

1 Phillip N. Smith Jr., Esq.  
 2 Nevada Bar No. 10233  
 3 psmithjr@wwhgd.com  
 Jacqueline V. Nichols, Esq.  
 4 Nevada Bar No. 14246  
 5 jnichols@wwhgd.com  
 WEINBERG, WHEELER, HUDGINS,  
 6 GUNN & DIAL, LLC  
 7 6385 South Rainbow Blvd., Suite 400  
 Las Vegas, Nevada 89118  
 Telephone: (702) 938-3838  
 Facsimile: (702) 938-3864  
*Attorneys for Defendant,*  
*Clark County School District*

8

**UNITED STATES DISTRICT COURT**

9

**CLARK COUNTY, NEVADA**

10 THE AMERICAN CIVIL LIBERTIES  
 11 UNION OF NEVADA, a domestic nonprofit  
 12 organization; CORIE HUMPHREY, an  
 individual,

13 Plaintiffs,  
 14 vs.  
 15 CLARK COUNTY SCHOOL DISTRICT, a  
 16 political subdivision of the State of Nevada,  
 17 Defendant.

Case No.: 2:25-cv-00892-RFB-MDC

(Removed from the District Court of Clark  
 County, Nevada, Case No. A-25-919151-C, Dept.  
 16)

**DEFENDANT CLARK COUNTY SCHOOL  
 DISTRICT'S ANSWER TO PLAINTIFFS'  
 COMPLAINT**

18  
 19 Defendant, Clark County School District (hereinafter "Defendant" or "CCSD") by and  
 20 through its counsel of record, Phillip N. Smith, Jr., Esq., and Jacqueline V. Nichols, Esq., of the  
 21 law firm of WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC, hereby answer the Plaintiffs'  
 22 Complaint as follows:

23 **I. Introduction**

24 Defendant generally denies the allegations of Plaintiffs' Complaint and further denies that  
 25 it was responsible for, or liable for, any of the happenings or events mentioned in Plaintiffs'  
 26 Complaint. Responding to the individual allegations of Plaintiffs' Complaint, Defendant Answers:

27 **II. Parties**

28 1. Answering Paragraph 1 of Plaintiffs' Complaint, Defendant is without knowledge



1 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
2 this paragraph and therefore denies the same.

3 2. Answering Paragraph 2 of Plaintiffs' Complaint, Defendant is without knowledge  
4 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
5 this paragraph and therefore denies the same.

6 3. Answering Paragraph 3 of Plaintiffs' Complaint, Defendant admits the allegations  
7 contained therein.

8 4. Answering Paragraph 4 of Plaintiffs' Complaint, Defendant is without knowledge  
9 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
10 this paragraph and therefore denies the same.

11 **III. Jurisdiction and Venue**

12 5. Answering Paragraph 5 of Plaintiffs' Complaint, Defendant is without knowledge  
13 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
14 this paragraph and therefore denies the same.

15 6. Answering Paragraph 6 of Plaintiffs' Complaint, Defendant is without knowledge  
16 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
17 this paragraph and therefore denies the same.

18 7. Answering Paragraph 7 of Plaintiffs' Complaint, Defendant is without knowledge  
19 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
20 this paragraph and therefore denies the same.

21 8. Answering Paragraph 8 of Plaintiffs' Complaint, Defendant is without knowledge  
22 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
23 this paragraph and therefore denies the same.

24 **IV. Standing**

25 **A. Individual Plaintiff**

26 9. Answering Paragraph 9 of Plaintiffs' Complaint, Defendant is without knowledge  
27 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
28 this paragraph and therefore denies the same.



1       10. Answering Paragraph 10 of Plaintiffs' Complaint, Defendant is without knowledge  
2 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
3 this paragraph and therefore denies the same.

4           **B. ACLU of Nevada's Representational Standing**

5       11. Answering Paragraph 11 of Plaintiffs' Complaint, Defendant is without knowledge  
6 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
7 this paragraph and therefore denies the same.

8       12. Answering Paragraph 12 of Plaintiffs' Complaint, Defendant is without knowledge  
9 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
10 this paragraph and therefore denies the same.

11       13. Answering Paragraph 13 of Plaintiffs' Complaint, Defendant is without knowledge  
12 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
13 this paragraph and therefore denies the same.

14       14. Answering Paragraph 14 of Plaintiffs' Complaint, Defendant is without knowledge  
15 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
16 this paragraph and therefore denies the same.

17       15. Answering Paragraph 15 of Plaintiffs' Complaint, Defendant is without knowledge  
18 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
19 this paragraph and therefore denies the same.

20       16. Answering Paragraph 16 of Plaintiffs' Complaint, Defendant is without knowledge  
21 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
22 this paragraph and therefore denies the same.

23       17. Answering Paragraph 17 of Plaintiffs' Complaint, Defendant is without knowledge  
24 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
25 this paragraph and therefore denies the same.

26       18. Answering Paragraph 18 of Plaintiffs' Complaint, Defendant is without knowledge  
27 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
28 this paragraph and therefore denies the same.

1       19. Answering Paragraph 19 of Plaintiffs' Complaint, Defendant is without knowledge  
2 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
3 this paragraph and therefore denies the same.

4       20. Answering Paragraph 20 of Plaintiffs' Complaint, Defendant is without knowledge  
5 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
6 this paragraph and therefore denies the same.

7       21. Answering Paragraph 21 of Plaintiffs' Complaint, Defendant is without knowledge  
8 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
9 this paragraph and therefore denies the same.

10       22. Answering Paragraph 22 of Plaintiffs' Complaint, Defendant is without knowledge  
11 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
12 this paragraph and therefore denies the same.

13       23. Answering Paragraph 23 of Plaintiffs' Complaint, Defendant is without knowledge  
14 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
15 this paragraph and therefore denies the same.

16       24. Answering Paragraph 24 of Plaintiffs' Complaint, Defendant is without knowledge  
17 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
18 this paragraph and therefore denies the same.

19       25. Answering Paragraph 25 of Plaintiffs' Complaint, Defendant is without knowledge  
20 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
21 this paragraph and therefore denies the same.

22       26. Answering Paragraph 26 of Plaintiffs' Complaint, Defendant is without knowledge  
23 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
24 this paragraph and therefore denies the same.

25       27. Answering Paragraph 27 of Plaintiffs' Complaint, Defendant is without knowledge  
26 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
27 this paragraph and therefore denies the same.

28       28. Answering Paragraph 28 of Plaintiffs' Complaint, Defendant is without knowledge



1 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
2 this paragraph and therefore denies the same.

3 29. Answering Paragraph 29 of Plaintiffs' Complaint, Defendant is without knowledge  
4 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
5 this paragraph and therefore denies the same.

6 30. Answering Paragraph 30 of Plaintiffs' Complaint, Defendant is without knowledge  
7 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
8 this paragraph and therefore denies the same.

9 **C. Standing in Facial Prior Restraint Challenges**

10 31. Answering Paragraph 31 of Plaintiffs' Complaint, Defendant is without knowledge  
11 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
12 this paragraph and therefore denies the same.

13 32. Answering Paragraph 32 of Plaintiffs' Complaint, Defendant is without knowledge  
14 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
15 this paragraph and therefore denies the same.

16 33. Answering Paragraph 33 of Plaintiffs' Complaint, Defendant is without knowledge  
17 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
18 this paragraph and therefore denies the same.

19 34. Answering Paragraph 34 of Plaintiffs' Complaint, Defendant is without knowledge  
20 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
21 this paragraph and therefore denies the same.

22 35. Answering Paragraph 35 of Plaintiffs' Complaint, Defendant is without knowledge  
23 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
24 this paragraph and therefore denies the same.

25 36. Answering Paragraph 36 of Plaintiffs' Complaint, Defendant is without knowledge  
26 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
27 this paragraph and therefore denies the same.

28 37. Answering Paragraph 37 of Plaintiffs' Complaint, Defendant is without knowledge



1 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
2 this paragraph and therefore denies the same.

3 **V. Factual Statement**

4 **A. CCSD's Regalia Policy: R-5129 Section II**

5 38. Answering Paragraph 38 of Plaintiffs' Complaint, Defendant denies the allegations  
6 contained therein.

7 39. Answering Paragraph 39 of Plaintiffs' Complaint, Defendant denies the allegations  
8 contained therein.

9 40. Answering Paragraph 40 of Plaintiffs' Complaint, Defendant denies the allegations  
10 contained therein.

11 41. Answering Paragraph 41 of Plaintiffs' Complaint, Defendant denies the allegations  
12 contained therein.

13 42. Answering Paragraph 42 of Plaintiffs' Complaint, Defendant denies the allegations  
14 contained therein.

15 43. Answering Paragraph 43 of Plaintiffs' Complaint, Defendant denies the allegations  
16 contained therein.

17 44. Answering Paragraph 44 of Plaintiffs' Complaint, Defendant denies the allegations  
18 contained therein.

19 45. Answering Paragraph 45 of Plaintiffs' Complaint, Defendant denies the allegations  
20 contained therein.

21 **B. Examples of Schools' Varying Implementations of CCSD's Regalia Policy**

22 46. Answering Paragraph 46 of Plaintiffs' Complaint, Defendant is without knowledge  
23 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
24 this paragraph and therefore denies the same.

25 47. Answering Paragraph 47 of Plaintiffs' Complaint, Defendant is without knowledge  
26 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
27 this paragraph and therefore denies the same.

28 48. Answering Paragraph 48 of Plaintiffs' Complaint, Defendant is without knowledge

1 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
2 this paragraph and therefore denies the same.

3       49. Answering Paragraph 49 of Plaintiffs' Complaint, Defendant is without knowledge  
4 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
5 this paragraph and therefore denies the same.

6       50. Answering Paragraph 50 of Plaintiffs' Complaint, Defendant is without knowledge  
7 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
8 this paragraph and therefore denies the same.

9                   **i. East Career and Technical Academy**

10       51. Answering Paragraph 51 of Plaintiffs' Complaint, Defendant is without knowledge  
11 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
12 this paragraph and therefore denies the same.

13       52. Answering Paragraph 52 of Plaintiffs' Complaint, Defendant is without knowledge  
14 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
15 this paragraph and therefore denies the same.

16       53. Answering Paragraph 53 of Plaintiffs' Complaint, Defendant is without knowledge  
17 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
18 this paragraph and therefore denies the same.

19       54. Answering Paragraph 54 of Plaintiffs' Complaint, Defendant is without knowledge  
20 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
21 this paragraph and therefore denies the same.

22       55. Answering Paragraph 55 of Plaintiffs' Complaint, Defendant is without knowledge  
23 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
24 this paragraph and therefore denies the same.

25       56. Answering Paragraph 56 of Plaintiffs' Complaint, Defendant is without knowledge  
26 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
27 this paragraph and therefore denies the same.

28       57. Answering Paragraph 57 of Plaintiffs' Complaint, Defendant is without knowledge

1 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
2 this paragraph and therefore denies the same.

3       58. Answering Paragraph 58 of Plaintiffs' Complaint, Defendant is without knowledge  
4 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
5 this paragraph and therefore denies the same.

6       59. Answering Paragraph 59 of Plaintiffs' Complaint, Defendant is without knowledge  
7 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
8 this paragraph and therefore denies the same.

9       60. Answering Paragraph 60 of Plaintiffs' Complaint, Defendant is without knowledge  
10 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
11 this paragraph and therefore denies the same.

12                   **ii. Del Sol Academy of the Performing Arts**

13       61. Answering Paragraph 61 of Plaintiffs' Complaint, Defendant is without knowledge  
14 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
15 this paragraph and therefore denies the same.

16       62. Answering Paragraph 62 of Plaintiffs' Complaint, Defendant is without knowledge  
17 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
18 this paragraph and therefore denies the same.

19       63. Answering Paragraph 63 of Plaintiffs' Complaint, Defendant is without knowledge  
20 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
21 this paragraph and therefore denies the same.

22       64. Answering Paragraph 64 of Plaintiffs' Complaint, Defendant is without knowledge  
23 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
24 this paragraph and therefore denies the same.

25       65. Answering Paragraph 65 of Plaintiffs' Complaint, Defendant is without knowledge  
26 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
27 this paragraph and therefore denies the same.

28       66. Answering Paragraph 66 of Plaintiffs' Complaint, Defendant is without knowledge

1 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
2 this paragraph and therefore denies the same.

### iii. Las Vegas High School

4       67. Answering Paragraph 67 of Plaintiffs' Complaint, Defendant is without knowledge  
5 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
6 this paragraph and therefore denies the same.

7       68.     Answering Paragraph 68 of Plaintiffs' Complaint, Defendant is without knowledge  
8 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
9 this paragraph and therefore denies the same.

10       69. Answering Paragraph 69 of Plaintiffs' Complaint, Defendant is without knowledge  
11 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
12 this paragraph and therefore denies the same.

13       70. Answering Paragraph 70 of Plaintiffs' Complaint, Defendant is without knowledge  
14 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
15 this paragraph and therefore denies the same.

**iv. Canyon Springs High School**

17       71. Answering Paragraph 71 of Plaintiffs' Complaint, Defendant is without knowledge  
18 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
19 this paragraph and therefore denies the same.

20       72. Answering Paragraph 72 of Plaintiffs' Complaint, Defendant is without knowledge  
21 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
22 this paragraph and therefore denies the same.

23       73. Answering Paragraph 73 of Plaintiffs' Complaint, Defendant is without knowledge  
24 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
25 this paragraph and therefore denies the same.

26       74. Answering Paragraph 74 of Plaintiffs' Complaint, Defendant is without knowledge  
27 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
28 this paragraph and therefore denies the same.

1       75. Answering Paragraph 75 of Plaintiffs' Complaint, Defendant is without knowledge  
2 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
3 this paragraph and therefore denies the same.

4       76. Answering Paragraph 76 of Plaintiffs' Complaint, Defendant is without knowledge  
5 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
6 this paragraph and therefore denies the same.

7       77. Answering Paragraph 77 of Plaintiffs' Complaint, Defendant is without knowledge  
8 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
9 this paragraph and therefore denies the same.

10       **C. Plaintiff Corie Humphrey's specific graduation regalia**

11       78. Answering Paragraph 78 of Plaintiffs' Complaint, Defendant is without knowledge  
12 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
13 this paragraph and therefore denies the same.

14       79. Answering Paragraph 79 of Plaintiffs' Complaint, Defendant is without knowledge  
15 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
16 this paragraph and therefore denies the same.

17       80. Answering Paragraph 80 of Plaintiffs' Complaint, Defendant is without knowledge  
18 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
19 this paragraph and therefore denies the same.

20       81. Answering Paragraph 81 of Plaintiffs' Complaint, Defendant is without knowledge  
21 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
22 this paragraph and therefore denies the same.

23       82. Answering Paragraph 82 of Plaintiffs' Complaint, Defendant is without knowledge  
24 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
25 this paragraph and therefore denies the same.

26       83. Answering Paragraph 83 of Plaintiffs' Complaint, Defendant is without knowledge  
27 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
28 this paragraph and therefore denies the same.



1           84.     Answering Paragraph 84 of Plaintiffs' Complaint, Defendant denies the allegations  
2 contained therein.

## **D. Plaintiff ACLU of Nevada's graduation regalia adornments for Emerging Leaders**

4       85. Answering Paragraph 85 of Plaintiffs' Complaint, Defendant is without knowledge  
5 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
6 this paragraph and therefore denies the same.

7       86. Answering Paragraph 86 of Plaintiffs' Complaint, Defendant is without knowledge  
8 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
9 this paragraph and therefore denies the same.

## VI. Claims

11       87. Answering Paragraph 87 of Plaintiffs' Complaint, Defendant is without knowledge  
12 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
13 this paragraph and therefore denies the same.

## First Cause of Action

## **Violation of graduating students' right to wear tribal regalia or objects of religious or cultural significance pursuant to Nevada Revised Statute 388.915.**

(All Plaintiffs)

17       88.     Answering Paragraph 88 of Plaintiffs' Complaint, Defendant denies the allegations  
18 contained therein.

19       89.     Answering Paragraph 89 of Plaintiffs' Complaint, Defendant is without knowledge  
20 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
21 this paragraph and therefore denies the same.

22       90.     Answering Paragraph 90 of Plaintiffs' Complaint, Defendant is without knowledge  
23 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
24 this paragraph and therefore denies the same.

25       91.     Answering Paragraph 91 of Plaintiffs' Complaint, Defendant is without knowledge  
26 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
27 this paragraph and therefore denies the same.

92. Answering Paragraph 92 of Plaintiffs' Complaint, Defendant is without knowledge

1 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
2 this paragraph and therefore denies the same.

3       93. Answering Paragraph 93 of Plaintiffs' Complaint, Defendant is without knowledge  
4 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
5 this paragraph and therefore denies the same.

6       94. Answering Paragraph 94 of Plaintiffs' Complaint, Defendant is without knowledge  
7 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
8 this paragraph and therefore denies the same.

9       95. Answering Paragraph 95 of Plaintiffs' Complaint, Defendant is without knowledge  
10 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
11 this paragraph and therefore denies the same.

12       96. Answering Paragraph 96 of Plaintiffs' Complaint, Defendant is without knowledge  
13 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
14 this paragraph and therefore denies the same.

15       97. Answering Paragraph 97 of Plaintiffs' Complaint, Defendant is without knowledge  
16 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
17 this paragraph and therefore denies the same.

18       98. Answering Paragraph 98 of Plaintiffs' Complaint, Defendant is without knowledge  
19 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
20 this paragraph and therefore denies the same.

21       99. Answering Paragraph 99 of Plaintiffs' Complaint, Defendant is without knowledge  
22 or information sufficient to form a belief as to the truth or falsity of the remaining allegations in  
23 this paragraph and therefore denies the same.

24       100. Answering Paragraph 100 of Plaintiffs' Complaint, Defendant is without  
25 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
26 allegations in this paragraph and therefore denies the same.

27       101. Answering Paragraph 101 of Plaintiffs' Complaint, Defendant denies the  
28 allegations contained therein.



## **Second Cause of Action**

**Violation of Right to Free Speech and Expression – Facial Challenges – Pursuant to the  
First Amendment of the U.S. Constitution through 42 U.S.C. § 1983  
(All Plaintiffs)**

102. Answering Paragraph 102 of Plaintiffs' Complaint, Defendant denies the allegations contained therein.

103. Answering Paragraph 103 of Plaintiffs' Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies the same.

104. Answering Paragraph 104 of Plaintiffs' Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies the same.

105. Answering Paragraph 105 of Plaintiffs' Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies the same.

106. Answering Paragraph 106 of Plaintiffs' Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies the same.

107. Answering Paragraph 107 of Plaintiffs' Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies the same.

108. Answering Paragraph 108 of Plaintiffs' Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies the same.

109. Answering Paragraph 109 of Plaintiffs' Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies the same.

110. Answering Paragraph 110 of Plaintiffs' Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining

1 allegations in this paragraph and therefore denies the same.

2       111. Answering Paragraph 111 of Plaintiffs' Complaint, Defendant is without  
3 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
4 allegations in this paragraph and therefore denies the same.

5       **A. Unconstitutional Prior Restraint**

6       112. Answering Paragraph 112 of Plaintiffs' Complaint, Defendant is without  
7 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
8 allegations in this paragraph and therefore denies the same.

9       113. Answering Paragraph 113 of Plaintiffs' Complaint, Defendant is without  
10 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
11 allegations in this paragraph and therefore denies the same.

12       114. Answering Paragraph 114 of Plaintiffs' Complaint, Defendant is without  
13 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
14 allegations in this paragraph and therefore denies the same.

15       115. Answering Paragraph 115 of Plaintiffs' Complaint, Defendant is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
17 allegations in this paragraph and therefore denies the same.

18       116. Answering Paragraph 116 of Plaintiffs' Complaint, Defendant is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
20 allegations in this paragraph and therefore denies the same.

21       117. Answering Paragraph 117 of Plaintiffs' Complaint, Defendant is without  
22 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
23 allegations in this paragraph and therefore denies the same.

24       118. Answering Paragraph 118 of Plaintiffs' Complaint, Defendant is without  
25 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
26 allegations in this paragraph and therefore denies the same.

27       119. Answering Paragraph 119 of Plaintiffs' Complaint, Defendant is without  
28 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining

1 allegations in this paragraph and therefore denies the same.

2       120. Answering Paragraph 120 of Plaintiffs' Complaint, Defendant is without  
3 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
4 allegations in this paragraph and therefore denies the same.

5       121. Answering Paragraph 121 of Plaintiffs' Complaint, Defendant is without  
6 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
7 allegations in this paragraph and therefore denies the same.

8       122. Answering Paragraph 122 of Plaintiffs' Complaint, Defendant is without  
9 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
10 allegations in this paragraph and therefore denies the same.

11       123. Answering Paragraph 123 of Plaintiffs' Complaint, Defendant denies the  
12 allegations contained therein.

13       124. Answering Paragraph 124 of Plaintiffs' Complaint, Defendant is without  
14 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
15 allegations in this paragraph and therefore denies the same.

16       125. Answering Paragraph 125 of Plaintiffs' Complaint, Defendant is without  
17 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
18 allegations in this paragraph and therefore denies the same.

19       126. Answering Paragraph 126 of Plaintiffs' Complaint, Defendant is without  
20 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
21 allegations in this paragraph and therefore denies the same.

22       127. Answering Paragraph 127 of Plaintiffs' Complaint, Defendant is without  
23 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
24 allegations in this paragraph and therefore denies the same.

25       128. Answering Paragraph 128 of Plaintiffs' Complaint, Defendant is without  
26 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
27 allegations in this paragraph and therefore denies the same.

28       129. Answering Paragraph 129 of Plaintiffs' Complaint, Defendant is without



1 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
2 allegations in this paragraph and therefore denies the same.

3       130. Answering Paragraph 130 of Plaintiffs' Complaint, Defendant is without  
4 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
5 allegations in this paragraph and therefore denies the same.

6       131. Answering Paragraph 131 of Plaintiffs' Complaint, Defendant is without  
7 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
8 allegations in this paragraph and therefore denies the same.

9       132. Answering Paragraph 132 of Plaintiffs' Complaint, Defendant is without  
10 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
11 allegations in this paragraph and therefore denies the same.

12       133. Answering Paragraph 133 of Plaintiffs' Complaint, Defendant is without  
13 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
14 allegations in this paragraph and therefore denies the same.

15       134. Answering Paragraph 134 of Plaintiffs' Complaint, Defendant is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
17 allegations in this paragraph and therefore denies the same.

18       135. Answering Paragraph 135 of Plaintiffs' Complaint, Defendant is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
20 allegations in this paragraph and therefore denies the same.

21       136. Answering Paragraph 136 of Plaintiffs' Complaint, Defendant is without  
22 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
23 allegations in this paragraph and therefore denies the same.

24       137. Answering Paragraph 137 of Plaintiffs' Complaint, Defendant is without  
25 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
26 allegations in this paragraph and therefore denies the same.

27       138. Answering Paragraph 138 of Plaintiffs' Complaint, Defendant is without  
28 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining



1 allegations in this paragraph and therefore denies the same.

2       139. Answering Paragraph 139 of Plaintiffs' Complaint, Defendant is without  
3 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
4 allegations in this paragraph and therefore denies the same.

5       140. Answering Paragraph 140 of Plaintiffs' Complaint, Defendant is without  
6 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
7 allegations in this paragraph and therefore denies the same.

8       141. Answering Paragraph 141 of Plaintiffs' Complaint, Defendant is without  
9 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
10 allegations in this paragraph and therefore denies the same.

11       142. Answering Paragraph 142 of Plaintiffs' Complaint, Defendant is without  
12 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
13 allegations in this paragraph and therefore denies the same.

14       **B. Unconstitutional Content-Based Discrimination**

15       143. Answering Paragraph 143 of Plaintiffs' Complaint, Defendant is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
17 allegations in this paragraph and therefore denies the same.

18       144. Answering Paragraph 144 of Plaintiffs' Complaint, Defendant is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
20 allegations in this paragraph and therefore denies the same.

21       145. Answering Paragraph 145 of Plaintiffs' Complaint, Defendant is without  
22 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
23 allegations in this paragraph and therefore denies the same.

24       146. Answering Paragraph 146 of Plaintiffs' Complaint, Defendant is without  
25 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
26 allegations in this paragraph and therefore denies the same.

27       147. Answering Paragraph 147 of Plaintiffs' Complaint, Defendant is without  
28 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining



1 allegations in this paragraph and therefore denies the same.

2       148. Answering Paragraph 148 of Plaintiffs' Complaint, Defendant is without  
3 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
4 allegations in this paragraph and therefore denies the same.

5       149. Answering Paragraph 149 of Plaintiffs' Complaint, Defendant is without  
6 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
7 allegations in this paragraph and therefore denies the same.

8       150. Answering Paragraph 150 of Plaintiffs' Complaint, Defendant is without  
9 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
10 allegations in this paragraph and therefore denies the same.

11       151. Answering Paragraph 151 of Plaintiffs' Complaint, Defendant is without  
12 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
13 allegations in this paragraph and therefore denies the same.

14       152. Answering Paragraph 152 of Plaintiffs' Complaint, Defendant is without  
15 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
16 allegations in this paragraph and therefore denies the same.

17       153. Answering Paragraph 153 of Plaintiffs' Complaint, Defendant is without  
18 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
19 allegations in this paragraph and therefore denies the same.

20       154. Answering Paragraph 154 of Plaintiffs' Complaint, Defendant is without  
21 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
22 allegations in this paragraph and therefore denies the same.

23       155. Answering Paragraph 155 of Plaintiffs' Complaint, Defendant is without  
24 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
25 allegations in this paragraph and therefore denies the same.

26       156. Answering Paragraph 156 of Plaintiffs' Complaint, Defendant is without  
27 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
28 allegations in this paragraph and therefore denies the same.



1       157. Answering Paragraph 157 of Plaintiffs' Complaint, Defendant is without  
2 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
3 allegations in this paragraph and therefore denies the same.

4       158. Answering Paragraph 158 of Plaintiffs' Complaint, Defendant is without  
5 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
6 allegations in this paragraph and therefore denies the same.

7       159. Answering Paragraph 159 of Plaintiffs' Complaint, Defendant is without  
8 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
9 allegations in this paragraph and therefore denies the same.

10       160. Answering Paragraph 160 of Plaintiffs' Complaint, Defendant is without  
11 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
12 allegations in this paragraph and therefore denies the same.

13       161. Answering Paragraph 161 of Plaintiffs' Complaint, Defendant is without  
14 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
15 allegations in this paragraph and therefore denies the same.

16       162. Answering Paragraph 162 of Plaintiffs' Complaint, Defendant is without  
17 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
18 allegations in this paragraph and therefore denies the same.

19       163. Answering Paragraph 163 of Plaintiffs' Complaint, Defendant is without  
20 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
21 allegations in this paragraph and therefore denies the same.

22       164. Answering Paragraph 164 of Plaintiffs' Complaint, Defendant is without  
23 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
24 allegations in this paragraph and therefore denies the same.

25       165. Answering Paragraph 165 of Plaintiffs' Complaint, Defendant is without  
26 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
27 allegations in this paragraph and therefore denies the same.

28       166. Answering Paragraph 166 of Plaintiffs' Complaint, Defendant is without



knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this paragraph and therefore denies the same.

3 167. Answering Paragraph 167 of Plaintiffs' Complaint, Defendant is without  
4 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
5 allegations in this paragraph and therefore denies the same.

### Third Cause of Action

**Infringement on Freedom of Speech and Expression in violation of Article 1, Section 9 of  
the Nevada State Constitution  
(All Plaintiffs)**

9           168. Answering Paragraph 168 of Plaintiffs' Complaint, Defendant is without  
10 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
11 allegations in this paragraph and therefore denies the same.

12       169. Answering Paragraph 169 of Plaintiffs' Complaint, Defendant is without  
13 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
14 allegations in this paragraph and therefore denies the same.

15           170. Answering Paragraph 170 of Plaintiffs' Complaint, Defendant is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
- - allegations in this paragraph and therefore denies the same.

18           171. Answering Paragraph 171 of Plaintiffs' Complaint, Defendant is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
allegations in this paragraph and therefore denies the same.

172. Answering Paragraph 172 of Plaintiffs' Complaint, Defendant is without  
knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
allegations in this paragraph and therefore denies the same.

#### Fourth Cause of Action

## **Violation of Freedom of Speech and Expression – As-Applied Challenges – Pursuant to the First Amendment of the U.S. Constitution through 42 U.S.C. § 1983 (All Plaintiffs)**

#### A. Plaintiff Corie Humphrey's as-applied challenge

<sup>173</sup> Answering Paragraph 173 of Plaintiffs' Complaint. Defendant is without

1 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
2 allegations in this paragraph and therefore denies the same.

3       174. Answering Paragraph 174 of Plaintiffs' Complaint, Defendant is without  
4 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
5 allegations in this paragraph and therefore denies the same.

6       175. Answering Paragraph 175 of Plaintiffs' Complaint, Defendant is without  
7 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
8 allegations in this paragraph and therefore denies the same.

9       176. Answering Paragraph 176 of Plaintiffs' Complaint, Defendant is without  
10 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
11 allegations in this paragraph and therefore denies the same.

12       177. Answering Paragraph 177 of Plaintiffs' Complaint, Defendant is without  
13 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
14 allegations in this paragraph and therefore denies the same.

15       178. Answering Paragraph 178 of Plaintiffs' Complaint, Defendant is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
17 allegations in this paragraph and therefore denies the same.

18       179. Answering Paragraph 179 of Plaintiffs' Complaint, Defendant is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
20 allegations in this paragraph and therefore denies the same.

21       180. Answering Paragraph 180 of Plaintiffs' Complaint, Defendant is without  
22 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
23 allegations in this paragraph and therefore denies the same.

24       181. Answering Paragraph 181 of Plaintiffs' Complaint, Defendant is without  
25 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
26 allegations in this paragraph and therefore denies the same.

27       182. Answering Paragraph 182 of Plaintiffs' Complaint, Defendant is without  
28 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining



1 allegations in this paragraph and therefore denies the same.

2       183. Answering Paragraph 183 of Plaintiffs' Complaint, Defendant is without  
3 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
4 allegations in this paragraph and therefore denies the same.

5       184. Answering Paragraph 184 of Plaintiffs' Complaint, Defendant is without  
6 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
7 allegations in this paragraph and therefore denies the same.

8       185. Answering Paragraph 185 of Plaintiffs' Complaint, Defendant is without  
9 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
10 allegations in this paragraph and therefore denies the same.

11       186. Answering Paragraph 186 of Plaintiffs' Complaint, Defendant is without  
12 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
13 allegations in this paragraph and therefore denies the same.

14           **B. Plaintiff ACLU of Nevada's as-applied challenge**

15       187. Answering Paragraph 187 of Plaintiffs' Complaint, Defendant is without  
16 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
17 allegations in this paragraph and therefore denies the same.

18       188. Answering Paragraph 188 of Plaintiffs' Complaint, Defendant is without  
19 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
20 allegations in this paragraph and therefore denies the same.

21       189. Answering Paragraph 189 of Plaintiffs' Complaint, Defendant is without  
22 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
23 allegations in this paragraph and therefore denies the same.

24       190. Answering Paragraph 190 of Plaintiffs' Complaint, Defendant is without  
25 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining  
26 allegations in this paragraph and therefore denies the same.

27       191. Answering Paragraph 191 of Plaintiffs' Complaint, Defendant is without  
28 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining



1 allegations in this paragraph and therefore denies the same.

2 **VII. Requested Relief**

3 **A. Injunctive Relief**

4 192. Answering Paragraph 192 of Plaintiffs' Complaint, Defendant denies the  
5 allegations contained therein/

6 193. Answering Paragraph 193 of Plaintiffs' Complaint, Defendant denies the  
7 allegations contained therein.

8 194. Answering Paragraph 194 of Plaintiffs' Complaint, Defendant denies the  
9 allegations contained therein.

10 195. Answering Paragraph 195 of Plaintiffs' Complaint, Defendant denies the  
11 allegations contained therein.

12 **B. Declaratory Relief**

13 196. Answering Paragraph 196 of Plaintiffs' Complaint, Defendant denies the  
14 allegations contained therein.

15 197. Answering Paragraph 197 of Plaintiffs' Complaint, Defendant denies the  
16 allegations contained therein.

17 198. Answering Paragraph 198 of Plaintiffs' Complaint, Defendant denies the  
18 allegations contained therein.

19 199. Answering Paragraph 199 of Plaintiffs' Complaint, Defendant denies the  
20 allegations contained therein.

21 200. Answering Paragraph 200 of Plaintiffs' Complaint, Defendant denies the  
22 allegations contained therein.

23 201. Answering Paragraph 201 of Plaintiffs' Complaint, Defendant denies the  
24 allegations contained therein.

25 202. Answering Paragraph 202 of Plaintiffs' Complaint, Defendant denies the  
26 allegations contained therein.

27 203. Answering Paragraph 203 of Plaintiffs' Complaint, Defendant denies the  
28 allegations contained therein.



1           204. Answering Paragraph 204 of Plaintiffs' Complaint, Defendant denies the  
2 allegations contained therein.

3           205. Answering Paragraph 205 of Plaintiffs' Complaint, Defendant denies the  
4 allegations contained therein.

5           206. Answering Paragraph 206 of Plaintiffs' Complaint, Defendant denies the  
6 allegations contained therein.

7           **C. Totality of Relief Requested**

8           Responding to the numbered and unnumbered paragraph of the Complaint which begins  
9 with WHEREFORE, Defendant denies Plaintiffs are entitled any relief or recovery whatsoever.  
10 Any allegations of the Complaint not heretofore responded to are hereby denied.

11           **AFFIRMATIVE DEFENSES**

12           **FIRST AFFIRMATIVE DEFENSE**

13           Defendant's acts and/or omissions, if any, were justified and privileged.

14           **SECOND AFFIRMATIVE DEFENSE**

15           Plaintiffs are barred from recovery because Plaintiffs and/or their agents, employees,  
16 predecessors in interest, expressly or impliedly consented and agreed to Defendant's alleged acts  
17 or omissions.

18           **THIRD AFFIRMATIVE DEFENSE**

19           Plaintiffs' claims are barred by the statute of limitations.

20           **FOURTH AFFIRMATIVE DEFENSE**

21           If Plaintiffs suffered or sustained any of the losses or damages alleged in AC, which is  
22 denied, such loss or damage was occasioned by a risk which Plaintiffs knowingly and voluntarily  
23 assumed.

24           **FIFTH AFFIRMATIVE DEFENSE**

25           Plaintiffs' alleged damages were caused in whole or in part, or were contributed to by  
26 reason of Plaintiffs' own acts, omissions, or other tortious conduct, and not the result of any acts  
27 or omissions of Defendant.



## SIXTH AFFIRMATIVE DEFENSE

Plaintiffs, by their actions and failure to act, failed to mitigate damages, if any, and therefore, any recovery awarded should be reduced by the amount not mitigated.

## SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' alleged damages were caused by a superseding and/or intervening factor, including but not limited to Plaintiffs' successor attorney(s), which superseding and/or intervening factors were the direct and proximate cause of Plaintiffs' alleged damages, as such Defendant is not and cannot be held responsible for any of Plaintiffs' claimed damages.

## **EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims should be dismissed for failure to join one or more necessary and indispensable parties.

## NINTH AFFIRMATIVE DEFENSE

Plaintiffs are barred from recovery against Defendant because there is no causal connection between any conduct of Defendant and any alleged loss or damages that Plaintiffs alleged they sustained.

## TENTH AFFIRMATIVE DEFENSE

Plaintiffs have voluntarily waived any rights they may have had against Defendant.

## **ELEVENTH AFFIRMATIVE DEFENSE**

Any and all claims of and by Plaintiffs are barred by the applicable statutes of limitations.

## **TWELFTH AFFIRMATIVE DEFENSE**

By virtue of Plaintiffs' unlawful, careless, negligent, or other tortious conduct, Plaintiffs are barred from recovering against Defendant by the equitable doctrine of unclean hands.

## THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiffs are estopped from pursuing any claims against Defendant.

## FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiffs are barred from recovery for failing to exhaust administrative remedies.

## **FIFTEENTH AFFIRMATIVE DEFENSE**

The alleged damages sustained by Plaintiffs were caused by the acts of third parties who

1 are not agents, servants or employees of Defendant and who were not acting on behalf of  
2 Defendant in any manner or form, and as such, Defendant is not liable to the Plaintiffs.

3 **SIXTEENTH AFFIRMATIVE DEFENSE**

4 Plaintiffs' claims and recovery are barred by the doctrine of election of remedy.

5 **SEVENTEENTH AFFIRMATIVE DEFENSE**

6 If Plaintiffs suffered or sustained any loss, injury, damage or detriment, the same is directly  
7 and proximately caused and contributed to, in whole or in part, by the conduct, acts, omissions,  
8 activities and/or intentional misconduct of Plaintiffs, thereby completely or partially barring their  
9 recovery herein.

10 **EIGHTEENTH AFFIRMATIVE DEFENSE**

11 Plaintiffs do not have standing to commence or maintain this lawsuit.

12 **NINETEENTH AFFIRMATIVE DEFENSE**

13 Plaintiffs are not the real party in interest.

14 **TWENTIETH AFFIRMATIVE DEFENSE**

15 Defendant denies each and every allegation of the COMPLAINT not specifically admitted  
16 or otherwise pled herein.

17 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

18 Plaintiffs' cannot demonstrate irreparable harm.

19 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

20 The COMPLAINT fails to state a claim upon which relief can be granted.

21 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

22 Plaintiffs, with full knowledge of the facts related to the conduct or transactions alleged  
23 in the Complaint, ratified, consented to, acquiesced or otherwise confirmed by their own action  
24 or by their agents and/or employees through their actions, in all respects, the acts of Defendant.

25 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

26 All possible affirmative defenses may not have been alleged herein insofar as sufficient  
27 facts were not available for Defendant after reasonable inquiry and therefore, Defendant reserves  
28 the right to amend the Answer to alleged additional affirmative defenses, if subsequent



1 investigation so warrants.

2 **PRAYER**

3 WHEREFORE, having fully responded to the allegations of Plaintiffs' Complaint,  
4 Defendant respectfully prays:

5 1. That it be granted a trial by jury as to all appropriate issues;  
6 2. That Plaintiffs take nothing by her Complaint;  
7 3. That it be discharged from this action without liability;  
8 4. That the Court award to Defendant all costs, including attorneys' fees, of this  
9 action; and  
10 5. That the Court award to Defendant such other and further relief as the Court deems  
11 just and proper.

12 Dated this 19<sup>th</sup> day of December, 2025.

13 */s/ Jacqueline V. Nichols*  
14 Phillip N. Smith, Jr., Esq.  
15 Jacqueline V. Nichols, Esq.  
16 WEINBERG, WHEELER, HUDGINS,  
17 GUNN & DIAL, LLC  
18 6385 South Rainbow Blvd., Suite 400  
19 Las Vegas, Nevada 89118  
20 *Attorneys for Defendant*  
21 *Clark County School District*  
22  
23  
24  
25  
26  
27  
28



**CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of December, 2025, I served a true and correct copy of the foregoing **DEFENDANT CLARK COUNTY SCHOOL DISTRICT'S ANSWER TO PLAINTIFFS' COMPLAINT** by filing a copy with the Court's electronic filing system.

/s/ Victoria Gomez  
An employee of WEINBERG, WHEELER, HUDGINS,  
GUNN & DIAL, LLC

WEINBERG WHEELER  
HUDGINS GUNN & DIAL