

1 W. Chris Wicker [NSB No. 1037]
2 Jose A. Tafoya [NSB No. 16011]
3 WOODBURN AND WEDGE
4 6100 Neil Road, Suite 500
5 Reno, NV 89511-1149
6 Tel: (775) 688-3000 | Fax: (775) 688-3088
7 wwicker@woodburnandwedge.com
8 jtafoya@woodburnandwedge.com

9 MAYER BROWN LLP
10 Lee Rubin (*pro hac vice* pending)
11 Two Palo Alto Square, Suite 300
12 3000 El Camino Real
13 Palo Alto, CA 94306-2112
14 (650) 331-2000
15 lrubin@mayerbrown.com
16 Rachel J. Lamorte (*pro hac vice* pending)
17 1999 K Street, NW
18 Washington, DC 20006-1101
19 (202) 263-3000
20 rlamorte@mayerbrown.com
21 Robert C. Double III (*pro hac vice* pending)
22 333 South Grand Avenue, 47th Floor
23 Los Angeles, CA 90071
24 (213) 229-9500
25 rdouble@mayerbrown.com

26 FREE SPEECH FOR PEOPLE
27 Amira Mattar (*pro hac vice* pending)
28 John Bonifaz (*pro hac vice* pending)
Courtney Hostetler (*pro hac vice* pending)
48 N. Pleasant Street, Suite 304
Amherst, MA 01002
(617) 244-0234

Attorneys for Defendant-Intervenor
NAACP Tri-State Conference of Idaho-Nevada-Utah

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

23 ZENAIDA DAGUSEN, an individual;
24 REPUBLICAN NATIONAL COMMITTEE;
25 NEVADA REPUBLICAN PARTY; and
26 DONALD J. TRUMP FOR PRESIDENT 2024,
27 INC.

Plaintiffs,

vs.

CASE NO.: 24-OC-001531B

DEPT. NO.: 1

REC'D & FILED

2025 FEB -7 PM 3:28

WILLIAM SCOTT HOEN
CLERK

BY

DEPUTY

1 FRANCISCO AGUILAR, in his official
2 capacity as Nevada Secretary of State;
3 DEMOCRATIC NATIONAL COMMITTEE;
4 and NEVADA STATE DEMOCRATIC
5 PARTY,

6 Defendants,

7 and

8 NAACP Tri-State Conference of Idaho-Nevada-
9 Utah,

10 Defendant-Intervenor.

11 **REQUEST FOR SUBMISSION**

12 Defendant-Intervenor, NAACP Tri-State Conference of Idaho-Nevada-Utah
13 (“Defendant-Intervenor”), by and through its attorneys Woodburn and Wedge, Mayer Brown
14 LLP, and Free Speech for People, hereby request that its Motion to Dismiss (the “Motion”) filed
15 on January 17, 2025 - along with a Proposed Order Granting the Motion, be submitted to the
16 Court for consideration and decision. A copy of the Proposed Order is attached hereto as **Exhibit**
17 **1.**

18 Plaintiffs filed their opposition to the Motion on January 31, 2025, and Defendant-
19 Intervenor filed its reply in support of the Motion on February 7, 2025.

20 **Affirmation Pursuant to NRS 239B.030**

21 The undersigned does hereby affirm that the preceding document does not contain the
22 social security number of any person.

23 DATED this 7 day of February, 2025.

24 WOODBURN AND WEDGE

25 By: 

26 W. Chris Wicker [NSB No. 1037]

27 Jose A. Tafoya [NSB No. 16011]

28 6100 Neil Road, Suite 500

Reno, NV 89511-1149

Tel: (775) 688-3000

Fax: (775) 688-3088
wwicker@woodburnandwedge.com
jtafoya@woodburnandwedge.com

MAYER BROWN LLP

Lee Rubin (*pro hac vice* pending)
Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306-2112
(650) 331-2000
lrubin@mayerbrown.com
Rachel J. Lamorte (*pro hac vice* pending)
1999 K Street, NW
Washington, DC 20006-1101
(202) 263-3000
rlamorte@mayerbrown.com
Robert C. Double III (*pro hac vice* pending)
333 South Grand Avenue, 47th Floor
Los Angeles, CA 90071
(213) 229-9500
rdouble@mayerbrown.com

FREE SPEECH FOR PEOPLE

Amira Mattar (*pro hac vice* pending)
John Bonifaz (*pro hac vice* pending)
Courtney Hostetler (*pro hac vice* pending)
48 N. Pleasant Street, Suite 304
Amherst, MA 01002
(617) 244-0234
amira@freespeechforpeople.org
jbonifaz@freespeechforpeople.org
chostetler@freespeechforpeople.org

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Woodburn and Wedge, and that on the below date, I caused a true and correct copy of the *Requests for Submission* to be served via E-Mail, to the following:

Brian R. Hardy, Esq.
Harry L. Arnold, Esq.
MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, NV 89145
bhardy@maclaw.com
harnold@maclaw.com
Attorneys for Plaintiffs

Laena St Jules, Esq.
Senior Deputy Attorney General
100 N. Carson St.
Carson City, NV 89701
lstjules@ag.nv.gov
Attorneys for Defendant Francisco V Aguilar

Bradley S. Schrager, Esq.
Daniel Bravo, Esq.
BRAVO SCHRAGER LLP
6675 S. Tenaya Way, Ste. 200
Las Vegas, NV 89113
bradley@bravoschrager.com
daniel@bravoschrager.com

David R. Fox, Esq.
ELIAS LAW GROUP LLP
250 Massachusetts Ave. NW, Ste. 400
Washington, D.C. 20001
dfox@elias.law
*Attorneys for Defendants Democratic
National Committee and Nevada State
Democratic Party*

DATED this 7th day of February, 2025.



Mele D. Puletau
An employee of Woodburn and Wedge

EXHIBIT 1

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7 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR CARSON CITY**
9

10 ZENAIDA DAGUSEN, an individual;
11 REPUBLICAN NATIONAL COMMITTEE;
12 NEVADA REPUBLICAN PARTY; and
DONALD J. TRUMP FOR PRESIDENT 2024,
INC.,

13 Plaintiffs,

14 v.

15 FRANCISCO AGUILAR, in his official
16 capacity as NEVADA SECRETARY OF
17 STATE, DEMOCRATIC NATIONAL
COMMITTEE, NEVADA STATE
DEMOCRATIC PARTY,

18 Defendants,

19 and

20 NAACP Tri-State Conference of Idaho-
Nevada-Utah,

21 Intervenor-Defendant.
22
23

Case No. 24-OC-001531B

Dept. No.: 1

24 **[PROPOSED] ORDER GRANTING NAACP TRI-STATE CONFERENCE OF IDAHO-**
25 **NEVADA-UTAH'S MOTION TO DISMISS**

26 This matter came before the Court pursuant to NAACP Tri-State Conference of Idaho-
27 Nevada-Utah's ("Tri-State NAACP") Motion to Dismiss (the "Motion"). Having considered the
28 parties' filings and the arguments of counsel, the Court rules as follows:

1 **BACKGROUND**

2 On September 11, 2024, Plaintiffs Nevada Republican Party, Republican National
3 Committee, Donald J. Trump for President 2024, Inc., and Zenaida Dagusen (“Plaintiffs”) filed a
4 complaint challenging Nevada’s voter roll maintenance and citizenship verification practices under
5 Nevada state law. They sought an order requiring the Secretary of State to implement a new voter
6 roll maintenance program and verify the citizenship of all Nevada registered voters before the
7 November 2024 General Election.

8 Tri-State NAACP moved to intervene in this action on October 31, 2024, which this Court
9 granted on December 17, 2024. It then filed this present motion to dismiss on January 17, 2025,
10 which also incorporated by reference the motions to dismiss filed by (i) the Democratic National
11 Committee and Nevada State Democratic Party (together, the “DNC”) and (ii) the Nevada Secretary
12 of State, filed on October 3 and December 2, 2024, respectively.

13 **LEGAL STANDARD**

14 Nevada Rule of Civil Procedure 12(b)(5) requires that a complaint be dismissed “if it
15 appears beyond a doubt that [the plaintiff] could prove no set of facts, which, if true, would entitle
16 [the plaintiff] to relief.” *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228, 181 P.3d 670,
17 672 (2008). In making such determination, “the [C]ourt may take into account matters of public
18 record, orders, items present in the record of the case, and any exhibits attached to the complaint
19 when ruling on a motion to dismiss for failure to state a claim upon which relief can be granted.”
20 *Brelant v. Preferred Equities Corp.*, 109 Nev. 842, 847, 858 P.2d 1258, 1261 (1993).

21 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

22 **I. Plaintiffs’ Allegations Do Not Justify the Undue Burden Their Requested Relief**
23 **Would Impose on Nevadans’ Right To Vote**

24 Plaintiffs’ complaint raises illusory allegations of noncitizen voting which fail to justify
25 their requested relief and would undermine the protections for Nevadans’ right to vote afforded by
26
27
28

1 the First and Fourteenth Amendments of the U.S. Constitution and Articles II and IV of the Nevada
2 Constitution.¹

3 “The right to vote is preservative of all rights and is of the most fundamental significance
4 under our constitutional structure.” *Election Integrity Project California, Inc. v. Weber*, 113 F.4th
5 1072, 1082 (9th Cir. 2024) (internal quotation marks and citations omitted). Where an election-
6 related practice impacts the right to vote, the *Anderson-Burdick* framework is used to determine
7 whether that impact is an undue burden. *See Anderson v. Celebrezze*, 460 U.S. 780, 788, 103 S. Ct.
8 1564, 1569–70 (1983); *Burdick v. Takushi*, 504 U.S. 428, 433, 112 S. Ct. 2059, 2063 (1992). Under
9 the framework, courts “consider the character and magnitude of the asserted injury” to the right to
10 vote and whether that injury is justified, and then weigh “the legitimacy and strength” of each
11 justification. *Anderson*, 460 U.S. at 789, 103 S. Ct. at 1570; *see also Busefink v. State*, 128 Nev.
12 525, 531–32, 286 P.3d 599, 604 (2012) (applying the *Anderson-Burdick* framework). Though this
13 framework typically applies to state action and, here, Plaintiffs are private parties requesting relief,
14 the state would ultimately be responsible for imposing the requested action. Thus, the *Anderson-*
15 *Burdick* framework applies.

16 The *Anderson-Burdick* framework imposes a “means-end fit framework.” *Pub. Integrity*
17 *All., Inc. v. City of Tucson*, 836 F.3d 1019, 1024 (9th Cir. 2016) (en banc). In other words, “the
18 more severe the burden imposed” on the right to vote, “the more exacting [the Court’s] scrutiny”
19 to ensure that the state’s interests are tailored to the restriction at issue. *See Ariz. Libertarian Party*
20 *v. Hobbs*, 925 F.3d 1085, 1090 (9th Cir. 2019). While a state may justify “reasonable,
21 nondiscriminatory restrictions” by asserting “important regulatory interests,” *Burdick*, 504 U.S. at
22 434, 112 S. Ct. at 2063 (emphasis added), courts must still scrutinize the “legitimacy,” “strength,”
23

24 ¹ Article IV, Section 21 provides a right to equal protection that is equivalent to the Fourteenth
25 Amendment of the federal constitution, *Rico v. Rodriguez*, 121 Nev. 695, 703, 120 P.3d 812, 817
26 (2005). Article II, Section 1 provides that “[a]ll citizens of the United States . . . of the age of
27 eighteen years and upwards, who shall have actually, and not constructively, resided in the state six
28 months, and in the district or county thirty days next preceding any election, shall be entitled to
vote[.]” Further, under Section 1A(9), “[e]ach voter who is a qualified elector under this
Constitution and is registered to vote . . . has the right . . . [t]o equal access to the elections system
without discrimination, including, without limitation, discrimination on the basis of race, age,
disability, military service, employment or overseas residence.” *See also* NRS 293.2546(9) (same).

1 and “necessi[ty]” of election restrictions, *Anderson*, 460 U.S. at 789, 103 S. Ct. at 1570.
2 “Restrictions that block access to the ballot or impede individual voters or subgroups . . . in
3 exercising their right to vote” require greater scrutiny than “rules establishing an overall, generally
4 applicable electoral system.” *Pub. Integrity All*, 836 F.3d at 1024 n.2; *see Obama for America v.*
5 *Husted*, 697 F.3d 423, 431 (6th Cir. 2012) (heightened scrutiny under *Anderson-Burdick* where
6 “particularly high” burden imposed on certain groups that disproportionately voted in early voting
7 period by state restrictions on in-person early voting).

8 Plaintiffs’ requested relief fails this “means-end fit framework.”

9 **A. Plaintiffs’ Requested Relief Severely Burdens the Right To Vote**

10 Plaintiffs’ requested relief, if implemented, would severely burden the right to vote of all
11 Nevadans, while disproportionately affecting naturalized citizens.

12 *First*, and most importantly, Plaintiffs’ requested relief would subject potentially thousands
13 of eligible Nevadan voters to removal from the voter roll. *Fish v. Schwab*, 957 F.3d 1105, 1130–33
14 (10th Cir. 2020) (“[T]he approximately 30,000 would-be voters disenfranchised in this case provide
15 a concrete evidentiary basis to find that a *significant* burden was imposed by the DPOC
16 requirement.”) (emphasis added); *see also Texas League of United Latin Am. Citizens (LULAC) v.*
17 *Whitley*, No. SA-19-CA-074-FB, 2019 WL 7938511 (W.D. Tex. Feb. 27, 2019) (denying motion
18 to dismiss, *inter alia*, claim that voter roll maintenance program which would remove ineligible
19 voters from the voter rolls would unduly burden their right to vote). In addition, the relief would
20 cause confusion among voters as they wonder whether they are registered to vote, need to confirm
21 their eligibility, or otherwise engage in a process to ensure they can vote. *See Mich. State A. Philip*
22 *Randolph Inst. v. Johnson*, 833 F.3d 656, 666 (6th Cir. 2016) (a restriction that was likely to cause
23 voter confusion imposed a burden that was “not slight”).

24 *Second*, this burden would fall more harshly on naturalized citizens because of the nature
25 of the data on which Plaintiffs would have the Secretary rely in verifying the citizenship of voters
26 already on the registration roll. *See* Compl. at Prayer (lists “information regarding citizenship status”
27 or “non-citizenship” held by the Department of Homeland Security (including the Systematic Alien
28 Verification for Entitlements or “SAVE” database), Nevada courts related to jury-duty eligibility,

1 the Nevada Department of Motor Vehicles (the “DMV”), “and other state agencies”). Citizenship
2 verification requirements that rely on information held by the Department of Homeland Security
3 (including the SAVE database) and DMV data necessarily flag naturalized citizens more than
4 native-born citizens because the relevant information captures only naturalized citizens among the
5 population of citizens.

6 The Department of Homeland Security generally does not have information about the
7 citizenship of native born citizens. *United States v. Arizona*, 703 F. Supp. 2d 980, 997 n.9 (D. Ariz.
8 2010), *aff’d*, 641 F.3d 339 (9th Cir. 2011), *aff’d in part, rev’d in part and remanded*, 567 U.S. 387
9 (2012), and *aff’d in part, rev’d in part*, 689 F.3d 1132 (9th Cir. 2012). The SAVE database, likewise,
10 contains information about naturalized citizens, not native-born citizens, *see Mi Familia Vota v.*
11 *Fontes*, 719 F. Supp. 3d 929, 995 (D. Ariz. 2024) (explaining that while a similar program
12 “purport[s] to confirm the citizenship status of *all* voters, because SAVE requires an immigration
13 number,” it cannot apply to native born citizens) (emphasis added), and so use of such data would
14 inevitably flag naturalized citizens for citizenship verification. Similarly, DMV data reflects an
15 individual’s citizenship status at the time they obtained their driver’s license, permit, authorization,
16 or identification card, which, for noncitizens, are valid for varying terms. *See* NRS 483.290(7),
17 483.875(4) (license, permit, and identification card valid for one year or the time period for which
18 the individual is authorized to stay in the U.S.); NRS 483.291(6)(a) (driver authorization card
19 expires on fourth anniversary of holder’s birthday). There is no requirement that individuals update
20 their DMV information if they become a citizen. In 2022 alone, more than 10,000 Nevadans became
21 naturalized citizens.² Accordingly, naturalized citizens linger in DMV systems and would
22 mistakenly be targeted for removal as noncitizens when native born citizens would not be subject
23 to such categorical exclusion.

24 **B. Plaintiffs’ Allegations Do Not Justify These Burdens**

25 Because of this potential discriminatory impact, the Court evaluates Plaintiffs’ allegations
26 of non-citizen voting with heightened scrutiny. Plaintiffs allege that their requested relief is justified
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28 ² *See Profiles on Naturalized Citizens: 2022 State*, Office of Homeland Security Statistics (Feb. 12, 2024), <https://ohss.dhs.gov/topics/immigration/naturalizations/profiles-naturalized-citizens>.

1 because of the number of noncitizens they claim have voted in Nevada elections, relying on
2 outdated DMV data and broadly discredited “evidence” of noncitizens voting. Compl. ¶¶ 56–63,
3 88–89, 98–102. While “[t]here is no question about the legitimacy or importance of the State’s
4 interest in counting only the votes of eligible voters[,]” *Crawford v. Marion Cnty. Elect. Bd.*, 553
5 U.S. 181, 196, 128 S. Ct. 1610, 1619 (2008) (plurality opinion of Stevens, J.), that interest may not
6 be merely illusory. Without credible evidence of widespread voter fraud, courts “cannot conclude
7 those interests make it necessary to burden [voting] rights.” *See Schwab*, 957 F.3d at 1132–34
8 (holding that suspension or cancellation of more than 30,000 registration applications constituted
9 an undue burden after “the district court found essentially no evidence that the integrity of [the]
10 electoral process had been threatened, that the registration of ineligible voters had caused voter
11 rolls to be inaccurate, or that voter fraud had occurred”); *see also Paher v. Cegavske*, 457 F. Supp.
12 3d 919, 929 (D. Nev. 2020) (denying a motion for preliminary injunction partially because
13 “Plaintiffs’ overarching theory that having widespread mail-in vot[ing] makes the Nevada election
14 more susceptible to voter fraud seems unlikely”).

15 Plaintiffs’ allegations as to why these burdens should be imposed fall short. Plaintiffs offer
16 no explanation as to why the laws already in place to prevent noncitizens from voting in Nevada
17 are inadequate. Only U.S. citizens may vote in elections in Nevada, *see* Nev. Const. art. II, § 1A;
18 NRS 293.485(1), and numerous safeguards exist to ensure that noncitizens do not vote. Not only
19 are individuals informed when they register that they must be U.S. citizens to do so, the registration
20 application requires the applicant to swear or affirm that they are a U.S. citizen.³ And noncitizens
21 are deterred from unlawfully voting by incarceration, fines, and—mostly importantly—being
22 rendered inadmissible to the U.S. and deported for doing so. *See* NRS 293.775(1); 18 U.S.C. § 611;
23 8 U.S.C. §§ 1182(a)(6)(C)(ii), (10)(D). Because of these serious penalties, noncitizen voting in
24 Nevada is incredibly rare. According to a study conducted by the Brennan Center for Justice, in the

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28 ³ Nev. Sec’y State, State of Nevada, Voter Registration Application,
www.nvsos.gov/sosvoterregform/.

1 2016 election, “incidents of noncitizen voting alleged in. . . Nevada . . . amount[ed] to, at
2 most[,] .0003 . . . percent of ballots.”⁴

3 Nothing in Plaintiffs’ complaint credibly contradicts this. Plaintiffs offer as support:
4 (i) allegations of noncitizen voting raised in the years before the instant litigation, Compl. ¶¶ 56–
5 57, 62–63; (ii) four-year old DMV data allegedly showing “thousands of noncitizens on the voter
6 rolls,” Compl. ¶¶ 58–61; (iii) surveys and studies purportedly finding self-reported noncitizen
7 voting, Compl. ¶¶ 66–77, 88–89; and (iv) voter-purge programs in other states, Compl. ¶¶ 82–87.
8 But this claimed “evidence” is insufficiently concrete or credible to justify the burden on the right
9 to vote, and renders the complaint subject to dismissal.

10 For example, following allegations of noncitizen voting by the Nevada Republican Party in
11 2021, the then-Secretary launched an investigation “consum[ing] more than 125 hours of staff
12 time.”⁵ The Secretary’s investigation concluded that the Nevada Republican Party had massively
13 overreported the number of records “supporting” its allegations, that the Nevada Republican Party’s
14 allegations were “based largely upon an incomplete assessment of voter registration records and
15 lack of information concerning the processes by which these records are compiled and
16 maintained[,]” and that the Nevada Republican Party failed to raise “evidentiary support for the
17 contention that the 2020 general election was plagued by widespread voter fraud.”⁶

18 The four-year old DMV data that Plaintiffs rely on to support their claims of noncitizen
19 voting *now* are also noncredible. Plaintiffs allege that the data shows that certain registered voters
20 presented immigration documents to obtain a driver’s license or identification card, but that fact
21 provides little insight into such voters’ present day citizenship status. As described above, DMV
22 data reflects an individual’s citizenship status at the time they obtained their driver’s license, permit,
23 authorization, or identification card. Tens of thousands of Nevadans have naturalized as U.S.
24 citizens since that data was collected, and there is no requirement that such citizens immediately

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26 ⁴ Christopher Famighetti, Douglas Keith & Myrna Perez, *Noncitizen Voting: The Missing*
27 *Millions*, Brennan Center for Justice (2017),
https://www.brennancenter.org/sites/default/files/publications/2017_NoncitizenVoting_Final.pdf.

28 ⁵ Office of the Secretary of State of the State of Nevada, *Elections Integrity Violation Reports*
(Apr. 21, 2021), <https://www.nvsos.gov/sos/home/showpublisheddocument?id=9428>.

⁶ *Id.*

1 update their citizenship status with the DMV, let alone ensure that stale DMV records have been
2 updated.⁷

3 Plaintiffs' allegations related to the Cooperative Election Study ("CES") are also not
4 credible. According to Plaintiffs, 4% of Nevadan survey-respondents indicated that they were
5 noncitizens and allegedly matched an individual in the voter file. Compl. ¶ 75. Plaintiffs claim that
6 this extremely small dataset is "representative of the State as a whole" and go on to make the claim
7 that a *conservative* extrapolation of the data—which, reflects *one, single* Nevadan among the 2017–
8 2023 survey respondents, *see* December 5, 2024 Brief of *Amici Curiae* at 2–4—suggests that *tens*
9 *of thousands* of noncitizens are registered to vote, Compl. ¶ 77. Unfortunately for Plaintiffs, the
10 prediction errors that result from measuring low-frequency behavior in small sample surveys is
11 well documented, and lead to faulty inferences that CES authors have specifically cautioned against.
12 *See Watson v. Fort Worth Bank & Tr.*, 487 U.S. 977, 996, 108 S. Ct. 2777, 2790 (1988) (explaining
13 that statistics may not be probative if based on a "small or incomplete data set[]"); *Morita v. S. Cal.*
14 *Permanente Med. Grp.*, 541 F.2d 217, 220 (9th Cir. 1976) ("[S]tatistical evidence derived from an
15 extremely small universe ... has little predictive value and must be disregarded."); *Stout v. Potter*,
16 276 F.3d 1118, 1123 (9th Cir. 2002) ("A sample involving 6 female applicants in a pool of 38
17 applicants is likely too small to produce statistically significant results.").⁸ And, as noted above, an
18 investigation by the Secretary of State found no evidence of widespread noncitizen voting in
19 Nevada. Plaintiffs' citations to commentary by activists, such as Jesse T. Richman and Hans von
20 Spakovsky, fare no better. As Defendants Democratic National Committee and the Nevada
21 Democratic Party, and *amici* American Civil Liberties Union of Nevada and Protect Democracy,
22 point out, these experts' opinions have been critiqued for being inconsistent and methodologically
23 flawed by hundreds of experts in their field. October 3, 2024 Motion to Dismiss at 2, n.3; December
24 5, 2024 Brief of *Amici Curiae* at 5:1-11.

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27 ⁷ *See supra* note 3.

28 ⁸ *See* Brian Schaffner, Stephen Ansolabehere, & Marissa Shih, *Guide to the 2022 Cooperative Election Study* (Aug. 2023), at 22, available at <https://dataverse.harvard.edu/file.xhtml?fileId=7359254&version=4.0> (accessed Jan. 16, 2025).

1 And, finally, Plaintiffs' claim that there is noncitizen voting in Nevada because other states
2 have implemented mass voter purge programs targeting *suspected* noncitizens adds no weight or
3 credibility to the allegation that there are *actual* incidents of noncitizen voting, either in those states
4 or in Nevada. In addition, court after court has found that similar programs to the one Plaintiffs
5 would have the Secretary impose wrongfully results in the removal of eligible, American citizens
6 from the voter roll. *See, e.g., Va. Coalition for Immigrant Rights v. Beals*, No. 24-2071, 2024 WL
7 4601052, at *2 (4th Cir. Oct. 27, 2024) ("Appellants err in asserting that the district court ordered
8 them to 'restore approximately 1,600 noncitizens to the voter rolls.' . . . What the district court
9 actually found was that 'neither the Court nor the parties . . . know' that the people 'removed from'
10 the voter rolls under the challenged program 'were, in fact, noncitizens,' and that at least some
11 'eligible citizens . . . have had their registrations canceled and were unaware that this was even
12 so.'"), *stay granted*, No. 24A407, 2024 WL 4608863 (U.S. Oct. 30 2024); *LULAC*, 2019 WL
13 7938511, at *1 ("Almost immediately upon sending the list [of alleged noncitizens on the voter
14 roll], the government had an 'oops' moment, realizing that 25,000 names should not have been
15 included. It appears this is a solution looking for a problem."); *United States v. Florida*, 870 F.
16 Supp. 2d 1346, 1347–48 (N.D. Fla. 2012) ("There were major flaws in the [voter roll maintenance
17 program]. The Secretary compiled the list in a manner certain to include a large number of citizens.
18 At least insofar as shown by this record, the list included any person who (1) as a noncitizen,
19 obtained a driver's license and accurately disclosed to the Department of Highway Safety and
20 Motor Vehicles that the person was not a citizen, (2) became a naturalized citizen, (3) registered to
21 vote, accurately disclosing to the Supervisor of Elections that the person was a citizen, and (4) had
22 not yet renewed the driver's license and so had not updated DHSMV's records to reflect the new
23 citizenship status.").

24 Plaintiffs' factual allegations are thus illusory and inadequate to justify the relief requested.
25 Each piece of "evidence" that Plaintiffs cite is facially unreliable, leaving them without any factual
26 support for the relief they are seeking. Accordingly, Plaintiffs' justifications do not outweigh the
27 substantial burden the requested relief would impose on Nevadans' right to vote. Thus, Plaintiffs
28 have failed to state a claim upon which relief can be granted because granting Plaintiffs' requested

1 relief would unconstitutionally deny eligible, naturalized citizens equal protection under the laws
2 of Nevada and the United States.

3 **II. The Relief Requested Would Result in Nonuniform, Discriminatory Removal of**
4 **Voters from the Voter Roll in Violation of the NVRA**

5 Plaintiffs' complaint also runs into problems because their requested relief would violate
6 Section 8(b) of the NVRA, which requires that any state voter roll maintenance program or activity
7 "shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965." 52
8 U.S.C. § 20507(b) (the "Uniformity Provision"). In assessing whether a program violates the
9 Uniformity Provision, courts consider whether the measure disproportionately impacts a particular
10 group of voters. *See Mi Familia Vota*, 719 F. Supp. 3d at 999; *United States v. Florida*, 870 F. Supp.
11 2d at 1350–51.

12 Plaintiffs' requested relief has a disproportionate impact on naturalized citizens. As
13 described above, citizenship verification requirements that rely on information held by DHS
14 (including the SAVE database) and DMV data necessarily flag naturalized citizens more than
15 native-born citizens because the relevant information relates only to naturalized citizens. Because
16 of this issue, this Court agrees with federal district courts in Florida and Texas that have found
17 violations of the Uniformity Provision where citizenship checks of individuals already on the voter
18 registration rolls required comparison of drivers' license records and voter registration records
19 because driver's license data is likely to erroneously flag a large number of naturalized citizens
20 based on outdated information. *See United States v. Florida*, 870 F. Supp. 2d at 1350 (finding
21 secretary of state's list maintenance program "probably ran afoul" of section 8 because its
22 "methodology made it likely that the properly registered citizens who would be required to respond
23 and provide documentation would be primarily newly naturalized citizens"); *LULAC*, 2019 WL
24 7938511, at *1 (finding discriminatory impact where over 90,000 "perfectly legal naturalized
25 Americans were burdened with what the Court finds to be ham-handed and threatening
26 correspondence from the state" as a result of a voter roll maintenance program relying on driver's
27 license and personal identification card data, which "exemplifie[d] the power of government to
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1 strike fear and anxiety and to intimidate the least powerful among us”).⁹ Reliance on SAVE data
2 for such a list maintenance program (*i.e.*, to purge registered voters) similarly targets naturalized
3 citizens because native citizens cannot be subject to an additional citizenship check under the SAVE
4 system. *Mi Familia Vota*, 719 F. Supp. 3d at 999 (invalidating provision requiring election officials
5 to conduct monthly verifications using SAVE database because the SAVE program, by design,
6 allows searches only for naturalized citizens).

7 Plaintiffs’ requested relief would thus mandate the Secretary of State to treat registered
8 voters in a non-uniform and discriminatory manner in violation of Section 8(b) of the NVRA.

9 WHEREFORE, for the reasons set forth above and in the DNC and Secretary of State’s
10 motions to dismiss, **IT IS HEREBY ORDERED** and declared that Defendant NAACP Tri-State
11 Conference of Idaho-Nevada-Utah’s Motion to Dismiss is GRANTED, and Plaintiff’s Complaint
12 is DISMISSED with prejudice;

13 **IT IS FURTHER ORDERED** that the attorneys for Defendant NAACP Tri-State
14 Conference of Idaho-Nevada-Utah shall serve a notice of entry of this order on all other parties and
15 file proof of such service within 7 days after the date the court sends this order to the counsel of
16 record.

17 **IT IS SO ORDERED.**

18 Dated this _____ day of _____, 2025.

21 _____
HON. JASON D. WOODBURY
22 DISTRICT JUDGE

23 Respectfully Submitted by:

24 WOODBURN AND WEDGE

25 

26 W. Chris Wicker [NSB No. 1037]

27 Jose A. Tafoya [NSB No. 16011]

28 ⁹ See also December 5, 2024 Brief of *Amici Curiae* at 2-4 (citing U.S. Dep’t of Justice, *NVRA List Maintenance Guidance* (Sept. 2024)).

1 WOODBURN AND WEDGE

2 6100 Neil Road, Suite 500

3 Reno, NV 89511-1149

4 Tel: (775) 688-3000

5 Fax: (775) 688-3088

6 wwicker@woodburnandwedge.com

7 jtafoya@woodburnandwedge.com

8 **MAYER BROWN LLP**

9 Lee Rubin (*pro hac vice* pending)

10 Two Palo Alto Square, Suite 300

11 3000 El Camino Real

12 Palo Alto, CA 94306-2112

13 (650) 331-2000

14 lrubin@mayerbrown.com

15 Rachel J. Lamorte (*pro hac vice* pending)

16 1999 K Street, NW

17 Washington, DC 20006-1101

18 (202) 263-3000

19 rlamorte@mayerbrown.com

20 Robert C. Double III (*pro hac vice* pending)

21 333 South Grand Avenue, 47th Floor

22 Los Angeles, CA 90071

23 (213) 229-9500

24 rdouble@mayerbrown.com

25 **FREE SPEECH FOR PEOPLE**

26 Amira Mattar (*pro hac vice* pending)

27 John Bonifaz (*pro hac vice* pending)

28 Courtney Hostetler (*pro hac vice* pending)

48 N. Pleasant Street, Suite 304

Amherst, MA 01002

(617) 244-0234

amira@freespeechforpeople.org

jbbonifaz@freespeechforpeople.org

chostetler@freespeechforpeople.org

Attorneys for Intervenor-Defendant

NAACP Tri-State Conference of Idaho-Nevada-Utah

1 W. Chris Wicker [NSB No. 1037]
2 Jose A. Tafoya [NSB No. 16011]
3 WOODBURN AND WEDGE
4 6100 Neil Road, Suite 500
5 Reno, NV 89511-1149
6 Tel: (775) 688-3000 | Fax: (775) 688-3088
7 wwicker@woodburnandwedge.com
8 jtafoya@woodburnandwedge.com

9 MAYER BROWN LLP
10 Lee Rubin (*pro hac vice* pending)
11 Two Palo Alto Square, Suite 300
12 3000 El Camino Real
13 Palo Alto, CA 94306-2112
14 (650) 331-2000
15 lrubin@mayerbrown.com
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48 N. Pleasant Street, Suite 304
Amherst, MA 01002
(617) 244-0234

*Attorneys for Defendant-Intervenor
NAACP Tri-State Conference of Idaho-Nevada-Utah*

**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY**

ZENAIDA DAGUSEN, an individual;
REPUBLICAN NATIONAL COMMITTEE;
NEVADA REPUBLICAN PARTY; and
DONALD J. TRUMP FOR PRESIDENT 2024,
INC.

Plaintiffs,

vs.

REC'D & FILED

2025 FEB -7 PM 3: 28

WILLIAM SCOTT HOEN
CLERK

BY  DEPUTY

CASE NO.: 24-OC-001531B

DEPT. NO.: 1

1 FRANCISCO AGUILAR, in his official
2 capacity as Nevada Secretary of State;
3 DEMOCRATIC NATIONAL COMMITTEE;
4 and NEVADA STATE DEMOCRATIC
5 PARTY,

6 Defendants,

7 and

8 NAACP Tri-State Conference of Idaho-Nevada-
9 Utah,

10 Defendant-Intervenor.

11 **REQUESTS FOR SUBMISSION**

12 Defendant-Intervenor, NAACP Tri-State Conference of Idaho-Nevada-Utah, by and
13 through its attorneys Woodburn and Wedge, Mayer Brown LLP, and Free Speech for People,
14 hereby request that the Motions to Associate Counsel listed below, filed on January 8, 2025, be
15 submitted to the Court for consideration and decision. No objection has been received as of the
16 date of this request. Copies of the Proposed Orders are attached hereto as **Exhibits 1 – 5.**

- 17 1. Motion to Associate Counsel for Lee Rubin, Esq. (Exh. 1)
- 18 2. Motion to Associate Counsel for Rachel J. Lamorte, Esq. (Exh. 2)
- 19 3. Motion to Associate Counsel for Robert C. Double, III, Esq. (Exh. 3)
- 20 4. Motion to Associate Counsel for Amira Mattar, Esq. (Exh. 4)
- 21 5. Motion to Associate Counsel for John Bonifaz, Esq. (Exh. 5)

22 **Affirmation Pursuant to NRS 239B.030**

23 The undersigned does hereby affirm that the preceding document does not contain the
24 social security number of any person.

25 DATED this 7 day of February, 2025.

26 WOODBURN AND WEDGE

27 By:



28 W. Chris Wicker [NSB No. 1037]

Jose A. Tafoya [NSB No. 16011]

6100 Neil Road, Suite 500

Reno, NV 89511-1149
Tel: (775) 688-3000
Fax: (775) 688-3088
wwicker@woodburnandwedge.com
jtafoya@woodburnandwedge.com

MAYER BROWN LLP

Lee Rubin (*pro hac vice* pending)
Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306-2112
(650) 331-2000
lrubin@mayerbrown.com
Rachel J. Lamorte (*pro hac vice* pending)
1999 K Street, NW
Washington, DC 20006-1101
(202) 263-3000
rlamorte@mayerbrown.com
Robert C. Double III (*pro hac vice* pending)
333 South Grand Avenue, 47th Floor
Los Angeles, CA 90071
(213) 229-9500
rdouble@mayerbrown.com

FREE SPEECH FOR PEOPLE

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Courtney Hostetler (*pro hac vice* pending)
48 N. Pleasant Street, Suite 304
Amherst, MA 01002
(617) 244-0234
amira@freespeechforpeople.org
jbbonifaz@freespeechforpeople.org
chostetler@freespeechforpeople.org

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Woodburn and Wedge, and that on the below date, I caused a true and correct copy of the *Requests for Submission* to be served via E-Mail, to the following:

Brian R. Hardy, Esq.
Harry L. Arnold, Esq.
MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, NV 89145
bhardy@maclaw.com
harnold@maclaw.com
Attorneys for Plaintiffs

Laena St Jules, Esq.
Senior Deputy Attorney General
100 N. Carson St.
Carson City, NV 89701
lstjules@ag.nv.gov
Attorneys for Defendant Francisco V Aguilar

Bradley S. Schrager, Esq.
Daniel Bravo, Esq.
BRAVO SCHRAGER LLP
6675 S. Tenaya Way, Ste. 200
Las Vegas, NV 89113
bradley@bravoschrager.com
daniel@bravoschrager.com

David R. Fox, Esq.
ELIAS LAW GROUP LLP
250 Massachusetts Ave. NW, Ste. 400
Washington, D.C. 20001
dfox@elias.law
*Attorneys for Defendants Democratic
National Committee and Nevada State
Democratic Party*

DATED this 7th day of February, 2025.



Mele D. Puletau

An employee of Woodburn and Wedge

EXHIBIT 1

EXHIBIT 1

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7 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR CARSON CITY**

9 ZENAIDA DAGUSEN, an individual;
10 REPUBLICAN NATIONAL COMMITTEE;
11 NEVADA REPUBLICAN PARTY; and
12 DONALD J. TRUMP FOR PRESIDENT
2024, INC.

13 Plaintiffs,

14 v.

15 FRANCISCO AGUILAR, in his official
16 capacity as Nevada Secretary of State;
17 DEMOCRATIC NATIONAL
COMMITTEE; and NEVADA STATE
DEMOCRATIC PARTY,

18 Defendants,

19 and

20 NAACP Tri-State Conference of Idaho-
21 Nevada-Utah,

22 Defendant-Intervenor.

Case No.: 24-OC-001531B

Dept. No.: 1

23 **ORDER ADMITTING TO PRACTICE**

24 Currently before this Court is a *Motion to Associate Counsel* ("Motion") filed by
25 Intervenor-Defendant NAACP Tri-State Conference of Idaho-Nevada-Utah ("Intervenor-
26 Defendant") on January 7, 2025. Intervenor-Defendant requests an Order from this Court
27 permitting LEE H. RUBIN, ESQ. to practice in Nevada pursuant to Nevada Supreme Court Rule
28 42. Intervenor-Defendant's Motion was accompanied with a Verified Application for Association

1 of Counsel (Exhibit A), a Certificate of Good Standing for the states of California and Washington
2 D.C. (Exhibit B) and the State Bar of Nevada Statement (Exhibit C). Having reviewed the papers
3 and pleadings on file herein and applicable law, this Court finds good cause to grant the Motion.

4 Based upon the foregoing and good cause appearing,

5 **IT IS HEREBY ORDERED** that Intervenor-Defendant's *Motion to Associate Counsel* is
6 **GRANTED.**

7 **IT IS HEREBY FURTHER ORDERED** that **LEE H. RUBIN, ESQ.** is hereby admitted
8 to practice in the above-entitled Court on behalf of Intervenor-Defendant for the purposes of the
9 above-entitled matter only.

10 Dated this ____ day of _____ 2025.

11
12 _____
DISTRICT COURT JUDGE

13 Submitted by:

14 WOODBURN AND WEDGE

15 

16 W. Chris Wicker [NSB No. 1037]
17 Jose A. Tafoya [NSB No. 16011]
18 6100 Neil Road, Suite 500
19 Reno, NV 89511-1149
Tel: (775) 688-3000 | Fax: (775) 688-3088
wwicker@woodburnandwedge.com
jtafoya@woodburnandwedge.com

20 **MAYER BROWN LLP**

21 Lee Rubin (*pro hac vice* pending)
22 Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306-2112
lrubin@mayerbrown.com
23 Rachel J. Lamorte (*pro hac vice* pending)
24 1999 K Street, NW
Washington, DC 20006-1101
25 (202) 263-3000
rlamorte@mayerbrown.com
26 Robert C. Double III (*pro hac vice* pending)
333 South Grand Avenue, 47th Floor
27 Los Angeles, CA 90071
(213) 229-9500
28 rdouble@mayerbrown.com

1 **FREE SPEECH FOR PEOPLE**

2 Amira Mattar (*pro hac vice* pending)

3 John Bonifaz (*pro hac vice* pending)

4 48 N. Pleasant Street, Suite 304

5 Amherst, MA 01002

6 (617) 244-0234

7 amira@freespeechforpeople.org

8 jbbonifaz@freespeechforpeople.org

9 *Attorneys for Intervenor-Defendant NAACP Tri-State*
10 *Conference of Idaho-Nevada-Utah*

EXHIBIT 2

EXHIBIT 2

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6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR CARSON CITY**

8 ZENAIDA DAGUSEN, an individual;
9 REPUBLICAN NATIONAL COMMITTEE;
10 NEVADA REPUBLICAN PARTY; and
11 DONALD J. TRUMP FOR PRESIDENT
2024, INC.

12 Plaintiffs,

13 v.

14 FRANCISCO AGUILAR, in his official
15 capacity as Nevada Secretary of State;
16 DEMOCRATIC NATIONAL
COMMITTEE; and NEVADA STATE
DEMOCRATIC PARTY,

17 Defendants,

18 and

19 NAACP Tri-State Conference of Idaho-
20 Nevada-Utah,

21 Defendant-Intervenor.

Case No.: 24-OC-001531B

Dept. No.: 1

22 **ORDER ADMITTING TO PRACTICE**

23 Currently before this Court is a *Motion to Associate Counsel* (“Motion”) filed by
24 Intervenor-Defendant NAACP Tri-State Conference of Idaho-Nevada-Utah (“Intervenor-
25 Defendant”) on January 7, 2025. Intervenor-Defendant requests an Order from this Court
26 permitting RACHEL J. LAMORTE, ESQ. to practice in Nevada pursuant to Nevada Supreme
27 Court Rule 42. Intervenor-Defendant’s Motion was accompanied with a Verified Application for
28 Association of Counsel (Exhibit A), a Certificate of Good Standing for the states of Massachusetts,

1 New York, and Washington D.C. (Exhibit B) and the State Bar of Nevada Statement (Exhibit C).
2 Having reviewed the papers and pleadings on file herein and applicable law, this Court finds good
3 cause to grant the Motion.

4 Based upon the foregoing and good cause appearing,

5 **IT IS HEREBY ORDERED** that Intervenor-Defendant's *Motion to Associate Counsel* is
6 **GRANTED.**

7 **IT IS HEREBY FURTHER ORDERED** that **RACHEL J. LAMORTE, ESQ.** is hereby
8 admitted to practice in the above-entitled Court on behalf of Intervenor-Defendant for the purposes
9 of the above-entitled matter only.

10 Dated this ____ day of _____ 2025.

11
12 _____
DISTRICT COURT JUDGE

13 Submitted by:

14 WOODBURN AND WEDGE

15 

16 W. Chris Wicker [NSB No. 1037]
17 Jose A. Tafoya [NSB No. 16011]
18 6100 Neil Road, Suite 500
19 Reno, NV 89511-1149
Tel: (775) 688-3000 | Fax: (775) 688-3088
wwicker@woodburnandwedge.com
jtafoya@woodburnandwedge.com

20 **MAYER BROWN LLP**

21 Lee Rubin (*pro hac vice* pending)
22 Two Palo Alto Square, Suite 300
23 3000 El Camino Real
24 Palo Alto, CA 94306-2112
lrubin@mayerbrown.com
25 Rachel J. Lamorte (*pro hac vice* pending)
26 1999 K Street, NW
27 Washington, DC 20006-1101
28 (202) 263-3000
rlamorte@mayerbrown.com
Robert C. Double III (*pro hac vice* pending)
333 South Grand Avenue, 47th Floor
Los Angeles, CA 90071
(213) 229-9500
rdouble@mayerbrown.com

1 **FREE SPEECH FOR PEOPLE**

2 Amira Mattar (*pro hac vice* pending)

3 John Bonifaz (*pro hac vice* pending)

4 48 N. Pleasant Street, Suite 304

5 Amherst, MA 01002

6 (617) 244-0234

7 amira@freespeechforpeople.org

8 jbonifaz@freespeechforpeople.org

9 *Attorneys for Intervenor-Defendant NAACP Tri-State*
10 *Conference of Idaho-Nevada-Utah*

EXHIBIT 3

EXHIBIT 3

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IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

ZENAIDA DAGUSEN, an individual;
REPUBLICAN NATIONAL COMMITTEE;
NEVADA REPUBLICAN PARTY; and
DONALD J. TRUMP FOR PRESIDENT
2024, INC.

Case No.: 24-OC-001531B
Dept. No.: 1

Plaintiffs,

vs.

FRANCISCO AGUILAR, in his official
capacity as Nevada Secretary of State;
DEMOCRATIC NATIONAL
COMMITTEE; and NEVADA STATE
DEMOCRATIC PARTY,

Defendants,

and

NAACP Tri-State Conference of Idaho-
Nevada-Utah,

Defendant-Intervenor.

ORDER ADMITTING TO PRACTICE

Currently before this Court is a *Motion to Associate Counsel* (“Motion”) filed by
Intervenor-Defendant NAACP Tri-State Conference of Idaho-Nevada-Utah (“Intervenor-
Defendant”) on January 7, 2025. Intervenor-Defendant requests an Order from this Court
permitting ROBERT C. DOUBLE, III, ESQ. to practice in Nevada pursuant to Nevada Supreme
Court Rule 42. Intervenor-Defendant’s Motion was accompanied with a Verified Application for
Association of Counsel (Exhibit A), a Certificate of Good Standing for the states of California,

1 New York, Oregon, and Washington (Exhibit B) and the State Bar of Nevada Statement (Exhibit
2 C). Having reviewed the papers and pleadings on file herein and applicable law, this Court finds
3 good cause to grant the Motion.

4 Based upon the foregoing and good cause appearing,

5 **IT IS HEREBY ORDERED** that Intervenor-Defendant's *Motion to Associate Counsel* is
6 **GRANTED.**

7 **IT IS HEREBY FURTHER ORDERED** that **ROBERT C. DOUBLE, III, ESQ.** is
8 hereby admitted to practice in the above-entitled Court on behalf of Intervenor-Defendant for the
9 purposes of the above-entitled matter only.

10 Dated this ____ day of _____ 2025.

11
12 _____
DISTRICT COURT JUDGE

13 Submitted by:

14 WOODBURN AND WEDGE

15 

16 W. Chris Wicker [NSB No. 1037]
17 Jose A. Tafoya [NSB No. 16011]
6100 Neil Road, Suite 500
Reno, NV 89511-1149
18 Tel: (775) 688-3000 | Fax: (775) 688-3088
19 wwicker@woodburnandwedge.com
jtafoya@woodburnandwedge.com

20 **MAYER BROWN LLP**

21 Lee Rubin (*pro hac vice* pending)
Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306-2112
22 lrubin@mayerbrown.com
Rachel J. Lamorte (*pro hac vice* pending)
23 1999 K Street, NW
Washington, DC 20006-1101
24 (202) 263-3000
25 rlamorte@mayerbrown.com
Robert C. Double III (*pro hac vice* pending)
26 333 South Grand Avenue, 47th Floor
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rdouble@mayerbrown.com

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2 John Bonifaz (*pro hac vice* pending)

3 48 N. Pleasant Street, Suite 304

Amherst, MA 01002

4 (617) 244-0234

amira@freespeechforpeople.org

5 jbbonifaz@freespeechforpeople.org

6 *Attorneys for Intervenor-Defendant NAACP Tri-State*
7 *Conference of Idaho-Nevada-Utah*

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EXHIBIT 4

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6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR CARSON CITY**

8 ZENAIDA DAGUSEN, an individual;
9 REPUBLICAN NATIONAL COMMITTEE;
10 NEVADA REPUBLICAN PARTY; and
11 DONALD J. TRUMP FOR PRESIDENT
2024, INC.

12 Plaintiffs,

13 v.

14 FRANCISCO AGUILAR, in his official
15 capacity as Nevada Secretary of State;
16 DEMOCRATIC NATIONAL
COMMITTEE; and NEVADA STATE
DEMOCRATIC PARTY,

17 Defendants,

18 and

19 NAACP Tri-State Conference of Idaho-
20 Nevada-Utah,

21 Defendant-Intervenor.

Case No.: 24-OC-001531B

Dept. No.: 1

22 **ORDER ADMITTING TO PRACTICE**

23 Currently before this Court is a *Motion to Associate Counsel* (“Motion”) filed by
24 Intervenor-Defendant NAACP Tri-State Conference of Idaho-Nevada-Utah (“Intervenor-
25 Defendant”) on January 7, 2025. Intervenor-Defendant requests an Order from this Court
26 permitting AMIRA MARCELLA MATTAR, ESQ. to practice in Nevada pursuant to Nevada
27 Supreme Court Rule 42. Intervenor-Defendant’s Motion was accompanied with a Verified
28 Application for Association of Counsel (Exhibit A), a Certificate of Good Standing for the states

1 of New York and Washington (Exhibit B) and the State Bar of Nevada Statement (Exhibit C).
2 Having reviewed the papers and pleadings on file herein and applicable law, this Court finds good
3 cause to grant the Motion.

4 Based upon the foregoing and good cause appearing,

5 **IT IS HEREBY ORDERED** that Intervenor-Defendant's *Motion to Associate Counsel* is
6 **GRANTED.**


7 **IT IS HEREBY FURTHER ORDERED** that **AMIRA MARCELLA MATTAR, ESQ.**
8 is hereby admitted to practice in the above-entitled Court on behalf of Intervenor-Defendant for
9 the purposes of the above-entitled matter only.

10 Dated this ____ day of _____ 2025.

11
12 _____
DISTRICT COURT JUDGE

13 Submitted by:

14 WOODBURN AND WEDGE

15 

16 W. Chris Wicker [NSB No. 1037]
17 Jose A. Tafoya [NSB No. 16011]
18 6100 Neil Road, Suite 500
19 Reno, NV 89511-1149
Tel: (775) 688-3000 | Fax: (775) 688-3088
wwicker@woodburnandwedge.com
jtafoya@woodburnandwedge.com

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21 Lee Rubin (*pro hac vice* pending)
22 Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306-2112
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Washington, DC 20006-1101
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28 rdouble@mayerbrown.com

1 **FREE SPEECH FOR PEOPLE**

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4 48 N. Pleasant Street, Suite 304

5 Amherst, MA 01002

6 (617) 244-0234

7 amira@freespeechforpeople.org

8 jbbonifaz@freespeechforpeople.org

9 *Attorneys for Intervenor-Defendant NAACP Tri-State*
10 *Conference of Idaho-Nevada-Utah*

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EXHIBIT 5

EXHIBIT 5

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6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR CARSON CITY**

8 ZENAIDA DAGUSEN, an individual;
9 REPUBLICAN NATIONAL COMMITTEE;
10 NEVADA REPUBLICAN PARTY; and
11 DONALD J. TRUMP FOR PRESIDENT
2024, INC.

12 Plaintiffs,

13 v.

14 FRANCISCO AGUILAR, in his official
15 capacity as Nevada Secretary of State;
16 DEMOCRATIC NATIONAL
COMMITTEE; and NEVADA STATE
DEMOCRATIC PARTY,

17 Defendants,

18 and

19 NAACP Tri-State Conference of Idaho-
20 Nevada-Utah,

21 Defendant-Intervenor.
22

Case No.: 24-OC-001531B

Dept. No.: 1

23 **ORDER ADMITTING TO PRACTICE**

24 Currently before this Court is a *Motion to Associate Counsel* ("Motion") filed by
25 Intervenor-Defendant NAACP Tri-State Conference of Idaho-Nevada-Utah ("Intervenor-
26 Defendant") on January 7, 2025. Intervenor-Defendant requests an Order from this Court
27 permitting JOHN C. BONIFAZ, ESQ. to practice in Nevada pursuant to Nevada Supreme Court
28 Rule 42. Intervenor-Defendant's Motion was accompanied with a Verified Application for

1 Association of Counsel (Exhibit A), a Certificate of Good Standing for the state of Massachusetts
2 (Exhibit B), and the State Bar of Nevada Statement (Exhibit C). Having reviewed the papers and
3 pleadings on file herein and applicable law, this Court finds good cause to grant the Motion.

4 Based upon the foregoing and good cause appearing,

5 **IT IS HEREBY ORDERED** that Intervenor-Defendant's *Motion to Associate Counsel* is
6 **GRANTED.**

7 **IT IS HEREBY FURTHER ORDERED** that **JOHN C. BONIFAZ, ESQ.** is hereby
8 admitted to practice in the above-entitled Court on behalf of Intervenor-Defendant for the purposes
9 of the above-entitled matter only.

10 Dated this ____ day of _____ 2025.

11
12 _____
DISTRICT COURT JUDGE

13 Submitted by:

14 WOODBURN AND WEDGE

15 

16 W. Chris Wicker [NSB No. 1037]
17 Jose A. Tafoya [NSB No. 16011]
18 6100 Neil Road, Suite 500
19 Reno, NV 89511-1149
20 Tel: (775) 688-3000 | Fax: (775) 688-3088
21 wwicker@woodburnandwedge.com
22 jtafoya@woodburnandwedge.com

23 **MAYER BROWN LLP**

24 Lee Rubin (*pro hac vice* pending)
25 Two Palo Alto Square, Suite 300
26 3000 El Camino Real
27 Palo Alto, CA 94306-2112
28 lrubin@mayerbrown.com
Rachel J. Lamorte (*pro hac vice* pending)
1999 K Street, NW
Washington, DC 20006-1101
(202) 263-3000
rlamorte@mayerbrown.com

Robert C. Double III (*pro hac vice* pending)
333 South Grand Avenue, 47th Floor
Los Angeles, CA 90071
(213) 229-9500
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1 **FREE SPEECH FOR PEOPLE**

2 Amira Mattar (*pro hac vice* pending)

3 John Bonifaz (*pro hac vice* pending)

4 48 N. Pleasant Street, Suite 304

5 Amherst, MA 01002

6 (617) 244-0234

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8 jbbonifaz@freespeechforpeople.org

9 *Attorneys for Intervenor-Defendant NAACP Tri-State*
10 *Conference of Idaho-Nevada-Utah*

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