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**IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE**

FREDERICK H. KRAUS; PUBLIC  
INTEREST LEGAL FOUNDATION.,

Case No. CV24-01051

Petitioner,

Department No.: 4

vs.

CARRIE-ANN BURGESS, in her official  
capacity as Washoe County Interim Registrar  
of Voters,

Respondent,

and

FRANCISCO V. AGUILAR, in his Official  
Capacity as NEVADA SECRETARY OF  
STATE,

Intervenor.

**ORDER**

On May 10, 2024, Petitioners FREDERICK H. KRAUS and PUBLIC INTEREST LEGAL FOUNDATION (collectively “KRAUS & PILF”), by and through their attorney David C. O’Mara, Esq. of the O’Mara Law Firm, P.C., filed *Petition for Writ of Mandamus Pursuant to NRS 34.160 for Washoe County Registrar of Voters to Determine Whether Commercial Addresses on Voter Roll are Accurate as Required by NRS 293.530* (hereinafter “*Petition*”).

On May 28, 2024, Proposed Intervenors – Respondents RISE ACTION FUND, the INSTITUTE FOR PROGRESSIVE NEVADA, and the NEVADA ALLIANCE FOR RETIRED

1 AMERICANS, by and through its attorneys Bradley Schrager, Esq. and Daniel Bravo, Esq. of  
2 Bravo Schrager LLP, and David R. Fox, Esq. of Elias Law Group LLP, filed a *Motion to*  
3 *Intervene as Respondents*. On June 11, 2024, KRAUS & PILF filed a *Response in Opposition to*  
4 *Motion to Intervene as Respondents*. On June 18, 2024, the RISE ACTION FUND, the  
5 INSTITUTE FOR PROGRESSIVE NEVADA, and the NEVADA ALLIANCE FOR RETIRED  
6 AMERICANS filed their *Reply in Support of Motion to Intervene as Respondents*. On July 16,  
7 2024, the Court entered its *Order Denying Motion to Intervene as Respondents*.<sup>1</sup>

8 On June 17, 2024, Proposed Intervenor-Respondent FRANCISCO AGUILAR, in his  
9 official capacity as Nevada Secretary of State (hereinafter “SECRETARY AGUILAR”), by and  
10 through his counsel Nevada Attorney General Aaron D. Ford, Senior Deputy Attorney General  
11 Laena St-Jules, and Deputy Attorney General Devin A. Oliver, filed a *Motion to Intervene as*  
12 *Respondent*. On July 1, 2024, KRAUS & PILF filed a *Response in Opposition to Motion to*  
13 *Intervene as Respondent*. On July 8, 2024, SECRETARY AGUILAR filed a *Reply in Support of*  
14 *Motion to Intervene as Respondent*. On July 25, 2024, the Court entered its *Order Granting*  
15 *Motion to Intervene as Respondent*.

16 On July 15, 2024, Respondent CARRIE-ANN BURGESS (hereinafter  
17 “BURGESS”), by and through her counsel Washoe County District Attorney Christopher J.  
18 Hicks and Deputy District Attorney Elizabeth Hickman, filed a *Motion to Dismiss Petition for*  
19 *Writ of Mandamus*. On July 22, 2024, RISE ACTION FUND, the INSTITUTE FOR  
20 PROGRESSIVE NEVADA, and the NEVADA ALLIANCE FOR RETIRED AMERICANS  
21 filed a *Brief of Amici Curiae in Support of Respondent’s Motion to Dismiss Petition for Writ of*  
22 *Mandamus*. On July 25, 2024, KRAUS & PILF filed a *Response in Opposition to Respondent’s*  
23 *Motion to Dismiss*. On August 1, 2024, BURGESS filed a *Reply in Support of Motion to Dismiss*  
24 *Petition for Writ of Mandamus*. On August 20, 2024, the Court entered the *Order Denying*  
25 *Motion to Dismiss Petition for Writ of Mandamus*.

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28 <sup>1</sup> The Court did allow leave to RISE ACTION FUND, the INSTITUTE FOR PROGRESSIVE NEVADA, and the  
NEVADA ALLIANCE FOR RETIRED AMERICANS to file an *amici curiae* brief.

1 On August 13, 2024, SECRETARY AGUILAR filed *Intervenor-Respondent Nevada*  
2 *Secretary of State's Motion to Dismiss Petition for Writ of Mandamus*. On August 27, 2024,  
3 KRAUS & PILF filed a *Response in Opposition to Intervenor-Respondent's Motion to Dismiss*.  
4 On September 3, 2024, SECRETARY AGUILAR filed a *Reply in Support of Motion to Dismiss*  
5 *Petition for Writ of Mandamus*.

6 On September 26, 2024, KRAUS & PILF filed a *Request for Briefing Schedule and*  
7 *Hearing*.

8 NRS 34.210 states the following:

9 [o]n the return day of the alternative, or the day on which the application of the  
10 writ is noticed, or such further day as the court or district judge issuing the writ  
11 may allow, the party on whom the writ or notice shall have been served may show  
cause by answer under oath, made in the same manner as an answer to a  
complaint in a civil action.

12 Also, NRS 34.260 states, in relevant part, the following: “[i]f an answer be made which does not  
13 raise a question such as is mentioned in NRS 34.220, but only such matters as may be explained  
14 or avoided by a reply, the court may, in its discretion, grant time for replying.”

15 Based upon a review of the pleadings and papers on file herein, the Court finds that it is  
16 appropriate to allow BURGESS and SECRETARY AGUILAR, pursuant to NRS 34.210, to  
17 answer under oath, the *Petition*. Upon submission of BURGESS and SECRETARY  
18 AGUILAR's answer, the Court finds it appropriate to allow KRAUS & PILF to file a reply to the  
19 aforementioned answer.

20 Additionally, WDCR 12(5) states the following: “[d]ecision[s] shall be rendered without  
21 oral argument unless oral argument is ordered by the court, in which event the individual court  
22 department shall set a date and time for hearing.”

23 Here, the Court finds it appropriate to exercise its discretion and order oral arguments to  
24 be set to hear the parties' arguments on the *Petition* and *Intervenor-Respondent Nevada*  
25 *Secretary of State's Motion to Dismiss Petition for Writ of Mandamus*.

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1 IT IS HEREBY ORDERED that BURGESS and SECRETARY AGUILAR shall submit  
2 opposing points and authorities to the *Petition* within fifteen (15) days from the entry of this  
3 order.

4 IT IS HEREBY FUTHER ORDERED that KRAUS & PILF shall submit reply points and  
5 authorities to BURGESS and SECRETARY AGUILAR's opposing points and authorities to the  
6 *Petition* within ten (10) days from the submission of the aforementioned opposing points and  
7 authorities.

8 IT IS HEREBY FUTHER ORDERED that the parties shall appear before the  
9 Administrative Assistant for Department 4 within ten (10) days to set this matter for hearing on  
10 the *Petition* and *Intervenor-Respondent Nevada Secretary of State's Motion to Dismiss Petition*  
11 *for Writ of Mandamus*.

12 IT IS HEREBY FUTHER ORDERED that *Intervenor-Respondent Nevada Secretary of*  
13 *State's Motion to Dismiss Petition for Writ of Mandamus*' is held in abeyance until the set above  
14 hearing.

15 DATED this 10 day of October, 2024.

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17 Corrie J. Steinheimer

18 DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

CASE NO. CV24-01051

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 10 day of October, 2024, I electronically filed the **ORDER** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

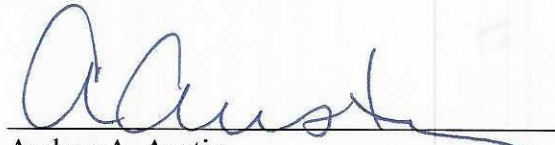
**Personal delivery to the following: [NONE]**

**Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

- DEVIN A. OLIVER, ESQ. for FRANCISCO V. AGUILAR, SECRETARY OF STATE
- LAENA ST-JULES, ESQ. for FRANCISCO V. AGUILAR, SECRETARY OF STATE
- ELIZABETH HICKMAN, ESQ. for CARRIE-ANN BURGESS
- DAVID C. O'MARA, ESQ. for PUBLIC INTEREST LEGAL FOUNDATION, FREDERICK H KRAUS
- BRADLEY SCHRAGER, ESQ.

**Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:**

- RICHARD A. MEDINA, ESQ.
- KAYLAN HUGHES LYTTLE-PHILLIPS, ESQ. for PUBLIC INTEREST LEGAL FOUNDATION, FREDERICK H KRAUS
- ROBERT GOLAN-VILELLA, ESQ

  
Audrey A. Austin