

1
2
3
4
5
6 REC'D & FILED

7 2024 DEC 27 AM 9:03

8 WILLIAM SCOTT CLERK

9 BY 
10 DEPUTY

11 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

12 IN AND FOR CARSON CITY

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

18 Plaintiffs,

CASE NO.: 24 OC 00153 1B

19 vs.

DEPT. NO.: I

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

25 Defendants,

26 and

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

Defendant-Intervenor.

28 ORDER TO SET HEARING AND GRANTING MOTION FOR LEAVE

29 TO FILE BRIEF AS *AMICI CURIAE* IN SUPPORT OF

30 DEFENDANT FRANCISCO AGUILAR'S MOTION TO DISMISS

31 This matter is before the Court on the following: (1) a *Motion to Dismiss* filed by the
32 DEMOCRATIC NATIONAL COMMITTEE and NEVADA STATE DEMOCRATIC 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
27

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.

9
10
11 
12 JASON D. WOODBURY
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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:

Brian R. Hardy, Esq.
Harry L. Arnold, Esq.
Marquis Aurbach
10001 Park Run Drive
Las Vegas, NV 89145

Counsel for Plaintiffs

Aaron D. Ford, Attorney General
Laena St-Jules, Senior Deputy Attorney
General
Davin A. Oliver,¹ Deputy Attorney General
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701-4717

Counsel for Defendant Secretary of State

Sadmir Ramic, Esq.
American Civil Liberties Union of Nevada
4362 West Cheyenne Ave.
North Las Vegas, NV 89032

Kenneth Parreno
Protect Democracy Project
15 Main Street, Suite 312
Watertown, MA 02472

Counsel for Amici Curiae

Bradley S. Schrager, Esq.
Daniel Bravo, Esq.
Bravo Schrager LLP
6675 South Tenaya Way, Suite 200
Las Vegas, NV 89113

David R. Fox, Esq.
Elias Law Group, LLP
250 Massachusetts Ave NW, Suite 400
Washington, DC 20001

Counsel for Defendants Democratic National Committee and Nevada State Democratic Party

W. Chris Wicker, Esq.
Jose A. Tafoya, Esq.
Woodbury and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511-1149

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

Nicole Weyrauch-Montero
Nicole Weyrauch-Montero, Esq.
Law Clerk, Dept. I