

1 **MTD**
2 JACOB T. S. VALENTINE (16324)
3 CHRISTOPHER PETERSON (13932)
4 **AMERICAN CIVIL LIBERTIES**
5 **UNION OF NEVADA**
6 4362 W. Cheyenne Ave.
7 North Las Vegas, NV 89032
8 Telephone: (702) 366-1226
9 Facsimile: (702) 718-3213
10 Email: jvalentine@aclunv.org
11 *Attorneys for Plaintiff*

Hearing: 1/27/2026
Time: 8:30am

8 **JUSTICE COURT**
9 **LAS VEGAS, NEVADA**

9 STATE OF NEVADA,
10
11 Plaintiff,

11 v.

12 JORDAN POLOVINA,
13
14 Defendant

Case Number: 25-CR-054145

Department: 03

**Motion to Dismiss Pursuant to the
Due Process Clause of the
Fourteenth Amendment and Article
1, Section 8 of the Nevada
Constitution**

15 Defendant Jordan Polovina files this Motion to Dismiss the charge against him for
16 violating Clark County Code § 16.13.030 because the ordinance is unconstitutionally vague in
17 violation of the Due Process Clause of the Fourteenth Amendment and Article 1, Section 8 of the
18 Nevada Constitution. This Motion is supported by the following Memorandum of Points and
19 Authorities and any attached exhibits.

20 Dated: January 23, 2026.

**American Civil Liberties
Union of Nevada**



21
22
23 JACOB T. S. VALENTINE (16324)
24 4362 W. Cheyenne Ave.
North Las Vegas, NV 89032
Tel.: (725) 235-3119

1 **Memorandum of Points and Authorities**

2 On May 23, 2025, Las Vegas Metropolitan Police Officers cited Mr. Polovina on a single
3 charge of Stopping or Standing in a Pedestrian Flow Zone, in violation of Clark County Code §
4 16.13.030. The citation alleged that Mr. Polovina violated this ordinance by stopping and standing
5 to “play an instrument” on a pedestrian bridge within the Resorts Corridor. See Exhibit A, Polovina
6 Citation. This motion seeks dismissal of the charge on the grounds that CCC 16.13.030 is vague
7 in violation of the Fourteenth Amendment and Article 1, Section 8 of the Nevada Constitution.

8 **I. Statement of Facts**

9 **A. Mr. Polovina’s citation under CCC 16.13.030**

10 Mr. Polovina was cited for stopping and standing to play an instrument on the Park Avenue
11 Pedestrian Bridge, one of 17 pedestrian bridges within the Resort Corridor. The citation provides
12 no description of any actual obstruction to pedestrian traffic caused by his performance.

13 **B. Clark County Code § 16.13.030**

14 Clark County Code § 16.13.030 provides in relevant part:

15 It is unlawful for any person to (1) stop or stand within any
16 Pedestrian Flow Zone, or (2) engage in any activity while within a
17 Pedestrian Flow Zone with the intent of causing another person who
is within a Pedestrian Flow Zone to stop or stand.

18 CCC 16.13.030. Under the ordinance a “Pedestrian Flow Zone” includes all pedestrian
19 bridges located within the Resort Corridor and the area around their entry and exit points. CCC
20 16.13.020. County representatives testified during the ordinance’s 2022 consideration that
21 enforcement would use a “reasonableness approach” regarding whether people stopping to view
22 landmarks or take photos would be cited. See Exhibit B, Frierson 30(b)(6) Deposition at 107:16-
23 121:56.

1 **C. County guidance regarding enforcement**

2 Shortly after passing CCC 16.13.030, Clark County published an official social media post
3 that explicitly exempted certain activities from the ordinances scope. The County’s official
4 statement provided: “It is unlawful for any person to stop, stand, or engage in an activity that
5 causes another person to stop or stand within any Pedestrian Flow Zone. This is not interpreted to
6 mean that tourists and locals cannot take photos along the Boulevard while on a pedestrian bridge.”
7 See Exhibit C, Statement on X posted by @ClarkCountyNV regarding CCC 16.13.030 on Jan. 2,
8 2024.

9 **D. LVMPD’s enforcement policy**

10 The Las Vegas Metropolitan Police Department has adopted an enforcement policy that
11 selectively exempts entire categories of stopping and standing from enforcement. See Exhibit D,
12 Deposition of Andrew Walsh, 30(b)(6) Designee for LVMPD (“LVMPD Deposition”).

13 According to LVMPD’s official enforcement policy, individuals who stop for “incidental
14 viewing purposes” such as stopping to take photographs or to view the Las Vegas Strip are not
15 subject to citation under CCC 16.13.030, even though the plain language of the ordinance prohibits
16 all stopping and standing. *Id.* at 35:1-10, 37:16-19.

17 LVMPD’s determination of whether a stop qualifies for this exemption is not based on the
18 duration of the stop or the intent behind the stop, but rather on what activity the person is engaged
19 in. *Id.* at 35:21-25, 37:16-19, 50:11-13, 50:23-51:5, 55:2-7. Under LVMPD’s policy, stopping to
20 take a photograph is automatically exempted from enforcement but stopping to perform music is
21 not. *Id.* at 39:7-14, 40:1-14. LVMPD’s representative in an official deposition testified that
22 “Somebody stopping to take a photograph is not directly related to what was causing the disorder
23 issues on the bridges. So, the intent of the law was to reduce the disorder.” LVMPD Deposition at
24

1 39. Yet nowhere in CCC 16.13.030 does this “disorder” or “flow obstruction” distinction appear
2 as the statute simply prohibits all stopping and standing.

3 LVMPD openly acknowledges that its enforcement focuses on First Amendment-protected
4 activities while ignoring the same conduct when it is not expressive. *Id.* at 74:15-75:15. On the
5 day Mr. Polovina was cited, officers ignored approximately 46 other individuals who stopped and
6 stood on the same pedestrian bridge taking photographs, viewing the Strip, having conversations,
7 and taking phone calls. *See* Exhibit E, Body-Worn Camera Footage. This conduct violates the
8 plain language of CCC 16.13.030 but falls within LVMPD’s unwritten exemption.

9 **II. Procedural history of *McAllister v. Clark County*, Case No. 2:24-cv-00334**

10 On January 2, 2025, Mr. Polovina joined the case *McAllister v. Clark County*, Case No.
11 2:24-cv-00334 (D. Nev. filed Feb. 16, 2024), as a named Plaintiff. *McAllister* challenges the facial
12 constitutionality of the same ordinance Mr. Polovina is accused of violating here, CCC 16.13.030.
13 In *McAllister*, a vagueness challenge is also applied.

14 During a deposition of the County’s 30(b)(6) official representative in *McAllister*, the
15 representative stated that all stopping and standing, even to take a photo, violates CCC 16.13.030.
16 See Exhibit F, Frierson 30(b)(6) Deposition at 121:5-6. However, in the County’s Motion for
17 Summary Judgment in *McAllister*, the County’s attorney claims that “brief photographs of the
18 scenery” are outside of the ordinance’s enforcement parameters. Defendant Clark County’s
19 Motion for Summary Judgment, *McAllister v. Clark County*, No. 2:24-cv-00334-JAD-NJK (D.
20 Nev. Dec. 18, 2025) (No. 103) at 30:8-9.

21 **III. Procedural history of this case**

22 Mr. Polovina was cited on May 23, 2025, and entered a not guilty plea on July 21, 2025.
23 Mr. Polovina filed a motion to dismiss the charges against him due to selective prosecution on
24 November 10, 2025. The government filed an opposition on December 10, 2025. In the

1 government’s opposition, the government stated that taking photographs on the bridges “is not
2 enforced under the ordinance.” Government’s Opp at 5:4-5. Mr. Polovina filed a reply in support
3 of his motion to dismiss on December 18, 2025, as well as a second motion to dismiss due to the
4 ordinance violating the First Amendment on its face and as applied to Mr. Polovina on January 20,
5 2026.

6 **IV. Argument**

7 The Due Process Clause of the Fourteenth Amendment prohibits laws that are
8 unconstitutionally vague. “[V]agueness concerns are more acute when a law implicates First
9 Amendment rights, and, therefore, vagueness scrutiny is more stringent.” *Butcher v. Knudson*, 38
10 F.4th 1163, 1169 (9th Cir. 2022) (citing *Cal. Teachers Ass’n v. State Bd. of Educ.*, 271 F.3d 1141,
11 1150 (9th Cir. 2001)).

12 Here, CCC 16.13.030 is vague in a context which directly chills First Amendment-
13 protected speech. As discussed in Mr. Polovina’s prior motions to dismiss, according to the plain
14 text of CCC 16.13.030, the ban on stopping de facto prohibits any protected activity that requires
15 someone to stop such as playing instruments, using amplified sound, or engaging in one-on-one
16 conversation, and its ban on encouraging other people to stop effectively prohibits any First
17 Amendment that either intends to draw an audience or encourages people to stop to engage with a
18 message such as solicitation or vending. The County’s own studies show that these concerns are
19 not theoretical; according to the County’s available pedestrian traffic data, the people who stopped
20 on a bridge did so to engage in protected activity.

21 A criminal regulation is unconstitutionally vague if it either: (1) “fails to provide a person
22 of ordinary intelligence fair notice of what is prohibited” or (2) is “so standardless that it authorizes
23 or encourages seriously discriminatory enforcement.” *Butcher v. Knudson*, 38 F.4th 1163, 1169
24 (9th Cir. 2022) (citing *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 254 (2012)). To prevail

1 on a vagueness challenge, the defendant need not establish both prongs; satisfying either prong is
2 sufficient to render the law unconstitutional. *Coates v. City of Cincinnati*, 402 U.S. 611, 614
3 (1971). Additionally, even if a statute is not unconstitutionally vague on its face, it may be
4 unconstitutional as applied if enforcement of the statute is arbitrary or discriminatory. *Grayned v.*
5 *City of Rockford*, 408 U.S. 104, 111 (1972).

6 Here, CCC 16.130 is vague under both prongs as it is not only so standardless that it
7 authorizes and encourages discriminatory enforcement but it is also fails to provide fair notice of
8 what a performer like Mr. Polovina would need to do in order to perform on the pedestrian bridges.

9
10 **A. 16.13.030 is unconstitutionally vague because it is so standardless that it authorizes
and encourages discriminatory enforcement.**

11 A criminal regulation is unconstitutionally vague if the regulation is “so standardless that
12 it authorizes or encourages seriously discriminatory enforcement.” *Butcher v. Knudson*, 38 F.4th
13 1163, 1169 (9th Cir. 2022) ((quoting *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 254
14 (2012)).

15 On its face, CCC 16.13.030 imposes a standardless prohibition on all stopping, standing,
16 or causing another person to stop or stand within a pedestrian flow zone. There are no specified
17 exceptions to this other than an exception for those waiting for an elevator or escalator. The
18 ordinance contains no reference to duration of the stop, location within the pedestrian flow zone,
19 impact on pedestrian traffic, or purpose of the stop. Possibly due to this standardless and untenable
20 prohibition on any stopping County officials, LVMPD, and the prosecutor in this case have all
21 read arbitrary exceptions into CCC 16.13.030. In fact, every time the government has addressed
22 the boundaries of CCC 16.13.030 it has come to a different conclusion on what is prohibited.

23 Shortly after passing the ordinance, a County official posted to X an exemption to CCC
24 16.13.030 stating that tourists and locals can take photos on the pedestrian bridges without fear of

1 violating the ban on stopping contained within CCC 16.13.030. See Exhibit C, Statement on X
2 posted by @ClarkCountyNV regarding CCC 16.13.030 on Jan. 2, 2024. This directly contradicts
3 other representations made by County officials in a 30(b)(6) deposition of the County where it was
4 stated that there is no exception to CCC 16.13.030 for taking photographs. See Exhibit F, Frierson
5 30(b)(6) Deposition at 121:5-6 (“There is no exception for taking photos in the ordinance”).

6 LVMPD’s 30(b)(6) deposition testimony reveals that this lack of standards from the
7 County has encouraged discriminatory enforcement policies. LVMPD has exempted “incidental
8 viewing purposes” from enforcement. See Exhibit D, LVMPD Deposition at 37:16–37:19, 37:20–
9 38:13, 50:3–51:5. LVMPD applies this exemption based on the content of the person’s conduct:
10 viewing and photography are exempt; street performance, solicitation, and other expressive
11 conduct are not. *Id.* at 35:21-25, 37:16-19, 50:11-13, 50:23-51:5, 55:2-7. LVMPD does not take
12 into account the length of the stop, location of the stop, or the stops effect on pedestrian traffic. *Id.*

13 The prosecution provides a third view of what CCC 16.13.030 prohibits. The prosecution,
14 in the Government’s opposition to Mr. Polovina’s Motion to Dismiss for Selective Prosecution
15 claims that “[t]he ordinance applies to anyone on the pedestrian bridge who through their conduct,
16 blocks or impedes pedestrian flow, with the exception of waiting to access an elevator or for
17 purposes of entering or exiting a pedestrian flow zone.” Government’s Opp at 3:19-21. However,
18 in the next sentence the prosecution admits that CCC 16.13.030 is not enforce against individuals
19 stopping to take photos “because it is not directly related to what is causing the disorder on the
20 pedestrian bridge.” This argument confirms the vagueness problem. The government is essentially
21 saying that they prosecute CCC 16.13.030 based on whether conduct impedes “pedestrian flow”
22 which is a concept not found in the ordinance and not found in LVMPD’s enforcement guidance.
23 By importing an unwritten “flow obstruction” element into the statute’s enforcement, the
24 government has made the ordinance even more vague.

1 The lack of standards in the ordinance has caused these varying and conflicting approaches
2 to the enforcement of CCC 16.13.030, leading to discriminatory enforcement. LVMPD has been
3 trained, and is in practice enforcing CCC 16.13.030 against street performers engaged in activities
4 protected under the First Amendment such as Mr. Polovina and ignoring others engaged in
5 activities such as tying their shoes, having conversations, organizing their belongings, and taking
6 photographs just as the officers who cited Mr. Polovina ignored all 46 other people who stopped.
7 *See Exhibit E, Body-Worn Camera Footage.* The government attorneys and officials have
8 authorized and encouraged this enforcement through public statements by the County, prosecution
9 based on factors not within CCC 16.13.030, and generally by a vague and constitutional deficient
10 statute.

11
12 **B. CCC 16.13.030 is unconstitutionally vague because it fails to provide a person of
ordinary intelligence with fair notice of what is prohibited.**

13 A statute may be unconstitutional as applied if it fails to provide fair notice of what conduct
14 is prohibited in the circumstances at issue. *Grayned v. City of Rockford*, 408 U.S. 104, 111 (1972).

15 The three approaches above employed by the various government agencies involved in the
16 enactment, enforcement, and prosecution of CCC 16.13.030 are not inconsistent. In fact, it is clear
17 that county officials, LVMPD representatives, and the prosecution do not even agree on what CCC
18 16.13.030 prohibits.

19 This violates the vagueness doctrine because it fails to provide fair notice to citizens about
20 what conduct is actually prohibited. A person of ordinary intelligence reading CCC 16.13.030
21 might understand that all stopping is prohibited unless they were waiting for an elevator or
22 escalator. That same person might have seen the County's guidance on X and understood that they
23 can stop if they are taking photographs. However, the County's official position would still be that
24 the person stopping on a bridge was violating CCC 16.13.030 as the County's official

1 representative claims that all stopping and standing other than to wait for an escalator or elevator
2 violates CC 16.13.30. LVMPD's official disagrees however and might not enforce the ordinance
3 if the person were engaged in an activity the officer deems to be an "incidental viewing person."
4 Should the person receive a citation from LVMPD though, the government will prosecute them
5 based on whether or not the prosecution believes the person was stopping pedestrian flow or
6 loitering not whether they were stopping or standing, whether they were taking photographs, or
7 whether they were an "incidental viewing person."

8 **V. Conclusion**

9 CCC 16.13.030 is unconstitutionally vague. It is so standardless that it authorizes and
10 encourages seriously discriminatory enforcement. It also fails to provide fair notice of what is
11 prohibited. In fact, CCC 16.13.030 is so vague, the government agencies involved in the
12 enactment, enforcement, and prosecution of it cannot even agree as to what it prohibits and
13 exempts.

14
15 Dated: January 23, 2026.

**American Civil Liberties
Union of Nevada**



JACOB T. S. VALENTINE (16324)
4362 W. Cheyenne Ave.
North Las Vegas, NV 89032
Tel.: (725) 235-3119

1 **Certificate of Electronic Service**

2 I hereby certify that service of this **Motion to Dismiss Pursuant to the Due Process**
3 **Clause of the Fourteenth Amendment and Article 1, Section 8 of the Nevada Constitution**
4 was hereby served January 23, 2026, via electronic e-filing service and email through:

- 5
- This Courts E-Filing Odyssey E-File and Serve
 - Via email to:
- 6

7 STATE ATTORNEY’S OFFICE
8 W. Jake Merback, Deputy State Attorney
9 E-mail: William.Merback@clarkcountydav.gov
Attorneys for Plaintiff, State of Nevada

10 

11 _____
12 Jacob T. S. Valentine
13 An employee of
14 **American Civil Liberties**
15 **Union of Nevada**

Exhibit A
Polovina Citation

25CR054145

3

7/21

In Municipal Court of
 In Justice Court of Clark County
Court Case #

State of Nevada CLARK COUNTY

Las Vegas Metropolitan Police Department

COURT
Event #
LV 2505000 832220
ID #
* 88239730
6273014

Adult Juvenile
 Traffic Criminal
 Accident Meter #
 Parking Civil
Infraction

TRAFFIC/CRIMINAL/CIVIL COMPLAINT
 School Zone Hazmat
 Construction Zone S.T.E.P.
 Urban Rural

Injuries Crime Report
 Officer's Report
 Evidence Logged Arrest
 Aircraft Clock Number
 Radar Other
Explain:

Travel Direction: N S E W Beat/Area: M3 Mile Marker:

At Location: LAS VEGAS BLVD / PARK AVE, LAS VEGAS, NV 89109

Violation Date: 5/22/25 Time: 2033 Issue Date: 5/22/25 Time: 2038

Day Code: 1 2 3 4 6 7

Had Been Drinking: Yes No Unknown
Test Type: PBT Blood Breath UA
 Drugs Suspected Results: %

Defendant Type: Driver Passenger Pedestrian
Other Explain: SUBJECT

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF NEVADA

NAME (Last, First, Middle): **POLVINA JORDAN TIMOTHY** Social Security #:

Address: Physical Mailing **3816 VIDALIA AVE NORTH LAS VEGAS NV 89031 US** City: State: Zip: Ctry:

DOB: **04/17/1985** Race: **W** Sex: **M** Height: **6'5"** Weight: **248** Eyes: **BRO**

OLR ID: **1467883470** CDL State: **NV** Class: **C** Expiration: **9/17/32** Resolutions: **5** Endorsements:

Vehicle has current proof of insurance? Yes No **N/A** Expiration Date of Insurance Card: **N/A**

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE AT THE ABOVE LISTED LOCATION:

Commercial Vehicle US DOT #: VIN #:

16+ Pass Vehicle

Vehicle License: Lic. State: Expiration: Year: Make: Model: Type: Color:

Reg. Owner: Same Address:

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

STOP STAND / CAUSE OTHERS TO STOP WITHIN PEDESTRIAN BRIDGE 86205

Posted Speed: - Actual Speed: - Cited Speed: NRS CFR County Code Municipal Code

SUBJECT DID STOP AND PLAY INSTRUMENT IN THE MIDDLE (ALONG NORTH WALL) OF A PEDESTRIAN BRIDGE (WITH SIGNS POSTED) IN THE RESERV CORRIDOR OF CLARK COUNTY TREVADA. NRS/County/City # **16.13.030**

Violation: **25-CR-054145** Citation Image: **18291084**

To Wit: **CITIM** Municipal Code

I certify (or declare) under penalty of perjury that I am the defendant named above and I am not committing the above offense(s) contrary to the law.

Officer/Complainant's PRINTED Name: **I. NYE** Officer/Complainant's Signature: *[Signature]* P#: **17672** Bureau: **(C42B)**

SEE REVERSE FOR ALL COURT INSTRUCTIONS - NOTE: CIVIL INFRACTIONS ARE NOT CRIMINAL OFFENSES

Las Vegas Municipal Court Las Vegas Justice Court Juvenile Justice Services Grand Jurors Justice Court North Las Vegas Municipal Court Henderson Municipal Court Boulder City Municipal Court

Township/Justice Court: Court Mandatory Phone:

You are hereby ordered to appear to answer to the above charge(s) **21st** day of **JULY** year **2025** at **730** a.m. p.m.

WITHOUT ADMITTING HAVING COMMITTED THE ABOVE OFFENSE(S), I HEREBY PROMISE TO RESPOND AS DIRECTED ON THIS NOTICE AND WAIVE MY RIGHT TO BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE (NRS 484A.630 AND NRS 484A.750).

Defendant's Signature: *[Signature]* Interpreted Language Needed: **UNTERGED PC** Refused

Cellphone: **(720) 671-2853** Refused Email: Refused

LMPD GA 203 (Rev. 6/23) BY PROVIDING THE ABOVE CONTACT INFORMATION YOU ACKNOWLEDGE THAT THE COURT MAY CONTACT YOU BY TEXT OR EMAIL.

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(This Page does NOT get printed)

IMAGED
PC

ARREST REPORT/NOTES FOR TESTIFYING IN COURT

On all offenses, complaints issued must have an arrest report hand-printed in the to-wit section on the front of the complaint or in the spaces provided below. This report must contain a sufficient amount of information to establish the corpus delicti, and physical evidence, witnesses, and any specific acts of defendant which increased the seriousness of the offense.

Body worn camera recording available.

Introduction:

On May 22, 2025, at approximately 2033 hours, Officer B. Bettencourt P#18042 and I, Officer T. Nye P#17052, while operating as marked bicycle patrol unit 7M76B, were patrolling the Resort Corridor on Las Vegas Blvd. South. We observed a male, later identified by his Nevada driver license as Jordan Polovina (DOB 04/17/1985), playing an instrument with a speaker. Polovina was against the north wall, in the middle of the pedestrian bridge located at the intersection of Las Vegas Blvd. / Park Ave., Las Vegas, NV 89109. The pedestrian bridge is located in the Resort Corridor of Clark County, Nevada, and it has signs posted regarding the pedestrian flow zone. We conducted a person stop on Polovina for Stop/Stand/Cause Others to Stop Within Pedestrian Bridge under County Code 16.13.030.

Contact With:

We stopped Polovina, identified ourselves as police, and notified him that he was being stopped for loitering in the pedestrian flow zone. I asked him for identification, and he identified himself with a Nevada driver license. Polovina excitedly uttered that security had asked him to get away from the Denny's, where he usually plays music.

Record Check:

I conducted a record check to confirm Polovina's identity. The record check revealed that I had stopped Polovina for the same offense on 05/24/2024, on the same bridge, and given him a warning regarding loitering in the pedestrian flow zone.

Conclusion:

Due to the fact Jordan Polovina (DOB 04/17/1985) did stop and play an instrument on a pedestrian bridge where signs were posted regarding the pedestrian flow zone, in the Resort Corridor of Clark County, Nevada, I cited him for Stop/Stand/Cause Others to Stop Within Pedestrian Bridge under County Code 16.13.030.

IMAGED
PC

EVIDENCE: Yes No LOCATION:
WITNESSES: (include addresses and phone numbers)

Las Vegas Justice Court

JUN 26 2025

KG

RECEIVED
JUN 02 2025
CONVENTION CENTER
AREA COMMAND Address

By:

JUVENILE'S PARENT(S) NOTIFIED Deputy Yes No

Parent/Guardian Name

In Municipal Court of
 Justice Court of Clark County
 Court Case #

**State of Nevada
 CLARK COUNTY**

Las Vegas Metropolitan Police Department

PROSECUTOR

Event # **LV 2905000 83226**
 ID # **88234730**

Adult Juvenile

TRAFFIC/CRIMINAL/CIVIL COMPLAINT

Traffic Criminal
 Accident Meter #
 Parking Civil
 Infraction

School Zone Hazmat
 Construction Zone S.T.E.P.
 Urban Rural

Injuries Crime Report
 Officer's Report

Evidence Logged Arrest

Aircraft Clock Number
 Radar Other
 Proof

Travel Direction: N S E W Beat/Area: **M3** Mile Marker:

At Location: **LAS VEGAS - BLVD / PARK AVE, LAS VEGAS, - NV 89109**

Violation Date: **5/22/15** Time: **2033** Issue Date: **5/22/15** Time: **1608**

Day Code: 1 2 3 4 5 6 7

Had Been Drinking: Yes No Unknown

Defendant Type: Driver Passenger Pedestrian

Test Type: PBT Blood Breath UA

Other Explain: **SUBJECT**

Drugs Suspected Results:

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF NEVADA

NAME (Last, First, Middle) FOLDVINA, JORDAN TIMOTHY		Social Security #:	
Address: <input type="checkbox"/> Physical <input type="checkbox"/> Mailing 3816 VIDALIA AVE		City: NORTH LAS VEGAS NV	State: NV Zip: 89031 Cty: WS
DOB: 04/17/1985	Race: W	Sex: M	Height: 6'5" Weight: 278 Hair: BRO Eyes: HAZ
OLN/ID: 1407883470	<input type="checkbox"/> CDL	State: NV Class: C Expiration: 4/11/32 Restrictions: B Endorsements: NONE	
Vehicle has current proof of insurance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Expiration Date of Insurance Card: NIA	

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE AT THE ABOVE LISTED LOCATION:

<input type="checkbox"/> Commercial Vehicle	US DOT #:	VIN #:
<input type="checkbox"/> 16+ Pass Vehicle		
Vehicle License:	Lic. State:	Expiration:
Year:	Make:	Model:
Type:	Color:	
Reg. Owner: <input type="checkbox"/> Same	Address:	

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

1 Violation	STOPSTAND/CRUISE OTHERS TO STOP WITHIN PERCEPTION OF PEDESTRIAN	CODE
Posted Speed:	Actual Speed:	Cited Speed:
<input type="checkbox"/> NRS <input type="checkbox"/> CFR <input checked="" type="checkbox"/> County Code <input type="checkbox"/> Municipal Code		
To Wit:	SUBJECT DID STOP AND PLAY INSTRUMENT IN THE MIDDLE (ACROSS NORTH WALK) OF A PEDESTRIAN BRIDGE (WITH SIGNS POSTED) IN THE RESORT CORRIDOR OF CLARK COUNTY, NEVADA. (PC)	
2 Violation		CODE
To Wit:	<input type="checkbox"/> NRS <input type="checkbox"/> CFR <input type="checkbox"/> County Code <input type="checkbox"/> Municipal Code	
	NRS/County/City #	

I certify (or declare) under penalty of perjury, under the laws of the State of Nevada that I have reasonable grounds/probable cause to believe and do believe that the above named person committed the above offense(s) contrary to the law.

Officer/Complainant's PRINTED Name: I. NYE	Officer/Complainant's Signature: <i>[Signature]</i>	PH: 17657	Bureau: 142B
SEE REVERSE FOR ALL COURT INSTRUCTIONS - NOTE: CIVIL INFRACTIONS ARE NOT CRIMINAL OFFENSES			
Las Vegas Municipal Court	Las Vegas Justice Court	Juvenile Justice Services	Goodspring Justice Court
North Las Vegas Municipal Court	Henderson Municipal Court	Boulder City Municipal Court	
Township/Justice Court:		<input type="checkbox"/> Court Mandatory	Phone:
You are hereby ordered to appear to answer to the above charge(s). 21st day of JULY year 2015 at 730B a.m.			
WITHOUT ADMITTING HAVING COMMITTED THE ABOVE OFFENSE(S), I HEREBY PROMISE TO RESPOND AS DIRECTED ON THIS NOTICE AND WAIVE MY RIGHT TO BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE (NRS 484A.630 AND NRS 484A.750).			
Defendant's Signature X [Signature]		<input type="checkbox"/> Interpreter Needed?	LANGUAGE
Cellphone (702) 671-2893	<input type="checkbox"/> Refused	Email	<input type="checkbox"/> Refused
LVMP GA 2033 (Rev. 5/12/2)			

BY PROVIDING THE ABOVE CONTACT INFORMATION YOU ACKNOWLEDGE THAT THE COURT MAY CONTACT YOU BY TEXT OR EMAIL.

0273014

Exhibit B

Deposition of Abigail Frierson, 30(b)(6) Designee for Clark County

McAllister, et al. v. Clark County

Deposition of:
Abigail Frierson

September 19, 2025



**WESTERN REPORTING
SERVICES, INC.**

801 South Rancho Drive • Suite E3B • Las Vegas, NV 89106
702/474-6255 • fax 702/474-6257

www.westernreportingservices.com

9/19/2025

Deposition of Abigail Frierson
McAllister, et al. v. Clark County

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UNITED STATES DISTRICT COURT

DISTRICT COURT OF NEVADA

* * * * *

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

Plaintiffs,)

vs.)

CASE NO.
2:24-cv-00334

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

Defendant.)

DEPOSITION OF ABIGAIL FRIERSON

Taken on Friday, September 19, 2025

At 9:09 a.m.

At 602 South Tenth Street

Las Vegas, Nevada

Reported by: Janice David, CCR No. 405

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1 Q. Correct?

2 A. Uh-huh.

3 Q. And you're not here to testify on behalf of
4 Metro.

5 A. Correct.

6 Q. Okay. The -- the -- we have a designee from
7 Metro -- designees from Metro coming next week. But
8 your testimony is not binding on Metro. But you
9 understand it's binding on the county. Right?

10 A. Yes.

11 Q. Okay. So, the county -- the county did not
12 look at any studies, data, or evidence other than that
13 which was presented at the public hearings.

14 Is that correct?

15 A. To my knowledge, correct.

16 Q. And when you say to your knowledge, you
17 understand that you are required today to have
18 collective knowledge for the county.

19 A. Yes.

20 Q. Okay. Do you understand -- I didn't cover
21 this during the rules, but your counsel may object
22 from time to time today. And while this is a formal
23 legal proceeding -- we don't have a judge here; right,
24 to rule on objections?

25 A. Uh-huh.

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1 the -- the contention was that they all stemmed from
2 pedestrian crowding on pedestrian bridges. Right?

3 A. I don't know if I'd characterize it exactly
4 like that. I think that it was one of the concerns.
5 I don't know if that's the whole concern.

6 Pedestrian crowding does lead to some of the
7 issues they were trying to resolve.

8 Q. What -- what does the -- the enacted
9 ordinance, this ordinance, what does that ordinance
10 address, besides stopping and standing or causing
11 other people to stop and stand?

12 A. Well, I think specifically that's what it
13 addresses in the -- the ordinance.

14 Are you asking why stopping and standing was
15 what was in the ordinance?

16 Q. I'm ask -- I'm asking -- I'm trying to
17 understand what the other things that it addresses,
18 besides -- besides pedestrian crowding caused by
19 people that are stopping and are standing or are
20 causing other people to stop and stand and gather.

21 A. I think that it's meant to address the things
22 caused by stopping and standing and crowding.

23 Q. Okay. So, yes, we're on the same page --

24 A. Okay. Yes.

25 Q. -- that they're -- that we talk -- there was

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1 these other words. And I don't believe the word
2 "disorder" came up until later when -- after you hired
3 Dr. Sousa, but these concerns that we've been talking
4 about, it's alleged that all of these concerns stem
5 from pedestrian crowding caused if people aren't
6 walking and moving. Right?

7 A. Yes.

8 Q. Okay. So, the purpose -- the purpose of
9 both -- the reason the county was looking at both
10 ordinances was -- was similar. Right?

11 A. I -- I believe they were similar.

12 Q. When -- so -- but let's just go back. I know
13 we started talking about both. And it might get --
14 they might get jumbled together. But let's just talk
15 about the -- the -- the abandoned ordinance. That
16 kind of makes the ordinance seem so sad -- but the
17 abandoned ordinance.

18 Do you recall what feedback -- what feedback
19 the county received before it decided to introduce
20 that ordinance, what feedback it had received from
21 anyone that prompted the possible ordinance?

22 A. I don't -- you mean the feedback before what
23 was received in the meeting?

24 Q. Correct.

25 A. I don't know if I know. I mean, as I -- I

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1 know that there was feedback received that there was
2 this concern about the pedestrian bridges. I mean,
3 that would have prompted from Metro. But I think that
4 what they received before was likely to have been what
5 was presented in the hearing.

6 Q. Okay. So, I think it's fair to say -- and you
7 didn't look at any studies, data, or evidence in
8 preparation for today. And I'm not aware of any that
9 the county has produced either. I think it's pretty
10 clear and fair to say that the only data, evidence,
11 and studies that the county looked at for either the
12 abandoned ordinance or this ordinance, the enacted
13 ordinance, was presented at the hearings. Right?

14 A. Yes.

15 MR. BROWNING: Objection: form, testifying.

16 THE WITNESS: I'm not aware. Sorry.

17 Do I answer?

18 MR. BROWNING: I -- I'm -- I was trying to
19 figure out what the question was.

20 MS. MCLETCHIE: There was a comma, right,
21 question mark, I think.

22 THE WITNESS: Sorry. Can you repeat the
23 question?

24 BY MS. MCLETCHIE:

25 Q. Okay. So, the -- I think you answered it.

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1 We -- can --

2 MS. MCLETCHIE: Do you want to read back the
3 question, Court Reporter.

4 (Record read by reporter.)

5 MR. BROWNING: Objection. Same objections,
6 also compound.

7 But you can --

8 THE WITNESS: There is two questions. So,
9 yes, yes to the first question.

10 BY MS. MCLETCHIE:

11 Q. So, I'll just -- I'll make it easier. You've
12 already answered it, but I'll re-ask -- I'll re-ask
13 some questions to make the record clearer. Okay.

14 So, first we've already talked about the fact
15 that you didn't look at any data, studies, or evidence
16 that the county considered when looking at the
17 abandoned ordinance or the enacted ordinance. Right?

18 A. Outside of the -- was -- was presented at the
19 hearings, correct.

20 Q. And are you aware of any data, studies, or
21 evidence that the county produced in litigation aside
22 from what was discussed at public meetings on either
23 the abandoned ordinance or the enacted ordinance?

24 A. No, I'm not.

25 Q. So, everything would be in the public record.

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1 A. I'm not aware of anything that's not in the
2 public record.

3 Q. Okay. And you understand that -- that you
4 were required to -- to prepare today to answer
5 questions about all the data, studies, and evidence
6 the county looked at in -- in developing the enacted
7 ordinance. Right?

8 A. Right.

9 Q. And when you -- so, when you say you're not
10 aware of any, if there was any, you were required to
11 look -- find it and look at it and tell me about it
12 today. Right?

13 A. Correct.

14 Q. Okay. And you don't have any to tell me
15 about.

16 A. Correct.

17 Q. Okay. I just want to make -- I want -- I
18 don't want to belabor the point, but I just want to
19 make it clear. Okay.

20 So -- so, in the -- it's my understanding -- I
21 am not an expert on legislative process but -- at the
22 county or otherwise, but the -- it's my understanding
23 that -- that -- that before a ordinance gets
24 introduced usually one of the commissioners has an --
25 somebody decides they want to introduce it and they

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1 be a resolution by stipulation. And the parties
2 discussed those issues and agreed that for Topics 7
3 and 10 -- Topic 7 is all studies, data, or evidence
4 considered by defendant regarding pedestrian flow
5 safety or other justifications for CCC 16.13.030. And
6 Topic 10 is all facts relied -- you -- I'm sorry.
7 Topic 10 is all facts you, i.e., the county, relied
8 upon in enacting CCC 16.13.030.

9 For these two topics the parties have agreed
10 that the county is bound by Ms. Frierson's testimony
11 and it is the county's position that the -- any
12 studies, data, or evidence considered by defendant
13 regarding pedestrian flow safety or other
14 justifications for CCC 16.13.030 and all facts the
15 county relied upon in enacting CCC 16.13.030 are in
16 the public record for 16.13.030 or the ordinance that
17 has been referred to today as the abandoned ordinance,
18 which is Bill No. 4-19-22-1.

19 Is that correct, Mr. Browning?

20 MR. BROWNING: That's correct.

21 BY MS. MCLETTCHIE:

22 Q. Okay. While we're talking about it, the --
23 while we're talking about studies and -- and data,
24 we're going to talk about some -- we're going to -- we
25 may as well address some related topics.

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1 aware of any studies other than a Kimley -- one
2 Kimley-Horn study.

3 A. I guess I'm just a little stuck on the term
4 "study." I -- I know that this is traffic studies
5 that get done on the strip. I don't know if there has
6 ever been any other studies, in the history of the
7 county, that regards pedestrian bridges. But those
8 are the -- those are the ones I'm aware of.

9 Q. Okay. So, the --

10 A. Me, the county.

11 Q. You, the county.

12 A. Uh-huh.

13 Q. So -- so -- because your testimony is a little
14 unclear.

15 You're saying there must be other studies but
16 that's the only study the county is aware of.

17 A. No. I just -- the question is just so broad.
18 But -- but that's what the county is aware of.

19 Q. The -- okay. So, on topic -- on Topic 25
20 the -- well, let's stick on -- on Topic 8 for a
21 second.

22 We've talked about criminal disorder, I
23 believe is the term from Dr. Sousa's report.

24 A. Yes. I mean, there is a couple different
25 disorders. I think there is social, physical, and

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1 criminal disorder.

2 Q. Okay. What is social disorder?

3 A. I think that was -- I believe the examples
4 were, like, prostitution, aggressive, panhandling,
5 things like that. And then -- I'm sorry -- instead of
6 moving on to other definitions. But that's what I --
7 those are the sort of conduct that I understood to be
8 included in social disorder.

9 Q. Are some of those things also crimes?

10 A. Some of them are crimes but not all of them.

11 Q. What's physical disorder?

12 A. Physical disorder were more things like
13 evidence of urination and defecation, broken glass.

14 Q. When you say "evidence," I'm asking -- I'm not
15 asking about evidence. I'm just asking what the word
16 means.

17 A. What evidence means?

18 Q. What -- no, what physical disorder means.

19 A. Oh. So, disorder in general, I think, was --
20 it could be crimes. It's low-level things that --
21 that can heighten people's fear and anxiety, thereby
22 creating situations that could be unsafe.

23 Q. Okay. Are you aware of the -- can you provide
24 any more clarity on what social disorder means?

25 A. So, I think it would be conduct that would --

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1 incivilities or crimes that could make people --
2 heighten people's fear, thereby elicited reactions out
3 of them that could be -- cause unsafe situations.

4 Q. I'm sorry. You said incivilities?

5 A. I think incivilities were words that they use
6 as well. It could be something as simple as being
7 rude, all the way up to crimes.

8 Q. Okay. So, people being rude, is that one --
9 is that -- was that your understanding, that that was
10 one of the aims of -- avoiding people being rude, was
11 that one of the aims of the ordinance?

12 A. No. I would say avoiding the situations that
13 cause -- that elicit those reactions from people that
14 can cause unsafe situations.

15 Q. So, it's -- it's -- I'm sorry. Can you say
16 that again? Avoiding situations that can elicit those
17 responses?

18 A. Yeah. It's -- the disorder elicits responses
19 that are creating the -- that could create the unsafe
20 situations.

21 Q. Okay. So, the disorder can create unsafe
22 situations. And we talked about this earlier
23 disorder. This disorder is caused by pedestrian
24 crowding. Right?

25 MR. BROWNING: Objection: misstates prior

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1 testimony.

2 THE WITNESS: I think crowding was one of the
3 considerations but not the only consideration.

4 BY MS. MCLETTCHIE:

5 Q. We talked earlier, and you mentioned -- I
6 think you mentioned some things that had emanated the
7 ordinance, like cleanliness concerns and elimination
8 and safety on bridges, I think even a dog bite. And
9 you talked about public safety, and you mentioned
10 economic vitality. And -- but I believe that we
11 agreed that those were all -- those were all concerns
12 created by potential crowding and -- and people not
13 moving on the pedestrian bridges.

14 Is that correct?

15 MR. BROWNING: Objection: form.

16 THE WITNESS: I don't believe disorder is just
17 crowding. It -- maybe I'm misunderstanding your
18 question.

19 BY MS. MCLETTCHIE:

20 Q. So, how is the -- how does -- how does the --
21 how does -- how does the ordinance address disorder
22 other than by avoiding people stopping and standing or
23 crowding?

24 A. The ordinance creates pedestrian flow zones,
25 which decrease crowding, which can increase disorder.

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1 Q. Okay. So, at -- so, I understand -- and I
2 still have to understand more about what disorder
3 means. But -- so, I think -- I think we do agree that
4 when you talk about disorder, the county was trying to
5 address disorder created by a lack of pedestrian
6 movement on the pedestrian bridges. Correct?

7 A. Yes.

8 Q. And lack of movement is crowding. Right?

9 MR. BROWNING: Objection: form, vague.

10 THE WITNESS: A lack of movement can cause
11 crowding, which can increase disorder.

12 BY MS. MCLETTCHIE:

13 Q. Okay. So, what other -- what other lack of
14 movement, besides crowding, can cause disorder?

15 A. I think it wasn't just crowding. It was also
16 blocking, causing a trapped feeling, which I think is
17 increased on elevated, small spaces.

18 Q. Can you say that again? I'm sorry. Causing a
19 crowd to...

20 A. Oh, I'm sorry.

21 Q. Causing --

22 A. What did I say?

23 Q. Causing a crowd to gather? Is that what
24 you're referring to?

25 A. No, although I think that's one of the

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1 concerns about crowding. I think when you're also
2 concerned about blocking escape paths, blocking
3 ingress and egress were -- were major considerations.

4 Q. Okay. And what else? What else can -- what
5 other -- how else, besides crowding, can lack of
6 movement cause disorder?

7 A. It can also decrease ability to respond, for
8 law enforcement, to disorder.

9 Q. Because there is a crowd?

10 A. The -- the lack of movement --

11 Q. Right.

12 A. -- create situations that I think can make it
13 more difficult to respond to disorder.

14 Q. Why -- how does lack of movement make it more
15 difficult for police to respond?

16 A. Well, crowding and blocking, I think, impacts
17 people's ability to get to whatever they're trying to
18 get to.

19 Q. Okay. So, I just wanted to go back.

20 A. And ability to see --

21 Q. An ability to --

22 A. -- what's happening.

23 Q. Right. But it's -- the ability to see is --
24 is not caused by lack of movement by one person. It's
25 caused by crowding and blocking. Right?

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1 A. I'm sorry. I didn't know we were just talking
2 about lack of movement by one person. I thought we
3 were talking about lack of movement in general.

4 Q. Well, you -- I -- you had testified that there
5 was something besides crowding that the ordinance was
6 trying to address, and I asked what that was, and you
7 said lack of movement. And so I thought you meant
8 something different from crowding. So, I'm just
9 trying to understand, because I -- I -- I'm not
10 Dr. Sousa. I'm not smart enough to understand what
11 disorder might mean. So, I'm trying -- I'm trying to
12 have you help me -- help break it down for me.

13 And you said, besides -- my -- my
14 understanding of it, my layman's understanding, was
15 that the ordinance was trying to address crowding and
16 that -- and -- and Dr. Sousa's report contends that
17 there are conditions caused by crowding on the bridge.
18 And when we've been talking about it, I think you've
19 mentioned blocking escape paths, for example. And we
20 mentioned causing a crowd, having a crowd gather. And
21 we've talked about crowding.

22 What else? What else leads to possible -- I
23 understand there is some different -- other concerns
24 about disorder itself once I understand what disorder
25 is, but they're all caused -- it seems like they're

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1 all caused not by just lack of movement of one person
2 but of pedestrian congestion or crowding. Right?

3 A. I think when we're discussing disorder on the
4 pedestrian bridges specifically, I think those are the
5 two primary -- or the three things I mentioned are the
6 three primary ways. Lack of movement of potentially
7 singular but multiple people can cause issues. But
8 off the pedestrian bridge would probably be a
9 different consideration.

10 Q. Okay. I'm not asking about off of a
11 pedestrian bridge. But we can -- we'll talk about off
12 the pedestrian bridges --

13 A. Sure.

14 Q. -- later, but I'm talking about on the
15 pedestrian bridge.

16 When you say it could be caused by one person,
17 do you mean the -- are we talking about blocking? Is
18 that what -- is that -- is that what you indicated?

19 A. Yeah. I mean, we're talking general
20 categories. It's hard to encapsulate every situation,
21 scenario that could constitute disorder when you're
22 talking about anything from incivilities, up to actual
23 crimes.

24 Q. Okay. I understand. It is hard to -- to
25 define disorder, but I'm not asking you -- right now

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1 Q. Okay. But have you seen anybody -- well,
2 let's say culinary wanted to -- to display protest
3 signs on the pedestrian bridges.

4 Have you ever seen protest activity, not
5 people that are protesting, crossing the street on the
6 street level -- on the -- the street-level streets,
7 but have you ever seen a protest where everyone is
8 constantly moving?

9 A. I can't remember my days undergrad and
10 Berkley. I think -- I don't know that I have
11 personally ever seen one where no one has ever
12 stopped, but I think that as long as protesters kept
13 moving on the bridge, they have the ability to stop
14 when they're down off the bridge, if they choose to do
15 so.

16 Q. Okay. But protesters are not allowed -- is
17 it -- are protesters allowed to stop on the pedestrian
18 bridge?

19 A. No one is allowed to stop on the pedestrian
20 bridge unless waiting, if their intent is to stop
21 moving and their intent is for to stop someone else
22 from moving, except for folks waiting for the
23 elevator.

24 Q. Okay. I think the way you talked about it
25 earlier was an exception, but it's now your testimony

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1 from what you're saying. You think "but rather"
2 clarifies it. I'm asking if it -- the intent of the
3 county is that it is, in fact, the ordinance does mean
4 that tourists and locals cannot take photos along the
5 boulevard while on a pedestrian bridge so long -- if
6 they are stopped.

7 MR. BROWNING: Objection: asked and answered.

8 THE WITNESS: Yeah. I can answer?

9 BY MS. MCLETTCHIE:

10 Q. Can a tourist stop -- can a tourist or a local
11 stop on the pedestrian bridge and take a photo?

12 MR. BROWNING: Objection. Objection:
13 incomplete hypothetical, speculation.

14 Go ahead.

15 BY MS. MCLETTCHIE:

16 Q. Yes or no?

17 A. Depends on the circumstances.

18 Q. And what are those circumstances?

19 MR. BROWNING: Objection again: speculation,
20 incomplete hypothetical.

21 BY MS. MCLETTCHIE:

22 Q. Is there an exception -- I'll ask my question
23 a different way, Ms. Frierson.

24 A. Sure.

25 Q. Is there an exception, in the ordinance, on

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1 the prohibition on stopping or standing -- is there a
2 prohibition -- is there a prohibition for -- I'm
3 sorry.

4 Is there an exception for taking photos?

5 A. There is no exception for taking photos in the
6 ordinance.

7 Q. So, it is unlawful for any person to stop or
8 stand within a pedestrian flow zone and take a photo;
9 right, period?

10 A. If they had the requisite intent to stop or
11 stand, yes.

12 Q. So, let's look at this ordinance for a second.
13 I see -- I see two things that are criminalized.

14 A. Where are we looking?

15 Q. 16.13.030. It says -- it has two things;
16 right, that it -- that are unlawful. One is to stop
17 or stand with any -- with -- within any pedestrian
18 flow zone. Right?

19 A. Right.

20 Q. And then the second, there is no -- it doesn't
21 say with intent. Right?

22 A. It does not say with intent.

23 Q. And then separately it says in -- or engage in
24 any activity while within a pedestrian flow zone with
25 the intent of causing another person who's in a flow

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1 Is that fair to say?

2 A. Yes. I think that's fair to say after our
3 deliberative process.

4 Q. Okay. And we've already talked about there
5 was no evaluation, through a study or other analysis
6 of data or facts, about whether having a First
7 Amendment exception would still allow the county to
8 achieve its goals. Right?

9 A. Correct, because I think it's a legal
10 discussion.

11 Q. Pardon me?

12 A. Because of we considered it a legal
13 discussion.

14 Q. Do you have any reason to -- do you have any
15 reason to believe that having a First Amendment
16 exception would have thwarted the county's goals?

17 MR. BROWNING: Objection: calls for
18 speculation.

19 BY MS. MCLETTCHIE:

20 Q. You can answer.

21 A. Anything that impacts the pedestrian flow
22 could have thwarted the goals to maintain -- to -- to
23 promote safety on those pedestrian bridges.

24 Q. And what's the factual basis for the
25 assumption that having a First Amendment exception

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1 would impact pedestrian flow? There is no study.

2 Right?

3 A. There was no study.

4 Q. So, is there any --

5 A. Outside of Dr. Sousa's study about pedestrian
6 flow.

7 Q. But it didn't address specifically whether
8 allowing First Amendment activity would impact
9 pedestrian flow. Right?

10 A. I think it addressed whether stopping and
11 standing would impact pedestrian flow. So, if the
12 First Amendment activity you're discussing is stopping
13 and standing, then, yes, it addressed it in that way.

14 Q. But he -- there -- okay. So, he generally
15 looked at -- at stopping and standing, is your
16 position.

17 A. Yes.

18 Q. But he did not look at whether stopping and
19 standing for First Amendment activity in particular
20 affected pedestrian flow. Right?

21 A. Correct. I believe it was all stopping and
22 standing.

23 Q. And he never evaluated whether having an
24 exception would -- would still allow for free
25 pedestrian flow. Right?

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1 A. Correct.

2 Q. And the county never asked him to.

3 A. No, not to my knowledge.

4 Q. Okay. The -- all right. Let's talk a little
5 bit about the meaning of some of the terms.

6 The -- what does it mean to engage in activity
7 that causes another person to stop or stand within any
8 pedestrian flow zone?

9 A. I don't believe that's defined in the
10 ordinance. I think it's described at a plain meeting.

11 Q. I -- so -- objection, move to strike,
12 nonresponsive.

13 I didn't ask what the ordinance defines it.
14 I'm asking what -- and this is on -- this is in
15 Topics 3, 5, 6, and 22, asked for the county's
16 definitions and understandings as well as the -- they
17 asked for the county's understandings and intent with
18 regards to certain terms.

19 So, you have to answer these questions. Your
20 counsel has objected to discovery throughout this
21 case. The court has disagreed with your counsel.
22 We're here at this deposition. We have these topics
23 in front of us. And so I would -- would appreciate it
24 if you would not answer by way of objection and
25 instead would respond to my questions.

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1 Q. Okay. So, there is one more term. I'm not
2 going to ask you about stopping or standing again.
3 The -- but I do want to ask you about the term
4 "disorder." And we talked about it -- we talked about
5 it today. And I -- and then we -- and I think we
6 talked about disorder -- I think we agreed that the
7 concerns regarding disorder is -- are disorder -- or
8 disorder is caused by pedestrian congestion or
9 blocking of the pedestrian bridges. Right?

10 A. I think they could be contributing. I don't
11 think that congestion always causes disorder.

12 Q. Right. But any of the disorders we're looking
13 at, the core -- the core -- the core -- the core --
14 one of the core issues that creates the situation for
15 disorder, at least my understanding of the whole
16 purpose of the ordinance, is pedestrian congestion or
17 blocking cause -- can lead to crowding and, therefore,
18 disorder.

19 Is that the logic? Or if -- explain it to me
20 if I don't have it right.

21 A. I think there are certain circumstances where
22 congestion can lead to disorder. There are some
23 instances where disorder can lead to disorder. It --
24 it depends, because disorder has such a wide range of
25 definitions, from rudeness, incivility, all the way up

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1 to actual crimes.

2 Q. Right. But the ordinance doesn't bar
3 incivility. It's -- it's barring stopping and
4 standing to reduce congestion or blocking in order to
5 prevent disorder.

6 Is that a fair -- is that a fair read on the
7 ordinance?

8 A. To prevent like safety concerns caused by
9 disorder that can be contributed to by -- by
10 congestion, is how I would phrase it more.

11 Q. Okay. But it's trying to control pedestrian
12 movement and avoid pedestrian congestion or blocking
13 in order to avoid potential harms caused by disorder.
14 Right?

15 A. It could be harms caused not just by disorder.
16 Like, there could be harms caused by other things as
17 well, I think, is how I would read that.

18 Q. But is there anything -- is there anything
19 targeted by the ordinance other than people -- it
20 doesn't directly address any disorder. It doesn't
21 create a new crime of disorder. Right? It -- it's
22 addressing movement to avoid congestion or blocking
23 and, therefore, hopefully disorder. Right?

24 A. Therefore, hope -- like, unsafe situations.
25 But I don't know that the crush always causes

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1 presumably congestion or blocking of other people.

2 Right?

3 A. Those are examples that can contribute to
4 the -- the circumstances we're trying to prevent.

5 Q. But -- okay. But -- but you're targeting
6 standing and stopping, because standing and stopping
7 can lead to congestion or blocking and then create
8 conditions that could cause other harm. Right?

9 MR. BROWNING: Objection: asked and answered.

10 BY MS. MCLETCHIE:

11 Q. You're not stopping -- you're not saying
12 standing itself causes disorder.

13 A. No.

14 Q. You're not saying stopping itself causes
15 disorder.

16 A. No. Stopping in and of itself does not cause
17 disorder.

18 Q. If it gets crowded because too many people are
19 standing or stopping and there is congestion or
20 blocking, that's the problem. Right?

21 MR. BROWNING: Objection: form.

22 THE WITNESS: Yes. Stopping and standing and
23 preventing other people's movements can create
24 circumstances that are unsafe, to include blocking and
25 crowd congestion.

9/19/2025

Deposition of Abigail Frierson
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1 would be true, but yes.

2 Q. Okay. The county was trying to prevent unsafe
3 conditions that could lead to disorder.

4 A. Or disorder that could lead to unsafe
5 conditions. We're really preventing the unsafe
6 conditions.

7 Q. Okay. Okay. So, what -- what unsafe
8 conditions is the county trying to prevent?

9 A. Increased disorder, which can involve crimes
10 being committed, inability of people to leave the area
11 quickly in an emergency situation, inability for
12 people in distress to get help from emergency
13 personnel quickly and easily.

14 Q. Okay. So, can you please tell me what
15 disorder means?

16 Because I'm -- I'm understanding -- I'm
17 understanding that you're trying to prevent unsafe
18 conditions that could lead to disorder and increased
19 unsafe conditions.

20 A. And disorder is a range of conduct ranging
21 from incivility, rude behavior, all the way up to
22 crimes being committed.

23 Q. Okay.

24 A. And then in those three categories you got
25 criminal disorder, physical disorder, social disorder.

9/19/2025

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1 Q. So, is it trying to prevent unsafe conditions,
2 or is it trying to prevent disorder so we don't get
3 unsafe conditions?

4 A. Yeah, partially. It's also trying to prevent
5 unsafe emergency situations.

6 Q. Isn't that part of unsafe conditions?

7 A. Yes.

8 Q. Okay.

9 A. I'm sorry. When I misunderstood your
10 question, I thought you were saying just those unsafe
11 conditions would just include disorder.

12 Q. I'm just --

13 A. There are other categories.

14 Q. Okay. I'm just confused. Is it trying to
15 prevent the disorder that can stem from unsafe
16 conditions, or is it trying to prevent disorder so we
17 don't get unsafe conditions?

18 A. It's both. It's one thing.

19 Q. Okay. And -- okay. So, let's just march
20 through.

21 But it's not -- we talked about just
22 prostitution as an example of disorder, but it's not
23 designed to prevent all kinds of disorder. Right?
24 There is all kinds of disorder.

25 A. Yes. There is all kinds of disorder.

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1 Q. Okay. So, can you tell me what -- I mean, it
2 sounds like to me disorder is bad things. Right?
3 It's crimes. It's people not being nice to each
4 other. It's fear of other people. And it's messes on
5 the sidewalk. So, there is all kinds of things that
6 can be -- we can call disorder.

7 A. Anything that elicit fear in individuals.

8 Q. Things that elicit fear?

9 A. Uh-huh.

10 Q. Such as?

11 A. Well, they listed like, when they talked about
12 physical disorder -- I think they were talking about
13 like broken glass and broken windows, people being too
14 close, obviously crimes being committed, aggressive
15 behavior.

16 Q. Like aggressive panhandling?

17 A. I think that was listed in there.

18 Q. That is one of the -- is that what -- I'm not
19 asking what was listed in the report. I'm asking if
20 aggressive panhandling is one of the things the
21 county -- one of the types of disorder that the county
22 was trying to prevent.

23 A. I think aggressive -- most behaviors, I think
24 maybe even -- like all aggressive -- I don't know.
25 Aggressive anything. Fill in the blank.

9/19/2025

Deposition of Abigail Frierson
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1 those behaviors on the pedestrian bridges can create
2 circumstances where people's fear is heightened where
3 disorder is occurring, which can create more disorder.

4 Q. Okay. So, disorder can cause more disorder.
5 Bad things can cause more bad things.

6 A. Yes. I do think that. I -- I don't know if
7 Dr. Sousa would like my characterization, but yes.

8 Q. But the conditions for this disorder, whatever
9 disorder is, might be incivility. Right? You said
10 that's --

11 A. Yes.

12 Q. You're not trying to prevent people from being
13 rude to each other with this ordinance. Right?

14 A. Right.

15 Q. You talked about that example of disorder.
16 Disorder is a really broad, big term. Right?

17 A. Right.

18 Q. Okay. You're not trying to prevent
19 incivility. Right?

20 A. No. We're trying to create a safer
21 environment for folks using those bridges.

22 Q. Okay. By preventing congestion and crowding.
23 Right?

24 A. Most of our examples do go back to that.

25 Q. Okay. Can you think of an example that

9/19/2025

Deposition of Abigail Frierson
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1 BY MS. MCLETCHIE:

2 Q. So, let's go back on the record.

3 A. Okay.

4 Q. Did the county -- I just have a few more
5 topics to cover.

6 Did the county ever consider imposing
7 restrictions through the ordinance only on the
8 high-traffic pedestrian bridges and not all pedestrian
9 bridges?

10 A. I don't remember that being considered as part
11 of the legislative history, and I do not believe we
12 had an ordinance where it would only be the
13 high-traffic pedestrian bridges.

14 Q. Did the county ever consider having an
15 ordinance where there was a First Amendment exception
16 for some pedestrian bridges?

17 A. I don't believe that was considered because of
18 the -- the aspects of the pedestrian bridges that they
19 share. So, no, we didn't consider doing one versus
20 another.

21 Q. Were -- did the county take into consideration
22 any Kimley-Horn studies showing that -- that there
23 were -- that some pedestrian bridges had traffic --
24 high-traffic concerns and some street-level sidewalks
25 had some high-level traffic concerns?

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Deposition of Abigail Frierson
McAllister, et al. v. Clark County

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1 high-traffic pedestrian bridges; no, high-traffic
2 sidewalks.

3 Q. Okay. Oh, I'm sorry. Did the county consider
4 look -- included only the high-traffic pedestrian
5 bridges and high-traffic sidewalks at any time?

6 A. Not to my knowledge.

7 Q. Okay. I apologize. I wasn't asking that --
8 that question -- that question clearly.

9 Did the county consider enacting an ordinance
10 that only had -- that had time -- time-based
11 restrictions for pedestrian bridges?

12 A. I believe prior to '22 the time-based
13 restrictions had been tried and had been found
14 ineffective. So, no. By -- and so, no, we didn't in
15 the '22, '24 period.

16 Q. Okay. And is there evidence in the record
17 from the 2022 and 2024 legislative history that the
18 prior time-based restrictions were ineffective?

19 A. I -- I believe Metro's presentation was
20 evidence that they were ineffective.

21 Q. Okay. That's the only record the county
22 considered when looking at the time-based
23 restrictions, or it just didn't consider them at all?

24 MR. BROWNING: Objection: form.

25 THE WITNESS: They were not considered during

9/19/2025

Deposition of Abigail Frierson
McAllister, et al. v. Clark County

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1 the '22, '24 portion.

2 BY MS. MCLETCHIE:

3 Q. Okay. They -- they weren't considered at --
4 at that time. And there were -- other than Metro
5 testimony, you're not -- the county didn't look at any
6 studies or evaluation of time-based restrictions.
7 Right?

8 A. No.

9 Q. When did you -- when did you first preserve
10 documents and evidence for this case? Now I'm saying
11 you Ms. Frierson.

12 A. County proper?

13 Q. No. I'm saying you Ms. Frierson.

14 A. Oh, me?

15 Q. Yeah.

16 A. Oh, I -- I don't do it once the county has
17 a -- a DHO. There is a process where someone will
18 collect my information for me.

19 Q. What's a DHO?

20 A. Destruction hold order, I think is what it
21 stands for.

22 Q. And when did the destruction hold order get
23 issued?

24 A. I believe it was after the '24 hearing, I
25 would imagine, around the time of the lawsuit being

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CERTIFICATE OF REPORTER

I, Janice David, a Certified Court Reporter licensed by the State of Nevada, do hereby certify:

That I reported the deposition of the witness, ABIGAIL FRIERSON, commencing on September 19, 2025, at the hour of 9:09 a.m.;

That prior to being examined, the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth; that I thereafter transcribed my related shorthand notes into typewriting and that the typewritten transcript of said deposition is a complete, true, and accurate record of testimony provided by the witness at said time.

I further certify (1) that I am not a relative or employee of an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel involved in said action, nor a person financially interested in the action, and (2) that pursuant to Rule 30(e), transcript review by the witness was not requested.

IN WITNESS WHEREOF, I have hereunto set my hand in my office in the County of Clark, State of Nevada, this 16th day of October, 2025.



Janice David, CCR No. 405

Exhibit C

**Statement on X posted by
@ClarkCountyNV regarding
CCC 16.13.030 on Jan. 2,
2024, 6:30 PM, M-S 00031**

← Post



Clark County Nevada
@ClarkCountyNV

The Board of Clark County Commissioners today passed an ordinance that would allow for free movement on the pedestrian walkways to reduce crime and enhance safety along the Las Vegas Boulevard. The Pedestrian Flow Zone ordinance will help to ensure our world-class tourism destination remains a safe place for people to visit and transverse. Through this ordinance, to maintain the safe and continuous movement of pedestrian traffic, it is unlawful for any person to stop, stand, or engage in an activity that causes another person to stop or stand within any Pedestrian Flow Zone. This is not interpreted to mean that tourists and locals cannot take photos along the Boulevard while on a pedestrian bridge, but rather is intended to maintain the safe and continuous movement of pedestrians on the bridges to ensure pedestrian safety on the bridges.

The ordinance is narrowly written 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.



6:30 PM · Jan 2, 2024 · 43.6K Views

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Clark County Nevada
@ClarkCountyNV

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Exhibit D
Deposition of LVMPD

McAllister, et al. v. Clark County

Deposition of:
Andrew Walsh

September 23, 2025



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UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEVADA

LISA MCALLISTER, an)	
individual; BRANDON SUMMERS,)	
an individual; and JORDAN)	
POLOVINA, an individual,)	
)	
Plaintiffs,)	CASE NO.
)	
vs.)	2:24-cv-00334
)	
CLARK COUNTY, a political)	
subdivision of the state of)	
Nevada,)	
)	
Defendant.)	
)	

DEPOSITION OF ANDREW WALSH

30(B)(6) Las Vegas Metropolitan Police Department

Taken on Tuesday, September 23, 2025

At 9:01 a.m.

At the Law Offices of McLetchie Law

602 South Tenth Street

Las Vegas, Nevada

FIRM NO. 021F JOB NO. 29175
REPORTED BY: DANA TAVAGLIONE, RPR, CCR 841

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21

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I N D E X

WITNESS: ANDREW WALSH

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1 LAS VEGAS, NEVADA; TUESDAY, SEPTEMBER 23, 2025

2 9:01 A.M.

3 -oOo-

4 (Upon the oath being administered to the
5 witness, counsel present agreed to waive
6 statements by the court reporter pursuant
7 to Rules 30(b)(5)(a) and 30(b)(5)(c) of
8 the NRCP/FRCP.)

9

10 Thereupon --

11

ANDREW WALSH,

12 having been first duly sworn to testify to the
13 truth, was examined and testified as follows:

14

15

EXAMINATION

16 BY MR. PETERSON:

17 Q. Sir, can you give your name and spell it,
18 for the record.

19 A. Sure. It's Andrew, A-N-D-R-E-W, W-A-L-S-H,
20 Walsh.

21

22 MR. PETERSON: And Christopher Peterson,
23 attorney for the plaintiffs, from the ACLU of
24 Nevada. Why don't we just go ahead and introduce
ourselves. Maggie, do you want to go next?

25

MS. McLETCHE: Maggie McLetchie, also

1 counsel for plaintiffs, along with Mr. Peterson.

2 MR. WHITMIRE: James Whitmire, attorney for
3 Metro and the witness.

4 MR. YATES: Andrew Yates, attorney for
5 Metro and the witness as well.

6 MR. BROWNING: Joel Browning on behalf of
7 defendant, Clark County.

8 BY MR. PETERSON:

9 Q. Okay. Mr. Walsh, what is your current rank
10 at LVMPD?

11 A. I am the undersheriff.

12 Q. Okay. So I'll refer to you as Undersheriff
13 Walsh.

14 A. That's fine.

15 Q. Do you have any prior deposition experience?

16 A. Yes.

17 Q. When have you been deposed before?

18 A. Oh, my memory here, probably about five
19 years ago. I know, I remember the attorney was
20 Brent Bryson, who was on a -- in his office; and
21 then I may have had one or two other experiences.
22 That's the most memorable one.

23 Q. Do you remember what the nature of that case
24 was?

25 A. Yes.

1 congregating or causing others to stop, except for
2 incidental viewing purposes?

3 MR. WHITMIRE: Object to scope.

4 THE WITNESS: Yes.

5 BY MR. PETERSON:

6 Q. Okay. So, to clarify, it is LVMPD's
7 position that the ordinance does not prohibit people
8 from stopping, standing, or congregating if they do
9 so for incidental viewing purposes?

10 MR. WHITMIRE: Object to form. Scope.

11 THE WITNESS: Yes.

12 BY MR. PETERSON:

13 Q. Do you know why LVMPD has exempted
14 incidental viewing purposes from other forms of
15 stopping, standing, or congregating that would be
16 prohibited by Clark County Code 16.13.030?

17 MR. WHITMIRE: Object. Scope.

18 THE WITNESS: Yes.

19 BY MR. PETERSON:

20 Q. Why?

21 A. Well, there's a couple of things to
22 consider. One is people will stop and -- on the
23 bridge and look north, south, east, west, take a
24 picture of a casino, take a picture of something
25 exciting on the strip, take a selfie. People will,

1 in addition to incidental viewing purposes, it's
2 people stop to tie their shoe or if they drop
3 something and have to pick it up, that's -- our
4 intention is to not take any type of education,
5 warning, or enforcement action against those
6 individuals.

7 Q. Is it LVMPD's position that those actions do
8 not violate Clark County Code 16.13.030?

9 MR. WHITMIRE: Objection. Scope.

10 THE WITNESS: Yes.

11 MR. BROWNING: Calls for legal conclusions.

12 BY MR. PETERSON:

13 Q. Now, you listed a few activities there that
14 it appears that LVMPD considers to be part of
15 incidental viewing purposes. Just to clarify, is
16 stopping to tie your shoe considered part of the
17 exemption that is for incidental viewing purposes?

18 A. I would phrase it as more of incidental
19 activity for tying your shoe. "Incidental viewing
20 purposes," in particular, describes people stopping
21 to view the strip or wherever they might be on one
22 of the bridges. But there's other incidental
23 behavior that I think those are the items that I
24 mentioned fall into separate categories, other than
25 viewing. Tying your shoe is not viewing, but it's

1 also incidental in nature.

2 Q. And we'll come back to that.

3 I actually want to ask a few more questions
4 about the term "incidental viewing purposes." In
5 determining whether or not someone has stopped for
6 incidental viewing purposes, does LVMPD consider
7 whether or not the stop was intentional?

8 MR. WHITMIRE: Object to -- object. Scope.

9 MR. BROWNING: Legal conclusion. Join.

10 THE WITNESS: Yes.

11 BY MR. PETERSON:

12 Q. All right. If someone stops intentionally
13 for incidental viewing purposes, does LVMPD consider
14 that a violation the of Clark County Code 16.13.030?

15 A. No.

16 Q. Okay. Does LVMPD have a set length of time
17 that's allowed if someone stops for incidental
18 viewing purposes?

19 A. No.

20 Q. What is LVMPD's basis to believe that
21 incidental viewing purposes are permitted under
22 Clark County Code 16.13.030?

23 MR. WHITMIRE: Objection on that one,
24 scope.

25 MR. BROWNING: Speculation. Join.

1 determined -- sorry. Sorry. Let me think about this
2 for a minute. Now I want to ask you, you mentioned
3 when describing the activities that be exempted from
4 the ordinance, I believe you said something about
5 taking a picture; is that correct?

6 A. Yes.

7 Q. Okay. So is it LVMPD's understanding that
8 taking a picture would be exempted from 16.13.030?

9 A. Yes.

10 Q. All right. What is the basis to believe
11 that taking a picture, stopping -- sorry. Let me
12 rephrase that. What is the basis to believe that
13 stopping to take a picture is allowed under
14 Clark County Ordinance 16.13.030?

15 A. Our, Metro's interpretation of the law is,
16 my interpretation as well, is that this is for flow,
17 the flow of pedestrian traffic. Somebody stopping
18 to take a photograph is not directly related to what
19 was causing the disorder issues on the bridges. So
20 the intent of the law was to reduce the disorder.
21 If someone is stopping to take a photograph and
22 promote that type of -- to promote that type of
23 behavior is not harmful to us in any way.

24 Q. So -- I'm sorry. Could you say that just
25 one more time, please.

1 A. Yeah, I don't think that the intent of the
2 law is to stop people from stopping to take a
3 photograph of the many iconic things that you can
4 see from the bridges on Las Vegas Boulevard and the
5 resort corridor.

6 Q. I think you said something about taking a
7 photograph does not contribute to the disorder on the
8 pedestrian bridge; is that correct?

9 A. Yes.

10 Q. So just to clarify, is it LVMPD's position
11 that stopping or standing that does not contribute to
12 the disorder on the pedestrian bridges is exempted
13 from Clark County Ordinance 16.13.030?

14 A. Yes.

15 Q. Okay. Is that reflected in the language of
16 Clark County Ordinance 16.13.030?

17 A. I haven't read the ordinance in awhile.
18 I'd have to see it again.

19 MR. PETERSON: Okay. I will come back to
20 that. Okay. Now, going back specifically to the
21 photograph --

22 Can I mark this. I believe we're at
23 Exhibit 3; is that right?

24 THE REPORTER: Yes.

25 / / /

1 Q. Does LVMPD direct its officers to only
2 enforce against people who have stopped in a manner
3 that would impede the flow of traffic or lead to
4 people congregating on the pedestrian bridges?

5 A. Yes.

6 Q. How has that direction been communicated to
7 your officers?

8 A. Through this Administrative Notice, through
9 the two videos that were a part of the training
10 associated with this ordinance.

11 Q. And the limitation we just described, is
12 that reflected in Clark County Ordinance 16.13.030?

13 MR. WHITMIRE: Object. Scope.

14 THE WITNESS: I'd have to review the
15 ordinance again.

16 BY MR. PETERSON:

17 Q. Do you know where LVMPD -- or sorry.

18 Do you know why LVMPD believes that
19 Clark County Ordinance 16.13.030 is limited only to
20 stops that impede other pedestrians and/or lead to
21 people congregating on the pedestrian bridges?

22 MR. WHITMIRE: Object. Scope.

23 THE WITNESS: Yes.

24 BY MR. PETERSON:

25 Q. Why does LVMPD believe that?

1 stopping," end quote?

2 A. Yes.

3 Q. Okay. Can you explain what "incidental
4 stopping" means.

5 A. Tying your shoe, stopping to pick something
6 up if you dropped it, stopping to take a photograph.

7 Q. How long is an incidental stop?

8 A. Couple seconds. Couple -- long enough to
9 take a photograph and keep moving, however long that
10 would take.

11 Q. Has LVMPD provided guidance to its officers
12 as to what the length of an incidental stop would be?

13 A. No.

14 Q. Have they provided any guidance on where an
15 incidental stop -- an acceptable incidental stop may
16 occur on the pedestrian bridges?

17 A. It could occur anywhere on the pedestrian
18 bridge.

19 Q. Okay. Now, LVMPD has provided guidance to
20 its officers that an incidental stop would include
21 tying your shoe; is that correct?

22 A. Yes.

23 Q. LVMPD has provided guidance to its officers
24 that an incidental stop would include taking
25 photographs?

1 A. Yes.

2 Q. LVMPD has provided guidance to its officers
3 that incidental stop would include stopping to view
4 the strip?

5 A. Yes.

6 Q. Is there any other conduct that LVMPD has
7 described to its officers as being only an incidental
8 stop that they should not enforce?

9 A. It's kind of a -- no. I don't know of any
10 other in addition to the ones you mentioned, but
11 it's -- all the examples are provided to the work
12 force so that if there are other examples, the
13 officers have discretion to understand that
14 something that is incidental -- I could think of a
15 variety of things that would be incidental, that
16 officers could consider incidental.

17 Q. Did LVMPD make the decision -- oh, sorry.
18 Let me think. Did LVMPD determine that incidental
19 stopping is exempted from Clark County Ordinance
20 16.13.030 based upon its own internal enforcement
21 authority?

22 MR. WHITMIRE: Objection. Scope.

23 THE WITNESS: Yes.

24 BY MR. PETERSON:

25 Q. Okay. So even if this -- even if incidental

1 MR. WHITMIRE: Object to form. Scope.

2 THE WITNESS: So an intentional stopping to
3 take a photograph, I don't think there's any other
4 way to do it other than intentionally.

5 BY MR. PETERSON:

6 Q. So is that -- is that a "yes"?

7 A. Yes.

8 MR. PETERSON: Okay. I'm going to mark
9 this as -- are we Exhibit 4? Is that where we're
10 at?

11 THE REPORTER: Four, yes.

12 MR. PETERSON: Okay. I'll give this to
13 opposing counsel, Mr. "Whitmeer." Sorry.

14 MR. WHITMIRE: "Whitmire."

15 MR. PETERSON: "Whitmire." Okay.

16 MR. WHITMIRE: I'm keeping a running count.

17 MR. PETERSON: Yeah, please do. Okay.

18 MR. WHITMIRE: One, two, three so far.

19 MR. PETERSON: Okay. All right. Writing
20 it down.

21 MR. WHITMIRE: That's all right.

22 MR. PETERSON: No, it's not all right. I'm
23 going to do better.

24 (Whereupon Walsh/Plaintiff's Exhibit
25 No. 4 was marked for identification.)

1 and I'm going to take a break.

2 MR. PETERSON: Sounds good.

3 (Pause in the proceedings.)

4 MR. PETERSON: Shall we go back on the
5 record and get started again?

6 MR. WHITMIRE: Yep.

7 BY MR. PETERSON:

8 Q. All right. And I just ask everybody this
9 question: Did you review any documents during the
10 break?

11 A. No.

12 Q. Okay. Did you talk to anyone about
13 preparing for this deposition during the break?

14 A. No.

15 Q. All right. So let's go and get back in it.
16 In the guidance you provide your officers related to
17 Clark County Ordinance 16.13.030, do you talk at all
18 about First Amendment activity?

19 A. Yes.

20 Q. Okay. What do you say about First Amendment
21 activity?

22 A. In the videos, there is a reference to
23 First Amendment activity. Basically describes that
24 the interpretation is constitutionally, as long as
25 there's another place for constitutional protected

1 activity to occur nearby, then the pedestrian bridge
2 ordinance has been deemed to be constitutionally
3 valid in other jurisdictions.

4 So it basically describes a scenario where
5 First Amendment activity wouldn't -- this wouldn't
6 infringe on someone's First Amendment rights since
7 there were other locations nearby to where they
8 could take place in protected activity.

9 Q. Is it fair to say your guidance is that the
10 Clark County Ordinance 16.13.030 does not exempt
11 First Amendment activity?

12 MR. WHITMIRE: Object to form.

13 MR. BROWNING: Legal conclusion.

14 THE WITNESS: There's no mention of the
15 First Amendment in the ordinance. That's correct.

16 BY MR. PETERSON:

17 Q. So the guidance to your officers -- so the
18 guidance you provide your officers is to direct
19 people engaging in First Amendment activity to go to
20 other sidewalks where 16.13.030 is not in effect?

21 A. Yes.

22 Q. Now, theoretically, if Clark County stated
23 that any intentional stopping within a pedestrian
24 flow zone, except for stopping to wait for an
25 elevator or escalator, is prohibited by 16.13.030,

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CERTIFICATE OF DEPONENT

PAGE	LINE	CHANGE	REASON

* * * * *

I, ANDREW WALSH, deponent herein, do hereby certify and declare the within and foregoing transcription to be my deposition in said action; under penalty of perjury; that I have read, corrected and do hereby affix my signature to said deposition.

ANDREW WALSH Deponent Date

Exhibit E

Officer Bodyworn Camera Footage

This exhibit will be presented in video format at the hearing on the Motion to Dismiss and a link was sent to the prosecution and the Court for download on 1/23/2026.

Exhibit F

Deposition of Abigail Frierson, 30(b)(6) Designee for Clark County

McAllister, et al. v. Clark County

Deposition of:
Abigail Frierson

September 19, 2025



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Deposition of Abigail Frierson
McAllister, et al. v. Clark County

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UNITED STATES DISTRICT COURT

DISTRICT COURT OF NEVADA

* * * * *

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

Plaintiffs,)

vs.)

CASE NO.
2:24-cv-00334

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

Defendant.)

DEPOSITION OF ABIGAIL FRIERSON

Taken on Friday, September 19, 2025

At 9:09 a.m.

At 602 South Tenth Street

Las Vegas, Nevada

Reported by: Janice David, CCR No. 405

9/19/2025

Deposition of Abigail Frierson
McAllister, et al. v. Clark County

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1 Q. Correct?

2 A. Uh-huh.

3 Q. And you're not here to testify on behalf of
4 Metro.

5 A. Correct.

6 Q. Okay. The -- the -- we have a designee from
7 Metro -- designees from Metro coming next week. But
8 your testimony is not binding on Metro. But you
9 understand it's binding on the county. Right?

10 A. Yes.

11 Q. Okay. So, the county -- the county did not
12 look at any studies, data, or evidence other than that
13 which was presented at the public hearings.

14 Is that correct?

15 A. To my knowledge, correct.

16 Q. And when you say to your knowledge, you
17 understand that you are required today to have
18 collective knowledge for the county.

19 A. Yes.

20 Q. Okay. Do you understand -- I didn't cover
21 this during the rules, but your counsel may object
22 from time to time today. And while this is a formal
23 legal proceeding -- we don't have a judge here; right,
24 to rule on objections?

25 A. Uh-huh.

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1 the -- the contention was that they all stemmed from
2 pedestrian crowding on pedestrian bridges. Right?

3 A. I don't know if I'd characterize it exactly
4 like that. I think that it was one of the concerns.
5 I don't know if that's the whole concern.

6 Pedestrian crowding does lead to some of the
7 issues they were trying to resolve.

8 Q. What -- what does the -- the enacted
9 ordinance, this ordinance, what does that ordinance
10 address, besides stopping and standing or causing
11 other people to stop and stand?

12 A. Well, I think specifically that's what it
13 addresses in the -- the ordinance.

14 Are you asking why stopping and standing was
15 what was in the ordinance?

16 Q. I'm ask -- I'm asking -- I'm trying to
17 understand what the other things that it addresses,
18 besides -- besides pedestrian crowding caused by
19 people that are stopping and are standing or are
20 causing other people to stop and stand and gather.

21 A. I think that it's meant to address the things
22 caused by stopping and standing and crowding.

23 Q. Okay. So, yes, we're on the same page --

24 A. Okay. Yes.

25 Q. -- that they're -- that we talk -- there was

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1 these other words. And I don't believe the word
2 "disorder" came up until later when -- after you hired
3 Dr. Sousa, but these concerns that we've been talking
4 about, it's alleged that all of these concerns stem
5 from pedestrian crowding caused if people aren't
6 walking and moving. Right?

7 A. Yes.

8 Q. Okay. So, the purpose -- the purpose of
9 both -- the reason the county was looking at both
10 ordinances was -- was similar. Right?

11 A. I -- I believe they were similar.

12 Q. When -- so -- but let's just go back. I know
13 we started talking about both. And it might get --
14 they might get jumbled together. But let's just talk
15 about the -- the -- the abandoned ordinance. That
16 kind of makes the ordinance seem so sad -- but the
17 abandoned ordinance.

18 Do you recall what feedback -- what feedback
19 the county received before it decided to introduce
20 that ordinance, what feedback it had received from
21 anyone that prompted the possible ordinance?

22 A. I don't -- you mean the feedback before what
23 was received in the meeting?

24 Q. Correct.

25 A. I don't know if I know. I mean, as I -- I

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1 know that there was feedback received that there was
2 this concern about the pedestrian bridges. I mean,
3 that would have prompted from Metro. But I think that
4 what they received before was likely to have been what
5 was presented in the hearing.

6 Q. Okay. So, I think it's fair to say -- and you
7 didn't look at any studies, data, or evidence in
8 preparation for today. And I'm not aware of any that
9 the county has produced either. I think it's pretty
10 clear and fair to say that the only data, evidence,
11 and studies that the county looked at for either the
12 abandoned ordinance or this ordinance, the enacted
13 ordinance, was presented at the hearings. Right?

14 A. Yes.

15 MR. BROWNING: Objection: form, testifying.

16 THE WITNESS: I'm not aware. Sorry.

17 Do I answer?

18 MR. BROWNING: I -- I'm -- I was trying to
19 figure out what the question was.

20 MS. MCLETCHIE: There was a comma, right,
21 question mark, I think.

22 THE WITNESS: Sorry. Can you repeat the
23 question?

24 BY MS. MCLETCHIE:

25 Q. Okay. So, the -- I think you answered it.

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1 We -- can --

2 MS. MCLETCHIE: Do you want to read back the
3 question, Court Reporter.

4 (Record read by reporter.)

5 MR. BROWNING: Objection. Same objections,
6 also compound.

7 But you can --

8 THE WITNESS: There is two questions. So,
9 yes, yes to the first question.

10 BY MS. MCLETCHIE:

11 Q. So, I'll just -- I'll make it easier. You've
12 already answered it, but I'll re-ask -- I'll re-ask
13 some questions to make the record clearer. Okay.

14 So, first we've already talked about the fact
15 that you didn't look at any data, studies, or evidence
16 that the county considered when looking at the
17 abandoned ordinance or the enacted ordinance. Right?

18 A. Outside of the -- was -- was presented at the
19 hearings, correct.

20 Q. And are you aware of any data, studies, or
21 evidence that the county produced in litigation aside
22 from what was discussed at public meetings on either
23 the abandoned ordinance or the enacted ordinance?

24 A. No, I'm not.

25 Q. So, everything would be in the public record.

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1 A. I'm not aware of anything that's not in the
2 public record.

3 Q. Okay. And you understand that -- that you
4 were required to -- to prepare today to answer
5 questions about all the data, studies, and evidence
6 the county looked at in -- in developing the enacted
7 ordinance. Right?

8 A. Right.

9 Q. And when you -- so, when you say you're not
10 aware of any, if there was any, you were required to
11 look -- find it and look at it and tell me about it
12 today. Right?

13 A. Correct.

14 Q. Okay. And you don't have any to tell me
15 about.

16 A. Correct.

17 Q. Okay. I just want to make -- I want -- I
18 don't want to belabor the point, but I just want to
19 make it clear. Okay.

20 So -- so, in the -- it's my understanding -- I
21 am not an expert on legislative process but -- at the
22 county or otherwise, but the -- it's my understanding
23 that -- that -- that before a ordinance gets
24 introduced usually one of the commissioners has an --
25 somebody decides they want to introduce it and they

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1 be a resolution by stipulation. And the parties
2 discussed those issues and agreed that for Topics 7
3 and 10 -- Topic 7 is all studies, data, or evidence
4 considered by defendant regarding pedestrian flow
5 safety or other justifications for CCC 16.13.030. And
6 Topic 10 is all facts relied -- you -- I'm sorry.
7 Topic 10 is all facts you, i.e., the county, relied
8 upon in enacting CCC 16.13.030.

9 For these two topics the parties have agreed
10 that the county is bound by Ms. Frierson's testimony
11 and it is the county's position that the -- any
12 studies, data, or evidence considered by defendant
13 regarding pedestrian flow safety or other
14 justifications for CCC 16.13.030 and all facts the
15 county relied upon in enacting CCC 16.13.030 are in
16 the public record for 16.13.030 or the ordinance that
17 has been referred to today as the abandoned ordinance,
18 which is Bill No. 4-19-22-1.

19 Is that correct, Mr. Browning?

20 MR. BROWNING: That's correct.

21 BY MS. MCLETTCHIE:

22 Q. Okay. While we're talking about it, the --
23 while we're talking about studies and -- and data,
24 we're going to talk about some -- we're going to -- we
25 may as well address some related topics.

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1 aware of any studies other than a Kimley -- one
2 Kimley-Horn study.

3 A. I guess I'm just a little stuck on the term
4 "study." I -- I know that this is traffic studies
5 that get done on the strip. I don't know if there has
6 ever been any other studies, in the history of the
7 county, that regards pedestrian bridges. But those
8 are the -- those are the ones I'm aware of.

9 Q. Okay. So, the --

10 A. Me, the county.

11 Q. You, the county.

12 A. Uh-huh.

13 Q. So -- so -- because your testimony is a little
14 unclear.

15 You're saying there must be other studies but
16 that's the only study the county is aware of.

17 A. No. I just -- the question is just so broad.
18 But -- but that's what the county is aware of.

19 Q. The -- okay. So, on topic -- on Topic 25
20 the -- well, let's stick on -- on Topic 8 for a
21 second.

22 We've talked about criminal disorder, I
23 believe is the term from Dr. Sousa's report.

24 A. Yes. I mean, there is a couple different
25 disorders. I think there is social, physical, and

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Deposition of Abigail Frierson
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1 criminal disorder.

2 Q. Okay. What is social disorder?

3 A. I think that was -- I believe the examples
4 were, like, prostitution, aggressive, panhandling,
5 things like that. And then -- I'm sorry -- instead of
6 moving on to other definitions. But that's what I --
7 those are the sort of conduct that I understood to be
8 included in social disorder.

9 Q. Are some of those things also crimes?

10 A. Some of them are crimes but not all of them.

11 Q. What's physical disorder?

12 A. Physical disorder were more things like
13 evidence of urination and defecation, broken glass.

14 Q. When you say "evidence," I'm asking -- I'm not
15 asking about evidence. I'm just asking what the word
16 means.

17 A. What evidence means?

18 Q. What -- no, what physical disorder means.

19 A. Oh. So, disorder in general, I think, was --
20 it could be crimes. It's low-level things that --
21 that can heighten people's fear and anxiety, thereby
22 creating situations that could be unsafe.

23 Q. Okay. Are you aware of the -- can you provide
24 any more clarity on what social disorder means?

25 A. So, I think it would be conduct that would --

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1 incivilities or crimes that could make people --
2 heighten people's fear, thereby elicited reactions out
3 of them that could be -- cause unsafe situations.

4 Q. I'm sorry. You said incivilities?

5 A. I think incivilities were words that they use
6 as well. It could be something as simple as being
7 rude, all the way up to crimes.

8 Q. Okay. So, people being rude, is that one --
9 is that -- was that your understanding, that that was
10 one of the aims of -- avoiding people being rude, was
11 that one of the aims of the ordinance?

12 A. No. I would say avoiding the situations that
13 cause -- that elicit those reactions from people that
14 can cause unsafe situations.

15 Q. So, it's -- it's -- I'm sorry. Can you say
16 that again? Avoiding situations that can elicit those
17 responses?

18 A. Yeah. It's -- the disorder elicits responses
19 that are creating the -- that could create the unsafe
20 situations.

21 Q. Okay. So, the disorder can create unsafe
22 situations. And we talked about this earlier
23 disorder. This disorder is caused by pedestrian
24 crowding. Right?

25 MR. BROWNING: Objection: misstates prior

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1 testimony.

2 THE WITNESS: I think crowding was one of the
3 considerations but not the only consideration.

4 BY MS. MCLETTCHIE:

5 Q. We talked earlier, and you mentioned -- I
6 think you mentioned some things that had emanated the
7 ordinance, like cleanliness concerns and elimination
8 and safety on bridges, I think even a dog bite. And
9 you talked about public safety, and you mentioned
10 economic vitality. And -- but I believe that we
11 agreed that those were all -- those were all concerns
12 created by potential crowding and -- and people not
13 moving on the pedestrian bridges.

14 Is that correct?

15 MR. BROWNING: Objection: form.

16 THE WITNESS: I don't believe disorder is just
17 crowding. It -- maybe I'm misunderstanding your
18 question.

19 BY MS. MCLETTCHIE:

20 Q. So, how is the -- how does -- how does the --
21 how does -- how does the ordinance address disorder
22 other than by avoiding people stopping and standing or
23 crowding?

24 A. The ordinance creates pedestrian flow zones,
25 which decrease crowding, which can increase disorder.

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1 Q. Okay. So, at -- so, I understand -- and I
2 still have to understand more about what disorder
3 means. But -- so, I think -- I think we do agree that
4 when you talk about disorder, the county was trying to
5 address disorder created by a lack of pedestrian
6 movement on the pedestrian bridges. Correct?

7 A. Yes.

8 Q. And lack of movement is crowding. Right?

9 MR. BROWNING: Objection: form, vague.

10 THE WITNESS: A lack of movement can cause
11 crowding, which can increase disorder.

12 BY MS. MCLETTCHIE:

13 Q. Okay. So, what other -- what other lack of
14 movement, besides crowding, can cause disorder?

15 A. I think it wasn't just crowding. It was also
16 blocking, causing a trapped feeling, which I think is
17 increased on elevated, small spaces.

18 Q. Can you say that again? I'm sorry. Causing a
19 crowd to...

20 A. Oh, I'm sorry.

21 Q. Causing --

22 A. What did I say?

23 Q. Causing a crowd to gather? Is that what
24 you're referring to?

25 A. No, although I think that's one of the

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1 concerns about crowding. I think when you're also
2 concerned about blocking escape paths, blocking
3 ingress and egress were -- were major considerations.

4 Q. Okay. And what else? What else can -- what
5 other -- how else, besides crowding, can lack of
6 movement cause disorder?

7 A. It can also decrease ability to respond, for
8 law enforcement, to disorder.

9 Q. Because there is a crowd?

10 A. The -- the lack of movement --

11 Q. Right.

12 A. -- create situations that I think can make it
13 more difficult to respond to disorder.

14 Q. Why -- how does lack of movement make it more
15 difficult for police to respond?

16 A. Well, crowding and blocking, I think, impacts
17 people's ability to get to whatever they're trying to
18 get to.

19 Q. Okay. So, I just wanted to go back.

20 A. And ability to see --

21 Q. An ability to --

22 A. -- what's happening.

23 Q. Right. But it's -- the ability to see is --
24 is not caused by lack of movement by one person. It's
25 caused by crowding and blocking. Right?

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1 A. I'm sorry. I didn't know we were just talking
2 about lack of movement by one person. I thought we
3 were talking about lack of movement in general.

4 Q. Well, you -- I -- you had testified that there
5 was something besides crowding that the ordinance was
6 trying to address, and I asked what that was, and you
7 said lack of movement. And so I thought you meant
8 something different from crowding. So, I'm just
9 trying to understand, because I -- I -- I'm not
10 Dr. Sousa. I'm not smart enough to understand what
11 disorder might mean. So, I'm trying -- I'm trying to
12 have you help me -- help break it down for me.

13 And you said, besides -- my -- my
14 understanding of it, my layman's understanding, was
15 that the ordinance was trying to address crowding and
16 that -- and -- and Dr. Sousa's report contends that
17 there are conditions caused by crowding on the bridge.
18 And when we've been talking about it, I think you've
19 mentioned blocking escape paths, for example. And we
20 mentioned causing a crowd, having a crowd gather. And
21 we've talked about crowding.

22 What else? What else leads to possible -- I
23 understand there is some different -- other concerns
24 about disorder itself once I understand what disorder
25 is, but they're all caused -- it seems like they're

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1 all caused not by just lack of movement of one person
2 but of pedestrian congestion or crowding. Right?

3 A. I think when we're discussing disorder on the
4 pedestrian bridges specifically, I think those are the
5 two primary -- or the three things I mentioned are the
6 three primary ways. Lack of movement of potentially
7 singular but multiple people can cause issues. But
8 off the pedestrian bridge would probably be a
9 different consideration.

10 Q. Okay. I'm not asking about off of a
11 pedestrian bridge. But we can -- we'll talk about off
12 the pedestrian bridges --

13 A. Sure.

14 Q. -- later, but I'm talking about on the
15 pedestrian bridge.

16 When you say it could be caused by one person,
17 do you mean the -- are we talking about blocking? Is
18 that what -- is that -- is that what you indicated?

19 A. Yeah. I mean, we're talking general
20 categories. It's hard to encapsulate every situation,
21 scenario that could constitute disorder when you're
22 talking about anything from incivilities, up to actual
23 crimes.

24 Q. Okay. I understand. It is hard to -- to
25 define disorder, but I'm not asking you -- right now

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1 Q. Okay. But have you seen anybody -- well,
2 let's say culinary wanted to -- to display protest
3 signs on the pedestrian bridges.

4 Have you ever seen protest activity, not
5 people that are protesting, crossing the street on the
6 street level -- on the -- the street-level streets,
7 but have you ever seen a protest where everyone is
8 constantly moving?

9 A. I can't remember my days undergrad and
10 Berkley. I think -- I don't know that I have
11 personally ever seen one where no one has ever
12 stopped, but I think that as long as protesters kept
13 moving on the bridge, they have the ability to stop
14 when they're down off the bridge, if they choose to do
15 so.

16 Q. Okay. But protesters are not allowed -- is
17 it -- are protesters allowed to stop on the pedestrian
18 bridge?

19 A. No one is allowed to stop on the pedestrian
20 bridge unless waiting, if their intent is to stop
21 moving and their intent is for to stop someone else
22 from moving, except for folks waiting for the
23 elevator.

24 Q. Okay. I think the way you talked about it
25 earlier was an exception, but it's now your testimony

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1 from what you're saying. You think "but rather"
2 clarifies it. I'm asking if it -- the intent of the
3 county is that it is, in fact, the ordinance does mean
4 that tourists and locals cannot take photos along the
5 boulevard while on a pedestrian bridge so long -- if
6 they are stopped.

7 MR. BROWNING: Objection: asked and answered.

8 THE WITNESS: Yeah. I can answer?

9 BY MS. MCLETTCHIE:

10 Q. Can a tourist stop -- can a tourist or a local
11 stop on the pedestrian bridge and take a photo?

12 MR. BROWNING: Objection. Objection:
13 incomplete hypothetical, speculation.

14 Go ahead.

15 BY MS. MCLETTCHIE:

16 Q. Yes or no?

17 A. Depends on the circumstances.

18 Q. And what are those circumstances?

19 MR. BROWNING: Objection again: speculation,
20 incomplete hypothetical.

21 BY MS. MCLETTCHIE:

22 Q. Is there an exception -- I'll ask my question
23 a different way, Ms. Frierson.

24 A. Sure.

25 Q. Is there an exception, in the ordinance, on

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Deposition of Abigail Frierson
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1 the prohibition on stopping or standing -- is there a
2 prohibition -- is there a prohibition for -- I'm
3 sorry.

4 Is there an exception for taking photos?

5 A. There is no exception for taking photos in the
6 ordinance.

7 Q. So, it is unlawful for any person to stop or
8 stand within a pedestrian flow zone and take a photo;
9 right, period?

10 A. If they had the requisite intent to stop or
11 stand, yes.

12 Q. So, let's look at this ordinance for a second.
13 I see -- I see two things that are criminalized.

14 A. Where are we looking?

15 Q. 16.13.030. It says -- it has two things;
16 right, that it -- that are unlawful. One is to stop
17 or stand with any -- with -- within any pedestrian
18 flow zone. Right?

19 A. Right.

20 Q. And then the second, there is no -- it doesn't
21 say with intent. Right?

22 A. It does not say with intent.

23 Q. And then separately it says in -- or engage in
24 any activity while within a pedestrian flow zone with
25 the intent of causing another person who's in a flow

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1 Is that fair to say?

2 A. Yes. I think that's fair to say after our
3 deliberative process.

4 Q. Okay. And we've already talked about there
5 was no evaluation, through a study or other analysis
6 of data or facts, about whether having a First
7 Amendment exception would still allow the county to
8 achieve its goals. Right?

9 A. Correct, because I think it's a legal
10 discussion.

11 Q. Pardon me?

12 A. Because of we considered it a legal
13 discussion.

14 Q. Do you have any reason to -- do you have any
15 reason to believe that having a First Amendment
16 exception would have thwarted the county's goals?

17 MR. BROWNING: Objection: calls for
18 speculation.

19 BY MS. MCLETTCHIE:

20 Q. You can answer.

21 A. Anything that impacts the pedestrian flow
22 could have thwarted the goals to maintain -- to -- to
23 promote safety on those pedestrian bridges.

24 Q. And what's the factual basis for the
25 assumption that having a First Amendment exception

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1 would impact pedestrian flow? There is no study.

2 Right?

3 A. There was no study.

4 Q. So, is there any --

5 A. Outside of Dr. Sousa's study about pedestrian
6 flow.

7 Q. But it didn't address specifically whether
8 allowing First Amendment activity would impact
9 pedestrian flow. Right?

10 A. I think it addressed whether stopping and
11 standing would impact pedestrian flow. So, if the
12 First Amendment activity you're discussing is stopping
13 and standing, then, yes, it addressed it in that way.

14 Q. But he -- there -- okay. So, he generally
15 looked at -- at stopping and standing, is your
16 position.

17 A. Yes.

18 Q. But he did not look at whether stopping and
19 standing for First Amendment activity in particular
20 affected pedestrian flow. Right?

21 A. Correct. I believe it was all stopping and
22 standing.

23 Q. And he never evaluated whether having an
24 exception would -- would still allow for free
25 pedestrian flow. Right?

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Deposition of Abigail Frierson
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1 A. Correct.

2 Q. And the county never asked him to.

3 A. No, not to my knowledge.

4 Q. Okay. The -- all right. Let's talk a little
5 bit about the meaning of some of the terms.

6 The -- what does it mean to engage in activity
7 that causes another person to stop or stand within any
8 pedestrian flow zone?

9 A. I don't believe that's defined in the
10 ordinance. I think it's described at a plain meeting.

11 Q. I -- so -- objection, move to strike,
12 nonresponsive.

13 I didn't ask what the ordinance defines it.
14 I'm asking what -- and this is on -- this is in
15 Topics 3, 5, 6, and 22, asked for the county's
16 definitions and understandings as well as the -- they
17 asked for the county's understandings and intent with
18 regards to certain terms.

19 So, you have to answer these questions. Your
20 counsel has objected to discovery throughout this
21 case. The court has disagreed with your counsel.
22 We're here at this deposition. We have these topics
23 in front of us. And so I would -- would appreciate it
24 if you would not answer by way of objection and
25 instead would respond to my questions.

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1 Q. Okay. So, there is one more term. I'm not
2 going to ask you about stopping or standing again.
3 The -- but I do want to ask you about the term
4 "disorder." And we talked about it -- we talked about
5 it today. And I -- and then we -- and I think we
6 talked about disorder -- I think we agreed that the
7 concerns regarding disorder is -- are disorder -- or
8 disorder is caused by pedestrian congestion or
9 blocking of the pedestrian bridges. Right?

10 A. I think they could be contributing. I don't
11 think that congestion always causes disorder.

12 Q. Right. But any of the disorders we're looking
13 at, the core -- the core -- the core -- the core --
14 one of the core issues that creates the situation for
15 disorder, at least my understanding of the whole
16 purpose of the ordinance, is pedestrian congestion or
17 blocking cause -- can lead to crowding and, therefore,
18 disorder.

19 Is that the logic? Or if -- explain it to me
20 if I don't have it right.

21 A. I think there are certain circumstances where
22 congestion can lead to disorder. There are some
23 instances where disorder can lead to disorder. It --
24 it depends, because disorder has such a wide range of
25 definitions, from rudeness, incivility, all the way up

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1 to actual crimes.

2 Q. Right. But the ordinance doesn't bar
3 incivility. It's -- it's barring stopping and
4 standing to reduce congestion or blocking in order to
5 prevent disorder.

6 Is that a fair -- is that a fair read on the
7 ordinance?

8 A. To prevent like safety concerns caused by
9 disorder that can be contributed to by -- by
10 congestion, is how I would phrase it more.

11 Q. Okay. But it's trying to control pedestrian
12 movement and avoid pedestrian congestion or blocking
13 in order to avoid potential harms caused by disorder.
14 Right?

15 A. It could be harms caused not just by disorder.
16 Like, there could be harms caused by other things as
17 well, I think, is how I would read that.

18 Q. But is there anything -- is there anything
19 targeted by the ordinance other than people -- it
20 doesn't directly address any disorder. It doesn't
21 create a new crime of disorder. Right? It -- it's
22 addressing movement to avoid congestion or blocking
23 and, therefore, hopefully disorder. Right?

24 A. Therefore, hope -- like, unsafe situations.
25 But I don't know that the crush always causes

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1 presumably congestion or blocking of other people.

2 Right?

3 A. Those are examples that can contribute to
4 the -- the circumstances we're trying to prevent.

5 Q. But -- okay. But -- but you're targeting
6 standing and stopping, because standing and stopping
7 can lead to congestion or blocking and then create
8 conditions that could cause other harm. Right?

9 MR. BROWNING: Objection: asked and answered.

10 BY MS. MCLETTCHIE:

11 Q. You're not stopping -- you're not saying
12 standing itself causes disorder.

13 A. No.

14 Q. You're not saying stopping itself causes
15 disorder.

16 A. No. Stopping in and of itself does not cause
17 disorder.

18 Q. If it gets crowded because too many people are
19 standing or stopping and there is congestion or
20 blocking, that's the problem. Right?

21 MR. BROWNING: Objection: form.

22 THE WITNESS: Yes. Stopping and standing and
23 preventing other people's movements can create
24 circumstances that are unsafe, to include blocking and
25 crowd congestion.

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1 would be true, but yes.

2 Q. Okay. The county was trying to prevent unsafe
3 conditions that could lead to disorder.

4 A. Or disorder that could lead to unsafe
5 conditions. We're really preventing the unsafe
6 conditions.

7 Q. Okay. Okay. So, what -- what unsafe
8 conditions is the county trying to prevent?

9 A. Increased disorder, which can involve crimes
10 being committed, inability of people to leave the area
11 quickly in an emergency situation, inability for
12 people in distress to get help from emergency
13 personnel quickly and easily.

14 Q. Okay. So, can you please tell me what
15 disorder means?

16 Because I'm -- I'm understanding -- I'm
17 understanding that you're trying to prevent unsafe
18 conditions that could lead to disorder and increased
19 unsafe conditions.

20 A. And disorder is a range of conduct ranging
21 from incivility, rude behavior, all the way up to
22 crimes being committed.

23 Q. Okay.

24 A. And then in those three categories you got
25 criminal disorder, physical disorder, social disorder.

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1 Q. So, is it trying to prevent unsafe conditions,
2 or is it trying to prevent disorder so we don't get
3 unsafe conditions?

4 A. Yeah, partially. It's also trying to prevent
5 unsafe emergency situations.

6 Q. Isn't that part of unsafe conditions?

7 A. Yes.

8 Q. Okay.

9 A. I'm sorry. When I misunderstood your
10 question, I thought you were saying just those unsafe
11 conditions would just include disorder.

12 Q. I'm just --

13 A. There are other categories.

14 Q. Okay. I'm just confused. Is it trying to
15 prevent the disorder that can stem from unsafe
16 conditions, or is it trying to prevent disorder so we
17 don't get unsafe conditions?

18 A. It's both. It's one thing.

19 Q. Okay. And -- okay. So, let's just march
20 through.

21 But it's not -- we talked about just
22 prostitution as an example of disorder, but it's not
23 designed to prevent all kinds of disorder. Right?
24 There is all kinds of disorder.

25 A. Yes. There is all kinds of disorder.

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1 Q. Okay. So, can you tell me what -- I mean, it
2 sounds like to me disorder is bad things. Right?
3 It's crimes. It's people not being nice to each
4 other. It's fear of other people. And it's messes on
5 the sidewalk. So, there is all kinds of things that
6 can be -- we can call disorder.

7 A. Anything that elicit fear in individuals.

8 Q. Things that elicit fear?

9 A. Uh-huh.

10 Q. Such as?

11 A. Well, they listed like, when they talked about
12 physical disorder -- I think they were talking about
13 like broken glass and broken windows, people being too
14 close, obviously crimes being committed, aggressive
15 behavior.

16 Q. Like aggressive panhandling?

17 A. I think that was listed in there.

18 Q. That is one of the -- is that what -- I'm not
19 asking what was listed in the report. I'm asking if
20 aggressive panhandling is one of the things the
21 county -- one of the types of disorder that the county
22 was trying to prevent.

23 A. I think aggressive -- most behaviors, I think
24 maybe even -- like all aggressive -- I don't know.
25 Aggressive anything. Fill in the blank.

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1 those behaviors on the pedestrian bridges can create
2 circumstances where people's fear is heightened where
3 disorder is occurring, which can create more disorder.

4 Q. Okay. So, disorder can cause more disorder.
5 Bad things can cause more bad things.

6 A. Yes. I do think that. I -- I don't know if
7 Dr. Sousa would like my characterization, but yes.

8 Q. But the conditions for this disorder, whatever
9 disorder is, might be incivility. Right? You said
10 that's --

11 A. Yes.

12 Q. You're not trying to prevent people from being
13 rude to each other with this ordinance. Right?

14 A. Right.

15 Q. You talked about that example of disorder.
16 Disorder is a really broad, big term. Right?

17 A. Right.

18 Q. Okay. You're not trying to prevent
19 incivility. Right?

20 A. No. We're trying to create a safer
21 environment for folks using those bridges.

22 Q. Okay. By preventing congestion and crowding.
23 Right?

24 A. Most of our examples do go back to that.

25 Q. Okay. Can you think of an example that

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1 BY MS. MCLETTCHIE:

2 Q. So, let's go back on the record.

3 A. Okay.

4 Q. Did the county -- I just have a few more
5 topics to cover.

6 Did the county ever consider imposing
7 restrictions through the ordinance only on the
8 high-traffic pedestrian bridges and not all pedestrian
9 bridges?

10 A. I don't remember that being considered as part
11 of the legislative history, and I do not believe we
12 had an ordinance where it would only be the
13 high-traffic pedestrian bridges.

14 Q. Did the county ever consider having an
15 ordinance where there was a First Amendment exception
16 for some pedestrian bridges?

17 A. I don't believe that was considered because of
18 the -- the aspects of the pedestrian bridges that they
19 share. So, no, we didn't consider doing one versus
20 another.

21 Q. Were -- did the county take into consideration
22 any Kimley-Horn studies showing that -- that there
23 were -- that some pedestrian bridges had traffic --
24 high-traffic concerns and some street-level sidewalks
25 had some high-level traffic concerns?

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1 high-traffic pedestrian bridges; no, high-traffic
2 sidewalks.

3 Q. Okay. Oh, I'm sorry. Did the county consider
4 look -- included only the high-traffic pedestrian
5 bridges and high-traffic sidewalks at any time?

6 A. Not to my knowledge.

7 Q. Okay. I apologize. I wasn't asking that --
8 that question -- that question clearly.

9 Did the county consider enacting an ordinance
10 that only had -- that had time -- time-based
11 restrictions for pedestrian bridges?

12 A. I believe prior to '22 the time-based
13 restrictions had been tried and had been found
14 ineffective. So, no. By -- and so, no, we didn't in
15 the '22, '24 period.

16 Q. Okay. And is there evidence in the record
17 from the 2022 and 2024 legislative history that the
18 prior time-based restrictions were ineffective?

19 A. I -- I believe Metro's presentation was
20 evidence that they were ineffective.

21 Q. Okay. That's the only record the county
22 considered when looking at the time-based
23 restrictions, or it just didn't consider them at all?

24 MR. BROWNING: Objection: form.

25 THE WITNESS: They were not considered during

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1 the '22, '24 portion.

2 BY MS. MCLETTCHIE:

3 Q. Okay. They -- they weren't considered at --
4 at that time. And there were -- other than Metro
5 testimony, you're not -- the county didn't look at any
6 studies or evaluation of time-based restrictions.
7 Right?

8 A. No.

9 Q. When did you -- when did you first preserve
10 documents and evidence for this case? Now I'm saying
11 you Ms. Frierson.

12 A. County proper?

13 Q. No. I'm saying you Ms. Frierson.

14 A. Oh, me?

15 Q. Yeah.

16 A. Oh, I -- I don't do it once the county has
17 a -- a DHO. There is a process where someone will
18 collect my information for me.

19 Q. What's a DHO?

20 A. Destruction hold order, I think is what it
21 stands for.

22 Q. And when did the destruction hold order get
23 issued?

24 A. I believe it was after the '24 hearing, I
25 would imagine, around the time of the lawsuit being

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CERTIFICATE OF REPORTER

I, Janice David, a Certified Court Reporter licensed by the State of Nevada, do hereby certify:

That I reported the deposition of the witness, ABIGAIL FRIERSON, commencing on September 19, 2025, at the hour of 9:09 a.m.;

That prior to being examined, the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth; that I thereafter transcribed my related shorthand notes into typewriting and that the typewritten transcript of said deposition is a complete, true, and accurate record of testimony provided by the witness at said time.

I further certify (1) that I am not a relative or employee of an attorney or counsel of any of the parties, nor a relative or employee of any attorney or counsel involved in said action, nor a person financially interested in the action, and (2) that pursuant to Rule 30(e), transcript review by the witness was not requested.

IN WITNESS WHEREOF, I have hereunto set my hand in my office in the County of Clark, State of Nevada, this 16th day of October, 2025.



Janice David, CCR No. 405