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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  
ANSWERS TO PLAINTIFF'S FIRST  
SET OF INTERROGATORIES**

TO: Plaintiff LISA MCALLISTER; and  
TO: Plaintiff BRANDON SUMMERS; and  
TO: CHRISTOPHER M. PETERSON, Nevada Bar No. 13932  
TATIANA R. SMITH, Nevada Bar No. 16627  
**AMERICAN CIVIL LIBERTIES UNION OF NEVADA**; and  
  
MARGARET A. MCLETCHE, Nevada Bar No. 10931  
LEO S. WOLPERT, Nevada Bar No. 12658  
**MCLETCHE LAW**,  
Plaintiff's counsel of record.

COMES NOW, Defendant CLARK COUNTY (hereinafter “Defendant”), through its attorney STEVEN B. WOLFSON, District Attorney, and by JOEL K. BROWNING, Deputy District Attorney, and JEFFREY S. ROGAN, Deputy District Attorney, and hereby answers PLAINTIFF’S FIRST SET OF INTERROGATORIES, pursuant to the requirements of Rule 33, as follows:

INTERROGATORY NO. 1:

DEFINE the term "disorderly offenses" as used in Clark County Code § 16.13.010, including but not limited to IDENTIFYING ALL specific conduct or criminal offenses included in the term "disorderly offense" as used in Clark County Code § 16.13.010 and IDENTIFYING ANY DOCUMENT, along with ANY relevant page and line citation, that DESCRIBES what a "disorderly offense" is in the context of Clark County Code § 16.13.010.

ANSWER:

Objection. Defendant objects to the extent that Plaintiffs’ Interrogatory calls for a legal conclusion. The instant Interrogatory is further objectionable to the extent that it calls for a line-by-line explanation of an ordinance and/or the plain meaning and common definition of words equally available to both parties. Defendant further objects to the extent the instant Interrogatory seeks to impermissibly establish legislators’ subjective motives or opinions protected under the deliberative process and legislative privileges in First Amendment challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). Inquiries for First Amendment purposes are strictly limited to the facial effect of the ordinance upon freedom of expression, not upon the legislative bodies’ subjective intent or individual legislators’ subjective understanding of the language of an ordinance absent objective indicators of illicit purpose which are not present here. *Id; see also Colacurcio v. City of Kent*, 163 F.3d 545, 552 (9th Cir. 1998). Without waiving the foregoing objections and subject to the same, Defendant answers as follows:

The term “disorderly offenses” as used in Clark County Code § 16.13.010 is undefined in Clark County Code and should be attributed its plain meaning by the Court as a matter of law. Clark County cannot define a term where no definition has been provided by its legislative

1 body, the Clark County Board of County Commissioners, as each commissioner's  
2 understanding of the term is subjective and not discoverable in facial First Amendment  
3 challenges. To the extent it is responsive to Plaintiffs' Interrogatory, Clark County directs  
4 Plaintiffs to the legislative record disclosed in Defendant Clark County's Initial Disclosure  
5 and Production of Documents per FRCP 26(a)(1) and all supplements thereto including, but  
6 not limited to, bates CC 001 to CC 032, CC 033 to CC 070, CC 071 to CC 126, CC 127 to CC  
7 131, CC 132 to CC 139, CC 140 to CC 145, CC 824 to CC 973, CC 974 to CC 1163, CC 1164  
8 to CC 1206, CC 1207 to CC 1383, CC 1405 to CC 1418, CC 1419 to CC 1427, CC 1428 to  
9 CC 1437, and CC 1438 to CC 1446 and any dictionaries as may be appropriate.

10 Discovery is ongoing and Defendant Clark County reserves the right to supplement the  
11 instant Answer as additional information becomes available in the course of discovery.

12 INTERROGATORY NO. 2:

13 DEFINE the term "criminal disorder" as used in Clark County Code § 16.13.010,  
14 including but not limited to IDENTIFYING ALL specific conduct or criminal offenses  
15 included in the term "criminal disorder" as used in Clark County Code § 16.13.010 and  
16 IDENTIFYING ANY DOCUMENT, along with ANY relevant page and line citation, that  
17 DESCRIBES what a "criminal disorder" is in the context of Clark County Code § 16.13.010.

18 ANSWER:

19 Objection. Defendant objects to the extent that Plaintiffs' Interrogatory calls for a legal  
20 conclusion. The instant Interrogatory is further objectionable to the extent that it calls for a  
21 line-by-line explanation of an ordinance and/or the plain meaning and common definition of  
22 words equally available to both parties. Defendant further objects to the extent the instant  
23 Interrogatory seeks to impermissibly establish legislators' subjective motives or opinions  
24 protected under the deliberative process and legislative privileges in First Amendment  
25 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298  
26 (9th Cir. 1984). Inquiries for First Amendment purposes are strictly limited to the facial effect  
27 of the ordinance upon freedom of expression, not upon the legislative bodies' subjective intent  
28 or individual legislators' subjective understanding of the language of an ordinance absent

1 objective indicators of illicit purpose which are not present here. *Id*; see also *Colacurcio v.*  
2 *City of Kent*, 163 F.3d 545, 552 (9th Cir. 1998). Without waiving the foregoing objections and  
3 subject to the same, Defendant answers as follows:

4 The term “disorderly conduct” as used in Clark County Code § 16.13.010 is undefined  
5 in Clark County Code and should be attributed its plain meaning by the Court as a matter of  
6 law. Clark County cannot define a term where no definition has been provided by its legislative  
7 body, the Clark County Board of County Commissioners, as each commissioner’s  
8 understanding of the term is subjective and not discoverable in facial First Amendment  
9 challenges. To the extent it is responsive to Plaintiffs’ Interrogatory, Clark County directs  
10 Plaintiffs to the legislative record disclosed in Defendant Clark County’s Initial Disclosure  
11 and Production of Documents per FRCP 26(a)(1) and all supplements thereto including, but  
12 not limited to, bates CC 001 to CC 032, CC 033 to CC 070, CC 071 to CC 126, CC 127 to CC  
13 131, CC 132 to CC 139, CC 140 to CC 145, CC 824 to CC 973, CC 974 to CC 1163, CC 1164  
14 to CC 1206, CC 1207 to CC 1383, CC 1405 to CC 1418, CC 1419 to CC 1427, CC 1428 to  
15 CC 1437, and CC 1438 to CC 1446 and any dictionaries as may be appropriate.

16 Discovery is ongoing and Defendant Clark County reserves the right to supplement the  
17 instant Answer as additional information becomes available in the course of discovery.

18 INTERROGATORY NO. 3:

19 IDENTIFY ALL FACTS YOU relied upon to conclude Clark County Code§ 16.13.030  
20 was necessary to address "captive audience[s]" on the PEDESTRIAN BRIDGES as stated in  
21 Clark County Code § 16.13.010, including but not limited to IDENTIFYING ALL instances  
22 where a "captive audience" occurred on the PEDESTRIAN BRIDGES and IDENTIFYING  
23 ANY DOCUMENT, along with ANY relevant page and line citation, that DESCRIBES the  
24 formation of a "captive audience" as used in Clark County Code§ 16.13.030.

25 ANSWER:

26 Objection. The instant Interrogatory seeks to impermissibly establish legislators’  
27 subjective motives or opinions protected under the deliberative process and legislative  
28 privileges in First Amendment challenges such is the instant case. *See, e.g., City of Las Vegas*

1 v. *Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). Inquiries for First Amendment purposes are  
2 strictly limited to the facial effect of the ordinance upon freedom of expression, not upon the  
3 legislative bodies' subjective intent or individual legislators' subjective understanding of the  
4 language of an ordinance absent objective indicators of illicit purpose which are not present  
5 here. *Id*; see also *Colacurcio v. City of Kent*, 163 F.3d 545, 552 (9th Cir. 1998). Defendant  
6 further objects to the extent that Defendant Clark County is not the custodian of records for  
7 records about enforcement activity on the pedestrian bridges and, accordingly, lacks sufficient  
8 knowledge to answer Plaintiffs' Interrogatory as worded. Defendant further objects to the  
9 extent that the instant Interrogatory is vague and ambiguous as to time and as it pertains to the  
10 terms "DOCUMENT" or "page and line citation." The Interrogatory is further objectionable  
11 as it is overly broad and unduly burdensome as it seeks an accounting of "ALL instances" and  
12 is not reasonably calculated to lead to the discovery of admissible evidence.

13 Without waiving the foregoing objections and subject to the same, Defendant answers  
14 as follows:

15 While the County has a burden to establish "that the anticipated harms it bases the  
16 ordinance on are real and not merely conjectural," it does not have a burden to marshal evidence  
17 of every instance of wrongful conduct that has ever occurred on a pedestrian bridge, nor is it  
18 obligated to rehash the policy debate or the weight of the evidence supporting the enactment  
19 of the subject ordinance with Plaintiffs' counsel for a second time in discovery. [ECF No. 51]  
20 at 31:4-5. To the extent it is responsive to Plaintiffs' instant Interrogatory, Defendant directs  
21 Plaintiffs to the relevant legislative record disclosed in Defendant Clark County's Initial  
22 Disclosure and Production of Documents per FRCP 26(a)(1) and all supplements thereto  
23 including, but not limited to CC 071 to CC 126, CC 128, CC 133 to CC 134, CC 142, CC 824  
24 to CC 973, CC 974 to CC 1163, CC 1164 to CC 1206, CC 1207 to CC 1383, CC 1428 to CC  
25 1436, CC 1437 to 1461 (including photographs of persons in the pedestrian flow zones  
26 incapacitated by drug and alcohol use, lighting fires, engaged in lewd and indecent conduct,  
27 engaging in acts of violence, conducting illegal confidence games and gambling, pick-  
28 pocketing, engaging in unlicensed and illegal commerce, approaching pedestrians for

1 donations or photographs, holding signs, and loitering with pets thereby either exploiting  
 2 captive audiences or congesting pedestrian flow zones thereby contributing to the creation of  
 3 captive audiences).

4 Discovery is ongoing and Defendant Clark County reserves the right to supplement  
 5 the instant Answer as additional information becomes available in the course of discovery.

6 INTERROGATORY NO. 4:

7 DEFINE the term "stop" as used in Clark County Code § 16.13.030, including  
 8 IDENTIFYING ANY circumstance or activity where a person would be allowed to cease  
 9 moving on a PEDESTRIAN BRIDGE without violating Clark County Code§ 16.13.030 and  
 10 confirming whether a person would be allowed to cease moving on a PEDESTRIAN BRIDGE  
 11 to engage in:

- 12 • "incidental and fleeting viewing of the Las Vegas Strip from the pedestrian bridge" as  
 13 stated in Clark County Code§ 16.13.010;
- 14 • "brief or insubstantial variations in movement" as stated in DEFENDANT Clark  
 15 County's Motion to Dismiss Plaintiffs Complaint, ECF No. 9, 15:22; and
- 16 • "taking photographs" as stated in DEFENDANT Clark County's Motion to Dismiss  
 17 Plaintiffs Complaint, ECF No. 9, 15:2-3.

18 ANSWER:

19 Objection. The instant Interrogatory is compound with discrete subparts. Defendant  
 20 further objects to the extent that Plaintiffs' Interrogatory calls for legal conclusions. The  
 21 instant Interrogatory is further objectionable to the extent that it calls for a line-by-line  
 22 explanation of an ordinance and/or the plain meaning and common definition of words equally  
 23 available to both parties. Defendant further objects to the extent the instant Interrogatory seeks  
 24 to impermissibly establish legislators' subjective motives or opinions protected under the  
 25 deliberative process and legislative privileges in First Amendment challenges such is the  
 26 instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984).  
 27 Inquiries for First Amendment purposes are strictly limited to the facial effect of the ordinance  
 28 upon freedom of expression, not upon the legislative bodies' subjective intent or individual

1 legislators' subjective understanding of the language of an ordinance absent objective  
2 indicators of illicit purpose which are not present here. *Id*; see also *Colacurcio v. City of Kent*,  
3 163 F.3d 545, 552 (9th Cir. 1998). Defendant further objects to the extent the instant  
4 Interrogatory is overly broad and unduly burdensome as it requires Clark County to  
5 "IDENTIFY[...] ANY circumstance or activity." Without waiving the foregoing objections  
6 and subject to the same, Defendant answers as follows:

7       The term "stop" as used in Clark County Code § 16.13.010 is undefined in Clark  
8 County Code and should be attributed its plain meaning by the Court as a matter of law. Clark  
9 County cannot define a term where no definition has been provided by its legislative body, the  
10 Clark County Board of County Commissioners, as each commissioner's understanding of the  
11 term is subjective and not discoverable in facial First Amendment challenges. To the extent it  
12 is responsive to Plaintiffs' Interrogatory, Clark County directs Plaintiffs to the language of the  
13 ordinance and the legislative record disclosed in Defendant Clark County's Initial Disclosure  
14 and Production of Documents per FRCP 26(a)(1) and all supplements thereto including, but  
15 not limited to bates CC 001 to CC 032, CC 033 to CC 070, CC 071 to CC 126, CC 127 to CC  
16 131, CC 132 to CC 139, CC 140 to CC 145, CC 824 to CC 973, CC 974 to CC 1163, CC 1164  
17 to CC 1206, CC 1207 to CC 1383, CC 1405 to CC 1418, CC 1419 to CC 1427, CC 1428 to  
18 CC 1437, and CC 1438 to CC 1446 and any dictionaries as may be appropriate.

19       Furthermore, the discrete subparts of the instant Interrogatory as it pertains to  
20 enforcement of the ordinance constitute incomplete hypotheticals which require speculation  
21 on the part of Clark County as it is not the entity tasked with enforcing laws. While the  
22 legislative record makes clear that the Clark County Commissioners passed CCC § 16.13.030  
23 with the anticipation that LVMPD would exercise its discretion in enforcing the subject  
24 ordinance fairly and with a priority on educating and obtaining voluntary compliance from  
25 residents and visitors, each application of CCC § 16.13.030 would need to be evaluated on its  
26 own merits, by the Court, to determine if it was applied by LVMPD constitutionally in "as  
27 applied" challenges and Clark County declines to speculate about potential applications of  
28 CCC § 16.13.030 based on incomplete and hypothetical facts.



1 Discovery is ongoing and Defendant Clark County reserves the right to supplement the  
2 instant Answer as additional information becomes available in the course of discovery.

3 INTERROGATORY NO. 5:

4 IDENTIFY ALL FACTS YOU were aware of at the time of the passage of Clark  
5 County Code § 16.13.030 that a prohibition on stopping or standing on the PEDESTRIAN  
6 BRIDGES would "ensur[e] public safety" as stated in Clark County Code§ 16.13.010.

7 ANSWER:

8 Objection. The instant Interrogatory seeks to impermissibly establish legislators'  
9 subjective motives or opinions protected under the deliberative process and legislative  
10 privileges in First Amendment challenges such is the instant case. *See, e.g., City of Las Vegas*  
11 *v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). Inquiries for First Amendment purposes are  
12 strictly limited to the facial effect of the ordinance upon freedom of expression, not upon the  
13 legislative bodies' subjective intent or individual legislators' subjective understanding of the  
14 language of an ordinance absent objective indicators of illicit purpose which are not present  
15 here. *Id*; *see also Colacurcio v. City of Kent*, 163 F.3d 545, 552 (9th Cir. 1998). Defendant  
16 further objects to the extent the instant request is vague and ambiguous as to time and is overly  
17 broad and unduly burdensome as it seeks identification of "ALL FACTS." Defendant further  
18 objects that the instant Interrogatory is not reasonably calculated to lead to the discovery of  
19 admissible evidence. Defendant further objects that the instant Interrogatory is not  
20 proportional to the needs of the case. Without waiving the foregoing objection and subject to  
21 the same, Defendant answers as follows:

22 Clark County cannot possibly ascertain all facts known to its employees, staff, and the  
23 Clark County Board of County Commissioners nor does it have a duty to disclose the same,  
24 as each commissioner's subjective understanding and communications with staff regarding  
25 the drafting of the ordinance are not discoverable in facial First Amendment challenges such  
26 as this or admissible for consideration. To the extent it is responsive to Plaintiffs'  
27 Interrogatory, Clark County directs Plaintiffs to the legislative record and pedestrian bridge  
28 studies and manuals disclosed in Defendant Clark County's Initial Disclosure and Production



1 of Documents per FRCP 26(a)(1) and all supplements thereto including, but not limited to,  
2 bates CC 001 to CC 032, CC 033 to CC 070, CC 071 to CC 126, CC 127 to CC 131, CC 132  
3 to CC 139, CC 140 to CC 145, CC 253 to CC 823, CC 824 to CC 973, CC 974 to CC 1163,  
4 CC 1164 to CC 1206, CC 1207 to CC 1383, CC 1405 to CC 1418, CC 1419 to CC 1427, CC  
5 1428 to CC 1437, and CC 1438 to CC 1446.

6 Discovery is ongoing and Defendant Clark County reserves the right to supplement the  
7 instant Answer as additional information becomes available in the course of discovery.

8 INTERROGATORY NO. 6:

9 IDENTIFY ALL FACTS supporting YOUR claim that at the time of the passage of  
10 Clark County Code § 16.13.030 there were "significant public safety and pedestrian traffic  
11 flow problems caused by the ever-increasing pedestrian congestion on the pedestrian bridges"  
12 as stated in DEFENDANT Clark County's Response to Plaintiffs Motion for Preliminary  
13 Injunction and Motion for Temporary Restraining Order, ECF No. 10, 18:19-21.

14 ANSWER:

15 Objection. The instant Interrogatory calls for a legal conclusion. Defendant further  
16 objects that instant Interrogatory seeks to impermissibly establish legislators' subjective  
17 motives, opinions or knowledge protected under the deliberative process and legislative  
18 privileges in First Amendment challenges such is the instant case. *See, e.g., City of Las Vegas*  
19 *v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). Inquiries for First Amendment purposes are  
20 strictly limited to the facial effect of the ordinance upon freedom of expression, not upon the  
21 legislative bodies' subjective intent or individual legislators' subjective understanding of the  
22 language of an ordinance absent objective indicators of illicit purpose which are not present  
23 here. *Id; see also Colacurcio v. City of Kent*, 163 F.3d 545, 552 (9th Cir. 1998). Defendant  
24 further objects to the extent the instant request is vague and ambiguous as to time and is overly  
25 broad and unduly burdensome as it seeks identification of "ALL FACTS." Defendant further  
26 objects that the instant Interrogatory is not reasonably calculated to lead to the discovery of  
27 admissible evidence. Defendant further objects that the instant Interrogatory is not  
28

1 proportional to the needs of the case. Without waiving the foregoing objection and subject to  
2 the same, Defendant answers as follows:

3 Clark County cannot possibly ascertain all facts known to its employees, staff, and the  
4 Clark County Board of County Commissioners nor does it have a duty to disclose the same,  
5 as each commissioner's subjective understanding and communications with staff regarding  
6 the drafting of the ordinance are not discoverable in facial First Amendment challenges such  
7 as this. To the extent it is responsive to Plaintiffs' Interrogatory, Clark County directs Plaintiffs  
8 to the legislative record and pedestrian bridge studies and manuals disclosed in Defendant  
9 Clark County's Initial Disclosure and Production of Documents per FRCP 26(a)(1) and all  
10 supplements thereto including, but not limited to, bates CC 001 to CC 032, CC 033 to CC 070,  
11 CC 071 to CC 126, CC 127 to CC 131, CC 132 to CC 139, CC 140 to CC 145, CC 253 to CC  
12 823, CC 824 to CC 973, CC 974 to CC 1163, CC 1164 to CC 1206, CC 1207 to CC 1383, CC  
13 1405 to CC 1418, CC 1419 to CC 1427, CC 1428 to CC 1437, and CC 1438 to CC 1446.

14 Discovery is ongoing and Defendant Clark County reserves the right to supplement the  
15 instant Answer as additional information becomes available in the course of discovery.

16 INTERROGATORY NO. 7:

17 IDENTIFY ALL actions YOU undertook before the enactment of Clark County Code  
18 § 16.13.030 to reduce the "pedestrian traffic flow problems" caused by "pedestrian congestion  
19 on the pedestrian bridges" as stated in DEFENDANT Clark County's Response to Plaintiffs  
20 Motion for Preliminary Injunction and Motion for Temporary Restraining Order, ECF No. 10,  
21 18:19-21.

22 ANSWER:

23 Objection. The instant Interrogatory is objectionable to the to the extent it presupposes  
24 that Clark County or the Clark County Board of County Commissioners had a duty to take  
25 action to reduce "pedestrian traffic flow problems" or attempt to employ alternative solutions  
26 for "pedestrian traffic flow problems" prior to the enactment of Clark County Code §  
27 16.13.030. Defendant further objects that the instant Interrogatory is overly broad and unduly  
28 burdensome as it seeks to require Defendant to identify "ALL actions" of it and its employees

1 and commissioners. Defendant further objects that the instant Interrogatory is vague and  
2 ambiguous as to time. Defendant further objects that the subject information is a matter of  
3 public record and is equally available to both parties. The instant Interrogatory is further  
4 objectionable as it is not proportional to the needs of the case. Without waiving the foregoing  
5 objections and subject to the same, Defendant answers as follows:

6 To the extent it is responsive to Plaintiffs' Interrogatory, Clark County directs Plaintiffs  
7 to the legislative record and pedestrian bridge studies and manuals disclosed in Defendant  
8 Clark County's Initial Disclosure and Production of Documents per FRCP 26(a)(1) and all  
9 supplements thereto including, but not limited to, bates CC 001 to CC 032, CC 033 to CC 070,  
10 CC 071 to CC 126, CC 127 to CC 131, CC 132 to CC 139, CC 140 to CC 145, CC 253 to CC  
11 823, CC 824 to CC 973, CC 974 to CC 1163, CC 1164 to CC 1206, CC 1207 to CC 1383, CC  
12 1405 to CC 1418, CC 1419 to CC 1427, CC 1428 to CC 1437, and CC 1438 to CC 1446.

13 The aforementioned record confirms that for decades the State of Nevada and Clark  
14 County have conducted studies on pedestrian traffic and safety and have taken affirmative  
15 steps to improve the flow of traffic and to protect pedestrians by, among other things, removing  
16 obstructions, improving lighting, widening sidewalks, increasing shade, adding traffic  
17 bollards, changing to more pedestrian-friendly infrastructure, constructing pedestrian bridges,  
18 enacting ordinances, and considering enacting potential legislation to further these aims. The  
19 enactment of Clark County Code § 16.13.030 is only the latest step in a long history of action  
20 aimed at reducing pedestrian traffic flow problems on the Las Vegas Strip and Resort Corridor  
21 by Nevada governmental entities to promote public safety and support the economic viability  
22 of Nevada's primary tourist destination.

23 Discovery is ongoing and Defendant Clark County reserves the right to supplement the  
24 instant Answer as additional information becomes available in the course of discovery.

25 INTERROGATORY NO. 8:

26 DESCRIBE the original "parameters for the pedestrian bridge design" as referenced in  
27 Clark County Code§ 16.13.010, including but not limited to IDENTIFYING ALL of the  
28 original parameters, IDENTIFYING ALL FACTS relied upon to determine the original

1 parameters, IDENTIFYING ALL individuals involved in the creation of the original  
2 parameters, IDENTIFYING how the original parameters had been enforced before Clark  
3 County Code § 16.13.030 was enacted, and IDENTIFYING ANY DOCUMENT, along with  
4 ANY relevant page and line citation, that DESCRIBES the original parameters for the  
5 PEDESTRIAN BRIDGES.

6 ANSWER:

7       Objection. Defendant objects to the extent that Plaintiffs' Interrogatory calls for legal  
8 conclusions and is comprised of discrete subparts. The instant Interrogatory is further  
9 objectionable to the extent that it calls for a line-by-line explanation of an ordinance and/or  
10 the plain meaning and common definition of words equally available to both parties.  
11 Defendant further objects to the extent the instant Interrogatory seeks to impermissibly  
12 establish legislators' subjective motives, opinions or knowledge protected under the  
13 deliberative process and legislative privileges in First Amendment challenges such is the  
14 instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984).  
15 Inquiries for First Amendment purposes are strictly limited to the facial effect of the ordinance  
16 upon freedom of expression, not upon the legislative bodies' subjective intent or individual  
17 legislators' subjective understanding of the language of an ordinance absent objective  
18 indicators of illicit purpose which are not present here. *Id; see also Colacurcio v. City of Kent*,  
19 163 F.3d 545, 552 (9th Cir. 1998). Defendant further objects to the extent the instant  
20 Interrogatory is overly broad and unduly burdensome as it requires Clark County to  
21 "IDENTIFY[...] ALL FACTS." Clark County further objects to the extent the instant  
22 Interrogatory is premature and seeks expert testimony. An expert report will be disclosed in  
23 accordance with the Discovery Plan and Scheduling Order in effect in the instant case. Without  
24 waiving the foregoing objections and subject to the same, Defendant answers as follows:

25       To the extent it is responsive to Plaintiffs' Interrogatory, Clark County directs Plaintiffs  
26 to the legislative record and pedestrian bridge studies and manuals disclosed in Defendant  
27 Clark County's Initial Disclosure and Production of Documents per FRCP 26(a)(1) and all  
28 supplements thereto including, but not limited to, bates CC 987 ("Amend the relevant

1 provisions of Chapter 16.11 to clarify that pedestrian bridges are for the prompt and safe  
2 movement of pedestrians and that, like crosswalks, stopping and standing on pedestrian  
3 bridges are prohibited.”), CC 1118 (“The pedestrian bridges have constrained widths and are  
4 an integral part of the pedestrian walkway system. Based upon the observed pedestrian  
5 volumes, and walkway LOS, it is appropriate to designate the pedestrian bridges as no-  
6 obstruction zones. Pedestrian bridges should be maintained free of any obstructions, including  
7 obstructions like trash enclosures. In addition the areas on and around stair landings, elevator  
8 waiting areas, along with escalator approach and departure landing zones should also be  
9 maintained free of any obstructions.”), CC 1118 (“Pedestrian bridge escalators and elevators  
10 should be maintained with a schedule that provides a high reliability of service. It is important  
11 to have these facilities be fully operational during holiday weekends. The capacity of the  
12 pedestrian bridges is severely impacted when the escalators are not functioning.”), CC 1122  
13 (“Study the feasibility of a pedestrian bridge at this location to eliminate the at-grade  
14 pedestrian crossing.”), CC 1197 (“Pedestrian bridges should be maintained free of any  
15 obstructions, as well as escalator and elevator approach, and departure landing zones. It is  
16 appropriate at times to designate pedestrian bridges as no-obstruction zones”), CC 1199  
17 (“Construct pedestrian bridge systems to eliminate at-grade pedestrian crossings at locations  
18 with high demand.”), CC 1334 (“The pedestrian bridges are an integral part of the pedestrian  
19 walkway system, but have constrained widths. Based upon the observed pedestrian volumes  
20 and walkway LOS, it is appropriate at times to designate pedestrian bridges as no-obstruction  
21 zones. Pedestrian bridges should be maintained free of any obstructions, whether permanent  
22 or non-permanent in nature. In addition, the areas on and around stair landings, elevator  
23 waiting areas, as well as escalator approach, and departure landing zones should also be  
24 maintained free of any obstructions (permanent or nonpermanent).”), CC 1335 (“Construct  
25 pedestrian bridge systems to eliminate at-grade pedestrian crossings in compliance with the  
26 adopted Transportation Element of the Clark County Master Plan.”), CC 1335 (“Coordinate  
27 with the Nevada Department of Transportation (NDOT) to remove trash enclosures located on  
28 existing pedestrian bridges.”), etc.

1 Discovery is ongoing and Defendant Clark County reserves the right to supplement the  
2 instant Answer as additional information becomes available in the course of discovery.

3 INTERROGATORY NO. 9:

4 IDENTIFY ALL FACTS YOU were aware of at the time of the passage of Clark  
5 County Code § 16.13.030 that "pedestrian bridges create a unique opportunity for criminal  
6 disorder" as stated in Clark County Code § 16.13.010, including but not limited to:

- 7 • DESCRIBING how "a sidewalk . . . has a greater ability to avoid disorder" than the  
8 PEDESTRIAN BRIDGES as stated in Clark County Code § 16.13.010;
- 9 • DESCRIBING how YOU monitor instances of criminal disorder on PEDESTRIAN  
10 BRIDGES and grade-level sidewalks;
- 11 • DESCRIBING how YOU determined the difference between "calls for law  
12 enforcement services" and "service calls for disorderly offenses" as stated in Clark  
13 County Code §16.13.010; and
- 14 • IDENTIFYING ANY DOCUMENT, along with ANY relevant page and line citation,  
15 that DESCRIBES the increased likelihood of criminal disorder occurring on the  
16 PEDESTRIAN BRIDGES.

17 ANSWER:

18 Objection. Defendant objects to the extent that Plaintiffs' Interrogatory calls for legal  
19 conclusions and is comprised of discrete subparts. The instant Interrogatory is further  
20 objectionable to the extent that it calls for a line-by-line explanation of an ordinance and/or  
21 the plain meaning and common definition of words equally available to both parties.  
22 Defendant further objects to the extent the instant Interrogatory seeks to impermissibly  
23 establish legislators' subjective motives, opinions or knowledge protected under the  
24 deliberative process and legislative privileges in First Amendment challenges such is the  
25 instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984).  
26 Inquiries for First Amendment purposes are strictly limited to the facial effect of the ordinance  
27 upon freedom of expression, not upon the legislative bodies' subjective intent or individual  
28 legislators' subjective understanding of the language of an ordinance absent objective

1 indicators of illicit purpose which are not present here. *Id*; see also *Colacurcio v. City of Kent*,  
2 163 F.3d 545, 552 (9th Cir. 1998). Defendant further objects to the extent the instant  
3 Interrogatory is overly broad and unduly burdensome as it requires Clark County to  
4 “IDENTIFY ALL FACTS.” Clark County further objects to the extent the instant  
5 Interrogatory is premature and seeks expert testimony. An expert report will be disclosed in  
6 accordance with the Discovery Plan and Scheduling Order in effect in the instant case. Without  
7 waiving the foregoing objections and subject to the same, Defendant answers as follows:

8 To the extent it is responsive to Plaintiffs’ Interrogatory, Clark County directs Plaintiffs  
9 to the legislative record and pedestrian bridge studies and manuals disclosed in Defendant  
10 Clark County’s Initial Disclosure and Production of Documents per FRCP 26(a)(1) and all  
11 supplements thereto including, but not limited to, bates CC 001 to CC 032, CC 033 to CC 070,  
12 CC 071 to CC 126, CC 127 to CC 131, CC 132 to CC 139, CC 140 to CC 145, CC 824 to CC  
13 973, CC 974 to CC 1163, CC 1164 to CC 1206, CC 1207 to CC 1383, CC 1405 to CC 1418,  
14 CC 1419 to CC 1427, CC 1428 to CC 1437, and CC 1438 to CC 1446.

15 In regard to the discrete subparts contained in Plaintiffs’ instant Interrogatory, the  
16 legislative record and public documents cited support the following responses:

- 17 • Sidewalks are better able to avoid disorder because of their structural  
18 differences. In cases of panic or disorder, pedestrians on the street level may  
19 avoid hazards by stepping into the adjacent road or landscaping or by entering  
20 one of any number of properties abutting the street; whereas with pedestrian  
21 bridges, which feature structural choke points, constrained widths, and highly  
22 elevated above-ground construction, avoiding panic, disorder and harm are  
23 substantially more difficult.
- 24 • Defendant periodically conducts traffic surveys and studies of traffic on the Las  
25 Vegas Strip to assess the sufficiency of resources and infrastructure and to  
26 receive recommendations for potential ways to improve traffic flows and safety  
27 on the Las Vegas Strip. Defendant also periodically receives presentations from  
28 LVMPD about the state of criminal disorder on the Las Vegas Strip.



- The instant discrete subpart of the Interrogatory seeks to impermissibly establish legislators' subjective motives, opinions or knowledge protected under the deliberative process and legislative privileges in First Amendment challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984).
- *See* the legislative record cited above; particularly at bates CC 071 to CC 126, CC 127 to CC 131, CC 132 to CC 139, CC 140 to CC 145, and CC 1428 to CC 1437.

Discovery is ongoing and Defendant Clark County reserves the right to supplement the instant Answer as additional information becomes available in the course of discovery.

The foregoing Answers to Plaintiffs' Interrogatories are made in response to questions for legal conclusions and/or information based on the face of the legislative history, public record, and the language of the subject ordinance and, accordingly, no separate verification is provided.

DATED this 14<sup>th</sup> day of November, 2024.

STEVEN B. WOLFSON  
DISTRICT ATTORNEY

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**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 14<sup>th</sup> day of November, 2024, I served a true and correct copy of the foregoing **DEFENDANT CLARK COUNTY'S ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES** (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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