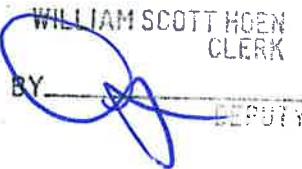


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2025 JAN -8 AM 11:15

WILLIAM SCOTT HOEN
CLERK

BY  DEPUTY

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

20 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

21 **IN AND FOR CARSON CITY**

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

27 CASE NO.: 24-OC-001531B

28 DEPT. NO.: 1

Plaintiffs,

1 vs.

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

7 Defendants,
8 and

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

11 Defendant-Intervenor.

NON-OPPOSED MOTION TO SET TIME TO RESPOND OR MOVE TO DISMISS

12 Defendant NAACP Tri-State-Conference of Idaho-Nevada-Utah (“Tri-State NAACP”),
13 by and through its attorneys Woodburn and Wedge, and Mayer Brown LLP, moves to set the
14 date to January 17, 2025, by which Tri-State NAACP must respond or move to dismiss Plaintiff’s
15 complaint. Tri-State NAACP’s counsel conferred via email with all other parties’ counsel on
16 December 26, 2024, regarding the time within which Tri-State NAACP would respond to
17 Plaintiffs’ Complaint. None of the parties objected to Tri-State NAACP’s deadline to file a
18 response, which could include a Motion to Dismiss, being January 17, 2024. Given the
19 intervening holidays which could affect the ability to provide original signatures, and the fact
20 that none of the parties objected to the deadline, Tri-State NAACP believed in good faith an
unopposed motion was the best way to proceed.

21 This Motion is based on the Memorandum of Points and Authorities below, the attached
22 exhibit, all papers and pleadings on file, and any oral argument this Court sees fit to allow at the
23 hearing on this matter.

24 DATED this 7 day of January, 2025.

25 By:

26 
WOODBURN AND WEDGE
27 W. Chris Wicker [NSB No. 1037]

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND AND ARGUMENT

3 This Court granted Tri-State NAACP’s Motion to Intervene on December 17, 2024,
4 allowing Tri-State NAACP to intervene as a defendant to this action. The Court’s December
5 17 Order was silent as to when Tri-State NAACP was required to file a response to Plaintiff’s
6 Complaint. Tri-State NAACP counsel contacted counsel for all parties on December 26, 2024
7 requesting a stipulated extension for Tri-State NAACP to file a response, which could include
8 a motion to dismiss, by January 17, 2025. Counsel for the Nevada Secretary of State indicated
9 they had no objection to the extension, as did counsel for the Democratic National Committee
10 and Nevada State Democratic Party, and counsel for Plaintiffs. Email communications
11 indicating no opposition are attached hereto as **Exhibit 1**.

12 As there is no objection to setting Tri-State NAACP's response time to January 17,
13 2025, and in consideration of the holidays and varying travel schedules that may delay obtaining
14 a wet signature from every party for a stipulation, Tri-State NAACP hereby files this unopposed
15 motion respectfully requesting that this Court set its time to respond to Plaintiff's Complaint to
16 January 17, 2025.

II. CONCLUSION

18 For these reasons, Tri-State NAACP respectfully requests that the Court grant its unopposed
19 Motion to Set Time to Respond or Move to Dismiss. A proposed order is attached hereto as
20 **Exhibit 2.**

Affirmation Pursuant to NRS 239B.030

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

24 DATED this 7 day of January, 2025

WOODBURN AND WEDGE

By:

W. Chris Wicker [NSB No. 1037]

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26 jbonifaz@freespeechforpeople.org

27
28 *Attorneys for NAACP Tri-State-
Conference of Idaho-Nevada-Utah*

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 *Non-Opposed Motion to Set Time to Respond Or Move to Dismiss* to be served via E-Mail, to the following:

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Harry L. Arnold, Esq.
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harnold@maclaw.com
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Julie Harkleroad
Judicial Assistant to Hon. James Russell
First Judicial District Court, Dept. I
JHarkleroad@carson.org

Attorneys for Defendants Democratic National Committee and Nevada State Democratic Party

DATED this 8th day of January, 2024.

Mark Buntan

An employee of Woodburn and Wedge

INDEX OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>	<u>Pages</u>
1	Email communications.	2
2	[Proposed] Order Granting Non-Opposed Motion to Set Time to Respond or Move to Dismiss.	2

EXHIBIT 1

EXHIBIT 1

From: Harry L. Arnold
To: David Fox; Laena St Jules; Jose A. Tafoya; Brian R. Hardy; Nicholas M. Adams; Daniel Bravo; Devin A. Oliver; Bradley Schrager; Cally Hatfield
Subject: RE: Dagusen v. Aguilar et. al. NAACP Extension [IWOV-IMANAGE.FID1377590]
Date: Friday, December 27, 2024 9:13:28 AM

No objection from Plaintiffs, either. However, we may suggest filing the extension request as an unopposed motion, as that may obviate the need for us to circulate/mail around a copy of the stip for everyone's wet-signature.

-Harry

From: David Fox <dfox@elias.law>
Sent: Friday, December 27, 2024 8:35 AM
To: Laena St Jules <LStJules@ag.nv.gov>; Jose A. Tafoya <JTafoya@woodburnandwedge.com>; Brian R. Hardy <bhardy@maclaw.com>; Harry L. Arnold <harnold@MACLAW.com>; Nicholas M. Adams <nadams@maclaw.com>; Daniel Bravo <daniel@bravoschrager.com>; Devin A. Oliver <doliver@ag.nv.gov>; Bradley Schrager <bradley@bravoschrager.com>
Subject: Re: Dagusen v. Aguilar et. al. NAACP Extension

No objection from our clients. Thanks.

David R. Fox
Elias Law Group LLP
250 Massachusetts Ave NW, Suite 400
Washington DC 20001
202-968-4546

CONFIDENTIAL: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). Any unauthorized use or disclosure of this communication is prohibited. If you believe that you have received this email in error, please notify the sender immediately and delete it from your system.

From: Laena St Jules <LStJules@ag.nv.gov>
Sent: Friday, December 27, 2024 7:36 AM
To: Jose A. Tafoya <JTafoya@woodburnandwedge.com>; Brian R. Hardy <bhardy@maclaw.com>; harnold@maclaw.com <harnold@maclaw.com>; nadams@maclaw.com <nadams@maclaw.com>; Daniel Bravo <daniel@bravoschrager.com>; David Fox <dfox@elias.law>; Devin A. Oliver <doliver@ag.nv.gov>; Bradley Schrager <bradley@bravoschrager.com>
Subject: Re: Dagusen v. Aguilar et. al. NAACP Extension

No objection to the extension from the Secretary of State, thanks.

Laena St-Jules
Senior Deputy Attorney General

Cell (preferred): (408) 832-5149
Office: (775) 684-1265

*****CONFIDENTIALITY NOTICE*****

The preceding e-mail message (including attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not the intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution or reproduction of this message by unintended recipients is not authorized and may be unlawful.

From: Jose A. Tafoya <JTafoya@woodburnandwedge.com>
Sent: Thursday, December 26, 2024 2:46 PM
To: Brian R. Hardy <bhardy@maclaw.com>; harnold@maclaw.com <harnold@maclaw.com>; nadams@maclaw.com <nadams@maclaw.com>; Daniel Bravo <daniel@bravoschrager.com>; David Fox <dfox@elias.law>; Devin A. Oliver <doliver@ag.nv.gov>; Laena St Jules <LStJules@ag.nv.gov>; Bradley Schrager <bradley@bravoschrager.com>
Subject: Dagusen v. Aguilar et. al. NAACP Extension

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Counsel,

I hope you're all enjoying your holidays. Following the Court granting our client Tri-State NAACP's Motion to Intervene last week, we'd like to request a brief extension until January 17, 2025 in which to finalize and file our response, which may include a motion to dismiss. If the parties are agreeable, we'll prepare a stipulation and order for everyone's review and signature.

Best,

Jose A. Tafoya



Woodburn and Wedge
6100 Neil Road, Suite 500
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775.688.3000
Direct Dial: 775.688.3004
jtafoya@woodburnandwedge.com

EXHIBIT 2

EXHIBIT 2

1
2
3
4
5 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR CARSON CITY**

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

CASE NO.: 24-OC-001531B

DEPT. NO.: 1

12 Plaintiffs,

13 v.

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

19 Defendants,

20 **[PROPOSED] ORDER GRANTING NON-OPPOSED MOTION TO SET TIME**
21 **RESPOND OR MOVE TO DISMISS**

22 This matter came before the Court pursuant to Defendant NAACP Tri-State-Conference
23 of Idaho-Nevada-Utah (“Tri-State NAACP”) motion to set the date to January 17, 2025, by
24 which Tri-State NAACP must respond or move to dismiss Plaintiff’s complaint. Tri-State
25 NAACP has provided documentary evidence demonstrating no other party to this action objects
26 to Tri-State NAACP’s Motion or its response time being set to January 17, 2025.

27 ///

28 ///

29 ///

1 WHEREFORE, for good cause appearing, Tri-State NAACP's Non-Opposed Motion is
2 GRANTED, and IT IS HEREBY ORDERED that Tri-State NAACP shall have until January 17,
3 2025 to file a response to Plaintiffs' Complaint.

4 DATED this _____ day of January, 2025

5

6 Submitted by:



7
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36 Jason D. Woodbury
37 District Judge