amendment on the pedestrian bridges, including but limited to street performances,  
3 handbilling, soliciting, vending, and protests.

4           60. News reports have reported on protests occurring in the Resort Corridor on or near  
5 the pedestrian bridges, including protests held by unions, police accountability activists, and  
6 activists against COVID-19 lockdowns.<sup>1</sup>

7           61. Pedestrian traffic studies of the Resort Corridor were completed in 2012 and 2015  
8 titled "Clark County Pedestrian Study" and "Clark County Pedestrian Study: 2015 Update".

9           62. These studies formally documented a significant amount of First Amendment  
10 activity on and near the pedestrian bridges.

11           63. These studies specifically tracked the number of performers, handbillers, solicitors,  
12 and vendors engaging in expressive activity on and near the pedestrian bridges.

13           64. In 2012, a study found that approximately 2 handbillers, 5 performers, 7 solicitors,  
14 and 6 vendors, for a total of 20 people, would be active on the pedestrian bridges on a "typical  
15 Saturday".

16           65. Approximately 4 handbillers and 3 performers would be active within 15' of a  
17 pedestrian bridge landing over that same time.

18           66. These numbers increased on holiday Saturdays to 4 handbillers, 9 performers, 7  
19 solicitors, and 4 vendors, for a total of 24 people engaging in expressive activity across the  
20 pedestrian bridge network.

21           67. Approximately 3 handbillers, a performer, and a solicitor would be active within  
22 15' of a pedestrian bridge landing at that same time.

23  
24  
25 <sup>1</sup> See, e.g., Orko Manna & Justin Hopkins, *'My body, choice': Hundreds protest COVID-related*  
26 *mandates on the Las Vegas Strip*, 8 News Now (September 7, 2021) (depicting anti-vaccine  
27 protests in the Resort Corridor pedestrian bridges); Glenn Pruitt, *Hundreds join Black Lives Matter*  
28 *protest in Las Vegas*, Las Vegas Review-Journal (June 14, 2020); Ricard Torres-Cortez, *Culinary*  
*Union marches for return to jobs on the Las Vegas Strip*, Las Vegas Sun (September 24, 2021)  
(describing tourists stopping on the pedestrian bridges to watch the Culinary Union protest).



68. Returning in 2015, study determined that approximately 10 handbillers, 10 performers, 13 solicitors, and 5 vendors, for a total of 38 people, would be engaging in these activities on the pedestrian bridges on a “typical Saturday” that year.

69. Approximately 5 handbillers, a performer, and a solicitor would be active within 15’ of a pedestrian bridge landing at that same time.

70. The same study determined that First Amendment activities increased on “holiday Saturdays” to approximately 12 handbillers, 16 performers, 16 solicitors, and 3 vendors, for a total of 45 people, across the pedestrian bridge network.

71. Approximately 1 handbiller, 15 performers, a solicitor, and vendor would be active within 15’ of a pedestrian bridge landing at that same time.

72. Nevadan organizations such as the Las Vegas Chapter of the National Association for the Advancement of Colored People (NAACP), the Service Employees International Union (SEIU) Local 117, the Make the Road, and the Cupcake Girls have all stated under oath that they have engaged in activities protected by the First Amendment on the pedestrian bridges.

**B. Passage of CCC 16.13.030**

73. CCC 16.13.030 provides that “it is unlawful for any person to (1) stop or stand within any Pedestrian Flow Zone, or (2) engage in any activity while within a Pedestrian Flow Zone with the intent of causing another person who is within a Pedestrian Flow Zone to stop or stand.” CCC 16.13.030.

74. The pedestrian flow zones encompass pedestrian bridges and up to 20 feet surrounding a touchdown structure, which includes the escalators, elevators, and stairs leading to the pedestrian bridges. CCC 16.13.020.

75. The ordinance describes the pedestrian bridges as “part of the sidewalk system of the Las Vegas Strip and were created for the purpose of separating pedestrian traffic from vehicular traffic to facilitate pedestrians crossing in those locations.” CCC 16.13.010.

76. “Pedestrians are prohibited from crossing at grade level where pedestrian bridges are located.” CCC 16.13.010.

1           77. CCC 16.13.030 includes one exception for people that “stop or stand while waiting  
2 for access to an elevator or escalator for purposes of entering or exiting a Pedestrian Flow Zone.”  
3 CCC 16.13.030.

4           78. Any person in violation of CCC 16.13.030 is guilty of a misdemeanor. CCC  
5 16.13.050.

6           79. The Clark County Commission enacted CCC 16.13.030 at its January 2, 2024,  
7 Clark County Commission meeting.<sup>2</sup>

8           80. On January 2, 2024, Lisa Logsdon served as County Counsel for Clark County.<sup>3</sup>

9           81. During the Clark County Commission meeting where CCC 16.13.030 was enacted,  
10 Ms. Logsdon in her capacity as Counsel for Clark County said “when [people] are engaging in  
11 activity within the pedestrian flow zone, they have to be intending to cause another person to stop  
12 within the pedestrian flow zone. So, if there is picketing or different activity going on at the street  
13 level and somebody stops on the bridge, that is not covered by the ordinance.”<sup>4</sup>

14           82. During the Clark County Commission meeting where CCC 16.13.030 was enacted,  
15 Ms. Logsdon in her capacity as Counsel for Clark County said that the pedestrian bridges were  
16 made “for incidental and brief views of the Las Vegas Strip.”<sup>5</sup>

17           83. During the Clark County Commission meeting where CCC 16.13.030 was enacted,  
18 Ms. Logsdon in her capacity as Counsel for Clark County said “as the ordinance is content neutral,  
19 it doesn’t have any impact [on street performing] so [street performers] can still do all of their  
20 street performing things down on the street level or if they’re continuing to walk while they do  
21 any First Amendment activity.”<sup>6</sup>

22 \_\_\_\_\_  
23 <sup>2</sup> Clark County, *Clark County Board of Commissioners on 2024-01-02 9:00 AM*, Granicus, at  
24 1:37:01 (Jan. 2, 2024),

[https://clark.granicus.com/player/clip/7626?view\\_id=28&meta\\_id=1560080&redirect=true&h=5b266a8fbbb1c483d61adbf851c5457f](https://clark.granicus.com/player/clip/7626?view_id=28&meta_id=1560080&redirect=true&h=5b266a8fbbb1c483d61adbf851c5457f).

25 <sup>3</sup> *Lisa Logsdon*, Clark Cnty., Nev.,

[https://www.clarkcountynv.gov/government/departments/district\\_attorney/divisions/civil/lisa\\_logsdon.php](https://www.clarkcountynv.gov/government/departments/district_attorney/divisions/civil/lisa_logsdon.php) (last visited Dec. 9, 2024).

26 <sup>4</sup> Clark County, *supra* note 2, at 1:14:40.

27 <sup>5</sup> *Id.* at 1:04:12.

28 <sup>6</sup> *Id.* at ss.

84. On January 2, 2024, William McCurdy was a Clark County commissioner.<sup>7</sup>

85. During the Clark County Commission meeting where CCC 16.13.030 was enacted, Commissioner McCurdy in his capacity as commissioner said, “if there is, for example, a street performer performing and there’s a show girl, I expect for both to have the same type of interaction with law enforcement.”<sup>8</sup>

86. During the Clark County Commission meeting where CCC 16.13.030 was enacted, Commissioner McCurdy in his capacity as commissioner said that Clark County and law enforcement must “make sure we’re doing [enforcement of CCC 16.13.030] in a manner that’s consistent with our board’s vision.”<sup>9</sup>

87. On January 2, 2024, James Gibson was a Clark County commissioner.<sup>10</sup>

88. During the Clark County Commission meeting where CCC 16.13.030 was enacted, Commissioner Gibson in his capacity as commissioner said that Clark County “must trust that our police department will be fair and equitable in the way they exercise their discretion” to enforce CCC 16.13.030.<sup>11</sup>

89. The Clark County Commission unanimously voted in favor of CCC 16.13.030.<sup>12</sup>

90. On January 2, 2024, Andrew Walsh was the Undersheriff at the Las Vegas Metropolitan Police Department (“LVMPD”).<sup>13</sup>

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<sup>7</sup> *About William McCurdy II*, Clark Cnty., Nev., [https://www.clarkcountynv.gov/government/board\\_of\\_county\\_commissioners/district\\_d/biography.php](https://www.clarkcountynv.gov/government/board_of_county_commissioners/district_d/biography.php) (last visited Dec. 9, 2024).

<sup>8</sup> Clark County, *supra* note 2, at 1:30:02.

<sup>9</sup> *Id.* at 1:31:59.

<sup>10</sup> *About Commissioner Gibson*, Clark Cnty., Nev., [https://www.clarkcountynv.gov/government/board\\_of\\_county\\_commissioners/district\\_g/biography.php](https://www.clarkcountynv.gov/government/board_of_county_commissioners/district_g/biography.php) (last visited Dec. 9, 2024).

<sup>11</sup> Clark County, *supra* note 2, at 1:35:58.

<sup>12</sup> *Id.* at 1:37:01.

<sup>13</sup> *Undersheriff Andrew Walsh*, Las Vegas Metro. Police Dep’t, <https://www.lvmpd.com/about/office-of-the-sheriff/undersheriff-andrew-walsh> (last visited Dec. 9, 2024).

1           91. During the Clark County Commission meeting where CCC 16.13.030 was enacted,  
2 Undersheriff Walsh in his capacity as a LVMPD representative testified before the Clark County  
3 Commission about CCC 16.13.030.

4           92. During the Clark County Commission meeting where CCC 16.13.030 was enacted,  
5 Undersheriff Walsh in his capacity as a LVMPD representative said that “officers will issue a  
6 warning and ask folks to move along, and if they refuse officers will have the ability based on  
7 this law to issue a citation or make an arrest.”<sup>14</sup>

8           93. On January 2, 2024, CLARK COUNTY had an official government account on  
9 the platform “X” (formerly known as Twitter) named “Clark County Nevada.”<sup>15</sup>

10           94. On January 2, 2024, after enacting CCC 16.13.030, CLARK COUNTY posted a  
11 statement on its official X account, reading in part: “[I]t is unlawful for any person to stop, stand,  
12 or engage in an activity that causes another person to stop or stand within any Pedestrian Flow  
13 Zone. This is not interpreted to mean that tourists and locals cannot take photos along the  
14 Boulevard while on a pedestrian bridge[.]”<sup>16</sup>

15           95. On January 17, 2024, Kevin McMahonill was the Clark County Sheriff.<sup>17</sup>

16           96. On January 17, 2024, the Las Vegas Review-Journal published an article about the  
17 enforcement of CCC 16.13.030 titled “Police won’t stop photos on Strip bridges under new law,  
18 sheriff says.”<sup>18</sup>

19           97. In the January 17, 2024, Las Vegas Review-Journal article about the enforcement  
20 of CCC 16.13.030, Sheriff McMahonill was quoted saying: “Are we going to stop people for  
21 stopping and taking a picture at all? Absolutely not. But those chronic individuals up there that  
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23 <sup>14</sup> Clark County, *supra* note 2, at 1:11:12.

24 <sup>15</sup> @ClarkCountyNV, X, <https://twitter.com/ClarkCountyNV> (last visited Dec. 9, 2024).

25 <sup>16</sup> @ClarkCountyNV, X (Jan. 2, 2024, 6:30 PM),  
26 <https://twitter.com/ClarkCountyNV/status/1742372938618425611> (last visited Dec. 9, 2024).

27 <sup>17</sup> *Sheriff Kevin McMahonill*, Las Vegas Metro. Police Dep’t,  
28 <https://www.lvmpd.com/about/office-of-the-sheriff/sheriff-kevin-mcmahill> (last visited Dec. 9, 2024).

<sup>18</sup> Taylor R. Avery, *Police Won’t Stop Photos on Strip Bridges Under New Law, Sheriff Says*, Las Vegas Review-Journal (Jan. 17, 2024), <https://www.reviewjournal.com/local/the-strip/ban-on-stopping-on-strip-pedestrian-bridges-wont-be-enforced-for-weeks-2983573>.

are preying on our tourists and our locals that are visiting the Strip (are) just not going to have a place to do it anymore.”<sup>19</sup>

## V. CAUSES OF ACTION

### A. FIRST CAUSE OF ACTION: VIOLATION OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION

98. Plaintiffs incorporate paragraphs 1 – 97 as though fully set forth herein.

99. The Fourteenth Amendment to the United States Constitution provides: “No State shall . . . deprive any person of life, liberty, or property, without due process of law.” U.S. Const. Amend. XIV.

100. Rather than trusting law enforcement to fairly enforce vague laws, the due process clause protects against the arbitrary enforcement of laws.

101. “The fundamental rationale underlying the vagueness doctrine is that due process requires a statute to give adequate notice of its scope.” *Botosan v. Paul McNally Realty*, 216 F.3d 827, 836 (9th Cir. 2000) (citing *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972)).

102. “A statute is vague not when it prohibits conduct according ‘to an imprecise but comprehensible normative standard, but rather in the sense that no standard of conduct is specified at all.’” *Id.* (quoting *Coates v. City of Cincinnati*, 402 U.S. 611, 614, 29 L. Ed. 2d 214, 91 S. Ct. 1686 (1971)).

103. “[V]agueness concerns are more acute when a law implicates First Amendment rights, and, therefore, vagueness scrutiny is more stringent.” *Butcher v. Knudson*, 38 F.4th 1163, 1169 (9th Cir. 2022) (citing *Cal. Teachers Ass’n v. State Bd. of Educ.*, 271 F.3d 1141, 1150 (9th Cir. 2001)).

104. A criminal regulation is unconstitutionally vague if the regulation (1) “fails to provide a person of ordinary intelligence fair notice of what is prohibited” or (2) is “so standardless that it authorizes or encourages seriously discriminatory enforcement.” *Id.* (quoting

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<sup>19</sup> *Id.*

1 *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 254, 132 S. Ct. 2307, 183 L. Ed. 2d 234  
2 (2012)).

3 105. If the regulation fails to satisfy either test, it is unconstitutional. *Id.*

4 106. “[C]onstitutional vagueness analysis does *not* treat statutory text as a closed  
5 universe” meaning a court must consider legislative history, historical circumstances, related  
6 statutory provisions, and terminology. *State v. Castaneda*, 126 Nev. 478, 483, 245 P.3d 550, 553  
7 (Nev. 2010) (emphasis in original) (finding that courts may look to a word’s ordinary meaning or  
8 a common law definition when conducting a vagueness analysis); *Heppner v. Alyeska Pipeline*  
9 *Service Co.*, 665 F.2d 868, 870–71 (9th Cir. 1981) (finding that courts may look to a word’s plain  
10 meaning, legislative history, and circumstances surrounding the passage of the law when  
11 conducting a vagueness analysis); *People v. Superior Court (J.C. Penney Corp., Inc.)*, 246 Cal.  
12 Rptr. 3d 128, 387–88 (Cal. Dist. Ct. App. 2019) (finding that courts may look to a word’s plain  
13 meaning, related statutory provisions, legislative history, and wider historical circumstances  
14 around the enactment of the law when conducting a vagueness analysis).

15 107. CCC 16.13.030 bans everyone from “stop[ping] or stand[ing] within any  
16 Pedestrian Flow Zone.” CCC 16.13.030.

17 108. CCC 16.13.030 is vague for two reasons.

18 109. First, CCC 16.13.030 is vague because the term “stop or stand” does not provide  
19 a person of ordinary intelligence fair notice of what conduct is prohibited.

20 110. “A fundamental principle in our legal system is that laws which regulate persons  
21 or entities must give fair notice of conduct that is forbidden or required.” *Fox Television Stations,*  
22 *Inc.*, 567 U.S. at 253.

23 111. People “should know what is required of them so they may act accordingly.”  
24 *Butcher*, 38 F.4th at 1168 (citing *Fox Television Stations*, 567 U.S. at 253).

25 112. “The terms of a law cannot require ‘wholly subjective judgments without statutory  
26 definitions, narrowing context, or settled legal meanings.’” *Tingley*, 47 F.4th at 1089 (quoting  
27 *Holder v. Humanitarian L. Project*, 561 U.S. 1, 20, 130 S. Ct. 2705, 177 L. Ed. 2d 355 (2010)).  
28

1 113. A person need only to “stop or stand” on a pedestrian bridge for the conduct to  
2 violate CCC 16.13.030.

3 114. CCC 16.13.030 does not define “stop” or “stand.”

4 115. When a word has not been defined in the law, courts “consider its ‘ordinary,  
5 dictionary meaning.’” *Finnigan v. United States*, 2 F.4th 793, 804 (9th Cir. 2021) (quoting *In re*  
6 *Roman Cath. Archbishop of Portland in Or.*, 661 F.3d 417, 432 (9th Cir. 2011)).

7 116. Merriam-Webster defines “stop” as “to cease activity or operation.” Merriam-  
8 Webster, *Stop*, <https://www.merriam-webster.com/dictionary/stop> (last visited Dec. 9, 2024).

9 117. Merriam-Webster defines “stand” as “to support oneself on the feet in an erect  
10 position.” Merriam-Webster, *Stand*, <https://www.merriam-webster.com/dictionary/stand> (last  
11 visited Dec. 9, 2024).

12 118. On its face, CCC 16.13.030 only exempts people from the prohibition on “standing”  
13 or “stopping” “if [a person] stop[s] or stand[s] while waiting for access to an elevator or escalator  
14 for purposes of entering or exiting a Pedestrian Flow Zone.” CCC 16.13.030.

15 119. However, CLARK COUNTY and law enforcement officials have stated that CCC  
16 16.13.030 does not apply under other circumstances where a person would be stopping or standing  
17 on a pedestrian bridge.

18 120. CLARK COUNTY has represented that CCC 16.13.030 does not apply to people  
19 who stop or stand if they are taking photographs.<sup>20</sup>

20 121. CLARK COUNTY officials have represented that CCC 16.13.030 does not apply  
21 to people who stop or stand if they are observing Las Vegas Boulevard.<sup>21</sup>

22 122. CLARK COUNTY officials have represented that CCC 16.13.030 does not apply  
23 to people who stop or stand if they are waiting for picketers and other protests occurring at street  
24 level.<sup>22</sup>

25  
26  
27 <sup>20</sup> @ClarkCountyNV, *supra* note 16.

28 <sup>21</sup> Clark County, *supra* note 2, at 1:04:12.

<sup>22</sup> *Id.* at 1:14:48.

1           123. CLARK COUNTY officials have represented that CCC 16.13.030 does not apply  
2 to people who stop or stand if they are not intending to cause others to stop or stand on the  
3 pedestrian bridge.<sup>23</sup>

4           124. As CCC 16.13.030 does not identify these circumstances as exceptions to its  
5 prohibition on “standing” or “stopping”, these circumstances must not be included in the terms  
6 “standing” and “stopping” under CCC 16.13.030, meaning that “standing” and “stopping” as used  
7 in CCC 16.13.030 must not align with the common use of those terms.

8           125. As “standing” and “stopping” as used in CCC 16.13.030 does not align with the  
9 common understanding of those terms and the terms are not defined by Clark County Code,  
10 people do not have fair notice as to what constitutes criminal activity under CCC 16.13.030 in  
11 violation of the United States and Nevada Constitutions.

12           126. CCC 16.13.030 is also vague because it invites seriously discriminatory  
13 enforcement.

14           127. “[L]aws must provide proper ‘precision and guidance’ to ensure that ‘those  
15 enforcing the law do not act in an arbitrary or discriminatory way.’” *Butcher*, 38 F.4th at 1168  
16 (quoting *Fox Television Stations*, 567 U.S. at 253).

17           128. “A law is void for vagueness if it ‘lack[s] any ascertainable standard for inclusion  
18 and exclusion.’” *Tingley*, 47 F.4th at 1090 (quoting *Kashem*, 941 F.3d at 374).

19           129. Vague laws concerning speech in particular “poses heightened risks of arbitrary  
20 enforcement, inviting disparate treatment of less popular speakers or viewpoints.” *Butcher*, 38  
21 F.4th at 1169 (citing *NAACP v. Button*, 371 U.S. 415, 435, 83 S. Ct. 328, 9 L. Ed. 2d 405 (1963)  
22 (“[A] vague and broad statute lends itself to selective enforcement against unpopular causes.”)).

23           130. Vague laws must be invalidated to prevent standardless sweeps that would allow  
24 law enforcement, prosecutors, and juries to pursue “personal predilections.” *Williams v. Skolnik*,  
25 2008 U.S. Dist. LEXIS 98777, \*10–\*11 (D. Nev. Oct. 30, 2008) (quoting *Kolendar v. Lawson*,  
26 461 U.S. 352, 358 (1983)).

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27  
28 <sup>23</sup> *Id.* at 1:14:40.



1           131. Commissioner Gibson said that law enforcement officials may “exercise their  
2 discretion” to enforce CCC 16.13.030.

3           132. As stated by LVMPD’s representative Undersheriff Walsh and Clark County  
4 Sheriff McMahon, law enforcement officers will not enforce CCC 16.13.030 against all who stop  
5 or stand on the pedestrian bridges.

6           133. Sheriff McMahon has said law enforcement will allow people to stop or stand on  
7 the pedestrian bridges if engaging in certain activities, such as taking photographs, but  
8 Commissioner McCurdy has said law enforcement will enforce CCC 16.13.030 against those  
9 engaging in protected activities, such as street performing.

10           134. “Absent objective standards, government officials may use their discretion to  
11 interpret the policy as a pretext for censorship.” *Hopper v. City of Pasco*, 241 F.3d 1067, 1077  
12 (9th Cir. 2001).

13           135. CLARK COUNTY and law enforcement officials have stated that it will enforce  
14 CCC 16.13.030 in a discriminatory manner in violation of the United States and Nevada  
15 Constitutions.

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

18           136. Plaintiffs incorporate paragraphs 1 – 135 as though fully set forth herein.

19           137. Article 1, Section 8(2) of the Nevada Constitution provides: “No person shall be  
20 deprived of life, liberty, or property, without due process of law.” Nev. Const. art. 1, § 8(2).

21           138. Nevada’s due process clause is coextensive with the due process clause found in  
22 the United States Constitution. *Hernandez v. Bennett-Haron*, 128 Nev. 580, 587, 287 P.3d 305,  
23 310 (2012) (“[T]he similarities between the due process clauses contained in the United States  
24 and Nevada Constitutions permit us to look to federal precedent for guidance.”).

25           139. This cause of action incorporates by reference all allegations and legal authority  
26 from Paragraphs 100 through 135.

**C. THIRD CAUSE OF ACTION: VIOLATION OF THE FIRST AMENDMENT  
OF THE UNITED STATES CONSTITUTION (FACIAL CHALLENGE FOR  
ALL PLAINTIFFS; AS APPLIED CHALLENGE FOR PLAINTIFFS  
SUMMERS AND POLOVINA)**

140. Plaintiffs incorporate paragraphs 1 – 139 as though fully set forth herein.

141. The First Amendment provides that “Congress shall make no law . . . abridging the freedom of speech.” U.S. Const. amend I.

**i. The pedestrian bridges are traditional public forums.**

142. “[P]ublic streets and sidewalks have been used for public assembly and debate, the hallmarks of a traditional public forum.” *Frisby v. Schultz*, 487 U.S. 474, 480 (1988).

143. “The protections afforded by the First Amendment are nowhere stronger than in streets and parks, both categorized for First Amendment purposes as traditional public fora.” *Berger v. City of Seattle*, 569 F.3d 1029, 1035–36 (9th Cir. 2009) (citations omitted).

144. “Sidewalks, of course, are among those areas of public property that traditionally have been held open to the public for expressive activities and are clearly within those areas of public property that may be considered, generally without further inquiry, to be public forum property.” *United States v. Grace*, 461 U.S. 171, 179 (1983).

145. “A thoroughfare sidewalk, seamlessly connected to public sidewalks at either end and intended for general public use” is “a public sidewalk, and consequently, a traditional public forum from which [private owners] have no right to exclude members of the public.” *Perez-Morciglio v. Las Vegas Metro. Police Dep’t*, 820 F. Supp. 2d 1100, 1111 (D. Nev. 2011) (citing *Venetian Casino Resort, L.L.C. v. Loc. Joint Exec. Bd. of Las Vegas*, 45 F. Supp. 2d 1027, 1036 (D. Nev. 1999)).

146. “[T]he intent of a government to create a nonpublic forum has no direct bearing upon traditional public forum status.” *Am C.L. Union of Nev. v. City of Las Vegas*, 333 F.3d 1092, 1104 (9th Cir. 2003).

1 147. “The sidewalks along the Las Vegas Strip dedicated to public use are public fora.”  
2 *Santopietro v. Howell*, 73 F. 4th 1016, 1024 (9th Cir. 2023).

3 148. The pedestrian bridges are part of the public sidewalk system in the resort corridor.  
4 CCC 16.13.010.

5 149. The government bears “an extraordinarily heavy burden” when it seeks to regulate  
6 free speech in a traditional public forum. *Am. C.L. Union of Nev. v. City of Las Vegas*, 333 F.3d  
7 1092, 1098 (9th Cir. 2003) (internal quotation marks omitted).

8 **ii. Plaintiff SUMMERS’s and POLOVINA’s as applied challenges.**

9 150. To establish a successful as applied challenge, a plaintiff “must show only that the  
10 statute unconstitutionally regulates plaintiffs’ own speech.” *Italian Colors Rest. v. Becerra*, 878 F.3d  
11 1165, 1175 (9th Cir. 2018).

12 151. For years, Plaintiff SUMMERS has played the violin, a protected First  
13 Amendment activity, on the pedestrian bridges.

14 152. SUMMERS plays the violin standing still, as that instrument is traditionally played.

15 153. While playing the violin, Plaintiff SUMMERS also solicits tips for his  
16 performances, an activity also protected by the First Amendment, by propping open his violin  
17 case and using a sign asking for tips.

18 154. As the violin is a string instrument and thus has a lower volume, Plaintiff  
19 SUMMERS uses amplified sound when performing to ensure that people passing by could hear  
20 him; use of amplified sound in this manner is also a protect activity.

21 155. The fact that the pedestrian bridges have less ambient noise than the street level  
22 sidewalks is a reason SUMMERS performed on the bridges rather than the lower sidewalks.

23 156. The pedestrian bridges are also safer for SUMMERS to play on because there is  
24 no risk that he will be pushed into vehicular traffic while performing on the edge of the sidewalk  
25 to avoid obstructing people passing by.

26 157. Plaintiff SUMMERS cannot play the violin, solicit tips, or use amplified sound  
27 while moving.

1           158. In performing, SUMMERS also seeks to have other people stop to listen to his  
2 music.

3           159. In soliciting tips, SUMMERS also seeks to have other people stop to take out their  
4 wallet to drop some money into his violin case.

5           160. CCC 16.13.030 prevents SUMMERS from playing the violin on the pedestrian  
6 bridges because CCC 16.13.030 bans him from remaining stationary while playing as he has  
7 always done.

8           161. CCC 16.13.030 prevents SUMMERS from performing violin on the pedestrian  
9 bridges because SUMMERS is playing the violin to encourage people passing by to stop to listen  
10 to him and CCC 16.13.030 prohibits him from doing so.

11           162. CCC 16.13.030 prevents SUMMERS from performing violin on the pedestrian  
12 bridges with amplified sound because SUMMERS cannot play a violin with both hands and  
13 simultaneously carry a speaker.

14           163. CCC 16.13.030 prevents SUMMERS from soliciting tips on the pedestrian bridges  
15 because he cannot carry his violin case to collect tips and play his violin simultaneously.

16           164. CCC 16.13.030 prevents SUMMERS from soliciting tips on the pedestrian bridges  
17 because SUMMERS necessarily needs people to stop before they can (1) determine whether to  
18 give him a tip and (2) take out their money to put a tip in his case.

19           165. SUMMERS now performs on the street level sidewalks.

20           166. Fewer people can hear SUMMERS music due to ambient traffic noise at street  
21 level.

22           167. SUMMERS is less safe performing on the street level sidewalks due to concerns  
23 related to vehicular traffic.

24           168. But for CCC 16.13.030, SUMMERS would continue to perform the violin with a  
25 speaker while soliciting tips on the pedestrian bridges.

26           169. Prior to the passage of CCC 16.13.030, Plaintiff POLOVINA played the cello, a  
27 protected First Amendment activity, on the pedestrian bridges.

1           170. POLOVINA plays the cello standing one place as he cannot simultaneously play  
2 the instrument and move.

3           171. While playing the cello, Plaintiff POLOVINA also solicited tips for his  
4 performances—an activity also protected by the First Amendment—by propping open his cello  
5 case and posting a sign asking for tips.

6           172. As the cello is a string instrument with a lower volume coupled with a lower  
7 register, Plaintiff POLOVINA would use amplified sound to ensure that people passing by could  
8 hear him; use of amplified sound in this manner is also a protected activity.

9           173. The fact that the pedestrian bridges have less ambient noise than the street level  
10 sidewalks is another reason POLOVINA performed on the bridges rather than the lower sidewalks.

11           174. The pedestrian bridges are also safer for POLOVINA to play on because there is  
12 no risk that he will be pushed into vehicular traffic while performing on the edge of the sidewalk  
13 to avoid obstructing people passing by.

14           175. Plaintiff POLOVINA cannot play the cello, solicit tips, or use amplified sound  
15 while moving.

16           176. In performing, POLOVINA seeks to have other people stop to listen to his music.

17           177. In soliciting tips, POLOVINA seeks to have other people stop to take out their  
18 wallet to drop some money into his cello case.

19           178. CCC 16.13.030 prevents POLOVINA from performing the cello on the pedestrian  
20 bridges because it bans him from standing still while playing, which is necessary to play the cello.

21           179. CCC 16.13.030 prevents POLOVINA from performing the cello on the pedestrian  
22 bridges because POLOVINA is playing the cello to encourage people passing by to stop to listen  
23 to him.

24           180. CCC 16.13.030 prevents POLOVINA from performing the cello on the pedestrian  
25 bridges with amplified sound because POLOVINA cannot play a cello with both hands and  
26 simultaneously carry a speaker.

1 181. CCC 16.13.030 prevents POLOVINA from soliciting tips on the pedestrian  
2 bridges because he cannot carry his cello case to collect tips and play his cello simultaneously.

3 182. CCC 16.13.030 prevents POLOVINA from soliciting tips on the pedestrian  
4 bridges because POLOVINA necessarily needs people to stop before they can (1) determine  
5 whether to give him a tip and (2) take out their money to put a tip in his case.

6 183. After the passage of CCC 16.13.030, POLOVINA attempted to continue  
7 performing on the pedestrian bridges as he did before its passage.

8 184. POLOVINA was warned by LVMPD officers that his performance violated CCC  
9 16.13.030, and if he did not cease performing, the officers would cite POLOVINA for violating  
10 the ordinance.

11 185. POLOVINA now performs on the street level sidewalks.

12 186. Fewer people can hear POLOVINA's music due to the ambient traffic noise at  
13 street level.

14 187. POLOVINA receives fewer tips performing on the street level sidewalks than he  
15 did when he was performing on the pedestrian bridges.

16 188. POLOVINA is less safe performing on the street level sidewalks due to concerns  
17 related to vehicular traffic.

18 189. But for CCC 16.13.030, POLOVINA would continue to perform the cello with a  
19 speaker while soliciting tips on the pedestrian bridges.

20 **iii. All Plaintiffs' facial challenges.**

21 190. "[A] law may be invalidated under the First Amendment overbreadth doctrine if  
22 'a substantial number of its applications are unconstitutional, judged in relation to the statute's  
23 plainly legitimate sweep.'" *Arce v. Douglas*, 793 F.3d 968, 984 (9th Cir. 2015) (quoting *United*  
24 *States v. Stevens*, 559 U.S. 460, 473, 130 S. Ct. 1577, 176 L. Ed. 2d 435 (2010)).

25 191. As seen in news reports and studies, people have engaged in significant amount of  
26 First Amendment activity on the pedestrian bridges for years, including performances, soliciting,  
27 handbilling, and protesting on the pedestrian bridges.

1           192. CCC 16.13.030 bans all stopping and standing on pedestrian bridges whether or  
2 not the stopping or standing is intrinsically connected to a First Amendment activity.

3           193. CCC 16.13.030 bans all stopping or standing on the pedestrian bridges whether or  
4 not the stopping or standing is related to other criminal activity.

5           194. CCC 16.13.030 bans all stopping or standing on the pedestrian bridges whether or  
6 not the stopping or standing is actually obstructing or otherwise interfering with pedestrian traffic  
7 crossing over the bridge.

8           195. A performer cannot engage in any form of performance that requires the performer  
9 to stay stationary such as playing the cello or drums.

10          196. A solicitor cannot ask a passerby to stop to pull out their wallet or stop themselves  
11 to collect an offered tip.

12          197. A handbiller cannot stop to hand their bills to someone passing by.

13          198. Protesters may not pause to post up flyers on the bridge's walls, chant their protest,  
14 hold up their signs for people to read, or engage with people passing that have questions about  
15 the protest's purpose.

16          199. Anyone who wants to listen to a performer, pull out their wallet for a solicitor,  
17 take a leaflet from a handbiller, engage with a protest, or otherwise listen to protected First  
18 Amendment activity is effectively barred from doing so on a pedestrian bridge.

19          200. Through its ban on all stopping and standing without exception for First  
20 Amendment activity, CCC 16.13.030 prevents any meaningful engagement between a performer,  
21 solicitor, a handbiller, or a protester and their audience, the ordinance necessarily prevents a  
22 significant amount of constitutional activity from occurring on the pedestrian bridges and so is  
23 subject to facial challenge by the Plaintiffs.

24               **iv. The County cannot satisfy the requisite scrutiny to survive Plaintiffs'**  
25               **challenges.**

26          201. CLARK COUNTY has banned all stopping or standing on the pedestrian bridges  
27 with no exception for performances, soliciting, handbilling, or protests.

1           202. CLARK COUNTY has banned any action intended to cause someone else to stop  
2 or stand for any reason on the pedestrian bridges, including actions otherwise protected by the  
3 First Amendment such as performing, soliciting, handbilling, or protesting.

4           203. CLARK COUNTY has banned activities that receive the highest protections under  
5 the First Amendment.

6           204. Commissioner McCurdy said that CCC 16.13.030 should be enforced against  
7 musical street performers and show girls on the pedestrian bridges.

8           205. Sheriff McMahon said CCC 16.13.030 will not be enforced against tourists  
9 stopping to take pictures on the pedestrian bridges.

10           206. Regulations that limit protected expressive activity but offer exemptions from  
11 regulation based on who engages in the expressive activity violate the First Amendment. *Perry v.*  
12 *Los Angeles Police Dep't*, 121 F.3d 1365, 1371–72 (9th Cir. 1997).

13           207. On its face, CCC 16.13.030 is content neutral because it impacts speech and  
14 expressive conduct on the pedestrian bridges regardless of the content.

15           208. Content neutral restrictions on speech in traditional public forums are permissible  
16 when it is a reasonable restriction of the time, place, and manner of speech. *Ward v. Rock Against*  
17 *Racism*, 491 U.S. 781, 791 (1989).

18           209. The government may impose reasonable content neutral restrictions on the time,  
19 place, and manner of protected speech in public forums when intermediate scrutiny is satisfied  
20 by (1) serving a significant government interest, (2) being narrowly tailored, and (3) leaving open  
21 ample alternative channels for communication. *Id.*; *Pac. Coast Horseshoeing Sch., Inc. v.*  
22 *Kirchmeyer*, 961 F.3d 1062, 1068 (9th Cir. 2020).

23           210. The government bears the evidentiary burden to prove that a content neutral  
24 restriction satisfies each of these requirements. *Berger v. City of Seattle*, 569 F.3d 1029, 1035 (9th  
25 Cir. 2009).



211. “[The government] is not free to foreclose expressive activity in public areas on mere speculation about danger.” *Bay Area Peace Navy v. United States*, 914 F.2d 1224, 1227 (9th Cir. 1990).

212. The government cannot provide speculative or hypothetical concerns as a basis for infringing upon rights. *Id.*; *Carachuri-Rosendo v. Holder*, 560 U.S. 563, 581 (2010) (rejecting the government’s reasoning to deport a lawful resident as “hypothetical,” “misleading,” and “speculative”); *Pub. Employees’ Ret. Sys. v. Reno Newspapers, Inc.*, 129 Nev. 833, 839 (2013) (finding that the government may not withhold public records based on “hypothetical and speculative” concerns); *Craven v. Univ. of Colo. Hosp. Auth.*, 260 F.3d 1218, 1227–28 (10th Cir. 2001) (reiterating that the government must “articulate specific concerns” and not “rely on purely speculative allegations” when regulating an employee’s speech); *United States v. Lymon*, 2016 U.S. Dist. LEXIS 170816, \*6–\*7 (D.N.M. Dec. 9, 2016) (holding the government cannot delay sentencing of a defendant by relying on a “remote possibility”).

213. All three factors must be satisfied for a restriction of First Amendment activity to survive. *Ward*, 491 U.S. at 791.

214. CCC 16.13.030 does not serve a significant government interest.

215. If CCC 16.13.030 does serve a significant government interest, it is not narrowly tailored to a legitimate significant government interest as it bans all “standing” or “stopping” on the pedestrian bridges for any purpose other than to wait for the escalator or elevator.

216. Even if CCC 16.13.030 was narrowly tailored to serve a significant government interest, it still does not leave open ample alternative channels for communication because the only alternatives for people wanting to engage in protected activity is in less visible and more dangerous areas of the resort corridor.

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

217. Plaintiffs incorporate paragraphs 1 – 216 as though fully set forth herein.

1           218. Article 1, Section 9 of the Nevada Constitution provides: “Every citizen may freely  
2 speak, write and publish his sentiments on all subjects being responsible for the abuse of that  
3 right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.” Nev.  
4 Const. art. 1, § 9.

5           219. The protections offered by Article 1, Section 9 are “co-extensive to” those offered  
6 by the First Amendment of the United States Constitution. *S.O.C., Inc. v. Mirage Casino-Hotel*,  
7 117 Nev. 403, 415, 23 P.3d 243, 251 (2001).

8           220. This cause of action incorporates by reference all allegations and legal authority  
9 from Paragraphs 142 through 216.

# 10       **VI. PRAYER FOR RELIEF**

11       WHEREFORE Plaintiff seeks judgment as follows:

12       A. Declaratory relief that CCC 16.13.030 violates the Fourteenth Amendment of the United  
13 States Constitution;

14       B. Declaratory relief that CCC 16.13.030 violates Article 1, Section 8 of the Nevada  
15 Constitution;

16       C. Declaratory relief that CCC 16.13.030 violates the First Amendment of the United States  
17 Constitution;

18       D. Declaratory relief that CCC 16.13.030 violates Article 1, Section 9 of the Nevada  
19 Constitution;

20       E. Injunctive relief prohibiting Defendant from enforcing CCC 16.13.030;

21       F. Costs and attorneys’ fees; and

22       G. Any further relief the Court deems appropriate.

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24  
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1 DATED: January 2, 2025.

2 /s/ Christopher Peterson

3 

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