AARON D. FORD 1 LAENA ST-JULES (Bar No. 15156) 24 SEP 26 FH 1: C3 2 Senior Deputy Attorney General DEVIN A. OLÍVER (Bar No. 16773C) 3 Deputy Attorney General State of Nevada 4 Office of the Attorney General 100 North Carson Street 5 Carson City, Nevada 89701-4717 6 T: (775) 684-1265 (775) 684-1234 7 E: lstjules@ag.nv.gov doliver@ag.nv.gov 8 Attorneys for Proposed Intervenor-Respondent Secretary of State 9 10 FIRST JUDICIAL DISTRICT COURT OF NEVADA 11 **CARSON CITY** 12 Case No. 24 EW 00020 1B CITIZEN OUTREACH FOUNDATION, 13 CHARLES MUTH, individually, Dept. No. I 14 Petitioners,

vs.

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SCOTT HOEN, in his official capacity as the Carson City Clerk, and JIM HINDLE, in his official capacity as the Storey County Clerk,

Respondents.

# SECRETARY OF STATE'S MOTION FOR ORDER SHORTENING TIME

Pursuant to FJDCR 3.18, Proposed Intervenor-Respondent Francisco V. Aguilar, in his official capacity as Nevada Secretary of State ("Secretary"), by and through counsel, submits this Motion for Order Shortening Time to respond to the Secretary's Motion to Intervene as Respondent. This Motion is made and based upon the declaration of Laena St-Jules, Esq., attached hereto as Exhibit 1.

On Friday, September 20, 2024, Petitioners Citizen Outreach Foundation and Charles Muth filed their Petition for Writ of Mandamus Pursuant to NRS 293.535 and

NRS 293.530 for Respondents to Notify the Registrant of the Challenge and Follow the Requirements of NRS 293.530 ("Petition"). Two business days later, on Tuesday, September 24, 2024, counsel for the Secretary emailed counsel for Petitioners asking whether Petitioners would agree to the Secretary's intervention in this case. See Ex. 1, St-Jules Decl. ¶ 3; Ex. 2. Counsel for Petitioners did not respond. See Ex. 1, St-Jules Decl. ¶ 4. Instead, on September 25, 2024, counsel for Petitioners emailed counsel for Respondents to inquire about accelerating the briefing schedule for an anticipated motion for preliminary injunction. Id. ¶ 5; Ex. 3. Counsel for Petitioners did not include counsel for the Secretary on the email. Id.

Given Petitioners' intention to seek a shortened briefing schedule for an anticipated preliminary injunction motion, and given the Secretary's significantly protectable interests in this litigation and intention to oppose the anticipated preliminary injunction motion, there is an urgent need for a decision on the Secretary's Motion to Intervene as Respondent. See Ex. 1, St-Jules Decl. ¶¶ 6–7. The Secretary proposes that Petitioners' response to the Motion to Intervene as Respondent be due on September 30, 2024 so the Court has enough time to rule on the Motion to Intervene as Respondent before Petitioners' proposed response date of October 4, 2024 for their anticipated motion for preliminary injunction.

DATED this 26th day of September, 2024.

AARON D. FORD Attorney General

By:

LAENA ST JULES (Bar No. 15156)
Senior Deputy Attorney General
DEVIN A. OLIVER (Bar No. 16773C)
Deputy Attorney General

Attorneys for Proposed Intervenor-Respondent Secretary of State

### CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this 26th day of September, 2024, I served a true and correct copy of the foregoing SECRETARY OF STATE'S MOTION FOR ORDER SHORTENING TIME, by email and by placing said document in the U.S. Mail, postage prepaid, addressed to:

David C. O'Mara THE O'MARA LAW FIRM, P.C. 311 E. Liberty Street Reno, NV 89501 david@omaralaw.net

Attorneys for Petitioners

Benjamin Johnson CARSON CITY DISTRICT ATTORNEY'S OFFICE 885 E. Musser Street, Suite 2030 Carson City, NV 89701 BJohnson@carson.org

Attorneys for Carson City Clerk-Recorder

Katherine F. Parks THORNDAL ARMSTRONG, PC 6590 S. McCarran Blvd., Suite B Reno, NV 89509 KFP@thorndal.com

Attorneys for Storey County Clerk

AG Legal Secretary

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# INDEX OF EXHIBITS

EXHIBIT No.	EXHIBIT DESCRIPTION	Number Of Pages
1	Declaration of Laena St-Jules, Esq.	2
2	September 24, 2024 email from Laena St-Jules to David O'Mara	1
3	September 25, 2024 email from David O'Mara to counsel for Respondents	2

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# Exhibit 1

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Exhibit 1

## DECLARATION OF LAENA ST-JULES, ESQ.

I, LAENA ST-JULES, declare as follows:

- 1. I am a Senior Deputy Attorney General with the Office of the Nevada Attorney General. I am counsel to Proposed Intervenor-Respondent Francisco V. Aguilar, in his official capacity as Nevada Secretary of State ("Secretary"). Unless otherwise indicated, I make this declaration based on personal knowledge.
- 2. The Secretary makes this Motion for Order Shortening Time to shorten the time to respond to his Motion to Intervene as Respondent.
- 3. On Tuesday, September 24, 2024 at 10:20 am, I emailed David O'Mara, counsel for Petitioners, pursuant to FJDCR 3.7(b), to confer on whether Petitioners would agree to the Secretary's intervention in this matter. I noted that absent agreement on the Secretary's intervention, the Secretary would move to intervene this week. A true and correct copy of my September 24, 2024 email is attached as Exhibit 2.
- 4. As of the signing of this Declaration, Mr. O'Mara has not responded to my September 24, 2024 email.
- 5. On information and belief, see NRS 51.075(1), on Wednesday, September 25, 2024 at 12:02 pm, Mr. O'Mara entailed the District Attorneys for Carson City and Storey County, advising that Petitioners would move for a preliminary injunction and asking whether the District Attorneys would agree to shorten the briefing schedule. On information and belief, see id., Mr. O'Mara proposed a briefing schedule with the opposition due on October 4, 2024, the reply due on October 11, 2024, and a hearing held during the week of October 14-18. Mr. O'Mara did not copy me on the email to the District Attorneys. On information and belief, see id., a true and correct copy of Mr. O'Mara's September 25, 2024 email is attached as Exhibit 3.
- 6. As set forth in the Secretary's Motion to Intervene as Respondent, the Secretary has significantly protectable interests in this litigation, and he therefore seeks to participate fully in all stages.

- 7. Given Mr. O'Mara's lack of response to my email on September 24, 2024, despite apparently emailing the District Attorneys the following day, and Petitioners' intention to accelerate briefing on a preliminary injunction motion, the Secretary is unable to prevent or avoid the circumstances necessitating an order shortening time to respond to his Motion to Intervene as Respondent. The Secretary seeks to intervene before any opposition to the Petitioners' intended motion for preliminary injunction is due. Because it is anticipated that Petitioners will file their motion for preliminary injunction imminently, briefing on the Secretary's Motion to Intervene as respondent would not otherwise be completed by the time any opposition to the preliminary injunction motion would be due.
- 8. Given Mr. O'Mara's lack of response to my smail on September 24, 2024, I have not consulted further with Mr. O'Mara regarding this proposed order shortening time. Counsel for both Respondents confirmed no objection to the Secretary's intervention, and I therefore have not consulted with them on this motion.
- 9. In addition to traditional service by mail, my Office will email a copy of the Secretary's Motion for Order Shortening Time and Motion to Intervene as Respondent to Mr. O'Mara and counsel for the Respondents today.
- 10. In light of Petitioners' proposed opposition date of October 4, 2024 for Petitioners' motion for preliminary injunction, a reasonable date for a response to the Secretary's Motion to Intervene as Respondent is September 30, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 26th day of September 2024.

Laena St. Jules, Esq.

# Exhibit 2

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Exhibit 2

From:

Laena St Jules

To: Cc: David O"Mara Esq. Devin A. Oliver

Subject:

Citizen Outreach Foundation v. Hoen, 1st JD, Case No. 24 EW 00020 1B

Date:

Tuesday, September 24, 2024 10:20:00 AM

#### Good morning Mr. O'Mara,

I represent the Nevada Secretary of State and write regarding the *Citizen Outreach Foundation v. Hoen* case filed in the First Judicial District Court (Case No. 24 EW 00020 1B). The Secretary intends to move to intervene in that case, but before he does so, pursuant to FJDCR 3.7(b), I write to confer on whether we can resolve the issue of the Secretary's intervention by agreement. Please let me know your position on the Secretary's proposed intervention or if you would like to discuss. If we cannot reach an agreement on intervention, the Secretary will be filing a motion to intervene this week.

Best regards,

Laena

Laena St-Jules

Senior Deputy Attorney General – Government and Natural Resources Division

Office of the Attorney General

100 N. Carson Street Carson City, NV 89701

Cell (preferred): (408) 832-5149

Office: (775) 684-1265 Fax: (775) 684-1108



### \*\*\*\*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.

# Exhibit 3

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Exhibit 3

### Laena St Jules

From:

Laena St Jules

Sent:

Thursday, September 26, 2024 9:14 AM

To:

Laena St Jules

Subject:

FW: Citizens Outreach v. Carson City/Storey County

Attachments:

Writ Petition #6 (final).docx

From: "David O'Mara, Esq." < david@omatalaw.net>
Date: September 25, 2024 at 12:01:35 PM PDT

To: "Jason Woodbury (jwoodbury@carson.org)" < jwoodbury@carson.org>, Anne Langer

<alanger@storeycounty.org>

Cc: Bryan Snyder <bshyder@omaralaw.net>, "Val W." <val@omaralaw.net>

Subject: Citizens Outreach v. Carson City/Storey County

Jason/Anne,

As you know the Court issued and order to respond to the Petition for Writ of Mandamus and has provided 30 days for the response.

I have now completed my motion for injunctive relief, and request to advance the matter on its merits. I will be asking the Court to expedite the hearing on this motion and hope to have a hearing during the week of October 14-18.

Thus, I am preparing a motion for order shortening time and would like to reach out to both of you and see if we can agree to a briefing schedule. I would like to propose the answer and opposition be filed on Friday, October 4, 2024. I will then file my reply by October 11, 2024. We could then have a hearing the week of October 14-18.

Please let me know if you would be agreeable to this proposal, or if you have any comments.

Thank you for your cooperation on this matter. If you have any questions, please do not hesitate to contact me.

Attached is the most recent draft of the Motion for Preliminary Injunction for your review. I might have additional changes, but I believe this is close to the final draft.

If your clients' position changes regarding the willingness to send the notices pursuant to NRS 293.535 and NRS 293.530 changes, please let me know. I am available to discuss this matter at 775.323.1321.

#### David

David C. O'Mara, Esq. The O'Mara Law Firm, P.C. 311 E. Liberty Street Reno, Nevada 89501 775.323.1321 PAEL LATER HELD HAROW DELING CHARCH DOCKHET, COMPARING CHARCH CHARCH D