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WILLIAM SCOTT
CLERK

BY _____ DEPT.

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.

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.

CASE NO.: 24 OC 00153 1B

DEPT. NO.: I

ORDER TO SET HEARING AND GRANTING MOTION FOR LEAVE

TO FILE BRIEF AS *AMICI CURIAE* IN SUPPORT OF

DEFENDANT FRANCISCO AGUILAR'S MOTION TO DISMISS

This matter is before the Court on the following: (1) a *Motion to Dismiss* filed by the
DEMOCRATIC NATIONAL COMITTEE and NEVADA STATE DEOMCRATIC PARTY on


1 October 4, 2024; and (2) a *Motion to Dismiss* filed by FRANCISCO AGUILAR, Nevada
2 Secretary of State, on December 2, 2024. Both motions have been fully briefed by the parties
3 and submitted to the Court for decision. In addition, the America Civil Liberties Union of Nevada
4 and Protect Democracy filed a *Motion for Leave to File Brief as Amici Curiae in Support of*
5 *Defendant Francisco Aguilar's Motion to Dismiss* (“*Amicus Motion*”) on December 5, 2024. No
6 opposition to the *Amicus Motion* has been filed with the Court.

7 After reviewing the two dismissal motions and associated filings, it has been determined
8 that a hearing would be helpful in evaluating the respective arguments before the Court.
9 Therefore, counsel for the parties **ARE HEREBY ORDERED** to appear before the Court’s
10 Judicial Assistant on Wednesday, January 8, 2025 at 9:00 a.m. in order to set this matter for
11 hearing. All counsel are **FURTHER ORDERED** to contact the Court’s Judicial Assistant on or
12 before Tuesday, January 7, 2025, for the purpose of providing contact information for the
13 telephonic conference on January 8, 2025.

14 Turning to the request of the proposed *amici curiae*, participation as an *amicus curiae* is
15 typically reserved for cases at the appellate court level. However, there is precedent allowing
16 Nevada district courts discretion to permit *amicus* participation at the trial court level. *Hairr v.*
17 *First Judicial Dist. Court*, 132 Nev. 180, 188, 368 P.3d 1198, 1203 (holding *amicus curiae* status
18 is preferable to permissive intervention under some circumstances). The *Amicus Motion*
19 included the proposed brief and was filed three days after the filing in support of which the brief
20 is offered. *Cf.* NRAP 29. Therefore, the *Amicus Motion* is timely and provides adequate notice
21 of the position and arguments of the proposed *amici curiae*. *Cf. id.* In addition, the *Amicus*
22 *Motion* is unopposed and, thereby, presumably meritorious. FJDCR 3.8(b). Therefore, good
23 cause appearing, the *Motion for Leave to File Brief as Amici Curiae in Support of Defendant*
24 *Francisco Aguilar's Motion to Dismiss* is **HEREBY GRANTED**. The *Brief of Amici Curiae in*
25 *Support of Defendant Francisco Aguilar's Motion to Dismiss* (“*Amici Brief*”) which was attached
26 as Exhibit 1 to the *Amicus Motion* is deemed filed with the Court as of today’s date. Plaintiffs
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1 are **HEREBY GRANTED** 14 days from the date of this order to file an opposition to the *Amici*
2 *Brief* if they choose. No reply to any such opposition will be permitted, and counsel for *amici*
3 *curiae* will not be allowed to participate in the oral argument on the pending motions to dismiss.
4 *Cf.* NRAP 29(f). For purposes of Plaintiffs' response, if any, to the *Amici Brief*, FJDCR 3.8(b)
5 shall not be applied. Specifically, if Plaintiffs elect to not file an opposition to the *Amici Brief*,
6 the absence of any opposition shall not be deemed to constitute a "consent to the granting" of the
7 motions to dismiss.

8 Dated this 26th day of December, 2024.

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12 JASON D. WOODBURY
13 DISTRICT JUDGE
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 27 day of December, 2024, I deposited for mailing at Carson City, Nevada, and sent via email, a true and correct copy of the foregoing document addressed as follows:

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