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 NEVADA RESORT ASSOCIATION

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 11 LISA MCALLISTER, an individual;
 12 BRANDON SUMMERS, an individual;
 13 JORDAN POLOVINA, an individual,

14 Plaintiffs,

15 v.

16 17 CLARK COUNTY, a political subdivision
 of the state of Nevada,

Defendant.

CASE NO. 2:24-cv-00334-JAD-NJK

**MOTION FOR LEAVE TO FILE BRIEF
 OF AMICUS CURIAE, NEVADA RESORT
 ASSOCIATION, IN SUPPORT OF
 DEFENDANT CLARK COUNTY,
 NEVADA'S MOTION FOR SUMMARY
 JUDGMENT**

18 Nevada Resort Association (“NRA”—the primary advocacy voice for Nevada’s gaming
 19 and resort industry—comes now as amicus curiae, by and through its counsel of record, Brownstein
 20 Hyatt Farber Schreck, LLP, and moves this Honorable Court for an order granting this Motion for
 21 Leave to File Brief as Amicus Curiae in Support of Defendant Clark County, Nevada’s Motion for
 22 Summary Judgment (“Motion”), thereby allowing it to file the Amicus Brief (the “Proposed Brief”),
 23 attached as **Exhibit A**, in the above-captioned case.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

NRA is uniquely situated to aid this Court for three reasons. *First*, NRA has been intimately involved in Defendant Clark County, Nevada’s (“Clark County”) efforts to ensure public safety and the economic viability of the Resorts Corridor,¹ and specifically with respect to the public safety concerns arising with pedestrian bridges. This includes NRA’s participation in the Resorts Corridor Workgroup, which was founded in 2011 to share recommendations with the Clark County Board of Commissioners (the “Board”) related to possible amendments to the Code related to safety issues on the pedestrian bridges. NRA also participated in the public comment period for the proposed bill to amend Clark County Code (“CCC”) 16.11.020 and 16.11.040 in 2021, which was not enacted, but was a stepping stone for the later enactment of CCC 16.13.010–.050 (the “Ordinance”).

Second, NRA participated in the public comment period of the Ordinance at issue. As a public comment participant, NRA reviewed and summarized research into the unique dangers to public safety on pedestrian bridges and its own data on tourist demand relevant to a tourist's perception of safety. As a result, NRA has firsthand knowledge and experience that supports the need for and purpose of the Ordinance, as well as the regulatory history.

Third, NRA's expertise includes how tourist safety and regulation of the tourism industry impacts Nevada's economic wellbeing. Consideration of the primary issues here will require this Court to determine Clark County's significant government interest and whether the Ordinance is narrowly tailored and provides ample alternatives to speech. NRA can aptly provide insight on the government's economic interests in tourism safety, as well as how the unique issues of pedestrian bridge safety affect the Resorts Corridor.

¹ The “Resorts Corridor” refers to a statutorily defined area of the City of Las Vegas, the Town of Paradise and unincorporated Clark County Crime Prevention Act of 2016, Chpt. 1, Statutes of Nev., §§ (30th Special Session 2016).

1 Accordingly, NRA respectfully requests that this Court grant the Motion and allow it to file
 2 its Brief of Amicus Curiae in Support of Clark County's Motion for Summary Judgment, attached
 3 to this Motion as **Exhibit A**.

4 **II. FACTUAL BACKGROUND²**

5 In 2011, the Board established a Resorts Corridor Workgroup, consisting of gaming
 6 industry executives, tourism experts, and law enforcement representatives, along with other
 7 participants such as NRA, who were tasked with "examin[ing] issues relating to the" Resorts
 8 Corridor and "develop[inig] a set of recommendations" for the Board's consideration.³ In March
 9 2012, the Resorts Corridor Workgroup shared their recommendations with the Board, including the
 10 recommendations, with respect to CCC Chapter 16.11, to: (1) "[r]evisit the criteria for the current
 11 designations of 'no obstruction zones' and renew the enforcement of the 'no obstruction zones' that
 12 still meet the criteria" and (2) "[a]mend the relevant provisions of Chapter 16.11 to clarify that
 13 pedestrian bridges are for the prompt and safe movement of pedestrians and that, like crosswalks,
 14 stopping and standing on pedestrian bridges are prohibited."⁴

15 In 2021, a proposed bill to amend CCC 16.11.020 and 16.11.040 was introduced to the
 16 Board, which, in relevant part, would have amended the definition of "crosswalk" to include
 17 "pedestrian overpass[es]," which would have forbidden "obstructive use" of the pedestrian bridges,
 18 such as "[o]bstructing, delaying, hindering, blocking, hampering or interfering with pedestrian
 19 passage" and "[p]lacing, erecting or maintaining an unpermitted table, chair, booth or other
 20 structure" (the "2022 Proposed Ordinance").⁵ During the Board's consideration of the 2022

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 24 ² NRA provides limited background with respect to NRA's involvement with respect to its support
 25 of Clark County's efforts to ensure public safety and the economic viability of the Resorts Corridor,
 26 specifically with respect to the pedestrian bridges.

27 ³ Agenda Item Development Report, Off. of the Cnty. Manager for Clark Cnty., Nev., dated Mar.
 28 27, 2012, attached to the Proposed Brief as **Exhibit 4**.

27 ⁴ Ex. 4, Agenda Item Development Report.

28 ⁵ Bill to Amend Title 16, Chapter 16.11, Sections 16.11.020 and 16.11.040 of the Clark County
 29 Code, dated Apr. 11, 2022, attached to the Proposed Brief as **Exhibit 10**.

1 Proposed Ordinance, the Board heard testimony from Virginia Valentine, on behalf of NRA, also
 2 testified before the Board about the 2022 Proposed Ordinance.⁶

3 While the 2022 Proposed Ordinance did not proceed to a vote, a new bill, which was later
 4 adopted (i.e., the Ordinance), proposing to add a new Chapter 16.13 to address the obstruction
 5 issues on the pedestrian bridges in the Resorts Corridor was introduced to the Board on November
 6 21, 2023.⁷ During the hearings on the Ordinance, the Board (i) received a letter from NRA, which
 7 attached the written report from Dr. William Sousa, a professor in the Department of Criminal
 8 Justice at UNLV and the Director of UNLV's Center for Crime and Justice Policy, which discussed
 9 the unique public safety concerns arising from pedestrian traffic on the bridges spanning the Las
 10 Vegas Strip, and (ii) heard testimony from Ms. Valentine, on behalf of NRA, in support of the
 11 Ordinance.⁸

12 In its letter, NRA highlighted how, in our unique economy, “[e]very citizen of this State
 13 benefits from (and many depend on) [the] collective success” of the gaming resort industry.⁹ To
 14 illustrate, NRA summarized recent events, such as the financial crisis of 2008 and the Covid-19
 15 pandemic, to illustrate how a reduced demand in tourism affects “not just investors but also the
 16 thousands of Nevadans employed directly and indirectly in the tourism industry.”¹⁰

17 NRA then shared its institutional knowledge on how tourist safety, and the tourist’s
 18 perception of how safe it is to visit the Las Vegas Strip, impacts the State’s economy as a whole,
 19 considering “the tourism industry is the single largest contributor to the State’s general fund, [and]
 20 our public safety, education, healthcare, and other infrastructure depend on its success.”¹¹ NRA
 21

22 ⁶ ECF No. 103-11 (Ex. J), Excerpt from Clark Cnty. Bd. of Comm’rs Regular Minutes, at CC 4004–
 23 05, dated May 3, 2022 May 3, 2022, Comm’rs Minutes, at CC 4004–05 (testimony from Virginia
 24 Valentine).

25 ⁷ Clark Cnty. Bd. of Comm’rs, Agenda Item No. 68, dated Nov. 21, 2023, attached to the Proposed
 26 Brief as **Exhibit 12**.

27 ⁸ ECF No. 103-20 (Ex. R), Letter from NRA, dated Dec. 4, 2023; ECF No. 103-18 (Ex. P), Report
 28 of Dr. William Sousa; ECF No. 103-19 (Ex. Q), Jan. 2, 2024, Comm’rs Minutes, at CC 106–07
 (testimony from Virginia Valentine).

⁹ ECF No. 103-20 (Ex. R), Letter from NRA, at CC 127.

¹⁰ *Id.*

¹¹ *Id.* at CC 128.

1 reported that the gaming resort industry's "concerns are steadily increasing regarding the
 2 willingness of guests to return to Las Vegas if they do not feel safe or have bad experiences."¹²

3 NRA reported its concerns were increasing, in part, because "[c]rime reported on the
 4 [pedestrian] bridges is roughly twice that of sidewalks even though the bridges represent a very
 5 small portion of the overall sidewalk system."¹³ NRA shared its experience that "[v]isitors and
 6 guests report that they are afraid to use the bridges and are witnessing crime, being on fronted with
 7 lewd acts, unsanitary conditions, and a gauntlet of illegal confidence games and vendors."¹⁴
 8 Further, NRA outlined that a tourist's perception of danger can be just as harmful and dangerous
 9 to tourist safety, describing an incident where a broken window at a resort valet station ended with
 10 understandably skittish tourists rushing across the pedestrian bridges in an attempt to self-
 11 evacuate.¹⁵

12 On January 2, 2024, the Board met and passed the Ordinance, thereby creating Pedestrian
 13 Flow Zones on pedestrian bridges over the Las Vegas Strip under CCC 16.13.¹⁶ In order "[t]o
 14 maintain the safe and continuous movement of pedestrian traffic," the Ordinance, under CCC
 15 16.13.030, made it "unlawful for any person to stop or stand within any Pedestrian Flow Zone" or,
 16 with the requisite intent, cause another person to do so.¹⁷ The Ordinance also included its "Purpose"
 17 under CCC 16.13.010, which includes many of the same tourist and employee safety concerns NRA
 18 raised in its supporting letter.

19 **III. PROCEDURAL BACKGROUND**¹⁸

20 Shortly after the Pedestrian Flow Zones were created, on February 16, 2024, Plaintiffs filed
 21 their Complaint to challenge the new Ordinance, alleging that specifically CCC 16.13.030, is

22 ¹² *Id.* at CC 128.

23 ¹³ *Id.*

24 ¹⁴ *Id.* at CC 129.

25 ¹⁵ ECF No. 103-19 (Ex. Q), Jan. 2, 2024, Comm'r's Minutes, at CC 109 (testimony from Mitchell
 26 Langberg).

27 ¹⁶ CCC 16.13.010-.050, attached to the Proposed Brief as **Exhibit 13**; *see also* ECF No. 61, at 10
 28 n.2.

¹⁷ Ex. 13, CCC 16.13.030.

¹⁸ NRA only details the procedural background as relevant to NRA's participation here.

1 unconstitutional under the First and Fourteenth Amendments to the United States Constitution and
 2 corresponding Articles of the Nevada State Constitution and violates the Americans with
 3 Disabilities Act.¹⁹

4 Shortly thereafter, Plaintiffs moved for a temporary restraining order and preliminary
 5 injunction, seeking to enjoin Clark County from enforcing the Ordinance.²⁰ Clark County then
 6 moved to dismiss the Complaint.²¹ On March 14, 2024, NRA moved for leave to file its initial
 7 Amicus Brief in support of Clark County, which Plaintiffs did not substantively oppose.²² This
 8 Court granted NRA's motion, allowing it to file its initial Amicus Brief, with the caveat that it was
 9 construed to support Clark County's opposition to Plaintiffs' motions for injunctive relief.²³
 10 Following a hearing on June 5, 2024,²⁴ this Court entered its order denying injunctive relief and
 11 granting dismissal in part (the "Order").²⁵

12 On January 6, 2025, Plaintiffs filed their First Amended Complaint.²⁶ Pursuant to a
 13 stipulation, the parties agreed to extend the time to file dispositive motions to December 11, 2025.²⁷

14 **IV. LEGAL AUTHORITY**

15 While the District of Nevada's Local Rules do not outline the process for amicus
 16 participation, this Court "may grant leave to appear as an amicus if the information offered is
 17 'timely and useful.'" *Long v. Coast Resorts, Inc.*, 49 F. Supp. 2d 1177, 1178 (D. Nev. 1999) (citing
 18 *Waste Management of Pa., Inc. v. City of York*, 162 F.R.D. 34, 35 (M.D.Pa.1995)). The primary
 19 reason to allow amicus curiae briefing is to offer insights not available from the parties to aid the
 20 Court. *Pratt v. Indian River Cent. Sch. Dist.*, No. 7:09-CV-0411-GTSGHL, 2010 WL 11681606,

21 ¹⁹ ECF No. 1.

22 ²⁰ ECF Nos. 4–5.

23 ²¹ ECF No. 9.

24 ²² ECF No. 11; *see also* ECF No. 16 (non-opposition to NRA's motion for leave to file the initial
 Amicus Brief).

25 ²³ ECF No. 22.

26 ²⁴ ECF No. 49.

27 ²⁵ ECF No. 51.

28 ²⁶ ECF No. 61.

²⁷ ECF No. 96.

1 at *3 (N.D.N.Y. Dec. 6, 2010). This is especially true in cases involving matters of public interest.
 2 *See* 4 Am.Jur.2d *Amicus Curiae* § 3 (updated May 2007).

3 **A. NRA's Proposed Brief is Useful to the Court and Involves a Matter of Public
 4 Interest.**

5 As an organization, and as a participant in the public comment period, NRA is uniquely
 6 qualified to help the Court understand the background of this case as well as the significant
 7 government interest at stake in tourist safety and its effect on Nevada's economy. NRA was
 8 established in 1965 to represent and advocate for one of Nevada's most vital economic sectors—
 9 the gaming resort industry. But NRA is more than an advocacy organization, it also is a repository
 10 of information on how Nevada law has affected tourism and the gaming resort industry, going all
 11 the way back to 1864. NRA also collects contemporary data from experts, such as annual trends
 12 in visitor volume, as well as those visitors' use of Nevada infrastructure. Further, NRA keeps
 13 detailed information on the economic impact of tourism on the State by tracking indicators such as
 14 gaming resort industry employment rates, individual health insurance coverage rates, economic
 15 recovery, capital investment, and education.

16 On the topic of tourism demand and its economic impact to the State, NRA has significant
 17 expertise. The gaming resort industry is responsible for 35% of Nevada's general fund revenue. It
 18 is the largest employer in Nevada, with more than 365,800 jobs sourced to resorts. The industry
 19 and its guests are responsible for more than \$90 billion in total economic impact. The gaming
 20 industry's total economic impact was \$90.7 billion in 2022, which has since increased to \$98 billion
 21 in 2024. It is also employs about 28% of the State's total employees.

22 As can be seen from Nevada's recent history, when tourists feel unease about their
 23 wellbeing, tourism demand declines and Nevadans suffer. Recent visitors to Las Vegas have
 24 reported to NRA members that they are afraid to use our pedestrian bridges because they are
 25 witnessing crimes, encountering lewd acts, are passing unsanitary conditions, and being confronted
 26 by a gauntlet of illegal confidence games and vendors when they cross. NRA shared a summary
 27 of these visitors' concerns with the Board.

28 Accordingly, NRA has substantial knowledge and experience to aid this Court in

1 determining whether Clark County had significant government interests in creating the Pedestrian
 2 Flow Zones—both in public safety and in sustaining the economic benefits to Nevada that come
 3 from tourism.

4 **V. CONCLUSION**

5 As NRA's attached Proposed Brief provides useful and timely information to this Court for
 6 resolving the above-captioned dispute, NRA respectfully requests this Court grant its Motion for
 7 Leave to File Brief as Amicus Curiae in Support of Defendant Clark County's Motion for Summary
 8 Judgment.

9 DATED: December 22, 2025

10
 11 BROWNSTEIN HYATT FARBER SCHRECK, LLP

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2025, I caused a true and correct copy of the foregoing **MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE, NEVADA RESORT ASSOCIATION, IN SUPPORT OF DEFENDANT CLARK COUNTY, NEVADA'S MOTION FOR SUMMARY JUDGMENT** to be filed and served to all parties of record through the Nevada District Court's e-filing system.

/s/ Wendy Cosby
An employee of Brownstein Hyatt Farber
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INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION
A	Brief of Amicus Curiae, Nevada Resort Association, in Support of Defendant Clark County, Nevada's Motion for Summary Judgment

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