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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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

Plaintiffs,

vs.

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

Defendant.

Case No.: 2:24-cv-00334

**PLAINTIFFS' RESPONSE TO
DEFENDANT STEVEN B. WOLFSON'S
SUBSTANTIVE JOINDER TO CLARK
COUNTY'S MOTION FOR SUMMARY
JUDGMENT AND MOTION TO DISMISS
FOR IMPROPER JOINDER UNDER RULE
21 [ECF NO. 166]**

Plaintiffs LISA MCALLISTER, BRANDON SUMMERS, and JORDAN POLOVINA
(collectively "Plaintiffs"), by and through their counsel of record, offer this response to Defendant

Wolfson's substantive joinder to Clark County's Motion for Summary Judgment, motion to dismiss pursuant to FRCP 12(b)(1), and request that this Court reconsider its order joining him as a defendant in this matter. [ECF No. 166].

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On September 2, 2026, Defendant Clark County, represented by District Attorney Wolfson, filed a motion to dismiss Plaintiffs Summers's and Polovina's as-applied challenges to CCC 16.13.030. [ECF No. 102] The County's theory was that Summers and Polovina had not named an entity as a defendant that enforces CCC 16.13.030 and so lacked standing to seek injunctive relief for their as-applied challenges. [ECF No. 102 at 11:3–11:12]. Plaintiffs responded stating that they *had* sued an entity that enforces CCC 16.13.030: Clark County. [ECF No. 117 at 6:14–6:24]. The Plaintiffs observed that the Clark County District Attorney's Office, which is part of the governmental entity that is Clark County, prosecutes violations of CCC 16.13.030. [*Id.*] The County responded by claiming that there is a technical distinction between the Clark County District Attorney's Office and the head of that office, District Attorney Steven Wolfson, and posited that the Office's enforcement power that would be subject to injunctive relief lay with Wolfson, not the County. [ECF No. 119 at 2:14 – 2:26]. The Court denied the County's Motion, finding that "suing Clark County is at least partially inclusive of suing the district attorney's office" but, to avoid possible jurisdictional issues, joined Clark County District Attorney Steven B. Wolfson. [ECF No. 163].

Within same filing, Defendant Wolfson filed a joinder to the County's motion for summary judgment and a motion to dismiss Plaintiffs' as-applied challenges, presumably under the theory that Plaintiffs still lacked standing. [ECF No. 166]. However, most of Wolfson's motion to dismiss seeks to re-litigate the Court's order joining Wolfson as a defendant rather than explaining why the

1 Plaintiffs lack standing following his joinder. As such, Plaintiffs respond in three parts, offering
2 opposition to Wolfson's (1) substantive joinder, (2) *de jure* motion to dismiss, and (3) *de facto*
3 motion for reconsideration.

4 Plaintiffs respond to Wolfson's joinder by formally asserting the arguments in their Motion
5 for Summary Judgment [ECF No. 142] and their response to Clark County's Motion for Summary
6 Judgment [ECF No. 149] against him. In response to Wolfson's new argument that Plaintiffs' as-
7 applied challenges are moot, Summers and Polovina observe that Ninth Circuit precedent permits
8 them to bring an as-applied challenge concurrently with their facial challenges, and they do not need
9 to show that CCC 16.13.030 is facially unconstitutional to make an as-applied challenge under the
10 First Amendment.

11 Plaintiffs then respond to Wolfson's motion to dismiss, specifically his claim that Summers
12 and Polovina still do not have standing to raise as-applied challenges even after his joinder because
13 other entities can enforce CCC 16.13.030 besides the Clark County District Attorney's Office. But
14 the Ninth Circuit rejected this argument in *Matsumoto v. Labrador*, determining that even when
15 multiple agencies can enforce a law, naming one of those agencies as a defendant is sufficient to
16 have standing for injunctive relief. 122 F.4th 787, 801 (9th Cir. 2024).

17 Finally, Plaintiffs respond to Wolfson's efforts to relitigate this Court's order joining him as
18 a defendant. Though Wolfson styles these arguments as a motion to dismiss, they are actually a
19 motion to reconsider, disputing this Court's application of *Bain* and *Melendres* in joining Wolfson
20 in this matter. Wolfson has not shown that reconsideration is warranted. Wolfson argues that his
21 joinder is unnecessary, but this is again premised on the theory that a plaintiff cannot bring facial
22 and as-applied challenges simultaneously; Ninth Circuit precedent directly contradicts this position.
23 Wolfson also complains that his joinder is late in these proceedings, but he has not identified any
24 prejudice he or the County has suffered from his joinder.

II. ARGUMENT

A. Response to Defendant Wolfson's substantive joinder

1. Plaintiffs assert the same arguments against Defendant Wolfson as were raised against Defendant Clark County during summary judgment litigation.

Defendant Wolfson has substantively joined Defendant Clark County's Motion for Summary Judgment, ECF No. 103. Plaintiffs have filed a corrected Response to Defendant Clark County's Motion, [ECF No. 149], and incorporate that Response's points of authorities and arguments against Defendant Wolfson to the extent that he adopts the points of authorities and arguments offered by Defendant Clark County. Plaintiffs also assert the same arguments raised in their Motion for Summary Judgment, [ECF No. 142], and related Reply, [ECF No. 157] against Defendant Wolfson.

2. Plaintiff Summers's and Polovina's as-applied challenges will not be moot if the County prevails on the facial challenge.

Supplementing the County's original summary judgment arguments, Defendant Wolfson also argues that Plaintiff Summers's and Polovina's as-applied challenges are moot because Wolfson believes these challenges are "coextensive" with Plaintiffs' facial challenges, stating that "the only difference being that the scope of the remedy for a successful facial challenge will invalidate an ordinance in its entirety, whereas a successful as-applied challenge will limit the breadth of the remedy to the plaintiff's specific circumstances." [ECF No. 166 at 8–12]. Essentially, Wolfson claims that if the facial challenge fails for any reason, the Court cannot provide relief to Summers and Polovina for their as-applied challenges. Wolfson is right that as-applied and facial challenges share common features, but he is wrong when he claims they are coextensive.

A plaintiff may assert as-applied and facial challenges simultaneously. *See Real v. City of Long Beach*, 852 F.3d 929, 933 (9th Cir. 2017) ("[A] plaintiff has standing to vindicate his First Amendment rights through a facial challenge when he argues that an ordinance impermissibly

1 restricts a protected activity, *and such facial challenges may be paired with as-applied challenges.*”) (quotation omitted)(emphasis added). Like the plaintiff in *Real*, Plaintiffs Summers and Polovina
2 have asserted as-applied challenges alongside their facial challenges, which Wolfson acknowledges
3 in his motion. [ECF No. 166 at 7:1–7:17].

4
5 As the Ninth Circuit has explained, “[t]he differences [between a facial and as-applied
6 challenge] are not limited to the scope of relief.” *NetChoice, LLC v. Bonta*, 152 F.4th 1002, 1013
7 (9th Cir. 2025). For an as-applied challenge, Plaintiffs have a much lower burden. “If plaintiffs’
8 challenge is as applied, then they must show only that the statute unconstitutionally regulates
9 plaintiffs’ own speech.” *Italian Colors Rest. v. Becerra*, 878 F.3d 1165, 1174 (9th Cir. 2018). By
10 comparison, to succeed in a facial challenge, a plaintiff is required to show the regulation is
11 “unconstitutional in a substantial number of its applications, judged in relation to the statute’s plainly
12 legitimate sweep [. . .]” *NetChoice, LLC*, 152 F.4th at 1019 (quotation omitted). Thus, due to the
13 different evidentiary requirements, and contrary to Wolfson’s argument, a plaintiff can fall short on
14 a facial challenge but prevail in an as-applied challenge to the same restriction.

15 Accordingly, Summers and Polovina focus on different evidence to support their respective
16 facial and as-applied challenges as seen in their Motion for Summary Judgment. To establish their
17 facial challenge, Summers and Polovina use the unchallenged data from the County’s pedestrian
18 studies showing that most, if not all, people stopping on the bridges were engaged in protected First
19 Amendment activity prior to the passage of CCC 16.13.030. [ECF No. 142 at 15:8–15:15]. To
20 establish their as-applied challenges, Summers and Polovina rely on evidence of the impact of the
21 ordinance on their own protected activities, playing violin and cello while soliciting tips, rather than
22 the activities documented in the pedestrian studies. [*Id.* at 21:14–22:2].

23 Wolfson states that “[f]ederal courts have consistently held that First Amendment activity
24 does not provide a defense to a violation of otherwise valid criminal statutes.” [ECF No. 166 at 4:23
25

1 – 4:24]. If Wolfson is arguing that there are times when the government can regulate expressive
2 activity, the plaintiffs agree, assuming of course that the government can satisfy constitutional
3 scrutiny. Unfortunately for Defendants, CCC 16.13.030 cannot satisfy constitutional scrutiny. [See
4 ECF No. 149 at 32:18–38:9 (explaining why CCC 16.13.030 does not satisfy constitutional
5 scrutiny)].

6 To the extent that Wolfson argues that a person cannot assert an as-applied challenge to a
7 criminal law without also mounting a facial challenge, this is incorrect. *See Italian Colors Rest.*, 878
8 F.3d at 1174–75, 1179 (finding that a criminal law was constitutional as applied to plaintiff without
9 finding that the law was facially unconstitutional). Furthermore, the precedent cited by Wolfson
10 does not support his conflating of facial and as-applied challenges. Indeed, in *Menotti*, relied on by
11 Defendant Wolfson, [ECF No. 166 at 5:3–5:21], the Ninth Circuit held that an “emergency order
12 [barring persons from certain areas in downtown Seattle] was a constitutional time, place, and
13 manner restriction on speech on its face” while also determining that there were genuine issues of
14 material fact whether the emergency order was constitutional as applied to certain Appellants.
15 *Menotti v. City of Seattle*, 409 F.3d 1113, 1118 (9th Cir. 2005). To the extent that *Menotti* denied a
16 plaintiff’s as-applied challenge, it did so because the government satisfied intermediate scrutiny in
17 relation to that challenge, not because the plaintiff’s related facial challenge failed.

18 In sum, Wolfson is correct that, if Plaintiffs prevail on their facial challenge, Summers and
19 Polovina will receive no additional relief in prevailing on their individual as-applied challenges.
20 However, Wolfson is wrong to the extent he believes that if he successfully defends against
21 Plaintiffs’ facial challenge that he will automatically prevail against Summers’s and Polovina’s as-
22 applied challenges. While Plaintiffs believe that the uncontroverted pedestrian study data is
23 sufficient to satisfy the “sweep” element of their facial challenge, it is still a “rigorous standard” to
24 satisfy. *Moody v. NetChoice, LLC*, 603 U.S. 707, 723 (2024). By comparison, Polovina and
25

Summers do not need to make this showing for their as-applied challenges. Rather, they only need to show that they personally engage in protected activity, CCC 16.13.030 implicates this activity, and CCC 16.13.030 does not satisfy intermediate scrutiny.

B. Defendant Wolfson is not entitled to dismissal under FRCP 12(b)(1).

Defendant Wolfson moves to dismiss for improper joinder pursuant to FRCP 12(b)(1). [ECF No. 166 at 6:7]. While he never directly explains the applicability of FRCP 12(b)(1) to his motion, it appears that Wolfson believes Plaintiffs Summers and Polovina still lack standing to bring their as-applied challenges even with Wolfson joined as a defendant.¹ More specifically, Wolfson argues that joining him is still inadequate to provide relief because other agencies besides the District Attorney’s Office, specifically LVMPD and the Nevada Attorney General’s Office, could still take enforcement action under CCC 16.13.030. [ECF No. 166 at 13:3–14:5].

This argument is functionally the same as that raised by the Idaho Attorney General in *Matsumoto*, who argued that the *Matsumoto* plaintiffs were ineligible for injunctive relief “because county prosecutors [who were not defendants] would retain authority to bring prosecutions even if the attorney general were enjoined from enforcement [. . .]” *Matsumoto v. Labrador*, 122 F.4th 787, 801 (9th Cir. 2024). The Ninth Circuit unequivocally rejected this position, stating “[w]here a state statute specifically grants enforcement powers to multiple government authorities, an injunction against the exercise of those powers by any one of those authorities suffices to establish redressability.” *Id.* *Matsumoto* also recognized that “a plaintiff need not sue every defendant that may cause her harm,” and “[f]acing the threat of prosecution by an enforcer with statutory authority to bring suit, Challengers have satisfied both the traceability and redressability prongs of the standing requirement.” *Id.* at 802.

¹ To the extent that Wolfson is challenging his joinder via a motion to dismiss, his motion should be considered a motion for reconsideration as he is asking this Court to modify its order joining him as a party.

1 The Court's order joining Defendant Wolfson necessarily draws the Clark County District
 2 Attorney's Office's enforcement authority into this suit, whether that power lies within the jural
 3 entity that is Defendant Clark County or the jural person that is Defendant Wolfson. The Defendants
 4 also do not dispute that the Clark County District Attorney's Office is an agency that enforces CCC
 5 16.13.030. As made clear in *Matsumoto*, Plaintiffs Summers and Polovina do not need to sue every
 6 agency that might enforce CCC 16.13.030, they just need to bring suit against *an* agency that has
 7 threatened prosecution. Considering that the Clark County District Attorney's Office has prosecuted
 8 people, including Plaintiff Polovina himself, for violating CCC 16.13.030, including that agency in
 9 this suit is sufficient to satisfy standing.

10 **C. The Court properly joined District Attorney Wolfson as a defendant.**

11 Though Defendant Wolfson has styled his entire motion as a "Motion to Dismiss Pursuant
 12 to 12(b)(1)", [ECF No. 166 at 6:7], many of its arguments seek to have the Court reconsider its order
 13 issued May 13, 2026. Not only should these arguments have been filed as a separate motion for
 14 reconsideration (which alone supports denial), Wolfson's motion does not support reconsideration.

15 "A motion to reconsider must set forth some valid reason why the court should reconsider its
 16 prior decision by presenting facts or law of a strongly convincing nature," and it "is not an avenue to
 17 re-litigate the same issues and arguments upon which the court already has ruled." *Id.* As such,
 18 "reconsideration is appropriate if the court '(1) is presented with newly discovered evidence, (2)
 19 committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening
 20 change in controlling law.'" *Id.* (quoting *Sch. Dist. No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th
 21 Cir. 1993)).

22 Defendant Wolfson does not present newly discovered evidence or cite an intervening change
 23 in controlling law. He also does not argue that this Court cannot join parties on its own initiative
 24 pursuant to FRCP 21. Rather, he seems to argue that this Court erred in its application of *Bain* and
 25

1 *Melendres*, but as discussed below, the Court correctly applied both precedents. Furthermore, the
 2 Plaintiffs, as “masters” of the complaint, do not oppose the joinder of District Attorney Wolfson to
 3 this suit to address the Defendants’ technical jurisdictional purity concerns.

4 **1. This Court correctly applied FRCP 21 and the *Bain* standard when it**
 5 **joined Defendant Wolfson.**

6 Defendant Wolfson does not dispute that the Court has the authority pursuant to FRCP 21 to
 7 join a party to this action on its own initiative. Rather, he argues that this Court misapplied *Bain v.*
 8 *California Teachers Association* in joining him to this action. [ECF No. 166 at 9:3–10:10].

9 Setting aside that *Bain* discusses joinder only at the appellate level and so its standard may
 10 not apply here at all, *see* 891 F.3d 1206, 1215 (9th Cir. 2018), Defendant Wolfson’s argument is again
 11 premised on the assumption that Plaintiffs’ as-applied challenges are moot because Plaintiffs have
 12 also brought facial challenges. [ECF No. 166 at 10:2–10:10]. As discussed above, Wolfson is
 13 incorrect. The Ninth Circuit has recognized that the plaintiffs may bring as-applied and facial
 14 challenges at the same time against the same regulation and that a less stringent standard applies to
 15 the former. *See Real*, 852 F.3d at 933 (“[F]acial challenges may be paired with as-applied
 16 challenges.”); *Italian Colors Rest.*, 878 F.3d at 1174–75, 1179 (recognizing distinction between as
 17 applied and facial challenges and finding that a criminal law was constitutional as applied to plaintiff
 18 without finding that the law was facially unconstitutional).

19 Practically, Defendant Wolfson does not explain how he is actually harmed by the joinder.
 20 The Court in *Bain* imposed a stricter standard for joinder at the appellate level, but it explained why
 21 a stricter standard was necessary:

22 By the time a case reaches the court of appeals, it has undergone
 23 significant development. If it originated in district court, a complaint
 24 has been served, an answer or motion to dismiss has been filed, and
 25 discovery may have been taken. All of this occurs in the context of a
 particular dispute between particular parties. Adding a party midstream
 can alter the character of the litigation in material ways, causing a
 plaintiff or defendant to adjust their theory of the case, file additional
 or different motions, and modify their legal strategy. Moreover, joining

1 a party on appeal carries an acute risk of prejudice because the
2 opposing party is deprived of the opportunity to develop the facts and
law as is relevant to the new party.

3 *Id.* These concerns are inapplicable here. Defendant Wolfson, represented by the same counsel as
4 and litigating in concert with Defendant Clark County, has not claimed he has been prejudiced by
5 the “late” joinder. He has joined the County’s motion for summary judgment in its entirety. He does
6 not claim he needs to take additional discovery. He does not identify any additional motions he needs
7 to file.

8 Additionally, courts generally consider Rule 21 motions by applying the Rule 20
9 standards. *See, e.g., Armstead v. City of Los Angeles*, 66 F. Supp. 3d 1254, 1263–64 (C.D. Cal.
10 2014), *aff’d sub nom. Alvarado v. City of Los Angeles*, 720 F. App’x 889 (9th Cir. 2018). Under
11 FRCP 20(b), defendants can be joined if “(A) any right to relief is asserted against them jointly,
12 severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or
13 series of transactions or occurrences; and (B) any question of law or fact common to all defendants
14 will arise in the action.” Here, that standard is easily met as the claims all pertain to the
15 constitutionality of CCC 16.13.030 and there are multiple, not just any, questions of law and fact
16 common to Defendant Wolfson and Defendant Clark County vis-à-vis Plaintiffs’ claims. Moreover,
17 while Plaintiffs recognize the late stage of joinder, there is no prejudice asserted by Defendant
18 Wolfson and the efficiency concerns discussed in *Bain* support joinder.

19 **2. If the Defendants are correct and an injunction on the County alone is**
20 **inadequate, District Attorney Wolfson is a necessary defendant to**
21 **perfect Plaintiffs’ as-applied challenges.**

22 Defendant Wolfson argues that this Court misapplied *Melendres v. Arpaio* because he is not
23 necessary to perfect the Plaintiffs’ claims as the Plaintiffs have already sued a jural entity in Clark
County. [ECF No. 166 at 11:1–11:5].

24 First, Defendant Wolfson’s claim that he is not necessary to perfect Plaintiffs’ as-applied
25

1 challenges is premised yet again on his theory that the Plaintiffs’ facial challenges subsume their as-
2 applied challenges. [Id. at 11:1–11:3]. As discussed above, Defendant Wolfson errs because he (1)
3 fails to recognize that as-applied and facial challenges are distinct not just in the scope of relief but
4 evidentiary burden and (2) the Ninth Circuit has recognized that the plaintiffs may bring these
5 challenges concurrently. *See Real*, 852 F.3d at 933 (“[F]acial challenges may be paired with as-
6 applied challenges.”); *Italian Colors Rest.*, 878 F.3d at 1174–75, 1179.

7 Second, while Wolfson claims that the Court in *Melendres* joined a defendant “to avoid
8 rendering the entire proceeding meaningless”, [ECF No. 166 at 10:23–24], that language is not in
9 *Melendres*. Rather, the *Melendres* Court simply observed that a non-jural entity had been improperly
10 named as a party and that “[m]isjoinder of parties is not a ground for dismissing an action.”
11 *Melendres v. Arpaio*, 784 F.3d 1254, 1260 (9th Cir. 2015). The Court faces a similar situation here:
12 Defendants claim that Plaintiffs joined the wrong party when Plaintiffs intended to bring the Clark
13 County District Attorney’s Office under the Court’s jurisdiction. Joining Wolfson aligns with the
14 Ninth Circuit’s solution in *Melendres*, bringing in a party that will suffer no prejudice from the
15 joinder rather than dismissing the Plaintiffs’ claims on a potential technicality.

16 **3. Defendant Wolfson does not have standing to assert Plaintiffs’ right to**
17 **control the complaint, and Plaintiffs do not oppose the joinder.**

18 Defendant Wolfson complains that the Court’s order “override[s] the plaintiff’s fundamental
19 right to control their litigation strategy.” [ECF No. 166 at 6:16 – 17]. Defendant Wolfson does not
20 have standing to assert that right on behalf of the Plaintiffs. Plaintiffs do not oppose joining
21 Defendant Wolfson. After all, joining Defendant Wolfson requires minimal further briefing and no
22 further discovery and will resolve the legalistic arguments raised in Defendant Clark County’s
23 motion to dismiss.

24 Wolfson goes on to complain that Plaintiff Summers failed to clearly state in the original
25 complaint that he was raising both a facial and an as-applied challenge to CCC 16.13.030 or in his

1 response to Clark County’s first motion to dismiss to original complaint. [ECF No. 166 at 6:18–
2 6:27]. But Wolfson’s motion to dismiss here is directed at Plaintiffs’ First Amended Complaint, and
3 Wolfson admits that First Amended Complaint clearly states that Plaintiffs Summers and Polovina
4 are asserting as-applied challenges alongside their facial challenges to CCC 16.13.030. [ECF No.
5 166 at 7:1–7:17]. Additionally, while Plaintiffs filed their First Amended Complaint on January 6,
6 2025, [ECF No. 61], Defendant Clark County waited until December 18, 2025, to file its motion to
7 dismiss. [ECF No. 102]. Defendants still have not explained why the County waited an entire year
8 to raise a jurisdictional issue that could have been addressed as soon as the amended complaint was
9 filed.

10 Defendant Wolfson claims that the Plaintiffs “were on either constructive or actual notice
11 that it was the County’s position that they had failed to name a law enforcement agency in this
12 action” and that this “shows a lack of independent initiative or diligence in prosecuting these as
13 applied challenge claims.” [ECF No. 166 at 8:20 – 8:24]. It is absurd that Defendant Wolfson claims
14 that the County gave “notice” to Plaintiffs where the County stated, “Plaintiffs have failed to name
15 a law enforcement agency in this action and *the time to do so has passed.*” [ECF No. 166 at 8:13–
16 8:15 (emphasis added)]. Adding to the absurdity, Defendant Clark County apparently waited three
17 months from issuing this September 2, 2026 “notice” before actually filing a motion to dismiss, [*see*
18 ECF No. 102], and again neither the County nor Wolfson has not provided any explanation for why
19 the County delayed rather than address the issue immediately.

20 More on point, Plaintiffs have always named Clark County as a defendant, which the Clark
21 County District Attorney’s Office is undisputably a part of. [ECF No. 166 at 11:14–11:16
22 (recognizing that the District Attorney’s Office is a “non-jural entity” that is under Clark County’s
23 control)]. Reviewing Defendant Clark County’s original motion to dismiss the as-applied challenges,
24 it appears that the County initially failed to realize that a prosecutor’s office, not just a police
25

department, could be considered an enforcement agency subject to injunctive relief. [See generally, ECF No. 102 (only discussing LVMPD as a potential necessary party)]. Even under the most charitable interpretation of the Defendants' actions here, whether a plaintiff seeking to enjoin prosecution by the Clark County District Attorney's Office must sue (1) the County, (2) Wolfson in his individual capacity, or (3) both is at best an unresolved legal issue that Defendants seem to be leveraging to cause maximum confusion.

Finally, in addressing his joinder Wolfson claims that "[t]he ends of justice and the efficient disposition of litigation are better served by leaving facial and as-applied challenges to CCC 16.13.030 in separate actions." [ECF No. 166 at 13:25–13:26]. Proceeding with separate actions involving the same Plaintiffs against the same Defendants challenging the same County ordinance under the same constitutional provision is the opposite of efficiency, and allowing constitutional violations to continue due to jurisdictional technicalities is the opposite of justice. Again, Plaintiffs do not oppose joining Defendant Wolfson, and Defendant Wolfson cannot establish he is prejudiced by the joinder. Defendant Wolfson's motion to dismiss and his *de facto* motion to reconsider should be denied.

III. CONCLUSION

Regarding Defendant Wolfson's joinder, Plaintiffs request that this Court deny his motion for summary judgment and grant their motion for summary judgment against him. Regarding his motion to dismiss pursuant to FRCP 12(b)(1), Plaintiffs ask that this Court deny the motion. Finally, regarding Defendant Wolfson's request that this Court reconsider its order joining him as a defendant, Plaintiffs request that the Court deny his *de facto* motion for reconsideration.

Dated: June 22, 2026

ACLU OF NEVADA

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **PLAINTIFFS' RESPONSE TO DEFENDANT STEVEN B. WOLFSON'S SUBSTANTIVE JOINDER TO CLARK COUNTY'S MOTION FOR SUMMARY JUDGMENT AND MOTION TO DISMISS FOR IMPROPER JOINDER UNDER RULE 21 [ECF NO. 166]** with the Clerk of the Court for the United States District Court of Nevada by using the court's CM/ECF system on June 22, 2026. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished on all participants by:

- ☒ CM/ECF
- ☐ Electronic mail; or
- ☐ US Mail or Carrier Service

/s/ Suzanne Lara
An employee of ACLU of Nevada