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Attorneys for Plaintiff

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.

Case No.: 2:24-cv-00334-JAD-NJK

**DECLARATION OF ATTORNEY
MARGARET A. MCLETCHE IN
SUPPORT OF MOTION TO COMPEL
AND MOTION FOR SANCTIONS
AND CERTIFICATION OF GOOD
FAITH MEET AND CONFER
EFFORTS**

Margaret A. McLetchie, attorney for Plaintiffs, hereby declares that the following
is true and correct under the penalty of perjury:

1. I have personal knowledge of the facts set forth herein, except where stated
upon information and belief, and where so stated. I believe them to be true.

2. I am over the age of eighteen years and am mentally competent.

3. I am a Partner/Owner at the law firm of McLetchie Law, LLC, and am one

1 of the attorneys for the Plaintiffs in *McAllister, et al. v. Clark County*., U.S. Dist. Ct. Case
2 No. 2:24-cv-00334-JAD-NJK.

3 4. I am making this declaration in support of Plaintiffs' Motion to Compel and
4 Motion for Sanctions.

5 5. I am also making this declaration to authenticate exhibits filed in support of
6 Plaintiffs' Motion to Compel which are identified in Plaintiffs' Appendix of Exhibits filed
7 concurrently herewith.

8 6. On September 25, 2024, Plaintiffs issued their First Request for Production
9 of Documents to Defendant Clark County; Plaintiffs served Defendant via electronic mail
10 and by U.S. mail on the same day. (A true and correct copy is attached as **Exhibit 1**.)

11 7. On October 4, 2024, Plaintiffs issued their First Request Set of
12 Interrogatories to Defendant Clark County; Plaintiffs served Defendant via electronic mail
13 and by U.S. mail on the same day. (A true and correct copy is attached as **Exhibit 2**.)

14 8. On October 17, 2024, Deputy District Attorney Joel K. Browning, counsel
15 for Defendant Clark County, sent an email to Plaintiffs' counsel requesting a two-week
16 extension of time to serve the County's responses to Plaintiffs' Requests for Production and
17 Interrogatories. Mr. Peterson responded and agreed to the requested extension of time, until
18 November 8, 2024.

19 9. On November 6, 2024, the County's counsel, Mr. Browning, sent an email
20 to Plaintiff's counsel requesting an additional two-week extension of time to serve the
21 County's responses to Plaintiffs' Requests for Production and Interrogatories. On November
22 7, 2024, Chris Peterson, also counsel for Plaintiffs, responded to the email noting his
23 concerns about the requested extension in light of impending deadlines. Later that day, Mr.
24 Browning modified his request to seeking a one-week extension. Mr. Peterson responded the
25 same day and indicated that he agreed to an extension of time until November 14, 2024.

26 10. On November 14, 2024, Defendant Clark County's served its First
27 Supplemental Disclosure and Production of Documents Per FRCP 26(a)(1). (A true and
28 correct copy is attached as **Exhibit 3**, without its accompanying documents being disclosed.)

11. On November 14, 2024, Defendant Clark County also served their Responses to Plaintiffs' First Request for Production of Documents. (A true and correct copy is attached as **Exhibit 4**.)

12. On November 14, 2024, Defendant Clark County also served their Answers to Plaintiffs' First Set of Interrogatories. (A true and correct copy is attached as **Exhibit 5**.)

13. On December 9, 2024, Plaintiff's counsel Mr. Peterson sent an email to Defendant's counsel Mr. Browning requesting to meet and confer to attempt to resolve discovery disputes concerning the County's responses to written discovery. (A true and correct copy is attached as **Exhibit 6**.)

14. On December 17, 2024, Defendant Clark County served their Second Supplemental Disclosure and Production of Documents Per FRCP 26(a)(1). (A true and correct copy is attached as **Exhibit 7**, without its accompanying documents being disclosed.)

15. On December 18, 2024, Defendant's counsel Mr. Browning sent Plaintiffs a letter responding to the December 17, 2024, email and addressing Plaintiffs' concerns concerning the County's responses to Plaintiffs' written discovery. (A true and correct copy is attached as **Exhibit 8**.)

16. On December 19, 2024, Mr. Peterson, Jacob Smith, Tatiana Smith, and I (all counsel for Plaintiffs) participated in a teleconference with Defendant's counsel Mr. Browning and Timothy Allen from the Clark County District Attorney's Office, in order to carry out a good faith effort resolve the discovery disputes concerning the County's responses to Plaintiffs' written discovery. The parties were able to resolve some of the disputed issues, but the majority of issues remain unresolved.

17. Specifically, as to Requests for Production Nos. 1-17, the County agreed to follow up with the Clark County District Attorney's Office's Criminal Division to determine if that agency had responsive documents. The County also agreed to review its Interrogatory responses to determine whether it could or would clarify why the citations it had provided were responsive. The County later stated that it would not provide the latter clarification, and did eventually provide certain documents responsive to Request Nos. 1-17. All other issues

1 raised in Plaintiffs' December 9, 2024, email remained unresolved.

2 18. Additionally, the County took the position that many of Plaintiffs' requests
3 for production were overbroad and indicated that Plaintiffs would have to file a motion to
4 compel, and that should the Court disagree with the County's positions on the disputed
5 discovery, the County could then produce and rely on information not previously produced.
6 The County also stated that it had not carried out any of the searches requested in Plaintiffs'
7 Requests for Production.

8 19. Plaintiffs' counsel offered to work together to narrow custodians and to craft
9 electronic discovery searches; Plaintiffs' counsel also offered to discuss potential limits on
10 specific requests for production. The County's counsel stated that such a discussion would
11 be premature considering the County's position regarding what information would be
12 relevant to the Plaintiffs claims, specifically that only the ordinance's language, the
13 legislative history, and the public record is relevant, and the Court would need to determine
14 that other information would be relevant the Plaintiffs' claims before the County would
15 discuss limiting the Plaintiff's requests for production. The County thus refused to work
16 together on these proposed searches unless and until the Court granted Plaintiffs' planned
17 motion to compel. Plaintiffs disagreed that this was a permissible approach.

18 20. On December 24, 2024, Mr. Peterson sent Defendant's counsel a letter
19 memorializing the matters that were discussed during the December 19, 2024, meet and
20 confer conference. The letter describes in detail the issues that were discussed, the issues that
21 were resolved, and the issues that remain unresolved. (A true and correct copy is attached
22 as **Exhibit 9**.) Defendant Clark County has not disputed the contents of the December 24,
23 2024, letter.

24 21. On January 9, 2025, Defendant Clark County served their Responses to
25 Plaintiffs' First Supplemental Responses to Plaintiffs' First Request for Production of
26 Documents. (A true and correct copy is attached as **Exhibit 10**.)

27 22. On January 16, 2024, Defendant Clark County served their Fifth
28 Supplemental Disclosure and Production of Documents Per FRCP 26(a)(1). (A true and

1 correct copy is attached as **Exhibit 11**, without the accompanying documents being
2 disclosed.)

3 23. Attached hereto as **Exhibit 12** is a true and correct copy of Clark County
4 Code Chapter 16.13. (Downloaded January 15, 2025, from
5 https://library.municode.com/nv/clark_county/codes/code_of_ordinances?nodeId=TIT16R
6 [OHI_CH16.13PEFLZO](https://library.municode.com/nv/clark_county/codes/code_of_ordinances?nodeId=TIT16R)).

7 24. Attached hereto as **Exhibit 13** is a true and correct copy of the Agreement
8 Between Clark County and Dr. Sousa for Public Safety and Disorder Analysis on Pedestrian
9 Overpasses (Bates No. CC 1397-1404), produced in Clark County's disclosures.

10 25. As set forth above, the parties have made a good faith effort to meet and
11 confer as defined in LR IA 1-3(f) before the filing of the instant motion, as summarized in
12 detail in **Exhibit 9**.

13
14 Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the
15 State of Nevada that the foregoing is true and correct.

16
17 Executed on: January 24, 2025. /s/ Margaret A. McLetchie
18 MARGARET A. MCLECHIE,
19 Las Vegas, Nevada 89101
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CHRISTOPHER M. PETERSON, Nevada Bar No.: 13932

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Attorneys for Plaintiff

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.

Case No.: 2:24-cv-00334-JAD-NJK

**PLAINTIFFS' APPENDIX OF
EXHIBITS IN SUPPORT OF MOTION
TO COMPEL AND MOTION FOR
SANCTIONS**

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In accordance with LR IA 10-3 of the United States District Court, District of Nevada, Plaintiffs LISA MCALLISTER and BRANDON SUMMERS (“Plaintiffs”), by and through their legal counsel, McLetchie Law, hereby files this Appendix of Exhibits, in support of Plaintiffs’ Motion to Compel and Motion for Sanctions:

INDEX OF EXHIBITS TO PLAINTIFFS’ MOTION	
Ex.	Description of Exhibit
1	Plaintiffs’ First Request for Production of Documents
2	Plaintiffs’ First Set of Interrogatories
3	Defendant Clark County’s First Supplemental Disclosure and Production of Documents Per FRCP 26(a)(1)
4	Defendant Clark County’s Response to Plaintiffs’ First Request for Production of Documents
5	Defendant Clark County’s Answer to Plaintiffs’ First Set of Interrogatories
6	December 9, 2024, email requesting meet and confer
7	Defendant Clark County’s Second Supplemental Disclosure and Production of Documents Per FRCP 26(a)(1)
8	Clark County’s December 18, 2024, letter responding to meet and confer request
9	Plaintiffs’ December 24, 2024, letter summarizing meet and confer
10	Defendant Clark County’s First Supplemental Responses to Plaintiffs’ First Request for Production of Documents
11	Defendant Clark County’s Fifth Supplemental Disclosure and Production of Documents Per FRCP 26(a)(1)
12	Clark County Code Chapter 16.13
13	Agreement Between Clark County and Dr. Sousa for Public Safety and Disorder Analysis on Pedestrian Overpasses

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1 DATED: January 24, 2025.

2
3 By: /s/ Margaret A. McLetchie

4 CHRISTOPHER M. PETERSON
5 Nevada Bar No.: 13932
6 TATIANA R. SMITH
7 Nevada Bar No.: 16627
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25 Email: maggie@nvlitigation.com;
26 efile@nvlitigation.com
27
28

EXHIBIT 1

Plaintiffs' First Request for
Production of Documents

1 CHRISTOPHER M. PETERSON

2 Nevada Bar No.: 13932

TATIANA R. SMITH

3 Nevada Bar No.: 16627

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14 *Attorneys for Plaintiff*

15
16 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

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

19
20 Plaintiffs,

21 vs.

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

24 Defendant.

Case No: 2:24-cv-00334-JAD-NJK

**PLAINTIFFS' FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

25
26 **PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

27 Plaintiffs Lisa McAllister and Brandon Summers ("Plaintiffs"), by and through their
28 undersigned counsel of record and pursuant to Rules 26 and 34 of the Federal Rules of Civil

Procedure and the Local Rules of this Court, hereby requests that DEFENDANT Clark County (“DEFENDANT”), produce for inspection and copying the DOCUMENTS, data, information, and THINGS described herein, within 30 days. Each of the following DOCUMENT requests (each, a “Request”) is to be read in accordance with the definitions and respective instructions that follow.

DEFINITIONS

Notwithstanding ANY definition set forth below, each word, term, or phrase used in the Requests is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure.

1. “ANY” and “ALL” may be used interchangeably herein and mean “ANY,” “ALL,” “each and every,” as well as “anyone.”

2. “COMMUNICATION” and “COMMUNICATIONS” means ANY transmission, conveyance, or exchange of information, whether by oral, written, printed, recorded, filmed, electronic, or other means, including, but not limited to, discussions, conversations, interviews, negotiations, e-mails, facsimile transmissions, letters, confirmations, telephonic conversations, correspondence, notes, memorandum, advertisement, or other forms of written or verbal discourse, however transmitted.

3. “COMPLAINT” means the controlling complaint filed by PLAINTIFFS, and served upon DEFENDANT, in the United States District Court for the District of Nevada, Case No.: 2:24-cv-00334-JAD-NJK.

4. “COUNTY COMMISSION” means the seven-member Board of Clark County Commissioners in office at the time Clark County Code § 16.13.030 was enacted on January 2, 2024. The members are Jim Gibson, Tick Segerblom, Marilyn Kirkpatrick, William McCurdy II, Ross Miller, Michael Naft, and Justin Jones.

5. “DEFENDANT” shall mean DEFENDANT named in the COMPLAINT in the above-captioned action, including Clark County and those PERSONS yet to be identified who are similarly liable.

1 6. “DOCUMENT” and “DOCUMENTS” shall have the broadest meaning accorded
2 by Rule 34(a) of the Federal Rules. Therefore, “DOCUMENT” and “DOCUMENTS” shall
3 include, without limitation, ALL of the matters defined in Rule 1001 of the Federal Rules of
4 Evidence, COMMUNICATIONS (as defined herein), memoranda, stenographic or handwritten
5 notes, drafts, studies, publications, invoices, ledgers, journals, books, records, accounts,
6 pamphlets, voice recordings, photographs, reports, surveys, statistical compilations, work papers,
7 data processing cards, computer tapes or printouts, microfiche or microfilm, and writings of every
8 other kind and character, whether originals or reproductions.

9 The terms “DOCUMENT” and “DOCUMENTS” also include every copy where such copy
10 is not an identical reproduction of the original or where such copy contains ANY commentary,
11 marginal comment, or notation whatsoever that does not appear in the original.

12 The terms “DOCUMENT” and “DOCUMENTS” also mean and include ANY printed,
13 typewritten, or handwritten matter of reproduction thereof of whatever character, or means or
14 electronic storage of information, such as e-mail, that is within DEFENDANT’s possession,
15 control, or custody.

16 The terms “DOCUMENT” and “DOCUMENTS” also include ALL drafts. Without
17 limitation of the term “control,” a DOCUMENT is deemed to be within DEFENDANT’s control
18 if DEFENDANT has ownership, possession, or custody of the DOCUMENT or a copy thereof, or
19 the right to secure the DOCUMENT or a copy thereof, from ANY other PERSON or public or
20 private entity having physical possession thereof.

21 If ANY DOCUMENT requested herein was, but is no longer, subjected to YOUR control,
22 please state what disposition was made of it, and the date or dates, or the approximate date or dates,
23 of such disposition without limitation, ANY electronic or computerized compilation. A non-
24 identical copy is a separate DOCUMENT within the meaning of this term. “DOCUMENT” and
25 “DOCUMENTS” shall also include ANY and ALL data compilations from which information can
26 be obtained.

1 7. “LAS VEGAS STRIP” shall mean the portion of Las Vegas Boulevard between
2 West Russell Road and Sahara Avenue.

3 8. “LVMPD” shall mean the Las Vegas Metropolitan Police Department, located at
4 400 S. Martin L. King Boulevard, Las Vegas, Nevada, 89106.

5 9. “PEDESTRIAN BRIDGE” means an overpass used exclusively by pedestrians
6 connecting adjoining buildings along the LAS VEGAS STRIP. These are the same PEDESTRIAN
7 BRIDGES referred to in the Clark County Code § 16.13.030.

8 10. “PERSON” means ANY natural PERSON, corporation, partnership,
9 proprietorship, association, joint venture, group, governmental or public entity, or ANY other form
10 or organization of legal entity, and ALL of their directors, officers, employees, representatives, or
11 agents.

12 11. “PLAINTIFFS” shall mean plaintiffs named in the COMPLAINT in the above-
13 captioned action, including Lisa McAllister, Brandon Summers, and those PERSONS yet to be
14 identified who are similarly situated.

15 12. “POLICY” or “POLICIES” means any guideline, policy, practice, or procedure,
16 including formal and informal, whether written or oral, implemented by YOU or law enforcement
17 in order to carry out the work of DEFENDANT.

18 13. “RELATE TO,” “RELATED TO,” “RELATING TO,” “RELATE,” “RELATES”
19 and “RELATED” means comprising, mentioning, describing, detailing, underlying, containing,
20 enumerating, involving, regarding, or in ANY way concerning, identified in, pertaining,
21 corresponding, or referring to, being connected with, reflecting on or resulting from, in whole or
22 in part, directly or indirectly, the stated subject matter.

23 14. “RELEVANT PERIOD” shall refer to the period from January 1, 2014, through
24 present day.

25 15. “RESORT CORRIDOR” shall be the same as that provided by Clark County Code
26 § 16.13.020.

1 16. “TRAINING” means any instruction, directive, or guidance, both formal and
2 informal, whether written or oral, given to or conducted by YOU or law enforcement with regard
3 to procedures, policies, and practices.

4 17. “YOU” or “YOUR” means “DEFENDANT.”

5 **INSTRUCTIONS**

6 1. Each DOCUMENT request shall be construed and answered separately and shall
7 not be combined for the purpose of supplying a common response thereto. Each answer shall set
8 forth verbatim the DOCUMENT request to which it responds. The answer to a DOCUMENT
9 request shall not be supplied by referring to the answer to another DOCUMENT request, unless
10 the DOCUMENT request referred to supplies a complete and accurate answer to the DOCUMENT
11 request being answered. The specificity of ANY DOCUMENT request shall not be construed or
12 understood as limiting the generality or breadth of ANY other DOCUMENT request.

13 2. As used in these DOCUMENT requests, and as necessary to bring within the scope
14 of ANY DOCUMENT request DOCUMENTS that might otherwise be construed to be outside the
15 scope, (a) the connectors “and” and “or” shall be construed both conjunctively and disjunctively,
16 (b) the terms “ANY” and “ALL” shall be construed as “ANY and ALL,” (c) the singular of ANY
17 word shall include the plural and vice versa, and (d) the use of ANY verb in ANY tense shall be
18 construed as the use of that verb in ALL other tenses.

19 3. If YOU object to ANY DOCUMENT request, state in full the basis for YOUR
20 objection. If YOU object to part of a DOCUMENT request, specify the portion of the request to
21 which YOU object and answer so much of the request as is not objectionable.

22 4. These DOCUMENT requests require YOU to produce DOCUMENTS that are in
23 YOUR physical possession, custody, or control, as well as DOCUMENTS in the possession,
24 custody, or control of ANY of YOUR directors, officers, employees, affiliates, representatives,
25 advisors, agents, associates, and/or ANY other PERSON acting on their behalf, and their
26 subsidiaries (and ANY predecessors thereof).

1 5. If ANY requested DOCUMENT was, but no longer is, in DEFENDANT's
2 possession, state whether a copy thereof is in the possession, custody or control of some other
3 PERSON, partnership or corporation.

4 6. ALL DOCUMENT requests should be construed to include responsive
5 DOCUMENTS from ALL sources whether located in the United States or abroad.

6 7. Responsive DOCUMENTS are to be clearly designated so as to reflect their source,
7 owner and/or custodian.

8 8. Each requested DOCUMENT shall be produced in its entirety. If an identical copy
9 appears in more than one PERSON's files, each of the copies shall be produced or the extracted
10 metadata shall reflect the source, owner and/or custodian for ALL PERSONS with identical copies.
11 If a DOCUMENT responsive to ANY request cannot be produced in full, it shall be produced to
12 the extent possible with an explanation stating why production of the remainder is not possible.

13 9. The instructions concerning assertion of claims of privilege set forth in FRCP
14 26(b)(5) are hereby incorporated by reference. With respect to each responsive DOCUMENT
15 called for by these DOCUMENT requests that are withheld under a claim of privilege or otherwise,
16 state separately for each DOCUMENT withheld:

- 17 (a) the nature of the privilege or immunity that is being claimed;
- 18 (b) the type of DOCUMENT;
- 19 (c) the general subject matter of the DOCUMENT;
- 20 (d) the date of the DOCUMENT;
- 21 (e) the custodian from whose possession the DOCUMENT is being produced;
- 22 (f) the author(s) of the DOCUMENT;
- 23 (g) the addressee(s) and/or recipient(s) of the DOCUMENT; and
- 24 (h) where not apparent, the relationship of the author(s) and addressee(s) to
25 each other.

26 10. If there are no DOCUMENTS responsive to ANY of the following DOCUMENT
27 requests, please provide a written response so stating.
28

1 11. Unless otherwise stated, ALL DOCUMENT requests herein refer to the period
2 from January 1, 2014, through present day (the “Relevant Period”), and shall include ALL
3 DOCUMENTS and information that RELATE TO that period, or to events or circumstances
4 during that period, even though dated, prepared, generated, used, or received prior to or after that
5 period.

6 12. ALL DOCUMENT requests herein shall be construed to include ANY
7 supplemental DOCUMENTS responsive to these requests that are later discovered and that are
8 required to be produced pursuant to FRCP 26(e).

9 **REQUESTS FOR PRODUCTION**

10 **REQUEST NO. 1:**

11 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
12 LLV240200044159.

13 **REQUEST NO. 2:**

14 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
15 LLV240200048290.

16 **REQUEST NO. 3:**

17 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
18 LLV240200067320.

19 **REQUEST NO. 4:**

20 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
21 LLV240200081576.

22 **REQUEST NO. 5:**

23 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
24 LLV240200089635.

25 **REQUEST NO. 6:**

1 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
2 LLV240200104919.

3 **REQUEST NO. 7:**

4 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
5 LLV240300004054.

6 **REQUEST NO. 8:**

7 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
8 LLV240300018035.

9 **REQUEST NO. 9:**

10 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
11 LLV240300087607.

12 **REQUEST NO. 10:**

13 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
14 LLV240300104307.

15 **REQUEST NO. 11:**

16 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
17 LLV240300116034.

18 **REQUEST NO. 12:**

19 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
20 LLV240400007574.

21 **REQUEST NO. 13:**

22 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
23 LLV240400011750.

24 **REQUEST NO. 14:**

1 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
2 LLV240400029988.

3 **REQUEST NO. 15:**

4 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
5 LLV240400047410.

6 **REQUEST NO. 16:**

7 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the enforcement of
8 Clark County Code § 16.13.030 by ANY law enforcement agency, including but not limited to
9 arrest reports, declarations of arrest, citations, or criminal complaints for any event not referenced
10 in REQUESTS NOS. 1– 15.

11 **REQUEST NO. 17:**

12 ALL DOCUMENTS, including but not limited to declarations of arrest, arrest reports,
13 citations, criminal complaints, or video footage describing, describing or depicting alleged
14 criminal activity or other “disorder” as the term is used in Clark County Code 16.13.010 occurring
15 on the PEDESTRIAN BRIDGES.

16 **REQUEST NO. 18:**

17 ALL DOCUMENTS RELATED TO Dr. William Sousa’s report *Questions Related to*
18 *Public Safety on Pedestrian Bridges*, CC 132–139, including but not limited to any offers,
19 contracts, payments, drafts, or requests for information related to the report.

20 **REQUEST NO. 19:**

21 ALL COMMUNICATIONS to or from Dr. William Sousa.

22 **REQUEST NO. 20:**

1 ALL DOCUMENTS RELATED TO pedestrian traffic in the RESORT CORRIDOR,
2 including but not limited to studies and reports on traffic congestion on the PEDESTRIAN
3 BRIDGES or the sidewalks located in the RESORT CORRIDOR.

4 **REQUEST NO. 21:**

5 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that the
6 “foreseeable levels of demand [on pedestrian bridges] can vary significantly and unpredictably
7 regardless of day or time of day,” as stated in Clark County Code § 16.13.010.

8 **REQUEST NO. 22:**

9 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
10 the claim that “[s]topping on the pedestrian bridges creates conditions that can foment disorder
11 which, in turn, can lead to crime and serious safety issues,” as stated in Clark County Code §
12 16.13.010.

13 **REQUEST NO. 23:**

14 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
15 the claim that without Clark County Code § 16.13.030 “it would [] be too late for law enforcement
16 or other first responders to intervene, mitigate, render aid, rescue, or take other actions necessary
17 as a result of crime and other serious safety issues” on PEDESTRIAN BRIDGES, as stated in
18 Clark County Code § 16.13.010.

19 **REQUEST NO. 24:**

20 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
21 the claim that “numerous incidents have occurred that underscore [DEFENDANT’s] concerns,”
22 as stated in Clark County Code § 16.13.010.

23 **REQUEST NO. 25:**

1 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
2 the claim that “the occurrence of threats and perceived threats [will] result in public panic and
3 immediate and unexpected demand on pedestrian bridges as in an event of flight by large groups
4 of people,” as stated in Clark County Code § 16.13.010.

5
6 **REQUEST NO. 26:**

7 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
8 the claim that there has been an “increased number and frequency of high-profile attacks in places
9 of public gatherings,” as stated in Clark County Code § 16.13.010.

10 **REQUEST NO. 27:**

11 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that the
12 PEDESTRIAN BRIDGES were “created for the purpose of separating pedestrian traffic from
13 vehicular traffic to facilitate pedestrians crossing in these locations,” as stated in Clark County
14 Code § 16.13.010.

15
16 **REQUEST NO. 28:**

17 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that “[t]he
18 parameters for the pedestrian bridge design did not include uses beyond pedestrian traffic crossing
19 from one side to the other side,” as stated in Clark County Code § 16.13.010.

20
21 **REQUEST NO. 29:**

22 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that “[t]he
23 parameters [for pedestrian bridges] included that pedestrians would not stop, stand or congregate
24 other than for incidental and fleeting viewing of the Las Vegas Strip from the pedestrian bridge,”
25 as stated in Clark County Code § 16.13.010.

26 **REQUEST NO. 30:**
27
28

1 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that “[f]or
2 pedestrians to be able to stop, stand or congregate for any other reason, the pedestrian bridges
3 would have been designed differently to account for such uses,” as stated in Clark County Code §
4 16.13.010.

5
6 **REQUEST NO. 31:**

7 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
8 the claim that “calls for law enforcement services on the Las Vegas Strip increased twenty-nine
9 percent” from 2018 to 2022, as stated in Clark County Code § 16.13.010.

10 **REQUEST NO. 32:**

11 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
12 the claim that “service calls for disorderly offenses increased twenty-three percent” from 2018 to
13 2022, as stated in Clark County Code § 16.13.010.

14
15 **REQUEST NO. 33:**

16 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that “the pedestrian
17 bridges constitute only approximately six percent (6%) of the total linear feet of public sidewalks
18 available to pedestrians,” as stated in Clark County Code § 16.13.010.

19 **REQUEST NO. 34:**

20 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
21 the claim that there is a “disproportionate call volume on pedestrian bridges,” as stated in Clark
22 County Code § 16.13.010.

23
24 **REQUEST NO. 35:**

25 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
26 the claim that “pedestrian bridges create a unique opportunity for criminal disorder,” as stated in
27 Clark County Code § 16.13.010.
28

1 **REQUEST NO. 36:**

2 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
3 the claim that PEDESTRIAN BRIDGES “create a captive audience,” as stated in Clark County
4 Code § 16.13.010.
5

6 **REQUEST NO. 37:**

7 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
8 the claim that “a sidewalk . . . has a greater ability to avoid disorder” as compared to the
9 PEDESTRIAN BRIDGES, as stated in Clark County Code § 16.13.010.
10

11 **REQUEST NO. 38:**

12 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
13 the claim that “pedestrian[s] [are] confined to the restricted space of the pedestrian bridge,” as
14 stated in Clark County Code § 16.13.010.
15

16 **REQUEST NO. 39:**

17 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark County
18 Code § 16.13.030 “is a content-neutral ordinance,” as stated in DEFENDANT Clark County’s
19 Motion to Dismiss Plaintiff’s Complaint, ECF No. 9, 10:26.
20

21 **REQUEST NO. 40:**

22 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that DEFENDANT
23 “has a substantial government interest in ensuring public safety on the pedestrian bridges,” as
24 stated in Clark County Code § 16.13.010.
25

26 **REQUEST NO. 41:**

27 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark County
28 Code § 16.13.030 “is a narrowly tailored means to accomplish the County’s important objective,”
as stated in Clark County Code § 16.13.010.

1 **REQUEST NO. 42:**

2 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark County
3 Code § 16.13.030 leaves “ample alternative means of communication,” as stated in Clark County
4 Code § 16.13.010.
5

6 **REQUEST NO. 43:**

7 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark County
8 Code § 16.13.030 provides “fair notice of what constitutes a violation,” as stated in DEFENDANT
9 Clark County’s Motion to Dismiss Plaintiff’s Complaint, ECF No. 9, 16:4.

10 **REQUEST NO. 44:**

11 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark County
12 Code § 16.13.030 “will not result in arbitrary or discriminatory enforcement,” as stated in
13 DEFENDANT Clark County’s Response to Plaintiff’s Motion for Preliminary Injunction and
14 Motion for Temporary Restraining Order, ECF No. 10, 4:17–18.
15

16 **REQUEST NO. 45:**

17 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark County
18 Code § 16.13.030 “is not unconstitutionally vague,” as stated in DEFENDANT Clark County’s
19 Motion to Dismiss Plaintiff’s Complaint, ECF No. 9, 6:16.
20

21 **REQUEST NO. 46:**

22 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO
23 the claim that “this new ordinance was necessary precisely because existing ordinances fail to
24 rectify the significant public safety and pedestrian traffic flow problems caused by the ever-
25 increasing pedestrian congestion on the pedestrian bridges,” as stated in DEFENDANT Clark
26 County’s Response to Plaintiff’s Motion for Preliminary Injunction and Motion for Temporary
27 Restraining Order, ECF No. 10, 18:19–21.
28

1 **REQUEST NO. 47:**

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the claim that
3 PEDESTRIAN BRIDGES were designed only for “incidental and fleeting view[s] of the Las
4 Vegas Strip,” as stated in Clark County Code § 16.13.010.
5

6 **REQUEST NO. 48:**

7 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the claim that Clark
8 County Code § 16.13.030 allows for “brief or insubstantial variations in movement” on the
9 PEDESTRIAN BRIDGES, as stated in DEFENDANT Clark County’s Motion to Dismiss
10 Plaintiff’s Complaint, ECF No. 9, 15:22.
11

12 **REQUEST NO. 49:**

13 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the claim that “people
14 will not be cited for taking photographs under CCC 16.13.030” on PEDESTRIAN BRIDGES, as
15 stated in DEFENDANT Clark County’s Motion to Dismiss Plaintiff’s Complaint, ECF No. 9,
16 15:2–3.
17

18 **REQUEST NO. 50:**

19 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the definition of
20 “disorderly offenses” as used in Clark County Code § 16.13.010.
21

22 **REQUEST NO. 51:**

23 ALL TRAININGS RELATED TO the implementation and enforcement of Clark County
24 Code § 16.13.030.
25

26 **REQUEST NO. 52:**

27 ALL POLICIES RELATED TO the implementation and enforcement of Clark County
28 Code § 16.13.030.
29

30 **REQUEST NO. 53:**

1 ALL DOCUMENTS and COMMUNICATIONS RELATED TO written public comment
2 submitted to DEFENDANT referencing Clark County Code § 16.13.030.

3 **REQUEST NO. 54:**

4 ALL DOCUMENTS RELATED TO Bill No. 4-19-22-1, first introduced at the April 19,
5 2022, Clark County Commission meeting.

6 **REQUEST NO. 55:**

7 ALL e-mails and ANY other COMMUNICATIONS RELATED TO Bill No. 4-19-22-1,
8 first introduced at the April 19, 2022, Clark County Commission meeting.

9 **REQUEST NO. 56:**

10 ALL DOCUMENTS and COMMUNICATIONS RELATED TO written public comment
11 submitted to DEFENDANT referencing Bill No. 4-19-22-1, first introduced at the April 19, 2022,
12 Clark County Commission meeting.

13 **REQUEST NO. 57:**

14 ALL TRAININGS RELATED TO the enforcement of Clark County Code § 16.11.

15 **REQUEST NO. 58:**

16 ALL POLICIES RELATED TO the enforcement of Clark County Code § 16.11.

17 **REQUEST NO. 59:**

18 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the enforcement of Clark
19 County Code § 16.11, including but not limited to citations, criminal complaints, arrest reports,
20 and arrest declarations.

21 **REQUEST NO. 60:**

22 ALL DOCUMENTS and COMMUNICATIONS defining “chronic offender(s),” as stated
23 by Sheriff Kevin McMahon in his interview for the article

1 *Police won't stop photos on Strip bridges under new law, sheriff says* with the Las Vegas Review-
2 Journal published on January 17, 2024.

3 **REQUEST NO. 61:**

4 ALL e-mails and ANY other COMMUNICATIONS between LVMPD and DEFENDANT
5 RELATED TO Clark County Code § 16.13.030.

6 **REQUEST NO. 62:**

7 ALL DOCUMENTS and COMMUNICATIONS including ANY of the following
8 keywords:

- 9 • "16.13.030"
- 10 • "Chapter 16.13"
- 11 • "pedestrian bridge"
- 12 • "overpass"
- 13 • "flow zone"
- 14 • "touchdown structure"
- 15 • "pedestrian traffic"
- 16 • "disorder"
- 17 • "stop or stand"
- 18 • "stopping or standing"

19 **REQUEST NO. 63:**

20 ALL DOCUMENTS and COMMUNICATIONS including the keyword "bridge" and:

- 21 • "Superbowl"
- 22 • "perform"
- 23 • "show girl"
- 24 • "homeless"

- 1 • “unsheltered”
- 2 • “chronic”
- 3 • “tour”
- 4 • “solicit”
- 5 • “disorder”
- 6 • “crime”
- 7 • “panhandle”
- 8 • “talk”
- 9 • “ask”
- 10 • “stop”
- 11 • “stand”
- 12 • “art”
- 13 • “music”
- 14 • “obstruct”
- 15 • “Formula 1”
- 16 • “F1”
- 17 • “Grand Prix”

21 **REQUEST NO. 64:**

22 ALL DOCUMENTS and COMMUNICATIONS including the keyword “overpass” and:

- 23 • “Superbowl”
- 24 • “perform”
- 25 • “show girl”
- 26 • “homeless”
- 27 • “unsheltered”
- 28

- 1 • “chronic”
- 2 • “tour”
- 3 • “solicit”
- 4 • “disorder”
- 5 • “crime”
- 6 • “panhandle”
- 7 • “talk”
- 8 • “ask”
- 9 • “stop”
- 10 • “stand”
- 11 • “art”
- 12 • “music”
- 13 • “obstruct”

16 **REQUEST NO. 65:**

17 ALL DOCUMENTS RELATED TO the enforcement of a Clark County Code ordinance
18 including but not limited to citations, criminal complaints, arrest reports, and arrest declarations,
19 that include ANY of the following keywords:
20

- 21 • “flow zone”
- 22 • “bridge”
- 23 • “touchdown”
- 24 • “escalator”
- 25 • “elevator”
- 26 • “overpass”
- 27 • “obstructive use”
- 28

- “obstructing the sidewalk”
- “obstruct pedestrian”

REQUEST NO. 66:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO complaints received by DEFENDANT from private actors RELATED TO disorder or crime on the PEDESTRIAN BRIDGES.

REQUEST NO. 67:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO complaints received by DEFENDANT from private actors RELATED TO disorder or crime in the RESORT CORRIDOR.

REQUEST NO. 68:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO ANY and ALL statistics collected by DEFENDANT or ANY law enforcement agency RELATED TO Clark County Code § 16.13.030.

REQUEST NO. 69:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO ANY and ALL statistics collected by DEFENDANT or ANY law enforcement agency RELATED TO Clark County Code § 16.11.

REQUEST NO. 70:

ALL DOCUMENTS and COMMUNICATIONS that define “disorderly offenses” in the RESORT CORRIDOR, as used in Clark County Code § 16.13.010.

REQUEST NO. 71:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO service calls for “disorderly offenses” in the RESORT CORRIDOR, as used in Clark County Code § 16.13.010.

REQUEST NO. 72:

1 ALL DOCUMENTS RELATED TO the total linear feet of public sidewalks available to
2 pedestrians in the RESORT CORRIDOR.

3 **REQUEST NO. 73:**

4 ALL DOCUMENTS and COMMUNICATIONS RELATED TO data collected by
5 DEFENDANT or ANY law enforcement agency on PEDESTRIAN BRIDGES, including but not
6 limited to citations, criminal complaints, arrest reports, and arrest declarations.
7

8 **REQUEST NO. 74:**

9 ALL DOCUMENTS and COMMUNICATIONS RELATED TO all “purpose[s]” of the
10 PEDESTRIAN BRIDGES as referenced in Clark County Code § 16.13.010, to the extent the
11 DOCUMENTS are not provided in the response to REQUEST NO. 27.
12

13 **REQUEST NO. 75:**

14 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the “parameters” initially
15 intended for the PEDESTRIAN BRIDGES as referenced in Clark County Code § 16.13.010, to
16 the extent the DOCUMENTS are not provided in the response to REQUEST NOS. 28–29.

17 **REQUEST NO. 76:**

18 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the “pedestrian bridge
19 design,” as referenced in Clark County Code § 16.13.010, to the extent the DOCUMENTS are not
20 provided in the response to REQUEST NO. 28.
21

22 **REQUEST NO. 77:**

23 ALL DOCUMENTS and COMMUNICATIONS RELATED TO First Amendment
24 activities, including but not limited to solicitation, panhandling, protesting, expressive conduct,
25 musical performances, street performing, busking, tabling, amplified sound, handbilling,
26 picketing, proselytizing, or preaching on the PEDESTRIAN BRIDGES.
27

28 **REQUEST NO. 78:**

1 ALL DOCUMENTS and COMMUNICATIONS RELATED TO First Amendment
2 activities, including but not limited to solicitation, panhandling, protesting, expressive conduct,
3 musical performances, street performing, busking, tabling, amplified sound, handbilling,
4 picketing, proselytizing, or preaching in the RESORT CORRIDOR.
5

6 **REQUEST NO. 79:**

7 ALL DOCUMENTS RELATED TO the legislative history of Clark County Code §
8 16.13.030.

9 **REQUEST NO. 80:**

10 DOCUMENTS upon which DEFENDANT intends to rely to support ANY denials in ANY
11 responses to PLAINTIFFS' allegations and/or affirmative defenses asserted against
12 DEFENDANT in this action.

13 **REQUEST NO. 81:**

14 The Curriculum Vitae or resume for the following individuals:

- 15 • Clint Spencer, Clark County Department of Public Works, Road Division
 - 16 • Dustin Crowther, County Surveyor
 - 17 • William H. Sousa.
- 18
19
20
21

22 [The remainder of this page is intentionally left blank.]
23
24
25
26
27
28

REQUEST NO. 82:

ALL DOCUMENTS containing the thoughts, impressions, opinions, speculations, observations, or ANY statements held or made by the following individuals RELATED to the PEDESTRIAN BRIDGES, including but not limited to ANY COMMUNICATIONS, final reports, draft reports, requests for information, or memoranda:

- Clint Spencer, Clark County Department of Public Works, Road Division
- Dustin Crowther, County Surveyor
- William H. Sousa.

DATED this 25th day of September, 2024.

/s/ Christopher Peterson

CHRISTOPHER M. PETERSON, Nevada Bar No.: 13932

TATIANA R. SMITH, Nevada Bar No.: 16627

ACLU of Nevada

MARGARET A. MCLETCHIE, Nevada Bar No. 10931

LEO S. WOLPERT, Nevada Bar No. 12658

MCLETCHIE LAW

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September 2024, service of true and correct copies of the foregoing PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS was made via electronic mail and by mail with postage fully prepaid to the address listed below.

JOEL K. BROWNING
Senior Deputy District Attorney
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JEFFREY S. ROGAN
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/s/ Suzanne Lara
An Employee of ACLU of Nevada

EXHIBIT 2

Plaintiffs' First Set of Interrogatories

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Attorneys for Plaintiffs

**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.

Case No: 2:24-cv-00334-JAD-NJK

**PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

PLAINTIFFS' FIRST SET OF INTERROGATORIES

Plaintiffs Lisa McAllister and Brandon Summers ("Plaintiffs"), by and through their undersigned counsel of record and pursuant to Rules 26 and 33 of the Federal Rules of Civil

Procedure, hereby request that Defendant Clark County (“Defendant”), answer separately, in writing and under oath, the following Interrogatories, in accordance with the definitions and instructions set forth below, within 30 days.

DEFINITIONS

1. Notwithstanding ANY definition set forth below, each word, term, or phrase used in the Requests is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure.

2. “ANY” and “ALL” may be used interchangeably herein and mean “ANY,” “ALL,” “each and every,” as well as “any one.”

3. “COMMUNICATION” and “COMMUNICATIONS” means ANY transmission, conveyance, or exchange of information, whether by oral, written, printed, recorded, filmed, electronic, or other means, Including, discussions, conversations, interviews, negotiations, e-mails, facsimile transmissions, letters, confirmations, telephonic conversations, correspondence, notes, memorandum, advertisement, or other forms of written or verbal discourse, however transmitted.

4. “COMPLAINT” means the controlling COMPLAINT filed by McAllister and Summers, and served upon Clark County, in the United States District Court for the District of Nevada, Case No.:24-cv-00334-JAD-NJK.

5. “DEFENDANT” shall mean DEFENDANT(s) named in the COMPLAINT in the above-captioned action, including Clark County and those PERSONS yet to be identified who are similarly liable.

6. “DEFINE” means to explicitly state or explain the meaning of a word or phrase. This includes fixing or establishing boundaries or limits on the meaning of the word or phrase.¹

7. “DESCRIBE” means to set forth a complete and detailed statement of ALL information, circumstances, and FACTS that refer to, RELATE TO, reflect, comprise, or bear upon the matter CONCERNING which information is requested.

¹ Define, *Black's Law Dictionary* (12th ed. 2024).

1 8. “DOCUMENT” and “DOCUMENTS” shall have the broadest meaning accorded
2 by Rule 34(a) of the Federal Rules. Therefore, “DOCUMENT” and “DOCUMENTS” shall
3 include, without limitation, ALL of the matters defined in Rule 1001 of the Federal Rules of
4 Evidence, COMMUNICATIONS (as defined herein), memoranda, stenographic or handwritten
5 notes, drafts, studies, publications, invoices, ledgers, journals, books, records, accounts,
6 pamphlets, voice recordings, photographs, reports, surveys, statistical compilations, work papers,
7 data processing cards, computer tapes or printouts, microfiche or microfilm, and writings of every
8 other kind and character, whether originals or reproductions.

9 The terms “DOCUMENT” and “DOCUMENTS” also include every copy where such copy
10 is not an identical reproduction of the original or where such copy contains ANY commentary,
11 marginal comment, or notation whatsoever that does not appear in the original.

12 The terms “DOCUMENT” and “DOCUMENTS” also mean and include ANY printed,
13 typewritten, or handwritten matter of reproduction thereof of whatever character, or means or
14 electronic storage of information, such as e-mail, that is within DEFENDANT’s possession,
15 control, or custody.

16 The terms “DOCUMENT” and “DOCUMENTS” also include ALL drafts. Without
17 limitation of the term “control,” a DOCUMENT is deemed to be within DEFENDANT’s control
18 if DEFENDANT has ownership, possession, or custody of the DOCUMENT or a copy thereof, or
19 the right to secure the DOCUMENT or a copy thereof, from ANY other PERSON or public or
20 private entity having physical possession thereof.

21 If ANY DOCUMENT requested herein was, but is no longer, subjected to YOUR control,
22 please state what disposition was made of it, and the date or dates, or the approximate date or dates,
23 of such disposition without limitation, ANY electronic or computerized compilation. A non-
24 identical copy is a separate DOCUMENT within the meaning of this term. “DOCUMENT” and
25 “DOCUMENTS” shall also include ANY and ALL data compilations from which information can
26 be obtained.

1 9. “FACTS” refer to anything that actually exists, including but not limited to tangible
2 things, actual occurrences, relationships, events, and states of mind such as intentions and
3 opinions.²

4 10. “IDENTIFY” when referring to: (1) a natural PERSON, means that (a) PERSON’S
5 full name, (b) present or last known business address (including street name and number, city or
6 town, state, zip code), telephone number, and e-mail address, (c) present or last known place of
7 employment and title, (d) present or last known residential address (including street name and
8 number, city or town, state, zip code) and telephone number; and (2) a PERSON other than a
9 natural PERSON (i.e., an entity), means its (a) full name and type of organization, and (b) the
10 address of its principal place of business (including street name and number, city or town, state,
11 zip code), and telephone number. Once a PERSON has been identified in accordance with this
12 subparagraph, only the name of that PERSON need be listed in response to subsequent discovery
13 requesting the identification of that PERSON.

14 11. “IDENTIFY” when referring to a DOCUMENT, whether or not such
15 DOCUMENT is presently in existence or YOUR possession, means to state, to the extent known,
16 (a) type of DOCUMENT (e.g., letter, memorandum, e-mail); (b) general subject matter of the
17 DOCUMENT; (c) the date the DOCUMENT bears or bore or, if undated, the date on which it was
18 created; (iv) the Identity of ANY PERSON who authored it or participated in the creation of it; (d)
19 the Identity of ANY PERSON who received the DOCUMENT or a copy thereof; (e) the Identity
20 of ANY PERSON having custody of or access to the original and/or ANY copy thereof;; (f) the
21 Bates or production number the DOCUMENT bears if the DOCUMENT has already or is being
22 produced; (g) if the DOCUMENT is not presently in existence, a description of ANY basis for the
23 destruction or disposal of the DOCUMENT, the date of such destruction or disposal, and the
24 Identity of ANY PERSON who participated in its destruction or disposal; and (h) if YOU do not
25 know whether the DOCUMENT is presently in existence because the DOCUMENT is not
26
27

28 ² Fact, *Black’s Law Dictionary* (12th ed. 2024).

1 presently in YOUR possession, the Identity of ANY PERSON now in possession the
2 DOCUMENT and/or ANY copy thereof.

3 12. "IDENTIFY" when referring to a COMMUNICATION, whether or not such
4 COMMUNICATION presently exists in recorded form, to state, or provide DOCUMENTS that
5 set forth, (a) the method by which the COMMUNICATION was transmitted, sent, conveyed,
6 exchanged, or received; (b) the nature, content, and substance of the COMMUNICATION; (c) the
7 date, time, and place when and where the COMMUNICATION took place; and (d) the Identity of
8 ANY PERSON who transmitted, sent, conveyed, exchanged, received, or participated in the
9 COMMUNICATION, Including ANY witness to the COMMUNICATION.

10 13. "IDENTIFY" when referring to a THING, whether or not such THING is presently
11 in existence or YOUR possession, to state, or provide DOCUMENTS that set forth, (a) a
12 description of the nature of, type of, and use(s) for the THING; (b) the THING's model, serial,
13 part, item, product, catalog, and/or manufacturer's number(s); (c) the date when the THING came
14 into existence; (d) the date when the THING came into YOUR Possession; (e) the reason(s) for
15 which YOU developed, designed, created, manufactured, purchased, or acquired the THING; (f)
16 the Identity of ANY PERSON who used, developed, designed, created, manufactured, purchased,
17 or acquired, the THING; (g) if the THING is not presently in existence, a description of ANY basis
18 for the destruction or disposal of the THING, the date of such destruction or disposal, and the
19 Identity of ANY PERSON who participated in its destruction or disposal; and (h) if YOU do not
20 know whether the THING is presently in existence because the THING is not presently in YOUR
21 possession, the Identity of ANY PERSON now in possession the THING.

22 14. "LAS VEGAS STRIP" shall mean the portion of Las Vegas Boulevard between
23 West Russell Road and Sahara Avenue.

24 15. "PEDESTRIAN BRIDGE" means an overpass used exclusively by pedestrians
25 connecting adjoining buildings along the LAS VEGAS STRIP. These are the same PEDESTRIAN
26 BRIDGES referred to in the Clark County Code § 16.13.030.

27 16. "PERSON" and "PERSONS" means ANY natural PERSON, corporation,
28 partnership, proprietorship, association, joint venture, group, governmental or public entity, or

1 ANY other form or organization of legal entity, and ALL of their directors, officers, employees,
2 representatives, or agents.

3 17. "PLAINTIFFS" shall mean PLAINTIFFS(s) named in the COMPLAINT in the
4 above-captioned action, Including Christopher Jones and those PERSONS yet to be identified who
5 are similarly situated.
6

7 18. "RELEVANT PERIOD" shall refer to the period from January 1, 2014, through
8 present day.

9 19. "THING" means ANY tangible THING that is not a DOCUMENT, including ANY
10 product, model, machine, device, apparatus, tool, component part, assembly or subassembly, and
11 ANY portion thereof.

12 20. "YOU" or "YOUR" shall mean "DEFENDANT."

13 INSTRUCTIONS

14 1. Each Interrogatory shall be construed and answered separately and shall not be
15 combined for the purpose of supplying a common response thereto. When an Interrogatory has
16 several parts, each part shall be answered separately. Each answer shall set forth verbatim the
17 Interrogatory to which it responds. The answer to an Interrogatory shall not be supplied by
18 referring to the answer to another Interrogatory, unless the Interrogatory referred to supplies a
19 complete and accurate answer to the Interrogatory being answered. The specificity of ANY
20 Interrogatory shall not be construed or understood as limiting the generality or breadth of ANY
21 other Interrogatory.

22 2. As used in these Interrogatories, and as necessary to bring within the scope of ANY
23 Interrogatory DOCUMENTS or information that might otherwise be construed to be outside the
24 scope, (a) the connectors "and" and "or" shall be construed both conjunctively and disjunctively,
25 (b) the terms "ANY" and "ALL" shall be construed as "ANY and ALL," (c) the singular of ANY
26 word shall include the plural and vice versa, and (d) the use of ANY verb in ANY tense shall be
27 construed as the use of that verb in ALL other tenses.
28

1 3. If YOU object to ANY Interrogatory, state in full the basis for YOUR objection. If
2 YOU object to part of an Interrogatory, specify the portion of the Interrogatory to which YOU
3 object and answer so much of the Interrogatory as is not objectionable. If ANY of the
4 Interrogatories cannot be answered in full, answer to the extent possible, specifying the reasons
5 for the inability to answer the remainder.

6 4. Information requested in these Interrogatories shall include information within the
7 knowledge or possession of DEFENDANT, as defined herein, as well as ANY additional
8 PERSONS, firms, or entities directly or indirectly subject to DEFENDANT's control in ANY way
9 whatsoever.

10 5. Unless otherwise stated, each Interrogatory refers to the time period of January 1,
11 2014, through present day (the RELEVANT PERIOD).

12 6. The Interrogatories are continuing in nature. Please supplement YOUR responses
13 in the event that ANY of YOUR answers change or vary after the time of YOUR original response.

14 **INTERROGATORIES**

15 **INTERROGATORY NO. 1:**

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

22 **INTERROGATORY NO. 2:**

23 DEFINE the term "criminal disorder" as used in Clark County Code § 16.13.010, including
24 but not limited to IDENTIFYING ALL specific conduct or criminal offenses included in the term
25 "criminal disorder" as used in Clark County Code § 16.13.010 and IDENTIFYING ANY
26 DOCUMENT, along with ANY relevant page and line citation, that DESCRIBES what a "criminal
27 disorder" is in the context of Clark County Code § 16.13.010.
28

INTERROGATORY NO. 3:

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

INTERROGATORY NO. 4:

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

- “incidental and fleeting viewing of the Las Vegas Strip from the pedestrian bridge” as stated in Clark County Code § 16.13.010;
- “brief or insubstantial variations in movement” as stated in DEFENDANT Clark County’s Motion to Dismiss Plaintiff’s Complaint, ECF No. 9, 15:22; and
- “taking photographs” as stated in DEFENDANT Clark County’s Motion to Dismiss Plaintiff’s Complaint, ECF No. 9, 15:2–3.

INTERROGATORY NO. 5:

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

INTERROGATORY NO. 6:

1 IDENTIFY ALL FACTS supporting YOUR claim that at the time of the passage of Clark
 2 County Code § 16.13.030 there were “significant public safety and pedestrian traffic flow
 3 problems caused by the ever-increasing pedestrian congestion on the pedestrian bridges” as stated
 4 in DEFENDANT Clark County’s Response to Plaintiff’s Motion for Preliminary Injunction and
 5 Motion for Temporary Restraining Order, ECF No. 10, 18:19–21.
 6

7 **INTERROGATORY NO. 7:**

8 IDENTIFY ALL actions YOU undertook before the enactment of Clark County Code §
 9 16.13.030 to reduce the “pedestrian traffic flow problems” caused by “pedestrian congestion on
 10 the pedestrian bridges” as stated in DEFENDANT Clark County’s Response to Plaintiff’s Motion
 11 for Preliminary Injunction and Motion for Temporary Restraining Order, ECF No. 10, 18:19–21.
 12

13 **INTERROGATORY NO. 8:**

14 DESCRIBE the original “parameters for the pedestrian bridge design” as referenced in
 15 Clark County Code § 16.13.010, including but not limited to IDENTIFYING ALL of the original
 16 parameters, IDENTIFYING ALL FACTS relied upon to determine the original parameters,
 17 IDENTIFYING ALL individuals involved in the creation of the original parameters,
 18 IDENTIFYING how the original parameters had been enforced before Clark County Code §
 19 16.13.030 was enacted, and IDENTIFYING ANY DOCUMENT, along with ANY relevant page
 20 and line citation, that DESCRIBES the original parameters for the PEDESTRIAN BRIDGES.

21 **INTERROGATORY NO. 9:**

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

- 25 • DESCRIBING how “a sidewalk . . . has a greater ability to avoid disorder” than the
 26 PEDESTRIAN BRIDGES as stated in Clark County Code § 16.13.010;
 27
 28

- DESCRIBING how YOU monitor instances of criminal disorder on PEDESTRIAN BRIDGES and grade-level sidewalks;
- DESCRIBING how YOU determined the difference between “calls for law enforcement services” and “service calls for disorderly offenses” as stated in Clark County Code § 16.13.010; and
- IDENTIFYING ANY DOCUMENT, along with ANY relevant page and line citation, that DESCRIBES the increased likelihood of criminal disorder occurring on the PEDESTRIAN BRIDGES.

DATED this 4th day of October, 2024.

MARGARET A. MCLEITCHIE, Nevada Bar No. 10931
LEO S. WOLPERT, Nevada Bar No. 12658
MCLEITCHIE LAW

CHRISTOPHER M. PETERSON, Nevada Bar No.: 13932
TATIANA R. SMITH, Nevada Bar No.: 16627
ACLU OF NEVADA
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of October 2024, service of the foregoing PLAINTIFFS' FIRST SET OF INTERROGATORIES to be served by mailing a true and correct copy with postage fully prepaid. In addition, a courtesy copy will be provided by email to the address listed below.

JOEL K. BROWNING
Senior Deputy District Attorney
Bar No. 14489
JEFFREY S. ROGAN
Deputy District Attorney
Bar No. 010734
500 Grand Central Pkwy
Suite 5075
Las Vegas, NV 89155
Tel: (702) 455-4761
E-mails: joel.browning@clarkcountyda.com
jeffrey.rogan@clarkcountyda.com





An Employee of McLetchie Law

EXHIBIT 3

Defendant Clark County's First Supplemental Disclosure
and Production of Documents Per FRCP 26(a)(1)

STEVEN B. WOLFSON
District Attorney
CIVIL DIVISION
Bar No. 1565
By: **JOEL K. BROWNING**
Senior Deputy District Attorney
Bar No. 14489
By: **JEFFREY S. ROGAN**
Deputy District Attorney
State Bar No. 010734
500 South Grand Central Pkwy., Suite 5075
Las Vegas, Nevada 89155-2215
Telephone (702) 455-4761
Fax (702) 382-5178
E-Mail: Joel.Browning@ClarkCountyDA.com
E-Mail: Jeffrey.Rogan@ClarkCountyDA.com
Attorneys for Defendant Clark County

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LISA MCALLISTER, an individual; and
BRANDOM 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
FIRST SUPPLEMENTAL
DISCLOSURE AND PRODUCTION
OF DOCUMENTS PER FRCP
26(a)(1)**

COMES NOW Defendant CLARK COUNTY, through its attorney STEVEN B. WOLFSON, District Attorney, by JOEL K. BROWNING, Senior Deputy District Attorney and by JEFFREY S. ROGAN, Deputy District Attorney hereby make its First Supplemental Disclosure and Production of Documents as required by Rule 26(a)(1) of the Federal Rules of Civil Procedure. New disclosure in **bold**.

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List of Persons with knowledge:

1. Lisa McAllister, Plaintiff
2. Brandon Summers, Plaintiff

Attorney's for Plaintiffs:

Christopher M. Peterson
Tatiana R. Smith
AMERICAN CIVIL LIBERTIES
UNION OF NEVADA
4362 W. Cheyenne Ave.
North Las Vegas, NV 89032 702-366-1226

Margaret A. McLetchie
Leo S. Wolpert
MCLEATCHIE LAW
602 South Tenth Street
Las Vegas, NV 89101 702-728-5300

LISA McALLISTER and BRANDON SUMMERS, as the Plaintiffs, are expected to testify to each of their knowledge of the events described in the Complaint.

3. CLINT SPENCER, Manager
Clark County Department of Public Works, Road Division
c/o Deputy District Attorney Joel K. Browning
500 S. Grand Central Parkway, Suite 5075
Las Vegas, NV 89155-2215 702-455-4761

CLINT SPENCER, as the Manager of Clark County Public Works, Road Division is expected to testify regarding the claims asserted in the Complaint, and to Clark County policies and procedures pertaining to this lawsuit.

4. DUSTIN CROWTHER, County Surveyor
Clark County Public Works
c/o Deputy District Attorney Joel K. Browning
500 S. Grand Central Parkway, Suite 5075
Las Vegas, NV 89155-2215 702-455-4761

DUSTIN CROWTHER as the County Surveyor for Clark County Public Works is expected to testify regarding the claims asserted in the Complaint, and to Clark County policies and procedures pertaining to this lawsuit.

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1 5. William H. Sousa, Ph.D., Professor and Director
2 Criminal Justice Department
3 University of Nevada Las Vegas
4 4505 S. Maryland Parkway, Mail Code 5009
5 Las Vegas, NV 89154 702-895-0247

6 WILLIAM H. SOUSA, Ph.D., as the writer of the report titled: *Questions Related to*
7 *Public Safety on Pedestrian Bridges*, he is expected to testify regarding the findings
8 documented in the above-referenced report.

9 6. **Kaizad Yazdani, Deputy Director**
10 **Clark County Public Works**
11 **c/o Deputy District Attorney Joel K. Browning**
12 **500 S. Grand Central Parkway, Suite 5075**
13 **Las Vegas, NV 89155-2215 702-455-4761**

14 **KAIZAD YAZDANI, as a Deputy Director of Clark County Public Works, is**
15 **expected to testify regarding the claims asserted in the Complaint, and to Clark County**
16 **policies and procedures pertaining to this lawsuit.**

17 7. **Carlos Moreno Departmental Systems Administrator**
18 **c/o Deputy District Attorney Joel K. Browning**
19 **500 S. Grand Central Parkway, Suite 5075**
20 **Las Vegas, NV 89155-2215 702-455-4761**

21 **CARLOS MORENO, as the Department System Administrator of Clark County**
22 **Public Works, is expected to testify regarding the claims asserted in the Complaint, and**
23 **to Clark County policies and procedures pertaining to this lawsuit.**

24 8. **Roger Patton, P. E.**
25 **GCW Engineering**
26 **1555 South Rainbow Boulevard**
27 **Las Vegas, NV 89146 702-804-2000**

28 **ROGER PATTON, P. E., as a consultant for Clark County, he is expected to**
29 **testify regarding the claims asserted in the Complaint and the design of the subject**
30 **pedestrian bridges.**

31 ///

32 ///

33 ///

Clark County FED R. CIV. P. 30(b)(6) witnesses

9. FED R. CIV. P. 30(b)(6)
CLARK COUNTY
c/o Deputy District Attorney Joel K. Browning
500 S. Grand Central Parkway, Suite 5075
Las Vegas, NV 89155-2215 702-455-4761

The Fed R. 30 Civ. P. 30(b)(6) witnesses representing Clark County, as the Persons Most Knowledgeable regarding this lawsuit, are expected to testify to each of their individual knowledge of the claims asserted in the Complaint and to Clark County policies and procedures pertaining to this lawsuit.

Defendant CLARK COUNTY reserves the right to call any witnesses identified by the Plaintiff or any other party up to the time of trial.

Documents Produced Herewith:

1. Certified copy of documentation regarding Board of County Commissioners Meeting, November 21, 2023, item number 68 with audio and video
CC 001 to CC 032
2. Certified copy of documentation regarding Board of County Commissioners Meeting, December 5, 2023, item number 36 with audio and video
CC 033 to CC 070
3. Certified copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video
CC 071 to CC 126
4. Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners
CC 127 to CC 131
5. Report titled: *Questions Related to Public Safety on Pedestrian Bridges*
CC 132 to CC 139
6. Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13
CC 140 to CC 145
7. **Lisa Logsdon's e-mails with attachment regarding Chapter 16.13
CC 146 to CC 252 (please see privilege log)**

8. **1994 Highway Capacity Manual Special Report 209
CC 253 to CC 823**
9. **1994 LV Boulevard S Pedestrian Walkway Study
CC 824 to CC 973**
10. **2012 Pedestrian Study Las Vegas Boulevard
CC 974 to CC 1163**
11. **2015.12.15 Las Vegas Boulevard Board Presentation
CC 1164 to CC 1206**
12. **2015 Pedestrian Study Las Vegas Boulevard Update
CC 1207 to CC 1383**
13. **1970 to 2023 Statistics Las Vegas Convention and Visitors Authority
CC 1384**
14. **2023 Pedestrian Bridge Maps
CC 1385 to CC 1389**
15. **William H. Sousa Invoices
CC 1390 to CC 1396**
16. **Agreement Between Clark County and Dr. Sousa for Public Safety and
Disorder Analysis on Pedestrian Overpasses
CC 1394 to CC 1404**
17. **Unofficial Transcript of Board of County Commissioners Meeting,
January 2, 2024, item number 38
CC 1405 to CC 1418**
18. **Certified copy of documentation regarding Board of County
Commissioners Meeting, April 19, 2022, item number 59
CC 1419 to CC 1427**
19. **Certified copy of documentation regarding Board of County
Commissioners Meeting, May 3, 2022 item number 65 including video
CC 1428 to CC 1437**
20. **Certified copy of documentation regarding Board of County
Commissioners Meeting, June 21, 2022 item number 76
CC 1438 to CC 1446**
21. **LVCVA Las Vegas Visitor Profile Study 2023
CC 1447 to CC 1499**

22. **LVCVA Matrix of Las Vegas Visitor Segments 2023**
CC 1500
23. **Excel Spreadsheet titled LVCVA Summary of Monthly Tourism Indicators for Las Vegas for calendar Year 2023**
CC 1501
24. **Excel Spreadsheet titled LVCVA Summary of Monthly Tourism Indicators for Las Vegas for calendar Year 2024**
CC 1502
25. **Transform Clark County Master Plan, adopted November 17, 2021**
CC 1503 to CC 1724
26. **Appendices to Transform Clark County Master Plan,**
CC 1725 to CC 2078

Privilege Log to the Initial Fed. R. Civ. P. 26(a)(1) Disclosures of Witnesses and Documents for Defendant Clark County and all Supplements thereto

Bates	Privilege Asserted
CC 147	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 149	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 173	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 175	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 177 – CC 181	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 183	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).

Bates	Privilege Asserted
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 CC 185 – CC 187	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 189 – CC 199	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 201	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 203 – CC 206	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 208	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 212 – CC 213	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 224 – CC 226	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 228 – CC 230	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 232 – CC 234	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 236	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 238 – CC 240	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).

1 **Defendant CLARK COUNTY reserves the right to utilize any documents**
2 **identified by the Plaintiff or any other party up to the time of trial.**

3 **Computation of Damages by Category for Defendant CLARK COUNTY**

- 4 1. Attorney's fees and costs: all fees and costs in an amount allowed by law.
5
6

7 DATED this 14th day of November, 2024.

8 STEVEN B. WOLFSON
9 DISTRICT ATTORNEY

10 By: /s/ Joel K. Browning
11 JOEL K. BROWNING
12 Senior Deputy District Attorney
13 Bar No. 14489
14 500 South Grand Central Pkwy., Suite 5075
15 Las Vegas, Nevada 89155-2215
16 *Attorneys for Defendant*
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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 14th day of November, 2024, I served a true and correct copy of the foregoing **DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1)** (United States District Court Pacer System or the Eighth Judicial District Wiznet), by e-mailing the same to the following recipients. Service of the foregoing document by e-mail is in place of service via the United States Postal Service.

Christopher M. Peterson
Tatiana R. Smith
AMERICAN CIVIL LIBERTIES
UNION OF NEVADA
4362 W. Cheyenne Ave.
North Las Vegas, NV 89032
Attorney for Plaintiffs
Peterson@aclunv.org
tsmith@aclunv.org

Margaret A. McLetchie
Leo S. Wolpert
MCLEATCHIE LAW
602 South Tenth Street
Las Vegas, NV 89101
efile@nvlitigation.com
maggie@nvlitigation.com
leo@nvlitigation.com

/s/Renee S. Albert
An Employee of the Clark County District
Attorney's Office – Civil Division

EXHIBIT 4

Defendant Clark County's Response to Plaintiffs'
First Request for Production of Documents

STEVEN B. WOLFSON
District Attorney
CIVIL DIVISION
Bar No. 1565
By: **JOEL K. BROWNING**
Deputy District Attorney
Bar No. 14489
By: **JEFFREY S. ROGAN**
Deputy District Attorney
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500 South Grand Central Pkwy., Suite 5075
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Telephone (702) 455-4761
Fax (702) 382-5178
E-Mail: Joel.Browning@ClarkCountyDA.com
E-Mail: Jeffrey.Rogan@ClarkCountyDA.com
Attorneys for Defendant Clark County

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
RESPONSES TO PLAINTIFF'S
FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

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

1 District Attorney, and JEFFREY S. ROGAN, Deputy District Attorney, and hereby responds
2 and objects to PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS,
3 pursuant to the requirements of NRCP 34, as follows:

4 REQUEST NO. 1:

5 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
6 LLV240200044159.

7 RESPONSE:

8 Objection. The instant Interrogatory is not reasonably calculated to lead to the
9 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
10 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
11 further objects to the instant Interrogatory because it is not the custodian of records for
12 LVMPD records, which are equally available to both parties. Without waiving the foregoing
13 objections and subject to the same, Defendant answers as follows:

14 Clark County has no records responsive to this request in its possession.

15 Defendant reserves the right to supplement this answer as additional information comes
16 to light in the course of discovery.

17 REQUEST NO. 2:

18 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
19 LLV240200048290.

20 RESPONSE:

21 Objection. The instant Interrogatory is not reasonably calculated to lead to the
22 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
23 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
24 further objects to the instant Interrogatory because it is not the custodian of records for
25 LVMPD records, which are equally available to both parties. Without waiving the foregoing
26 objections and subject to the same, Defendant answers as follows:

27 Clark County has no records responsive to this request in its possession.

28 ///

1 Defendant reserves the right to supplement this answer as additional information comes
2 to light in the course of discovery.

3 REQUEST NO. 3:

4 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
5 LLV240200067320.

6 RESPONSE:

7 Objection. The instant Interrogatory is not reasonably calculated to lead to the
8 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
9 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
10 further objects to the instant Interrogatory because it is not the custodian of records for
11 LVMPD records, which are equally available to both parties. Without waiving the foregoing
12 objections and subject to the same, Defendant answers as follows:

13 Clark County has no records responsive to this request in its possession.

14 Defendant reserves the right to supplement this answer as additional information comes
15 to light in the course of discovery.

16 REQUEST NO. 4:

17 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
18 LLV240200081576.

19 RESPONSE:

20 Objection. The instant Interrogatory is not reasonably calculated to lead to the
21 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
22 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
23 further objects to the instant Interrogatory because it is not the custodian of records for
24 LVMPD records, which are equally available to both parties. Without waiving the foregoing
25 objections and subject to the same, Defendant answers as follows:

26 Clark County has no records responsive to this request in its possession.

27 Defendant reserves the right to supplement this answer as additional information comes
28 to light in the course of discovery.

1 REQUEST NO. 5:

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
3 LLV240200089635.

4 RESPONSE:

5 Objection. The instant Interrogatory is not reasonably calculated to lead to the
6 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
7 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
8 further objects to the instant Interrogatory because it is not the custodian of records for
9 LVMPD records, which are equally available to both parties. Without waiving the foregoing
10 objections and subject to the same, Defendant answers as follows:

11 Clark County has no records responsive to this request in its possession.

12 Defendant reserves the right to supplement this answer as additional information comes
13 to light in the course of discovery.

14 REQUEST NO. 6:

15 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
16 LLV240200104919.

17 RESPONSE:

18 Objection. The instant Interrogatory is not reasonably calculated to lead to the
19 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
20 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
21 further objects to the instant Interrogatory because it is not the custodian of records for
22 LVMPD records, which are equally available to both parties. Without waiving the foregoing
23 objections and subject to the same, Defendant answers as follows:

24 Clark County has no records responsive to this request in its possession.

25 Defendant reserves the right to supplement this answer as additional information comes
26 to light in the course of discovery.

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1 REQUEST NO. 7:

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
3 LLV240300004054.

4 RESPONSE:

5 Objection. The instant Interrogatory is not reasonably calculated to lead to the
6 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
7 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
8 further objects to the instant Interrogatory because it is not the custodian of records for
9 LVMPD records, which are equally available to both parties. Without waiving the foregoing
10 objections and subject to the same, Defendant answers as follows:

11 Clark County has no records responsive to this request in its possession.

12 Defendant reserves the right to supplement this answer as additional information comes
13 to light in the course of discovery.

14 REQUEST NO. 8:

15 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
16 LLV240300018035.

17 RESPONSE:

18 Objection. The instant Interrogatory is not reasonably calculated to lead to the
19 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
20 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
21 further objects to the instant Interrogatory because it is not the custodian of records for
22 LVMPD records, which are equally available to both parties. Without waiving the foregoing
23 objections and subject to the same, Defendant answers as follows:

24 Clark County has no records responsive to this request in its possession.

25 Defendant reserves the right to supplement this answer as additional information comes
26 to light in the course of discovery.

27 ///

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1 REQUEST NO. 9:

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
3 LLV240300087607.

4 RESPONSE:

5 Objection. The instant Interrogatory is not reasonably calculated to lead to the
6 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
7 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
8 further objects to the instant Interrogatory because it is not the custodian of records for
9 LVMPD records, which are equally available to both parties. Without waiving the foregoing
10 objections and subject to the same, Defendant answers as follows:

11 Clark County has no records responsive to this request in its possession.

12 Defendant reserves the right to supplement this answer as additional information comes
13 to light in the course of discovery.

14 REQUEST NO. 10:

15 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
16 LLV240300104307.

17 RESPONSE:

18 Objection. The instant Interrogatory is not reasonably calculated to lead to the
19 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
20 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
21 further objects to the instant Interrogatory because it is not the custodian of records for
22 LVMPD records, which are equally available to both parties. Without waiving the foregoing
23 objections and subject to the same, Defendant answers as follows:

24 Clark County has no records responsive to this request in its possession.

25 Defendant reserves the right to supplement this answer as additional information comes
26 to light in the course of discovery.

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1 REQUEST NO. 11:

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
3 LLV240300116034.

4 RESPONSE:

5 Objection. The instant Interrogatory is not reasonably calculated to lead to the
6 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
7 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
8 further objects to the instant Interrogatory because it is not the custodian of records for
9 LVMPD records, which are equally available to both parties. Without waiving the foregoing
10 objections and subject to the same, Defendant answers as follows:

11 Clark County has no records responsive to this request in its possession.

12 Defendant reserves the right to supplement this answer as additional information comes
13 to light in the course of discovery.

14 REQUEST NO. 12:

15 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
16 LLV240400007574.

17 RESPONSE:

18 Objection. The instant Interrogatory is not reasonably calculated to lead to the
19 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
20 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
21 further objects to the instant Interrogatory because it is not the custodian of records for
22 LVMPD records, which are equally available to both parties. Without waiving the foregoing
23 objections and subject to the same, Defendant answers as follows:

24 Clark County has no records responsive to this request in its possession.

25 Defendant reserves the right to supplement this answer as additional information comes
26 to light in the course of discovery.

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1 REQUEST NO. 13:

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
3 LLV240400011750.

4 RESPONSE:

5 Objection. The instant Interrogatory is not reasonably calculated to lead to the
6 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
7 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
8 further objects to the instant Interrogatory because it is not the custodian of records for
9 LVMPD records, which are equally available to both parties. Without waiving the foregoing
10 objections and subject to the same, Defendant answers as follows:

11 Clark County has no records responsive to this request in its possession.

12 Defendant reserves the right to supplement this answer as additional information comes
13 to light in the course of discovery.

14 REQUEST NO. 14:

15 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
16 LLV240400029988.

17 RESPONSE:

18 Objection. The instant Interrogatory is not reasonably calculated to lead to the
19 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
20 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
21 further objects to the instant Interrogatory because it is not the custodian of records for
22 LVMPD records, which are equally available to both parties. Without waiving the foregoing
23 objections and subject to the same, Defendant answers as follows:

24 Clark County has no records responsive to this request in its possession.

25 Defendant reserves the right to supplement this answer as additional information comes
26 to light in the course of discovery.

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1 REQUEST NO. 15:

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
3 LLV240400047410.

4 RESPONSE:

5 Objection. The instant Interrogatory is not reasonably calculated to lead to the
6 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
7 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
8 further objects to the instant Interrogatory because it is not the custodian of records for
9 LVMPD records, which are equally available to both parties. Without waiving the foregoing
10 objections and subject to the same, Defendant answers as follows:

11 Clark County has no records responsive to this request in its possession.

12 Defendant reserves the right to supplement this answer as additional information comes
13 to light in the course of discovery.

14 REQUEST NO. 16:

15 ALL DOCUMENTS and COMMUNITCATIONS RELATED TO the enforcement of
16 Clark County Code § 16.13.030 by ANY law enforcement agency, including but not limited
17 to arrest reports, declarations of arrest, citations, or criminal complaints for any event not
18 referenced in REQUESTS NOS. 1– 15.

19 RESPONSE:

20 Objection. The instant Interrogatory is not reasonably calculated to lead to the
21 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
22 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
23 further objects to the instant Interrogatory because it is not the custodian of records for
24 LVMPD records, which are equally available to both parties. Without waiving the foregoing
25 objections and subject to the same, Defendant answers as follows:

26 Clark County has no records responsive to this request in its possession.

27 Defendant reserves the right to supplement this answer as additional information comes
28 to light in the course of discovery.

1 REQUEST NO. 17:

2 ALL DOCUMENTS, including but not limited to declarations of arrest, arrest reports,
3 citations, criminal complaints, or video footage describing, describing or depicting alleged
4 criminal activity or other “disorder” as the term is used in Clark County Code 16.13.010
5 occurring on the PEDESTRIAN BRIDGES.

6 RESPONSE:

7 Objection. The instant Interrogatory is not reasonably calculated to lead to the
8 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
9 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
10 further objects to the instant Interrogatory because it is not the custodian of records for
11 LVMPD records, which are equally available to both parties. Without waiving the foregoing
12 objections and subject to the same, Defendant answers as follows:

13 Clark County has no records responsive to this request in its possession.

14 Defendant reserves the right to supplement this answer as additional information comes
15 to light in the course of discovery.

16 REQUEST NO. 18:

17 ALL DOCUMENTS RELATED TO Dr. William Sousa’s report Questions Related to
18 Public Safety on Pedestrian Bridges, CC 132–139, including but not limited to any offers,
19 contracts, payments, drafts, or requests for information related to the report.

20 RESPONSE:

21 Objection. The instant request for “ALL DOCUMENTS” is overly broad and unduly
22 burdensome. The instant Request is also premature. All expert disclosures will be made in
23 accordance with Fed.R.Civ.P. 26(a)(2)(D). The instant request is further objectionable as Dr.
24 William Sousa was retained in anticipation of the subject litigation and to serve as Defendant
25 Clark County’s testifying expert witness in the same. Accordingly, many of the documents
26 related to Dr. Sousa’s report are protected as qualified attorney work product. See Fed.R.Civ.P.
27 26(b)(4)(C). Furthermore, as communications and documents exchanged between Dr. Sousa
28 and Clark County and its counsel were made to assist Clark County Commissioners and their

1 staff in making legislative recommendations and decisions and the disclosure of such
 2 communications would discourage candid discussions within the County and undermine the
 3 County's ability to legislate, they are also protected from disclosure under deliberative process
 4 and legislative privileges. *Transgender L. Ctr. v. Immigr. & Customs Enf't*, 46 F.4th 771, 783
 5 (9th Cir. 2022). Without waiving the foregoing objections and subject to the same, Defendant
 6 answers as follows:

7 See William H. Sousa Invoices and Agreement between Clark County and Dr. Sousa
 8 for Public Safety and Disorder Analysis on Pedestrian Overpasses, disclosed as bates CC 1390
 9 to CC 1396 and bates CC 1394 to CC 1404, respectively, in Defendant Clark County's First
 10 Supplemental Disclosure and Production of Documents Pet FRCP 26(a)(1); *see also* Certified
 11 Copy of Documentation regarding Board of County Commissioners Meeting, January 2, 2024,
 12 item number 38 with audio and video, disclosed in DEFENDANT CLARK COUNTY'S
 13 INITIAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1) as
 14 bates CC 071 TO CC 126; redacted e-mail communications between Clark County and Dr.
 15 William Sousa and the associated privilege log, disclosed in Defendant's First Supplemental
 16 Disclosures as bates CC 146-CC 252; Unofficial Transcript of Board of County
 17 Commissioners Meeting, January 2, 2024, item number 38, disclosed in Defendant's First
 18 Supplemental Disclosures as bates CC 1405-CC 1418; William H. Sousa Invoices, disclosed
 19 as CC 1390 to CC 1396; Agreement Between Clark County and Dr. Sousa for Public Safety
 20 and Disorder Analysis on Pedestrian Overpasses, disclosed as CC 1394 to CC 1404 in
 21 DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND
 22 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1)

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

25 REQUEST NO. 19:

26 ALL COMMUNICATIONS to or from Dr. William Sousa.

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1 RESPONSE:

2 Objection. The instant Request is premature. All expert disclosures will be made in
3 accordance with Fed.R.Civ.P. 26(a)(2)(D). The instant request is further objectionable as Dr.
4 William Sousa was retained in anticipation of the subject litigation and to serve as Defendant
5 Clark County's testifying expert witness in the same. All communications between Dr. Sousa
6 and Defendant Clark County or its counsel, not subject to one of the identified exceptions, are
7 protected as qualified attorney work product. *See* Fed.R.Civ.P. 26(b)(4)(C). Furthermore, as
8 communications between Dr. Sousa and Clark County and its counsel were made to assist
9 Clark County Commissioners and its staff in making legislative decisions and the disclosure
10 of such communications would discourage candid discussions within the County and
11 undermine the County's ability to legislate, they are also protected from disclosure under
12 deliberative process and legislative privileges. *Transgender L. Ctr. v. Immigr. & Customs*
13 *Enft*, 46 F.4th 771, 783 (9th Cir. 2022). Without waiving the foregoing objections and subject
14 to the same, Defendant answers as follows:

15 *See* redacted e-mail communications between Clark County and Dr. William Sousa and
16 the associated privilege log, disclosed in Defendant's First Supplemental Disclosures as bates
17 CC 146-CC 252; *see also* William H. Sousa Invoices, disclosed as CC 1390 to CC 1396;
18 Agreement Between Clark County and Dr. Sousa for Public Safety and Disorder Analysis on
19 Pedestrian Overpasses, disclosed as CC 1394 to CC 1404 in DEFENDANT CLARK
20 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF
21 DOCUMENTS PER FRCP 26(a)(1)

22 Discovery is ongoing and Defendant Clark County reserves the right to disclose
23 additional information as it becomes available in the course of discovery.

24 REQUEST NO. 20:

25 All DOCUMENTS RELATED TO pedestrian traffic in the RESORT CORRIDOR,
26 including but not limited to studies and reports on traffic congestion on the PEDESTRIAN
27 BRIDGES or the sidewalks located in the RESORT CORRIDOR.

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1 RESPONSE:

2 Objection. The instant Request is overly broad and unduly burdensome. The Request
3 is further objectionable as it vague and ambiguous as to time and to the terms: “reports” or
4 “studies.” Without waiving the foregoing objections and subject to the same, Defendant Clark
5 County responds as follows:

6 See Highway Capacity Manual, disclosed in Defendant Clark County’s First
7 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
8 Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental
9 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
10 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County’s First Supplemental
11 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
12 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
13 CC 1164-CC 1206; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
14 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Letter dated December
15 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed
16 in Defendant Clark County’s Initial Disclosures as bates CC 127-CC 131; Report titled:
17 Questions Related to Public Safety on Pedestrian Bridges, disclosed in Defendant Clark
18 County’s Initial Disclosures as bates CC 132-CC 139; Amended Title 16 of the Clark County
19 Code approved, January 2, 2024, to add Chapter 16.31, disclosed in Defendant Clark County’s
20 Initial Disclosures as bates CC 140-CC 145; Certified copy of documentation regarding Board
21 of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed
22 in Clark County’s First Supplemental Disclosures as CC 1428 to CC 1437.

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

25 REQUEST NO. 21:

26 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that the
27 “foreseeable levels of demand [on pedestrian bridges] can vary significantly and unpredictably
28 regardless of day or time of day,” as stated in Clark County Code § 16.13.010.

1 RESPONSE:

2 Objection. The instant Request is overly broad and unduly burdensome and
3 objectionable to the extent it calls for documents protected under the work product privilege
4 doctrine, deliberative process privilege, legislative immunity, or attorney client privilege. The
5 instant Request is further objectionable as it seeks documents demonstrating common sense
6 assertions and/or documents that are equally available to both parties. Defendant further
7 objects to the extent the instant Request calls for a legal conclusion. Without waiving the
8 foregoing objections and subject to the same, Defendant answers as follows:

9 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
10 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
11 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
12 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
13 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
14 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
15 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
16 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
17 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
18 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
19 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
20 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
21 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
22 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
23 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
24 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
25 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
26 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
27 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
28 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,

1 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
2 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
3 65 including video disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
4 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
5 DOCUMENTS PER FRCP 26(a)(1); LVCVA Las Vegas Visitor Profile Study 2023, LVCVA
6 Matrix of Las Vegas Visitor Segments 2023, Excel Spreadsheet titled LVCVA Summary of
7 Monthly Tourism Indicators for Las Vegas for calendar Year 2023, and Excel Spreadsheet
8 titled LVCVA Summary of Monthly Tourism Indicators for Las Vegas for calendar Year
9 2024, disclosed as CC 1447 to CC 1499, CC 1500, CC 1501, and CC 1502, respectively, in
10 DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND
11 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

12 Discovery is ongoing and Defendant Clark County reserves the right to disclose
13 additional information as it becomes available in the course of discovery.

14 REQUEST NO. 22:

15 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
16 TO the claim that "[s]topping on the pedestrian bridges creates conditions that can foment
17 disorder which, in turn, can lead to crime and serious safety issues," as stated in Clark County
18 Code § 16.13.010.

19 RESPONSE:

20 Objection. The instant Request is overly broad and unduly burdensome. The instant
21 Request is objectionable to the extent it calls for documents protected under the work product
22 privilege, deliberative process privilege, legislative privilege and immunity, or attorney client
23 privilege. The instant Request is further objectionable as it seeks documents that are equally
24 available to both parties. Defendant further objects to the extent the instant Request calls for a
25 legal conclusion. Without waiving the foregoing objections and subject to the same, Defendant
26 answers as follows:

27 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
28 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK

COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

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

REQUEST NO. 23:

ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO the claim that without Clark County Code § 16.13.030 "it would [] be too late for law

1 enforcement or other first responders to intervene, mitigate, render aid, rescue, or take other
2 actions necessary as a result of crime and other serious safety issues” on PEDESTRIAN
3 BRIDGES, as stated in Clark County Code § 16.13.010.

4 RESPONSE:

5 Objection. The instant Request is overly broad and unduly burdensome. The instant
6 Request is objectionable to the extent it calls for documents protected under the work product
7 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
8 instant Request is further objectionable as it seeks documents that are equally available to both
9 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
10 Without waiving the foregoing objections and subject to the same, Defendant answers as
11 follows:

12 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
13 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
14 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
15 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
16 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
17 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
18 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
19 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
20 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
21 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
22 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
23 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
24 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First
25 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
26 Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental
27 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
28 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County’s First Supplemental

1 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
2 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
3 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
4 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
5 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
6 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
7 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
8 DOCUMENTS PER FRCP 26(a)(1).

9 Discovery is ongoing and Defendant Clark County reserves the right to disclose
10 additional information as it becomes available in the course of discovery.

11 REQUEST NO. 24:

12 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
13 TO the claim that "numerous incidents have occurred that underscore [DEFENDANT's]
14 concerns," as stated in Clark County Code § 16.13.010.

15 RESPONSE:

16 Objection. The instant Request is overly broad and unduly burdensome. The instant
17 Request is objectionable to the extent it calls for documents protected under the work product
18 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
19 instant Request is further objectionable as it seeks documents that are equally available to both
20 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
21 Without waiving the foregoing objections and subject to the same, Defendant answers as
22 follows:

23 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
24 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
25 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
26 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
27 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
28 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended

1 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
 2 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
 3 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
 4 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
 5 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
 6 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
 7 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
 8 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
 9 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
 10 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
 11 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
 12 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
 13 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
 14 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
 15 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
 16 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
 17 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
 18 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
 19 DOCUMENTS PER FRCP 26(a)(1).

20 Discovery is ongoing and Defendant Clark County reserves the right to disclose
 21 additional information as it becomes available in the course of discovery.

22 REQUEST NO. 25:

23 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
 24 TO the claim that "the occurrence of threats and perceived threats [will] result in public panic
 25 and immediate and unexpected demand on pedestrian bridges as in an event of flight by large
 26 groups of people," as stated in Clark County Code § 16.13.010.

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1 RESPONSE:

2 Objection. The instant Request is overly broad and unduly burdensome. The instant
3 Request is objectionable to the extent it calls for documents protected under the work product
4 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
5 instant Request is further objectionable as it seeks documents that are equally available to both
6 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
7 Without waiving the foregoing objections and subject to the same, Defendant answers as
8 follows:

9 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
10 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
11 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
12 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
13 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
14 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
15 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
16 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
17 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
18 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
19 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
20 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
21 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
22 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
23 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
24 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
25 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
26 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
27 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
28 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,

1 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
2 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
3 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
4 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
5 DOCUMENTS PER FRCP 26(a)(1).

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

8 REQUEST NO. 26:

9 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
10 TO the claim that there has been an "increased number and frequency of high-profile attacks
11 in places of public gatherings," as stated in Clark County Code § 16.13.010.

12 RESPONSE:

13 Objection. The instant Request is overly broad and unduly burdensome. The instant
14 Request is objectionable to the extent it calls for documents protected under the work product
15 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
16 instant Request is further objectionable as it seeks documents that are equally available to both
17 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
18 Without waiving the foregoing objections and subject to the same, Defendant answers as
19 follows:

20 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
21 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
22 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
23 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
24 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
25 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
26 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
27 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
28 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of

1 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
2 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
3 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
4 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
5 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
6 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
7 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
8 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
9 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
10 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
11 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
12 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
13 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
14 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
15 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
16 DOCUMENTS PER FRCP 26(a)(1).

17 Discovery is ongoing and Defendant Clark County reserves the right to disclose
18 additional information as it becomes available in the course of discovery.

19 REQUEST NO. 27:

20 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that the
21 PEDESTRIAN BRIDGES were "created for the purpose of separating pedestrian traffic from
22 vehicular traffic to facilitate pedestrians crossing in these locations," as stated in Clark County
23 Code § 16.13.010.

24 RESPONSE:

25 Objection. The instant Request is overly broad and unduly burdensome. The instant
26 Request is objectionable to the extent it calls for documents protected under the work product
27 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
28 instant Request is further objectionable as it seeks documents that are equally available to both

1 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
2 Without waiving the foregoing objections and subject to the same, Defendant answers as
3 follows:

4 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
5 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
6 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
7 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
8 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
9 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
10 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
11 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
12 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
13 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
14 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
15 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
16 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
17 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
18 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
19 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
20 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
21 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
22 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
23 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
24 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
25 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
26 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
27 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
28 DOCUMENTS PER FRCP 26(a)(1).

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

3 REQUEST NO. 28:

4 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that “[t]he
5 parameters for the pedestrian bridge design did not include uses beyond pedestrian traffic
6 crossing from one side to the other side,” as stated in Clark County Code § 16.13.010.

7 RESPONSE:

8 Objection. The instant Request is overly broad and unduly burdensome. The instant
9 Request is objectionable to the extent it calls for documents protected under the work product
10 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
11 instant Request is further objectionable as it seeks documents that are equally available to both
12 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
13 Without waiving the foregoing objections and subject to the same, Defendant answers as
14 follows:

15 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
16 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
17 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
18 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
19 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
20 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
21 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
22 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
23 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
24 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
25 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
26 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
27 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First
28 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South

1 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
2 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
3 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
4 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
5 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
6 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
7 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
8 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
9 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
10 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
11 DOCUMENTS PER FRCP 26(a)(1).

12 Discovery is ongoing and Defendant Clark County reserves the right to disclose
13 additional information as it becomes available in the course of discovery.

14 REQUEST NO. 29:

15 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that "[t]he
16 parameters [for pedestrian bridges] included that pedestrians would not stop, stand or
17 congregate other than for incidental and fleeting viewing of the Las Vegas Strip from the
18 pedestrian bridge," as stated in Clark County Code § 16.13.010.

19 RESPONSE:

20 Objection. The instant Request is overly broad and unduly burdensome. The instant
21 Request is objectionable to the extent it calls for documents protected under the work product
22 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
23 instant Request is further objectionable as it seeks documents that are equally available to both
24 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
25 Without waiving the foregoing objections and subject to the same, Defendant answers as
26 follows:

27 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
28 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK

COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County’s First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY’S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

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

REQUEST NO. 30:

ALL DOCUMENTS supporting or otherwise RELATED TO the claim that “[f]or pedestrians to be able to stop, stand or congregate for any other reason, the pedestrian bridges

1 would have been designed differently to account for such uses,” as stated in Clark County
2 Code § 16.13.010.

3 RESPONSE:

4 Objection. The instant Request is overly broad and unduly burdensome. The instant
5 Request is objectionable to the extent it calls for documents protected under the work product
6 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
7 instant Request is further objectionable as it seeks documents that are equally available to both
8 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
9 Without waiving the foregoing objections and subject to the same, Defendant answers as
10 follows:

11 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
12 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
13 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
14 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
15 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
16 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
17 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
18 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
19 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
20 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
21 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
22 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
23 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First
24 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
25 Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental
26 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
27 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County’s First Supplemental
28 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las

1 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
2 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
3 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
4 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
5 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
6 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
7 DOCUMENTS PER FRCP 26(a)(1).

8 Discovery is ongoing and Defendant Clark County reserves the right to disclose
9 additional information as it becomes available in the course of discovery.

10 REQUEST NO. 31:

11 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
12 TO the claim that "calls for law enforcement services on the Las Vegas Strip increased twenty-
13 nine percent" from 2018 to 2022, as stated in Clark County Code § 16.13.010.

14 RESPONSE:

15 Objection. The instant Request is overly broad and unduly burdensome. The instant
16 Request is objectionable to the extent it calls for documents protected under the work product
17 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
18 instant Request is further objectionable as it seeks documents that are equally available to both
19 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
20 Without waiving the foregoing objections and subject to the same, Defendant answers as
21 follows:

22 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
23 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
24 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
25 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
26 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
27 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
28 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed

1 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
2 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
3 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
4 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
5 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
6 FRCP 26(a)(1); Certified copy of documentation regarding Board of County Commissioners
7 Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC
8 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES
9 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

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

12 REQUEST NO. 32:

13 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
14 TO the claim that "service calls for disorderly offenses increased twenty-three percent" from
15 2018 to 2022, as stated in Clark County Code § 16.13.010.

16 RESPONSE:

17 Objection. The instant Request is overly broad and unduly burdensome. The instant
18 Request is objectionable to the extent it calls for documents protected under the work product
19 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
20 instant Request is further objectionable as it seeks documents that are equally available to both
21 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
22 Defendant further objects that the instant Request is premature and calls for expert opinion.
23 Defendant Clark County is not the custodian of record for calls for service. Without waiving
24 the foregoing objections and subject to the same, Defendant answers as follows:

25 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
26 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
27 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
28 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,

disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

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

REQUEST NO. 33:

ALL DOCUMENTS supporting or otherwise RELATED TO the claim that "the pedestrian bridges constitute only approximately six percent (6%) of the total linear feet of public sidewalks available to pedestrians," as stated in Clark County Code § 16.13.010.

///

1 RESPONSE:

2 Objection. The instant Request is objectionable to the extent it seeks information
3 available in the public domain equally available to both parties. Defendant further objects to
4 the extent the subject Request is premature, Defendant will disclose expert testimony in
5 accordance with the Discovery Plan and Scheduling Order in this case. Defendant further
6 objects to the extent the instant Request seeks communications protected by the work product
7 doctrine or attorney client privilege. Without waiving the foregoing objection and subject to
8 the same, Defendant responds as follows:

9 Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as
10 bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
11 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
12 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
13 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND
14 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
15 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
16 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S
17 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1);
18 redacted e-mail communications between Clark County and Dr. William Sousa and the
19 associated privilege log, disclosed in Defendant's First Supplemental Disclosures as bates CC
20 146-CC 252.

21 Discovery is ongoing and Defendant Clark County reserves the right to disclose
22 additional information as it becomes available in the course of discovery.

23 REQUEST NO. 34:

24 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
25 TO the claim that there is a "disproportionate call volume on pedestrian bridges," as stated in
26 Clark County Code § 16.13.010.

27 ///

28 ///

1 RESPONSE:

2 Objection. The instant Request is overly broad and unduly burdensome—particularly
3 the demand for “ALL DOCUMENTS and COMMUNICATIONS” without the provisions of
4 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
5 not overly broad the Request is further objectionable because it impermissibly seeks to
6 ascertain legislators’ subjective motives or opinions and their communications with staff
7 protected under the deliberative process and legislative privileges in First Amendment
8 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
9 (9th Cir. 1984). The instant Request is objectionable to the extent it calls for documents
10 protected under the work product privilege or attorney client privilege. The instant Request is
11 further objectionable as it seeks documents that are equally available to both parties.
12 Defendant further objects to the extent the instant Request calls for a legal conclusion. Without
13 waiving the foregoing objections and subject to the same, Defendant answers as follows:

14 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
15 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
16 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
17 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
18 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
19 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
20 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
21 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
22 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
23 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
24 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
25 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
26 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First
27 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
28 Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental

1 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
2 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
3 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
4 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
5 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
6 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; . See redacted e-mail
7 communications between Clark County and Dr. William Sousa and the associated privilege
8 log, disclosed in Defendant's First Supplemental Disclosures as bates CC 146-CC 252;
9 Certified copy of documentation regarding Board of County Commissioners Meeting, May 3,
10 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in
11 DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND
12 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

13 Discovery is ongoing and Defendant Clark County reserves the right to disclose
14 additional information as it becomes available in the course of discovery.

15 REQUEST NO. 35:

16 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
17 TO the claim that "pedestrian bridges create a unique opportunity for criminal disorder," as
18 stated in Clark County Code § 16.13.010.

19 RESPONSE:

20 Objection. The instant Request is overly broad and unduly burdensome—particularly
21 the demand for "ALL DOCUMENTS and COMMUNICATIONS" without the provisions of
22 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
23 not overly broad the Request is further objectionable because it impermissibly seeks to
24 ascertain legislators' subjective motives or opinions and their communications with staff
25 protected under the deliberative process and legislative privileges in First Amendment
26 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
27 (9th Cir. 1984). The instant Request is objectionable to the extent it calls for documents
28 protected under the work product privilege or attorney client privilege. The instant Request is

1 further objectionable as it seeks documents that are equally available to both parties.
2 Defendant further objects to the extent the instant Request calls for a legal conclusion. Without
3 waiving the foregoing objections and subject to the same, Defendant answers as follows:

4 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
5 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
6 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
7 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
8 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
9 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
10 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
11 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
12 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
13 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
14 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
15 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
16 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
17 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
18 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
19 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
20 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
21 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
22 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
23 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
24 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
25 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
26 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
27 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
28 DOCUMENTS PER FRCP 26(a)(1).

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

3 REQUEST NO. 36:

4 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
5 TO the claim that PEDESTRIAN BRIDGES “create a captive audience,” as stated in Clark
6 County Code § 16.13.010.

7 RESPONSE:

8 Objection. The instant Request is overly broad and unduly burdensome—particularly
9 the demand for “ALL DOCUMENTS and COMMUNICATIONS” without the provisions of
10 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
11 not overly broad the Request is further objectionable because it impermissibly seeks to
12 ascertain legislators’ subjective motives or opinions and their communications with staff
13 protected under the deliberative process and legislative privileges in First Amendment
14 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
15 (9th Cir. 1984). The instant Request is objectionable to the extent it calls for documents
16 protected under the work product privilege or attorney client privilege. The instant Request is
17 further objectionable as it seeks documents that are equally available to both parties.
18 Defendant further objects to the extent the instant Request calls for a legal conclusion. Without
19 waiving the foregoing objections and subject to the same, Defendant answers as follows:

20 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
21 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
22 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
23 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
24 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
25 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
26 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
27 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
28 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of

1 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
2 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
3 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
4 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
5 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
6 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
7 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
8 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
9 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
10 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
11 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
12 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
13 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
14 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
15 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
16 DOCUMENTS PER FRCP 26(a)(1).

17 Discovery is ongoing and Defendant Clark County reserves the right to disclose
18 additional information as it becomes available in the course of discovery.

19 REQUEST NO. 37:

20 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
21 TO the claim that "a sidewalk . . . has a greater ability to avoid disorder" as compared to the
22 PEDESTRIAN BRIDGES, as stated in Clark County Code § 16.13.010.

23 RESPONSE:

24 Objection. The instant Request is overly broad and unduly burdensome—particularly
25 the demand for "ALL DOCUMENTS and COMMUNICATIONS" without the provisions of
26 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
27 not overly broad the Request is further objectionable because it impermissibly seeks to
28 ascertain legislators' subjective motives or opinions and their communications with staff

1 protected under the deliberative process and legislative privileges in First Amendment
2 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
3 (9th Cir. 1984). The instant Request is objectionable to the extent it calls for documents
4 protected under the work product privilege or attorney client privilege. The instant Request is
5 further objectionable as it seeks documents that are equally available to both parties.
6 Defendant further objects to the extent the instant Request calls for a legal conclusion. Without
7 waiving the foregoing objections and subject to the same, Defendant answers as follows:

8 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
9 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
10 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
11 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
12 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
13 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
14 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
15 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
16 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
17 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
18 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
19 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
20 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
21 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
22 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
23 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
24 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
25 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
26 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
27 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
28 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of

1 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
2 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
3 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
4 DOCUMENTS PER FRCP 26(a)(1).

5 Discovery is ongoing and Defendant Clark County reserves the right to disclose
6 additional information as it becomes available in the course of discovery.

7 REQUEST NO. 38:

8 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
9 TO the claim that "pedestrian[s] [are] confined to the restricted space of the pedestrian bridge,"
10 as stated in Clark County Code § 16.13.010.

11 RESPONSE:

12 Objection. The instant Request is overly broad and unduly burdensome—particularly
13 the demand for "ALL DOCUMENTS and COMMUNICATIONS" without the provisions of
14 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
15 not overly broad the Request is further objectionable because it impermissibly seeks to
16 ascertain legislators' subjective motives or opinions and their communications with staff
17 protected under the deliberative process and legislative privileges in First Amendment
18 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
19 (9th Cir. 1984). The instant Request is objectionable to the extent it calls for documents
20 protected under the work product privilege or attorney client privilege. The instant Request is
21 further objectionable as it seeks documents that are equally available to both parties.
22 Defendant further objects to the extent the instant Request calls for a legal conclusion. Without
23 waiving the foregoing objections and subject to the same, Defendant answers as follows:

24 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
25 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
26 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
27 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
28 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL

1 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
2 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
3 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
4 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
5 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
6 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
7 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
8 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
9 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
10 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
11 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
12 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
13 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
14 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
15 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
16 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
17 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
18 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
19 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
20 DOCUMENTS PER FRCP 26(a)(1).

21 Discovery is ongoing and Defendant Clark County reserves the right to disclose
22 additional information as it becomes available in the course of discovery.

23 REQUEST NO. 39:

24 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark
25 County Code § 16.13.030 "is a content-neutral ordinance," as stated in DEFENDANT Clark
26 County's Motion to Dismiss Plaintiff's Complaint, ECF No. 9, 10:26.

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1 RESPONSE:

2 Objection. The instant Request is overly broad—particularly as it pertains to the phrase
3 “ALL DOCUMENTS [...] RELATED TO.” The instant Request is further objectionable to
4 the extent it calls for a legal conclusion. Without waiving the foregoing objections and subject
5 to the same, Defendant answers as follows:

6 *See* Amended Title 16 of the Clark County Code approved, January 2, 2024, to add
7 Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S
8 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1);
9 Certified Copy of documentation regarding Board of County Commissioners Meeting,
10 January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in
11 DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF
12 DOCUMENTS PER FRCP 26(a)(1).

13 Discovery is ongoing and Defendant Clark County reserves the right to disclose
14 additional information as it becomes available in the course of discovery.

15 REQUEST NO. 40:

16 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that
17 DEFENDANT “has a substantial government interest in ensuring public safety on the
18 pedestrian bridges,” as stated in Clark County Code § 16.13.010.

19 RESPONSE:

20 Objection. The instant Request is overly broad and unduly burdensome—particularly
21 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS [...] RELATED TO”. The instant
22 Request is objectionable to the extent it calls for documents protected under the work product
23 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
24 instant Request is further objectionable as it seeks documents that are equally available to both
25 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
26 Without waiving the foregoing objections and subject to the same, Defendant answers as
27 follows:

28 ///

1 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
2 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
3 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
4 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
5 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
6 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
7 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
8 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
9 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
10 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
11 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
12 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
13 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
14 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
15 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
16 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
17 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
18 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
19 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
20 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
21 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
22 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
23 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
24 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
25 DOCUMENTS PER FRCP 26(a)(1).

26 Discovery is ongoing and Defendant Clark County reserves the right to disclose
27 additional information as it becomes available in the course of discovery.

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1 REQUEST NO. 41:

2 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark
3 County Code § 16.13.030 “is a narrowly tailored means to accomplish the County’s important
4 objective,” as stated in Clark County Code § 16.13.010.

5 RESPONSE:

6 Objection. The instant Request is overly broad and unduly burdensome—particularly
7 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS [...] RELATED TO”. The instant
8 Request calls for a legal conclusion. Without waiving the foregoing objections and subject to
9 the same, Defendant answers as follows:

10 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
11 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
12 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
13 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
14 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND
15 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
16 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
17 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S
18 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1);
19 Highway Capacity Manual, disclosed in Defendant Clark County’s First Supplemental
20 Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway
21 Study, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC
22 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to
23 Sahara Avenue, disclosed in Clark County’s First Supplemental Disclosures as bates CC 974-
24 CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road
25 to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015
26 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara
27 Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding
28 Board of County Commissioners Meeting, May 3, 2022 item number 65 including video,

1 disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY’S FIRST
2 SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP
3 26(a)(1).

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

6 REQUEST NO. 42:

7 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark
8 County Code § 16.13.030 leaves “ample alternative means of communication,” as stated in
9 Clark County Code § 16.13.010.

10 RESPONSE:

11 Objection. The instant Request is overly broad and unduly burdensome—particularly
12 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS [...] RELATED TO”. The instant
13 Request calls for a legal conclusion. Without waiving the foregoing objections and subject to
14 the same, Defendant answers as follows:

15 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
16 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
17 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
18 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
19 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND
20 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
21 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
22 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S
23 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1);
24 Highway Capacity Manual, disclosed in Defendant Clark County’s First Supplemental
25 Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway
26 Study, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC
27 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to
28 Sahara Avenue, disclosed in Clark County’s First Supplemental Disclosures as bates CC 974-

1 CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road
2 to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015
3 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara
4 Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding
5 Board of County Commissioners Meeting, May 3, 2022 item number 65 including video,
6 disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST
7 SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP
8 26(a)(1).

9 Discovery is ongoing and Defendant Clark County reserves the right to disclose
10 additional information as it becomes available in the course of discovery.

11 REQUEST NO. 43:

12 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark
13 County Code § 16.13.030 provides "fair notice of what constitutes a violation," as stated in
14 DEFENDANT Clark County's Motion to Dismiss Plaintiff's Complaint, ECF No. 9, 16:4.

15 RESPONSE:

16 Objection. The instant Request is overly broad and unduly burdensome—particularly
17 as it pertains to Plaintiffs' request for "ALL DOCUMENTS [...] RELATED TO." The instant
18 Request calls for a legal conclusion. Without waiving the foregoing objections and subject to
19 the same, Defendant answers as follows:

20 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
21 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
22 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
23 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
24 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND
25 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
26 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
27 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S
28 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

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

3 REQUEST NO. 44:

4 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark
5 County Code § 16.13.030 “will not result in arbitrary or discriminatory enforcement,” as stated
6 in DEFENDANT Clark County’s Response to Plaintiff’s Motion for Preliminary Injunction
7 and Motion for Temporary Restraining Order, ECF No. 10, 4:17–18.

8 RESPONSE:

9 Objection. The instant Request is overly broad and unduly burdensome—particularly
10 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS [...] RELATED TO.” The instant
11 Request calls for a legal conclusion based on an argument put forth in response to a motion
12 already resolved in Defendant Clark County’s favor. Ultimately these legal assertions by
13 counsel, which constitute questions of law, will be determined by the Court just as Plaintiffs’
14 assertions to the contrary will and are not appropriate avenues of inquiry in written discovery.
15 Without waiving the foregoing objections and subject to the same, Defendant answers as
16 follows:

17 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
18 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
19 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
20 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
21 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND
22 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
23 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
24 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S
25 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

26 Discovery is ongoing and Defendant Clark County reserves the right to disclose
27 additional information as it becomes available in the course of discovery.

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1 REQUEST NO. 45:

2 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark
3 County Code § 16.13.030 “is not unconstitutionally vague,” as stated in DEFENDANT Clark
4 County’s Motion to Dismiss Plaintiff’s Complaint, ECF No. 9, 6:16.

5 RESPONSE:

6 Objection. The instant Request is overly broad and unduly burdensome—particularly
7 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS [...] RELATED TO.” The instant
8 Request calls for a legal conclusion based on an argument put forth in response to a motion
9 already resolved by the Court. Ultimately these legal assertions by counsel, which constitute
10 questions of law, will be determined by the Court just as Plaintiffs’ assertions to the contrary
11 will and they are not appropriate points of inquiry for discovery. Without waiving the
12 foregoing objections and subject to the same, Defendant answers as follows:

13 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
14 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
15 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
16 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
17 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND
18 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
19 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
20 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S
21 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

22 Discovery is ongoing and Defendant Clark County reserves the right to disclose
23 additional information as it becomes available in the course of discovery.

24 REQUEST NO. 46:

25 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
26 TO the claim that “this new ordinance was necessary precisely because existing ordinances
27 fail to rectify the significant public safety and pedestrian traffic flow problems caused by the
28 ever-increasing pedestrian congestion on the pedestrian bridges,” as stated in DEFENDANT

1 Clark County's Response to Plaintiff's Motion for Preliminary Injunction and Motion for
2 Temporary Restraining Order, ECF No. 10, 18:19–21.

3 RESPONSE:

4 Objection. The instant Request is overly broad and unduly burdensome—particularly
5 as it pertains to Plaintiffs' request for "ALL DOCUMENTS and COMMUNICATIONS [...]
6 RELATED TO" without the provisions of meaningful time restrictions, search terms or user
7 accounts. Even if the subject Request were not overly broad the Request is further
8 objectionable because it impermissibly seeks to ascertain legislators' subjective motives or
9 opinions and their communications with staff protected under the deliberative process and
10 legislative privileges in First Amendment challenges such is the instant case. *See, e.g., City of*
11 *Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is objectionable
12 to the extent it calls for documents protected under the work product privilege or attorney
13 client privilege. The instant Request further calls for a legal conclusion based on an argument
14 put forth in response to a motion already resolved in Defendant Clark County's favor.
15 Ultimately these legal assertions by counsel, which constitute questions of law, will be
16 determined by the Court just as Plaintiffs' assertions to the contrary will and are not
17 appropriate avenues of inquiry in written discovery. The instant Request is overly broad and
18 unduly burdensome. The instant Request is further objectionable as it seeks documents that
19 are equally available to both parties. Defendant further objects to the extent the instant Request
20 calls for a legal conclusion. Without waiving the foregoing objections and subject to the same,
21 Defendant answers as follows:

22 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
23 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
24 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
25 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
26 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
27 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
28 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed

1 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
2 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
3 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
4 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
5 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
6 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First
7 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
8 Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental
9 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
10 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County’s First Supplemental
11 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
12 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
13 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
14 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Chapter 16.11 -
15 OBSTRUCTIVE USES OF PUBLIC SIDEWALKS of the Clark County Code; Certified copy
16 of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item
17 number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
18 COUNTY’S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
19 DOCUMENTS PER FRCP 26(a)(1).

20 Discovery is ongoing and Defendant Clark County reserves the right to disclose
21 additional information as it becomes available in the course of discovery.

22 REQUEST NO. 47:

23 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the claim that
24 PEDESTRIAN BRIDGES were designed only for “incidental and fleeting view[s] of the Las
25 Vegas Strip,” as stated in Clark County Code § 16.13.010.

26 RESPONSE:

27 Objection. The instant Request is overly broad and unduly burdensome—particularly
28 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS and COMMUNICATIONS [...]

1 RELATED TO” without the provisions of meaningful time restrictions, search terms or user
2 accounts. Even if the subject Request were not overly broad the Request is further
3 objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or
4 opinions and their communications with staff protected under the deliberative process and
5 legislative privileges in First Amendment challenges such is the instant case. *See, e.g., City of*
6 *Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is objectionable
7 to the extent it calls for documents protected under the work product privilege or attorney
8 client privilege. The instant Request further calls for a legal conclusion. Without waiving the
9 foregoing objections and subject to the same, Defendant responds as follows:

10 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
11 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
12 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
13 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
14 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
15 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
16 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
17 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
18 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
19 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
20 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
21 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
22 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First
23 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
24 Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental
25 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
26 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County’s First Supplemental
27 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
28 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates

1 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
 2 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Chapter 16.11 -
 3 OBSTRUCTIVE USES OF PUBLIC SIDEWALKS of the Clark County Code; Certified copy
 4 of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item
 5 number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
 6 COUNTY’S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
 7 DOCUMENTS PER FRCP 26(a)(1).

8 Discovery is ongoing and Defendant Clark County reserves the right to disclose
 9 additional information as it becomes available in the course of discovery.

10 REQUEST NO. 48:

11 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the claim that Clark
 12 County Code § 16.13.030 allows for “brief or insubstantial variations in movement” on the
 13 PEDESTRIAN BRIDGES, as stated in DEFENDANT Clark County’s Motion to Dismiss
 14 Plaintiff’s Complaint, ECF No. 9, 15:22.

15 RESPONSE:

16 Objection. The instant Request is overly broad and unduly burdensome—particularly
 17 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS and COMMUNICATIONS
 18 RELATED TO” without the provisions of meaningful time restrictions, search terms or user
 19 accounts. The instant Request calls for a legal conclusion based on an argument put forth in
 20 response to a motion already resolved by the Court. Notably, brief or insubstantial variations
 21 in movement do not constitute stopping or standing. Ultimately these legal assertions by
 22 counsel, which constitute questions of law, will be determined by the Court just as Plaintiffs’
 23 assertions to the contrary will and they are not appropriate points of inquiry for discovery.
 24 Without waiving the foregoing objections and subject to the same, Defendant answers as
 25 follows:

26 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
 27 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
 28 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark

1 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
2 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND
3 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
4 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
5 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S
6 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

7 Discovery is ongoing and Defendant Clark County reserves the right to disclose
8 additional information as it becomes available in the course of discovery.

9 REQUEST NO. 49:

10 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the claim that “people
11 will not be cited for taking photographs under CCC 16.13.030” on PEDESTRIAN BRIDGES,
12 as stated in DEFENDANT Clark County’s Motion to Dismiss Plaintiff’s Complaint, ECF No.
13 9, 15:2–3.

14 RESPONSE:

15 Objection. The instant Request is overly broad and unduly burdensome—particularly
16 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS and COMMUNICATIONS
17 RELATED TO” without the provisions of meaningful time restrictions, search terms or user
18 accounts. The instant Request calls for a legal conclusion based on an argument put forth in
19 response to a motion already resolved by the Court. Ultimately these legal assertions by
20 counsel, which constitute questions of law, will be determined by the Court just as Plaintiffs’
21 assertions to the contrary will and they are not appropriate points of inquiry for discovery.
22 Notably, taking photographs does not constitute stopping or standing. Without waiving the
23 foregoing objections and subject to the same, Defendant answers as follows:

24 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
25 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
26 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
27 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
28 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND

1 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
2 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
3 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S
4 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

5 Discovery is ongoing and Defendant Clark County reserves the right to disclose
6 additional information as it becomes available in the course of discovery.

7 REQUEST NO. 50:

8 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the definition of
9 "disorderly offenses" as used in Clark County Code § 16.13.010.

10 RESPONSE:

11 Objection. The instant Request is overly broad and unduly burdensome—particularly
12 as it pertains to Plaintiffs' request for "ALL DOCUMENTS and COMMUNICATIONS
13 RELATED TO" without the provisions of meaningful time restrictions, search terms or user
14 accounts. Even if the subject Request were not overly broad the Request is further
15 objectionable because it impermissibly seeks to ascertain legislators' subjective motives or
16 opinions and their communications with staff protected under the deliberative process and
17 legislative privileges in First Amendment challenges such is the instant case. *See, e.g., City of*
18 *Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is objectionable
19 to the extent it calls for documents protected under the work product privilege or attorney
20 client privilege. The instant Request further calls for a legal conclusion. Without waiving the
21 foregoing objections and subject to the same, Defendant responds as follows:

22 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
23 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
24 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
25 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
26 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
27 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
28 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed

1 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
2 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
3 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
4 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
5 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
6 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First
7 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
8 Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental
9 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
10 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County’s First Supplemental
11 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
12 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
13 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
14 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Chapter 16.11 -
15 OBSTRUCTIVE USES OF PUBLIC SIDEWALKS of the Clark County Code; Certified copy
16 of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item
17 number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
18 COUNTY’S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
19 DOCUMENTS PER FRCP 26(a)(1).

20 Discovery is ongoing and Defendant Clark County reserves the right to disclose
21 additional information as it becomes available in the course of discovery.

22 REQUEST NO. 51:

23 ALL TRAININGS RELATED TO the implementation and enforcement of Clark
24 County Code § 16.13.030.

25 RESPONSE:

26 Objection. The instant request is vague and ambiguous, particularly as it pertains to the
27 terms “trainings,” “implementation,” and “enforcement.” Defendant further objects that it is
28 not the entity responsible for the enforcement of Clark County Code § 16.13.030. The instant

1 request is further objectionable as it is not reasonably calculated to lead to the discovery of
2 admissible evidence. Without waiving the foregoing objections and subject to the same,
3 Defendant responds as follows:

4 To the extent the ordinance may be considered a training, see the text of Chapter 16.13
5 to the Clark County Code, disclosed in Defendant Clark County's Initial Disclosures as bates
6 CC 140 to CC 145.

7 Discovery is ongoing and Defendant reserves the right to supplement its response to
8 the instant request as additional information becomes available in the course of discovery.

9 REQUEST NO. 52:

10 ALL POLICIES RELATED TO the implementation and enforcement of Clark County
11 Code § 16.13.030.

12 RESPONSE:

13 Objection. The instant request is vague and ambiguous, particularly as it pertains to the
14 terms "policies," "implementation," and "enforcement." Defendant further objects that it is
15 not the entity responsible for the enforcement of Clark County Code § 16.13.030. The instant
16 request is further objectionable as it is not reasonably calculated to lead to the discovery of
17 admissible evidence. Without waiving the foregoing objections and subject to the same,
18 Defendant responds as follows:

19 To the extent the ordinance may be considered policy, see the text of Chapter 16.13 to
20 the Clark County Code, disclosed in Defendant Clark County's Initial Disclosures as bates CC
21 140 to CC 145.

22 Discovery is ongoing and Defendant reserves the right to supplement its response to
23 the instant request as additional information becomes available in the course of discovery.

24 REQUEST NO. 53:

25 ALL DOCUMENTS and COMMUNICATIONS RELATED TO written public
26 comment submitted to DEFENDANT referencing Clark County Code § 16.13.030.

27 ///

28 ///

1 RESPONSE:

2 Objection. The instant Request is overly broad and unduly burdensome—particularly
3 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS and COMMUNICATIONS
4 RELATED TO” without the provisions of meaningful time restrictions, search terms or user
5 accounts. The instant Request is further objectionable as it is vague and ambiguous as to time
6 and the phrase “written public comment.” Without waiving the foregoing objection and subject
7 to the same, Defendant responds as follows:

8 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
9 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
10 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
11 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
12 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
13 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
14 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
15 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
16 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
17 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
18 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
19 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
20 FRCP 26(a)(1).

21 Discovery is ongoing and Defendant reserves the right to supplement its response to
22 the instant request as additional information becomes available in the course of discovery.

23 REQUEST NO. 54:

24 ALL DOCUMENTS RELATED TO Bill No. 4-19-22-1, first introduced at the April
25 19, 2022, Clark County Commission meeting.

26 RESPONSE:

27 Objection. The instant Request is overly broad and unduly burdensome—particularly
28 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS RELATED TO.” Even if the

1 subject Request were not overly broad the Request is further objectionable because it
2 impermissibly seeks to ascertain legislators' subjective motives or opinions and their
3 communications with staff protected under the deliberative process and legislative privileges
4 in First Amendment challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*,
5 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is objectionable to the extent it calls
6 for documents protected under the work product privilege or attorney client privilege. The
7 instant Request is not relevant nor reasonably calculated to lead to the discovery of admissible
8 evidence. Without waiving the foregoing objections and subject to the same, Defendant
9 Responds as follows:

10 *See* Certified copy of documentation regarding Board of County Commissioners
11 Meeting, April 19, 2022, item number 59, disclosed as bates CC 1419 to CC 1427; Certified
12 copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item
13 number 65 including video, disclosed as bates CC 1428 to CC 1437; and Certified copy of
14 documentation regarding Board of County Commissioners Meeting, June 21, 2022 item
15 number 76, disclosed as bates CC 1438 to CC 1446.

16 Discovery is ongoing and Defendant reserves the right to supplement its response to
17 the instant request as additional information becomes available in the course of discovery.

18 REQUEST NO. 55:

19 ALL e-mails and ANY other COMMUNICATIONS RELATED TO Bill No. 4-19-22-
20 1, first introduced at the April 19, 2022, Clark County Commission meeting.

21 RESPONSE:

22 The instant Request is overly broad and unduly burdensome—particularly as it pertains
23 to Plaintiffs' request for "ALL e-mails and ANY other COMMUNICATIONS RELATED TO
24 Bill No. 4-19-22-1" without the provisions of meaningful time restrictions, search terms or
25 user accounts. Even if the subject Request were not overly broad the Request is further
26 objectionable because it impermissibly seeks to ascertain legislators' subjective motives or
27 opinions and their communications with staff protected from disclosure under the deliberative
28 process and legislative privileges in First Amendment challenges such is the instant case. *See*,

1 *e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is
2 objectionable as it is not reasonably calculated to lead to the discovery of admissible evidence.
3 Communications regarding a completely different proposed ordinance from 2022 are both
4 protected by deliberative process privilege and have no bearing on a determination of the
5 constitutionality of a separate ordinance passed in 2024 which will be determined on the
6 language of the ordinance, the legislative history, and the public comment by any legislators.
7 The instant Request is further objectionable to the extent it calls for documents protected under
8 the work product privilege or attorney client privilege. The instant Request is also not
9 proportional to the needs of the case. Without waiving the foregoing objections and subject to
10 the same, Defendant Responds as follows:

11 Defendant declines to respond to the instant Request as the requested communications
12 are privileged and irrelevant and the work required to perform an undefined search of this
13 nature is disproportionate to the needs of the case.

14 Discovery is ongoing and Defendant reserves the right to supplement its response to
15 the instant request as additional information becomes available in the course of discovery.

16 REQUEST NO. 56:

17 ALL DOCUMENTS and COMMUNICATIONS RELATED TO written public
18 comment submitted to DEFENDANT referencing Bill No. 4-19-22-1, first introduced at the
19 April 19, 2022, Clark County Commission meeting.

20 RESPONSE:

21 The instant Request is overly broad and unduly burdensome—particularly as it pertains
22 to Plaintiffs’ request for “ALL e-mails and ANY other COMMUNICATIONS RELATED TO
23 Bill No. 4-19-22-1” without the provisions of meaningful time restrictions, search terms or
24 user accounts. Even if the subject Request were not overly broad the Request is further
25 objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or
26 opinions and their communications with staff protected from disclosure under the deliberative
27 process and legislative privileges in First Amendment challenges such is the instant case. *See,*
28 *e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is

1 objectionable as it is not reasonably calculated to lead to the discovery of admissible evidence.
2 Communications regarding a completely different proposed ordinance from 2022 are both
3 protected by deliberative process privilege and have no bearing on a determination of the
4 constitutionality of a separate ordinance passed in 2024 which will be determined on the
5 language of the ordinance, the legislative history, and the public comment by any legislators.
6 The instant Request is further objectionable to the extent it calls for documents protected under
7 the work product privilege or attorney client privilege. The instant Request is also not
8 proportional to the needs of the case. Without waiving the foregoing objections and subject to
9 the same, Defendant Responds as follows:

10 *See* Certified copy of documentation regarding Board of County Commissioners
11 Meeting, April 19, 2022, item number 59, disclosed as bates CC 1419 to CC 1427; Certified
12 copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item
13 number 65 including video, disclosed as bates CC 1428 to CC 1437; and Certified copy of
14 documentation regarding Board of County Commissioners Meeting, June 21, 2022 item
15 number 76, disclosed as bates CC 1438 to CC 1446.

16 Discovery is ongoing and Defendant reserves the right to supplement its response to
17 the instant request as additional information becomes available in the course of discovery.

18 REQUEST NO. 57:

19 ALL TRAININGS RELATED TO the enforcement of Clark County Code § 16.11.

20 RESPONSE:

21 Objection. The instant request is vague and ambiguous, particularly as it pertains to the
22 terms “trainings” and “enforcement.” Defendant further objects that it is not the entity
23 responsible for the enforcement of Clark County Code § 16.13.030 or Clark County Code §
24 16.11. The instant request is further objectionable as it is not reasonably calculated to lead to
25 the discovery of admissible evidence. Without waiving the foregoing objections and subject
26 to the same, Defendant responds as follows:

27 ///

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1 To the extent the ordinance may be considered a training, see the text of Chapter 16.13
2 to the Clark County Code, disclosed in Defendant Clark County's Initial Disclosures as bates
3 CC 140 to CC 145; *see also* Clark County Code § 16.11 available online.

4 Discovery is ongoing and Defendant reserves the right to supplement its response to
5 the instant request as additional information becomes available in the course of discovery.

6 REQUEST NO. 58:

7 ALL POLICIES RELATED TO the enforcement of Clark County Code § 16.11.

8 RESPONSE:

9 Objection. The instant request is vague and ambiguous, particularly as it pertains to the
10 terms "policies" and "enforcement." Defendant further objects that it is not the entity
11 responsible for the enforcement of Clark County Code § 16.13.030 or Clark County Code §
12 16.11. The instant request is further objectionable as it is not reasonably calculated to lead to
13 the discovery of admissible evidence. Without waiving the foregoing objections and subject
14 to the same, Defendant responds as follows:

15 To the extent the text of the ordinance may be considered a training material, see the
16 text of Chapter 16.13 to the Clark County Code, disclosed in Defendant Clark County's Initial
17 Disclosures as bates CC 140 to CC 145; *see also* Clark County Code § 16.11 available online.

18 Discovery is ongoing and Defendant reserves the right to supplement its response to
19 the instant request as additional information becomes available in the course of discovery.

20 REQUEST NO. 59:

21 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the enforcement of
22 Clark County Code § 16.11, including but not limited to citations, criminal complaints, arrest
23 reports, and arrest declarations.

24 RESPONSE:

25 Objection. The instant Request is not reasonably calculated to lead to the discovery of
26 admissible evidence. Clark County Code § 16.11 is not at issue in the subject litigation and
27 has already been deemed constitutional on its face by United States District Court for the
28 District of Nevada. *See Taylor v. LVMPD, et al.*, Case No. 2:19-CV-00995. The instant

1 Request is further objectionable because it is unduly burdensome, overly broad, and not
2 proportional to the needs of the case. Defendant further objects to the instant Request because
3 it is not the custodian of records for LVMPD records, which are equally available to both
4 parties. Without waiving the foregoing objections and subject to the same, Defendant answers
5 as follows:

6 It is upon information and belief that Clark County has no records responsive to this
7 request in its possession.

8 Discovery is ongoing and Defendant reserves the right to supplement its response to
9 the instant request as additional information becomes available in the course of discovery.

10 REQUEST NO. 60:

11 ALL DOCUMENTS and COMMUNICATIONS defining “chronic offender(s),” as
12 stated by Sheriff Kevin McMahon in his interview for the article Police won’t stop photos on
13 Strip bridges under new law, sheriff says with the Las Vegas Review-Journal published on
14 January 17, 2024.

15 RESPONSE:

16 Objection. The instant Request for Production is vague and ambiguous as written. The
17 instant Request is also not reasonably calculated to lead to the discovery of admissible
18 evidence as these comments were made post-hac after the subject ordinance had already been
19 enacted. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013);
20 *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Furthermore, as Sheriff Kevin McMahon
21 is an elected official who heads the Las Vegas Metropolitan Police Department, a separate
22 legal entity, and is neither an employee nor official of Clark County, Clark County objects to
23 a Request demanding supporting documents for his statements or the content of articles
24 prepared by third-party media outlets which are equally available to the parties by subpoena
25 or public records request. Plaintiffs’ request in this regard is both overly broad, unduly
26 burdensome, and not proportional to the needs of the case. Without waiving the foregoing
27 objections and subject to the same, Defendant answers as follows:

28 Defendant is not aware of any documents responsive to this Request in its possession.

1 Discovery is ongoing and Defendant reserves the right to supplement its response to
2 the instant request as additional information becomes available in the course of discovery.

3 REQUEST NO. 61:

4 ALL e-mails and ANY other COMMUNICATIONS between LVMPD and
5 DEFENDANT RELATED TO Clark County Code § 16.13.030.

6 RESPONSE:

7 Objection. The instant request is overly broad and unduly burdensome particularly as
8 it pertains to “ALL e-mails and ANY other COMMUNICATIONS between LVMPD and
9 DEFENDANT RELATED TO Clark County Code § 16.13.030.” Without the provisions of
10 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
11 not overly broad the Request is further objectionable because it impermissibly seeks to
12 ascertain legislators’ subjective motives or opinions and their communications with staff
13 protected under the deliberative process and legislative privileges in First Amendment
14 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
15 (9th Cir. 1984). The instant Request is not reasonably calculated to lead to the discovery of
16 admissible evidence, and not proportional to the needs of this case. The instant request is also
17 vague and ambiguous to time and provides no meaningful parameters for performing a search
18 of this nature. In facial challenges such as the one at issue in this case, the Court may “only
19 look to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its
20 passage, and to the existence or nonexistence of legitimate explanations for its apparent
21 effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d
22 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d
23 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and
24 may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s]
25 subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v.*
26 *City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d
27 36, 47 (1st Cir. 2001).

28 ///

1 Furthermore, communications between LVMPD and Clark County and its employees,
2 officers, and staff regarding Clark County Code are protected under the deliberative process
3 privilege and are not admissible or discoverable in facial challenges. *See United States Fish &*
4 *Wildlife Serv. v. Sierra Club, Inc.*, 592 U.S. 261, 267–68, 141 S. Ct. 777, 785–86, 209 L. Ed.
5 2d 78 (2021). Without waiving the foregoing objections and subject to the same, Defendant
6 Clark County answers as follows:

7 To the extent any of the documents already disclosed in this action are responsive to
8 the instant request, *see* Defendant Clark County’s Initial Disclosures and all supplements
9 thereto.

10 Discovery is ongoing and Defendant reserves the right to supplement its response to
11 the instant request as additional information becomes available in the course of discovery.

12 REQUEST NO. 62:

13 ALL DOCUMENTS and COMMUNICATIONS including ANY of the following
14 keywords:

- 15 • “16.13.030”
- 16 • “Chapter 16.13”
- 17 • “pedestrian bridge”
- 18 • “overpass”
- 19 • “flow zone”
- 20 • “touchdown structure”
- 21 • “pedestrian traffic”
- 22 • “disorder”
- 23 • “stop or stand”
- 24 • “stopping or standing”

25 RESPONSE:

26 Objection. The instant request is overly broad and unduly burdensome particularly as
27 it pertains to “ALL DOCUMENTS and COMMUNICATIONS including ANY of the
28 following keywords” without the provisions of meaningful time restrictions, search

parameters or user accounts. Even if the subject Request were not overly broad the Request is further objectionable because it impermissibly seeks to ascertain legislators' subjective motives or opinions and their communications with staff 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). The instant Request is not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of this case. In facial challenges such as the one at issue in this case, the Court may "only look to [the ordinance's] terms, to the intent expressed by [the legislative body] who voted its passage, and to the existence or nonexistence of legitimate explanations for its apparent effect." *Nixon v. Adm'r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a legislative body's findings at face value and may not "look beyond the face of the [ordinance] and speculate about the [legislative body's] subjective intent" based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001).

Without waiving the foregoing objections and subject to the same, Defendant Clark County answers as follows:

Defendant declines to respond to the instant Request as the requested communications are privileged and irrelevant and the work required to perform an undefined search of this nature is disproportionate to the needs of the case.

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST NO. 63:

ALL DOCUMENTS and COMMUNICATIONS including the keyword "bridge" and:

- "Superbowl"
- "perform"
- "show girl"

- 1 • “homeless”
- 2 • “unsheltered”
- 3 • “chronic”
- 4 • “tour”
- 5 • “solicit”
- 6 • “disorder”
- 7 • “crime”
- 8 • “panhandle”
- 9 • “talk”
- 10 • “ask”
- 11 • “stop”
- 12 • “stand”
- 13 • “art”
- 14 • “music”
- 15 • “obstruct”
- 16 • “Formula 1”
- 17 • “F1”
- 18 • “Grand Prix”

19 RESPONSE:

20 Objection. The instant request is overly broad and unduly burdensome particularly as
21 it pertains to “ALL DOCUMENTS and COMMUNICATIONS including the keyword
22 “bridge” and:” without the provisions of meaningful time restrictions, search parameters or
23 user accounts. Even if the subject Request were not overly broad the Request is further
24 objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or
25 opinions and their communications with staff protected under the deliberative process and
26 legislative privileges in First Amendment challenges such is the instant case. *See, e.g., City of*
27 *Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is not reasonably
28 calculated to lead to the discovery of admissible evidence, and not proportional to the needs

1 of this case. In facial challenges such as the one at issue in this case, the Court may “only look
 2 to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its
 3 passage, and to the existence or nonexistence of legitimate explanations for its apparent
 4 effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d
 5 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d
 6 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and
 7 may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s]
 8 subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v.*
 9 *City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d
 10 36, 47 (1st Cir. 2001).

11 Without waiving the foregoing objections and subject to the same, Defendant Clark
 12 County answers as follows:

13 Defendant declines to respond to the instant Request as the requested communications
 14 are privileged and irrelevant and the work required to perform an undefined search of this
 15 nature is disproportionate to the needs of the case.

16 Discovery is ongoing and Defendant reserves the right to supplement its response to
 17 the instant request as additional information becomes available in the course of discovery.

18 REQUEST NO. 64:

19 ALL DOCUMENTS and COMMUNICATIONS including the keyword “overpass”
 20 and:

- 21 • “Superbowl”
- 22 • “perform”
- 23 • “show girl”
- 24 • “homeless”
- 25 • “unsheltered”
- 26 • “chronic”
- 27 • “tour”
- 28 • “solicit”

- 1 • “disorder”
- 2 • “crime”
- 3 • “panhandle”
- 4 • “talk”
- 5 • “ask”
- 6 • “stop”
- 7 • “stand”
- 8 • “art”
- 9 • “music”
- 10 • “obstruct”

11 RESPONSE:

12 Objection. The instant request is overly broad and unduly burdensome particularly as
 13 it pertains to “ALL DOCUMENTS and COMMUNICATIONS including the keyword
 14 “overpass” and:” without the provisions of meaningful time restrictions, search parameters or
 15 user accounts. Even if the subject Request were not overly broad the Request is further
 16 objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or
 17 opinions and their communications with staff protected under the deliberative process and
 18 legislative privileges in First Amendment challenges such is the instant case. *See, e.g., City of*
 19 *Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is not reasonably
 20 calculated to lead to the discovery of admissible evidence, and not proportional to the needs
 21 of this case. In facial challenges such as the one at issue in this case, the Court may “only look
 22 to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its
 23 passage, and to the existence or nonexistence of legitimate explanations for its apparent
 24 effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d
 25 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d
 26 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and
 27 may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s]
 28 subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v.*

1 *City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d
2 36, 47 (1st Cir. 2001).

3 Without waiving the foregoing objections and subject to the same, Defendant Clark
4 County answers as follows:

5 Defendant declines to respond to the instant Request as the requested communications
6 are privileged and irrelevant and the work required to perform an undefined search of this
7 nature is disproportionate to the needs of the case.

8 Discovery is ongoing and Defendant reserves the right to supplement its response to
9 the instant request as additional information becomes available in the course of discovery.

10 REQUEST NO. 65:

11 ALL DOCUMENTS RELATED TO the enforcement of a Clark County Code
12 ordinance including but not limited to citations, criminal complaints, arrest reports, and arrest
13 declarations, that include ANY of the following keywords:

- 14 • “flow zone”
- 15 • “bridge”
- 16 • “touchdown”
- 17 • “escalator”
- 18 • “elevator”
- 19 • “overpass”
- 20 • “obstructive use”
- 21 • “obstructing the sidewalk”
- 22 • “obstruct pedestrian”

23 RESPONSE:

24 Objection. The instant request is overly broad and unduly burdensome particularly as
25 it pertains to “ALL DOCUMENTS related to” without the provisions of meaningful time
26 restrictions or search parameters. Even if the subject Request were not overly broad, the
27 Request is further objectionable because it impermissibly seeks to ascertain legislators’
28 subjective motives or opinions and their communications with staff protected under the

1 deliberative process and legislative privileges in First Amendment challenges such is the
2 instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The
3 instant Request is not reasonably calculated to lead to the discovery of admissible evidence,
4 and not proportional to the needs of this case. In facial challenges such as the one at issue in
5 this case, the Court may “only look to [the ordinance’s] terms, to the intent expressed by [the
6 legislative body] who voted its passage, and to the existence or nonexistence of legitimate
7 explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S.
8 Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin.*
9 *Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a legislative
10 body’s findings at face value and may not “look beyond the face of the [ordinance] and
11 speculate about the [legislative body’s] subjective intent” based on post-hac or non-public
12 communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637
13 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant further objects
14 that it is a separate and distinct legal entity from Las Vegas Metropolitan Police Department
15 and is not responsible for the enforcement of laws in Clark County and is not the custodian of
16 records for citations, arrest reports, and arrest declarations.

17 Without waiving the foregoing objections and subject to the same, Defendant Clark
18 County answers as follows:

19 Defendant declines to respond to the instant Request as the requested documents are
20 privileged, inadmissible, and irrelevant and the work required to perform an undefined search
21 of this nature is disproportionate to the needs of the case. Defendant further declines to respond
22 to the instant request because it is not the custodian of record for the majority of the documents
23 sought by Plaintiffs in the instant Request.

24 Discovery is ongoing and Defendant reserves the right to supplement its response to
25 the instant request as additional information becomes available in the course of discovery.

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1 REQUEST NO. 66:

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO complaints received
3 by DEFENDANT from private actors RELATED TO disorder or crime on the PEDESTRIAN
4 BRIDGES.

5 RESPONSE:

6 Objection. The instant request is overly broad and unduly burdensome particularly as
7 it pertains to “ALL DOCUMENTS and COMMUNICATIONS RELATED TO” without the
8 provisions of meaningful time restrictions, search parameters or user accounts. Even if the
9 subject Request were not overly broad, the Request is further objectionable because it
10 impermissibly seeks to ascertain legislators’ subjective motives or opinions and their
11 communications with staff protected under the deliberative process and legislative privileges
12 in First Amendment challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*,
13 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is not reasonably calculated to lead
14 to the discovery of admissible evidence, and not proportional to the needs of this case. In facial
15 challenges such as the one at issue in this case, the Court may “only look to [the ordinance’s]
16 terms, to the intent expressed by [the legislative body] who voted its passage, and to the
17 existence or nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm’r*
18 *of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis
19 added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir.
20 2002). The Court must take a legislative body’s findings at face value and may not “look
21 beyond the face of the [ordinance] and speculate about the [legislative body’s] subjective
22 intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of*
23 *Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47
24 (1st Cir. 2001). Defendant further objects that it is a separate and distinct legal entity from Las
25 Vegas Metropolitan Police Department and is not responsible for the enforcement of laws in
26 Clark County and is not the primary recipient of private complaints of crime or disorder or the
27 custodian of records for the same.

1 Without waiving the foregoing objections and subject to the same, Defendant Clark
2 County answers as follows:

3 To the extent it is responsive, *see* the legislative history and the associated public
4 comment provided in Certified copy of documentation regarding Board of County
5 Commissioners Meeting, December 5, 2023, item number 36 with audio and video, disclosed
6 as bates CC 001 to CC 032; Certified copy of documentation regarding Board of County
7 Commissioners Meeting, December 5, 2023, item number 36 with audio and video, disclosed
8 as bates CC 033 to CC 070; Certified copy of documentation regarding Board of County
9 Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as
10 bates CC 071 to CC 126; Letter dated December 4, 2023, from Nevada Resort Association to
11 the Board of County Commissioners, disclosed as bates CC 127 to CC 131; Report titled:
12 Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC
13 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURE AND PRODUCTION
14 OF DOCUMENTS PER FRCP 26(a)(1); see also Unofficial Transcript of Board of County
15 Commissioners Meeting, January 2, 2024, item number 38 disclosed as bates CC 1405 to CC
16 1418; Certified copy of documentation regarding Board of County Commissioners Meeting,
17 April 19, 2022, item number 59, disclosed as bates CC 1419 to CC 1427; Certified copy of
18 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
19 65 including video, disclosed as bates CC 1428 to CC 1437; Certified copy of documentation
20 regarding Board of County Commissioners Meeting, June 21, 2022 item number 76, disclosed
21 as bates CC 1438 to CC 1446 in DEFENDANT CLARK COUNTY'S FIRST
22 SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP
23 26(a)(1).

24 Discovery is ongoing and Defendant reserves the right to supplement its response to
25 the instant request as additional information becomes available in the course of discovery.

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1 REQUEST NO. 67:

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO complaints received
 3 by DEFENDANT from private actors RELATED TO disorder or crime in the RESORT
 4 CORRIDOR.

5 RESPONSE:

6 Objection. The instant request is overly broad and unduly burdensome particularly as
 7 it pertains to “ALL DOCUMENTS and COMMUNICATIONS RELATED TO” without the
 8 provisions of meaningful time restrictions, search parameters or user accounts. Even if the
 9 subject Request were not overly broad, the Request is further objectionable because it
 10 impermissibly seeks to ascertain legislators’ subjective motives or opinions and their
 11 communications with staff protected under the deliberative process and legislative privileges
 12 in First Amendment challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*,
 13 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is not reasonably calculated to lead
 14 to the discovery of admissible evidence, and not proportional to the needs of this case. In facial
 15 challenges such as the one at issue in this case, the Court may “only look to [the ordinance’s]
 16 terms, to the intent expressed by [the legislative body] who voted its passage, and to the
 17 existence or nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm’r*
 18 *of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis
 19 added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir.
 20 2002). The Court must take a legislative body’s findings at face value and may not “look
 21 beyond the face of the [ordinance] and speculate about the [legislative body’s] subjective
 22 intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of*
 23 *Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47
 24 (1st Cir. 2001). Defendant further objects that it is a separate and distinct legal entity from Las
 25 Vegas Metropolitan Police Department and is not responsible for the enforcement of laws in
 26 Clark County and is not the custodian of records for citations, arrest reports, and arrest
 27 declarations. Defendant further objects that it is a separate and distinct legal entity from Las
 28 Vegas Metropolitan Police Department and is not responsible for the enforcement of laws in

1 Clark County and is not the primary recipient of private complaints of crime or disorder or the
2 custodian of records for the same.

3 Without waiving the foregoing objections and subject to the same, Defendant Clark
4 County answers as follows:

5 To the extent it is responsive, *see* the legislative history and the associated public
6 comment provided in Certified copy of documentation regarding Board of County
7 Commissioners Meeting, December 5, 2023, item number 36 with audio and video, disclosed
8 as bates CC 001 to CC 032; Certified copy of documentation regarding Board of County
9 Commissioners Meeting, December 5, 2023, item number 36 with audio and video, disclosed
10 as bates CC 033 to CC 070; Certified copy of documentation regarding Board of County
11 Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as
12 bates CC 071 to CC 126; Letter dated December 4, 2023, from Nevada Resort Association to
13 the Board of County Commissioners, disclosed as bates CC 127 to CC 131; Report titled:
14 Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC
15 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURE AND PRODUCTION
16 OF DOCUMENTS PER FRCP 26(a)(1); *see also* Unofficial Transcript of Board of County
17 Commissioners Meeting, January 2, 2024, item number 38 disclosed as bates CC 1405 to CC
18 1418; Certified copy of documentation regarding Board of County Commissioners Meeting,
19 April 19, 2022, item number 59, disclosed as bates CC 1419 to CC 1427; Certified copy of
20 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
21 65 including video, disclosed as bates CC 1428 to CC 1437; Certified copy of documentation
22 regarding Board of County Commissioners Meeting, June 21, 2022 item number 76, disclosed
23 as bates CC 1438 to CC 1446 in DEFENDANT CLARK COUNTY'S FIRST
24 SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP
25 26(a)(1).

26 Discovery is ongoing and Defendant reserves the right to supplement its response to
27 the instant request as additional information becomes available in the course of discovery.

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1 REQUEST NO. 68:

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO ANY and ALL
3 statistics collected by DEFENDANT or ANY law enforcement agency RELATED TO Clark
4 County Code § 16.13.030.

5 RESPONSE:

6 Objection. The instant request is overly broad and unduly burdensome particularly as
7 it pertains to “ALL DOCUMENTS and COMMUNICATIONS RELATED TO ANY and
8 ALL statistics” without the provisions of meaningful time restrictions, search parameters or
9 user accounts. Even if the subject Request were not overly broad, the Request is further
10 objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or
11 opinions and their communications with staff protected under the deliberative process and
12 legislative privileges in First Amendment challenges such is the instant case. *See, e.g., City of*
13 *Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is not reasonably
14 calculated to lead to the discovery of admissible evidence, and not proportional to the needs
15 of this case. In facial challenges such as the one at issue in this case, the Court may “only look
16 to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its
17 passage, and to the existence or nonexistence of legitimate explanations for its apparent
18 effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d
19 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d
20 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and
21 may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s]
22 subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v.*
23 *City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d
24 36, 47 (1st Cir. 2001). Defendant further objects that it is a separate and distinct legal entity
25 from Las Vegas Metropolitan Police Department and is not responsible for the enforcement
26 of laws in Clark County and is not the custodian of records for statistics or data related to Clark
27 County Code § 16.13.030. Defendant further objects to the extent that the subject Request
28

1 requires the creation of documents by Defendant from data that is equally available to both
2 parties.

3 Without waiving the foregoing objections and subject to the same, Defendant Clark
4 County answers as follows:

5 It is upon information and belief that Defendant is not in possession of any documents
6 responsive to this request.

7 Discovery is ongoing and Defendant reserves the right to supplement its response to
8 the instant request as additional information becomes available in the course of discovery.

9 REQUEST NO. 69:

10 ALL DOCUMENTS and COMMUNICATIONS RELATED TO ANY and ALL
11 statistics collected by DEFENDANT or ANY law enforcement agency RELATED TO Clark
12 County Code § 16.11.

13 RESPONSE:

14 Objection. The instant request is overly broad and unduly burdensome particularly as
15 it pertains to “ALL DOCUMENTS and COMMUNICATIONS RELATED TO ANY and
16 ALL statistics” without the provisions of meaningful time restrictions, search parameters or
17 user accounts. Even if the subject Request were not overly broad, the Request is further
18 objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or
19 opinions and their communications with staff protected under the deliberative process and
20 legislative privileges in First Amendment challenges such is the instant case. *See, e.g., City of*
21 *Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is not reasonably
22 calculated to lead to the discovery of admissible evidence, and not proportional to the needs
23 of this case. In facial challenges such as the one at issue in this case, the Court may “only look
24 to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its
25 passage, and to the existence or nonexistence of legitimate explanations for its apparent
26 effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d
27 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d
28 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and

1 may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s]
2 subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v.*
3 *City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d
4 36, 47 (1st Cir. 2001). Defendant further objects that it is a separate and distinct legal entity
5 from Las Vegas Metropolitan Police Department and is not responsible for the enforcement
6 of laws in Clark County and is not the custodian of records for statistics or data related to Clark
7 County Code § 16.11. Defendant further objects to the extent that the subject Request requires
8 the creation of documents by Defendant from data that is equally available to both parties.

9 Without waiving the foregoing objections and subject to the same, Defendant Clark
10 County answers as follows:

11 It is upon information and belief that Defendant is not in possession of any documents
12 responsive to this request.

13 Discovery is ongoing and Defendant reserves the right to supplement its response to
14 the instant request as additional information becomes available in the course of discovery.

15 REQUEST NO. 70:

16 ALL DOCUMENTS and COMMUNICATIONS that define “disorderly offenses” in
17 the RESORT CORRIDOR, as used in Clark County Code § 16.13.010.

18 RESPONSE:

19 Objection. The instant request is overly broad and unduly burdensome particularly as
20 it pertains to “ALL DOCUMENTS and COMMUNICATIONS” without the provisions of
21 meaningful time restrictions, search parameters or user accounts. Even if the subject Request
22 were not overly broad, the Request is further objectionable because it impermissibly seeks to
23 ascertain legislators’ subjective motives or opinions and their communications with staff
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). The instant Request is not reasonably calculated to lead to the discovery of
27 admissible evidence, and not proportional to the needs of this case. In facial challenges such
28 as the one at issue in this case, the Court may “only look to [the ordinance’s] terms, to the

1 intent expressed by [the legislative body] who voted its passage, and to the existence or
2 nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*,
3 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also*
4 *SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court
5 must take a legislative body’s findings at face value and may not “look beyond the face of the
6 [ordinance] and speculate about the [legislative body’s] subjective intent” based on post-hac
7 or non-public communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp.
8 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant
9 further objects that the instant Request calls for a legal conclusion and for Clark County to
10 provide supporting documentation regarding the definition or plain meaning of common
11 words.

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

14 To the extent it is responsive, see the legislative history and the associated public
15 comment provided in Certified copy of documentation regarding Board of County
16 Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as
17 bates CC 071 to CC 126; Letter dated December 4, 2023, from Nevada Resort Association to
18 the Board of County Commissioners, disclosed as bates CC 127 to CC 131; Report titled:
19 Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC
20 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURE AND PRODUCTION
21 OF DOCUMENTS PER FRCP 26(a)(1); *see also* Certified copy of documentation regarding
22 Board of County Commissioners Meeting, May 3, 2022 item number 65 including video,
23 disclosed as bates CC 1428 to CC 1437; Certified copy of documentation regarding Board of
24 County Commissioners Meeting, June 21, 2022 item number 76, disclosed as bates CC 1438
25 to CC 1446 in DEFENDANT CLARK COUNTY’S FIRST SUPPLEMENTAL
26 DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); dictionaries
27 as may be appropriate.

28 ///

1 Discovery is ongoing and Defendant reserves the right to supplement its response to
2 the instant request as additional information becomes available in the course of discovery.

3 REQUEST NO. 71:

4 ALL DOCUMENTS and COMMUNICATIONS RELATED TO service calls for
5 “disorderly offenses” in the RESORT CORRIDOR, as used in Clark County Code §
6 16.13.010.

7 RESPONSE:

8 Objection. The instant request is overly broad and unduly burdensome particularly as
9 it pertains to “ALL DOCUMENTS and COMMUNICATIONS RELATED TO service calls
10 for “disorderly offenses” in the RESORT CORRIDOR” without the provisions of meaningful
11 time restrictions, search parameters or user accounts. Even if the subject Request were not
12 overly broad, the Request is further objectionable because it impermissibly seeks to ascertain
13 legislators’ subjective motives or opinions and their communications with staff protected
14 under the deliberative process and legislative privileges in First Amendment challenges such
15 is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984).
16 The instant Request is not reasonably calculated to lead to the discovery of admissible
17 evidence, and not proportional to the needs of this case. In facial challenges such as the one at
18 issue in this case, the Court may “only look to [the ordinance’s] terms, to the intent expressed
19 by [the legislative body] who voted its passage, and to the existence or nonexistence of
20 legitimate explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425,
21 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar.*
22 *Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a
23 legislative body’s findings at face value and may not “look beyond the face of the [ordinance]
24 and speculate about the [legislative body’s] subjective intent” based on post-hac or non-public
25 communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637
26 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant further objects
27 that it is a separate and distinct legal entity from Las Vegas Metropolitan Police Department
28 and is not responsible for the enforcement of laws in Clark County and is not the custodian of

1 records for statistics or data related to the same. Accordingly, the data sought by the instant
2 Request is equally available to both parties. Defendant further objects to the extent the instant
3 Request is premature, expert reports will be disclosed according to the Discovery Plan and
4 Scheduling Order in this case.

5 Without waiving the foregoing objections and subject to the same, Defendant Clark
6 County answers as follows:

7 To the extent it is responsive, see Certified copy of documentation regarding Board of
8 County Commissioners Meeting, January 2, 2024, item number 38 with audio and video,
9 disclosed as bates CC 071 to CC 126; Letter dated December 4, 2023, from Nevada Resort
10 Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131;
11 Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC
12 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURE AND
13 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Certified copy of
14 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
15 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
16 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF
17 DOCUMENTS PER FRCP 26(a)(1); dictionaries as may be appropriate.

18 Discovery is ongoing and Defendant reserves the right to supplement its response to
19 the instant request as additional information becomes available in the course of discovery.

20 REQUEST NO. 72:

21 ALL DOCUMENTS RELATED TO the total linear feet of public sidewalks available
22 to pedestrians in the RESORT CORRIDOR.

23 RESPONSE:

24 Objection. The instant Request seeks information that is a matter of public record
25 equally available to both parties. Without waiving the foregoing objection and subject to the
26 same, Defendant responds as follows:

27 To the extent it is responsive, see Certified copy of documentation regarding Board of
28 County Commissioners Meeting, January 2, 2024, item number 38 with audio and video,

1 disclosed as bates CC 071 to CC 126; Letter dated December 4, 2023, from Nevada Resort
2 Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131;
3 Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC
4 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURE AND
5 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Lisa Logsdon's e-mails
6 with attachment regarding Chapter 16.13, disclosed as bates CC 146 to CC 252; 1994 Highway
7 Capacity Manual Special Report 209, disclosed as bates CC 253 to CC 823; 1994 LV
8 Boulevard S Pedestrian Walkway Study, disclosed as CC 824 to CC 973; 2012 Pedestrian
9 Study Las Vegas Boulevard, disclosed as bates CC 974 to CC 1163; 2015.12.15 Las Vegas
10 Boulevard Board Presentation, disclosed as bates CC 1164 to CC 1206, 2015 Pedestrian Study
11 Las Vegas Boulevard Update, disclosed as bates CC 1207 to CC 1383; 2023 Pedestrian Bridge
12 Maps, disclosed as CC 1385 to CC 1389 in DEFENDANT CLARK COUNTY'S FIRST
13 SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP
14 26(a)(1).

15 Additional data and maps have been requested from Clark County Department of
16 Public Works' GIS Division and will be disclosed upon receipt.

17 Discovery is ongoing and Defendant reserves the right to supplement its response to
18 the instant request as additional information becomes available in the course of discovery.

19 REQUEST NO. 73:

20 ALL DOCUMENTS and COMMUNICATIONS RELATED TO data collected by
21 DEFENDANT or ANY law enforcement agency on PEDESTRIAN BRIDGES, including but
22 not limited to citations, criminal complaints, arrest reports, and arrest declarations.

23 RESPONSE:

24 Objection. The instant request is overly broad and unduly burdensome particularly as
25 it pertains to "ALL DOCUMENTS and COMMUNICATIONS RELATED TO data" without
26 the provisions of meaningful time restrictions or search parameters. Even if the subject
27 Request were not overly broad, the Request is further objectionable because it impermissibly
28 seeks to ascertain legislators' subjective motives or opinions and their communications with

1 staff protected under the deliberative process and legislative privileges in First Amendment
 2 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
 3 (9th Cir. 1984). The instant Request is not reasonably calculated to lead to the discovery of
 4 admissible evidence, and not proportional to the needs of this case. In facial challenges such
 5 as the one at issue in this case, the Court may “only look to [the ordinance’s] terms, to the
 6 intent expressed by [the legislative body] who voted its passage, and to the existence or
 7 nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*,
 8 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also*
 9 *SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court
 10 must take a legislative body’s findings at face value and may not “look beyond the face of the
 11 [ordinance] and speculate about the [legislative body’s] subjective intent” based on post-hac
 12 or non-public communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp.
 13 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant
 14 further objects that it is a separate and distinct legal entity from Las Vegas Metropolitan Police
 15 Department and is not responsible for the enforcement of laws in Clark County and is not the
 16 custodian of records for citations, arrest reports, and arrest declarations.

17 Without waiving the foregoing objections and subject to the same, Defendant Clark
 18 County answers as follows:

19 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
 20 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
 21 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
 22 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
 23 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
 24 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
 25 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
 26 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
 27 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
 28 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item

number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST NO. 74:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO all "purpose[s]" of the PEDESTRIAN BRIDGES as referenced in Clark County Code § 16.13.010, to the extent the DOCUMENTS are not provided in the response to REQUEST NO. 27.

RESPONSE:

See Defendant's Objections and Response to Request No. 27

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST NO. 75:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO the "parameters" initially intended for the PEDESTRIAN BRIDGES as referenced in Clark County Code § 16.13.010, to the extent the DOCUMENTS are not provided in the response to REQUEST NOS. 28–29.

1 RESPONSE:

2 See Defendant's Objections and Response to Request No. 28-29.

3 Discovery is ongoing and Defendant reserves the right to supplement its response to
4 the instant request as additional information becomes available in the course of discovery.

5 REQUEST NO. 76:

6 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the "pedestrian
7 bridge design," as referenced in Clark County Code § 16.13.010, to the extent the
8 DOCUMENTS are not provided in the response to REQUEST NO. 28.

9 RESPONSE:

10 See Defendant's Objections and Response to Request No. 28.

11 Discovery is ongoing and Defendant reserves the right to supplement its response to
12 the instant request as additional information becomes available in the course of discovery.

13 REQUEST NO. 77:

14 ALL DOCUMENTS and COMMUNICATIONS RELATED TO First Amendment
15 activities, including but not limited to solicitation, panhandling, protesting, expressive
16 conduct, musical performances, street performing, busking, tabling, amplified sound,
17 handbilling, picketing, proselytizing, or preaching on the PEDESTRIAN BRIDGES.

18 RESPONSE:

19 Objection. The instant request is facially overbroad. Requests for any and all documents
20 and communications without reasonable time and scope parameters are facially overbroad.
21 See, e.g., *LLC v. Spain*, No. 3:19-cv-02280-CAB-KSC, 2020 WL 6741675, at * 3 (S.D. Cal.
22 Nov. 17, 2020) ("As a rule, requests for 'any and all' documents or communications (or
23 testimony about those materials) are facially overbroad."); *Painters Joint Comm. v. Emp.*
24 *Painters Trust Health & Welfare Fund*, No. 2:10-cv-01385-JCM-PAL, 2011 WL 4549232, at
25 *2 (D. Nev. Sept. 29, 2011); *Guillen v. B.J.C.R. LLC*, 341 F.R.D. 61, 71 (D. Nev. 2022). Even
26 if the subject Request were not overly broad, the Request is further objectionable because it
27 impermissibly seeks to ascertain legislators' subjective motives or opinions and their
28 communications with staff protected under the deliberative process and legislative privileges

1 in First Amendment challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*,
 2 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is not reasonably calculated to lead
 3 to the discovery of admissible evidence, and not proportional to the needs of this case. In facial
 4 challenges such as the one at issue in this case, the Court may “only look to [the ordinance’s]
 5 terms, to the intent expressed by [the legislative body] who voted its passage, and to the
 6 existence or nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm'r*
 7 *of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis
 8 added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir.
 9 2002). The Court must take a legislative body’s findings at face value and may not “look
 10 beyond the face of the [ordinance] and speculate about the [legislative body’s] subjective
 11 intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of*
 12 *Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47
 13 (1st Cir. 2001).

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

16 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
 17 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
 18 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
 19 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
 20 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
 21 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
 22 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
 23 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
 24 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
 25 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
 26 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
 27 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
 28 FRCP 26(a)(1); 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in

Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST NO. 78:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO First Amendment activities, including but not limited to solicitation, panhandling, protesting, expressive conduct, musical performances, street performing, busking, tabling, amplified sound, handbilling, picketing, proselytizing, or preaching in the RESORT CORRIDOR.

RESPONSE:

Objection. The instant request is facially overbroad. Requests for any and all documents and communications without reasonable time and scope parameters are facially overbroad. *See, e.g., LLC v. Spain*, No. 3:19-cv-02280-CAB-KSC, 2020 WL 6741675, at * 3 (S.D. Cal. Nov. 17, 2020) ("As a rule, requests for 'any and all' documents or communications (or testimony about those materials) are facially overbroad."); *Painters Joint Comm. v. Emp. Painters Trust Health & Welfare Fund*, No. 2:10-cv-01385-JCM-PAL, 2011 WL 4549232, at *2 (D. Nev. Sept. 29, 2011); *Guillen v. B.J.C.R. LLC*, 341 F.R.D. 61, 71 (D. Nev. 2022). Even if the subject Request were not overly broad, the Request is further objectionable because it impermissibly seeks to ascertain legislators' subjective motives or opinions and their communications with staff protected under the deliberative process and legislative privileges

1 in First Amendment challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*,
 2 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is not reasonably calculated to lead
 3 to the discovery of admissible evidence, and not proportional to the needs of this case. In facial
 4 challenges such as the one at issue in this case, the Court may “only look to [the ordinance’s]
 5 terms, to the intent expressed by [the legislative body] who voted its passage, and to the
 6 existence or nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm'r*
 7 *of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis
 8 added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir.
 9 2002). The Court must take a legislative body’s findings at face value and may not “look
 10 beyond the face of the [ordinance] and speculate about the [legislative body’s] subjective
 11 intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of*
 12 *Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47
 13 (1st Cir. 2001).

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

16 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
 17 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
 18 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
 19 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
 20 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
 21 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
 22 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
 23 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
 24 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
 25 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
 26 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
 27 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
 28 FRCP 26(a)(1); 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in

Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST NO. 79:

ALL DOCUMENTS RELATED TO the legislative history of Clark County Code § 16.13.030.

RESPONSE:

Objection. The instant interrogatory is vague and ambiguous as it pertains to the term "legislative history." Without waiving the foregoing objections and subject to the same, Defendant responds as follows:

See Certified copy of documentation regarding Board of County Commissioners Meeting, November 21, 2023, item number 68 with audio and video; Certified copy of documentation regarding Board of County Commissioners Meeting, December 5, 2023, item number 36 with audio and video; Certified copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video; Report titled: Questions Related to Public Safety on Pedestrian Bridges; Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as bates CC 001 to CC 145 in Defendant Clark County's Initial Disclosure and Production of Documents Per FRCP 26(a)(1); see also Unofficial Transcript of Board of County Commissioners Meeting,

1 January 2, 2024, item number 38, disclosed as CC 1405 to CC 1418 in DEFENDANT CLARK
2 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF
3 DOCUMENTS PER FRCP 26(a)(1).

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

6 REQUEST NO. 80:

7 DOCUMENTS upon which DEFENDANT intends to rely to support ANY denials in
8 ANY responses to PLAINTIFFS' allegations and/or affirmative defenses asserted against
9 DEFENDANT in this action.

10 RESPONSE:

11 Objection. The instant Request calls for a legal conclusion and impermissibly seeks
12 disclosure of Defendant's legal strategy. Without waiving the foregoing objections and subject
13 to the same, Defendant responds as follows:

14 *See* DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURE AND
15 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1) AND ALL SUPPLEMENTS
16 THERETO.

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

19 REQUEST NO. 81:

20 The Curriculum Vitae or resume for the following individuals:

- 21 • Clint Spencer, Clark County Department of Public Works, Road Division
22 • Dustin Crowther, County Surveyor
23 • William H. Sousa.

24 RESPONSE:

25 Objection. The instant Request is premature. Defendant Clark County will disclose
26 experts in this matter, if any, in accordance with the deadlines provided in the Discovery Plan
27 and Scheduling Order in this matter. Defendant further objects to the extent that the instant
28 Request is unduly burdensome and not reasonably calculated to lead to the discovery of

admissible evidence. Facial challenges do not involve attacking the qualifications of County staff to rehash the policy debate underlying legislation in the courts and, accordingly, the documents Plaintiffs seek in the instant Request are not relevant to the instant litigation. Defendant further objects to the extent the instant Request calls for the creation of documents not in existence and/or not in the possession of Clark County. Without waiving the foregoing objections and subject to the same, Defendant responds as follows:

Defendant Clark County will disclose the curriculum vitae or resume for its designated experts in accordance with the deadlines provided in the Discovery Plan and Scheduling Order in this matter.

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

REQUEST NO. 82:

ALL DOCUMENTS containing the thoughts, impressions, opinions, speculations, observations, or ANY statements held or made by the following individuals RELATED to the PEDESTRIAN BRIDGES, including but not limited to ANY COMMUNICATIONS, final reports, draft reports, requests for information, or memoranda:

- Clint Spencer, Clark County Department of Public Works, Road Division
- Dustin Crowther, County Surveyor
- William H. Sousa.

RESPONSE:

Objection. The instant Request is vague as to time and ambiguous, particularly as it pertains to the terms: “thoughts, impressions, opinions, speculations, observations.” The instant Request is also unduly burdensome, overly broad particularly as it calls for the disclosure for “ALL DOCUMENTS” without provisions of any meaningful time constraints, parameters or personally identifying search terms. It is not reasonably calculated to lead to the discovery of admissible evidence. Requests for any and all documents without reasonable time and scope parameters are facially overbroad. *See, e.g., LLC v. Spain*, No. 3:19-cv-02280-CAB-KSC, 2020 WL 6741675, at * 3 (S.D. Cal. Nov. 17, 2020) (“As a rule, requests for ‘any and

1 all' documents or communications (or testimony about those materials) are facially
2 overbroad.”); *Painters Joint Comm. v. Emp. Painters Trust Health & Welfare Fund*, No. 2:10-
3 cv-01385-JCM-PAL, 2011 WL 4549232, at *2 (D. Nev. Sept. 29, 2011); *Guillen v. B.J.C.R.*
4 *LLC*, 341 F.R.D. 61, 71 (D. Nev. 2022). Defendant further objects to the extent the instant
5 request seeks documents protected from disclosure under deliberative process privilege.
6 *United States Fish & Wildlife Serv. v. Sierra Club, Inc.*, 592 U.S. 261, 267–68, 141 S. Ct. 777,
7 785–86, 209 L. Ed. 2d 78 (2021); *Soucie v. David*, 448 F.2d 1067, 1077–78 (D.C.Cir.1971);
8 *National Wildlife Federation v. U.S. Forest Service*, 861 F.2d 1114, 1118–19 (9th Cir.1988).
9 The instant Request is also premature. All expert disclosures will be made in accordance with
10 Fed.R.Civ.P. 26(a)(2)(D). The instant request is further objectionable as Dr. William Sousa
11 was retained in anticipation of the subject litigation and to serve as Defendant Clark County’s
12 testifying expert witness in the same. All communications between Dr. Sousa and Defendant
13 Clark County or its counsel, not subject to one of the identified exceptions, are protected as
14 qualified attorney work product. *See* Fed.R.Civ.P. 26(b)(4)(C). Without waiving the foregoing
15 objections and subject to the same, Defendant responds as follows:

16 Defendant cannot reasonably respond to the instant request as worded. To the extent it
17 is responsive, *See* redacted e-mail communications between Clark County and Dr. William
18 Sousa and the associated privilege log, disclosed in Defendant’s First Supplemental
19 Disclosures as bates CC 146-CC 252; see also Certified copy of documentation regarding
20 Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and
21 video, disclosed as bates CC 071 to CC 126; Report titled: Questions Related to Public Safety
22 on Pedestrian Bridges, disclosed as bates CC 132 to CC 139; and Amended Title 16 of the
23 Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as bates CC
24 140 to CC 145 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURE AND
25 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

26 ///

27 ///

28 ///

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

3 DATED this 14th day of November, 2024.

4 STEVEN B. WOLFSON
5 DISTRICT ATTORNEY

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

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 14th day of November, 2024, I served a true and correct copy of the foregoing **DEFENDANT CLARK COUNTY'S RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS** (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.

Christopher M. Peterson
Tatiana R. Smith
AMERICAN CIVIL LIBERTIES
UNION OF NEVADA
4362 W. Cheyenne Ave.
North Las Vegas, NV 89032
Attorney for Plaintiffs
Peterson@aclunv.org
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Las Vegas, NV 89101
efile@nvlitigation.com
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/s/ Christine Wirt
An Employee of the Clark County District
Attorney's Office – Civil Division

EXHIBIT 5

Defendant Clark County's Answers to
Plaintiffs' First Set of Interrogatories

STEVEN B. WOLFSON
District Attorney
CIVIL DIVISION
Bar No. 1565
By: **JOEL K. BROWNING**
Deputy District Attorney
Bar No. 14489
By: **JEFFREY S. ROGAN**
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E-Mail: Jeffrey.Rogan@ClarkCountyDA.com
Attorneys for Defendant Clark County

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

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

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.

INTERROGATORY NO. 2:

DEFINE the term "criminal disorder" 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 "criminal disorder" 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 "criminal disorder" 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

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.

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.

INTERROGATORY NO. 9:

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

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

ANSWER:

Objection. Defendant objects to the extent that Plaintiffs' Interrogatory calls for legal conclusions and is comprised of discrete subparts. 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, 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). 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

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 14th day of November, 2024.

STEVEN B. WOLFSON
DISTRICT ATTORNEY

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

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 14th 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.

Christopher M. Peterson
Tatiana R. Smith
AMERICAN CIVIL LIBERTIES
UNION OF NEVADA
4362 W. Cheyenne Ave.
North Las Vegas, NV 89032
Attorney for Plaintiffs
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/s/ Christine Wirt
An Employee of the Clark County District
Attorney's Office – Civil Division

EXHIBIT 6

December 9, 2024, email requesting
meet and confer

From: [Chris Peterson](#)
To: [Joel Browning](#)
Cc: [Maggie](#); [Leo Wolpert](#); [Jacob Smith](#); [Tatiana Smith](#); [Jeffrey Rogan](#); 7e21629dc+matter1552083226@maildrop.clio.com
Subject: McAllister – Request for meet and confer (P 1st ROGs, 1st RFPs, Proposed FAC; D Privilege Log in 1st Supp)
Date: Monday, December 9, 2024 10:56:52 PM
Attachments: [20241209 PFZ FAC Complaint \[FINAL\] \[redlined\].docx](#)
[20241209 PFZ FAC Complaint \[FINAL\].docx](#)

Good evening Joel,

As previously discussed, we are requesting a meet and confer to discuss Plaintiff's First Request for Production, Plaintiff's First Set of Interrogatories, the privilege asserted in your First Supplemental Disclosures, and Plaintiff's proposed First Amended Complaint. **We request to meet by December 18, 2024, if at all possible, to ensure that we have enough time to file a motion for leave to amend prior to the current deadline on January 3, 2024.**

To ensure a productive meet and confer, I have provided replies to your discovery responses. I provided some general replies to objections that were raised multiple times in your responses; I also provided specific replies to the interrogatory responses and production responses. I also provided a specific reply to the privilege asserted in the log provided in your First Supplemental Disclosures.

These replies are meant to make our meet-and-confer more productive either by asking for clarification or clarifying our position where I believe it is possible to avoid court intervention. If after reviewing these replies you have additional information, such as legal authorities, you believe we should review to prior to a meet-and-confer, please let me know.

I have not addressed every objection raised in your responses, nor have I provided every legal argument we might raise to challenge an objection or refusal to provide documents. **We do not waive any legal rights, including the right litigate a complete respond to any and all objections, in providing these replies for the purposes for our meet-and-confer.**

I. First Amended Complaint

I have attached our proposed First Amended Complaint (clean and redlined copies) to this email. With the amendments, we are adding an additional plaintiff, supplementing with additional facts now available, restructuring the complaint for clarity, and removing the ADA claim dismissed by the Court. If there are any specific concerns you would like to discuss at the meet and confer, please let me know.

II. General replies

Many of the responses to our requests and interrogatories involved the same objections or substantive responses. For ease of use, I am providing generally applicable replies here. I reference some again when I discuss specific responses below.

Objection or response	Reply
"Inquiries for First Amendment purposes are strictly limited to the facial	<i>Colacurcio v. City of Kent</i> , which you cite, directly contradicts this position. "We will look to the full record to determine whether evidence indicates that the purpose of the ordinance is to suppress

effect of the ordinance . . .”	<p>speech or ameliorate secondary effects. In so doing, we will rely on all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings.” <i>Colacurcio v. City of Kent</i>, 163 F.3d 545, 552 (9th Cir. 1998) (emphasis added). We are not limited to the language of CCC 16.13.030 during discovery for facial challenges, All “objective indicators” related to Clark County’s intent are relevant.</p> <p>Plaintiff Summers has also raised an as applied challenge to the ordinance, as the Court recognized in its order denying your motion to dismiss.</p>
Assertions of the “deliberative process and legislative privilege” with citation to <i>Foley</i> .	<p><i>City of Las Vegas v. Foley</i>, 747 F.2d 1294, 1298 (9th Cir. 1998) does not discuss either the deliberative or legislative privilege. None of the interrogatories ask for information related to internal County processes in drafting CCC 16.13.030 (i.e. the deliberative process). Information related to a final determination is not protected. The privilege also does not protect information and documents used in drafting documents other than the policy itself (e.g. materials related reports by third parties that were disclosed to the public as documents separate from the bill itself).</p>
Interrogatory responses that answer by referring to a list of documents, such as disclosed documents and/or dictionaries, without providing an answer that is “complete in itself” to the interrogatory	<p>An interrogatory cannot be answered by referring to other documents. “An answer to an interrogatory must be responsive to the question. It should be complete in itself and should not refer to the pleadings, or to depositions or other documents, or to other interrogatories, at least where such references make it impossible to determine whether an adequate answer has been given without an elaborate comparison of answers. ... A party's interrogatory response may refer to business records or abstracts only if the burden of deriving or ascertaining the answer will be substantially the same for either party.” <i>Reflex Media, Inc. v. Richard Easton Ltd.</i>, No. 2:20-cv-00051-GMN-EJY, 2022 U.S. Dist. LEXIS 121593, at *7-8 (D. Nev. July 8, 2022)</p>
Objections asserting that a request is “vague and ambiguous as to time”	<p>The interrogatories and the requests for production provide the default time frame (unless otherwise stated) in their “Instructions” sections for all discovery requests.</p> <p>The only exception to this default time frame in the interrogatories and requests for production provided in Plaintiffs’ first set would be requests, such as Interrogatory No. 8, that ask for the “original” parameters for the pedestrian bridges as the first pedestrian bridge was built prior to 2014.</p>

Objection that request calls for a “line-by-line explanation” of the ordinance.	I am unfamiliar with this objection and could not find a legal authority describing its contours. Please provide a legal authority if available.
Assertions of privilege in response to requests for production not reflected in the privilege log such as deliberative process privilege and legislative privilege.	<p>Our discovery order requires that parties “provide a log for any material claimed to be privileged or protected by the work product doctrine (or material that is withheld for any reason). [ECF No. 54] at 5:3–6. You assert privilege in response to many of the requests for production where you do not disclose documents. You also assert privileges that do not appear anywhere in your privilege log.</p> <p>If you are in possession of documents that are responsive to our requests for production but are withholding those documents due to privilege or other reason, the privilege log must include those documents and the basis for withholding them.</p>

III. Responses to Interrogatories

Interrogatory	Reply to response
1	<p>Objections</p> <ul style="list-style-type: none"> • “Legal conclusion” – “disorderly offenses” is not in the legally operative language in CCC 16.13.030. It is a term the County uses to explain the purpose behind the ban imposed by CCC 16.13.030. Plaintiffs are entitled to know the scope of the County’s stated purpose in passing the ordinance to determine whether the stated purpose is a legitimate basis to burden First Amendment activity. • “Line-by-line explanation” – See Section I. • “Legislator’s subjective intent” – The interrogatory does not inquire into an individual legislator’s intent. It is asking for Clark County to explain what “disorderly offenses” are because the County used the term to explain why it passed 16.13.030. • Deliberative and legislative privilege – See Section I. • “Inquiries for First Amendment purposes are strictly limited to the facial effect of the ordinance . . .” – See Section II, specifically <i>Colacurcio</i>’s statement that the Court looks at “all objective indicators of intent” including “stated purpose”. <p>Substantive</p> <ul style="list-style-type: none"> • Answer is insufficient considering that Clark County states that it passed the ordinance to prevent “disorderly offenses”; what activities the County intended to prevent is relevant in determining whether this purpose was legitimate. • An interrogatory cannot be answered by referring to other documents. See above for explanation. <ul style="list-style-type: none"> ◦ Additionally, if the documents provided are examples of “disorderly offenses”, the County must say so.

	<ul style="list-style-type: none"> ● If the County does not know what the term means or the scope of activities covered by the term, it must say so.
2	<p>Objections</p> <ul style="list-style-type: none"> ● “Legal conclusion” – “criminal disorder” is not legally operative language in CCC 16.13.030. It is a term the County is using to explain the purpose behind the ban imposed by CCC 16.13.030. Plaintiffs are entitled to know the scope of the County’s stated purpose in passing the ordinance to determine whether the stated purpose is a legitimate basis to burden First Amendment activity ● “Line-by-line explanation” – See Section I. ● “Legislator’s subjective intent” – the interrogatory does not inquire into an individual legislator’s intent. It is asking for Clark County to explain what “criminal disorder” means to the County because the County used the term to explain why it passed 16.13.030. ● Deliberative and legislative privilege – See Section I. ● “Inquiries for First Amendment purposes are strictly limited to the facial effect of the ordinance . . .” – See Section II, specifically <i>Colacurcio</i>’s statement that the Court looks at “all objective indicators of intent”. <p>Substantive</p> <ul style="list-style-type: none"> ● Answer is insufficient considering that Clark County states that it passed the ordinance to prevent “criminal disorder”; what activities the County intended to prevent is relevant in determining whether this purpose was legitimate. ● An interrogatory cannot be answered by referring to other documents. See above for explanation. <ul style="list-style-type: none"> ○ Additionally, if the documents provided are examples of “criminal disorder”, the County must say so. ● If the County does not know what the term means or the scope of activities covered by the term, it must say so.
3	<p>Objections</p> <ul style="list-style-type: none"> ● Interrogatory does not require inquiry into any individual legislator’s subjective intent to answer. ● Deliberative and legislative privilege – See Section I. ● Plaintiffs are only asking for the facts that Clark County has available to it – not any facts solely in the possession of a law enforcement agencies not under Clark County’s jurisdiction. Those facts are what are relevant as the County could not have relied on facts it did not have to assert that “captive audiences” are a legitimate concern. ● “Inquiries for First Amendment purposes are strictly limited to the facial effect of the ordinance . . .” – See Section II, specifically <i>Colacurcio</i>’s statement that the Court looks at “all objective indicators of intent”. The interrogatory asks for facts surrounding the enactment of 16.13.030, which is explicitly allowed in <i>Colacurcio</i>.

	<p>Substantive response</p> <ul style="list-style-type: none"> • When the government claims that a law that burdens First Amendment activity serves a particular purpose, it must provide specific facts to show that the purpose was a legitimate concern. • The interrogatory does not ask for Clark County to “marital evidence of every wrongdoing” – the interrogatory asks Clark County for facts that it is aware of or can become aware of after a reasonable inquiry. • An interrogatory cannot be answered by referring to other documents. See above for explanation. • If Clark County is unaware of any specific instances where a “captive audience” existed on a pedestrian bridge or any facts indicating that a “captive audience” occurred on the bridges, it must say so.
4	<p>Objections</p> <ul style="list-style-type: none"> • Legal conclusion - Not a legal conclusion if asking for specific instances when cessation of movements (fact) would not be considered a crime under law (i.e. application of law to fact). • “Line by line explanation” – See Section I. • “Inquiries for First Amendment purposes are strictly limited to the facial effect of the ordinance . . .” – See Section II, specifically <i>Colacurcio</i>’s statement that the Court looks at “all objective indicators of intent”. • Interrogatory is not asking for an individual legislator’s intent in passing the ordinance. • Deliberative and legislative privilege – See Section I. • Interrogatory specifically relates to Clark County’s intended scope and purpose of passing the ordinance, which is relevant to First and Fourth Amendment claims. <p>Substantive</p> <ul style="list-style-type: none"> • “An interrogatory is not objectionable merely because it asks for an opinion or contention that relates to fact or the application of law to fact” FRCP 33(a)(2); Interrogatory is clear in that it requires: <ul style="list-style-type: none"> ◦ Confirmation as to whether Clark County believes that the specific examples provided would be excluded from criminalization – (already said they would be) ◦ Provide other examples if Clark County is aware of them where prosecution would not occur ◦ The County would need to determine whether these instances would be prosecuted as a violation of CCC 16.13.030 since the Clark County DA falls under the County’s jurisdiction. • County expressly states elsewhere the specific examples provided do not constitute stopping. See response to Request for Production #49 (“Notably, taking photographs does not constitute stopping or standing.”) indicating that the County can answer the interrogatory as provided.
5	<p>Objections</p> <ul style="list-style-type: none"> • Answer does not require any individual legislator’s subjective intent to

	<p>answer – it is specifically asking for objective facts that the County was aware of at the time the ordinance was passed.</p> <ul style="list-style-type: none"> • Deliberative and legislative privilege – See Section I. • “Inquires for First Amendment purposes are strictly limited to the facial effect . . .” – See above. • “Admissible evidence” – the interrogatory clearly related to First Amendment claim and whether Clark County has sufficient facts to support its legal claim. <p>Substantive</p> <ul style="list-style-type: none"> • Clark County is required to be familiar with what its employees know in their professional capacity: “A party is generally charged with knowledge of what its agents know, or what is in records available to it, or even information others have given to it on which it intends to rely in its suit. A party cannot limit its interrogatory answers to matters within its own knowledge and ignore information immediately available to it or under its control.” <i>Alvarado-Herrera v. Acuity A Mut. Ins. Co.</i>, No. 2:22-cv-00438-CDS-NJK, 2022 U.S. Dist. LEXIS 235093, at *4-5 (D. Nev. Nov. 8, 2022). • An interrogatory cannot be answered by referring to other documents. See Section I. • If the County was unaware of any such facts requested by Plaintiffs, it should say as much.
6	<p>Objections</p> <ul style="list-style-type: none"> • Legal conclusion – Plaintiffs do not ask for a legal conclusion, only the facts that the County has to support a claim it has asserted previously. A party may ask for all facts that support a legal claim asserted by an opposing party during discovery, <i>See Johnson v. INTU Corp.</i>, No. 2:18-cv-02361-MMD-NJK, 2019 U.S. Dist. LEXIS 191537, at *6 (D. Nev. Nov. 5, 2019) (affirming Plaintiffs right to ask for “all facts” supporting Defendant’s affirmative defense). • Answer does not require any individual legislator’s subjective intent to answer – it is specifically asking for objective facts that the County was aware of at the time the ordinance was passed. • Deliberative and legislative privilege – See Section I. • “Inquires for First Amendment purposes are strictly limited to the facial effect . . .” – See Section I. <p>Substantive</p> <ul style="list-style-type: none"> • Clark County is required to be familiar with what its employees know in their professional capacity: “A party is generally charged with knowledge of what its agents know, or what is in records available to it, or even information others have given to it on which it intends to rely in its suit. A party cannot limit its interrogatory answers to matters within its own knowledge and ignore information immediately available to it or under its control.” <i>Alvarado-Herrera v. Acuity A Mut. Ins. Co.</i>, No. 2:22-cv-00438-

	<p>CDS-NJK, 2022 U.S. Dist. LEXIS 235093, at *4-5 (D. Nev. Nov. 8, 2022).</p> <ul style="list-style-type: none"> • An interrogatory cannot be answered by referring to other documents. See Section I. • If the County is unaware of any facts responsive the interrogatory, it must say so.
7	<p>Objections</p> <ul style="list-style-type: none"> • Legal conclusion – Plaintiffs do not ask for a legal conclusion, only the facts that the County has to support a claim it has asserted previously. A party may ask for all facts that support a legal claim asserted by an opposing party during discovery, <i>See Johnson v. INTU Corp.</i>, No. 2:18-cv-02361-MMD-NJK, 2019 U.S. Dist. LEXIS 191537, at *6 (D. Nev. Nov. 5, 2019) (affirming Plaintiffs right to ask for “all facts” supporting Defendant’s affirmative defense). • “Inquires for First Amendment purposes are strictly limited to the facial effect . . .” – See above. • Answer does not require any individual legislator’s subjective intent to answer – it is specifically asking for objective facts that the County was aware of at the time the ordinance was passed. • The interrogatory does not require the County to have any duty to address traffic concerns to answer the interrogatory. It is directly related to whether the County has considered alternative means to addressing its stated purpose for passing CCC 16.13.030. <p>Substantive</p> <ul style="list-style-type: none"> • An interrogatory cannot be answered by referring to other documents. See above for explanation. • The interrogatory specifically asks what steps the County has taken to address traffic congestion on the pedestrian bridges, not the Resort Corridor as a whole. Plaintiffs request that the interrogatory response address that specific concern rather than general measures applied to all sidewalks in the Resort Corridor.
8	<p>Objections</p> <ul style="list-style-type: none"> • Legal conclusion – Plaintiffs do not ask for a legal conclusion. The County has claimed that the pedestrian bridges had specific parameters when it was built. The details of those “original parameters” are facts, not legal opinions, and are subject to discovery. • “Line-by-line explanation” – See Section I. • “Inquires for First Amendment purposes are strictly limited to the facial effect . . .” – See Section I. • Answer does not require any individual legislator’s subjective intent to answer – it is specifically asking for what the “original parameters” were for the pedestrian bridges, which the County has offered as a factual basis in support of CCC 16.13.030’s restrictions. • Deliberative and legislative privileges – See Section I.

	<ul style="list-style-type: none"> ● This interrogatory does not require expert testimony. The County’s use of the term “original parameters” implies that there were parameters set when the bridges were first build. Expert testimony should not change now what those parameters are. <p>Substantive</p> <ul style="list-style-type: none"> ● An interrogatory cannot be answered by referring to other documents. See above for explanation. <ul style="list-style-type: none"> ○ The documents provided do not discuss the original parameters for the pedestrian bridges as they are dated years after the bridges. ● If the County does not know what, if any, parameters were formally set when the pedestrian bridges were originally built or any details surrounding how those parameters (i.e. when were they set, who set them, and why), the County should say so.
9	<p>Objections</p> <ul style="list-style-type: none"> ● Legal conclusion – Plaintiffs do not ask for a legal conclusion, only facts that the County has to support a claim it has asserted previously. A party may ask for all facts that support a legal claim asserted by an opposing party during discovery, <i>See Johnson v. INTU Corp.</i>, No. 2:18-cv-02361-MMD-NJK, 2019 U.S. Dist. LEXIS 191537, at *6 (D. Nev. Nov. 5, 2019) (affirming Plaintiffs right to ask for “all facts” supporting Defendant’s affirmative defense). ● “Inquires for First Amendment purposes are strictly limited to the facial effect . . .” – See Section I. ● Deliberative and legislative privileges – See Section I. ● Answer does not require any individual legislator’s subjective intent to answer – it is specifically asking for objective facts that the County was aware of at the time the ordinance was passed. ● The County made the claim at issue in the interrogatory when it passed the ordinance. Explaining the facts that Clark County was aware of at the time of the claim does not require contemporary expert testimony (the County was not aware of whatever the expert was going to say later at the time of passage). <p>Substantive</p> <ul style="list-style-type: none"> ● An interrogatory cannot be answered by referring to other documents. See above for explanation. ● To clarify, the interrogatory did not ask for the County’s arguments as to why sidewalks are safer but the facts supporting the County’s contention asserted in CCC 16.13.010. ● We are not asking for any legislator’s subjective opinion regarding “calls for service” versus “service calls for disorderly offenses”, asking for the County’s official position on how the County distinguished between those statistics. ● If LVMPD has provided presentations to the County on 16.13.030 and/or criminal activity on the pedestrian bridges, and the County has documentation from the presentations, we ask those be disclosed

	pursuant to our applicable requests for production below.
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IV. Responses to Request for Production

Request	Reply to response
1	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-011972
2	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-012650
3	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-014361
4	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-015383
5	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-015954
6	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-017128
7	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-017964
8	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-018861
9	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-024870
10	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-026111
11	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-027252
12	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-028079
13	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-028400
14	Responsive documents should be in the County's possession through the District Attorney's Office under Case Number 24-PC-029968
15	No other follow up at this time.
16	<p>We believe responsive documents are in the possession of the Clark County District Attorney's Office under the following case numbers:</p> <p>24-CR-049569 24-PC-056616 24-CR-045524 24-PC-078744 24-CR-086665 24-CR-086643 24-CR-091057</p>

	<p>Please confirm that no other cases have been provided to the Clark County District Attorney's Office by LVMPD or any other entity seeking prosecutions for violations of CCC 16.13.030.</p> <p>This is goes to the "effect of the statute" as discussed in <i>Colacurcio</i>.</p>
17	<p>We believe responsive documents are in the possession of the Clark County District Attorney's Office under the following case numbers:</p> <p>24-CR-049569 24-PC-056616 24-CR-045524 24-PC-078744 24-CR-086665 24-CR-086643 24-CR-091057</p> <p>We also believe that there are other cases that have been filed by the Clark County District Attorney's Office that specifically related criminal activity or allegations of criminal activity on the pedestrian bridges, such as in <i>State v. Kevin Menon</i>, 24-CR-074082, C-24-386532-1. Considering that you have claimed that this ordinance addresses increased criminal activity on the pedestrian bridges, this discovery request is necessary to determine the validity of that claim, including the reliability of the underlying statistics provided by LVMPD.</p> <p>.</p>
18	<p>Concerns regarding the objections asserted:</p> <ul style="list-style-type: none"> ● There is no legal authority provided to claim that this request is premature. If available, please provide legal authority. ● The request is specifically related to the report provided by Dr. Souza to the County in support of the passage of CCC 16.13.030, not a report he has prepared for this litigation pursuant to FRCP 26. ● According to the documents you have disclosed, Dr. Souza had not been retained to provide expert testimony in this or any other litigation according to the agreement he signed with the County. See CC 1397 – CC 1404. If another agreement was in effect while Dr. Souza worked on CC 132–CC 139, please provide that document. I am unaware of any legal authority that would render a document privilege through a retainer signed after the creation of the document or communication. ● The documents you have asserted attorney work product privilege over would not be protected as attorney work product because (1)

	<p>litigation was not yet anticipated since the ordinance had not yet passed, and (2) Souza was not yet a testifying expert since his 2023 agreement did not include that as a service.</p> <ul style="list-style-type: none"> ● You have not asserted the deliberative process or legislative process privilege over any documents in the privilege log you have provided. If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted. <ul style="list-style-type: none"> ○ The legal authority cited (<i>Transgender L. Ctr.</i>) also does not appear to extend the privilege to third parties from outside the agency. ○ According to CC 132-CC 139, Souza was not hired to draft the policy at issue. <p>See also Section IV related to privilege log assertions.</p>
19	<p>Concerns regarding the objections asserted:</p> <ul style="list-style-type: none"> ● There is no legal authority provided to claim that this request is premature. Please provide legal authority. ● The request is specifically related to the report provided by Dr. Souza to the County in support of the passage of CCC 16.13.030, not a report he has prepared for this litigation pursuant to FRCP 26. ● According to the documents you have disclosed, Dr. Souza had not been retained to provide expert testimony in this or any other litigation according to the agreement he signed with the County. See CC 1397 – CC 1404. If another agreement was in effect while Dr. Souza worked on CC 132–CC 139, please provide that document. I am unaware of any legal authority that would render a document privilege through a retainer signed after the creation of the document or communication. ● The documents you have asserted attorney work product privilege over would not be protected as attorney work product because (1) litigation was not yet anticipated since the ordinance had not yet passed, and (2) Souza was not yet a testifying expert since his 2023 agreement did not include that as a service. ● You have not asserted the deliberative process or legislative process privilege over any documents in the privilege log you have provided. If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted. <ul style="list-style-type: none"> ○ The legal authority cited (<i>Transgender L. Ctr.</i>) also does not appear to extend the privilege to third parties from outside the agency. ○ According to CC 132-CC 139, Souza was not hired to draft the policy at issue.

	See also Section IV related to privilege log assertions.
20	No follow up at this time.
21	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under "deliberative process" as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
22	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under "deliberative process" as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
23	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests</p>

	<p>would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under “deliberative process” as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
24	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association’s representations in its amicus brief, we want to clarify that “communications” for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under “deliberative process” as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
25	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association’s representations in its amicus brief, we want to clarify that “communications” for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under “deliberative process” as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly</p>

	related to the actual drafting process presumably would not be protected.
26	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under "deliberative process" as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
27	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as the Nevada Department of Transportation, or internal agency documents such as documents related to the construction of the pedestrian bridges, would not be subject to the deliberative process privilege as the documents would presumably contain fact rather than opinion.</p>
28	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and</p>

	<p>representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under “deliberative process” as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
29	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association’s representations in its amicus brief, we want to clarify that “communications” for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under “deliberative process” as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
30	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association’s representations in its amicus brief, we want to clarify that “communications” for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under “deliberative process” as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>

31	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association’s representations in its amicus brief, we want to clarify that “communications” for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under “deliberative process” as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
32	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association’s representations in its amicus brief, we want to clarify that “communications” for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under “deliberative process” as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
33	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association’s representations in its amicus brief, we want to clarify that “communications” for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would</p>

	<p>not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by Nevada or Clark County agencies, such as the Department of Public Works, conveying information about the total surface space provided by sidewalks within the Resort Corridor and/or the pedestrian bridges would not be protected by privilege (based on the documents provided, I believe we are in agreement here, but adding this in case we are not).</p>
34	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Presumably attorney work product privilege would not apply to documents drafted prior to the passage of CCC 16.13.030. We are not seeking intra-agency documents between the Clark County District Attorney's Office and Clark County officials in anticipation of actual litigation unless the documents were disclosed to third parties.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under "deliberative process" as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
35	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Presumably attorney work product privilege would not apply to documents drafted prior to the passage of CCC 16.13.030. We are not seeking intra-agency documents between the Clark County District Attorney's Office and Clark County officials in anticipation of actual litigation unless the documents were disclosed to third parties.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees</p>

	<p>and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under “deliberative process” as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
36	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association’s representations in its amicus brief, we want to clarify that “communications” for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under “deliberative process” as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Presumably attorney work product privilege would not apply to documents drafted prior to the passage of CCC 16.13.030. We are not seeking intra-agency documents between the Clark County District Attorney’s Office and Clark County officials in anticipation of actual litigation unless the documents were disclosed to third parties.</p> <p>Based on the Nevada Resorts Association’s representations in its amicus brief, we want to clarify that “communications” for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p>
37	<p>If there are specific documents that you are asserting deliberative process</p>

	<p>or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Presumably attorney work product privilege would not apply to documents drafted prior to the passage of CCC 16.13.030. We are not seeking intra-agency documents between the Clark County District Attorney's Office and Clark County officials in anticipation of actual litigation unless the documents were disclosed to third parties.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under "deliberative process" as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
38	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Presumably attorney work product privilege would not apply to documents drafted prior to the passage of CCC 16.13.030. We are not seeking intra-agency documents between the Clark County District Attorney's Office and Clark County officials in anticipation of actual litigation unless the documents were disclosed to third parties.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by Nevada or Clark County agencies, such as the Department of Public Works, conveying information about the total surface space provided by sidewalks within the Resort Corridor and/or the pedestrian bridges would not be protected by privilege (based on the documents provided, I believe we are in agreement here,</p>

	but adding this in case we are not).
39	No follow up at this time.
40	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Presumably attorney work product privilege would not apply to documents drafted prior to the passage of CCC 16.13.030. We are not seeking intra-agency documents between the Clark County District Attorney's Office and Clark County officials in anticipation of actual litigation unless the documents were disclosed to third parties.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under "deliberative process" as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p>
41	No follow up at this time.
42	No follow up at this time.
43	No follow up at this time.
44	The claim asserted by Clark County's counsel must ultimately be supported by facts in the record. If the counsel intends to make the same assertion at the motion for summary judgment stage, we are entitled to discovery related to that claim to challenge counsel's position.
45	The claim asserted by Clark County's counsel must ultimately be supported by facts in the record. If the counsel intends to make the same assertion at the motion for summary judgment stage, we are entitled to discovery related to that claim to challenge counsel's position.
46	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Presumably attorney work product privilege would not apply to documents</p>

	<p>drafted prior to the passage of CCC 16.13.030. We are not seeking intra-agency documents between the Clark County District Attorney's Office and Clark County officials in anticipation of actual litigation unless the documents were disclosed to third parties.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as LVMPD, that provided factual information to the County would not be protected under "deliberative process" as the privilege does not apply to statements of fact. Additionally, opinions or impressions not directly related to the actual drafting process presumably would not be protected.</p> <p>The claim asserted by Clark County's counsel must ultimately be supported by facts in the record. If the counsel intends to make the same assertion at the motion for summary judgment stage, we are entitled to discovery related to that claim to challenge counsel's position. Furthermore, <i>Colacurcio</i> specifically recognizes that "comparison to prior law" is relevant to the claims asserted in this case.</p>
47	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>We are not seeking intra-agency documents between the Clark County District Attorney's Office and other Clark County officials that were drafted in anticipation of litigation unless the documents were disclosed to third parties.</p> <p>Deliberative process and legislative privileges do not protect post-decisional documents. For example, documents, including communications such as emails, related to Clark County's public statements about CCC 16.13.030, such as any documents related to the County's tweets stating that activities such as taking a photograph on a pedestrian bridges would not result in criminal charges, must be disclosed.</p>
48	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p>

	<p>We are not seeking intra-agency documents between the Clark County District Attorney's Office and Clark County officials in anticipation of actual litigation unless the documents were disclosed to third parties.</p> <p>Deliberative process and legislative privileges do not protect post-decisional documents. For example, documents, including communications such as emails, related to Clark County's public statements about CCC 16.13.030, such as any documents related to the County's tweets stating that activities such as taking a photograph on a pedestrian bridge would not result in criminal charges, must be disclosed.</p>
49	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>We are not seeking intra-agency documents between the Clark County District Attorney's Office and Clark County officials in anticipation of actual litigation unless the documents were disclosed to third parties.</p> <p>Deliberative process and legislative privileges do not protect post-decisional documents. For example, documents, including communications such as emails, related to Clark County's public statements about CCC 16.13.030, such as any documents related to the County's tweets stating that activities such as taking a photograph on a pedestrian bridge would not result in criminal charges, must be disclosed.</p>
50	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Post-decisional documents are not protected by the deliberative process privilege.</p>
51	<p>"Trainings" is a defined term under "Definitions" in the original set of requests served by Plaintiffs.</p> <p>This request would include any training provided by any law enforcement agency related to 16.13.030, including but not limited to the Clark County District Attorney's Office.</p>
52	<p>"Policy" is a defined term under "Definitions" in the original set of requests served by Plaintiffs.</p> <p>This request would include any general policies generated by any law enforcement agency related to 16.13.030, including but not limited to the Clark County District Attorney's Office.</p>
53	No follow up at this time.

54	<p>This request is relevant as the bill that is subject to this request intended to place additional restrictions on the pedestrian bridges similar to CCC 16.13.030, and the facts connected to Clark County's intent in that matter is necessarily related to its intent in connection to CCC 16.13.030. Prior laws are relevant to determining the County's objective intent.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p>
55	<p>This request is relevant as the bill that is subject to this request intended to place additional restrictions on the pedestrian bridges similar to CCC 16.13.030, and the facts connected to Clark County's intent in that matter is necessarily related to its intent in connection to CCC 16.13.030. Prior laws are relevant to determining the County's objective intent.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p>
56	<p>This request is relevant as the bill that is subject to this request intended to place additional restrictions on the pedestrian bridges similar to CCC 16.13.030, and the facts connected to Clark County's intent in that matter is necessarily related to its intent in connection to CCC 16.13.030. Prior laws are relevant to determining the County's objective intent.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p>

57	<p>“Trainings” is a defined term under “Definitions” in the original set of requests served by Plaintiffs.</p> <p>This request would include any training provided by any law enforcement agency related to 16.13.030, including but not limited to the Clark County District Attorney’s Office.</p> <p><i>Colacurcio</i> recognizes that comparison to other statutes is relevant in determining the County’s objective intent in passing CCC 16.13.030. It is also relevant to your claim that existing law was insufficient to address the concerns that CCC 16.13.030 is now meant to address.</p>
58	<p>“Policy” is a defined terms under “Definitions” in the original set of requests served by Plaintiffs.</p> <p>This request would include any training provided by any law enforcement agency related to 16.13.030, including but not limited to the Clark County District Attorney’s Office.</p> <p><i>Colacurcio</i> recognizes that comparison to other statutes is relevant in determining the County’s objective intent in passing CCC 16.13.030. It is also relevant to your claim that existing law was insufficient to address the concerns that CCC 16.13.030 is now meant to address.</p>
59	<p><i>Colacurcio</i> recognizes that comparison to other statutes is relevant in determining the County’s objective intent in passing CCC 16.13.030. It is also relevant to your claim that existing law was insufficient to address the concerns that CCC 16.13.030 is now meant to address.</p> <p>CCC 16.11 was the pre-existing law meant to prevent obstructions on sidewalks, including pedestrian bridges. Whether the ordinance was in fact adequate is relevant to this matter.</p> <p>This request would include any documents or communications provided by any law enforcement agency to the County or created by a Clark County law enforcement agency (including the Clark County District Attorney’s Office) related to 16.11.</p>
60	No follow up at this time.
61	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p><i>Colacurcio</i> recognize that comparison to other statutes is relevant in determining whether a statute is constitutional. It is also relevant to your</p>

	<p>claim that existing law was insufficient to address the concerns that CCC 16.13.030 is now meant to address.</p> <p>Deliberative process and legislative privileges would not apply to communications related to an ordinance in existence and its current application.</p>
62	<p>As discussed in Section I, your interpretation of the scope of a First Amendment facial challenge is contradicted by <i>Colacurio</i>, which recognizes that “all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings.” (emphasis added). To clarify, Plaintiff Summers has raised both facial and as applied challenges pursuant to the First Amendment claim.</p> <p>All keywords provided relate directly to issues in this matter and the substance of CCC 16.13.030. If there are specific keywords that you take issue with, please identify them.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p>
63	<p>As discussed in Section I, your interpretation of the scope of a First Amendment facial challenge is contradicted by <i>Colacurio</i>, which recognizes that “all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings.” (emphasis added). To clarify, Plaintiff Summers has raised both facial and as applied challenges pursuant to the First Amendment claim.</p> <p>All keywords provided, in combination with the word “bridge” relate directly to issues in this matter and the substance of CCC 16.13.030. In particular, Plaintiffs are entitled to challenge whether Clark County’s stated purposes for the ordinance are a pretext for targeting First Amendment activity. If there are specific keywords that you take issue with, please identify them.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p>

64	<p>As discussed in Section I, your interpretation of the scope of a First Amendment facial challenge is contradicted by <i>Colacurio</i>, which recognizes that “all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings.” (emphasis added). To clarify, Plaintiff Summers has raised both facial and as applied challenges pursuant to the First Amendment claim.</p> <p>All keywords provided, in combination with the word “overpass” relate directly to issues in this matter and the substance of CCC 16.13.030. In particular, Plaintiffs are entitled to challenge whether Clark County’s stated purposes for the ordinance are a pretext for targeting First Amendment activity. If there are specific keywords that you take issue with, please identify them.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p>
65	<p>As discussed in Section I, your interpretation of the scope of a First Amendment facial challenge is contradicted by <i>Colacurio</i>, which recognizes that “all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings.” This request is specifically related to the effect of the statute and the sufficiency of the prior laws.</p> <p>The request is also related to whether enforcement of CCC 16.13.030 has been arbitrary, which is related to Plaintiff’s Fourteenth Amendment claims.</p> <p>To clarify, Plaintiff Summers and has raised both facial and as applied challenges pursuant to the First Amendment claim.</p> <p>All keywords provided, in combination with the word “overpass” relate directly to issues in this matter and the substance of CCC 16.13.030. If there are specific keywords that you take issue with, please identify them.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p>
66	<p>As discussed in Section I, your interpretation of the scope of a First Amendment facial challenge is contradicted by <i>Colacurio</i>, which</p>

	<p>recognizes that “all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings.” This request is specifically related to the effect of the statute and the sufficiency of the prior laws.</p> <p>This request is also related to Clark County’s claims regarding increased disorder and/or crime on pedestrian bridges and whether there is any factual support for that claim.</p> <p>To clarify, Plaintiff Summers has raised both facial and as applied challenges pursuant to the First Amendment claim.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>While LVMPD is a distinct entity from Clark County, the Clark County District Attorney’s office is not. If the CCDA has any such complaints in its possession, including any complaints from entities such as the Nevada Resorts Association or its members, it must be disclosed.</p>
67	<p>As discussed in Section I, your interpretation of the scope of a First Amendment facial challenge is contradicted by <i>Colacurio</i>, which recognizes that “all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings.” This request is specifically related to the effect of the statute and the sufficiency of the prior laws.</p> <p>This request is also related to Clark County’s claims regarding increased disorder and/or crime on pedestrian bridges and whether there is any factual support for that claim.</p> <p>To clarify, Plaintiff Summers has raised both facial and as applied challenges pursuant to the First Amendment claim.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>While LVMPD is a distinct entity from Clark County, the Clark County District Attorney’s office is not. If the CCDA has any such complaints in its possession, including any complaints from entities such as the Nevada Resorts Association or its members, it must be disclosed.</p>

68	<p>As discussed in Section I, your interpretation of the scope of a First Amendment facial challenge is contradicted by <i>Colacurio</i>, which recognizes that “all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings.” This request is specifically related to the effect of the statute.</p> <p>This request is also related to Clark County’s claims regarding increased disorder and/or crime on pedestrian bridges and whether there is any factual support for that claim.</p> <p>To clarify, Plaintiff Summers has raised both facial and as applied challenges pursuant to the First Amendment claim.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>While LVMPD is a distinct entity from Clark County, the Clark County District Attorney’s office is not. If the CCDA has any such complaints in its possession, including any complaints from entities such as the Nevada Resorts Association or its members, it must be disclosed.</p>
69	<p>As discussed in Section I, your interpretation of the scope of a First Amendment facial challenge is contradicted by <i>Colacurio</i>, which recognizes that “all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings.” This request is specifically related to the sufficiency of the prior laws.</p> <p>This request is also related to Clark County’s claims regarding increased disorder and/or crime on pedestrian bridges and whether there is any factual support for that claim.</p> <p>To clarify, Plaintiff Summers has raised both facial and as applied challenges pursuant to the First Amendment claim.</p> <p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>While LVMPD is a distinct entity from Clark County, the Clark County District Attorney’s office is not. If the CCDA has any such complaints in its possession, including any complaints from entities such as the Nevada</p>

	Resorts Association or its members, it must be disclosed.
70	No follow up at this time
71	No follow up at this time.
72	No follow up at this time pending follow up from Clark County Public Works Division.
73	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>As discussed in Section I, your understanding of the scope of a First Amendment facial challenge is belied by <i>Colacurio</i>, which recognizes that “all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings.” This request is related to the effect of the statute and the facts surrounding the statute’s enactment. Specifically, this request is directly related to the facts (or lack thereof) supporting Clark County’s stated purpose of reducing crime and/or disorder on the pedestrian bridges.</p>
74	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association’s representations in its amicus brief, we want to clarify that “communications” for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any reports or presentations provided by other agencies, such as the Nevada Department of Transportation, or internal agency documents such a document related to the construction of the pedestrian bridges, would not be subject to the deliberative process privilege as the documents would presumably contain fact rather than opinion.</p>
75	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association’s representations in its amicus brief, we want to clarify that “communications” for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that</p>

	<p>the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any documents related to the construction of the pedestrian bridges, would not be subject to the deliberative process privilege as the documents would presumably contain fact rather than opinion. Relevant documents would include blueprints or schematics for the pedestrian bridges and/or designs implemented to change the bridge structures after initial construction and/or contracts and communications related to the construction of the bridges.</p>
76	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>Based on the Nevada Resorts Association's representations in its amicus brief, we want to clarify that "communications" for any of our requests would include communications between the NRA (including its employees and representatives) and Clark County (including its employees and representatives) not already a part of the public record. Considering that the NRA is a third party and not a policy maker, its communications would not be protected under either deliberative process or legislative privilege.</p> <p>Finally, any documents related to the construction of the pedestrian bridges, would not be subject to the deliberative process privilege as the documents would presumably contain fact rather than opinion.</p>
77	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p> <p>As discussed in Section I, your understanding of the scope of a First Amendment facial challenge is belied by <i>Colacurio</i>, which recognizes that "all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings." This request is for effect of the statute. Since this matter includes a First Amendment challenge, how the ordinance impacts First Amendment activity is particularly relevant. Whether the County intended to burden First Amendment activity is also relevant to what level of scrutiny would apply in this matter.</p>
78	<p>If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the document and the privilege asserted.</p>

	<p>As discussed in Section I, your understanding of the scope of a First Amendment facial challenge is belied by <i>Colacurio</i>, which recognizes that “all objective indicators of intent, including the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment, the stated purpose, and the record of proceedings.” This request is for effect of the statute. Since this matter includes a First Amendment challenge, how the ordinance impacts First Amendment activity is particularly relevant. Whether the County intended to burden First Amendment activity is also relevant to what level of scrutiny would apply in this matter.</p>
79	No follow up at this time.
80	No follow up at this time.
81	<p>You have not offered any legal authority supporting your claim that the requests for the CVs can be refused as “premature”.</p> <p>You listed people identified in this request as lay witnesses in your initial disclosure making them relevant to the discovery process at this time. It is within the scope of discovery to request the CVs now if they are within the County’s possession.</p>
82	<p>Concerns regarding the objections asserted:</p> <ul style="list-style-type: none"> • There is no legal authority provided to claim that this request is premature. If available, please provide legal authority. • The request is specifically related to the report provided by Dr. Souza to the County in support of the passage of CCC 16.13.030, not a report he has prepared for this litigation pursuant to FRCP 26. • According to the documents you have disclosed, Dr. Souza had not been retained to provide expert testimony in this or any other litigation according to the agreement he signed with the County. See CC 1397 – CC 1404. If another agreement was in effect while Dr. Souza worked on CC 132–CC 139, please provide that document. I am unaware of any legal authority that would render a document privilege through a retainer signed after the creation of the document or communication. • The documents you have asserted attorney work product over would not be protected as attorney work product because (1) litigation was not yet anticipated since the ordinance had not yet passed, and (2) Souza was not yet a testifying expert since his 2023 agreement did not include that as a service. • You have not asserted the deliberative process or legislative process privilege over any documents in the privilege log you have provided. If there are specific documents that you are asserting deliberative process or legislative privilege over, those documents must be included in the privilege log with a description of the

document and the privilege asserted.

- o The legal authority cited (*Transgender L. Ctr.*) also does not appear to extend the privilege to third parties from outside the agency.
- o According to CC 132-CC 139, Souza was not hired to draft the policy at issue.

See also Section IV related to privilege log assertions.

V. Privilege Log

In asserting privileges in your privilege log, you have only asserted “Communications with an expert witness retained in anticipation of litigation not subject to an exception. See, e.g., Fed.R.Civ.P. 26(b)(4)(C); *Republic of Ecuador v. Mackay*, 742 F.3d 860, 869 (9th Cir. 2014). In regards to the documents you have considered responsive to Plaintiffs’ requests, it appears that you have only asserted privilege in regards to the communications between Williams Souza and Clark County staff prior to the passage of CCC 16.13.030.

According to our review of the documents disclosed, it appears that those communications occurred prior to this suit and even prior to the passage of CCC 16.13.030. It appears that you are asserting this privilege based upon the relation formed through the agreement provided pursuant to CC 1397–CC 1404. According to the documents you have disclosed, Dr. Souza had not been retained to provide expert testimony in this or any other litigation according to the agreement he signed with the County. See CC 1397–CC 1404. If another agreement was in effect while Dr. Souza worked on CC 132–CC 139, please provide that document. We are unaware of any legal authority that would render a document privileged under FRCP 26 through a testifying expert relationship that formed after the document was created.

VI. Conclusion

Please let me know if you have any questions or concerns about the replies above or the proposed amended complaint, I will get back to you as soon as possible. Otherwise I look forward to discuss these issues with you at the meet and confer.

Sincerely,

Christopher Peterson
Legal Director
ACLU of Nevada
4362 W Cheyenne Ave.
North Las Vegas, NV 89032

EXHIBIT 7

Defendant Clark County's Second
Supplemental Disclosure and Production of
Documents Per FRCP 26(a)(1)

ECWD

STEVEN B. WOLFSON

District Attorney

CIVIL DIVISION

Bar No. 1565

By: **JOEL K. BROWNING**

Senior Deputy District Attorney

Bar No. 14489

By: **JEFFREY S. ROGAN**

Deputy District Attorney

State Bar No. 010734

500 South Grand Central Pkwy., Suite 5075

Las Vegas, Nevada 89155-2215

Telephone (702) 455-4761

Fax (702) 382-5178

E-Mail: Joel.Browning@ClarkCountyDA.comE-Mail: Jeffrey.Rogan@ClarkCountyDA.com*Attorneys for Defendant Clark County*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LISA MCALLISTER, an individual; and)

BRANDOM 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
SECOND SUPPLEMENTAL
DISCLOSURE AND PRODUCTION
OF DOCUMENTS PER FRCP
26(a)(1)**

COMES NOW Defendant CLARK COUNTY, through its attorney STEVEN B. WOLFSON, District Attorney, by JOEL K. BROWNING, Senior Deputy District Attorney and by JEFFREY S. ROGAN, Deputy District Attorney hereby make its Second Supplemental Disclosure and Production of Documents as required by Rule 26(a)(1) of the Federal Rules of Civil Procedure. New disclosure in **bold**.

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///

///

List of Persons with knowledge:

1. Lisa McAllister, Plaintiff
2. Brandon Summers, Plaintiff

Attorney's for Plaintiffs:

Christopher M. Peterson
Tatiana R. Smith
AMERICAN CIVIL LIBERTIES
UNION OF NEVADA
4362 W. Cheyenne Ave.
North Las Vegas, NV 89032 702-366-1226

Margaret A. McLetchie
Leo S. Wolpert
MCLEATCHIE LAW
602 South Tenth Street
Las Vegas, NV 89101 702-728-5300

LISA McALLISTER and BRANDON SUMMERS, as the Plaintiffs, are expected to testify to each of their knowledge of the events described in the Complaint.

3. CLINT SPENCER, Manager
Clark County Department of Public Works, Road Division
c/o Deputy District Attorney Joel K. Browning
500 S. Grand Central Parkway, Suite 5075
Las Vegas, NV 89155-2215 702-455-4761

CLINT SPENCER, as the Manager of Clark County Public Works, Road Division is expected to testify regarding the claims asserted in the Complaint, and to Clark County policies and procedures pertaining to this lawsuit.

4. DUSTIN CROWTHER, County Surveyor
Clark County Public Works
c/o Deputy District Attorney Joel K. Browning
500 S. Grand Central Parkway, Suite 5075
Las Vegas, NV 89155-2215 702-455-4761

DUSTIN CROWTHER as the County Surveyor for Clark County Public Works is expected to testify regarding the claims asserted in the Complaint, and to Clark County policies and procedures pertaining to this lawsuit.

///

///

1 5. William H. Sousa, Ph.D., Professor and Director
2 Criminal Justice Department
3 University of Nevada Las Vegas
4 4505 S. Maryland Parkway, Mail Code 5009
5 Las Vegas, NV 89154 702-895-0247

6 WILLIAM H. SOUSA, Ph.D., as the writer of the report titled: *Questions Related to*
7 *Public Safety on Pedestrian Bridges*, he is expected to testify regarding the findings
8 documented in the above-referenced report.

9 6. Kaizad Yazdani, Deputy Director
10 Clark County Public Works
11 c/o Deputy District Attorney Joel K. Browning
12 500 S. Grand Central Parkway, Suite 5075
13 Las Vegas, NV 89155-2215 702-455-4761

14 KAIZAD YAZDANI, as a Deputy Director of Clark County Public Works, is
15 expected to testify regarding the claims asserted in the Complaint, and to Clark County
16 policies and procedures pertaining to this lawsuit.

17 7. Carlos Moreno Departmental Systems Administrator
18 c/o Deputy District Attorney Joel K. Browning
19 500 S. Grand Central Parkway, Suite 5075
20 Las Vegas, NV 89155-2215 702-455-4761

21 CARLOS MORENO, as the Department System Administrator of Clark County
22 Public Works, is expected to testify regarding the claims asserted in the Complaint, and to
23 Clark County policies and procedures pertaining to this lawsuit.

24 8. Roger Patton, P. E.
25 GCW Engineering
26 1555 South Rainbow Boulevard
27 Las Vegas, NV 89146 702-804-2000

28 ROGER PATTON, P. E., as a consultant for Clark County, he is expected to testify
regarding the claims asserted in the Complaint and the design of the subject pedestrian
bridges.

///
///
///

Clark County FED R. CIV. P. 30(b)(6) witnesses

9. FED R. CIV. P. 30(b)(6)
CLARK COUNTY
c/o Deputy District Attorney Joel K. Browning
500 S. Grand Central Parkway, Suite 5075
Las Vegas, NV 89155-2215 702-455-4761

The Fed R. 30 Civ. P. 30(b)(6) witnesses representing Clark County, as the Persons Most Knowledgeable regarding this lawsuit, are expected to testify to each of their individual knowledge of the claims asserted in the Complaint and to Clark County policies and procedures pertaining to this lawsuit.

Defendant CLARK COUNTY reserves the right to call any witnesses identified by the Plaintiff or any other party up to the time of trial.

Documents Produced Herewith:

1. Certified copy of documentation regarding Board of County Commissioners Meeting, November 21, 2023, item number 68 with audio and video
CC 001 to CC 032
2. Certified copy of documentation regarding Board of County Commissioners Meeting, December 5, 2023, item number 36 with audio and video
CC 033 to CC 070
3. Certified copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video
CC 071 to CC 126
4. Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners
CC 127 to CC 131
5. Report titled: *Questions Related to Public Safety on Pedestrian Bridges*
CC 132 to CC 139
6. Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13
CC 140 to CC 145
7. Lisa Logsdon's e-mails with attachment regarding Chapter 16.13
CC 146 to CC 252 (please see privilege log)

- 1 8. 1994 Highway Capacity Manual Special Report 209
2 **CC 253 to CC 823**
- 3 9. 1994 LV Boulevard S Pedestrian Walkway Study
4 **CC 824 to CC 973**
- 5 10. 2012 Pedestrian Study Las Vegas Boulevard
6 **CC 974 to CC 1163**
- 7 11. 2015.12.15 Las Vegas Boulevard Board Presentation
8 **CC 1164 to CC 1206**
- 9 12. 2015 Pedestrian Study Las Vegas Boulevard Update
10 **CC 1207 to CC 1383**
- 11 13. 1970 to 2023 Statistics Las Vegas Convention and Visitors Authority
12 **CC 1384**
- 13 14. 2023 Pedestrian Bridge Maps
14 **CC 1385 to CC 1389**
- 15 15. William H. Sousa Invoices
16 **CC 1390 to CC 1396**
- 17 16. Agreement Between Clark County and Dr. Sousa for Public Safety and
18 Disorder Analysis on Pedestrian Overpasses
19 **CC 1394 to CC 1404**
- 20 17. Unofficial Transcript of Board of County Commissioners Meeting, January 2,
21 2024, item number 38
22 **CC 1405 to CC 1418**
- 23 18. Certified copy of documentation regarding Board of County Commissioners
24 Meeting, April 19, 2022, item number 59
25 **CC 1419 to CC 1427**
- 26 19. Certified copy of documentation regarding Board of County Commissioners
27 Meeting, May 3, 2022 item number 65 including video
28 **CC 1428 to CC 1437**
20. Certified copy of documentation regarding Board of County Commissioners
Meeting, June 21, 2022 item number 76
CC 1438 to CC 1446
21. LVCVA Las Vegas Visitor Profile Study 2023
CC 1447 to CC 1499

22. LVCVA Matrix of Las Vegas Visitor Segments 2023
CC 1500
23. Excel Spreadsheet titled LVCVA Summary of Monthly Tourism Indicators for Las Vegas for calendar Year 2023
CC 1501
24. Excel Spreadsheet titled LVCVA Summary of Monthly Tourism Indicators for Las Vegas for calendar Year 2024
CC 1502
25. Transform Clark County Master Plan, adopted November 17, 2021
CC 1503 to CC 1724
26. Appendices to Transform Clark County Master Plan
CC 1725 to CC 2078
27. **Certified copy of documentation regarding Board of County Commissioners Meeting, September 8, 1994, item number 18
CC 2079 to CC 2464**
28. **Certified copy of documentation regarding Board of County Commissioners Meeting, April 15, 2008, item number 95
CC 2465 to CC 2470**
29. **Certified copy of documentation regarding Board of County Commissioners Meeting, November 16, 2010, item number 56
CC 2471 to CC 2477**
30. **Certified copy of documentation regarding Board of County Commissioners Meeting, April 19, 2016, item number 49
CC 2478 to CC 2492**
31. **Certified copy of documentation regarding Board of County Commissioners Meeting, November 1, 2016, item number 32
CC 2493 to CC 2496**

Privilege Log to the Initial Fed. R. Civ. P. 26(a)(1) Disclosures of Witnesses and Documents for Defendant Clark County and all Supplements thereto

Bates	Privilege Asserted
CC 147	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).

Bates	Privilege Asserted
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 CC 149	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 173	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 175	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 177 – CC 181	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 183	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 185 – CC 187	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 189 – CC 199	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 201	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 203 – CC 206	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 208	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 212 – CC 213	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).

Bates	Privilege Asserted
CC 224 – CC 226	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 228 – CC 230	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 232 – CC 234	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 236	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 238 – CC 240	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.,</i> Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).

Defendant CLARK COUNTY reserves the right to utilize any documents identified by the Plaintiff or any other party up to the time of trial.

Computation of Damages by Category for Defendant CLARK COUNTY

1. Attorney's fees and costs: all fees and costs in an amount allowed by law.

DATED this 17th day of December, 2024.

STEVEN B. WOLFSON
DISTRICT ATTORNEY

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

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 17th day of December, 2024, I served a true and correct copy of the foregoing **DEFENDANT CLARK COUNTY'S SECOND SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1)** (United States District Court Pacer System or the Eighth Judicial District Wiznet), by e-mailing the same to the following recipients. Service of the foregoing document by e-mail is in place of service via the United States Postal Service.

Christopher M. Peterson
Tatiana R. Smith
AMERICAN CIVIL LIBERTIES
UNION OF NEVADA
4362 W. Cheyenne Ave.
North Las Vegas, NV 89032
Attorney for Plaintiffs
Peterson@aclunv.org
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602 South Tenth Street
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efile@nvlitigation.com
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/s/Renee S. Albert
An Employee of the Clark County District
Attorney's Office – Civil Division

EXHIBIT 8

Clark County's December 18, 2024, letter
responding to meet and confer request



CLARK COUNTY
OFFICE OF THE DISTRICT ATTORNEY

STEVEN B. WOLFSON

District Attorney

500 S. Grand Central Pkwy, Suite 5075 • Las Vegas, NV 89155 • 702-455-4761 • Fax: 702-382-5178 • TTY and/or other relay services: 711

CHRISTOPHER LALLI

ROBERT DASKAS

BRIGID J. DUFFY

KAREN S. CLIFFE

LISA LOGSDON

December 18, 2024

From: Clark County District Attorney's Office
500 S. Grand Central Pkwy
Las Vegas, NV 89155-2215

To: Christopher Peterson
Legal Director
ACLU of Nevada
4362 W Cheyenne Ave.
North Las Vegas, NV 89032
Chris Peterson (peterson@aclunv.org)

Re: , Case No. 2:24-cv-00334-JAD-NJK

Counsel:

Please allow the instant correspondence to serve as Clark County's response to your objections to its responses to written discovery and your request for a meet and confer.

Burden in Discovery

First, it must be noted that the party seeking discovery has the primary duty to demonstrate that the evidence they seek is relevant and discoverable. , 314 F.R.D. 664, 667 (D. Ariz. 2016); , 343 F.R.D. 71, 81 (D. Ariz. 2022).

Rule 26(b)(1) provides:

Parties may obtain discovery regarding any **nonprivileged matter** that is **relevant** to any party's claim or defense and **proportional to the needs of the case**, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, **the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.**

Fed. R. Civ. P. 26(b)(1) (emphasis added).

December 18, 2024

Questions of Law Require no Fact Finding

“The determination of whether a statute is constitutional is a **question of law**, which this court reviews de novo.” _____, 125 Nev. 502, 509, 217 P.3d 546, 551 (2009) (citing _____, 122 Nev. 289, 292, 129 P.3d 682, 684 (2006)) (emphasis added); _____, 270 F.R.D. 16, 19 (D.D.C. 2010) (“Because Shelby County brings only a facial challenge to the [Voter Registration Act], discovery into that claim is unwarranted.”) (emphasis added); _____, No. 3:22-CV-00265-SLG, 2023 WL 2914395, at *5 (D. Alaska Apr. 12, 2023) (“Mr. Briggs’ facial challenge to the constitutionality of [statute] is a pure question of law and Mr. Briggs has not identified any discoverable facts that would be relevant to resolving this question.”) (emphasis added); _____, 151 F.3d 1129, 1131 (9th Cir. 1998) (recognizing that “[t]he district court concluded that Pacific **did not need to undertake discovery because the issue in this case involved a purely legal question.**”) (emphasis added); _____, 235 U.S. 23, 26, 35 S.Ct. 2, 59 L.Ed. 105 (1914) (A statute “is not to be upset upon hypothetical and unreal possibilities, if it would be good upon the facts as they are”); _____, 552 U.S. 442, 455, 128 S. Ct. 1184, 1193–94, 170 L. Ed. 2d 151 (2008) (“Because respondents brought their suit as a facial challenge, we have no evidentiary record against which to assess their assertions that voters will be confused.”); _____, 270 F.R.D. 16, 19 (D.D.C. 2010) (“Because Shelby County brings only a facial challenge to the VRA, **discovery into that claim is unwarranted.**”) (emphasis added); _____, 362 F. Supp. 2d 327, 337 (D.D.C. 2005), aff’d sub nom. Gen. Elec. Co. v. Jackson, 610 F.3d 110 (D.C. Cir. 2010) (“a facial challenge to the text of a statute does not typically require discovery for resolution because the challenge focuses on the language of the statute itself.”) (emphasis added); _____, 360 F.3d 1274, 1282 (11th Cir. 2004) (“When analyzing a facial challenge, we must analyze the statute as written.”); _____, 324 F. Supp. 2d 231, 232 (D. Me. 2004) (“discovery or an ‘evidentiary showing’ on the effect of the challenged provisions of [a law] is not necessary to a ruling on a facial preemption challenge.”); _____, No. 1:22-CV-859-RP, 2023 WL 8856052, at *14 (W.D. Tex. Dec. 21, 2023) (“For this reason, district courts have commonly held that parties do not need discovery to defend a law’s facial validity.”); _____, No. 2:19-CV-50, 2019 WL 13020440, at *2 (S.D. Ga. Aug. 5, 2019) (“These remaining arguments represent facial attacks which likely will not require additional discovery to resolve.”).

Questions of law—like those raised in Plaintiffs’ complaint—are not questions of fact, nor are they mixed questions of fact and law. Questions of law can be resolved by the Court on the face of the ordinance and other matters of public record, including the legislative history, of which the Court may take judicial notice.

Given the foregoing, Plaintiffs’ overly burdensome requests for production and interrogatories are both irrelevant and disproportionate to the needs of the case to the extent they seek anything beyond objective data and the legislative record.

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Evidence Relevant to Resolving First Amendment Challenges to Statutes**“Statutes are presumed constitutional.”**

309 F.3d 662, 669 (9th Cir. 2002) (emphasis added); , 509 U.S. 312, 320, 113 S.Ct. 2637, 125 L.Ed.2d 257 (1993).

In determining the constitutional validity of a statute or ordinance, the court **“may only look to its terms, to the intent expressed by Members of Congress who voted its passage, and to the existence or nonexistence of legitimate explanations for its apparent effect.”** , 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added);

, 269 F. Supp. 3d 124, 140 (S.D.N.Y. 2017) ([The government defendants] correctly point out that, in other First Amendment cases, numerous courts have recognized that the bill text, legislative record and other public materials are the primary source for discerning the governmental interest in the legislation (regardless of the standard of review applied).”); , 458 U.S. 747, 757–59, 102 S.Ct. 3348, 73 L.Ed.2d 1113 (1982) (relying on the legislative history and other public sources as supplying the governments' basis for enacting the challenged law and holding “[w]e shall not second-guess this legislative judgment”); , 747 F.2d 1294, 1297 (9th Cir. 1984) (for a First Amendment case, “[t]he **relevant governmental interest is determined by objective indicators** as taken from the face of the statute, the effect of the statute, comparison to prior law, facts surrounding enactment of the statute, the stated purpose, and the record of proceedings.”) (emphasis added); , No. 97-cv-620 (SS) (THK), 1998 WL 477961, at *5 (S.D.N.Y. Aug. 13, 1998) (“[a]s is traditionally done, **inquiry into the constitutionality of [the challenged provision] can be conducted on the basis of the statutory scheme, the legislative history, [and] other publicly available material ...**”) (emphasis added); , No. 4:08-cv-555 (MCR) (CAS), 2013 WL 4838764, at *4–5 (N.D. Fla. Sept. 11, 2013) (“**Legislative history is the primary source for determining legislative intent**”) (emphasis added);

, 582 F.3d 1, 13–13 (D.C. Cir. 2009) (**courts may look to the legislative history to discern the government's interest, but should only do so when the statutory text itself is ambiguous**); Legislative Purpose and Federal Constitutional Adjudication, 83 Harv. L. Rev. 1887, 1903 (1970) (“Examining motives, it is said, involves inquiry into the subjective reasons for legislative action; purpose, on the other hand, denotes what the legislature sought to achieve, and not why. Purpose is derived from the terms of a statute, its operation, and the legal and practical context in which it was enacted. **To determine purpose, the court may consider both the language of the statute and general public knowledge about the evil which the legislature sought to remedy; prior law; accompanying legislation; enacted statements of purpose; formal public pronouncements; and internal legislative history.**”) (emphasis added);

, 115 Wash. 2d 635, 640, 802 P.2d 1333, 1337 (1990) (“Facts are not essential for consideration of a facial challenge to a statute or ordinance on First Amendment grounds. Constitutional analysis is made upon the language of the ordinance or statute itself.”) (footnotes omitted).

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Accordingly, the case law is clear that first amendment constitutional challenges such as the instant lawsuit can be decided on the face of the statute and other publicly available information and facts. Therefore, any written discovery which seeks information that is not a matter of public record is per se irrelevant and disproportionate to the needs of the case, which is to say nothing of other forms of privilege which may apply like legislative and deliberative process privileges.

The Court's Position on the Party's Relative Burdens

In its Order [51] denying Plaintiffs' Motions for Preliminary Injunction and for TRO and granting in part and denying in part Defendant Clark County's Motion to Dismiss, the Court provided clear guidance on the relative burdens of the parties and the positions of the parties that required additional factual support before the Court could properly rule on them.

In the Court's view, the Plaintiffs' burden is "to demonstrate 'from the **text of [the law] and from actual fact**' that substantial overbreadth exists." [ECF No. 51] at 25:15-17 (citing _____, 487 U.S. 1, 14 (1988)) (emphasis added). Actual fact of overbreadth can be determined from the amount of area affected by the pedestrian flow zone ordinance versus areas that are unaffected and identifying the type of speech, if any, that may require stopping or standing. Non-public e-mail communications or requests for the County to define words in the ordinance are irrelevant to Plaintiffs satisfying their burden in this matter.

As it pertains to the County, the Court indicated that the County's duty is to "demonstrate that the recited harms are real, not merely conjectural, and that the regulation will in fact alleviate these harms in a direct and material way." [ECF No. 51] at 30:9-11 (citing _____, 68 F.4th at 443); _____ at 32:10-11 ("While **the burden on the County is not heavy**, it requires more than the County offers here.) (emphasis added). Again, the County's burden is satisfied by the issues identified in the legislative history on the need for the subject ordinance and related legislation and the logical connection between the subject ordinance and those issues.

Therefore, it is clear, not only from case law, but also from the Court's own order, the issues raised in Plaintiff's complaint may be resolved with minimal additional information which can be found in the text of the ordinance, the legislative history, and matters of public fact.

Motion for Protective Order and Interlocutory Appeal Pursuant to § 1292(b)

Given the scope of relevant discovery in this matter, the County was shocked to receive Plaintiffs' 82 requests for production, which included multiple discrete subparts, and which would place a heavy burden on the County and its resources. What's worse, however, is

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that these requests sought materials which are neither relevant nor admissible in this matter and which are disproportionate to the needs of the case.

In the past five years the only time the County has seen this many requests for production was in opioid litigation which included numerous defendants and a complex factual history covering decades and litigation over a land-use decision which was based on more than 20 years of interactions between the property owner and the County and multiple prior lawsuits. In light of this, Plaintiffs' discovery feels more like a bad faith abuse of process than a genuine attempt to conduct relevant discovery on a question of law.

Plaintiffs' interrogatories were similarly problematic—impermissibly seeking legal conclusions, definitions of words undefined in ordinance, and the subjective motives of the legislators who passed the subject ordinance.

If Plaintiffs elect to file a motion to compel responses to their overly burdensome written discovery, the County intends to file a countermotion for protective order and to seek fees and costs associated with responding to Plaintiffs' motion because the County can find no case law supporting that Plaintiffs would be entitled to the discovery they're seeking in other First Amendment challenges to the constitutionality of a statute or ordinance.

Furthermore, if the Court for whatever reason, denies Defendant's motion for protective order—the County will seek interlocutory appeal pursuant to 28 U.S.C. § 1292(b) because whether the documents Plaintiffs seek are discoverable or relevant is the type of issue in litigation where the bell can't be unrung and, given the extensive case law cited above, the County believes there is substantial ground for difference of opinion on this question of law warranting review by the Ninth Circuit. *See* *Clark County v. Summers*, 643 F.3d 681, 688 (9th Cir. 2011) (28 U.S.C. § 1292(b)).

First Amended Complaint

The foregoing issues notwithstanding, Clark County is eager to see this case resolved on the merits and, if an appeal lies, to see that the appeal proceed on the merits of the case and not some procedural aspect of discovery.

In reviewing Plaintiffs' proposed First Amended Complaint, the County has some concerns. First, Ms. McAllister's only claims in the case pertained to her potential ADA claims and now those claims are dismissed. It seems reasonable to amend the caption and the complaint to remove reference to Ms. McAllister as a party moving forward.

Given the representations in the Complaint and some independent research, it is upon information and belief that Mr. Summers no longer resides in Las Vegas and has not been back to Las Vegas since the summer. It is upon information and belief that he is employed full-time in Chicago and intends to reside there hereafter. Accordingly, it is not clear that Mr. Summers can satisfy the requirements to serve as a Plaintiff in this matter either.

December 18, 2024

Rather than file a 12(b)(1) motion to dismiss Mr. Summers and opposing Plaintiffs' motion for leave to amend the complaint, insisting instead that a new complaint be filed, the County would be willing to stipulate amending the complaint and substituting the current parties with the new party subject to certain conditions if Plaintiffs are amenable.

We look forward to the opportunity to address these concerns the meet and confer and hope that we can come to an agreement on these issues without the need to involve the Court in the process.

Best regards,

Deputy District Attorney Joel K. Browning
Attorney of Record for:

EXHIBIT 9

Plaintiffs' December 24, 2024, letter
summarizing meet and confer

December 24, 2024

VIA EMAIL ONLY

Joel K. Browning, Senior Deputy District Attorney
Clark County District Attorney's Office
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Re: *McCallister et al vs. Clark County*, U.S. District Court Case Number: 2:24-cv-00334

Follow-up from 12/19/24 telephonic meet and confer

Hello Joel:

I am following up from our meet and confer on December 19, 2024, to memorialize the discussion, which followed our meet and confer letters regarding the County's responses to written discovery and our request that you stipulate to the filing of our proposed First Amended Complaint. Thank you for the time you spent discussing these issues. Please let me know as soon as possible— and no later than December 30, 2024— if you believe anything below is inaccurate or if the County has changed its positions taken on December 19, 2024 (and responses and prior correspondence).

In light of the unresolved issues set forth below and the Parties drastically divergent positions, Plaintiffs are filing a Motion to Compel seeking supplementation and associated sanctions, including but not limited to fees and costs. Plaintiffs also reserve all other rights, such as the right to seek evidentiary sanctions for nondisclosure and failure to cooperate with discovery.

I. Timing and Attendance

The teleconference lasted from 1 PM until 2:40 PM. You and Timothy Allen were present on behalf of the Defendant. Maggie McLetchie, Jacob Smith, Tatiana Smith, and I were present on behalf of the Plaintiffs.

II. First Amended Complaint

We first briefly discussed your concerns related to the proposed First Amended Complaint. You agreed to stipulate to the proposed amended complaint if the stipulation made clear the Plaintiffs were not seeking damages as a remedy pursuant to that complaint. We agreed to that condition, and the parties thereafter agreed to a stipulation. Thank you for resolving those issues with us and helping avoid motion practice on this issue.

III. Unresolved Disputes Regarding Specific Discovery

The following issues regarding specific issues were discussed during our meet and confer, but we did not resolve any of the disputes detailed in our meet and confer letter. The County's positions were informed by some of the global positions it took, discussed below (IV).



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a. Scope of discovery related to the County's interests in passing CCC 16.13.030

All parties agree that whether the County had a real substantial interest in passing CCC 16.13.030 is relevant to this matter. However, parties continue to dispute what information is relevant to that inquiry. The County believes that the relevant information is limited what the legislators formally knew at the time they passed CCC 16.13.030 and is reflected on the record, meaning that discovery is limited to (1) the language of CCC 16.13, and (2) the official record related to the passage of CCC 16.13 (i.e. CCC 16.13's legislative history). This would include testimony before the County Commission and documents formally filed before the Commission during the legislative process but would not include any other documents. The County's position is that the accuracy of the testimony or documentation in the record is irrelevant; rather the issue is whether the County identified a substantial interest justifying the burden CCC 16.13.030 places upon First Amendment activity and that interest is supported by evidence on the record related to CCC 16.13.030.

Plaintiffs believe that they have the right to meaningfully litigate as to whether the County's evidence that it has asserted meets its burden by challenging, *inter alia*, whether the interests asserted by the County in passing CCC 16.13.030 were in reality issues that needed to be addressed as well as the fit between the asserted harms and the ordinance. For example, Plaintiffs believe that they may use documents and other information not necessarily presented before the Commission to show that the Bridges did not have issues related to traffic congestion at the time the County passed CCC 16.13.030. Plaintiffs believe that they are also entitled to challenge the accuracy of the information presented before the Commission, and that Commission may not rely on inaccurate information in passing CCC 16.13.030 even if the information appeared accurate on its face in the record. Likewise, the County cannot rely on pretext to violate the Constitution.

b. Interrogatories asking for County to define terms used in CCC 16.13

In their interrogatories, Plaintiffs asked the County to clarify a number of terms related to the County's statements in CCC 16.13.010 related to the County's stated purposes in passing CCC 16.13.030. During the meet and confer, Plaintiffs specifically asserted that terms such as "disorderly offenses", "criminal disorder", and "captive audiences" were part of factual statement made in CCC 16.13.010 related to the interests asserted by the County to justify the passage of CCC 16.13.030, and that the Plaintiffs were entitled to clarification regarding the scope of these stated purposes in passing CCC 16.13.030.

The County stated that these requests were asking for legal conclusions from counsel, and that the County could not provide a more specific definition than that provided in the Clark County Code related to CCC 16.13. The County explained that it could not define the terms used in CCC 16.13 because the individual County Commissioners may have different understandings of what the words meant, and the County could not replace the Commissioners' understanding of the terms with its own.

Though we conferred at length regarding the scope of discovery related to this issue, we did not resolve this dispute.



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c. Intended enforcement of CCC 16.13.030

In relation to Plaintiffs Interrogatory #4, Plaintiffs believe that how the County intends for CCC 16.13.030 to be enforced, including what activities should be excluded from enforcement, is relevant to Plaintiffs First Amendment and Fourteenth Amendment claims.

First, the County's position is that it is not in a position to answer this interrogatory because the agency that enforces CCC 16.13.030 (LVMPD) does not fall within the County's jurisdiction. Second, the County does believe that this inquiry is irrelevant; the County believes that the relevant inquiry is how the County Commission objectively intended for CCC 16.13.030 to be enforced at the time of passage (as in, what was specifically provided on the record at the time CCC 16.13.030 was passed), not how entities have enforced or intended for CCC 16.13.030 since passage.

IV. Other issues

The following issues, which animated the Parties' positions set forth above, were also discussed during our meet and confer. Specific requests were also discussed by Plaintiffs as examples of discovery requests that unquestionably fell within the scope of discovery contemplated.

We talked at length but did not resolve any of the disputes.

a. Overall scope of discovery

Both Parties presented their positions about the scope of discovery.

Plaintiffs believe that they have the right to meaningfully litigate as to whether the County's evidence that it has asserted meets its burden by challenging, *inter alia*, whether the interests asserted by the County in passing CCC 16.13.030 were in reality issues that needed to be addressed as well as the fit between the asserted harms and the ordinance. For example, Plaintiffs believe that they may use documents and other information not necessarily presented before the Commission to show that the Bridges did not have issues related to traffic congestion at the time the County passed CCC 16.13.030. Plaintiffs believe that they are also entitled to challenge the accuracy of the information presented before the Commission, and that Commission may not rely on inaccurate information in passing CCC 16.13.030-- even if the information appeared accurate on its face in the record.

Plaintiffs, in response to the County's letter, pointed out that the County's argument raised in its letter that it could seek interlocutory relief if ordered to produce anything further because it would be irreparable harm and a bell that could not be "unrung" was baseless since any person was likely entitled to the records under Nevada's Public Records Act, a point the County indicated was irrelevant.

Plaintiffs discussed the Court's Order finding the County's prior motion to stay—which raised near identical issues as the County raised in its response to our meet and confer letter and that the County raised during the call. While the County's motion to stay discovery, the Court "considered it to dispel the County's misguided notion that cases involving facial challenges need no discovery at all." (ECF No. 51, p.38:7-8.) While of course this case involves more claims than just a First Amendment facial claim, even with regard to that limited claim, the Court explained:

At a minimum, development of the factual record is needed to determine whether CCC 16.13.030's unconstitutional applications are substantial when compared to its constitutional ones—a threshold question for plaintiffs' facial challenges.

(*Id.* at 9-11 (footnote omitted).) The Court went on to point out that the case also involved an as-applied First Amendment challenge, and further explained that:

... discovery is necessary to determine (1) whether the County has met its burden to show that the ordinance responds to a real, rather than speculative, significant government interest; (2) whether the ordinance is narrowly tailored to that interest when compared to other narrower laws that prohibit similar conduct and whether the County considered alternatives that would have had a lesser impact on speech; and (3) whether ample alternatives truly exist for First Amendment activity on the Strip

(*Id.* at p. 38: 11-p. 39:-1 (footnote omitted).) While Plaintiffs explained that the discovery they sought was largely designed to address the issues, the County contended Plaintiffs were only entitled to the legislative record and "facts" such as the sidewalk measurements the County produced after Plaintiffs' meet and confer letter was received, but nothing else from the County (but that Plaintiffs could search other sources such as TikTok).

We conferred at length regarding these issues regarding the scope of discovery, but we did not resolve this disputes, as also detailed above.

b. Unclear responses and County's lack of searches; Plaintiffs' offer to work together to alleviate burdens.

In response to Plaintiffs' contentions that the responses did not generally make clear what was and wasn't being provided (and provide privilege logs) and that confusion about the discovery was further compounded by the County's reservation of rights to produce



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records later, the County explained that, should the Court disagree with its positions, it could then produce and rely on information not previously produced. Plaintiffs disagreed that this was a permissible approach. The County, claiming burden, also claimed it had not done searches in response to the requests, other than the legislative record and certain specific information like the sidewalk measurements.

The County had objected to many of Plaintiffs' requests for production as overbroad, and in particular requests for communications, in that they did not provide a sufficiently limited scope. Specifically, the County stated that many of the requests needed additional limitations such as specific email accounts, time periods, and/or keywords for the County to search before it could satisfy the requests.

Plaintiffs offered to work together to narrow custodians and to craft electronic discovery searches; Plaintiffs also offered to discuss potential limits on specific requests for production. The County stated that such a discussion would be premature considering the County's position regarding what information would be relevant to the Plaintiffs claims, specifically that only the ordinance's language, the legislative history, and the public record is relevant, and the Court would need to determine that other information would be relevant the Plaintiffs' claims before the County would discuss limiting the Plaintiff's requests for production. While, thus, the County refused to do so unless and until the Court granted Plaintiffs' order on their planned motion to compel, Plaintiffs disagreed that this was a permissible approach.

Plaintiffs raised related preservation issues, and while that your preservation notices have not yet been disclosed, you indicated you would check as to whether you could produce preservation notices (which you preliminarily thought was appropriate).

c. Assertion of privilege related to Professor Souza

Plaintiffs further explained that they did not believe that the expert witness privilege applied to Souza's work prior to the passage of CCC 16.13.030 and observed that Souza's retainer for that work made no reference to litigation and that the County had listed Souza as a fact witness.

The County responded that, while it had not formally retained Souza as an expert for this litigation (and indicated it would not do so unless the Court ruled in Plaintiff's favor on the related issues discussed herein), all work by Souza performed was made in anticipation of litigation as the Executive Director of the ACLU of Nevada threatened to sue the County prior to the passage of CCC 16.13.030 both in relation to that bill and similar bills. Plaintiffs contested the validity of this position.

The County did clarify that it had disclosed the factual information provided by the County to Souza and that the County did not have the documentation that Souza relied upon from other agencies such as LVMPD.

V. Agreed-upon Supplemental Response and Other Follow up

While most issues were not resolved, some progress was made (and some motion practice this avoided).



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First, as noted above, the County also indicated it was inclined to disclose the preservation notice that it provided to County employees to ensure that the documents requested by Plaintiffs would be preserved during the discovery dispute but would need to check with Lisa Logsdon, County counsel. Please let us know the status.

Second, the County agreed to the following regarding Plaintiff's discovery requests, and that the County would complete supplemental responses in the manner set forth on the table below by January 9, 2025.



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Discovery request	Agreed upon follow up
Interrogatory responses where the County cited to specific documents previously disclosed as responsive to the interrogatory.	The County agreed to review the interrogatory responses to determine whether it could or would clarify why the citations were responsive. If The County would provide clarification where possible.
Requests for production #1 – 17	The County agreed to follow up with the Clark County District Attorney's Office's Criminal Division to determine if that agency had responsive documents. The County observed that the Criminal Division may refuse to disclose the documents as it is typically considered separate from the rest of the County government.

Besides the follow up discussed above, the County stated that it did not intend to change its response to any other outstanding request from Plaintiffs at this time.

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VI. The County's Proposed Extension

The Parties discussed potential stipulation to extend discovery deadlines. Plaintiffs believed that the stipulation was premature but was open to further discussion regarding a potential reasonable stipulation in January after the County followed upon on the requests discussed above. Please note that Plaintiffs disagree with the County's position that (other than the limited responses noted above) the County can or should wait to make appropriate responses and disclosures—or perform appropriate searches—until further Court order.



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Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Peterson".

Christopher Peterson
Legal Director
ACLU of Nevada
peterson@aclunv.org
P: 702.366.1902
C: 702.518.4202

EXHIBIT 10

Defendant Clark County's First Supplemental
Responses to Plaintiff's First Request for
Production of Documents

STEVEN B. WOLFSON
 District Attorney
CIVIL DIVISION
 Bar No. 1565
 By: **JOEL K. BROWNING**
 Deputy District Attorney
 Bar No. 14489
 By: **JEFFREY S. ROGAN**
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 E-Mail: Jeffrey.Rogan@ClarkCountyDA.com
Attorneys for Defendant Clark County

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
FIRST SUPPLEMENTAL
RESPONSES TO PLAINTIFF'S
FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS
 (UPDATED PORTIONS IN BOLD)

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. MCLETCHIE, Nevada Bar No. 10931
 LEO S. WOLPERT, Nevada Bar No. 12658
MCLETCHIE 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 supplements its responses to and objects to PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS, pursuant to the requirements of NRCP 34, as follows:

REQUEST FOR PRODUCTION NO. 1:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event # LLV240200044159.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Objection. The instant Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. The instant Interrogatory is further objectionable because it is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant further objects to the instant Interrogatory because it is not the custodian of records for LVMPD records, which are equally available to both parties. Without waiving the foregoing objections and subject to the same, Defendant answers as follows:

Clark County has no records responsive to this request in its possession.

On or around December 19, 2024, the parties conducted a meet and confer wherein Plaintiffs’ counsel inquired after case files held by the District Attorney’s Office for the above-referenced citation. Counsel for Defendants explained that while the Public Defender’s Office, the District Attorney’s Office, and the Clark County Justice Courts are nominally funded by Clark County, they are separate branches of government led by elected and/or appointed officials who independently determine their own respective document retention and disclosure policies. Counsel for Defendants represented that there is a firewall in place between the Civil Division, which represents Clark County in this action, and the Criminal Division, which would be responsible for prosecuting cases on behalf of the State of Nevada, and that the Civil Division did not have access to the requested case files. Defendants further represented that requests to these entities directly would likely be the most productive method for obtaining the records sought,

1 but indicated that it believed requests to the Public Defender's Office or District
2 Attorney's Office would likely run into attorney-client privilege/work product doctrine
3 objections for the respective case files and that subpoenas to the Justice Court or
4 LVMPD would be most likely to result in the production of the sought after documents
5 as they were the custodian of records for citations and misdemeanor dockets.

6 The foregoing notwithstanding, in attempt to work towards a resolution of this
7 discovery dispute in good faith, Defendant's counsel represented to Plaintiffs' counsel
8 that they would attempt to obtain a list of all citations and/or cases associated with CCC
9 16.13.030 to date to better facilitate Plaintiffs' discovery and sent requests to the Clark
10 County District Attorney's Office – Criminal Division and the Las Vegas Township
11 Justice Court in an attempt to obtain the same.

12 A response from Clark County District Attorney's Office – Criminal Division is
13 still pending, and any documents obtained in response to Clark County's request will be
14 disclosed upon receipt. The request to Las Vegas Township Justice Court resulted in a
15 list of all citations and cases associated with Nevada Offense Code ("NOC") 66203 for
16 CCC 16.13.030 (redacted as to personally identifying information/criminal history
17 information).

18 See 66203 NOC Code for CCC 16.13.030, disclosed as CC 3911 to CC 3912, and
19 Justice Court Case Search for 66203 NOC Code (Redacted as to Private Personal
20 Information of Non-Parties), disclosed as CC 3913 to CC 3930, in Clark County's Fourth
21 Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).

22 Defendant reserves the right to supplement this answer as additional information comes
23 to light in the course of discovery.

24 **REQUEST FOR PRODUCTION NO. 2:**

25 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
26 LLV240200048290.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

1 Objection. The instant Interrogatory is not reasonably calculated to lead to the
2 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
3 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
4 further objects to the instant Interrogatory because it is not the custodian of records for
5 LVMPD records, which are equally available to both parties. Without waiving the foregoing
6 objections and subject to the same, Defendant answers as follows:

7 Clark County has no records responsive to this request in its possession.

8 **See Response to Request No. 1.**

9 Defendant reserves the right to supplement this answer as additional information comes
10 to light in the course of discovery.

11 **REQUEST FOR PRODUCTION NO. 3:**

12 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
13 LLV240200067320.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

15 Objection. The instant Interrogatory is not reasonably calculated to lead to the
16 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
17 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
18 further objects to the instant Interrogatory because it is not the custodian of records for
19 LVMPD records, which are equally available to both parties. Without waiving the foregoing
20 objections and subject to the same, Defendant answers as follows:

21 Clark County has no records responsive to this request in its possession.

22 **See Response to Request No. 1.**

23 Defendant reserves the right to supplement this answer as additional information comes
24 to light in the course of discovery.

25 **REQUEST FOR PRODUCTION NO. 4:**

26 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
27 LLV240200081576.

28 ///

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

2 Objection. The instant Interrogatory is not reasonably calculated to lead to the
3 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
4 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
5 further objects to the instant Interrogatory because it is not the custodian of records for
6 LVMPD records, which are equally available to both parties. Without waiving the foregoing
7 objections and subject to the same, Defendant answers as follows:

8 Clark County has no records responsive to this request in its possession.

9 ***See Response to Request No. 1.***

10 Defendant reserves the right to supplement this answer as additional information comes
11 to light in the course of discovery.

12 **REQUEST FOR PRODUCTION NO. 5:**

13 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
14 LLV240200089635.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

16 Objection. The instant Interrogatory is not reasonably calculated to lead to the
17 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
18 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
19 further objects to the instant Interrogatory because it is not the custodian of records for
20 LVMPD records, which are equally available to both parties. Without waiving the foregoing
21 objections and subject to the same, Defendant answers as follows:

22 Clark County has no records responsive to this request in its possession.

23 ***See Response to Request No. 1.***

24 Defendant reserves the right to supplement this answer as additional information comes
25 to light in the course of discovery.

26 **REQUEST FOR PRODUCTION NO. 6:**

27 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
28 LLV240200104919.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

2 Objection. The instant Interrogatory is not reasonably calculated to lead to the
3 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
4 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
5 further objects to the instant Interrogatory because it is not the custodian of records for
6 LVMPD records, which are equally available to both parties. Without waiving the foregoing
7 objections and subject to the same, Defendant answers as follows:

8 Clark County has no records responsive to this request in its possession.

9 ***See Response to Request No. 1.***

10 Defendant reserves the right to supplement this answer as additional information comes
11 to light in the course of discovery.

12 **REQUEST FOR PRODUCTION NO. 7:**

13 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
14 LLV240300004054.

15 **RESPONSE REQUEST FOR PRODUCTION NO. 7:**

16 Objection. The instant Interrogatory is not reasonably calculated to lead to the
17 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
18 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
19 further objects to the instant Interrogatory because it is not the custodian of records for
20 LVMPD records, which are equally available to both parties. Without waiving the foregoing
21 objections and subject to the same, Defendant answers as follows:

22 Clark County has no records responsive to this request in its possession.

23 ***See Response to Request No. 1.***

24 Defendant reserves the right to supplement this answer as additional information comes
25 to light in the course of discovery.

26 **REQUEST FOR PRODUCTION NO. 8:**

27 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
28 LLV240300018035.

1 **RESPONSE REQUEST FOR PRODUCTION NO. 8:**

2 Objection. The instant Interrogatory is not reasonably calculated to lead to the
3 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
4 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
5 further objects to the instant Interrogatory because it is not the custodian of records for
6 LVMPD records, which are equally available to both parties. Without waiving the foregoing
7 objections and subject to the same, Defendant answers as follows:

8 Clark County has no records responsive to this request in its possession.

9 ***See Response to Request No. 1.***

10 Defendant reserves the right to supplement this answer as additional information comes
11 to light in the course of discovery.

12 **REQUEST FOR PRODUCTION NO. 9:**

13 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
14 LLV240300087607.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

16 Objection. The instant Interrogatory is not reasonably calculated to lead to the
17 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
18 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
19 further objects to the instant Interrogatory because it is not the custodian of records for
20 LVMPD records, which are equally available to both parties. Without waiving the foregoing
21 objections and subject to the same, Defendant answers as follows:

22 Clark County has no records responsive to this request in its possession.

23 ***See Response to Request No. 1.***

24 Defendant reserves the right to supplement this answer as additional information comes
25 to light in the course of discovery.

26 **REQUEST FOR PRODUCTION NO. 10:**

27 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
28 LLV240300104307.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

2 Objection. The instant Interrogatory is not reasonably calculated to lead to the
3 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
4 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
5 further objects to the instant Interrogatory because it is not the custodian of records for
6 LVMPD records, which are equally available to both parties. Without waiving the foregoing
7 objections and subject to the same, Defendant answers as follows:

8 Clark County has no records responsive to this request in its possession.

9 ***See Response to Request No. 1.***

10 Defendant reserves the right to supplement this answer as additional information comes
11 to light in the course of discovery.

12 **REQUEST FOR PRODUCTION NO. 11:**

13 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
14 LLV240300116034.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

16 Objection. The instant Interrogatory is not reasonably calculated to lead to the
17 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
18 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
19 further objects to the instant Interrogatory because it is not the custodian of records for
20 LVMPD records, which are equally available to both parties. Without waiving the foregoing
21 objections and subject to the same, Defendant answers as follows:

22 Clark County has no records responsive to this request in its possession.

23 ***See Response to Request No. 1.***

24 Defendant reserves the right to supplement this answer as additional information comes
25 to light in the course of discovery.

26 **REQUEST FOR PRODUCTION NO. 12:**

27 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
28 LLV240400007574.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

2 Objection. The instant Interrogatory is not reasonably calculated to lead to the
3 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
4 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
5 further objects to the instant Interrogatory because it is not the custodian of records for
6 LVMPD records, which are equally available to both parties. Without waiving the foregoing
7 objections and subject to the same, Defendant answers as follows:

8 Clark County has no records responsive to this request in its possession.

9 ***See Response to Request No. 1.***

10 Defendant reserves the right to supplement this answer as additional information comes
11 to light in the course of discovery.

12 **REQUEST FOR PRODUCTION NO. 13:**

13 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
14 LLV240400011750.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

16 Objection. The instant Interrogatory is not reasonably calculated to lead to the
17 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
18 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
19 further objects to the instant Interrogatory because it is not the custodian of records for
20 LVMPD records, which are equally available to both parties. Without waiving the foregoing
21 objections and subject to the same, Defendant answers as follows:

22 Clark County has no records responsive to this request in its possession.

23 ***See Response to Request No. 1.***

24 Defendant reserves the right to supplement this answer as additional information comes
25 to light in the course of discovery.

26 **REQUEST FOR PRODUCTION NO. 14:**

27 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
28 LLV240400029988.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO.14:**

2 Objection. The instant Interrogatory is not reasonably calculated to lead to the
3 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
4 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
5 further objects to the instant Interrogatory because it is not the custodian of records for
6 LVMPD records, which are equally available to both parties. Without waiving the foregoing
7 objections and subject to the same, Defendant answers as follows:

8 Clark County has no records responsive to this request in its possession.

9 ***See Response to Request No. 1.***

10 Defendant reserves the right to supplement this answer as additional information comes
11 to light in the course of discovery.

12 **REQUEST FOR PRODUCTION NO. 15:**

13 ALL DOCUMENTS and COMMUNICATIONS RELATED TO LVMPD Event #
14 LLV240400047410.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

16 Objection. The instant Interrogatory is not reasonably calculated to lead to the
17 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
18 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
19 further objects to the instant Interrogatory because it is not the custodian of records for
20 LVMPD records, which are equally available to both parties. Without waiving the foregoing
21 objections and subject to the same, Defendant answers as follows:

22 Clark County has no records responsive to this request in its possession.

23 ***See Response to Request No. 1.***

24 Defendant reserves the right to supplement this answer as additional information comes
25 to light in the course of discovery.

26 **REQUEST FOR PRODUCTION NO. 16:**

27 ALL DOCUMENTS and COMMUNITCATIONS RELATED TO the enforcement of
28 Clark County Code § 16.13.030 by ANY law enforcement agency, including but not limited

1 to arrest reports, declarations of arrest, citations, or criminal complaints for any event not
2 referenced in REQUESTS NOS. 1– 15.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

4 Objection. The instant Interrogatory is not reasonably calculated to lead to the
5 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
6 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
7 further objects to the instant Interrogatory because it is not the custodian of records for
8 LVMPD records, which are equally available to both parties. Without waiving the foregoing
9 objections and subject to the same, Defendant answers as follows:

10 Clark County has no records responsive to this request in its possession.

11 ***See Response to Request No. 1.***

12 Defendant reserves the right to supplement this answer as additional information comes
13 to light in the course of discovery.

14 **REQUEST FOR PRODUCTION NO. 17:**

15 ALL DOCUMENTS, including but not limited to declarations of arrest, arrest reports,
16 citations, criminal complaints, or video footage describing, describing or depicting alleged
17 criminal activity or other “disorder” as the term is used in Clark County Code 16.13.010
18 occurring on the PEDESTRIAN BRIDGES.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

20 Objection. The instant Interrogatory is not reasonably calculated to lead to the
21 discovery of admissible evidence. The instant Interrogatory is further objectionable because it
22 is unduly burdensome, overly broad, and not proportional to the needs of the case. Defendant
23 further objects to the instant Interrogatory because it is not the custodian of records for
24 LVMPD records, which are equally available to both parties. Without waiving the foregoing
25 objections and subject to the same, Defendant answers as follows:

26 Clark County has no records responsive to this request in its possession.

27 ***See Response to Request No. 1.***

1 Defendant reserves the right to supplement this answer as additional information comes
2 to light in the course of discovery.

3 **REQUEST FOR PRODUCTION NO. 18:**

4 ALL DOCUMENTS RELATED TO Dr. William Sousa's report Questions Related to
5 Public Safety on Pedestrian Bridges, CC 132–139, including but not limited to any offers,
6 contracts, payments, drafts, or requests for information related to the report.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

8 Objection. The instant request for "ALL DOCUMENTS" is overly broad and unduly
9 burdensome. The instant Request is also premature. All expert disclosures will be made in
10 accordance with Fed.R.Civ.P. 26(a)(2)(D). The instant request is further objectionable as Dr.
11 William Sousa was retained in anticipation of the subject litigation and to serve as Defendant
12 Clark County's testifying expert witness in the same. Accordingly, many of the documents
13 related to Dr. Sousa's report are protected as qualified attorney work product. *See* Fed.R.Civ.P.
14 26(b)(4)(C). Furthermore, as communications and documents exchanged between Dr. Sousa
15 and Clark County and its counsel were made to assist Clark County Commissioners and their
16 staff in making legislative recommendations and decisions and the disclosure of such
17 communications would discourage candid discussions within the County and undermine the
18 County's ability to legislate, they are also protected from disclosure under deliberative process
19 and legislative privileges. *Transgender L. Ctr. v. Immigr. & Customs Enf't*, 46 F.4th 771, 783
20 (9th Cir. 2022). Without waiving the foregoing objections and subject to the same, Defendant
21 answers as follows:

22 *See* William H. Sousa Invoices and Agreement between Clark County and Dr. Sousa
23 for Public Safety and Disorder Analysis on Pedestrian Overpasses, disclosed as bates CC 1390
24 to CC 1396 and bates CC 1394 to CC 1404, respectively, in Defendant Clark County's First
25 Supplemental Disclosure and Production of Documents Pet FRCP 26(a)(1); *see also* Certified
26 Copy of Documentation regarding Board of County Commissioners Meeting, January 2, 2024,
27 item number 38 with audio and video, disclosed in DEFENDANT CLARK COUNTY'S
28 INITIAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1) as

bates CC 071 TO CC 126; redacted e-mail communications between Clark County and Dr. William Sousa and the associated privilege log, disclosed in Defendant's First Supplemental Disclosures as bates CC 146-CC 252; Unofficial Transcript of Board of County Commissioners Meeting, January 2, 2024, item number 38, disclosed in Defendant's First Supplemental Disclosures as bates CC 1405-CC 1418; William H. Sousa Invoices, disclosed as CC 1390 to CC 1396; Agreement Between Clark County and Dr. Sousa for Public Safety and Disorder Analysis on Pedestrian Overpasses, disclosed as CC 1394 to CC 1404 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1)

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

REQUEST FOR PRODUCTION NO. 19:

ALL COMMUNICATIONS to or from Dr. William Sousa.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Objection. The instant Request is premature. All expert disclosures will be made in accordance with Fed.R.Civ.P. 26(a)(2)(D). The instant request is further objectionable as Dr. William Sousa was retained in anticipation of the subject litigation and to serve as Defendant Clark County's testifying expert witness in the same. All communications between Dr. Sousa and Defendant Clark County or its counsel, not subject to one of the identified exceptions, are protected as qualified attorney work product. *See* Fed.R.Civ.P. 26(b)(4)(C). Furthermore, as communications between Dr. Sousa and Clark County and its counsel were made to assist Clark County Commissioners and its staff in making legislative decisions and the disclosure of such communications would discourage candid discussions within the County and undermine the County's ability to legislate, they are also protected from disclosure under deliberative process and legislative privileges. *Transgender L. Ctr. v. Immigr. & Customs Enf't*, 46 F.4th 771, 783 (9th Cir. 2022). Without waiving the foregoing objections and subject to the same, Defendant answers as follows:

1 See redacted e-mail communications between Clark County and Dr. William Sousa and
 2 the associated privilege log, disclosed in Defendant's First Supplemental Disclosures as bates
 3 CC 146-CC 252; *see also* William H. Sousa Invoices, disclosed as CC 1390 to CC 1396;
 4 Agreement Between Clark County and Dr. Sousa for Public Safety and Disorder Analysis on
 5 Pedestrian Overpasses, disclosed as CC 1394 to CC 1404 in DEFENDANT CLARK
 6 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF
 7 DOCUMENTS PER FRCP 26(a)(1)

8 Discovery is ongoing and Defendant Clark County reserves the right to disclose
 9 additional information as it becomes available in the course of discovery.

10 **REQUEST FOR PRODUCTION NO. 20:**

11 All DOCUMENTS RELATED TO pedestrian traffic in the RESORT CORRIDOR,
 12 including but not limited to studies and reports on traffic congestion on the PEDESTRIAN
 13 BRIDGES or the sidewalks located in the RESORT CORRIDOR.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

15 Objection. The instant Request is overly broad and unduly burdensome. The Request
 16 is further objectionable as it vague and ambiguous as to time and to the terms: "reports" or
 17 "studies." Without waiving the foregoing objections and subject to the same, Defendant Clark
 18 County responds as follows:

19 See Highway Capacity Manual, disclosed in Defendant Clark County's First
 20 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
 21 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
 22 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
 23 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
 24 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
 25 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
 26 CC 1164-CC 1206; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
 27 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Letter dated December
 28 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed

1 in Defendant Clark County's Initial Disclosures as bates CC 127-CC 131; Report titled:
 2 Questions Related to Public Safety on Pedestrian Bridges, disclosed in Defendant Clark
 3 County's Initial Disclosures as bates CC 132-CC 139; Amended Title 16 of the Clark County
 4 Code approved, January 2, 2024, to add Chapter 16.31, disclosed in Defendant Clark County's
 5 Initial Disclosures as bates CC 140-CC 145; Certified copy of documentation regarding Board
 6 of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed
 7 in Clark County's First Supplemental Disclosures as CC 1428 to CC 1437; **see also Certified**
 8 **copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number**
 9 **65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental**
 10 **Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

11 Discovery is ongoing and Defendant Clark County reserves the right to disclose
 12 additional information as it becomes available in the course of discovery.

13 **REQUEST FOR PRODUCTION NO. 21:**

14 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that the
 15 "foreseeable levels of demand [on pedestrian bridges] can vary significantly and unpredictably
 16 regardless of day or time of day," as stated in Clark County Code § 16.13.010.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

18 Objection. The instant Request is overly broad and unduly burdensome and
 19 objectionable to the extent it calls for documents protected under the work product privilege
 20 doctrine, deliberative process privilege, legislative immunity, or attorney client privilege. The
 21 instant Request is further objectionable as it seeks documents demonstrating common sense
 22 assertions and/or documents that are equally available to both parties. Defendant further
 23 objects to the extent the instant Request calls for a legal conclusion. Without waiving the
 24 foregoing objections and subject to the same, Defendant answers as follows:

25 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
 26 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
 27 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
 28 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,

disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); LVCVA Las Vegas Visitor Profile Study 2023, LVCVA Matrix of Las Vegas Visitor Segments 2023, Excel Spreadsheet titled LVCVA Summary of Monthly Tourism Indicators for Las Vegas for calendar Year 2023, and Excel Spreadsheet titled LVCVA Summary of Monthly Tourism Indicators for Las Vegas for calendar Year 2024, disclosed as CC 1447 to CC 1499, CC 1500, CC 1501, and CC 1502, respectively, in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as

1 **bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and**
 2 **Production of Documents Pursuant to FRCP 26(a)(1).**

3 Discovery is ongoing and Defendant Clark County reserves the right to disclose
 4 additional information as it becomes available in the course of discovery.

5 **REQUEST FOR PRODUCTION NO. 22:**

6 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
 7 TO the claim that "[s]topping on the pedestrian bridges creates conditions that can foment
 8 disorder which, in turn, can lead to crime and serious safety issues," as stated in Clark County
 9 Code § 16.13.010.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

11 Objection. The instant Request is overly broad and unduly burdensome. The instant
 12 Request is objectionable to the extent it calls for documents protected under the work product
 13 privilege, deliberative process privilege, legislative privilege and immunity, or attorney client
 14 privilege. The instant Request is further objectionable as it seeks documents that are equally
 15 available to both parties. Defendant further objects to the extent the instant Request calls for a
 16 legal conclusion. Without waiving the foregoing objections and subject to the same, Defendant
 17 answers as follows:

18 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
 19 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
 20 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
 21 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
 22 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
 23 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
 24 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
 25 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
 26 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
 27 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
 28 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK

COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County’s First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY’S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County’s Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

REQUEST FOR PRODUCTION NO. 23:

ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO the claim that without Clark County Code § 16.13.030 “it would [] be too late for law enforcement or other first responders to intervene, mitigate, render aid, rescue, or take other actions necessary as a result of crime and other serious safety issues” on PEDESTRIAN BRIDGES, as stated in Clark County Code § 16.13.010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Objection. The instant Request is overly broad and unduly burdensome. The instant Request is objectionable to the extent it calls for documents protected under the work product

1 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
2 instant Request is further objectionable as it seeks documents that are equally available to both
3 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
4 Without waiving the foregoing objections and subject to the same, Defendant answers as
5 follows:

6 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
7 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
8 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
9 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
10 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
11 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
12 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
13 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
14 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
15 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
16 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
17 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
18 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
19 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
20 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
21 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
22 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
23 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
24 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
25 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
26 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
27 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
28 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK

COUNTY’S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); see also **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County’s Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

REQUEST FOR PRODUCTION NO. 24:

ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO the claim that “numerous incidents have occurred that underscore [DEFENDANT’s] concerns,” as stated in Clark County Code § 16.13.010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Objection. The instant Request is overly broad and unduly burdensome. The instant Request is objectionable to the extent it calls for documents protected under the work product privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The instant Request is further objectionable as it seeks documents that are equally available to both parties. Defendant further objects to the extent the instant Request calls for a legal conclusion. Without waiving the foregoing objections and subject to the same, Defendant answers as follows:

See Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of

documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); ***see also* Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

REQUEST FOR PRODUCTION NO. 25:

ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO the claim that "the occurrence of threats and perceived threats [will] result in public panic and immediate and unexpected demand on pedestrian bridges as in an event of flight by large groups of people," as stated in Clark County Code § 16.13.010.

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RESPONSE TO REQUEST FOR PRODUCTION NO 25:

Objection. The instant Request is overly broad and unduly burdensome. The instant Request is objectionable to the extent it calls for documents protected under the work product privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The instant Request is further objectionable as it seeks documents that are equally available to both parties. Defendant further objects to the extent the instant Request calls for a legal conclusion. Without waiving the foregoing objections and subject to the same, Defendant answers as follows:

See Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,

Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).

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

REQUEST FOR PRODUCTION NO. 26:

ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO the claim that there has been an "increased number and frequency of high-profile attacks in places of public gatherings," as stated in Clark County Code § 16.13.010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Objection. The instant Request is overly broad and unduly burdensome. The instant Request is objectionable to the extent it calls for documents protected under the work product privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The instant Request is further objectionable as it seeks documents that are equally available to both parties. Defendant further objects to the extent the instant Request calls for a legal conclusion. Without waiving the foregoing objections and subject to the same, Defendant answers as follows:

See Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended

1 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
 2 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
 3 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
 4 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
 5 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
 6 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
 7 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
 8 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
 9 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
 10 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
 11 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
 12 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
 13 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
 14 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
 15 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
 16 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
 17 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
 18 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
 19 DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of**
 20 **County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941**
 21 **to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of**
 22 **Documents Pursuant to FRCP 26(a)(1).**

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

25 **REQUEST FOR PRODUCTION NO. 27:**

26 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that the
 27 PEDESTRIAN BRIDGES were "created for the purpose of separating pedestrian traffic from
 28

1 vehicular traffic to facilitate pedestrians crossing in these locations,” as stated in Clark County
2 Code § 16.13.010.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

4 Objection. The instant Request is overly broad and unduly burdensome. The instant
5 Request is objectionable to the extent it calls for documents protected under the work product
6 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
7 instant Request is further objectionable as it seeks documents that are equally available to both
8 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
9 Without waiving the foregoing objections and subject to the same, Defendant answers as
10 follows:

11 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
12 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
13 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
14 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
15 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
16 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
17 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
18 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
19 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
20 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
21 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
22 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
23 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First
24 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
25 Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental
26 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
27 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County’s First Supplemental
28 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las

Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

REQUEST FOR PRODUCTION NO. 28: ALL DOCUMENTS supporting or otherwise RELATED TO the claim that "[t]he parameters for the pedestrian bridge design did not include uses beyond pedestrian traffic crossing from one side to the other side," as stated in Clark County Code § 16.13.010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Objection. The instant Request is overly broad and unduly burdensome. The instant Request is objectionable to the extent it calls for documents protected under the work product privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The instant Request is further objectionable as it seeks documents that are equally available to both parties. Defendant further objects to the extent the instant Request calls for a legal conclusion. Without waiving the foregoing objections and subject to the same, Defendant answers as follows:

See Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,

disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1); Pedestrian Bridge Plans for Flamingo provided by Clark County GIS, disclosed as CC 2516 to CC 2657, Pedestrian Bridge Plans for Harmon provided by Clark County GIS, disclosed as CC 2658 to CC 2935, Pedestrian Bridge Plans for Park provided by Clark County GIS, disclosed as CC 2936 to CC 3086, Pedestrian Bridge Plans for Spring Mountain provided by Clark County GIS, disclosed**

1 as CC 3087 to 3281, and Pedestrian Bridge Plans for Tropicana provided by Clark
2 County GIS, disclosed as CC 3282 to CC 3910, disclosed in Clark County's Third
3 Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).

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

6 **REQUEST FOR PRODUCTION NO. 29:**

7 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that "[t]he
8 parameters [for pedestrian bridges] included that pedestrians would not stop, stand or
9 congregate other than for incidental and fleeting viewing of the Las Vegas Strip from the
10 pedestrian bridge," as stated in Clark County Code § 16.13.010.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

12 Objection. The instant Request is overly broad and unduly burdensome. The instant
13 Request is objectionable to the extent it calls for documents protected under the work product
14 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
15 instant Request is further objectionable as it seeks documents that are equally available to both
16 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
17 Without waiving the foregoing objections and subject to the same, Defendant answers as
18 follows:

19 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
20 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
21 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
22 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
23 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
24 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
25 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
26 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
27 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
28 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item

number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); ***see also* Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1); Pedestrian Bridge Plans for Flamingo provided by Clark County GIS, disclosed as CC 2516 to CC 2657, Pedestrian Bridge Plans for Harmon provided by Clark County GIS, disclosed as CC 2658 to CC 2935, Pedestrian Bridge Plans for Park provided by Clark County GIS, disclosed as CC 2936 to CC 3086, Pedestrian Bridge Plans for Spring Mountain provided by Clark County GIS, disclosed as CC 3087 to 3281, and Pedestrian Bridge Plans for Tropicana provided by Clark County GIS, disclosed as CC 3282 to CC 3910, disclosed in Clark County's Third Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

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1 **REQUEST FOR PRODUCTION NO. 30:**

2 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that “[f]or
3 pedestrians to be able to stop, stand or congregate for any other reason, the pedestrian bridges
4 would have been designed differently to account for such uses,” as stated in Clark County
5 Code § 16.13.010.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

7 Objection. The instant Request is overly broad and unduly burdensome. The instant
8 Request is objectionable to the extent it calls for documents protected under the work product
9 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
10 instant Request is further objectionable as it seeks documents that are equally available to both
11 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
12 Without waiving the foregoing objections and subject to the same, Defendant answers as
13 follows:

14 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
15 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
16 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
17 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
18 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
19 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
20 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
21 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
22 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
23 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
24 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
25 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
26 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First
27 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
28 Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental

Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1); Pedestrian Bridge Plans for Flamingo provided by Clark County GIS, disclosed as CC 2516 to CC 2657, Pedestrian Bridge Plans for Harmon provided by Clark County GIS, disclosed as CC 2658 to CC 2935, Pedestrian Bridge Plans for Park provided by Clark County GIS, disclosed as CC 2936 to CC 3086, Pedestrian Bridge Plans for Spring Mountain provided by Clark County GIS, disclosed as CC 3087 to 3281, and Pedestrian Bridge Plans for Tropicana provided by Clark County GIS, disclosed as CC 3282 to CC 3910, disclosed in Clark County's Third Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).

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

REQUEST FOR PRODUCTION NO. 31:

ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO the claim that "calls for law enforcement services on the Las Vegas Strip increased twenty-nine percent" from 2018 to 2022, as stated in Clark County Code § 16.13.010.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

2 Objection. The instant Request is overly broad and unduly burdensome. The instant
3 Request is objectionable to the extent it calls for documents protected under the work product
4 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
5 instant Request is further objectionable as it seeks documents that are equally available to both
6 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
7 Without waiving the foregoing objections and subject to the same, Defendant answers as
8 follows:

9 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
10 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
11 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
12 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
13 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
14 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
15 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
16 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
17 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
18 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
19 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
20 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
21 FRCP 26(a)(1); Certified copy of documentation regarding Board of County Commissioners
22 Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC
23 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES
24 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of**
25 **minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65,**
26 **disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental**
27 **Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**
28

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

3 **REQUEST FOR PRODUCTION NO. 32:**

4 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
5 TO the claim that “service calls for disorderly offenses increased twenty-three percent” from
6 2018 to 2022, as stated in Clark County Code § 16.13.010.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO 32:**

8 Objection. The instant Request is overly broad and unduly burdensome. The instant
9 Request is objectionable to the extent it calls for documents protected under the work product
10 privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The
11 instant Request is further objectionable as it seeks documents that are equally available to both
12 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
13 Defendant further objects that the instant Request is premature and calls for expert opinion.
14 Defendant Clark County is not the custodian of record for calls for service. Without waiving
15 the foregoing objections and subject to the same, Defendant answers as follows:

16 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
17 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
18 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
19 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
20 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
21 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
22 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
23 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
24 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
25 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
26 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
27 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
28 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First

Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

REQUEST FOR PRODUCTION NO. 33:

ALL DOCUMENTS supporting or otherwise RELATED TO the claim that "the pedestrian bridges constitute only approximately six percent (6%) of the total linear feet of public sidewalks available to pedestrians," as stated in Clark County Code § 16.13.010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

Objection. The instant Request is objectionable to the extent it seeks information available in the public domain equally available to both parties. Defendant further objects to the extent the subject Request is premature, Defendant will disclose expert testimony in accordance with the Discovery Plan and Scheduling Order in this case. Defendant further objects to the extent the instant Request seeks communications protected by the work product

1 doctrine or attorney client privilege. Without waiving the foregoing objection and subject to
2 the same, Defendant responds as follows:

3 Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as
4 bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
5 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
6 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
7 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND
8 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
9 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
10 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S
11 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1);
12 redacted e-mail communications between Clark County and Dr. William Sousa and the
13 associated privilege log, disclosed in Defendant's First Supplemental Disclosures as bates CC
14 146-CC 252; *see also* **Certified copy of minutes for Board of County Commissioners**
15 **Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark**
16 **County's Fourth Supplemental Disclosure and Production of Documents Pursuant to**
17 **FRCP 26(a)(1); Pedestrian Bridge and Sidewalk Exhibits provided by Clark County**
18 **GIS, disclosed as CC 2497 to CC 2515, Pedestrian Bridge Plans for Flamingo provided**
19 **by Clark County GIS, disclosed as CC 2516 to CC 2657, Pedestrian Bridge Plans for**
20 **Harmon provided by Clark County GIS, disclosed as CC 2658 to CC 2935, Pedestrian**
21 **Bridge Plans for Park provided by Clark County GIS, disclosed as CC 2936 to CC 3086,**
22 **Pedestrian Bridge Plans for Spring Mountain provided by Clark County GIS, disclosed**
23 **as CC 3087 to 3281, and Pedestrian Bridge Plans for Tropicana provided by Clark**
24 **County GIS, disclosed as CC 3282 to CC 3910, disclosed in Clark County's Third**
25 **Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

26 Discovery is ongoing and Defendant Clark County reserves the right to disclose
27 additional information as it becomes available in the course of discovery.

28 ///

1 **REQUEST FOR PRODUCTION NO. 34:**

2 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
3 TO the claim that there is a “disproportionate call volume on pedestrian bridges,” as stated in
4 Clark County Code § 16.13.010.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

6 Objection. The instant Request is overly broad and unduly burdensome—particularly
7 the demand for “ALL DOCUMENTS and COMMUNICATIONS” without the provisions of
8 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
9 not overly broad the Request is further objectionable because it impermissibly seeks to
10 ascertain legislators’ subjective motives or opinions and their communications with staff
11 protected under the deliberative process and legislative privileges in First Amendment
12 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
13 (9th Cir. 1984). The instant Request is objectionable to the extent it calls for documents
14 protected under the work product privilege or attorney client privilege. The instant Request is
15 further objectionable as it seeks documents that are equally available to both parties.
16 Defendant further objects to the extent the instant Request calls for a legal conclusion. Without
17 waiving the foregoing objections and subject to the same, Defendant answers as follows:

18 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
19 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
20 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
21 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
22 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
23 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
24 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
25 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
26 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
27 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
28 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK

COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County’s First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; . See redacted e-mail communications between Clark County and Dr. William Sousa and the associated privilege log, disclosed in Defendant’s First Supplemental Disclosures as bates CC 146-CC 252; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY’S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); ***see also* Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County’s Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

REQUEST FOR PRODUCTION NO. 35:

ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED TO the claim that “pedestrian bridges create a unique opportunity for criminal disorder,” as stated in Clark County Code § 16.13.010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Objection. The instant Request is overly broad and unduly burdensome—particularly the demand for “ALL DOCUMENTS and COMMUNICATIONS” without the provisions of

1 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
2 not overly broad the Request is further objectionable because it impermissibly seeks to
3 ascertain legislators' subjective motives or opinions and their communications with staff
4 protected under the deliberative process and legislative privileges in First Amendment
5 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
6 (9th Cir. 1984). The instant Request is objectionable to the extent it calls for documents
7 protected under the work product privilege or attorney client privilege. The instant Request is
8 further objectionable as it seeks documents that are equally available to both parties.
9 Defendant further objects to the extent the instant Request calls for a legal conclusion. Without
10 waiving the foregoing objections and subject to the same, Defendant answers as follows:

11 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
12 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
13 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
14 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
15 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
16 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
17 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
18 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
19 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
20 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
21 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
22 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
23 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
24 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
25 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
26 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
27 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
28 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las

1 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
2 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
3 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
4 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
5 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
6 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
7 DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of**
8 **County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941**
9 **to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of**
10 **Documents Pursuant to FRCP 26(a)(1).**

11 Discovery is ongoing and Defendant Clark County reserves the right to disclose
12 additional information as it becomes available in the course of discovery.

13 **REQUEST FOR PRODUCTION NO. 36:**

14 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
15 TO the claim that PEDESTRIAN BRIDGES “create a captive audience,” as stated in Clark
16 County Code § 16.13.010.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

18 Objection. The instant Request is overly broad and unduly burdensome—particularly
19 the demand for “ALL DOCUMENTS and COMMUNICATIONS” without the provisions of
20 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
21 not overly broad the Request is further objectionable because it impermissibly seeks to
22 ascertain legislators’ subjective motives or opinions and their communications with staff
23 protected under the deliberative process and legislative privileges in First Amendment
24 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
25 (9th Cir. 1984). The instant Request is objectionable to the extent it calls for documents
26 protected under the work product privilege or attorney client privilege. The instant Request is
27 further objectionable as it seeks documents that are equally available to both parties.

28

1 Defendant further objects to the extent the instant Request calls for a legal conclusion. Without
2 waiving the foregoing objections and subject to the same, Defendant answers as follows:

3 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
4 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
5 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
6 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
7 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
8 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
9 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
10 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
11 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
12 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
13 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
14 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
15 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
16 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
17 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
18 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
19 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
20 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
21 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
22 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
23 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
24 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
25 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
26 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
27 DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of**
28 **County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941**

1 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of
2 Documents Pursuant to FRCP 26(a)(1).

3 Discovery is ongoing and Defendant Clark County reserves the right to disclose
4 additional information as it becomes available in the course of discovery.

5 **REQUEST FOR PRODUCTION NO. 37:**

6 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
7 TO the claim that "a sidewalk . . . has a greater ability to avoid disorder" as compared to the
8 PEDESTRIAN BRIDGES, as stated in Clark County Code § 16.13.010.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

10 Objection. The instant Request is overly broad and unduly burdensome—particularly
11 the demand for "ALL DOCUMENTS and COMMUNICATIONS" without the provisions of
12 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
13 not overly broad the Request is further objectionable because it impermissibly seeks to
14 ascertain legislators' subjective motives or opinions and their communications with staff
15 protected under the deliberative process and legislative privileges in First Amendment
16 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
17 (9th Cir. 1984). The instant Request is objectionable to the extent it calls for documents
18 protected under the work product privilege or attorney client privilege. The instant Request is
19 further objectionable as it seeks documents that are equally available to both parties.
20 Defendant further objects to the extent the instant Request calls for a legal conclusion. Without
21 waiving the foregoing objections and subject to the same, Defendant answers as follows:

22 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
23 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
24 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
25 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
26 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
27 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
28 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed

1 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
2 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
3 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
4 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
5 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
6 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
7 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
8 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
9 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
10 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
11 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
12 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
13 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
14 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
15 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
16 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
17 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
18 DOCUMENTS PER FRCP 26(a)(1); **see also Certified copy of minutes for Board of**
19 **County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941**
20 **to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of**
21 **Documents Pursuant to FRCP 26(a)(1); Pedestrian Bridge Plans for Flamingo provided**
22 **by Clark County GIS, disclosed as CC 2516 to CC 2657, Pedestrian Bridge Plans for**
23 **Harmon provided by Clark County GIS, disclosed as CC 2658 to CC 2935, Pedestrian**
24 **Bridge Plans for Park provided by Clark County GIS, disclosed as CC 2936 to CC 3086,**
25 **Pedestrian Bridge Plans for Spring Mountain provided by Clark County GIS, disclosed**
26 **as CC 3087 to 3281, and Pedestrian Bridge Plans for Tropicana provided by Clark**
27 **County GIS, disclosed as CC 3282 to CC 3910, disclosed in Clark County's Third**
28 **Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

3 **REQUEST FOR PRODUCTION NO. 38:**

4 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
5 TO the claim that “pedestrian[s] [are] confined to the restricted space of the pedestrian bridge,”
6 as stated in Clark County Code § 16.13.010.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

8 Objection. The instant Request is overly broad and unduly burdensome—particularly
9 the demand for “ALL DOCUMENTS and COMMUNICATIONS” without the provisions of
10 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
11 not overly broad the Request is further objectionable because it impermissibly seeks to
12 ascertain legislators’ subjective motives or opinions and their communications with staff
13 protected under the deliberative process and legislative privileges in First Amendment
14 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
15 (9th Cir. 1984). The instant Request is objectionable to the extent it calls for documents
16 protected under the work product privilege or attorney client privilege. The instant Request is
17 further objectionable as it seeks documents that are equally available to both parties.
18 Defendant further objects to the extent the instant Request calls for a legal conclusion. Without
19 waiving the foregoing objections and subject to the same, Defendant answers as follows:

20 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
21 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
22 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
23 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
24 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
25 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
26 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
27 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
28 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of

1 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
2 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
3 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
4 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
5 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
6 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
7 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
8 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
9 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
10 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
11 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
12 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
13 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
14 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
15 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
16 DOCUMENTS PER FRCP 26(a)(1); **see also Certified copy of minutes for Board of**
17 **County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941**
18 **to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of**
19 **Documents Pursuant to FRCP 26(a)(1); Pedestrian Bridge Plans for Flamingo provided**
20 **by Clark County GIS, disclosed as CC 2516 to CC 2657, Pedestrian Bridge Plans for**
21 **Harmon provided by Clark County GIS, disclosed as CC 2658 to CC 2935, Pedestrian**
22 **Bridge Plans for Park provided by Clark County GIS, disclosed as CC 2936 to CC 3086,**
23 **Pedestrian Bridge Plans for Spring Mountain provided by Clark County GIS, disclosed**
24 **as CC 3087 to 3281, and Pedestrian Bridge Plans for Tropicana provided by Clark**
25 **County GIS, disclosed as CC 3282 to CC 3910, disclosed in Clark County's Third**
26 **Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

27 Discovery is ongoing and Defendant Clark County reserves the right to disclose
28 additional information as it becomes available in the course of discovery.

REQUEST FOR PRODUCTION NO. 39:

ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark County Code § 16.13.030 “is a content-neutral ordinance,” as stated in DEFENDANT Clark County’s Motion to Dismiss Plaintiff’s Complaint, ECF No. 9, 10:26.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

Objection. The instant Request is overly broad—particularly as it pertains to the phrase “ALL DOCUMENTS [...] RELATED TO.” The instant Request is further objectionable to the extent it calls for a legal conclusion. Without waiving the foregoing objections and subject to the same, Defendant answers as follows:

See Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

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

REQUEST FOR PRODUCTION NO. 40:

ALL DOCUMENTS supporting or otherwise RELATED TO the claim that DEFENDANT “has a substantial government interest in ensuring public safety on the pedestrian bridges,” as stated in Clark County Code § 16.13.010.

RESPONSE TO REQUEST FOR PRODUCTION NO 40:

Objection. The instant Request is overly broad and unduly burdensome—particularly as it pertains to Plaintiffs’ request for “ALL DOCUMENTS [...] RELATED TO”. The instant Request is objectionable to the extent it calls for documents protected under the work product privilege, deliberative process privilege, legislative immunity, or attorney client privilege. The instant Request is further objectionable as it seeks documents that are equally available to both

1 parties. Defendant further objects to the extent the instant Request calls for a legal conclusion.
2 Without waiving the foregoing objections and subject to the same, Defendant answers as
3 follows:

4 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
5 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
6 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
7 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
8 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
9 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
10 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
11 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
12 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
13 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
14 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
15 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
16 FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County's First
17 Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South
18 Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental
19 Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas
20 Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental
21 Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las
22 Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates
23 CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard,
24 Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of
25 documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number
26 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK
27 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF
28 DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of**

1 **County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941**
 2 **to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of**
 3 **Documents Pursuant to FRCP 26(a)(1).**

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

6 **REQUEST FOR PRODUCTION NO. 41:**

7 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark
 8 County Code § 16.13.030 "is a narrowly tailored means to accomplish the County's important
 9 objective," as stated in Clark County Code § 16.13.010.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

11 Objection. The instant Request is overly broad and unduly burdensome—particularly
 12 as it pertains to Plaintiffs' request for "ALL DOCUMENTS [...] RELATED TO". The instant
 13 Request calls for a legal conclusion. Without waiving the foregoing objections and subject to
 14 the same, Defendant answers as follows:

15 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
 16 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
 17 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
 18 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
 19 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND
 20 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
 21 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
 22 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S
 23 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1);
 24 Highway Capacity Manual, disclosed in Defendant Clark County's First Supplemental
 25 Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway
 26 Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC
 27 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to
 28 Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-

CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY’S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County’s Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1); Pedestrian Bridge and Sidewalk Exhibits provided by Clark County GIS, disclosed as CC 2497 to CC 2515, Pedestrian Bridge Plans for Flamingo provided by Clark County GIS, disclosed as CC 2516 to CC 2657, Pedestrian Bridge Plans for Harmon provided by Clark County GIS, disclosed as CC 2658 to CC 2935, Pedestrian Bridge Plans for Park provided by Clark County GIS, disclosed as CC 2936 to CC 3086, Pedestrian Bridge Plans for Spring Mountain provided by Clark County GIS, disclosed as CC 3087 to 3281, and Pedestrian Bridge Plans for Tropicana provided by Clark County GIS, disclosed as CC 3282 to CC 3910, disclosed in Clark County’s Third Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

REQUEST FOR PRODUCTION NO. NO. 42:

ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark County Code § 16.13.030 leaves “ample alternative means of communication,” as stated in Clark County Code § 16.13.010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Objection. The instant Request is overly broad and unduly burdensome—particularly as it pertains to Plaintiffs’ request for “ALL DOCUMENTS [...] RELATED TO”. The instant

1 Request calls for a legal conclusion. Without waiving the foregoing objections and subject to
2 the same, Defendant answers as follows:

3 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
4 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
5 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
6 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
7 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND
8 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
9 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
10 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S
11 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1);
12 Highway Capacity Manual, disclosed in Defendant Clark County's First Supplemental
13 Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway
14 Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC
15 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to
16 Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-
17 CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road
18 to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015
19 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara
20 Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding
21 Board of County Commissioners Meeting, May 3, 2022 item number 65 including video,
22 disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST
23 SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP
24 26(a)(1); **see also Certified copy of minutes for Board of County Commissioners Meeting,**
25 **05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's**
26 **Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP**
27 **26(a)(1); Pedestrian Bridge and Sidewalk Exhibits provided by Clark County GIS,**
28

1 disclosed as CC 2497 to CC 2515 in Clark County’s Third Supplemental Disclosure and
2 Production of Documents Pursuant to FRCP 26(a)(1)..

3 Discovery is ongoing and Defendant Clark County reserves the right to disclose
4 additional information as it becomes available in the course of discovery.

5 **REQUEST FOR PRODUCTION NO. 43:**

6 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark
7 County Code § 16.13.030 provides “fair notice of what constitutes a violation,” as stated in
8 DEFENDANT Clark County’s Motion to Dismiss Plaintiff’s Complaint, ECF No. 9, 16:4.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

10 Objection. The instant Request is overly broad and unduly burdensome—particularly
11 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS [...] RELATED TO.” The instant
12 Request calls for a legal conclusion. Without waiving the foregoing objections and subject to
13 the same, Defendant answers as follows:

14 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
15 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
16 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
17 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
18 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND
19 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
20 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
21 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S
22 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

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

25 **REQUEST FOR PRODUCTION NO. 44:**

26 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark
27 County Code § 16.13.030 “will not result in arbitrary or discriminatory enforcement,” as stated
28

1 in DEFENDANT Clark County’s Response to Plaintiff’s Motion for Preliminary Injunction
2 and Motion for Temporary Restraining Order, ECF No. 10, 4:17–18.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

4 Objection. The instant Request is overly broad and unduly burdensome—particularly
5 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS [...] RELATED TO.” The instant
6 Request calls for a legal conclusion based on an argument put forth in response to a motion
7 already resolved in Defendant Clark County’s favor. Ultimately these legal assertions by
8 counsel, which constitute questions of law, will be determined by the Court just as Plaintiffs’
9 assertions to the contrary will and are not appropriate avenues of inquiry in written discovery.
10 Without waiving the foregoing objections and subject to the same, Defendant answers as
11 follows:

12 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
13 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
14 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
15 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
16 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND
17 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
18 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
19 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S
20 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); see
21 also Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022
22 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County’s Fourth
23 Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).

24 Discovery is ongoing and Defendant Clark County reserves the right to disclose
25 additional information as it becomes available in the course of discovery.

26 **REQUEST FOR PRODUCTION NO 45:**

27 ///

28 ///

1 ALL DOCUMENTS supporting or otherwise RELATED TO the claim that Clark
 2 County Code § 16.13.030 “is not unconstitutionally vague,” as stated in DEFENDANT Clark
 3 County’s Motion to Dismiss Plaintiff’s Complaint, ECF No. 9, 6:16.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

5 Objection. The instant Request is overly broad and unduly burdensome—particularly
 6 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS [...] RELATED TO.” The instant
 7 Request calls for a legal conclusion based on an argument put forth in response to a motion
 8 already resolved by the Court. Ultimately these legal assertions by counsel, which constitute
 9 questions of law, will be determined by the Court just as Plaintiffs’ assertions to the contrary
 10 will and they are not appropriate points of inquiry for discovery. Without waiving the
 11 foregoing objections and subject to the same, Defendant answers as follows:

12 See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
 13 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
 14 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
 15 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
 16 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND
 17 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
 18 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
 19 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S
 20 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1).

21 Discovery is ongoing and Defendant Clark County reserves the right to disclose
 22 additional information as it becomes available in the course of discovery.

23 **REQUEST NO. 46:**

24 ALL DOCUMENTS and COMMUNICATIONS supporting or otherwise RELATED
 25 TO the claim that “this new ordinance was necessary precisely because existing ordinances
 26 fail to rectify the significant public safety and pedestrian traffic flow problems caused by the
 27 ever-increasing pedestrian congestion on the pedestrian bridges,” as stated in DEFENDANT
 28

Clark County's Response to Plaintiff's Motion for Preliminary Injunction and Motion for Temporary Restraining Order, ECF No. 10, 18:19–21.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

Objection. The instant Request is overly broad and unduly burdensome—particularly as it pertains to Plaintiffs' request for "ALL DOCUMENTS and COMMUNICATIONS [...] RELATED TO" without the provisions of meaningful time restrictions, search terms or user accounts. Even if the subject Request were not overly broad the Request is further objectionable because it impermissibly seeks to ascertain legislators' subjective motives or opinions and their communications with staff 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). The instant Request is objectionable to the extent it calls for documents protected under the work product privilege or attorney client privilege. The instant Request further calls for a legal conclusion based on an argument put forth in response to a motion already resolved in Defendant Clark County's favor. Ultimately these legal assertions by counsel, which constitute questions of law, will be determined by the Court just as Plaintiffs' assertions to the contrary will and are not appropriate avenues of inquiry in written discovery. The instant Request is overly broad and unduly burdensome. The instant Request is further objectionable as it seeks documents that are equally available to both parties. Defendant further objects to the extent the instant Request calls for a legal conclusion. Without waiving the foregoing objections and subject to the same, Defendant answers as follows:

See Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed

as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County’s First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Chapter 16.11 - OBSTRUCTIVE USES OF PUBLIC SIDEWALKS of the Clark County Code; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY’S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County’s Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

REQUEST FOR PRODUCTION NO. 47:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO the claim that PEDESTRIAN BRIDGES were designed only for “incidental and fleeting view[s] of the Las Vegas Strip,” as stated in Clark County Code § 16.13.010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

Objection. The instant Request is overly broad and unduly burdensome—particularly as it pertains to Plaintiffs’ request for “ALL DOCUMENTS and COMMUNICATIONS [...] RELATED TO” without the provisions of meaningful time restrictions, search terms or user accounts. Even if the subject Request were not overly broad the Request is further objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or opinions and their communications with staff 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). The instant Request is objectionable to the extent it calls for documents protected under the work product privilege or attorney client privilege. The instant Request further calls for a legal conclusion. Without waiving the foregoing objections and subject to the same, Defendant responds as follows:

See Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County’s First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas

Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Chapter 16.11 - OBSTRUCTIVE USES OF PUBLIC SIDEWALKS of the Clark County Code; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1); Pedestrian Bridge Plans for Flamingo provided by Clark County GIS, disclosed as CC 2516 to CC 2657, Pedestrian Bridge Plans for Harmon provided by Clark County GIS, disclosed as CC 2658 to CC 2935, Pedestrian Bridge Plans for Park provided by Clark County GIS, disclosed as CC 2936 to CC 3086, Pedestrian Bridge Plans for Spring Mountain provided by Clark County GIS, disclosed as CC 3087 to 3281, and Pedestrian Bridge Plans for Tropicana provided by Clark County GIS, disclosed as CC 3282 to CC 3910, disclosed in Clark County's Third Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

REQUEST FOR PRODUCTION NO. 48:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO the claim that Clark County Code § 16.13.030 allows for "brief or insubstantial variations in movement" on the PEDESTRIAN BRIDGES, as stated in DEFENDANT Clark County's Motion to Dismiss Plaintiff's Complaint, ECF No. 9, 15:22.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

Objection. The instant Request is overly broad and unduly burdensome—particularly as it pertains to Plaintiffs’ request for “ALL DOCUMENTS and COMMUNICATIONS RELATED TO” without the provisions of meaningful time restrictions, search terms or user accounts. The instant Request calls for a legal conclusion based on an argument put forth in response to a motion already resolved by the Court. Notably, brief or insubstantial variations in movement do not constitute stopping or standing. Ultimately these legal assertions by counsel, which constitute questions of law, will be determined by the Court just as Plaintiffs’ assertions to the contrary will and they are not appropriate points of inquiry for discovery. Without waiving the foregoing objections and subject to the same, Defendant answers as follows:

See Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County’s Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).

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

REQUEST FOR PRODUCTION NO. 49:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO the claim that “people will not be cited for taking photographs under CCC 16.13.030” on PEDESTRIAN BRIDGES,

1 as stated in DEFENDANT Clark County’s Motion to Dismiss Plaintiff’s Complaint, ECF No.
2 9, 15:2–3.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

4 Objection. The instant Request is overly broad and unduly burdensome—particularly
5 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS and COMMUNICATIONS
6 RELATED TO” without the provisions of meaningful time restrictions, search terms or user
7 accounts. The instant Request calls for a legal conclusion based on an argument put forth in
8 response to a motion already resolved by the Court. Ultimately these legal assertions by
9 counsel, which constitute questions of law, will be determined by the Court just as Plaintiffs’
10 assertions to the contrary will and they are not appropriate points of inquiry for discovery.
11 Notably, taking photographs does not constitute stopping or standing. Without waiving the
12 foregoing objections and subject to the same, Defendant answers as follows:

13 *See* Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed
14 as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
15 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark
16 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC
17 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND
18 PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation
19 regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with
20 audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S
21 INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see*
22 ***also* Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022**
23 **item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County’s Fourth**
24 **Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

25 Discovery is ongoing and Defendant Clark County reserves the right to disclose
26 additional information as it becomes available in the course of discovery.

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REQUEST FOR PRODUCTION NO. 50:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO the definition of “disorderly offenses” as used in Clark County Code § 16.13.010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

Objection. The instant Request is overly broad and unduly burdensome—particularly as it pertains to Plaintiffs’ request for “ALL DOCUMENTS and COMMUNICATIONS RELATED TO” without the provisions of meaningful time restrictions, search terms or user accounts. Even if the subject Request were not overly broad the Request is further objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or opinions and their communications with staff 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). The instant Request is objectionable to the extent it calls for documents protected under the work product privilege or attorney client privilege. The instant Request further calls for a legal conclusion. Without waiving the foregoing objections and subject to the same, Defendant responds as follows:

See Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Highway Capacity Manual, disclosed in Defendant Clark County’s First

Supplemental Disclosures as bates CC 253-CC 823; 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Chapter 16.11 - OBSTRUCTIVE USES OF PUBLIC SIDEWALKS of the Clark County Code; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

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

REQUEST FOR PRODUCTION NO. 51:

ALL TRAININGS RELATED TO the implementation and enforcement of Clark County Code § 16.13.030.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

Objection. The instant request is vague and ambiguous, particularly as it pertains to the terms "trainings," "implementation," and "enforcement." Defendant further objects that it is not the entity responsible for the enforcement of Clark County Code § 16.13.030. The instant request is further objectionable as it is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections and subject to the same, Defendant responds as follows:

1 To the extent the ordinance may be considered a training, see the text of Chapter 16.13
2 to the Clark County Code, disclosed in Defendant Clark County's Initial Disclosures as bates
3 CC 140 to CC 145.

4 Discovery is ongoing and Defendant reserves the right to supplement its response to
5 the instant request as additional information becomes available in the course of discovery.

6 **REQUEST FOR PRODUCTION NO. 52:**

7 ALL POLICIES RELATED TO the implementation and enforcement of Clark County
8 Code § 16.13.030.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

10 Objection. The instant request is vague and ambiguous, particularly as it pertains to the
11 terms "policies," "implementation," and "enforcement." Defendant further objects that it is
12 not the entity responsible for the enforcement of Clark County Code § 16.13.030. The instant
13 request is further objectionable as it is not reasonably calculated to lead to the discovery of
14 admissible evidence. Without waiving the foregoing objections and subject to the same,
15 Defendant responds as follows:

16 To the extent the ordinance may be considered policy, see the text of Chapter 16.13 to
17 the Clark County Code, disclosed in Defendant Clark County's Initial Disclosures as bates CC
18 140 to CC 145.

19 Discovery is ongoing and Defendant reserves the right to supplement its response to
20 the instant request as additional information becomes available in the course of discovery.

21 **REQUEST FOR PRODUCTION NO. 53:**

22 ALL DOCUMENTS and COMMUNICATIONS RELATED TO written public
23 comment submitted to DEFENDANT referencing Clark County Code § 16.13.030.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

25 Objection. The instant Request is overly broad and unduly burdensome—particularly
26 as it pertains to Plaintiffs' request for "ALL DOCUMENTS and COMMUNICATIONS
27 RELATED TO" without the provisions of meaningful time restrictions, search terms or user
28 accounts. The instant Request is further objectionable as it is vague and ambiguous as to time

1 and the phrase “written public comment.” Without waiving the foregoing objection and subject
2 to the same, Defendant responds as follows:

3 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
4 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
5 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
6 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
7 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY’S INITIAL
8 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
9 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
10 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES
11 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
12 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
13 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
14 COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
15 FRCP 26(a)(1); *see also* Certified copy of minutes for Board of County Commissioners
16 Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark
17 County’s Fourth Supplemental Disclosure and Production of Documents Pursuant to
18 FRCP 26(a)(1).

19 Discovery is ongoing and Defendant reserves the right to supplement its response to
20 the instant request as additional information becomes available in the course of discovery.

21 **REQUEST FOR PRODUCTION NO. 54:**

22 ALL DOCUMENTS RELATED TO Bill No. 4-19-22-1, first introduced at the April
23 19, 2022, Clark County Commission meeting.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

25 Objection. The instant Request is overly broad and unduly burdensome—particularly
26 as it pertains to Plaintiffs’ request for “ALL DOCUMENTS RELATED TO.” Even if the
27 subject Request were not overly broad the Request is further objectionable because it
28 impermissibly seeks to ascertain legislators’ subjective motives or opinions and their

communications with staff 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). The instant Request is objectionable to the extent it calls for documents protected under the work product privilege or attorney client privilege. The instant Request is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections and subject to the same, Defendant Responds as follows:

See Certified copy of documentation regarding Board of County Commissioners Meeting, April 19, 2022, item number 59, disclosed as bates CC 1419 to CC 1427; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437; and Certified copy of documentation regarding Board of County Commissioners Meeting, June 21, 2022 item number 76, disclosed as bates CC 1438 to CC 1446; ***see also* Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County’s Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST FOR PRODUCTION NO. 55:

ALL e-mails and ANY other COMMUNICATIONS RELATED TO Bill No. 4-19-22-1, first introduced at the April 19, 2022, Clark County Commission meeting.

RESPONSE TO REQUEST FOR PRODUCTION NO. 55:

The instant Request is overly broad and unduly burdensome—particularly as it pertains to Plaintiffs’ request for “ALL e-mails and ANY other COMMUNICATIONS RELATED TO Bill No. 4-19-22-1” without the provisions of meaningful time restrictions, search terms or user accounts. Even if the subject Request were not overly broad the Request is further objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or opinions and their communications with staff protected from disclosure under the deliberative

1 process and legislative privileges in First Amendment challenges such is the instant case. *See*,
 2 *e.g.*, *City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is
 3 objectionable as it is not reasonably calculated to lead to the discovery of admissible evidence.
 4 Communications regarding a completely different proposed ordinance from 2022 are both
 5 protected by deliberative process privilege and have no bearing on a determination of the
 6 constitutionality of a separate ordinance passed in 2024 which will be determined on the
 7 language of the ordinance, the legislative history, and the public comment by any legislators.
 8 The instant Request is further objectionable to the extent it calls for documents protected under
 9 the work product privilege or attorney client privilege. The instant Request is also not
 10 proportional to the needs of the case. Without waiving the foregoing objections and subject to
 11 the same, Defendant Responds as follows:

12 Defendant declines to respond to the instant Request as the requested communications
 13 are privileged and irrelevant and the work required to perform an undefined search of this
 14 nature is disproportionate to the needs of the case. **To the extent it is responsive *see* Certified**
 15 **copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number**
 16 **65, disclosed as bates CC 3941 to CC 4029, in Clark County’s Fourth Supplemental**
 17 **Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

18 Discovery is ongoing and Defendant reserves the right to supplement its response to
 19 the instant request as additional information becomes available in the course of discovery.

20 **REQUEST FOR PRODUCTION NO. 56:**

21 ALL DOCUMENTS and COMMUNICATIONS RELATED TO written public
 22 comment submitted to DEFENDANT referencing Bill No. 4-19-22-1, first introduced at the
 23 April 19, 2022, Clark County Commission meeting.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

25 The instant Request is overly broad and unduly burdensome—particularly as it pertains
 26 to Plaintiffs’ request for “ALL e-mails and ANY other COMMUNICATIONS RELATED TO
 27 Bill No. 4-19-22-1” without the provisions of meaningful time restrictions, search terms or
 28 user accounts. Even if the subject Request were not overly broad the Request is further

1 objectionable because it impermissibly seeks to ascertain legislators' subjective motives or
 2 opinions and their communications with staff protected from disclosure under the deliberative
 3 process and legislative privileges in First Amendment challenges such is the instant case. *See,*
 4 *e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is
 5 objectionable as it is not reasonably calculated to lead to the discovery of admissible evidence.
 6 Communications regarding a completely different proposed ordinance from 2022 are both
 7 protected by deliberative process privilege and have no bearing on a determination of the
 8 constitutionality of a separate ordinance passed in 2024 which will be determined on the
 9 language of the ordinance, the legislative history, and the public comment by any legislators.
 10 The instant Request is further objectionable to the extent it calls for documents protected under
 11 the work product privilege or attorney client privilege. The instant Request is also not
 12 proportional to the needs of the case. Without waiving the foregoing objections and subject to
 13 the same, Defendant Responds as follows:

14 *See* Certified copy of documentation regarding Board of County Commissioners
 15 Meeting, April 19, 2022, item number 59, disclosed as bates CC 1419 to CC 1427; Certified
 16 copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item
 17 number 65 including video, disclosed as bates CC 1428 to CC 1437; and Certified copy of
 18 documentation regarding Board of County Commissioners Meeting, June 21, 2022 item
 19 number 76, disclosed as bates CC 1438 to CC 1446; ***see also* Certified copy of minutes for**
 20 **Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates**
 21 **CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production**
 22 **of Documents Pursuant to FRCP 26(a)(1).**

23 Discovery is ongoing and Defendant reserves the right to supplement its response to
 24 the instant request as additional information becomes available in the course of discovery.

25 **REQUEST FOR PRODUCTION NO. 57:**

26 ALL TRAININGS RELATED TO the enforcement of Clark County Code § 16.11.

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RESPONSE REQUEST FOR PRODUCTION NO. 57:

Objection. The instant request is vague and ambiguous, particularly as it pertains to the terms “trainings” and “enforcement.” Defendant further objects that it is not the entity responsible for the enforcement of Clark County Code § 16.13.030 or Clark County Code § 16.11. The instant request is further objectionable as it is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections and subject to the same, Defendant responds as follows:

To the extent the ordinance may be considered a training, see the text of Chapter 16.13 to the Clark County Code, disclosed in Defendant Clark County’s Initial Disclosures as bates CC 140 to CC 145; *see also* Clark County Code § 16.11 available online.

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST FOR PRODUCTION NO. 58:

ALL POLICIES RELATED TO the enforcement of Clark County Code § 16.11.

RESPONSE TO REQUEST FOR PRODUCTION NO. 58:

Objection. The instant request is vague and ambiguous, particularly as it pertains to the terms “policies” and “enforcement.” Defendant further objects that it is not the entity responsible for the enforcement of Clark County Code § 16.13.030 or Clark County Code § 16.11. The instant request is further objectionable as it is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections and subject to the same, Defendant responds as follows:

To the extent the text of the ordinance may be considered a training material, see the text of Chapter 16.13 to the Clark County Code, disclosed in Defendant Clark County’s Initial Disclosures as bates CC 140 to CC 145; *see also* Clark County Code § 16.11 available online.

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

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1 **REQUEST FOR PRODUCTION NO. 59:**

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the enforcement of
3 Clark County Code § 16.11, including but not limited to citations, criminal complaints, arrest
4 reports, and arrest declarations.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

6 Objection. The instant Request is not reasonably calculated to lead to the discovery of
7 admissible evidence. Clark County Code § 16.11 is not at issue in the subject litigation and
8 has already been deemed constitutional on its face by United States District Court for the
9 District of Nevada. *See Taylor v. LVMPD, et al.*, Case No. 2:19-CV-00995. The instant
10 Request is further objectionable because it is unduly burdensome, overly broad, and not
11 proportional to the needs of the case. Defendant further objects to the instant Request because
12 it is not the custodian of records for LVMPD records, which are equally available to both
13 parties. Without waiving the foregoing objections and subject to the same, Defendant answers
14 as follows:

15 It is upon information and belief that Clark County has no records responsive to this
16 request in its possession.

17 Discovery is ongoing and Defendant reserves the right to supplement its response to
18 the instant request as additional information becomes available in the course of discovery.

19 **REQUEST FOR PRODUCTION NO. 60:**

20 ALL DOCUMENTS and COMMUNICATIONS defining “chronic offender(s),” as
21 stated by Sheriff Kevin McMahon in his interview for the article Police won’t stop photos on
22 Strip bridges under new law, sheriff says with the Las Vegas Review-Journal published on
23 January 17, 2024.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 60:**

25 Objection. The instant Request for Production is vague and ambiguous as written. The
26 instant Request is also not reasonably calculated to lead to the discovery of admissible
27 evidence as these comments were made post-hac after the subject ordinance had already been
28 enacted. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013);

1 *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Furthermore, as Sheriff Kevin McMahonill
2 is an elected official who heads the Las Vegas Metropolitan Police Department, a separate
3 legal entity, and is neither an employee nor official of Clark County, Clark County objects to
4 a Request demanding supporting documents for his statements or the content of articles
5 prepared by third-party media outlets which are equally available to the parties by subpoena
6 or public records request. Plaintiffs' request in this regard is both overly broad, unduly
7 burdensome, and not proportional to the needs of the case. Without waiving the foregoing
8 objections and subject to the same, Defendant answers as follows:

9 Defendant is not aware of any documents responsive to this Request in its possession.

10 Discovery is ongoing and Defendant reserves the right to supplement its response to
11 the instant request as additional information becomes available in the course of discovery.

12 **REQUEST FOR PRODUCTION NO. 61:**

13 ALL e-mails and ANY other COMMUNICATIONS between LVMPD and
14 DEFENDANT RELATED TO Clark County Code § 16.13.030.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

16 Objection. The instant request is overly broad and unduly burdensome particularly as
17 it pertains to "ALL e-mails and ANY other COMMUNICATIONS between LVMPD and
18 DEFENDANT RELATED TO Clark County Code § 16.13.030." Without the provisions of
19 meaningful time restrictions, search terms or user accounts. Even if the subject Request were
20 not overly broad the Request is further objectionable because it impermissibly seeks to
21 ascertain legislators' subjective motives or opinions and their communications with staff
22 protected under the deliberative process and legislative privileges in First Amendment
23 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
24 (9th Cir. 1984). The instant Request is not reasonably calculated to lead to the discovery of
25 admissible evidence, and not proportional to the needs of this case. The instant request is also
26 vague and ambiguous to time and provides no meaningful parameters for performing a search
27 of this nature. In facial challenges such as the one at issue in this case, the Court may "only
28 look to [the ordinance's] terms, to the intent expressed by [the legislative body] who voted its

1 passage, and to the existence or nonexistence of legitimate explanations for its apparent
 2 effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d
 3 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d
 4 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and
 5 may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s]
 6 subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v.*
 7 *City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d
 8 36, 47 (1st Cir. 2001).

9 Furthermore, communications between LVMPD and Clark County and its employees,
 10 officers, and staff regarding Clark County Code are protected under the deliberative process
 11 privilege and are not admissible or discoverable in facial challenges. *See United States Fish &*
 12 *Wildlife Serv. v. Sierra Club, Inc.*, 592 U.S. 261, 267–68, 141 S. Ct. 777, 785–86, 209 L. Ed.
 13 2d 78 (2021). Without waiving the foregoing objections and subject to the same, Defendant
 14 Clark County answers as follows:

15 To the extent any of the documents already disclosed in this action are responsive to
 16 the instant request, *see* Defendant Clark County’s Initial Disclosures and all supplements
 17 thereto.

18 Discovery is ongoing and Defendant reserves the right to supplement its response to
 19 the instant request as additional information becomes available in the course of discovery.

20 **REQUEST FOR PRODUCTION NO. 62:**

21 ALL DOCUMENTS and COMMUNICATIONS including ANY of the following
 22 keywords:

- 23 • “16.13.030”
- 24 • “Chapter 16.13”
- 25 • “pedestrian bridge”
- 26 • “overpass”
- 27 • “flow zone”
- 28 • “touchdown structure”

- 1 • “pedestrian traffic”
- 2 • “disorder”
- 3 • “stop or stand”
- 4 • “stopping or standing”

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 62:**

6 Objection. The instant request is overly broad and unduly burdensome particularly as
7 it pertains to “ALL DOCUMENTS and COMMUNICATIONS including ANY of the
8 following keywords” without the provisions of meaningful time restrictions, search
9 parameters or user accounts. Even if the subject Request were not overly broad the Request is
10 further objectionable because it impermissibly seeks to ascertain legislators’ subjective
11 motives or opinions and their communications with staff protected under the deliberative
12 process and legislative privileges in First Amendment challenges such is the instant case. *See,*
13 *e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is
14 not reasonably calculated to lead to the discovery of admissible evidence, and not proportional
15 to the needs of this case. In facial challenges such as the one at issue in this case, the Court
16 may “only look to [the ordinance’s] terms, to the intent expressed by [the legislative body]
17 who voted its passage, and to the existence or nonexistence of legitimate explanations for its
18 apparent effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53
19 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*,
20 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face
21 value and may not “look beyond the face of the [ordinance] and speculate about the [legislative
22 body’s] subjective intent” based on post-hac or non-public communications of staff. *See, e.g.,*
23 *Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260
24 F.3d 36, 47 (1st Cir. 2001).

25 Without waiving the foregoing objections and subject to the same, Defendant Clark
26 County answers as follows:
27
28

1 Defendant declines to respond to the instant Request as the requested communications
2 are privileged and irrelevant and the work required to perform an undefined search of this
3 nature is disproportionate to the needs of the case.

4 Discovery is ongoing and Defendant reserves the right to supplement its response to
5 the instant request as additional information becomes available in the course of discovery.

6 **REQUEST FOR PRODUCTION NO. 63:**

7 ALL DOCUMENTS and COMMUNICATIONS including the keyword “bridge” and:

- 8 • “Superbowl”
- 9 • “perform”
- 10 • “show girl”
- 11 • “homeless”
- 12 • “unsheltered”
- 13 • “chronic”
- 14 • “tour”
- 15 • “solicit”
- 16 • “disorder”
- 17 • “crime”
- 18 • “panhandle”
- 19 • “talk”
- 20 • “ask”
- 21 • “stop”
- 22 • “stand”
- 23 • “art”
- 24 • “music”
- 25 • “obstruct”
- 26 • “Formula 1”
- 27 • “F1”
- 28 • “Grand Prix”

RESPONSE TO REQUEST FOR PRODUCTION NO. 63:

Objection. The instant request is overly broad and unduly burdensome particularly as it pertains to “ALL DOCUMENTS and COMMUNICATIONS including the keyword “bridge” and:” without the provisions of meaningful time restrictions, search parameters or user accounts. Even if the subject Request were not overly broad the Request is further objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or opinions and their communications with staff 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). The instant Request is not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of this case. In facial challenges such as the one at issue in this case, the Court may “only look to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its passage, and to the existence or nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s] subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001).

Without waiving the foregoing objections and subject to the same, Defendant Clark County answers as follows:

Defendant declines to respond to the instant Request as the requested communications are privileged and irrelevant and the work required to perform an undefined search of this nature is disproportionate to the needs of the case.

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

///

REQUEST FOR PRODUCTION NO. 64:

ALL DOCUMENTS and COMMUNICATIONS including the keyword “overpass” and:

- “Superbowl”
- “perform”
- “show girl”
- “homeless”
- “unsheltered”
- “chronic”
- “tour”
- “solicit”
- “disorder”
- “crime”
- “panhandle”
- “talk”
- “ask”
- “stop”
- “stand”
- “art”
- “music”
- “obstruct”

RESPONSE TO REQUEST FOR PRODUCTION NO. 64:

Objection. The instant request is overly broad and unduly burdensome particularly as it pertains to “ALL DOCUMENTS and COMMUNICATIONS including the keyword “overpass” and:” without the provisions of meaningful time restrictions, search parameters or user accounts. Even if the subject Request were not overly broad the Request is further objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or opinions and their communications with staff protected under the deliberative process and

1 legislative privileges in First Amendment challenges such is the instant case. *See, e.g., City of*
 2 *Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The instant Request is not reasonably
 3 calculated to lead to the discovery of admissible evidence, and not proportional to the needs
 4 of this case. In facial challenges such as the one at issue in this case, the Court may “only look
 5 to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its
 6 passage, and to the existence or nonexistence of legitimate explanations for its apparent
 7 effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d
 8 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d
 9 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and
 10 may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s]
 11 subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v.*
 12 *City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d
 13 36, 47 (1st Cir. 2001).

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

16 Defendant declines to respond to the instant Request as the requested communications
 17 are privileged and irrelevant and the work required to perform an undefined search of this
 18 nature is disproportionate to the needs of the case.

19 Discovery is ongoing and Defendant reserves the right to supplement its response to
 20 the instant request as additional information becomes available in the course of discovery.

21 **REQUEST FOR PRODUCTION NO. 65:**

22 ALL DOCUMENTS RELATED TO the enforcement of a Clark County Code
 23 ordinance including but not limited to citations, criminal complaints, arrest reports, and arrest
 24 declarations, that include ANY of the following keywords:

- 25 • “flow zone”
- 26 • “bridge”
- 27 • “touchdown”
- 28 • “escalator”

- 1 • “elevator”
- 2 • “overpass”
- 3 • “obstructive use”
- 4 • “obstructing the sidewalk”
- 5 • “obstruct pedestrian”

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 65:**

7 Objection. The instant request is overly broad and unduly burdensome particularly as
8 it pertains to “ALL DOCUMENTS related to” without the provisions of meaningful time
9 restrictions or search parameters. Even if the subject Request were not overly broad, the
10 Request is further objectionable because it impermissibly seeks to ascertain legislators’
11 subjective motives or opinions and their communications with staff protected under the
12 deliberative process and legislative privileges in First Amendment challenges such is the
13 instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984). The
14 instant Request is not reasonably calculated to lead to the discovery of admissible evidence,
15 and not proportional to the needs of this case. In facial challenges such as the one at issue in
16 this case, the Court may “only look to [the ordinance’s] terms, to the intent expressed by [the
17 legislative body] who voted its passage, and to the existence or nonexistence of legitimate
18 explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S.
19 Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin.*
20 *Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a legislative
21 body’s findings at face value and may not “look beyond the face of the [ordinance] and
22 speculate about the [legislative body’s] subjective intent” based on post-hac or non-public
23 communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637
24 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant further objects
25 that it is a separate and distinct legal entity from Las Vegas Metropolitan Police Department
26 and is not responsible for the enforcement of laws in Clark County and is not the custodian of
27 records for citations, arrest reports, and arrest declarations.

Without waiving the foregoing objections and subject to the same, Defendant Clark County answers as follows:

Defendant declines to respond to the instant Request as the requested documents are privileged, inadmissible, and irrelevant and the work required to perform an undefined search of this nature is disproportionate to the needs of the case. Defendant further declines to respond to the instant request because it is not the custodian of record for the majority of the documents sought by Plaintiffs in the instant Request.

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST FOR PRODUCTION NO. 66:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO complaints received by DEFENDANT from private actors RELATED TO disorder or crime on the PEDESTRIAN BRIDGES.

RESPONSE TO REQUEST FOR PRODUCTION NO. 66:

Objection. The instant request is overly broad and unduly burdensome particularly as it pertains to “ALL DOCUMENTS and COMMUNICATIONS RELATED TO” without the provisions of meaningful time restrictions, search parameters or user accounts. Even if the subject Request were not overly broad, the Request is further objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or opinions and their communications with staff 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). The instant Request is not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of this case. In facial challenges such as the one at issue in this case, the Court may “only look to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its passage, and to the existence or nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir.

2002). The Court must take a legislative body's findings at face value and may not "look beyond the face of the [ordinance] and speculate about the [legislative body's] subjective intent" based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant further objects that it is a separate and distinct legal entity from Las Vegas Metropolitan Police Department and is not responsible for the enforcement of laws in Clark County and is not the primary recipient of private complaints of crime or disorder or the custodian of records for the same.

Without waiving the foregoing objections and subject to the same, Defendant Clark County answers as follows:

To the extent it is responsive, *see* the legislative history and the associated public comment provided in Certified copy of documentation regarding Board of County Commissioners Meeting, December 5, 2023, item number 36 with audio and video, disclosed as bates CC 001 to CC 032; Certified copy of documentation regarding Board of County Commissioners Meeting, December 5, 2023, item number 36 with audio and video, disclosed as bates CC 033 to CC 070; Certified copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as bates CC 071 to CC 126; Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131; Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Unofficial Transcript of Board of County Commissioners Meeting, January 2, 2024, item number 38 disclosed as bates CC 1405 to CC 1418; Certified copy of documentation regarding Board of County Commissioners Meeting, April 19, 2022, item number 59, disclosed as bates CC 1419 to CC 1427; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437; Certified copy of documentation regarding Board of County Commissioners Meeting, June 21, 2022 item number 76, disclosed

as bates CC 1438 to CC 1446 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST FOR PRODUCTION NO. 67:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO complaints received by DEFENDANT from private actors RELATED TO disorder or crime in the RESORT CORRIDOR.

RESPONSE TO REQUEST FOR PRODUCTION NO. 67:

Objection. The instant request is overly broad and unduly burdensome particularly as it pertains to "ALL DOCUMENTS and COMMUNICATIONS RELATED TO" without the provisions of meaningful time restrictions, search parameters or user accounts. Even if the subject Request were not overly broad, the Request is further objectionable because it impermissibly seeks to ascertain legislators' subjective motives or opinions and their communications with staff 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). The instant Request is not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of this case. In facial challenges such as the one at issue in this case, the Court may "only look to [the ordinance's] terms, to the intent expressed by [the legislative body] who voted its passage, and to the existence or nonexistence of legitimate explanations for its apparent effect." *Nixon v. Adm'r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a legislative body's findings at face value and may not "look

beyond the face of the [ordinance] and speculate about the [legislative body's] subjective intent" based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant further objects that it is a separate and distinct legal entity from Las Vegas Metropolitan Police Department and is not responsible for the enforcement of laws in Clark County and is not the custodian of records for citations, arrest reports, and arrest declarations. Defendant further objects that it is a separate and distinct legal entity from Las Vegas Metropolitan Police Department and is not responsible for the enforcement of laws in Clark County and is not the primary recipient of private complaints of crime or disorder or the custodian of records for the same.

Without waiving the foregoing objections and subject to the same, Defendant Clark County answers as follows:

To the extent it is responsive, *see* the legislative history and the associated public comment provided in Certified copy of documentation regarding Board of County Commissioners Meeting, December 5, 2023, item number 36 with audio and video, disclosed as bates CC 001 to CC 032; Certified copy of documentation regarding Board of County Commissioners Meeting, December 5, 2023, item number 36 with audio and video, disclosed as bates CC 033 to CC 070; Certified copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as bates CC 071 to CC 126; Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131; Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Unofficial Transcript of Board of County Commissioners Meeting, January 2, 2024, item number 38 disclosed as bates CC 1405 to CC 1418; Certified copy of documentation regarding Board of County Commissioners Meeting, April 19, 2022, item number 59, disclosed as bates CC 1419 to CC 1427; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number

65 including video, disclosed as bates CC 1428 to CC 1437; Certified copy of documentation regarding Board of County Commissioners Meeting, June 21, 2022 item number 76, disclosed as bates CC 1438 to CC 1446 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST FOR PRODUCTION NO. 68:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO ANY and ALL statistics collected by DEFENDANT or ANY law enforcement agency RELATED TO Clark County Code § 16.13.030.

RESPONSE REQUEST FOR PRODUCTION NO. 68:

Objection. The instant request is overly broad and unduly burdensome particularly as it pertains to "ALL DOCUMENTS and COMMUNICATIONS RELATED TO ANY and ALL statistics" without the provisions of meaningful time restrictions, search parameters or user accounts. Even if the subject Request were not overly broad, the Request is further objectionable because it impermissibly seeks to ascertain legislators' subjective motives or opinions and their communications with staff 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). The instant Request is not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of this case. In facial challenges such as the one at issue in this case, the Court may "only look to [the ordinance's] terms, to the intent expressed by [the legislative body] who voted its passage, and to the existence or nonexistence of legitimate explanations for its apparent effect." *Nixon v. Adm'r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d

867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s] subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant further objects that it is a separate and distinct legal entity from Las Vegas Metropolitan Police Department and is not responsible for the enforcement of laws in Clark County and is not the custodian of records for statistics or data related to Clark County Code § 16.13.030. Defendant further objects to the extent that the subject Request requires the creation of documents by Defendant from data that is equally available to both parties.

Without waiving the foregoing objections and subject to the same, Defendant Clark County answers as follows:

~~It is upon information and belief that Defendant is not in possession of any documents responsive to this request.~~

To the extent it is responsive *see* 66203 NOC Code for CCC 16.13.030, disclosed as CC 3911 to CC 3912, and Justice Court Case Search for 66203 NOC Code (Redacted as to Private Personal Information of Non-Parties), disclosed as CC 3913 to CC 3930, in Clark County’s Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST FOR PRODUCTION NO. 69:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO ANY and ALL statistics collected by DEFENDANT or ANY law enforcement agency RELATED TO Clark County Code § 16.11.

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///

RESPONSE TO REQUEST FOR PRODUCTION NO. 69:

Objection. The instant request is overly broad and unduly burdensome particularly as it pertains to “ALL DOCUMENTS and COMMUNICATIONS RELATED TO ANY and ALL statistics” without the provisions of meaningful time restrictions, search parameters or user accounts. Even if the subject Request were not overly broad, the Request is further objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or opinions and their communications with staff 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). The instant Request is not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of this case. In facial challenges such as the one at issue in this case, the Court may “only look to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its passage, and to the existence or nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s] subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant further objects that it is a separate and distinct legal entity from Las Vegas Metropolitan Police Department and is not responsible for the enforcement of laws in Clark County and is not the custodian of records for statistics or data related to Clark County Code § 16.11. Defendant further objects to the extent that the subject Request requires the creation of documents by Defendant from data that is equally available to both parties.

Without waiving the foregoing objections and subject to the same, Defendant Clark County answers as follows:

It is upon information and belief that Defendant is not in possession of any documents responsive to this request.

1 Discovery is ongoing and Defendant reserves the right to supplement its response to
2 the instant request as additional information becomes available in the course of discovery.

3 **REQUEST FOR PRODUCTION NO. 70:**

4 ALL DOCUMENTS and COMMUNICATIONS that define “disorderly offenses” in
5 the RESORT CORRIDOR, as used in Clark County Code § 16.13.010.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 70:**

7 Objection. The instant request is overly broad and unduly burdensome particularly as
8 it pertains to “ALL DOCUMENTS and COMMUNICATIONS” without the provisions of
9 meaningful time restrictions, search parameters or user accounts. Even if the subject Request
10 were not overly broad, the Request is further objectionable because it impermissibly seeks to
11 ascertain legislators’ subjective motives or opinions and their communications with staff
12 protected under the deliberative process and legislative privileges in First Amendment
13 challenges such is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298
14 (9th Cir. 1984). The instant Request is not reasonably calculated to lead to the discovery of
15 admissible evidence, and not proportional to the needs of this case. In facial challenges such
16 as the one at issue in this case, the Court may “only look to [the ordinance’s] terms, to the
17 intent expressed by [the legislative body] who voted its passage, and to the existence or
18 nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*,
19 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also*
20 *SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court
21 must take a legislative body’s findings at face value and may not “look beyond the face of the
22 [ordinance] and speculate about the [legislative body’s] subjective intent” based on post-hac
23 or non-public communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp.
24 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant
25 further objects that the instant Request calls for a legal conclusion and for Clark County to
26 provide supporting documentation regarding the definition or plain meaning of common
27 words.

Without waiving the foregoing objections and subject to the same, Defendant Clark County answers as follows:

To the extent it is responsive, see the legislative history and the associated public comment provided in Certified copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as bates CC 071 to CC 126; Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131; Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437; Certified copy of documentation regarding Board of County Commissioners Meeting, June 21, 2022 item number 76, disclosed as bates CC 1438 to CC 1446 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); dictionaries as may be appropriate; *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST FOR PRODUCTION NO. 71:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO service calls for "disorderly offenses" in the RESORT CORRIDOR, as used in Clark County Code § 16.13.010.

RESPONSE TO REQUEST FOR PRODUCTION NO. 71:

Objection. The instant request is overly broad and unduly burdensome particularly as it pertains to "ALL DOCUMENTS and COMMUNICATIONS RELATED TO service calls

1 for “disorderly offenses” in the RESORT CORRIDOR” without the provisions of meaningful
2 time restrictions, search parameters or user accounts. Even if the subject Request were not
3 overly broad, the Request is further objectionable because it impermissibly seeks to ascertain
4 legislators’ subjective motives or opinions and their communications with staff protected
5 under the deliberative process and legislative privileges in First Amendment challenges such
6 is the instant case. *See, e.g., City of Las Vegas v. Foley*, 747 F.2d 1294, 1298 (9th Cir. 1984).
7 The instant Request is not reasonably calculated to lead to the discovery of admissible
8 evidence, and not proportional to the needs of this case. In facial challenges such as the one at
9 issue in this case, the Court may “only look to [the ordinance’s] terms, to the intent expressed
10 by [the legislative body] who voted its passage, and to the existence or nonexistence of
11 legitimate explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425,
12 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar.*
13 *Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a
14 legislative body’s findings at face value and may not “look beyond the face of the [ordinance]
15 and speculate about the [legislative body’s] subjective intent” based on post-hac or non-public
16 communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637
17 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant further objects
18 that it is a separate and distinct legal entity from Las Vegas Metropolitan Police Department
19 and is not responsible for the enforcement of laws in Clark County and is not the custodian of
20 records for statistics or data related to the same. Accordingly, the data sought by the instant
21 Request is equally available to both parties. Defendant further objects to the extent the instant
22 Request is premature, expert reports will be disclosed according to the Discovery Plan and
23 Scheduling Order in this case.

24 Without waiving the foregoing objections and subject to the same, Defendant Clark
25 County answers as follows:

26 To the extent it is responsive, see Certified copy of documentation regarding Board of
27 County Commissioners Meeting, January 2, 2024, item number 38 with audio and video,
28 disclosed as bates CC 071 to CC 126; Letter dated December 4, 2023, from Nevada Resort

Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131; Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); dictionaries as may be appropriate; *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1); 66203 NOC Code for CCC 16.13.030, disclosed as CC 3911 to CC 3912, and Justice Court Case Search for 66203 NOC Code (Redacted as to Private Personal Information of Non-Parties), disclosed as CC 3913 to CC 3930, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST FOR PRODUCTION NO. 72:

ALL DOCUMENTS RELATED TO the total linear feet of public sidewalks available to pedestrians in the RESORT CORRIDOR.

RESPONSE TO REQUEST FOR PRODUCTION NO. 72:

Objection. The instant Request seeks information that is a matter of public record equally available to both parties. Without waiving the foregoing objection and subject to the same, Defendant responds as follows:

To the extent it is responsive, see Certified copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as bates CC 071 to CC 126; Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131;

Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* Lisa Logsdon's e-mails with attachment regarding Chapter 16.13, disclosed as bates CC 146 to CC 252; 1994 Highway Capacity Manual Special Report 209, disclosed as bates CC 253 to CC 823; 1994 LV Boulevard S Pedestrian Walkway Study, disclosed as CC 824 to CC 973; 2012 Pedestrian Study Las Vegas Boulevard, disclosed as bates CC 974 to CC 1163; 2015.12.15 Las Vegas Boulevard Board Presentation, disclosed as bates CC 1164 to CC 1206, 2015 Pedestrian Study Las Vegas Boulevard Update, disclosed as bates CC 1207 to CC 1383; 2023 Pedestrian Bridge Maps, disclosed as CC 1385 to CC 1389 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Pedestrian Bridge and Sidewalk Exhibits provided by Clark County GIS, disclosed as CC 2497 to CC 2515, Pedestrian Bridge Plans for Flamingo provided by Clark County GIS, disclosed as CC 2516 to CC 2657, Pedestrian Bridge Plans for Harmon provided by Clark County GIS, disclosed as CC 2658 to CC 2935, Pedestrian Bridge Plans for Park provided by Clark County GIS, disclosed as CC 2936 to CC 3086, Pedestrian Bridge Plans for Spring Mountain provided by Clark County GIS, disclosed as CC 3087 to 3281, and Pedestrian Bridge Plans for Tropicana provided by Clark County GIS, disclosed as CC 3282 to CC 3910, disclosed in Clark County's Third Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

~~Additional data and maps have been requested from Clark County Department of Public Works' GIS Division and will be disclosed upon receipt.~~

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

REQUEST FOR PRODUCTION NO. 73:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO data collected by DEFENDANT or ANY law enforcement agency on PEDESTRIAN BRIDGES, including but not limited to citations, criminal complaints, arrest reports, and arrest declarations.

RESPONSE REQUEST FOR PRODUCTION NO. 73:

Objection. The instant request is overly broad and unduly burdensome particularly as it pertains to “ALL DOCUMENTS and COMMUNICATIONS RELATED TO data” without the provisions of meaningful time restrictions or search parameters. Even if the subject Request were not overly broad, the Request is further objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or opinions and their communications with staff 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). The instant Request is not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of this case. In facial challenges such as the one at issue in this case, the Court may “only look to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its passage, and to the existence or nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s] subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001). Defendant further objects that it is a separate and distinct legal entity from Las Vegas Metropolitan Police Department and is not responsible for the enforcement of laws in Clark County and is not the custodian of records for citations, arrest reports, and arrest declarations.

Without waiving the foregoing objections and subject to the same, Defendant Clark County answers as follows:

See Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,

disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue, disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1); 66203 NOC Code for CCC 16.13.030, disclosed as CC 3911 to CC 3912, and Justice Court Case Search for 66203 NOC Code (Redacted as to Private Personal Information of Non-Parties), disclosed as CC 3913 to CC 3930, in Clark County's Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

Discovery is ongoing and Defendant reserves the right to supplement its response to the instant request as additional information becomes available in the course of discovery.

1 **REQUEST FOR PRODUCTION NO. 74:**

2 ALL DOCUMENTS and COMMUNICATIONS RELATED TO all “purpose[s]” of
3 the PEDESTRIAN BRIDGES as referenced in Clark County Code § 16.13.010, to the extent
4 the DOCUMENTS are not provided in the response to REQUEST NO. 27.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 74:**

6 *See* Defendant’s Objections and Response to Request No. 27

7 Discovery is ongoing and Defendant reserves the right to supplement its response to
8 the instant request as additional information becomes available in the course of discovery.

9 **REQUEST FOR PRODUCTION NO. 75:**

10 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the “parameters”
11 initially intended for the PEDESTRIAN BRIDGES as referenced in Clark County Code §
12 16.13.010, to the extent the DOCUMENTS are not provided in the response to REQUEST
13 NOS. 28–29.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 75:**

15 *See* Defendant’s Objections and Response to Request No. 28-29.

16 Discovery is ongoing and Defendant reserves the right to supplement its response to
17 the instant request as additional information becomes available in the course of discovery.

18 **REQUEST FOR PRODUCTION NO. 76:**

19 ALL DOCUMENTS and COMMUNICATIONS RELATED TO the “pedestrian
20 bridge design,” as referenced in Clark County Code § 16.13.010, to the extent the
21 DOCUMENTS are not provided in the response to REQUEST NO. 28.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 76:**

23 *See* Defendant’s Objections and Response to Request No. 28.

24 Discovery is ongoing and Defendant reserves the right to supplement its response to
25 the instant request as additional information becomes available in the course of discovery.

26 **REQUEST FOR PRODUCTION NO. 77:**

27 ALL DOCUMENTS and COMMUNICATIONS RELATED TO First Amendment
28 activities, including but not limited to solicitation, panhandling, protesting, expressive

conduct, musical performances, street performing, busking, tabling, amplified sound, handbilling, picketing, proselytizing, or preaching on the PEDESTRIAN BRIDGES.

RESPONSE TO REQUEST FOR PRODUCTION NO. 77:

Objection. The instant request is facially overbroad. Requests for any and all documents and communications without reasonable time and scope parameters are facially overbroad. *See, e.g., LLC v. Spain*, No. 3:19-cv-02280-CAB-KSC, 2020 WL 6741675, at * 3 (S.D. Cal. Nov. 17, 2020) (“As a rule, requests for ‘any and all’ documents or communications (or testimony about those materials) are facially overbroad.”); *Painters Joint Comm. v. Emp. Painters Trust Health & Welfare Fund*, No. 2:10-cv-01385-JCM-PAL, 2011 WL 4549232, at *2 (D. Nev. Sept. 29, 2011); *Guillen v. B.J.C.R. LLC*, 341 F.R.D. 61, 71 (D. Nev. 2022). Even if the subject Request were not overly broad, the Request is further objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or opinions and their communications with staff 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). The instant Request is not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of this case. In facial challenges such as the one at issue in this case, the Court may “only look to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its passage, and to the existence or nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s] subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47 (1st Cir. 2001).

Without waiving the foregoing objections and subject to the same, Defendant Clark County answers as follows:

1 *See* Letter dated December 4, 2023, from Nevada Resort Association to the Board of
2 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
3 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
4 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
5 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
6 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
7 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
8 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
9 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
10 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
11 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
12 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
13 FRCP 26(a)(1); 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in
14 Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012
15 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue,
16 disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015
17 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara
18 Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to
19 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue,
20 disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of
21 County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as
22 bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL
23 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also*
24 **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item**
25 **number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth**
26 **Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

27 Discovery is ongoing and Defendant reserves the right to supplement its response to
28 the instant request as additional information becomes available in the course of discovery.

REQUEST FOR PRODUCTION NO. 78:

ALL DOCUMENTS and COMMUNICATIONS RELATED TO First Amendment activities, including but not limited to solicitation, panhandling, protesting, expressive conduct, musical performances, street performing, busking, tabling, amplified sound, handbilling, picketing, proselytizing, or preaching in the RESORT CORRIDOR.

RESPONSE TO REQUEST FOR PRODUCTION NO. 78:

Objection. The instant request is facially overbroad. Requests for any and all documents and communications without reasonable time and scope parameters are facially overbroad. *See, e.g., LLC v. Spain*, No. 3:19-cv-02280-CAB-KSC, 2020 WL 6741675, at * 3 (S.D. Cal. Nov. 17, 2020) (“As a rule, requests for ‘any and all’ documents or communications (or testimony about those materials) are facially overbroad.”); *Painters Joint Comm. v. Emp. Painters Trust Health & Welfare Fund*, No. 2:10-cv-01385-JCM-PAL, 2011 WL 4549232, at *2 (D. Nev. Sept. 29, 2011); *Guillen v. B.J.C.R. LLC*, 341 F.R.D. 61, 71 (D. Nev. 2022). Even if the subject Request were not overly broad, the Request is further objectionable because it impermissibly seeks to ascertain legislators’ subjective motives or opinions and their communications with staff 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). The instant Request is not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of this case. In facial challenges such as the one at issue in this case, the Court may “only look to [the ordinance’s] terms, to the intent expressed by [the legislative body] who voted its passage, and to the existence or nonexistence of legitimate explanations for its apparent effect.” *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 484, 97 S. Ct. 2777, 2811, 53 L. Ed. 2d 867 (1977) (emphasis added); *see also SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 669 (9th Cir. 2002). The Court must take a legislative body’s findings at face value and may not “look beyond the face of the [ordinance] and speculate about the [legislative body’s] subjective intent” based on post-hac or non-public communications of staff. *See, e.g., Clift v. City of*

1 *Burlington, Vt.*, 925 F. Supp. 2d 614, 637 (D. Vt. 2013); *McGuire v. Reilly*, 260 F.3d 36, 47
2 (1st Cir. 2001).

3 Without waiving the foregoing objections and subject to the same, Defendant Clark
4 County answers as follows:

5 See Letter dated December 4, 2023, from Nevada Resort Association to the Board of
6 County Commissioners, disclosed as bates CC 127 to CC 131 in DEFENDANT CLARK
7 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
8 FRCP 26(a)(1); Report titled: Questions Related to Public Safety on Pedestrian Bridges,
9 disclosed as bates CC 132 to CC 139 in DEFENDANT CLARK COUNTY'S INITIAL
10 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Amended
11 Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed
12 as CC 140 to CC 145 in in DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURES
13 AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); Certified Copy of
14 documentation regarding Board of County Commissioners Meeting, January 2, 2024, item
15 number 38 with audio and video, disclosed as CC 071 to CC 126 in DEFENDANT CLARK
16 COUNTY'S INITIAL DISCLOSURES AND PRODUCTION OF DOCUMENTS PER
17 FRCP 26(a)(1); 1994 Las Vegas Boulevard South Pedestrian Walkway Study, disclosed in
18 Defendant Clark County's First Supplemental Disclosures as bates CC 824-CC 973; 2012
19 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue,
20 disclosed in Clark County's First Supplemental Disclosures as bates CC 974-CC 1163; 2015
21 Update to Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara
22 Avenue Presentation Materials, disclosed as bates CC 1164-CC 1206; and 2015 Update to
23 Clark County Pedestrian Study: Las Vegas Boulevard, Russell Road to Sahara Avenue,
24 disclosed as bates CC 1207-CC 1382; Certified copy of documentation regarding Board of
25 County Commissioners Meeting, May 3, 2022 item number 65 including video, disclosed as
26 bates CC 1428 to CC 1437 in DEFENDANT CLARK COUNTY'S FIRST SUPPLEMENTAL
27 DISCLOSURES AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also*
28 **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item**

1 **number 65, disclosed as bates CC 3941 to CC 4029, in Clark County's Fourth**
 2 **Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1).**

3 Discovery is ongoing and Defendant reserves the right to supplement its response to the instant
 4 request as additional information becomes available in the course of discovery.

5 **REQUEST FOR PRODUCTION NO. 79:**

6 ALL DOCUMENTS RELATED TO the legislative history of Clark County Code §
 7 16.13.030.

8 **RESPONSE REQUEST FOR PRODUCTION NO. 79:**

9 Objection. The instant interrogatory is vague and ambiguous as it pertains to the term
 10 "legislative history." Without waiving the foregoing objections and subject to the same,
 11 Defendant responds as follows:

12 See Certified copy of documentation regarding Board of County Commissioners
 13 Meeting, November 21, 2023, item number 68 with audio and video; Certified copy of
 14 documentation regarding Board of County Commissioners Meeting, December 5, 2023, item
 15 number 36 with audio and video; Certified copy of documentation regarding Board of County
 16 Commissioners Meeting, January 2, 2024, item number 38 with audio and video; Report titled:
 17 Questions Related to Public Safety on Pedestrian Bridges; Amended Title 16 of the Clark
 18 County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as bates CC 001 to
 19 CC 145 in Defendant Clark County's Initial Disclosure and Production of Documents Per
 20 FRCP 26(a)(1); see also Unofficial Transcript of Board of County Commissioners Meeting,
 21 January 2, 2024, item number 38, disclosed as CC 1405 to CC 1418 in DEFENDANT CLARK
 22 COUNTY'S FIRST SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF
 23 DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of**
 24 **County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941**
 25 **to CC 4029, in Clark County's Fourth Supplemental Disclosure and Production of**
 26 **Documents Pursuant to FRCP 26(a)(1).**

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

REQUEST FOR PRODUCTION NO. 80:

DOCUMENTS upon which DEFENDANT intends to rely to support ANY denials in ANY responses to PLAINTIFFS' allegations and/or affirmative defenses asserted against DEFENDANT in this action.

RESPONSE TO REQUEST FOR PRODUCTION NO. 80:

Objection. The instant Request calls for a legal conclusion and impermissibly seeks disclosure of Defendant's legal strategy. Without waiving the foregoing objections and subject to the same, Defendant responds as follows:

See DEFENDANT CLARK COUNTY'S INITIAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1) AND ALL SUPPLEMENTS THERETO.

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

REQUEST FOR PRODUCTION NO. 81:

The Curriculum Vitae or resume for the following individuals:

- Clint Spencer, Clark County Department of Public Works, Road Division
- Dustin Crowther, County Surveyor
- William H. Sousa.

RESPONSE TO REQUEST FOR PRODUCTION NO. 81:

Objection. The instant Request is premature. Defendant Clark County will disclose experts in this matter, if any, in accordance with the deadlines provided in the Discovery Plan and Scheduling Order in this matter. Defendant further objects to the extent that the instant Request is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Facial challenges do not involve attacking the qualifications of County staff to rehash the policy debate underlying legislation in the courts and, accordingly, the documents Plaintiffs seek in the instant Request are not relevant to the instant litigation. Defendant further objects to the extent the instant Request calls for the creation of documents

not in existence and/or not in the possession of Clark County. Without waiving the foregoing objections and subject to the same, Defendant responds as follows:

Defendant Clark County will disclose the curriculum vitae or resume for its designated experts in accordance with the deadlines provided in the Discovery Plan and Scheduling Order in this matter.

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

REQUEST FOR PRODUCTION NO. 82:

ALL DOCUMENTS containing the thoughts, impressions, opinions, speculations, observations, or ANY statements held or made by the following individuals RELATED to the PEDESTRIAN BRIDGES, including but not limited to ANY COMMUNICATIONS, final reports, draft reports, requests for information, or memoranda:

- Clint Spencer, Clark County Department of Public Works, Road Division
- Dustin Crowther, County Surveyor
- William H. Sousa.

RESPONSE TO REQUEST FOR PRODUCTION NO. 82:

Objection. The instant Request is vague as to time and ambiguous, particularly as it pertains to the terms: “thoughts, impressions, opinions, speculations, observations.” The instant Request is also unduly burdensome, overly broad particularly as it calls for the disclosure for “ALL DOCUMENTS” without provisions of any meaningful time constraints, parameters or personally identifying search terms. It is not reasonably calculated to lead to the discovery of admissible evidence. Requests for any and all documents without reasonable time and scope parameters are facially overbroad. *See, e.g., LLC v. Spain*, No. 3:19-cv-02280-CAB-KSC, 2020 WL 6741675, at * 3 (S.D. Cal. Nov. 17, 2020) (“As a rule, requests for ‘any and all’ documents or communications (or testimony about those materials) are facially overbroad.”); *Painters Joint Comm. v. Emp. Painters Trust Health & Welfare Fund*, No. 2:10-cv-01385-JCM-PAL, 2011 WL 4549232, at *2 (D. Nev. Sept. 29, 2011); *Guillen v. B.J.C.R. LLC*, 341 F.R.D. 61, 71 (D. Nev. 2022). Defendant further objects to the extent the instant

request seeks documents protected from disclosure under deliberative process privilege. *United States Fish & Wildlife Serv. v. Sierra Club, Inc.*, 592 U.S. 261, 267–68, 141 S. Ct. 777, 785–86, 209 L. Ed. 2d 78 (2021); *Soucie v. David*, 448 F.2d 1067, 1077–78 (D.C.Cir.1971); *National Wildlife Federation v. U.S. Forest Service*, 861 F.2d 1114, 1118–19 (9th Cir.1988). The instant Request is also premature. All expert disclosures will be made in accordance with Fed.R.Civ.P. 26(a)(2)(D). The instant request is further objectionable as Dr. William Sousa was retained in anticipation of the subject litigation and to serve as Defendant Clark County’s testifying expert witness in the same. All communications between Dr. Sousa and Defendant Clark County or its counsel, not subject to one of the identified exceptions, are protected as qualified attorney work product. *See* Fed.R.Civ.P. 26(b)(4)(C). Without waiving the foregoing objections and subject to the same, Defendant responds as follows:

Defendant cannot reasonably respond to the instant request as worded. To the extent it is responsive, *See* redacted e-mail communications between Clark County and Dr. William Sousa and the associated privilege log, disclosed in Defendant’s First Supplemental Disclosures as bates CC 146-CC 252; see also Certified copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video, disclosed as bates CC 071 to CC 126; Report titled: Questions Related to Public Safety on Pedestrian Bridges, disclosed as bates CC 132 to CC 139; and Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13, disclosed as bates CC 140 to CC 145 in DEFENDANT CLARK COUNTY’S INITIAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1); *see also* **Certified copy of minutes for Board of County Commissioners Meeting, 05.03.2022 item number 65, disclosed as bates CC 3941 to CC 4029, in Clark County’s Fourth Supplemental Disclosure and Production of Documents Pursuant to FRCP 26(a)(1); Pedestrian Bridge and Sidewalk Exhibits provided by Clark County GIS, disclosed as CC 2497 to CC 2515, Pedestrian Bridge Plans for Flamingo provided by Clark County GIS, disclosed as CC 2516 to CC 2657, Pedestrian Bridge Plans for Harmon provided by Clark County GIS, disclosed as CC 2658 to CC 2935, Pedestrian Bridge Plans for Park provided by Clark County GIS,**

1 disclosed as CC 2936 to CC 3086, Pedestrian Bridge Plans for Spring Mountain provided
2 by Clark County GIS, disclosed as CC 3087 to 3281, and Pedestrian Bridge Plans for
3 Tropicana provided by Clark County GIS, disclosed as CC 3282 to CC 3910, disclosed
4 in Clark County's Third Supplemental Disclosure and Production of Documents
5 Pursuant to FRCP 26(a)(1).

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

8 DATED this 9th day of January 2025.

9 STEVEN B. WOLFSON
10 DISTRICT ATTORNEY

11 By: /s/ Joel K. Browning
12 JOEL K. BROWNING
13 Deputy District Attorney
14 Bar No. 14489
15 500 South Grand Central Pkwy., Suite 5075
16 Las Vegas, Nevada 89155-2215
17 *Attorneys for Defendant*
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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 9th day of December 2025, I served a true and correct copy of the foregoing **DEFENDANT CLARK COUNTY’S FIRST SUPPLEMENTAL RESPONSES TO PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS** (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.

Christopher M. Peterson
Tatiana R. Smith
AMERICAN CIVIL LIBERTIES
UNION OF NEVADA
4362 W. Cheyenne Ave.
North Las Vegas, NV 89032
Attorney for Plaintiffs
Peterson@aclunv.org
tsmith@aclunv.org

Margaret A. McLetchie
Leo S. Wolpert
MCLEATCHIE LAW
602 South Tenth Street
Las Vegas, NV 89101
efile@nvlitigation.com
maggie@nvlitigation.com
leo@nvlitigation.com

/s/Renee S. Albert
An Employee of the Clark County District
Attorney’s Office – Civil Division

EXHIBIT 11

Defendant Clark County's Fifth Supplemental
Disclosure and Production of Documents
Per FRCP 26(a)(1)

STEVEN B. WOLFSON
 District Attorney
CIVIL DIVISION
 Bar No. 1565
 By: **JOEL K. BROWNING**
 Senior Deputy District Attorney
 Bar No. 14489
 By: **JEFFREY S. ROGAN**
 Deputy District Attorney
 State Bar No. 010734
 500 South Grand Central Pkwy., Suite 5075
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 Telephone (702) 455-4761
 Fax (702) 382-5178
 E-Mail: Joel.Browning@ClarkCountyDA.com
 E-Mail: Jeffrey.Rogan@ClarkCountyDA.com
Attorneys for Defendant Clark County

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LISA MCALLISTER, an individual; and
 BRANDON SUMMERS, an individual,
 JORDAN POLOVINA, 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
 FIFTH SUPPLEMENTAL
 DISCLOSURE AND PRODUCTION
 OF DOCUMENTS PER FRCP
 26(a)(1)**

COMES NOW Defendant CLARK COUNTY, through its attorney STEVEN B.
 WOLFSON, District Attorney, by JOEL K. BROWNING, Senior Deputy District Attorney
 and by JEFFREY S. ROGAN, Deputy District Attorney hereby make its Fifth Supplemental
 Disclosure and Production of Documents as required by Rule 26(a)(1) of the Federal Rules
 of Civil Procedure. New disclosure in **bold**.

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List of Persons with knowledge:

1. Lisa McAllister, Plaintiff
2. Brandon Summers, Plaintiff
3. **Jordon Polovina, Plaintiff**
c/o Christopher M. Peterson
Tatiana R. Smith
AMERICAN CIVIL LIBERTIES
UNION OF NEVADA
4362 W. Cheyenne Ave.
North Las Vegas, NV 89032 702-366-1226
- Margaret A. McLetchie
Leo S. Wolpert
MCLECHIE LAW
602 South Tenth Street
Las Vegas, NV 89101 702-728-5300

JORDAN POLOVINA, LISA McALLISTER and BRANDON SUMMERS, as the Plaintiffs, are expected to testify to each of their knowledge of the events described in the Complaint.

4. **CLINT SPENCER, Manager**
Clark County Department of Public Works, Road Division
c/o Deputy District Attorney Joel K. Browning
500 S. Grand Central Parkway, Suite 5075
Las Vegas, NV 89155-2215 702-455-4761

CLINT SPENCER, as the Manager of Clark County Public Works, Road Division is expected to testify regarding the claims asserted in the Complaint, and to Clark County policies and procedures pertaining to this lawsuit.

5. **DUSTIN CROWTHER, County Surveyor**
Clark County Public Works
c/o Deputy District Attorney Joel K. Browning
500 S. Grand Central Parkway, Suite 5075
Las Vegas, NV 89155-2215 702-455-4761

DUSTIN CROWTHER as the County Surveyor for Clark County Public Works is expected to testify regarding the claims asserted in the Complaint, and to Clark County policies and procedures pertaining to this lawsuit.

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1 6. William H. Sousa, Ph.D., Professor and Director
2 Criminal Justice Department
3 University of Nevada Las Vegas
4 4505 S. Maryland Parkway, Mail Code 5009
5 Las Vegas, NV 89154 702-895-0247

6 WILLIAM H. SOUSA, Ph.D., as the writer of the report titled: *Questions Related to*
7 *Public Safety on Pedestrian Bridges*, he is expected to testify regarding the findings
8 documented in the above-referenced report.

9 7. Kaizad Yazdani, Deputy Director
10 Clark County Public Works
11 c/o Deputy District Attorney Joel K. Browning
12 500 S. Grand Central Parkway, Suite 5075
13 Las Vegas, NV 89155-2215 702-455-4761

14 KAIZAD YAZDANI, as a Deputy Director of Clark County Public Works, is
15 expected to testify regarding the claims asserted in the Complaint, and to Clark County
16 policies and procedures pertaining to this lawsuit.

17 8. Carlos Moreno Departmental Systems Administrator
18 c/o Deputy District Attorney Joel K. Browning
19 500 S. Grand Central Parkway, Suite 5075
20 Las Vegas, NV 89155-2215 702-455-4761

21 CARLOS MORENO, as the Department System Administrator of Clark County
22 Public Works, is expected to testify regarding the claims asserted in the Complaint, and to
23 Clark County policies and procedures pertaining to this lawsuit.

24 9. Roger Patton, P. E.
25 GCW Engineering
26 1555 South Rainbow Boulevard
27 Las Vegas, NV 89146 702-804-2000

28 ROGER PATTON, P. E., as a consultant for Clark County, he is expected to testify
regarding the claims asserted in the Complaint and the design of the subject pedestrian
bridges.

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Clark County FED R. CIV. P. 30(b)(6) witnesses

10. FED R. CIV. P. 30(b)(6)
CLARK COUNTY
c/o Deputy District Attorney Joel K. Browning
500 S. Grand Central Parkway, Suite 5075
Las Vegas, NV 89155-2215 702-455-4761

The Fed R. 30 Civ. P. 30(b)(6) witnesses representing Clark County, as the Persons Most Knowledgeable regarding this lawsuit, are expected to testify to each of their individual knowledge of the claims asserted in the Complaint and to Clark County policies and procedures pertaining to this lawsuit.

Defendant CLARK COUNTY reserves the right to call any witnesses identified by the Plaintiff or any other party up to the time of trial.

Documents Produced Herewith:

1. Certified copy of documentation regarding Board of County Commissioners Meeting, November 21, 2023, item number 68 with audio and video
CC 001 to CC 032
2. Certified copy of documentation regarding Board of County Commissioners Meeting, December 5, 2023, item number 36 with audio and video
CC 033 to CC 070
3. Certified copy of documentation regarding Board of County Commissioners Meeting, January 2, 2024, item number 38 with audio and video
CC 071 to CC 126
4. Letter dated December 4, 2023, from Nevada Resort Association to the Board of County Commissioners
CC 127 to CC 131
5. Report titled: *Questions Related to Public Safety on Pedestrian Bridges*
CC 132 to CC 139
6. Amended Title 16 of the Clark County Code approved, January 2, 2024, to add Chapter 16.13
CC 140 to CC 145
7. Lisa Logsdon's e-mails with attachment regarding Chapter 16.13
CC 146 to CC 252 (please see privilege log)

- 1 8. 1994 Highway Capacity Manual Special Report 209
2 **CC 253 to CC 823**
- 3 9. 1994 LV Boulevard S Pedestrian Walkway Study
4 **CC 824 to CC 973**
- 5 10. 2012 Pedestrian Study Las Vegas Boulevard
6 **CC 974 to CC 1163**
- 7 11. 2015.12.15 Las Vegas Boulevard Board Presentation
8 **CC 1164 to CC 1206**
- 9 12. 2015 Pedestrian Study Las Vegas Boulevard Update
10 **CC 1207 to CC 1383**
- 11 13. 1970 to 2023 Statistics Las Vegas Convention and Visitors Authority
12 **CC 1384**
- 13 14. 2023 Pedestrian Bridge Maps
14 **CC 1385 to CC 1389**
- 15 15. William H. Sousa Invoices
16 **CC 1390 to CC 1396**
- 17 16. Agreement Between Clark County and Dr. Sousa for Public Safety and
18 Disorder Analysis on Pedestrian Overpasses
19 **CC 1394 to CC 1404**
- 20 17. Unofficial Transcript of Board of County Commissioners Meeting, January 2,
21 2024, item number 38
22 **CC 1405 to CC 1418**
- 23 18. Certified copy of documentation regarding Board of County Commissioners
24 Meeting, April 19, 2022, item number 59
25 **CC 1419 to CC 1427**
- 26 19. Certified copy of documentation regarding Board of County Commissioners
27 Meeting, May 3, 2022 item number 65 including video
28 **CC 1428 to CC 1437**
20. Certified copy of documentation regarding Board of County Commissioners
Meeting, June 21, 2022 item number 76
CC 1438 to CC 1446
21. LVCVA Las Vegas Visitor Profile Study 2023
CC 1447 to CC 1499

22. LVCVA Matrix of Las Vegas Visitor Segments 2023
CC 1500
23. Excel Spreadsheet titled LVCVA Summary of Monthly Tourism Indicators for Las Vegas for calendar Year 2023
CC 1501
24. Excel Spreadsheet titled LVCVA Summary of Monthly Tourism Indicators for Las Vegas for calendar Year 2024
CC 1502
25. Transform Clark County Master Plan, adopted November 17, 2021
CC 1503 to CC 1724
26. Appendices to Transform Clark County Master Plan
CC 1725 to CC 2078
27. Certified copy of documentation regarding Board of County Commissioners Meeting, September 8, 1994, item number 18
CC 2079 to CC 2464
28. Certified copy of documentation regarding Board of County Commissioners Meeting, April 15, 2008, item number 95
CC 2465 to CC 2470
29. Certified copy of documentation regarding Board of County Commissioners Meeting, November 16, 2010, item number 56
CC 2471 to CC 2477
30. Certified copy of documentation regarding Board of County Commissioners Meeting, April 19, 2016, item number 49
CC 2478 to CC 2492
31. Certified copy of documentation regarding Board of County Commissioners Meeting, November 1, 2016, item number 32
CC 2493 to CC 2496
32. Pedestrian Bridge and Sidewalk Exhibits provided by Clark County GIS
CC 2497 to CC 2515
33. Pedestrian Bridge Plans for Flamingo provided by Clark County GIS
CC 2516 to CC 2657
34. Pedestrian Bridge Plans for Harmon provided by Clark County GIS
CC 2658 to CC 2935

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- 1 35. Pedestrian Bridge Plans for Park provided by Clark County GIS
2 **CC 2936 to CC 3086**
- 3 36. Pedestrian Bridge Plans for Spring Mountain provided by Clark County GIS
4 **CC 3087 to 3281**
- 5 37. Pedestrian Bridge Plans for Tropicana provided by Clark County GIS
6 **CC 3282 to CC 3910**
- 7 38. 66203 NOC Code for CCC 16.13.030
8 **CC 3911 to CC 3912**
- 9 39. Justice Court Case Search for 66203 NOC Code (Redacted as to Private
10 Personal Information of Non-Parties)
11 **CC 3913 to CC 3930**
- 12 40. Litigation Hold Memo and Destruction Hold Order, dated 04.02.2024
13 **CC 3931 to CC 3933**
- 14 41. Litigation Hold Memo and Destruction Hold Order, dated 09.24.2024
15 **CC 3934 to CC 3940**
- 16 42. Certified copy of minutes for Board of County Commissioners Meeting,
17 05.03.2022 item number 65
18 **CC 3941 to CC 4029**
- 19 43. **Criminal Legal Inquiry Result Report regarding Clark County Code**
20 **16.11.030**
21 **CC4030 to CC 4038**
- 22 44. **Video of violinist Brandon Summers**
23 **CC 4039**
- 24 45. **Video of violinist Brandon Summers**
25 **CC 4040**
- 26 46. **Video of violinist Brandon Summers**
27 **CC 4041**
- 28 47. **Video of violinist Brandon Summers**
CC 4042
48. **Video of violinist Brandon Summers**
CC 4043
49. **Video of Cellist Jordan Polovina**
CC 4044

1 **50. Video of Cellist Jordan Polovina**
 CC 4045

2 **51. Video of Cellist Jordan Polovina**
 CC 4046

3 **52. Video of Cellist Jordan Polovina**
 CC 4047

4 **53. Screenshot of Cellist Jordan Polovina**
 CC 4048

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8 Privilege Log to the Initial Fed. R. Civ. P. 26(a)(1) Disclosures of Witnesses and Documents
 for Defendant Clark County and all Supplements thereto

Bates	Privilege Asserted
CC 147	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 149	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 173	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 175	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 177 – CC 181	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 183	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 185 – CC 187	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P. 26(b)(4)(C); Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 189 – CC 199	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g., Fed.R.Civ.P.</i>

Bates	Privilege Asserted
	26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 201	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.</i> , Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 203 – CC 206	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.</i> , Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 208	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.</i> , Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 212 – CC 213	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.</i> , Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 224 – CC 226	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.</i> , Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 228 – CC 230	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.</i> , Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 232 – CC 234	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.</i> , Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 236	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.</i> , Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).
CC 238 – CC 240	Communications with an expert witness retained in anticipation of litigation not subject to an exception. <i>See, e.g.</i> , Fed.R.Civ.P. 26(b)(4)(C); <i>Republic of Ecuador v. Mackay</i> , 742 F.3d 860, 869 (9th Cir. 2014).

1 **Defendant CLARK COUNTY reserves the right to utilize any documents**
2 **identified by the Plaintiff or any other party up to the time of trial.**

3 **Computation of Damages by Category for Defendant CLARK COUNTY**

- 4 1. Attorney's fees and costs: all fees and costs in an amount allowed by law.
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7 DATED this 16th day of January 2025.

8 STEVEN B. WOLFSON
9 DISTRICT ATTORNEY

10 By: /s/ Joel K. Browning
11 JOEL K. BROWNING
12 Senior Deputy District Attorney
13 Bar No. 14489
14 500 South Grand Central Pkwy., Suite 5075
15 Las Vegas, Nevada 89155-2215
16 *Attorneys for Defendant*
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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 16th day of January, 2025, I served a true and correct copy of the foregoing **DEFENDANT CLARK COUNTY'S FIFTH SUPPLEMENTAL DISCLOSURE AND PRODUCTION OF DOCUMENTS PER FRCP 26(a)(1)** (United States District Court Pacer System or the Eighth Judicial District Wiznet), by e-mailing the same to the following recipients. Service of the foregoing document by e-mail is in place of service via the United States Postal Service.

Christopher M. Peterson
Tatiana R. Smith
AMERICAN CIVIL LIBERTIES
UNION OF NEVADA
4362 W. Cheyenne Ave.
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/s/Renee S. Albert
An Employee of the Clark County District
Attorney's Office – Civil Division

EXHIBIT 12

Clark County Code Chapter 16.13

Chapter 16.13 - PEDESTRIAN FLOW ZONES

Sections:

16.13.010 - Purpose.

new

The pedestrian bridges located within the world-famous Las Vegas Strip provide above grade access for the visitors, employees, and residents of Clark County to safely cross the roadways located within the Las Vegas Strip. The pedestrian bridges are 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. Pedestrians are prohibited from crossing at grade level where pedestrian bridges are located. The pedestrian bridges were designed for the specific purpose of facilitating such crossings at all foreseeable levels of demand which can vary significantly and unpredictably regardless of day or time of day. The parameters for the pedestrian bridge design did not include uses beyond pedestrian traffic crossing from one side to the other side. The parameters included that pedestrians would not stop, stand or congregate other than for incidental and fleeting viewing of the Las Vegas Strip from the pedestrian bridge. For pedestrians to be able to stop, stand or congregate for any other reason, the pedestrian bridges would have been designed differently to account for such uses.

Stopping on the pedestrian bridges creates conditions that can foment disorder which, in turn, can lead to crime and serious safety issues. Because pedestrian traffic demand on the bridges varies significantly and unpredictably regardless of day or time of day, it is impossible to know in advance when stopping will result in criminal or otherwise dangerous conditions (whether involving the particular pedestrian who has stopped or others) and because of the physical nature of the pedestrian bridges, by the time such conditions exist, it would often be too late for law enforcement or other first responders to intervene, mitigate, render aid, rescue, or take other actions necessary as a result of crime and other serious safety issues. In recent years, numerous incidents have occurred that underscore these concerns. There is an ever-increasing demand as visitation numbers have reached near historical levels. Clark County continues to attract major sporting events and has become the home to major sports teams. Clark County has a substantial government interest in providing safe pedestrian access on the Las Vegas Strip. The increased number and frequency of high-profile attacks in places of public gatherings throughout the country have contributed to the occurrence of threats and perceived threats that result in public panic and immediate and unexpected demand on pedestrian bridges as in an event of flight by large groups of people.

From 2018 to 2022, calls for law enforcement services on the Las Vegas Strip have increased twenty-nine percent from thirty-seven thousand five hundred ninety-eight in 2018 to forty-eight thousand three hundred fifty-eight in 2022. The service calls for disorderly offenses increased twenty-three percent from six thousand nine hundred eighty-one in 2018 to eight thousand seven hundred fifty in 2022. While the pedestrian bridges constitute only approximately six percent of the total linear feet of public sidewalks available to pedestrians, the service calls for disorderly conduct on the pedestrian bridge are almost twice as high. In addition to the disproportionate call volume on pedestrian bridges, the pedestrian bridges create a unique opportunity for criminal disorder as the bridges create a captive audience. Generally, in order for a pedestrian to cross Las Vegas Boulevard the pedestrian must use the bridge, therefore, unlike on a sidewalk where a pedestrian has a greater ability to avoid disorder, on the pedestrian bridge, the pedestrian is confined to the restricted space of the pedestrian bridge.

The board has a substantial government interest in ensuring public safety on the pedestrian bridges. The board finds that adoption of pedestrian flow zones is a narrowly tailored means to accomplish the county's important objective of reducing the incidence and risk of crime and serious safety issues on pedestrian bridges and allows pedestrians to freely and safely get to their desired location. The pedestrian bridges

represent only six percent of the total linear feet of the public sidewalk available to pedestrians within the Las Vegas Strip, to the extent the pedestrian flow zones have some incidental impact on the manner of First Amendment activity, (people must continue to move, whether engaged in First Amendment activity or not), there is ample alternative means of communication on the other approximately ninety-four percent of the sidewalks located within the Las Vegas Strip. Therefore, for the reasons described herein, the board hereby adopts the following ordinance.

(Ord. No. 5090, § 1, 1-2-2024)

16.13.020 - General definitions.

new

"Pedestrian bridges" are bridges located in the resort corridor that allow pedestrians to cross streets in the resort corridor above grade level. For the purposes of this chapter, "pedestrian bridges" shall include bridges for pedestrians in the resort corridor that are private property upon which a limited easement of public access has been granted. However, no provision of this chapter shall be construed to limit any right of the private property owner to restrict or limit the use of that private property.

"Pedestrian flow zones" include the pedestrian bridges and up to twenty feet surrounding a touchdown structure located within the resort corridor.

"Resort corridor" includes the boundaries established by Sections 9, 10, 15, 16, 17, 18, 20, 21, 22, 27, 28 and 29 of Township 21 South Range 61 East, Mount Diablo Meridian, Clark County, Nevada.

"Touchdown structure" means the elevators, escalators and stairways located on the public right-of-way associated with pedestrian bridges.

(Ord. No. 5090, § 1, 1-2-2024)

16.13.030 - Pedestrian flow zones.

new

To maintain the safe and continuous movement of pedestrian traffic, 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. A person is not in violation of this section if they stop or stand while waiting for access to an elevator or escalator for purposes of entering or exiting a pedestrian flow zone.

(Ord. No. 5090, § 1, 1-2-2024)

16.13.040 - Designation of pedestrian flow zones.

new

The county shall place signs in pedestrian flow zones providing notice to the public they are in a pedestrian flow zone and that stopping, standing, or engaging in an activity that causes another person to stop within the pedestrian flow zone is not permitted.

(Ord. No. 5090, § 1, 1-2-2024)

16.13.050 - Penalty for violation.

new

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars, or by both such fine and imprisonment.

(Ord. No. 5090, § 1, 1-2-2024)

EXHIBIT 13

Agreement Between Clark County and Dr.
Sousa for Public Safety and Disorder Analysis
on Pedestrian Overpasses

**AGREEMENT BETWEEN CLARK COUNTY AND
DR. SOUSA
FOR PUBLIC SAFETY AND DISORDER
ANALYSIS ON PEDESTRIAN OVERPASSES**

This Agreement ("**Agreement**") is made and entered into this first day of February, 2023, by and between Clark County, a political subdivision of the State of Nevada, with offices at 500 S. Grand Central Pkwy. Las Vegas, NV, 89155-4000 ("**COUNTY**"), and Dr. William Sousa ("**CONSULTANT**"). Both COUNTY and CONSULTANT may be referred to individually as a "**Party**" or collectively as the "**Parties**".

RECITALS

A. **WHEREAS**, the COUNTY owns, operates and maintains 15 public pedestrian overpasses on Las Vegas Boulevard South (4 at Tropicana and LVBS, 3 at Harmon and LVBS, 4 at Flamingo and LVBS, 1 at Park Avenue and LVBS, and 3 at Spring Mountain Road and LVBS); and

B. **WHEREAS**, an increase in nefarious, criminal and disorderly conduct on the pedestrian overpasses is creating a threat to or degradation of the safety of pedestrians using the pedestrian overpasses; and

C. **WHEREAS**, the COUNTY, along with the Las Vegas Metropolitan Police Department, are working mitigate the serious public safety concerns on these pedestrian overpasses; and

D. **WHEREAS**, CONSULTANT is the Director of the Center for Crime and Justice Policy and a Professor in the Department of Criminal Justice at the University of Nevada, Las Vegas, and has an expertise in police policy, crime prevention, communities and crime and violence and disorder; and

E. **WHEREAS**, the COUNTY desires to enter into this Agreement with CONSULTANT to procure a review, study, analysis and report from its Center for Crime and Justice Policy on the current risks associated with the pedestrian overpasses, reasons for those risks and how those risks can be mitigated; and

NOW, THEREFORE in consideration of the mutual promises and undertakings herein specified, the Parties agree as follows:

AGREEMENT

1. TERM. This Agreement shall be effective from the date of approval by the Party who approves this Agreement second to December 29, 2023 ("**Term**").
2. TERMINATION. Either Party may terminate this Agreement at any time, with or without cause, prior to its expiration with thirty (30) days written notice. Upon initiation or receipt of such notice, whichever is applicable, the CONSULTANT shall, unless the notice directs otherwise, immediately discontinue all services in connection with this Agreement and shall proceed to cancel promptly all existing orders and contracts insofar as such orders or contracts are chargeable to this Agreement. As soon as practicable after receipt of notice of termination, the CONSULTANT shall submit a statement showing in detail the services performed under this Agreement to the date of termination. The COUNTY shall then promptly pay the CONSULTANT that portion of the prescribed fee which the services actually performed under this Agreement bear to the total services called for under this Agreement, less such payment on account of the fee as had been previously made.
3. CONSULTANT ASSIGNMENT. CONSULTANT, Dr. William Sousa, Professor, Criminal Justice, and Director, Center for Crime and Justice Policy, shall be responsible for the services to be performed under this Agreement. Should Dr. Sousa be unable to complete the responsibilities set forth herein for any reason, then he shall notify the COUNTY in writing, and within four (4) calendar days thereafter, nominate a replacement for the COUNTY's approval, who has an equivalent amount of experience performing the same type of services as Professor Sousa. If the COUNTY is not satisfied with the replacement, then the COUNTY may terminate the Agreement by giving five (5) days' written notice to CONSULTANT.
4. SCOPE OF AGREEMENT. The scope of work and/or services required by this Agreement shall be as set forth in Exhibit A – Scope of Agreement, attached hereto and incorporated by reference, and completed by April 14, 2023. No work shall be performed outside of the scope of work and/or services. Any additional services will require an amendment to this agreement.
5. COMPENSATION. The COUNTY agrees to pay CONSULTANT an amount not-to-exceed TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) inclusive of both hours and costs, for the Term of this Agreement.
 - a. It is expected that CONSULTANT will work approximately 120 hours on this project at the hourly rate of \$200.00. This will include developing a final report summarizing the study efforts, analysis and findings.

- b. Miscellaneous supplies may be necessary to complete the project such as copy services and printer ink. The cost of supplies shall not exceed \$500.00 unless approved by the COUNTY.
 - c. The CONSULTANT shall invoice the COUNTY monthly during the term of this Agreement. The invoices shall include a summary of work performed in the preceding month as well as a breakdown of fee and the cost of any supplies.
 - d. The COUNTY will pay the invoice within sixty (60) days of receipt of invoice unless a payment or a portion thereof is in dispute.
- 6. CONTRACT DOCUMENTS. This Agreement and its Exhibits make up the documents for this Agreement and consist of the entire Agreement.
- 7. STATUS OF PARTIES: INDEPENDENT CONTRACTOR. The Parties are associated with each other only for the purposes and to the extent set forth in this Agreement and in respect to performance of services pursuant to this Agreement. In the performance of such services, each Party shall at all times be an independent entity with respect to the other Party. Neither Party is an employee nor agent of the other Party. Further, it is expressly understood and agreed by the Parties that nothing contained in this Agreement will be construed to create a joint venture, partnership, association, or other affiliation or like relationship between the Parties.
- 8. FISCAL MONITORING AND ADMINISTRATIVE REVIEW OF ADVERSE FINDINGS. If necessary and applicable to this Agreement, where COUNTY is making payment to CONSULTANT, COUNTY may, at its discretion, conduct a fiscal monitoring of expenses by CONSULTANT at any time during the term of this Agreement. CONSULTANT will be notified in writing at least three (3) weeks prior to the visit outlining documents that must be available prior to COUNTY's visit. The COUNTY shall notify CONSULTANT in writing of any adverse findings and recommendations as a result of the fiscal monitoring. Adverse findings are defined to include, but not be limited to, CONSULTANT's lack of adequate records, administrative findings, questioned costs, and costs recommended for disallowance. CONSULTANT will have the opportunity to address adverse findings in writing responding to any disagreement of adverse findings. COUNTY shall review disagreement issues, supporting documentation, and files, and shall forward a decision to CONSULTANT in writing.

9. BOOKS AND RECORDS.

- a. Each Party shall keep and maintain under generally accepted accounting principles full, true and complete books, records, and documents as are necessary to fully disclose to the other Party, properly empowered government entities, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with the terms of this Agreement and any applicable statutes and regulations. All such books, records and documents shall be retained by each Party for a minimum of three years, and for five years if any federal funds are used pursuant to this Agreement, from the date of termination of this Agreement. This retention time shall be extended when an audit is scheduled or in progress for a period of time reasonably necessary to complete said audit and/or to complete any administrative and judicial litigation which may ensue.
- b. Each Party shall, at all reasonable times, have access to the other Party's records, calculations, presentations, and reports produced under this Agreement for inspection and reproduction.

10. BREACH: REMEDIES. Failure of either Party to perform any obligation of this Agreement shall be deemed a breach. Except as otherwise provided for by law or this Agreement, the rights and remedies of the Parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including but not limited to actual damages, and to a prevailing Party, the right to seek reasonable attorneys' fees and costs.
11. WAIVER OF BREACH. Failure to declare a breach or the actual waiver of any particular breach of this Agreement or its material or nonmaterial terms by either Party shall not operate as a waiver by such Party of any of its rights or remedies as to any other breach.
12. LIMITED LIABILITY. Up to the limitations of law, as applicable, including, but not limited to, applicable NRS Chapter 41 liability limitations, each party shall be responsible for all liability, claims, actions, damages, losses, and expenses, caused by the negligence, errors, omissions, recklessness or intentional misconduct of its own officers and employees. The COUNTY does not waive and intends to assert available NRS Chapter 41 liability limitations in all cases. Any liability of the COUNTY shall not be subject to punitive damages. To the extent applicable, actual agreement damages for any breach shall be limited by NRS 353.260 and NRS 354.626.
13. FORCE MAJEURE. Neither Party shall be deemed to be in violation of this Agreement if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires,

explosions, or acts of God, including, without limitation, earthquakes, floods, winds, or storms, epidemics, pandemics and related government shutdowns. In such an event the intervening cause must not be through the fault of the Party asserting such an excuse, and the excused Party is obligated to promptly perform in accordance with the terms of this Agreement after the intervening cause ceases.

INSURANCE. The CONSULTANT shall obtain and maintain, for the duration of this Agreement professional liability or errors and omissions insurance against claims for injuries or damages arising out of the services rendered by the CONSULTANT, its agents, representative or employees pursuant to CONSULTANT's agreement with the COUNTY.

a. CONSULTANT shall maintain policy limits of no less than \$1,000,000.00.

b. "Claims made" insurance coverage must continue for a period of two years beyond the termination of the AGREEMENT. Any retroactive date must coincide with or pre-date the beginning of the AGREEMENT and may not be advanced without the consent of the COUNTY.

14. **NON-DISCRIMINATION.** As Equal Opportunity Employers, the Parties have an ongoing commitment to hire, develop, recruit and assign the best and most qualified individuals possible. The Parties employ employees without regard to race, sex, color, religion, age, ancestry, national origin, marital status, status as a disabled veteran, or veteran of the Vietnam era, disability or sexual orientation. The Parties likewise agree that they will comply with all state and federal employment discrimination statutes, including but not limited to Title VII, rules enforced by the Nevada Equal Rights Commission, and the American with Disabilities Act, in connection with this Agreement.
15. **SEVERABILITY.** If any provision contained in this Agreement is held to be unenforceable by a court of law or equity, this Agreement shall be construed as if such provision did not exist, and the unenforceability of such provision shall not be held to render any other provision or provisions of this Agreement unenforceable.
16. **PUBLIC RECORDS; CONFIDENTIALITY.** Pursuant to NRS 239.010, information or documents, including this Agreement, and any other documents generated incidental thereto may be opened by the Parties for public inspection and copying. The Parties will have a duty to disclose unless a particular record is made confidential by law or a common law balancing of interests.
17. **PROPER AUTHORITY.** The Parties hereto represent and warrant that the person executing this Agreement on behalf of each Party has full power and authority to enter into

this Agreement and that the Parties are authorized by law to perform the services set forth in the documents incorporated herein.

18. ENTIRE AGREEMENT. This Agreement constitutes the entire Agreement between the Parties and supersedes any prior contracts or agreements between the Parties regarding the subject matter hereof.
19. AMENDMENTS. This Agreement may be amended only by a writing signed by a duly authorized agent/officer of each Party and effective as of the date stipulated therein.
20. GOVERNING LAW. This Agreement and the rights and obligations of the Parties hereto shall be governed by, and construed according to the laws of the State of Nevada, with Clark County, Nevada as the exclusive venue of any action or proceeding related to or arising out of this agreement.
21. DISPUTE RESOLUTION. The Parties hereto agree that any dispute arising under this Agreement will be determined through litigation in the District Courts of Nevada, located in Clark County, Nevada.
22. NO THIRD-PARTY BENEFICIARIES. The Parties do not intend to, and nothing contained in this Agreement shall, create any third party benefit or right to enforce the terms hereof in any party not named hereto.
23. NOTICES. All notices permitted or required under this Agreement shall be made by personal delivery or by U.S. registered or certified mail, postage prepaid to the other Party at their address set out below:

CLARK COUNTY
Lisa Logsdon
County Counsel
500 S. Grand Central Parkway
Suite 5075
Las Vegas, NV 89155-4000
702-455-4751
Lisa.Logsdon@clarkcountynvda.com

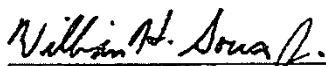
UNIVERSITY OF NEVADA, LAS VEGAS
Dr. William Sousa
Director of the Center for Crime and Justice
Policy, Professor in the Department of
Criminal Justice at University of Nevada, Las
Vegas
4505 S. Maryland Parkway, Box 5009
Las Vegas, NV 89154-5009
702-895-0247
william.sousa@unlv.edu

[SIGNATURE PAGE FOLLOWS]


BY SIGNING BELOW, the Parties agree that they have read, understand, and agree to the conditions set forth herein and have caused their duly authorized representatives to execute this Agreement.

CONSULTANT

CLARK COUNTY

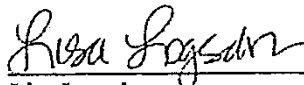


Dr. William Sousa
Director of the Center for Crime and Justice
Policy, Professor in the Department of
Criminal Justice at University of Nevada,
Las Vegas



Kevin Schiller
County Manager
Clark County

Approved as to form:



Lisa Logsdon
County Counsel

Date: 2/7/23

Exhibit A – Scope of Agreement

“Review, study, analysis and report on the risks associated with the pedestrian overpasses and solutions for mitigation of those risks”

Dr. Sousa will review, study, analyze and provide a report on the current risks the pedestrian overpasses pose to the traveling public and how can those risks be mitigated. Dr. Sousa’s analysis will include the following subject matter and areas of concern:

1. What is the focus of Dr. Sousa’s research projects and how do they relate to the pedestrian overpasses?
2. What does disorder mean with respect to Dr. Sousa’s expertise and areas of research and study? What is the relationship between disorder and crime and other safety issues? Explain disorder and how it creates conditions of public safety and/or crime.
3. When considering the pedestrian overpasses as part of Las Vegas Boulevard South / Resort District sidewalk system, are there disorder or safety issues that are unique or more significant to the bridges separate from the at-grade sidewalks? If so, what are the issues unique to the bridges that are not issues on the at-grade sidewalks?
4. With respect to the pedestrian overpasses, are there issues of egress in times of panic and increased risk of injury?
5. Are these issues that are unique or more significant to bridges exasperated by those who congregate or stop on bridges, regardless of whether the people who stop or congregate are engaging in wrongful conduct themselves?
6. What actions can be taken to reduce disorder and improve public safety on the pedestrian bridges and how and why would they do so?
7. Assuming one such action is to prevent the stoppage or congregating of all persons, how does that action decrease risk to the public? To be effective does it need to include everyone, including those who stop or congregates and are not engaging in bad behavior?
8. Why is a prohibition on obstruction insufficient to resolve the issues on the bridges?