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9 *Attorneys for Proposed Intervenor NVGOP*

6 **DISTRICT COURT**  
7 **CLARK COUNTY, NEVADA**

8 **CLARK COUNTY REPUBLICAN CENTRAL**  
9 **COMMITTEE, a Nevada non-profit corporation,**

Case No.: A-21-839422-B  
Dept. No.: 13

10 Plaintiff,

11 vs.

12 **JESSE LAW, individually; MICHAEL**  
13 **STEIGMEN, individually; SALLY MINSTER,**  
14 **individually; CHRISTINE DECORTE,**  
15 **individually; PATRICK CASALE, individually;**  
16 **STEVEN ESH individually; NATALIE ROACH,**  
17 **individually; CHRISTOPHER DYER,**  
18 **individually; CHRISTOPHER HISGEN,**  
19 **individually; DOES I-X, and ROE BUSINESS**  
20 **ENTITIES I-X, inclusive,**

21 Defendant.

**PROPOSED INTERVENOR NEVADA**  
**REPUBLICAN PARTY CENTRAL**  
**COMMITTEE aka NEVADA**  
**REPUBLICAN PARTY'S MOTION TO**  
**INTERVENE PURSUANT TO NRCP 24**  
**AND NRS 12.130**

19 COMES NOW, proposed intervenors, Nevada Republican Party Central Committee aka  
20 Nevada Republican Party (hereinafter the "NVGOP"), by and through its attorneys of record, the  
21 law firm of Marquis Aurbach Coffing, and respectfully moves this Court for an order permitting  
22 the NVGOP to intervene in this action for the limited purpose of opposing PLAINTIFFS' EX  
23 PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY  
24 INJUNCTION. Notably, the NVGOP has an interest in the subject matter of the pending motion  
25 which is not adequately represented by an existing party, and the protection of that interest may  
26 be impaired if the NVGOP is not permitted to intervene for this limited purpose.

1  
2 MEMORANDUM OF POINTS AND AUTHORITIES

3 I. INTRODUCTION

4 Plaintiff, Clark County Republican Central Committee (“CCRCC”),<sup>1</sup> has wrongfully  
5 sought relief from this Court in an effort to prevent the newly elected leadership of the CCRCC  
6 from assuming their elected positions and obtaining the records and information of the CCRCC  
7 which is currently being withheld by former leadership members. Not only has this entire matter  
8 been brought by what appears to be a rogue entity but the Complaint initiating this action was  
9 verified by an unelected self-appointed “Acting Chair” – Stephen Silberkraus. One need not  
10 look further than Complaint itself to realize that this unelected and self-appointed “Acting Chair”  
11 has no idea what the CCRCC actually is or how it operates. Notably, this unelected and self-  
12 appointed “Acting Chair” actually brought this action in the name of a non-profit corporation  
13 formed without notice or the approval of the membership in August 2020 and attached the actual  
14 Bylaws of the CCRCC as Exhibit 1 which themselves assert they were originally adopted April

15 <sup>1</sup> An example of the ineptitude of the individuals purportedly running and filing this action on behalf of  
16 the CCRCC is the fact that they brought this action on behalf of the Clark County Republican Central  
17 Committee, *a nonprofit corporation*. According to the Nevada Secretary of State this nonprofit  
18 corporation was formed on August 7, 2020. See Exhibit 1, attached hereto. Whereas the CCRCC (or  
19 Clark County Republican Party) is actually a creature of statute created under NRS 293. Notably, NRS  
20 293.033 defines “Central committee” as “the county or the state authority of a major political party.” In  
21 this case the major political party is the Republican Party which was qualified under NRS 293.728. Such  
22 is readily acknowledged by the filing made with the Nevada Secretary of State on its Committee  
23 Registration Form wherein the CCRCC clearly checks the box acknowledging it is a “Committee  
24 Sponsored by a Political Party”. See Exhibit 2, attached hereto. And, as a committee of a major political  
25 party (not a rogue nonprofit organization that was formed without notice to or the approval of the  
26 membership) all of its undertakings and issues are to be resolved through the party and courts are not to  
27 intervene in this process. See *Republican Party of State of Conn. v. Tashjian*, 770 F.2d 265, 281 (2<sup>nd</sup> Cir.  
28 1985) (“Tashjian II”); *aff’d* 479 U.S. 208, 107 S.Ct. 544 (1986) (affirming that a political party has the  
right “to choose its own structure, select its own standard bearers, and formulate its own platform – all  
free from the intrusion of state regulation.” “This principle extends to party affairs in general and to  
primary elections in particular.” *Id.* (emphasis added). “[A] court may not constitutionally substitute its  
own judgment for that of the party.” *Tashjian I*, 479 U.S. at 224. This longstanding legal precedent is  
not lost on the current CCRCC leadership which only recently (May 26, 2021) affirmed such in Eight  
Judicial District Court Case No.: A-21-834992-C styled as *Carreon et al v. Clark County Republican  
Central Committee*. See Defendant CCRCC’s Opposition, attached hereto as Exhibit 3. As such, it is  
wholly unconscionable that this same leadership would then seek (*ex parte*) for this Court to intervene  
and grant injunctive relief claiming a likelihood of success on the merits. See Plaintiff’s Ex Parte /  
Emergency Application for Temporary Restraining Order and Motion for Preliminary Injunction on Order  
Shortening Time, on file herein.

1 4, 1986 and were last amended September 17, 2019. All the while affirming “under the penalty  
2 of perjury of the laws of the State of Nevada that the foregoing is true and correct.”

3 Simply put, this Court should deny the request of this rogue entity parading around as the  
4 CCRCC and its unelected self-appointed “Acting Chair” for declaratory and injunctive relief for  
5 the simple reason that the Court may not interfere with the internal governance of a political  
6 party. The Court should defer to the membership of the CCRCC and the NVGOP’s own ability  
7 to manage internal party affairs.

## 8 **II. LEGAL ARGUMENT.**

9 NRS 12.130 provides that “[b]efore the trial, any person may intervene in an action or  
10 proceeding, who has an interest in the matter in litigation, in the success of either of the parties,  
11 or an interest against both.” *Nalder v. Eighth Judicial Dist. Court in & for Cty. of Clark*, 136  
12 Nev. Adv. Op. 24, 462 P.3d 677, 682 (2020). Moreover, NRCP Rule 24(a)(2) provides that “on  
13 timely motion, the court must permit anyone to intervene who ... (2) claims an interest relating  
14 to the property or transaction that is the subject of the action, and is so situated that disposing of  
15 the action may as a practical matter impair or impede the movant’s ability to protect its interest,  
16 unless existing parties adequately represent that interest.” NRCP 24 is to be liberally construed  
17 and doubts are to be resolved in favor of the proposed Intervenor. *Southwest Center for*  
18 *Biological Diversity v. Berg*, 268 F.3d 810, 818 (9th Cir. 2001). In determining whether the  
19 intervention is appropriate, courts are guided primarily by practical and equitable considerations,  
20 and courts are to “interpret the requirements broadly in favor of intervention.” *Donnelly v.*  
21 *Glickman*, 159 F.3d 405, 409 (9th Cir. 1998).

22 Here, the NVGOP should be permitted to intervene in this action as it: (1) clearly has an  
23 interest in the subject matter of the litigation (the election of leadership in one of its committee’s)  
24 under NRS 12.130; and (2) the disposal of the action without input from the NVGOP would  
25 clearly impair the NVGOP’s ability to protect its interest and the right of political governance  
26 without interference. *Tashjian I*, 479 U.S. at 224. The right of the NVGOP and/or CCRCC to  
27 handled its own business without interference was actually recently affirmed by the CCRCC on  
28

1 May 26, 2021 when it stated “if there are found to be any alleged shortcoming in the CCRCC’s  
2 adherence to its own bylaws, standing rules, or resolutions (that are not specifically addressed by  
3 any applicable statute), their resolution is exclusively within the purview of the CCRCC *or the*  
4 *NRCC*, and not by the Plaintiffs.”<sup>2</sup>

5 Continuing the CCRCC affirmed:

6 Among other things, the First Amendment to the United States Constitution  
7 guarantees freedom of association. Pursuant to the First Amendment’s freedom of  
8 association clause, a political party retains the sole right and power to “identify  
9 the people who constitute the association.” *See Tashjian v. Republican Party of*  
10 *Connecticut*, 479 U.S. 208, 214 (1986); *see also Schmidt v. Washoe County*  
11 *Republican Central Committee, Second Judicial District*, CV 15-01846, Order of  
Dismissal, filed on Jan 13, 2016. In *Tashjian*, the Supreme Court noted that  
freedom of association “necessarily presupposes the freedom to identify the  
people who constitute the association” which includes partisan political  
organizations. As such, no member of any party nor prospective member has any  
right or entitlement to membership in any particular political association or party.

12 Furthermore, the Supreme Court also recognized that judicial intervention should  
13 be “approached with great caution and restraint” and that the selection and  
14 election of delegates (and membership by analogy) should be determined by the  
association itself because it is the proper forum for determining intra-party  
disputes. *See O'Brien v. Brown*, 409 U.S. 1, 4 (1972).

15 Here, the CCRCC, as a private political association, has the discretion to select its  
16 members pursuant to the First Amendment freedom of association clause.<sup>3</sup>

17 As clearly acknowledged by the CCRCC, political parties enjoy a constitutionally  
18 protected right of association. *See U.S.C.A. Const. Amend. 1; see also Cousins v. Wigoda*, 419  
19 U.S. 477 (1975). Perhaps stated best by the United States Supreme Court:

20 The National Democratic Party and its adherents enjoy a constitutionally  
21 protected right of political association. ‘There can no longer be any doubt that  
22 freedom to associate with others for the common advancement of political beliefs  
23 and ideas is a form of ‘orderly group activity’ protected by the First and  
24 Fourteenth Amendments. . . The right to associate with the political party of one's  
25 choice is an integral part of this basic constitutional freedom.’ *Kusper v. Pontikes*,  
414 U.S. 51, 56—57, 94 S.Ct. 303, 307, 38 L.Ed.2d 260 (1973). ‘And of course  
this freedom protected against federal encroachment by the First Amendment is  
entitled under the Fourteenth Amendment to the same protection from  
infringement by the States.’ *Williams v. Rhodes*, 393 U.S. 23, 30—31, 89 S.Ct. 5,  
10, 21 L.Ed.2d 24 (1968). Moreover, ‘(a)ny interference with the freedom of a  
party is simultaneously an interference with the freedom of its adherents.’ *Sweezy*

26 <sup>2</sup> See Exhibit 3 at 9:4-7.

27 <sup>3</sup> *Id.* at 9:12 – 10:6.

1 v. *New Hampshire*, 354 U.S. 234, 250, 77 S.Ct. 1203, 1212, 1 L.Ed.2d 1311  
2 (1957); see *NAACP v. Button*, 371 U.S. 415, 431, 83 S.Ct. 328, 337, 9 L.Ed.2d  
3 405 (1963).

3 *Cousins*, 419 U.S. at 487–88.

4 Quite simply, a political party has the right “to choose its own structure, select its own  
5 standard bearers, and formulate its own platform – all free from the intrusion of state regulation.”  
6 See *Tashjian II*, 770 F.2d at 281 “This *principle extends to party affairs in general* and to  
7 primary elections in particular.” *Id.* (emphasis added). “[A] court may not constitutionally  
8 substitute its own judgment for that of the party.” *Tashjian I*, 479 U.S. at 224.

9 Consequently, entity parading around as the CCRCC and its unelected self-appointed  
10 “Acting Chair” are improperly seeking to have this Court interfere with the freedoms and rights  
11 of a political party, which are protected under the United States Constitution, and upon which,  
12 this Court has no jurisdiction. Indeed, Plaintiffs concede that this matter revolves around the  
13 “interpretation of the of the CCRCC Bylaws, and whether the July 28<sup>th</sup> Meeting and the actions  
14 taken therein were null and void.” See Complaint at ¶49. Here Plaintiff’s Complaint seeks  
15 nothing more than judicial intervention into resolving parliamentary and procedural disputes and  
16 the time, place and manner of the July 28<sup>th</sup> meeting. When addressing a district court that  
17 attempted to insert itself into just such an issue the Rhode Island Supreme Court stated:

18 In short, nothing of which the plaintiffs complain is, in any realistic sense, an  
19 “integral part of the electoral process.” *Gallant v. LaFrance*, 101 R.I. at 305-06,  
20 222 A.2d at 570. Accordingly, we hold that the trial justice impermissibly  
21 interfered with the internal affairs of the Committee when he specified the time,  
22 place, and manner of the Committee’s organizational meeting and when he took  
23 upon himself to resolve potential parliamentary and procedural disputes.

24 *Lee v. Nielsen*, 120 R.I. 579, 584, 388 A.2d 1176, 1180 (1978)

25 In addressing a nearly identical case in which members of political committee brought  
26 action arising from election of officers at meeting allegedly conducted without proper notice and  
27 seeking judicial intervention to require a new election of officers or to declare that officers  
28 elected at second meeting were validly elected, the Rhode Island Supreme Court stated:

1 ...[I]n this case plaintiffs' complaint raises only parliamentary and procedural  
2 disputes and does not involve an integral part of the electoral process. The  
3 plaintiffs' primary contention is that the organizational meeting and election of  
4 committee officers was void because of a defective notice. The town committee  
5 chairman ruled that the notice had been valid. This determination was affirmed by  
6 the state committee chairman, after consultation with the state committee  
7 parliamentarian and members of the state executive committee. We discern no  
8 need or basis to interfere in these internal, procedural decisions of a political  
9 party. For the foregoing reasons the plaintiffs' appeal is denied and dismissed.

6 *Cullen v. Auclair*, 714 A.2d 1187, 1190 (R.I. 1998)

7 Here, this issue was brought before the NVGOP and its Chairman called for a Special  
8 Committee on Contest formed by members from other county central committees. This  
9 committee reviewed the issues raised by the Plaintiff and recommended as follows:

10 The Committee recommends the Nevada Republican Party Executive Board vote  
11 to accept this report in its entirety and welcome Chairman Jesse Law to their next  
12 meeting as the recognized Chairman of the Clark County Republican Party.<sup>4</sup>

12 In reaching this recommendation the committee relied upon a number of things, including  
13 the opinion of Kay Allison Crews, a Certified Professional Parliamentarian-Teacher and  
14 Professional Registered Parliamentarian. Upon being presented with the findings of the  
15 committee, the NVGOP Chairman affirmed:

16 Having reviewed the standing rules, bylaws and Nevada state law and in  
17 consultation with parliamentary professionals, the Nevada Republican party  
18 hereby certifies the election conducted on July 28, 2021 and affirms the following  
19 as the leadership of the Clark County Republican Central Committee:

19 **Chairman - Jesse Law**  
20 **Vice Chair - Mike Steigman**  
21 **Secretary - Sally Minster**  
22 **Treasurer - Christine DeCorte**  
23 **Political Director - Patrick Casale**  
24 **Community Relations Director - Natalie Roach**  
25 **Precinct Director - Steve Esh**

22 No individual or organization, other than the Clark County Republican Central  
23 Committee under the direction of the leadership listed above, should be holding  
24 any meetings or fundraising in the name of the Clark County Republican Party.<sup>5</sup>

26 <sup>4</sup> See Committee on Contest Report and Recommendation, attached hereto as **Exhibit 4**.

27 <sup>5</sup> See Letter from NVGOP Chair, attached hereto as **Exhibit 5**.

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Given the foregoing, there is simply no need or basis for this Court to interfere in these internal, procedural decisions of a political party.

**III. CONCLUSION**

The NVGOP respectfully requests that the Court grant this motion to intervene for the limited purpose of opposing Plaintiff's Motion and requesting the matter be dismissed for failure to state a claim.

Proposed Intervenor  
Dated this 20th day of August, 2021.

MARQUIS AURBACH COFFING

By /s/ Brian R. Hardy, Esq.  
Brian R. Hardy, Esq.  
Nevada Bar No. 10068  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
*Attorney(s) for Proposed Intervenor  
NVGOP*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing PROPOSED INTERVENOR NEVADA  
REPUBLICAN PARTY CENTRAL COMMITTEE aka NEVADA REPUBLICAN  
PARTY'S MOTION TO INTERVENE PURSUANT TO NRCP 24 AND NRS 12.130 was  
submitted electronically for filing and/or service with the Eighth Judicial District Court on the  
20th day of August, 2021. Electronic service of the foregoing document shall be made in  
accordance with the E-Service List as follows:<sup>6</sup>

LAW OFFICES OF MITCHELL S. BISSON  
Mitchell S. Bisson, Esq.  
911 N. Buffalo Dr., Ste. 201  
Las Vegas, NV 89128  
mbisson@bissonlegal.com  
*Attorney for Plaintiff*

THE O'MARA LAW FIRM, P.C.  
David C. O'Mara  
311 E. Liberty St.  
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*Attorneys for Defendants*

/s/ Michelle Monkarsch  
an employee of Marquis Aurbach Coffing

<sup>6</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).



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# EXHIBIT 1

# EXHIBIT 1

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**ENTITY INFORMATION****ENTITY INFORMATION****Entity Name:**

CLARK COUNTY REPUBLICAN CENTRAL COMMITTEE

**Entity Number:**

E8400162020-6

**Entity Type:**

Domestic Nonprofit Corporation (82)

**Entity Status:**

Administrative Hold

**Formation Date:**

08/07/2020

**NV Business ID:**

NV20201861150

**Termination Date:**

Perpetual

**Annual Report Due Date:**

8/31/2022

**Solicits Charitable Contribution:**

No

**REGISTERED AGENT INFORMATION****Name of Individual or Legal Entity:**

HUTCHISON & STEFFEN, PLLC

**Status:**

Active

**CRA Agent Entity Type:**

**Registered Agent Type:**

Commercial Registered Agent

**NV Business ID:**

NV20101765716

**Office or Position:**

**Jurisdiction:**

NEVADA

**Street Address:**

10080 W ALTA DRIVE STE 200, Las Vegas, NV, 89145, USA

**Mailing Address:**

**Individual with Authority to Act:**

C MICHAEL RASMUSSEN ESQ

**Fictitious Website or Domain Name:**

**OFFICER INFORMATION**

VIEW HISTORICAL DATA

Title	Name	Address	Last Updated	Status
President	Stephen Silberkraus	2135 Falcon Pointe, Henderson, NV, 89074, USA	08/12/2021	Active
Secretary	Ed Gonzalez	3000 High View Dr # 123, Henderson, NV, 89014, USA	08/12/2021	Active
Treasurer	Marilyn Armanino	2244 Jordan Valley Ct., Henderson, NV, 89044, USA	08/12/2021	Active
Director	Richard MacLean	10624 Brianhurst Ave., Las Vegas, NV, 89144, USA	08/12/2021	Active
Director	Lois Choate	138 Spinnaker Dr, Henderson, NV, 89015, USA	08/12/2021	Active

Page 1 of 1, records 1 to 5 of 5

**CURRENT SHARES**

Class/Series	Type	Share Number	Value
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No records to view.

Number of No Par Value Shares:

**0**

Total Authorized Capital:

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[Return to Search](#)    [Return to Results](#)

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**EXHIBIT 2**

**EXHIBIT 2**

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BARBARA K. CEGAVSKE  
 Secretary of State  
 101 North Carson Street, Suite 3  
 Carson City, Nevada 89701  
 (775) 684-5705  
 Facsimile: (775) 684-5718  
 Email: [nvelect@sos.nv.gov](mailto:nvelect@sos.nv.gov)  
 Website: [www.nvsos.gov](http://www.nvsos.gov)

**State of Nevada**  
**Committee Registration Form**

Use this form to register or make changes to a:

- Committee for Political Action (PAC)
- Committee for Political Action (PAC) Advocating Passage or Defeat of a Ballot Question
- Committee Sponsored by a Political Party
- Recall Committee

**Select Committee Type**

<input type="checkbox"/> Committee for Political Action (PAC)	<input checked="" type="checkbox"/> Committee Sponsored by a Political Party	<input type="checkbox"/> Recall Committee
<input type="checkbox"/> Committee for Political Action (PAC) Advocating Passage		

**Action Requested**  
 (select all that apply)

<input type="checkbox"/> New Registration	<input type="checkbox"/> PAC Annual Registration (Due on or before January 15 <sup>th</sup> of each year – <u>NRS 294A.230(4)(b)</u> )
<input type="checkbox"/> Amended Registration (check all that apply):	
<input checked="" type="checkbox"/> Change Officers	<input type="checkbox"/> Change Registered Agent
<input type="checkbox"/> Change Address	<input type="checkbox"/> Reactivation
<input type="checkbox"/> Change Name (previous name of Committee)	
<input type="checkbox"/> Other	

Name of Committee  
 Clark County Republican Central Committee

Mailing Address 8515 Edna Ave., Suite 220	City Las Vegas	State NV	ZIP Code 89117
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Email Address Treasurer@ClarkGOP.org	Telephone Number (702) 248-1414
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**PUPROSE:** Briefly state the purpose for which the Committee was organized.  
 Represent, promote and elect Clark County Republicans to political office and to support good government.

Name of Public Officer to be Recalled (Include title of office held) \*This section only applies to a Recall Committee\*

**REGISTERED AGENT:** Pursuant to NRS 294A.240, each PAC must appoint and keep in the State a registered agent, as provided in NRS 14.020, who must be a natural person who resides in the State of Nevada.  
 \*Recall Committees only need a Registered Agent if it is an organization located outside the State.\*

Name of Registered Agent	Email Address	Telephone Number
Physical Address	City	State
		ZIP Code

**REGISTERED AGENT ACCEPTANCE:** I hereby accept appointment as Registered Agent for the above-named Committee.

Signature of Registered Agent  Date	<b>For Office Use Only</b>
---	----------------------------

**OFFICERS: List the name, title, address and telephone number of each officer (attach additional pages, if necessary).**

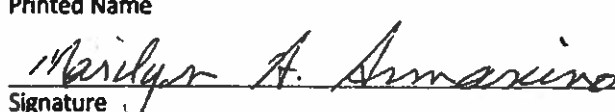
Officer Name and Title Stephen H. Silberkraus, Acting Chairman		Telephone Number (702) 900-0998	
Mailing Address 2135 Falcon Pointe Lane	City Henderson	State NV	ZIP Code 89074
Officer Name and Title Marilyn A. Armanino, Treasurer		Telephone Number (702) 248-1414	
Mailing Address 2244 Jordan Valley Ct.	City Henderson	State NV	ZIP Code 89044
Officer Name and Title Richard MacLean, Political Director		Telephone Number (702) 306-2567	
Mailing Address 10624 Brianhurst Ave.	City Las Vegas	State NV	ZIP Code 89144
Officer Name and Title Lois Choate, Precinct Director		Telephone Number (702) 612-0991	
Mailing Address 138 Spinnaker Dr.	City Henderson	State NV	ZIP Code 89015

**AFFILIATIONS: If the PAC is affiliated with any other organizations, list the name, address and telephone number of each organization (attach additional pages, if necessary).**

*\*Political Party Committees and Recall Committees may skip this section.\**

Name of Organization		Telephone Number	
Mailing Address	City	State	ZIP Code
Name of Organization		Telephone Number	
Mailing Address	City	State	ZIP Code

**SUBMITTED BY:**

Marilyn A Armanino	(702) 248-1414
Printed Name	Telephone Number
	07/25/2021
Signature	Date

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**EXHIBIT 3**

**EXHIBIT 3**

---





1 **OPPS**

2 Jaime E. Serrano, Jr., Esq.  
3 Nevada Bar No. 14116  
4 SERRANO LAW GROUP PLLC  
5 101 Convention Center Dr., Suite 1175  
6 Las Vegas, Nevada 89109  
7 Tel: (702) 550-7222  
8 Fax: (702) 550-7990  
9 [jserrano@serranolawlv.com](mailto:jserrano@serranolawlv.com)

10 *Attorney for Defendant,*  
11 *Clark County Republican Central Committee*

12 **DISTRICT COURT**  
13 **CLARK COUNTY, NEVADA**

<p>14 MELISSA CARREON, an individual; 15 EMMALEE TYREE, an individual; LARRY 16 ASHTON, an individual; RODOLFO CLAI, an 17 individual; MATTHEW YANKLEY, an 18 individual; PATRICIA RUETHER, an 19 individual; RAUL SABIDO, an individual; 20 BRITTANY SHEEHAN, an individual; 21 KEITH OZAWA, an individual; and CARL 22 BUNCE, an individual,  23 <b>Plaintiffs,</b>  24 vs.  25 CLARK COUNTY REPUBLICAN CENTRAL 26 COMMITTEE, a Nevada Nonprofit 27 Corporation; NEVADA REPUBLICAN 28 CENTRAL COMMITTEE, a Nevada entity; DOES I-X; and ROE ENTITIES I-X,  <b>Defendants.</b></p>	<p>Case No.: A-21-834992-C Dept. No.: XIX  <b>DEFENDANT CCRCC'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES AND LAWS</b>  <b>Hearing Requested</b></p>
---	---

23 Defendant Clark County Republican Central Committee (the "CCRCC"), by and through  
24 its counsel of record, Jaime E. Serrano, Jr. of the SERRANO LAW GROUP PLLC, hereby  
25 oppose Plaintiffs' Ex Parte Application for a Temporary Restraining Order to Enjoin the

26 **DEFENDANT CCRCC'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR**  
27 **A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM**  
28 **CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES**  
**AND LAWS**

1 Defendants from Conducting a Committee Meeting in Violation of Applicable Rules and Laws  
2 extension of the Temporary (the "TRO Application") and any extension of the TRO Order  
3 entered on May 25, 2021 (the "TRO"). This Opposition is based on the pleading on file with the  
4 Court in this matter, the Declaration of Ed Gonzalez, the memorandum of points and authorities,  
5 the exhibits accompanying this Opposition, and on such argument of counsel as the Court may  
6 entertain at the TRO hearing.

7 Dated this 26<sup>th</sup> day of May 2021.

Respectfully Submitted,

8 SERRANO LAW GROUP PLLC

9 By: /s/ Jaime E. Serrano, Jr.

10 Jaime E. Serrano, Jr., Esq.

11 Nevada Bar No. 14116

12 101 Convention Center Dr., Suite 1175

Las Vegas, Nevada 89109

13 *Attorney for Defendant,*

14 *Clark County Republican Central Committee*

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DEFENDANT CCRCC'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR  
A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM  
CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES  
AND LAWS

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. SUMMARY**

The facts here fail to establish any of the four factors considered by the Court when determining the appropriateness of granting further emergency relief – much less the multi-variable combination of factual basis required for any such determination. Here, Plaintiffs’ TRO Application has zero likelihood of success, as it rests on primarily three unsupported claims that cannot withstand the slightest scrutiny. Plaintiffs cannot prevail because, among other things, they lack standing, and Defendants are private political associations with heightened First Amendment free association protections. Plaintiffs are further starved of any evidence of irreparable injury, as bald and unsupported allegations do not suffice, and the balancing of the hardships – to the extent there are any – entirely disfavor the issuance of emergency relief. Finally, every notion of the public interest weights against (further) injunctive relief. In sum, Plaintiffs’ request is without merit and must be denied.

**II. FACTS**

Plaintiffs and their allies seek to take control of the CCRCC and, by extension, wield influence at the Nevada Republican Central Committee (“NRCC”). The defendants in this action are both private political associations that have discretion to select their membership guaranteed by the First Amendment’s freedom of association clause.<sup>1</sup>

Plaintiff Matthew Anthony Yankley aka Matt Anthony (“Plaintiff Yankley”) reported to the media that the “heads of” Defendant NRCC have encouraged him and his allies to “get Clark County in line” referring to the CCRCC in an effort believed to be aimed toward perpetuating the NRCC’s senior most leadership.<sup>2</sup> Plaintiff Yankley’s self-disclosed meeting with and

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<sup>1</sup> See **Exhibit 1**, a true and correct copy of the Declaration of Ed Gonzalez (“Gonzalez Decl.”); Gonzalez Decl. ¶ 4.

<sup>2</sup> See generally **Exhibit 2**, Nevada GOP thrown into turmoil after avowed Proud Boys member said he participated in censure vote of state official, Washington Post, published on May 25,

1 connection to Defendant NRCC's Chair Michael McDonald as well as the suspect voting at the  
2 April 10, 2021 NRCC state meeting in Carson City remain subject to investigation as called for  
3 by the Nevada Senate Republican Caucus.<sup>3</sup>

4 At the November 2020 CCRCC meeting certain Plaintiffs<sup>4</sup> applied for membership and  
5 attended their first meeting (these certain Plaintiffs are slated to be barred for inappropriate  
6 behavior at that meeting (Plaintiff Melissa Carreon) or for affiliations including being discovered  
7 to be founders or moderators of an on-line extremist hate group).<sup>5</sup> Of the Plaintiffs only one<sup>6</sup> is  
8 current CCRCC member.<sup>7</sup> The remaining Plaintiffs<sup>8</sup> are either ineligible due to not being a  
9 registered Republican, are former members, or only recently submitted (in April of 2021) an on-  
10 line application to the CCRCC.<sup>9</sup>

11 Among other items, CCRCC membership requires meeting certain criteria such as being  
12 a registered Republican, attending two meetings within a six-month period, and a successful vote  
13 by the existing members. CCRCC members lose their membership automatically if a member  
14 fails to attend the first two regular membership meetings following the county convention  
15 without excuse.<sup>10</sup>

16 Beginning after April 10, 2021, it is believed that the Plaintiffs and their allies began a  
17 coordinated campaign to pack the CCRCC with the stated goal of taking control of the  
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20 2021; See also Exhibit 3, Activists with ties to Proud Boys may seek leadership of Clark County  
21 GOP, Las Vegas Review Journal, published on May 21, 2021.

22 <sup>3</sup> See generally Exhibit 4, Nevada Senate GOP calls for investigation of Cegavske censure  
23 meeting, Las Vegas Review Journal, published on May 21, 2021.

24 <sup>4</sup> Plaintiffs Melissa Carreon, Rodolfo Clai, Matthew Yankley, and Patricia Reuther.

25 <sup>5</sup> See Gonzalez Decl. ¶ 5.

26 <sup>6</sup> Plaintiff Larry Ashton.

27 <sup>7</sup> See Gonzalez Decl. ¶ 6.

28 <sup>8</sup> Plaintiffs Emmalee Tyree, Raul Sabido, Brittany Sheehan, Keith Ozawa, and Carl Bunce.

<sup>9</sup> See Gonzalez Decl. ¶ 7.

<sup>10</sup> See generally **Exhibit 5**, a true a correct copy of the CCRCC Bylaws; *See also* Gonzalez Decl.  
¶ 8-9.

DEFENDANT CCRCC'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR  
A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM  
CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES  
AND LAWS

1 Republican party apparatus in Clark County. Plaintiffs and their allies are believed to have  
2 submitted many hundreds of on-line applications far in excess of normal ranges.

3 As has been reported in the media, certain Plaintiffs and their allies have used threats of  
4 harassment, intimidation, and threats of violence to achieve their goal of membership and  
5 leadership of the CCRCC.<sup>11</sup> The acting Secretary of the CCRCC confirms the harassment and  
6 threats to CCRCC's Chair David Sajdak, Clark County School Board Member Katie Williams,  
7 and an unnamed state senator.<sup>12</sup> As a result of Plaintiffs and their allies conduct, the CCRCC  
8 has suffered specific and publicized hardships, including: threats and intimidation requiring the  
9 retention of private security, logistical expenses involved with cancelling its May meeting, and  
10 legal fees and costs associated with defending this action.<sup>13</sup>

### 11 **III. LEGAL STANDARDS**

#### 12 **A. TROs**

13 Nevada law authorizes the issuance of a temporary restraining order with or without  
14 notice to prevent an opposing party from undertaking a specified action. The purpose of a  
15 temporary restraining order is to preserve the status quo until there is an opportunity to hold a  
16 hearing on the application for a preliminary injunction. *Granny Goose Foods v. Bhd. of*  
17 *Teamsters & Auto Truck Drivers*, 415 U.S. 423, 439 (1974).

#### 18 **B. PRELIMINARY INJUNCTIONS**

19 A party seeking a preliminary injunction "must show" (1) a likelihood of success on the  
20 merits; (2) a reasonable probability of irreparable harm in the absence of preliminary relief; (3)  
21 the balance of the hardships favors the applicant; and (4) that an injunction is in the public  
22 interest. *Univ. Sys. of Nevada v. Nevadans for Sound Gov't*, 120 Nev. 712, 721, 100 P.3d 179,  
23

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24 <sup>11</sup> See Exhibit 3; See also Gonzalez Decl. ¶ 10.

25 <sup>12</sup> See Gonzalez Decl. ¶ 11; See also FN8.

26 <sup>13</sup> See Gonzalez Decl. ¶ 12; See also Exhibit 6, Clark County cancels meeting because of security concerns, Las Vegas Review Journal, published on May 25, 2021.

27 **DEFENDANT CCRCC'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR**  
28 **A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM**  
**CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES**  
**AND LAWS**

1 187 (2004). The purpose of a preliminary injunction is to preserve the status quo until the matter  
2 may be fully heard by the Court. *Dangberg Holdings Nev., L.L.C. v. Douglas Cty.*, 115 Nev.  
3 129, 146, 978 P.2d 311 (1999); *Clark Co. School Dist. v. Buchanon*, 112 Nev. 1146, 1153, 924  
4 P.2d 716 (1996).

5 From these general guidelines, a matrix of preliminary injunction principles has arisen,  
6 specifically:

- 7 (i) The requirement of a “reasonable probability of success on the merits”  
8 means that the moving party must demonstrate both the existence of a  
9 claim against the defendant and a likelihood of prevailing upon that claim. *State Farm v. Jafbros, Inc.*, 109 Nev. 926, 928, 860 P.2d 176 (1993).  
10 However, to meet its burden, the movant does not need to show that it will  
11 “actually succeed on the merits.” *In re Focus Media Inc.*, 387 F.3d 1077,  
12 1086 (9th Cir. 2004).
- 13 (ii) The requirement of “irreparable injury” means that the injury is “of a  
14 peculiar nature so that compensation in money cannot atone for it.” *A.O. Smith Corp. v. F.T.C.*, 530 F.2d 515, 525 (3d Cir. 1976). Injunctive relief  
15 is appropriate where compensatory damages are not an adequate remedy.  
16 *Dixon v. Thatcher*, 103 Nev. 414, 416, 742 P.2d 1029 (1987).
- 17 (iii) Balancing the hardships between the parties is self-explanatory. Courts,  
18 however, give no weight to “hardships” which are self-inflicted. *San Francisco Real Estate Investors v. REIT of America*, 692 F.2d 814, 818  
19 (9th Cir. 1982); *FIBA Leasing Co., Inc. v. Airdyne Industries, Inc.*, 826 F.  
20 Supp. 38, 39 (D. Mass 1993).
- 21 (iv) Upon showing a likelihood of success and irreparable injury, a preliminary  
22 injunction should be issued to preserve the status quo until trial. *Number  
23 One Rent-A-Car v. Ramada Inns, Inc.*, 94 Nev. 779, 780-81, 587 P.2d  
24 1329 (1978).

25 Nevada statute, in the form of NRS 33.010, is substantially similar.<sup>14</sup>

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<sup>14</sup> Pursuant to NRS 33.010, the party seeking the injunction must show:

- 29 (1) that it is entitled to the relief demanded, and such relief or any part thereof  
30 consists in restraining the commission or continuance of the act complained of,  
31 either for a limited period or perpetually;
- 32 (2) that the commission or continuance of some act, during litigation, would  
33 produce great or irreparable injury to the to the moving party; or
- 34 (3) that the defendant is doing or threatens, or is about to do, or is procuring or  
35 suffering to be done, some act in violation of the plaintiff’s rights respecting the subject  
36 of the action, and tending to render the judgment ineffectual.

37 DEFENDANT CCRCC’S OPPOSITION TO PLAINTIFFS’ EX PARTE APPLICATION FOR  
38 A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM  
CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES  
AND LAWS

1                   **C.     BOND**

2                   The imposition of a bond is required by NRCP 65(c). *See Strickland v. Griz Corp.*, 92  
3 Nev. 322, 323, 549 P.2d 1406 (1976) (“Where a bond is required by statute before the issuance  
4 of an injunction, it must be exacted or the order will be absolutely void.”) (citation omitted). It is  
5 fully within the Court’s discretion to require a nominal bond in the interests of justice. *See*  
6 *Dangberg Holdings*, 115 Nev. at 145-46; *see also Save Our Sonoran, Inc. v. Flowers*, 408 F.3d  
7 1113, 1126 (9th Cir. 2004) (interpreting Fed. R. Civ. P. 65(c)).

8                   **D.     BURDEN OF PROOF WITH TROS & PRELIMINARY INJUNCTIONS**

9                   “[A] preliminary injunction only has the effect of maintaining the positions of the parties  
10 until the trial can be held; the order neither replaces the trial nor represents an adjudication of the  
11 merits.” 11A Wright, Miller & Kane, *Federal Practice and Procedure*, Civil 2d § 2949 at 216-17  
12 (1995) (noting that because of the “different policies that underlie Rules 56 and 65,” the strict  
13 standards applied to affidavits on summary judgment “should not be imposed on applications  
14 under the latter rule [Rule 65]”). Accordingly, “the possibility that the party obtaining a  
15 preliminary injunction may not win on the merits at the trial is not determinative of the propriety  
16 or validity of the trial court’s granting the preliminary injunction.” *B. W. Photo Util. v. Republic*  
17 *Molding Corp.*, 280 F.2d 806, 807 (9th Cir. 1960).

18                   “[T]he purpose[] of a preliminary injunction . . . is to give speedy relief from irreparable  
19 injury.” *Ross-Whitney Corp. v. Smith Kline & French Lab.*, 207 F.2d 190, 198 (9th Cir. 1953).

20 As such:

21                   [t]he urgency of obtaining a preliminary injunction necessitates a prompt  
22 determination and makes it difficult to obtain affidavits from persons who would  
23 be competent to testify at trial. The trial court may give even inadmissible  
evidence some weight, when to do so serves the purpose of preventing irreparable  
harm before trial.

24 *Flynt Distrib. Co., Inc. v. Harvey*, 734 F.2d 1389, 1394 (9th Cir. 1984) (overruling hearsay  
25 objection) (citing 11 C. Wright and A. Miller, *Federal Practice and Procedure*, Civil, § 2949 at

26  
27                   DEFENDANT CCRCC’S OPPOSITION TO PLAINTIFFS’ EX PARTE APPLICATION FOR  
28                   A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM  
                    CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES  
                    AND LAWS

1 471 (1973)). Courts may freely consider evidence in ruling on an application for a preliminary  
2 injunction notwithstanding technical objections pertaining to admissibility at trial. *Ross-Whitney*  
3 *Corp.*, 207 F.2d 190; *Flynt Distrib. Co., Inc.*, 734 F.2d 1389.

4  
5 **IV. ARGUMENT: A TRO EXTENSION AND/OR A PRELIMINARY INJUNCTION**  
6 **ARE NON-STARTERS AND WHOLLY INAPPROPRIATE WITH THESE**  
7 **FACTS, WHICH TILT EVERY FACTOR AGAINST EMERGENCY RELIEF**

8 Each and every factor the Court considers in granting extraordinary relief weigh *strongly*  
9 against Plaintiffs.

10 **A. PLAINTIFFS HAVE A ZERO LIKELIHOOD OF SUCCESS ON THE**  
11 **MERIT AND FAIL DECISIVELY AT THE THRESHOLD “REASONABLE**  
12 **PROBABILITY” STANDARD.**

13 Plaintiffs need to demonstrate the existence of a claim and a likelihood of prevailing upon  
14 that claim (*State Farm v. Jafbros, Inc.*, 109 Nev. 926, 928, 860 P.2d 176 (1993)), without having  
15 to show that Plaintiffs will “actually succeed on the merits”. See *In re Focus Media Inc.*, 387  
16 F.3d 1077, 1086 (9th Cir. 2004).

17 The evidence here – including the Gonzalez Decl. and the exhibits attached to this  
18 Opposition – ensure failure for each of Plaintiffs’ causes of action.

19 1. Plaintiffs have No Standing to Bring their Complaint – thereby Dooming  
20 the TRO Application.

21 Plaintiffs cite to NRS 293 and erroneously assert that the CCRCC’s alleged violation  
22 thereof grants them standing and the right to enforce the statute.<sup>15</sup>

23 Here, assuming arguendo that there are any violations of NRS 293, it is the Nevada  
24 Secretary of State (“NV SOS”) that has initial jurisdiction.<sup>16</sup> Because the Nevada Legislature

25 <sup>15</sup> See Complaint 3 ¶ 9, TRO Application 11 ¶ 17.

26 <sup>16</sup> **NRS 293.124 Secretary of State to serve as Chief Officer of Elections; regulations.**

27 1. The Secretary of State shall serve as the Chief Officer of Elections for this State.  
28 As Chief Officer, the Secretary of State is responsible for the execution and enforcement of the

DEFENDANT CCRCC’S OPPOSITION TO PLAINTIFFS’ EX PARTE APPLICATION FOR  
A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM  
CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES  
AND LAWS



1 has enacted a regulatory scheme empowering the NV SOS to police NRS 293, there can be no  
2 private right of action.<sup>17</sup> Generally, a complaining party must first lodge a complaint with the  
3 appropriate administrative agency and exhaust all administrative remedies before seeking  
4 judicial review or intervention. Even if there are found to be any alleged shortcoming in the  
5 CCRCC's adherence to its own bylaws, standing rules, or resolutions (that are not specifically  
6 addressed by any applicable statute), their resolution is exclusively within the purview of the  
7 CCRCC or the NRCC, and not by the Plaintiffs. As such, Plaintiffs' likelihood of success is  
8 non-existent because none of them possess standing as there is no private right of action  
9 empowering them to prosecute any violation of NRS 293 against the CCRCC.

10  
11 2. The First Amendment Freedom of Association Clause Precludes Success  
on the Merits.

12 Among other things, the First Amendment to the United States Constitution guarantees  
13 freedom of association. Pursuant to the First Amendment's freedom of association clause, a  
14 political party retains the sole right and power to "identify the people who constitute the  
15 association."<sup>18</sup> In *Tashjian*, the Supreme Court noted that freedom of association "necessarily  
16 presupposes the freedom to identify the people who constitute the association" which includes  
17 partisan political organizations.<sup>19</sup> As such, no member of any party nor prospective member has  
18 any right or entitlement to membership in any particular political association or party.

19  
20  
21 provisions of title 24 of NRS and all other provisions of state and federal law relating to elections  
in this State.

22 2. The Secretary of State shall adopt such regulations as are necessary to carry out the  
provisions of this section.

(Added to NRS by 1993, 2664; A 1995, 2257)

23 <sup>17</sup> See *Schmidt v. Washoe County Republican Central Committee*, Second Judicial District, CV  
15-01846, Order of Dismissal, p. 4, filed on Jan. 13, 2016.

24 <sup>18</sup> See *Tashjian v. Republican Party of Connecticut*, 479 U.S. 208, 214 (1986); See also *Schmidt*  
25 *v. Washoe County Republican Central Committee*, Second Judicial District, CV 15-01846, Order  
of Dismissal, filed on Jan. 13, 2016.

26 <sup>19</sup> See *Tashjian*, 479 U.S. 208, 214 (1986).

27 DEFENDANT CCRCC'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR  
A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM  
28 CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES  
AND LAWS

1           Furthermore, the Supreme Court also recognized that judicial intervention should be  
2 “approached with great caution and restraint” and that the selection and election of delegates  
3 (and membership by analogy) should be determined by the association itself because it is the proper  
4 forum for determining intra-party disputes.<sup>20</sup>

5           Here, the CCRCC, as a private political association, has the discretion to select its  
6 members pursuant to the First Amendment freedom of association clause. Plaintiffs admit in  
7 their Complaint that they are either prospective members, former members, and members  
8 pending denial from the CCRCC, and allege arbitrary and discriminatory practices on the part of  
9 the Defendants with respect to membership.<sup>21</sup> Plaintiffs further allege that they have no  
10 adequate remedy to protect their rights except for injunctive relief but they entirely fail to cite  
11 any authority granting them any rights to membership in any political association, party, or the  
12 CCRCC. As such, Plaintiffs’ likelihood of success is non-existent because none of them possess  
13 any right or entitlement to membership in the CCRCC.

14  
15           3.       Bald, Unsupported Assertions of Racial and/or Ethnic Discrimination Do  
16                    Not a Viable Claim Make, Much Less Support Further Extraordinary  
17                    Relief.

18           The entirety of Plaintiffs’ alleged discrimination claims reside in a brief passage of the  
19 Complaint.<sup>22</sup> As structured, Plaintiffs’ Complaint fails to even adequately plead a viable claim,  
20 making the higher burden of injunctive relief impossible to attain. This Honorable Court,  
21 unfortunately, cannot even enter into the necessary analysis to make findings given the lack of  
22 specific and detailed factual assertions.

23           Under the law, and given the total absence of relevant facts, Plaintiffs have failed to  
24 demonstrate any likelihood of success on the merits. Thus, the first factor for further extending

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25 <sup>20</sup> See *O'Brien v. Brown*, 409 U.S. 1, 4 (1972).

26 <sup>21</sup> Complaint 3 ¶ 12, TRO Application 3 ¶ 12; TRO Application 14, 24-25.

27 <sup>22</sup> Complaint 3 ¶ 9, TRO Application 8 ¶ 7.

1 Plaintiffs' TRO or granting a preliminary injunction fails and with it, Plaintiffs' entire  
2 enterprise.

3 **B. PLAINTIFFS HAVE FAILED TO DEMONSTRATE ANY LIKELIHOOD OF**  
4 **IRREPARABLE INJURY.**

5 The requirement of "irreparable injury" means that "a plaintiff seeking a [temporary  
6 restraining order or] a preliminary injunction must establish that he is likely to succeed on the  
7 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the  
8 balance of equities tips in his favor, and that an injunction is in the public interest."<sup>23</sup>

9 Plaintiffs allege without support that irreparable harm will result because the CCRCC may  
10 take actions that impact their "rights and that will result in a skewed Committee in derogation of  
11 Nevada law and the Defendants' governing documents."<sup>24</sup> This rhetoric does not support a  
12 finding of irreparable harm. Nevada law, simply put, requires a combination of imminence,  
13 tangibility, and specificity with respect to any alleged harm that would result absent emergency  
14 relief. Plaintiffs fail to allege any facts to satisfy Nevada's requirements here. And, as stated,  
15 Plaintiffs's Complaint sets forth no authority granting them any rights to membership in any  
16 political association, party, or the CCRCC. Plaintiffs simply cannot "suffer irreparable harm in  
17 the absence of preliminary relief" if they do not possess any rights to membership.

18 **C. THE BALANCE OF HARDSHIPS FAVORS THE CCRCC.**

19 Taking into consideration the balance of equities and comparing their relative interests,  
20 the Plaintiffs have failed to state any cognizable damages (as Plaintiff only raise rights they do  
21 not possess), that would result should their TRO Application be denied. In contrast, the CCRCC  
22 has already been damaged and suffered specific and publicized hardships, including: threats and  
23 intimidation requiring the retention of private security, logistical expenses involved with

24  
25 <sup>23</sup> *Winter v. NRDC, Inc.*, 555 U.S. 7, 24-25 (2008).

26 <sup>24</sup> Complaint 4 ¶ 15, TRO Application 15, 4-7.

1 cancelling its May meeting, and the cost to hire undersigned counsel to defend against this  
2 frivolous action.<sup>25</sup>

3 Furthermore, Plaintiffs' actions prior to the filing of this case<sup>26</sup> and more recent  
4 conduct<sup>27</sup>, have resulted in self-inflicted "hardships", which are given no weight. *See generally*  
5 *San Francisco Real Estate Investors v. REIT of America*, 692 F.2d 814, 818 (9th Cir. 1982);  
6 *FIBA Leasing Co., Inc. v. Airdyne Industries, Inc.*, 826 F. Supp. 38, 39 (D. Mass 1993). In fact,  
7 a reading of Plaintiffs' Complaint reveals that all of Plaintiffs troubles are a direct result of their  
8 own actions and the actions of their *allies*. As such, this factor weighs completely against the  
9 granting of further injunctive relief.

10  
11 **D. EXTENSION OF THE TRO OR ANY PRELIMINARY INJUNCTION IS  
CERTAINLY NOT IN THE PUBLIC INTEREST.**

12 Nevada has a public interest in its political discourse and gatherings being free of  
13 violence and intimidation. Moreover, the state does not condone the use or prospect of violence  
14 to gain entry into non-private clubs. Nevada has an interest and role in protecting the First  
15 Amendment's freedom of association, and ensuring that thuggish behavior does not harm the  
16 CCRCC and other similarly situated political associations. Nevada also has an interest in in  
17 upholding the relevant portions of NRS 293 by permitting the NV SOS to fulfill the role granted  
18 to it by the Nevada Legislature. Extending any injunctive relief would only encourage Plaintiffs  
19 (and their followers) to continue their aggressive conduct. Against this framework of public  
20 interest, Plaintiffs have only vague and unsupported allegations. This factor, in line with each of  
21 the first three factors, overwhelmingly supports the denial of any further injunctive relief.

22  
23  
24 \_\_\_\_\_  
25 <sup>25</sup> See FN11.

26 <sup>26</sup> See FN1-3; *See also* Exhibit 6.

27 <sup>27</sup> *Id.*

1 Plaintiffs' failure to establish even one factor, much less a reasonable basis for all four  
2 factors of injunctive relief, require denial of their moving papers.

3 **IV. CONCLUSION**

4 Accordingly, Plaintiffs' TRO extension and TRO Application should be denied.

5 Dated this 26<sup>th</sup> day of May 2021.

Respectfully Submitted,

6  
7 SERRANO LAW GROUP PLLC

8 By: /s/ Jaime E. Serrano, Jr.

9 Jaime E. Serrano, Jr., Esq.

10 Nevada Bar No. 14116

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12 Las Vegas, Nevada 89109

13 *Attorney for Defendant,*

14 *Clark County Republican Central Committee*

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27 DEFENDANT CCRCC'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR  
28 A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM  
CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES  
AND LAWS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of SERRANO LAW GROUP PLLC, and that on the 26<sup>th</sup> of May 2021, I caused to be served a true and correct copy of foregoing DEFENDANT CCRCC'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES AND LAWS in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

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DEFENDANT CCRCC'S OPPOSITION TO PLAINTIFFS' EX PARTE APPLICATION FOR  
A TEMPORARY RESTRAINING ORDER TO ENJOIN THE DEFENDANTS FROM  
CONDUCTING A COMMITTEE MEETING IN VIOLATION OF APPLICABLE RULES  
AND LAWS

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**EXHIBIT 4**

**EXHIBIT 4**

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# **Nevada Republican Party**

## **Committee on Contest Report and Recommendation**

Report of determination of officers of Clark County Republican Party

Presented by the Committee on Contests, August 15, 2021

Joannah Schumacher, RP,  
Chairman, Committee on Contest,  
Nevada Republican Central Committee member,  
Nevada Republican Assembly President

Shawn Meehan, Nevada Republican  
Central Committee member,  
Douglas County

Scott Keller, Nevada Republican  
Central Committee member,  
Lyon County

### **Summary of Material Considered**

Nevada Revised Statutes 293 “Elections, Major Political Parties,” Clark County Republican Party Bylaws, Clark County Republican Party Standing Rules. Additionally, Call to Meeting, documentation of electronic notification and related correspondence. Also examined and discussed were documents proving attempt to notify members of continued meeting, call to meeting.

Additionally, video of the July 28<sup>th</sup> meeting recalled from recess, specifically including a detailed verbal explanation of the justification, correctness, and appropriateness of the process used to reconvene the meeting. Furthermore,



Kay Allison Crews, CPP-T, PRP provided a detailed written analysis supporting that Jesse Law was and is a member in good standing of Clark County Republican Party.

**Authority of Committee to Fashion a Remedy**

Nevada Republican Party (NRP) Chairman McDonald appointed the Special Committee on Contest, to conduct an investigation and prepare this report.

Accelerated court hearing timelines prevent the NRP Executive Board from calling a timely meeting to approve this Committee in accordance with NRP Bylaws.

Preliminary findings were presented to the Nevada Republican Party Chairman on August 14, 2021 and this preliminary report was thereafter prepared to formalize the findings of this Committee. Committee members discussed NRP Bylaws and proceeded in good faith, NRP Chairman McDonald acknowledging he has called for such a special meeting to approve this Committee, upon which this Committee will issue a final report.

The applicable Bylaws reference for such is: "Special Committees may be appointed by the Chairman with the approval of the Executive Committee" per Article 8: Standing Committees, Section 8, NRP Bylaws.

Members of the Nevada Republican Central Committee are sent by County parties, their members and leadership selected under Nevada Revised Statutes 293. Therefore, it is in the interest of the Nevada Republican Party to ensure the

integrity of this process of selecting those members adheres to the procedures of those counties especially when the state party is made aware of conflicts within the county parties of those very procedures.

The Committee undertook a discussion of the authority for our mandate as directed by Chairman McDonald, then reviewed applicable references, as well as discussing the likelihood of obtaining credible documents to make determinations and recommendations.

The Committee determined it was appropriate to proceed to investigate the requested tasks and the likelihood of obtaining needed materials for such was high.

### **Resolution of Contest Requested**

Who are the properly elected officers of the Clark County Republican Central Committee?

### **Determination of Facts**

This Committee's preliminary report adopted, August 15, 2021, sets forth the Committee's findings of fact and analysis.

The Committee conducted an investigation during which materials posted, published, and transmitted by the former and newly elected officer slates was reviewed.

We verified that an extraordinary effort was made to notice all eligible members and previously declared candidates for the officer election scheduled, had been notified of the meeting being called back to order by the quorum.

We also discovered that all known candidates for officer positions were noticed and included on the ballots used at the July 28<sup>th</sup> continuation of the July 20 meeting.

Persuasive evidence to the Committee was the video excerpt of the July 28<sup>th</sup> meeting recalled from recess, where Kay Allison Crews, CPP-T, PRP provided a detailed verbal explanation of the justification, correctness, and appropriateness of the process used to reconvene the meeting.

Committee also reviewed her detailed written analysis supporting that Jesse Law was and is a member of Clark County Republican Party and was thereby clearly eligible for election as an officer of the organization.

The Committee also took note that the organizers of the July 28 reconvened meeting arranged for their acting chairman and acting elections chairman to be from outside Clark County to mitigate any issue of bias or preference.

## Decision Tree

Main Question requiring answer to decide on specified contest: Was the recessed meeting properly reconvened? **Yes**

Supported By:

- 1) Was proper notice given of the reconvening of the meeting? **Yes**
- 2) Was reconvening of the meeting done in accordance with Nevada Revised Statutes, Clark County Republican Party Bylaws, and Robert's Rules, 11<sup>th</sup> edition? **Yes**
- 3) Was good faith effort made to notice all current members and candidates? **Yes**

## Conclusions

The Committee determines that the July 28<sup>th</sup> meeting was a properly noticed meeting reconvened from the July 20<sup>th</sup> recess.

The Committee also declares the officer election held on July 28<sup>th</sup> during the continuation of the July 20<sup>th</sup> recessed meeting was properly conducted and the following list of individuals are the elected officers of the Clark County

Republican Party:

- Chairman - Jesse Law
- Vice Chair - Mike Steigman
- Secretary - Sally Minster
- Treasurer - Christine DeCorte
- Political Director - Patrick Casale
- Community Relations Director - Natalie Roach
- Precinct Director - Steve Esh

Finally, the Committee declares that Chairman Jesse law is qualified and entitled to sit on the Nevada Republican Central Committee's Executive Board, per Article 11, Section 1. A. 2., Nevada Republican Party Bylaws, as Chairman of the Clark County Republican Party.

### **Observations**

The Committee expresses our profound disbelief at the actions the prior Clark County Republican Party officers took such as active attempts to discourage attendance and robust participation in the Clark County Republican Party.

We received multiple credible reports of former Vice Chairman Silberkraus' interference with member's rights to contract with a facility to host continuation of the recessed meeting.

The Committee also reviewed emails and social media content from prior Clark County Republican Party Executive Board members discouraging members from attending, and falsely blaming the newly elected officers for alleged damage to the school facility where the July 20<sup>th</sup> meeting began.

Further communications from the former Clark County Republican Party officers alleged former Chair Sajdak contracted COVID-19 and the prior officers asserted guests, prohibited from entering the July 20 meeting, were responsible for infecting the former Chairman. Without making any finding as to the veracity of these statements, the Committee finds that the manner and method of these

communications was designed to further cultivate anger, division, and fear of citizens eager to attend the meeting as guests in good faith, with the hope of following Clark County Republican Party rules to become members.

It appears that the prior officer's attempt to discourage any participation in the July 28 meeting prevented some members and candidates from attending but also inadvertently acted as a confirmation that all of those members were also noticed of the 28th meeting.

In our judgement and review of available materials, these and other actions of past Clark County Republican Party leadership significantly harmed the public reputation of the Clark County Republican Party.

### **Committee Recommendation**

The Committee recommends the Nevada Republican Party Executive Board vote to accept this report in its entirety and welcome Chairman Jesse Law to their next meeting as the recognized Chairman of the Clark County Republican Party.

## **Referenced Exhibits**

Bylaws of The Clark County Republican Party, As Amended,  
September 17, 2019 (Most Recent) Edition

[https://www.clarkgop.org/attachments/CCRCC%20Bylaws%20Ammended%209\\_19.pdf](https://www.clarkgop.org/attachments/CCRCC%20Bylaws%20Ammended%209_19.pdf)

[accessed Aug. 15, 2021, 13:32 / PDF file retained by Committee]

Clark County Republican Party Standing Rules, Version 1. January 21, 2020

[https://www.clarkgop.org/attachments/CCRCC%20Standing%20Rules%20Ammed%201\\_2020.pdf](https://www.clarkgop.org/attachments/CCRCC%20Standing%20Rules%20Ammed%201_2020.pdf)

[accessed Aug. 15, 2021, 13:32 / PDF file retained by Committee]

Nevada Revised Statutes 293, Title 24, Chapter 293, Elections

Specifically: NRS 293.128 - NRS 293.167 Major Political Parties

<https://www.leg.state.nv.us/nrs/nrs-293.html#NRS293Sec128>

[accessed Aug. 15, 2021, 13:38]

July 28, 2021 Clark County Republican Party Reconvened Meeting (FULL)

<https://www.youtube.com/watch?v=e6ER2VzVnFU>

Parliamentary Authority

Robert's Rules of Order, Revised, 11th edition

Published September 27, 2011

### Embedded Exhibits

<b>Exhibit Description</b>	<b>Page</b>
Aug 13 EMail to Clark members from Ed Gonzalez	11
Aug 13 EMail to Clark members mentioning court hearing from Stephan Silberkraus	12
July 27 EMail Ed Gonzalez about plan to reconvene meeting	13-14
July 29 EMail to Clark members from senders purporting to be Executive Board attacking reconvened July 28	15
July 31 EMail to Clark members regarding alleged COVID exposure	16
July 25 Mailchimp Email to members by quorum letter signers. Also accessible at: <a href="https://mailchi.mp/d6883ecd3fc9/motion-to-reconvene-the-july-20-2021-ccrcc-meeting?e=%5BUNIQID%5D">https://mailchi.mp/d6883ecd3fc9/motion-to-reconvene-the-july-20-2021-ccrcc-meeting?e=%5BUNIQID%5D</a>	17-18
Letter sent to members (52 we are told) that they are under ethics violations for participating in reconvened meeting, Page 15 <i>Note: [Signed by a Barbara Altman who had been in a coma for a week when these letters were mailed and passed away the next day.]</i>	19



### **Attached Exhibits**

- 1) Opinion Document  
Kay Allison Crews, CPP-T, PRP  
Certified Professional Parliamentarian-Teacher  
Professional Registered Parliamentarian
- 2) Spreadsheet of members noticed for reconvened meeting
- 3) Spreadsheet of members having opened this notification

officialbusiness@clarkgop.org

August 13, 2021 at 9:19 AM

Important information about the Aug 17th CCRCC meeting

To: officialbusiness@clarkgop.org



To the members of the Clark County Republican Central Committee,

This email will discuss the basics of the reconvened CCRCC meeting on Tuesday, August 17th. It will be a virtual meeting that includes the election of the Executive Board in accordance with our governing documents. Remember this is a continuation of the July 20th meeting and not a new meeting.

The meeting is scheduled to begin at 7pm with registration starting at 5:30pm to give enough time for the membership to be credentialed. The credential will give access to the video teleconference software program that the CCRCC will be using for the meeting. People will be placed in a virtual holding room until the meeting begins.

To ensure fairness to all members of the CCRCC, we will be opening registration to all current members in good standing. While the actual meeting will be limited to CCRCC members in good standing, we will provide an option for guests and others to view the meeting as well to be fully transparent.

Communication for the meeting, which will include credentialing and election of the Executive Board, will be sent to the email address provided by members to the Clark County Republican Party (CCRP).

For those members who have not provided an email address to the CCRP or the email address is invalid, I will reach out to them and make a good faith effort to obtain a valid email address.

I want to emphasize this point, in order to participate and vote in the election of the Executive Board of the CCRCC, a valid email address is required and the member must have logged into the meeting on their own separate device. Members who are not logged into the meeting will not receive a ballot to vote.

The CCRCC will be using an independent third-party platform for the election of our Executive Board officers and Nevada Republican Central Committee seats. While it has been said in previous emails, the Executive Board of the CCRCC is committed to holding a safe and secure election.

Over the next few days, I will be sending out additional emails explaining the items on the agenda, a list of candidates who are running for positions on the Executive Board and other matters relating to the meeting on August 17th as we finalize the details.

Sincerely,

Ed Gonzalez

Acting Secretary

Clark County Republican Party



officialbusiness@clarkgop.org

August 13, 2021 at 11:06 PM

COURT TAKES ACTION TO PROTECT CCRP

To: officialbusiness@clarkgop.org



To the Members of the Clark County Republican Central Committee,

As many of you already know, a rogue group of individuals have been representing themselves as the newly elected Board of the Clark County Republican Central Committee.

Today, District Court Judge Jessica Petersen ruled that these people are NOT the legitimate Board of the CCRCC and all members of this rogue group shall immediately cease identifying themselves and one another as elected Board Members of the CCRCC.

After a careful review of evidence presented by CCRCC attorneys, Judge Petersen issued an order that stated, **"The Court ... finds that the Plaintiff enjoys a reasonable likelihood of success on the merits because Plaintiff has shown sufficient evidence to support their causes of action as outlined above."** This means that the Court via Her Honor's order believes we will prevail in the upcoming hearing on Monday, August 16th.

The order continued, **"Specifically, the exhibits and authorities provided by Plaintiff show a reasonable likelihood that the alleged July 28, 2021 meeting of the CCRCC was improperly set and improperly noticed by general members of the CCRCC and not by the Officers or Executive Board."**

The judge further ordered that the members of this rogue group in violation of **"CCRCC bylaws, standing rules, and Nevada law"** made an improper attempt to hold an election absent the true Executive Board of the CCRCC.

This initial step in the vindication of our Board, processes, and our governing documents followed by the hearing on Monday will likely bring clarification and then an end to this ugly politically motivated chapter and the CCRCC will finally be able to return to the work our party was created to perform. Furthermore, pending the reconvening, next week, of the Regular Membership Meeting of July 20th, we will have a legitimate election of our board, two Trustees, and our State Central Committee members.

You will receive further updates regarding this matter as well as the reconvening of our July 20th meeting in the coming days. Thank you as always for your patience and for your dedication to the Clark County Republican Party.

Regards,

Former Assemblyman

Stephen Silberkraus

Acting Chair, Clark County Republican Party

Ed Gonzalez

Acting Secretary, Clark County Republican Party

Sent July 27<sup>th</sup>

To the members of the Clark County Republican Central Committee,

Monday evening, the Executive Board of the Clark County Republican Central Committee (CCRCC) met to address a variety of matters concerning our organization, including how to recommence the July 20th meeting and hold elections.

One of the first actions of business was a vote by the Executive Board to reaffirm the authority and validity of the leadership of the CCRCC. That includes recognizing Vice Chair Stephen Silberkraus as the Acting Chair until the completion of the elections based on the advice of CCRCC legal counsel.

In addition, I was reappointed as Acting Secretary of the CCRCC until the completion of the elections.

Along with that, the Executive Board voted on the best way to move forward with the continuation of our July 20th meeting and the completion of our officer elections.

**I AM OFFICIALLY NOTIFYING THE MEMBERSHIP THAT THE RECOMMENCEMENT OF THE CCRCC MEETING WILL BE ON TUESDAY, AUGUST 17, 2021.**

More details about the meeting and the process will be forthcoming.

***Some of you may be aware of a rouge faction of members attempting to conduct an unauthorized and fraudulent CCRCC meeting on July 28th. This is not an officially recognized meeting of the CCRCC and is in blatant violation of numerous sections of our bylaws. Be advised should you attend the fraudulent CCRCC meeting at Ahern's on July 28th, it is not legally binding and any vote or action taken will be considered null and void.***

As for the official recommencement of the CCRCC meeting on August 17th, the Executive Board believed that date gave people ample time to adjust their schedules and not interfere with other scheduled events such as the Basque Fry.

There are two other reasons for setting the CCRCC meeting on August 17th.

It allows enough time for candidates of the Executive Board to campaign for the offices they are seeking.

It also gives time for the Executive Board to set the necessary safety and organizational procedures to ensure that the continued meeting will be conducted in a safe and transparent manner.

The CCRCC Executive Board remains committed to holding elections in a safe and secure setting for all members.

Once again, **THE RECOMMENCEMENT OF THE CCRCC MEETING WILL BE ON TUESDAY AUGUST 17, 2021.**

Additional information about the meeting will be coming soon.

Regards,

Ed Gonzalez

Acting Secretary

Clark County Republican Party

Sent July 29<sup>th</sup>

To Clark County Republican Central Committee Members,

Yesterday a small group of members held an unauthorized meeting including a fraudulent election for the leadership of our Clark County party.

Most of the membership understood the deception that was taking place and chose not to attend.

As stated in previous emails, the Clark County Republican Central Committee Executive Board considers all actions at the unauthorized meeting to be null and void.

On Monday, we voted to official reconvening of the July 20th Clark County Republican Central Committee meeting on August 17th that includes the election of new party leadership.

Members of the CCRCC Management Team have spoken with all three qualified candidates for County Chair and will be working with them to ensure the integrity of our election.

We welcome their voices to the conversation and ensure the process is clear, simple, and transparent.

The last week has been tumultuous, but we continue the work of having a safe and secure meeting on August 17<sup>th</sup>.

We look forward to seeing you there.

Sincerely,

Clark County Republican Central Committee Executive Board

Sent July 31<sup>st</sup>

To Clark County Republican Central Committee Members,

The Clark County Republican Party is investigating a potential outbreak of COVID-19 associated with individuals who attended the July 20 meeting of the CCRCC. To date, multiple people with COVID-19 have been identified with connections to the meeting.

We take these cases very seriously and as part of our COVID-19 mitigation plan we are encouraging anyone who attend the July 20<sup>th</sup> meeting who is concerned to get tested.

All those infected were outside in the courtyard or working with those checking in and gaining credentials to enter the meeting.

Former Chairman David ~~Sadiak~~ tested positive for COVID-19 recently.

"I had cold-like symptoms and was running a fever, so I got tested," said ~~Sadiak~~. "The common denominator for those who have tested positive is interaction with the outside crowd. I know of no one from the inside meeting that was not on the CCRP team that has tested positive".

Any individuals who attended the meeting on July 20, who may have been exposed to COVID-19 should observe themselves for illness and seek testing. However, it has been 11 days since the meeting, so any COVID-19 symptoms would have manifested already.

The CCRP will be taking all necessary precautions to ensure the safety of the membership at the August 17, 2021 meeting.

Below is a link to find locations that offer COVID-19 testing in Nevada.

<https://nvhealthresponse.nv.gov/find-covid-19-testing-in-nevada/>

Regards,

Former Assemblyman Stephen Silberkraus

Acting Chairman

Clark County Republican Party

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[View this email in your browser](#)

## **Motion to Reconvene the July 20, 2021 CCRCC Meeting**

We, the undersigned members of the Clark County Republican Central Committee (CCRCC) who each attended and were credentialed at the Tuesday July 20, 2021 Regular Meeting hereby move, second, and unanimously affirm a motion to reconvene the July 20, 2021 Regular Meeting of the CCRCC at a date, time and location certain as follows.

**Wednesday, July 28, 2021 7:00PM PDT**  
**Doors Open for re-credentialing at 6:00PM PDT.**

**Ahern Hotel**  
**300 W Sahara Ave**  
**Las Vegas, NV 89102**

Mr. Don Ahern has graciously offered to provide us a venue that will be large enough for both members and guests to comfortably attend in accordance with our Standing Rules, which call for all meetings to be open to the public. All members will need to obtain a new copy of their credentials for the meeting in order to participate, so please arrive early.

After consulting a Certified Professional Parliamentarian recognized by the American Institute of Parliamentarians and recommended by the RNC, it has been determined that the term of office for all of the former CCRCC officers has now expired per Section 4.2 of the CCRCC Bylaws. As a result, it falls to us, the members of the Central Committee, to reconvene our recessed meeting that was started July 20 and complete the elections for all vacant offices and other necessary business. The first order of business upon reconvening will be to elect a temporary Chairman to officiate the meeting and facilitate the completion of the remainder of the business on the agenda, including election of all officer positions.

Please refer to the original Call to Meeting email for copies of the Agenda and resolutions up for consideration.

We look forward to concluding the meeting in the most fair, transparent, and efficient manner possible. Thank you for your support!



Regards,

Larry Ashton  
Michele Barnes  
Alida Benson  
James Boles  
Linda Bronstein  
Vernon Brooks  
Richard Bunce  
Gena Bunim  
Lori Casale  
Patrick Casale  
Kevin Childn  
John Colaw  
Chris Dyer  
Wendy Ellis  
Steven Esh  
Kimberly Fergus  
Heather Florian

Paul Folger  
Holly Fuller  
Charmaine Guss  
Brian Hardy  
Christopher Hisgen  
John Istle  
Penny Kaul  
Robert Kaul  
William Laub  
James Marchant  
Leonard Marciano  
Mary Marciano  
Joshua Millan  
Julieanne Miller  
Kay Milzer  
Sally Minster  
Denise Mraz

Kathryn Njus  
Kevin Njus  
Anthony Palmer  
Susan Proffitt  
Mike Quarcini  
Natalie Roach  
Robert Ruppert  
Saroj Singh  
Robert Smith  
Michael Steigman  
Charles Suval  
Natalie Tyree  
Robert Tyree  
Marty Waldman  
Cheryl Walters  
William Wasserburger  
Shana Weir  
Nancy Woolf



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CCRCC Members · 8515 Edna Ave · Las Vegas, NV 89117-4427 · USA

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Clark County Republican Party  
8515 Edison Ave 220  
Las Vegas, NV 89117

Dear [REDACTED]

This letter is to inform you that there has been an ethics complaint filed against you that has been referred to the Clark County Republican Central Committee's Election Appeals and Discipline Committee.

The complaint is as follows:

1. That you have taken specific actions that both mislead our members and usurped the authority of the Clark County Republican Party's Executive Board by attempting to call a fraudulent meeting of the Clark County Republican Central Committee.

This action is tantamount to a coup by those who wish to seize control of our Clark County Republican Party and install their own leadership in violation of our governing documents.

Therefore, you are longer a member in good standing and will not be allowed at our August meeting.

If you would like to offer a defense against these charges, please contact Patricia Messinger at [helptrump2020@gmail.com](mailto:helptrump2020@gmail.com) on behalf of the committee with 10 days.

Sincerely,

*Barbara Altman*  
Chair - Election Appeals and Discipline Committee

# **EXHIBIT 1**



Kay Allison Crews, CPP-T, PRP  
Certified Professional Parliamentarian-Teacher  
Professional Registered Parliamentarian  
11700 Preston Rd.  
Suite 660-254  
Dallas, TX 75230

214-697-2710  
www.DallasParliamentarian.com  
Kay@DallasParliamentarian.com

## OPINION DOCUMENT

### Narrative and Issues

A member of the Clark County Republican Central Committee (CCRCC) has been told that his membership has been suspended by the Disciplinary and Ethics Committee. Other remarks have been made that the member is "not a member in good standing." As a result of these statements, certain elements in CCRCC wish to deny the member the opportunity run for office. The member wishes answers to the following questions:

1. What does it mean to be "in good standing?"
2. What does it mean to be "not in good standing?"
3. What are the disciplinary proceedings of the CCRCC?
4. Can the Disciplinary and Ethics Committee unilaterally suspend a member at the beginning of an investigation?
5. What body has the right to suspend a member?
6. Is the member entitled to run for office in the CCRCC?

### Documents Reviewed

Documents reviewed for this opinion include:

- the CCRCC Bylaws;
- the CCRCC Standing Rules;
- the Certified Letter sent to the member from the Disciplinary and Elections Committee dated July 19, 2021;
- an email sent by Ed Gonzalez addressed to "Dear Clark County Central Committee Members" and titled "Status of the July CCRCC meeting and the Jesse Law suspension" dated July 23, 2021; and
- *Robert's Rules of Order Newly Revised*, 11th ed. ("RONR"), the parliamentary authority for CCRCC.

The following opinion is based on the review of those documents.

### Research Process

The first step in the research process was to determine how CCRCC uses the term "in good standing" and the term "not in good standing" and to consider how this was important.

This parliamentarian first reviewed the CCRCC governing documents. Neither your bylaws nor your standing rules use the term "not in good standing."

The term "in good standing" does appear in the CCRCC Standing Rules:

4.1 No person shall be a nominee for, nor once elected hold, any elective office under these rules, **unless they are current voting members in good standing** of the Clark County Republican Central Committee. [Chapter 1, 4.1, CCRC Standing Rules, **Emphasis added**]

Since the Bylaws and the Standing Rules are silent on what constitutes good standing, the next step was to research *Robert's Rules of Order Newly Revised*, 11th edition (which is your parliamentary authority, since the 12th edition has been published in the last two years):

THE LOCAL ASSEMBLY OF AN ORGANIZED SOCIETY. The assembly at the meetings of an organized permanent society existing as a local club or local branch is the type of assembly with which the average person is most likely to have direct experience. As the highest authority within such a society or branch (subject only to the provisions of the bylaws or other basic document establishing the organization), this body acts for the total membership in the transaction of its business. **Such an assembly's membership is limited to persons who are recorded on the rolls of the society as voting members and who are in good standing.\*** The bylaws of an organized local society (see pp. 12–15) usually provide that it shall hold regular meetings at stated intervals—such as weekly, monthly, quarterly, or sometimes even annually—and also usually provide a procedure for calling special meetings as needed (see pp. 91–93). Each of these meetings in such an organization normally is a separate session (8).

\*Members in good standing are those whose rights as members of the assembly **are not under suspension as a consequence of disciplinary proceedings or by operation of some specific provision in the bylaws.** A member may thus be in good standing even if in arrears in payment of dues (see pp. 406, 571–72). If only some of an individual's rights as a member of the assembly are under suspension (for example, the rights to make motions and speak in debate), other rights of assembly membership may still be exercised (for example, the rights to attend meetings and vote). [RONR 11, p. 6-7, **Emphasis added**]

Clearly, for the member to be “not in good standing,” there must be disciplinary proceedings. Back to the CCRCC Bylaws:

8.3.2 The Permanent Sub-Committee on Election and Disciplinary Appeals. This committee shall have jurisdiction over elections monitoring, review and appeals for the Central Committee and County Convention and **will conduct trials in disciplinary proceedings as provided for in the rules.** [CCRCC Bylaws 8.3.2, **Emphasis added**]

But the CCRCC Standing Rules have no rules that cover “disciplinary proceedings,” so again this parliamentarian turned to the parliamentary authority, to find that:

In most societies it is understood that members are required to be of honorable character and reputation, and certain types of associations may have particular codes of ethics to enforce. Although ordinary societies seldom have occasion to discipline members, **an organization or assembly has the ultimate right to make and enforce its own rules, and to require that its members refrain from conduct injurious to the organization or its purposes.** No one should be allowed to remain a member if his retention will do this kind of harm. [RONR 11, p. 643, **Emphasis added**]

RONR goes on to specify that such actions are not taken unilaterally, but involve a decision on the part of the assembly:

If improper conduct by a member of a society occurs **elsewhere than at a meeting**, the members generally have no first-hand knowledge of the case. Therefore, if disciplinary action is to be taken, **charges must be preferred and a formal trial held before the assembly of the society, or before a committee—standing or special—which should be required to report its findings and recommendations to the assembly for action.** In addition, even when improper conduct occurs at a meeting, in order for disciplinary action to be taken other than promptly after the breach occurs, charges must be preferred and a formal trial held. However, the only way in which a member may be disciplined for words spoken in debate is through the procedure described on pages 645–48, which may be employed only promptly after the breach occurs. In some societies (depending on particular provisions of the bylaws, as explained in 62), the same steps must also be employed if an officer of the society is to be deposed from office. The procedures governing all such cases are described in detail in 63. [RONR 11, pp. 649-650, **Emphasis added**]

Furthermore, there are a number of steps that must be taken:

A member or officer has the right that allegations against his good name shall not be made except by charges brought on reasonable ground. **If thus accused, he has the right to due process—that is, to be informed of the charge and given time to prepare his defense, to appear and defend himself, and to be fairly treated.** [RONR 11, p. 656, **Emphasis added**]

Most ordinary societies should never have to hold a formal trial, and their bylaws need not be encumbered with clauses on discipline. For the protection both of the society and of its members and officers, however, the basic steps which, in any organization, make up the **elements of fair disciplinary process** should be understood. Any special procedures established should be built essentially around them, and the steps should be followed in the absence of such provisions. As set forth below, these are: **(1) confidential investigation by a committee;** (2) report of the committee, and preferral of charges if warranted; (3) formal notification of the accused; (4) trial; and (5) the assembly's review of a trial committee's findings (if the trial has been held in a committee instead of the assembly of the society). [RONR 11, p. 656, **Emphasis added**]

Most interesting in this regard is step 1: CONFIDENTIAL investigation by a committee. From all reports, the first official notice that the member had of these allegations was in a Certified Letter from the committee Chairman, dated July 19, 2021, and giving the member ten days to respond to the letter “to indicate your intention to respond to our committee.” That period has not yet expired as of this writing, and yet all allegations against the member have been made public to members of the CCRCC in an email dated July 23, 2021! This is clearly not “confidential” by any stretch of the imagination, and violates the right to due process noted in the parliamentary authority.

Furthermore, the Certified Letter states:

During this period, and up until this matter can be brought before the General Membership of the CCRCC, your membership in the Clark County Republican Central Committee remains in suspension pending the resolution of each of the matters and charges brought against you. [Certified Letter dated July 19, 2021]

However, the suspension of membership is clearly NOT a right and power of the Disciplinary and Elections Committee, and cannot be enforced. "Suspension of membership in the CCRCC" is a matter defined in the CCRCC Bylaws:

### **3.2.3 Suspension of Membership in the CCRCC.**

The Chair has the authority to suspend a member of the CCRCC pending resolution of any good faith dispute whether the member is or should be duly registered as a Republican by the Clark County Registrar of Voters. The Chair also has the authority to **suspend and remove from participation** at any meeting a member who, **at said meeting**, has violated the Bylaw or the Rules, or has otherwise acted, at that meeting, in an unprofessional or obstructive manner, which decision may not be overturned absent a 2/3 vote of the members present of the CCRCC at that meeting. [CCRC Bylaws, 3.2.3]

Note that a member may only be suspended by the Chair, and only for the one meeting at which the member has been disruptive. Even then, should they wish it, the final authority rests with the CCRCC members. No provisions are made for committees to suspend members, even during a disciplinary hearing, unless the committee, in its report to the membership, includes that suspension. Such suspension is subject to a majority vote of the CCRCC members.

**REPORT OF THE INVESTIGATING COMMITTEE; PREFERRAL OF CHARGES.** If after investigation the committee's opinion is favorable to the accused, or if it finds that the matter can be resolved satisfactorily without a trial, it reports that fact.\* But if the committee from its investigations finds substance to the allegations and cannot resolve the matter satisfactorily in any other way, it makes a report in writing—which is signed by every committee member who agrees—outlining the course of its investigation and recommending in the report the adoption of resolutions preferring charges, arranging for a trial, and, if desired, suspending the rights of the accused [RONR 11, p. 656, **Emphasis added; footnote not relevant to this discussion**]

A resolution preferring charges may (although it need not) be accompanied by one **suspending all or some specified portion of the accused's authority, rights, and duties** as an officer or rights as a member (except those rights that relate to the trial) pending disposition of the case, effective from the time official notification of the resolution is delivered to the accused's address. [RONR 11, p. 662, **Emphasis added**]

Absent a vote of the membership, the member may not be suspended, even during a disciplinary hearing, and as such, the member remains a member in good standing and is eligible to run for CCRCC office.

## **Responses**

### **1. What does it mean to be "in good standing?"**

It means that a member is not under suspension as a consequence of disciplinary proceedings or by operation of some specific provision in the bylaws.

### **2. What does it mean to be "not in good standing?"**

This term is not defined or used in the CCRC Bylaws, Standing Rules, or in RONR11.

### **3. What are the disciplinary proceedings of the CCRCC?**

Although the Bylaws require that the Disciplinary and Elections Committee will conduct trials in disciplinary proceedings as provided for in the rules, no such rules are in the Standing Rules of

CCRC. Therefore, the steps defined in the parliamentary authority would guide the CCRCC in matters of discipline.

**4. Can the Disciplinary and Ethics Committee unilaterally suspend a member at the beginning of an investigation?**

No. This is a violation of the member's rights to due process, and is not permitted under the parliamentary authority.

**5. What body has the right to suspend a member?**

Only the Chair can suspend a member, and then only because the member is no longer duly registered as a Republican by the Clark County Registrar of Voters, or because of an offense in a meeting.

**6. Is the member entitled to run for office in the CCRCC?**

Yes. The member may run for office. The process of the investigation currently being undertaken by the Discipline and Ethics Committee has not yet progressed to the point where a penalty, such as suspension of rights, can be considered.

**Parliamentarians are "professional neutrals" whose objectives lie in ensuring that the rules are followed, without regard to outcome. While this opinion was commissioned by a specific member, the parliamentary author has an ethical obligation to be impartial and protect the rights and privileges of all members of the Clark County Republican Central Committee.**

**This opinion is based on general principles of parliamentary law and the 11<sup>th</sup> edition of *Robert's Rules of Order Newly Revised*; nothing in this opinion should be construed as interpretation of statutory law.**

If I can provide further information or assistance, please do not hesitate to let me know.

Warm regards,



Kay Allison Crews  
Certified Professional Parliamentarian-Teacher  
Professional Registered Parliamentarian

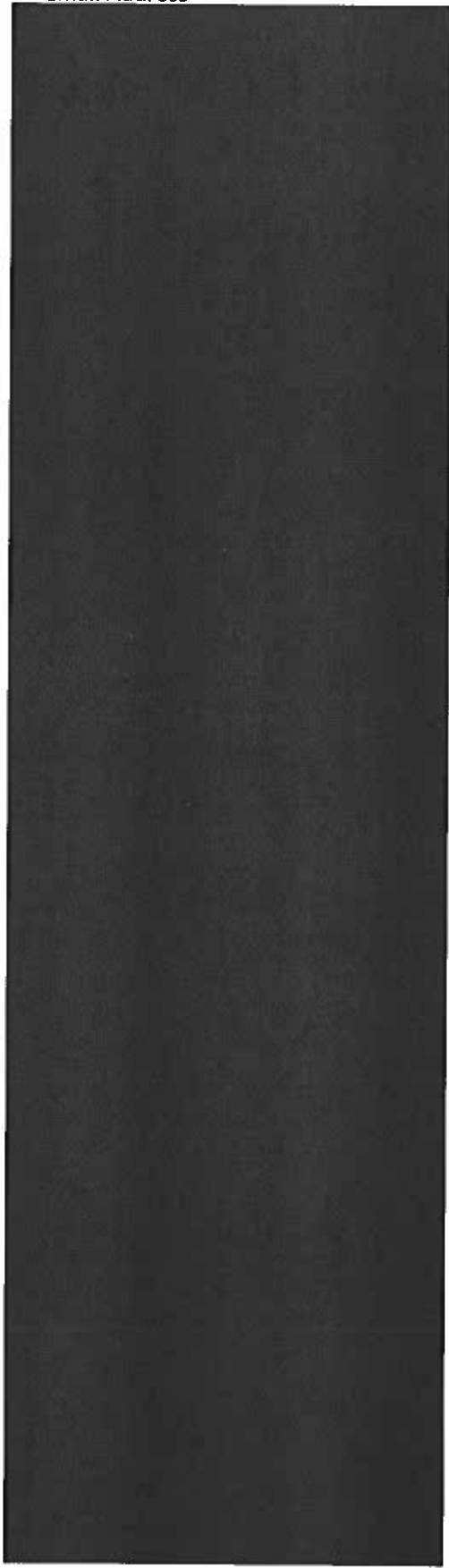


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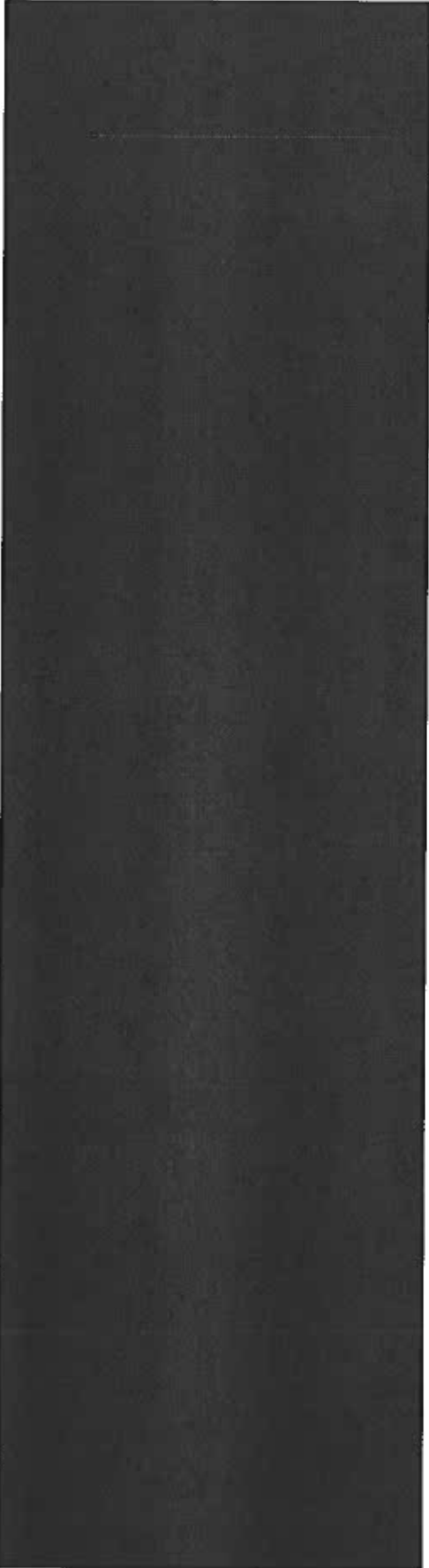
# **EXHIBIT 2**

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Email Address



First Name	Last Name
MARK	RIGGINS
LINDA	BRONSTEIN
CHARLES	WILLIAMS
HEATHER	FLORIAN
LYNN	FETTERLY
YOLANDA	SMITH
MARY	THOMPSON
DENNIS	CRONIN
LOIS	CHOATE
GENA	BUNIM
KATHY	ZELLER
CANDIE	STIEB
JOHN	ISTLE
ROBERT	STRAUSS
VONNA	HLAVKA
SCOTT	LAFATA
MARILYN	ARMANINO
YVONNE	FORTUNE
CCRCC	Members
MARY	SKINNER
ANDREW	MARONE
CRAIG	MUELLER
KERRYLEE	MCDONALD
JOANNE	SCHAPER
ANN	BLACK-GUEDRY
JULIET	SMITH
MARY	CLYBURN
STANLEY	WALKOWSKI
REINIER	PRIJTEN
Mike	QUARCINI
RANDLE	PHELPS
JAMES	SMALL
Raymond	Serrano
DIANE	GEORGE
LAURA	CLARK
Rosemary	Flores
LINDA	SISON
PAULINE	LEE
LINDA	SHANNON
CHRISTINE	DECORTE
EDWARD	FACEY
NICHOLAS	ALFONSETTI
JANICE	WESEN
REYNA	SAJDAK
SOLOMON	BRADLEY
MICHAEL	STEIGMAN



LOUISE	LADD-WHITSON
ULRIKA	MIYASHIRO
FREDERICK	MCDERMOTT
HEATHER	MOORE
FRANK	SANTORA
WENDY	ELLIS
BARBARA	GROSS
RONALD	DOUMANI
DAVID	EDELBLUTE
NANCY	WOOLF
BARBARA	ALTMAN
JOHN	RIDGEWAY
Rosanna	Falocco
MICHELE	FIGORE
JUDD	BALMER
FLORENCE	BITDAVID
PAUL	KIMMEL
JAMES	SALLEE
DANIEL	ORNELAS
AMRIT KUMAR	BHANDARI
MICHAEL	PUCCIO
WILLIAM	STIEREN
JOLETTE	GOWENS
STEPHEN	SEDLMEYER
THOMAS	SWEETING
DENISE	MRAZ
Kimberly	Fergus
CHARLENE	GRAHAM
MICHAEL	NATIVO
RICHARD	MACLEAN
DIANA	GOMEZ
LOURDES	MARSHALL
CHARLES	SUVAL
JAYMI	FIGG
JONATHAN	OWENS
TERESA	GIROUX
DAVID	MCGOWAN
BRUCE	WOODBURY
CHARLES	MARSHALL
MELISSA	PETERS
CHERLYN	ARRINGTON
DANIEL	REGO
ROBERT	RUPPERT
ERIC	ROBERTS
LEONARD	MARCIANO
ROBERT	DIAZ
BRUCE	RAHE

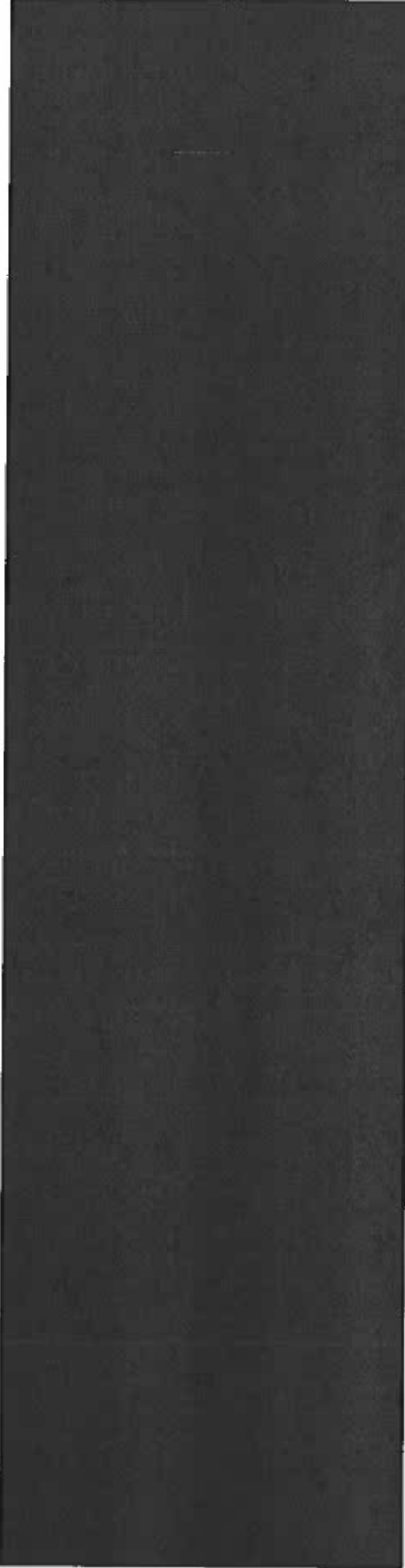


Omar	Delarosa
ADAM	BERNATH
DAVID	LEE
CINDY	PARKER
DANIEL	INGHAM
Margaret	Russo
MICHAEL	SELLERS
SUSAN	PROFFITT
JUDY	MANTOOTH
Jessica	Nguyen
CLAYTON	BOWEN
GERTRUDE	ABBOTT-DAILEY
JAMES	LAMB
Minerva	Wimperis
JANET	BURNHAM
DWAIN	BOWEN
ALIDA	BENSON
LINDA	CANNON
SHARRON	BROWN
TAWANNA	CRABB
DAVID	TILEM
JENNELLA	BATTLES
WILLIAM	WASSERBURGER
JAMES	SWOBEN

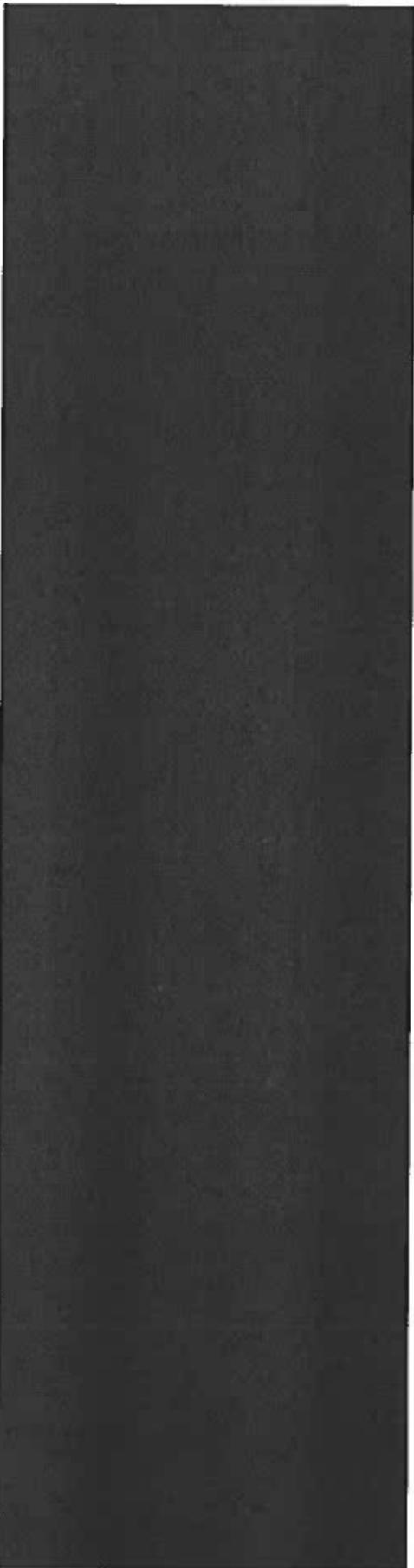
DARYLL	CARTER
LARRY	ASHTON
LINDA	BUCKARDT
vernon	robison
KEVIN	CHILD
DAVID	CRETE
JASON	GROVE
HEIDI	KASAMA
Tana	Magel
JOSEPH	FRASSON
DANIEL	BRAISTED
SALLY	MINSTER
RICHARD	MCCARTHUR
ARETTA	RUMFORD
MARY	ROONEY
BRADLEY	TRELOAR
MADLIN	ELLYIN
VERNON	BROOKS
Thomas	Andrew
»¿ANTHONY	PALMER
KEVIN	REILLY
Curtis	Benton



JANICE	SUTCLIFFE
DARA	TANCREDI
PATRICK	CASALE
GEOFF	PASSO
SUZANNE	LOWDEN
LINDA	HENSON
RUDY	PAMINTUAN
STEPHEN	CRESCENTI
Jesse	Law
JEFFREY	CAMPBELL
KENNY	TAYLOR
KEVIN	NJUS
Darrell	Laurel
RICHARD	BUNCE
NATALIE	ROACH
DAVID	BRANDT
Michael	Feil
MARTIN	MCCUNE
NICKY	ZARRAS
Carlton	Fogg
Cyrus	Hojjatty
ROBERT	SMITH
GENE	JACOBSON
DENISE	HAMADA
IRENE	ALBRECHT
ANGELINA	SEDLMEYER
Krissann	MARQUEZ
BARBARA	CAGIANESE
Shana	Weir
DULCE	SANTACROCE
JESUS	MARQUEZ
KEVIN	KEAN
DEBBIE	MILLER-JOSEPH
camille	BUSH
LINDA	GOMEZ
KATHRYN	RICE
SUSAN	ISAAC
JEFFREY	MITCHELL
BRIAN	HARDY
CARRIE	BUCK
DAVID	SCHMITH
MARTIN	WALDMAN
DEREK	CONNOR
LORENZO	CORDOVA
DAWN	DILLON
MARGARET	KURTZ
PAMELA	BERG



Steven	Koontz
JOSEPH	WILK
CORWIN	NEWBERRY
Roxanne	Benton
JOSEPH	LUDWIG
ROBERT	SOUCY
RUSSEL	KARLEN
JAMES	BOLES
STEVEN	ESH
VICTORIA	SEAMAN
HOLLY	FULLER
BONNIE	DALLAS
Kyle	Morrison
JULIE	SOUCY
VICKI	MARTIN
RALPH	HOLLINGSHEAD
JULIEANNE	MILLER
BONNIE	MCDANIEL
HEDWIG - hedd	PETROSELLI
JEFFREY	WALD
DEANN (Dee Ar	ANDERSON
GREGORY	GENCO
Daphne	Lee
STUART	BERMAN
MARGARET	CARLSON
Nicole	Kamin
DANIELLA	RIOS
JULIE	HEREFORD
Chris	Dyer
JANELLE	OZAWA
MICHELE	BARNES
MICHAEL	MCDONALD
MICHAEL	ARMSTRONG
PATRICIA	MESSINGER
SWADEEP	NIGAM
INA	POLLINS
DAVID	GIBBS
CHRISTOPHER	HISGEN
WILLIAM	GRAHAM
JOSHUA	MILLAN
ROBERT	TYREE
ELISA	SLIDER
CRISTINA	CIMINO
ROBERT	SULLIMAN
JOHN	COLAW
Beth	Shepard
KARL	JOHNSON



STEPHEN	CLARK
Kenneth	Minster
MARY	MARCIANO
LORETTA	OAKES
ROBERT	KAUL
LAURA	CHAMBERLAIN
SERGIO	CABALLERO-FLORES
GREGORY	BAILOR
SAMUEL	PETERS
TIFFANY	FUNG
KENNETH	EASTMAN
CHARMAINE	GUSS
LORI	CASALE
JOHN	PAULSON
ANGELA	WILK
DANIEL	SCHWARTZ
PAUL	SALELE
CARRIE	LARSON
LEONEL	HENDERSON
BODIE	FRATES
MICHELE	KEENE
JAMES	KNUTH
PAUL	FOLGER
CHARLES	SANFILIPPO
WILLIAM	HAPP
WILLIAM	LAUB
GLEN	LEAVITT
CHERYL	WALTERS
SUSANNE	SPINELLI
JACK	POLCYN
JAMES	MARCHANT
LINDA	GRINSTEAD
KAY	MILZER
VALERY	GODINO
AUDREY	DIAZ
Alex	Rodrigues
KEREEN	STOLL
BRENDA	LOVATO
DENISE	WOOD
ROBERT	SMITH
HELENE	LINDEN
SOFIA	KANGAS
ALICE	COULSON
GAREN	ARSANIAN
EDWARD	HAMILTON
PAT JOHN	LAMPARELLI
FRANCES	SWARTZ



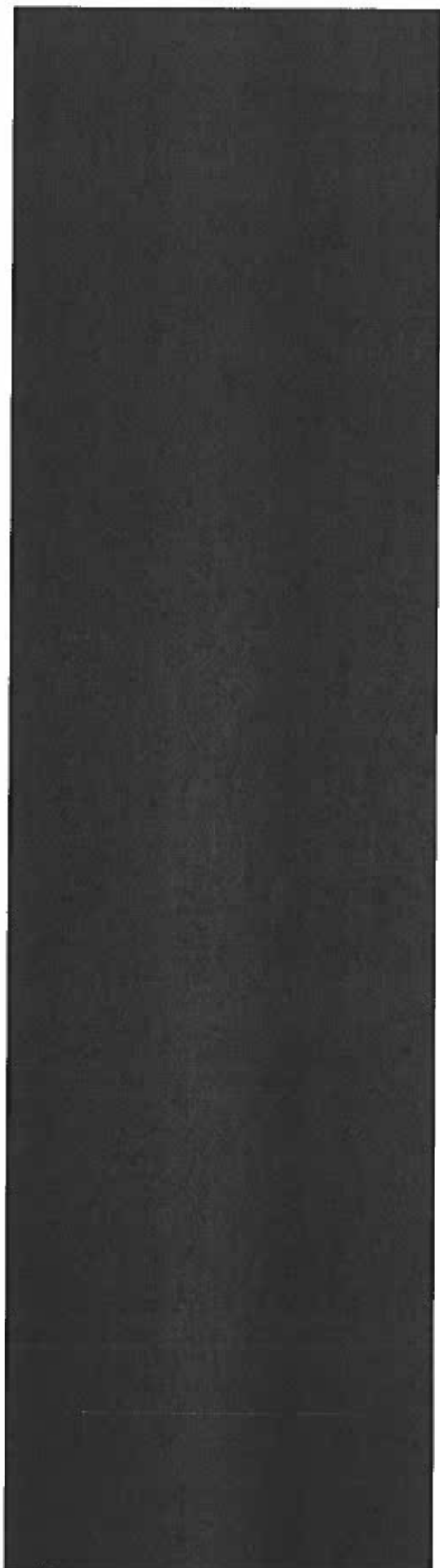
SAROJ

SINGH



# **EXHIBIT 3**

Email Address



First Name	Last Name
MARK	RIGGINS
LINDA	BRONSTEIN
CHARLES	WILLIAMS
HEATHER	FLORIAN
LYNN	FETTERLY
YOLANDA	SMITH
GENA	BUNIM
KATHY	ZELLER
JOHN	ISTLE
ROBERT	STRAUSS
SCOTT	LAFATA
MARILYN	ARMANINO
MARY	SKINNER
ANDREW	MARONE
JOANNE	SCHAPER
JULIET	SMITH
MARY	CLYBURN
REINIER	PRIJTEN
JAMES	SMALL
Raymond	Serrano
LINDA	SISON
PAULINE	LEE
LINDA	SHANNON
EDWARD	FACEY
NICHOLAS	ALFONSETTI
JANICE	WESEN
SOLOMON	BRADLEY
ULRIKA	MIYASHIRO
FRANK	SANTORA
WENDY	ELLIS
BARBARA	GROSS
NANCY	WOOLF
BARBARA	ALTMAN
JOHN	RIDGEWAY
JAMES	SALLEE
MICHAEL	PUCCIO
WILLIAM	STIEREN
STEPHEN	SEDLMEYER
Kimberly	Fergus
LOURDES	MARSHALL
CHARLES	SUVAL
JONATHAN	OWENS
TERESA	GIROUX
BRUCE	WOODBURY
MELISSA	PETERS
CHERLYN	ARRINGTON

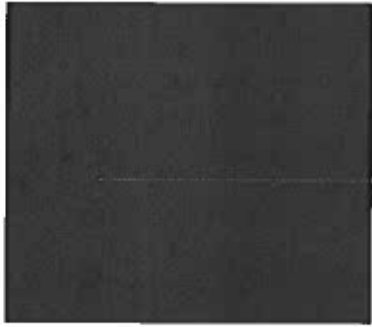


DANIEL	REGO
ERIC	ROBERTS
LEONARD	MARCIANO
BRUCE	RAHE
Margaret	Russo
MICHAEL	SELLERS
SUSAN	PROFFITT
GERTRUDE	ABBOTT-DAILEY
JAMES	LAMB
Minerva	Wimperis
JANET	BURNHAM
ALIDA	BENSON
TAWANNA	CRABB
JENNELLA	BATTLES
WILLIAM	WASSERBURGER
JAMES	SWOBEN

DARYLL	CARTER
LINDA	BUCKARDT
KEVIN	CHILD
HEIDI	KASAMA
Tana	Magel
DANIEL	BRAISTED
SALLY	MINSTER
MARY	ROONEY
BRADLEY	TRELOAR
VERNON	BROOKS
» ANTHONY	PALMER
KEVIN	REILLY
JANICE	SUTCLIFFE
GEOFF	PASSO
SUZANNE	LOWDEN
STEPHEN	CRESCENTI
Jesse	Law
JEFFREY	CAMPBELL
KENNY	TAYLOR
KEVIN	NJUS
NATALIE	ROACH
DAVID	BRANDT
Michael	Feil
MARTIN	MCCUNE
ROBERT	SMITH
DENISE	HAMADA
IRENE	ALBRECHT
Shana	Weir
DULCE	SANTACROCE
KEVIN	KEAN



camille	BUSH
LINDA	GOMEZ
SUSAN	ISAAC
CARRIE	BUCK
MARTIN	WALDMAN
DEREK	CONNOR
Steven	Koontz
JOSEPH	WILK
JOSEPH	LUDWIG
JAMES	BOLES
STEVEN	ESH
BONNIE	MCDANIEL
Daphne	Lee
STUART	BERMAN
JULIE	HEREFORD
Chris	Dyer
MICHELE	BARNES
MICHAEL	MCDONALD
MICHAEL	ARMSTRONG
SWADEEP	NIGAM
DAVID	GIBBS
JOSHUA	MILLAN
ROBERT	TYREE
ELISA	SLIDER
CRISTINA	CIMINO
JOHN	COLAW
STEPHEN	CLARK
Kenneth	Minster
MARY	MARCIANO
ROBERT	KAUL
LAURA	CHAMBERLAIN
SERGIO	CABALLERO-FLORES
SAMUEL	PETERS
KENNETH	EASTMAN
JOHN	PAULSON
DANIEL	SCHWARTZ
PAUL	SALELE
CARRIE	LARSON
LEONEL	HENDERSON
BODIE	FRATES
PAUL	FOLGER
WILLIAM	HAPP
WILLIAM	LAUB
CHERYL	WALTERS
SUSANNE	SPINELLI
JAMES	MARCHANT
KAY	MILZER



HELENE  
SOFIA  
ALICE  
EDWARD  
PAT JOHN  
FRANCES  
SAROJ

LINDEN  
KANGAS  
COULSON  
HAMILTON  
LAMPARELLI  
SWARTZ  
SINGH

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# **EXHIBIT 5**

# **EXHIBIT 5**

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The Nevada Republican Party has reviewed the events and processes relative to the July 20-28<sup>th</sup> General Membership Meeting of the Clark County Republican Central Committee at Spring Valley High School, which was recessed and then properly reconvened at the Ahern Hotel. Having reviewed the standing rules, bylaws and Nevada state law and in consultation with parliamentary professionals, the Nevada Republican party hereby certifies the election conducted on July 28, 2021 and affirms the following as the leadership of the Clark County Republican Central Committee:

**Chairman - Jesse Law**  
**Vice Chair - Mike Steigman**  
**Secretary - Sally Minster**  
**Treasurer - Christine DeCorte**  
**Political Director - Patrick Casale**  
**Community Relations Director - Natalie Roach**  
**Precinct Director - Steve Esh**

No individual or organization, other than the Clark County Republican Central Committee under the direction of the leadership listed above, should be holding any meetings or fundraising in the name of the Clark County Republican Party. If anyone is approached to donate to the Clark County Republican Central Committee or Clark County Republican Party other than through campaigns or functions approved hosted or approved by leadership listed above, we would ask that you report the same to the Nevada Republican Party or to the certified leadership of the Clark County Republican Central Committee/Clark County Republican Party. If anyone donated to such individuals or organizations since the election on July 28, 2021 and you intended such donation to be for the Clark County Republican Central Committee/Clark County Republican Party, you should request such funds be returned immediately.

Simply put, the time has come to unify together and work for a common goal – turning Nevada red in 2022. With your continued support and the new leadership in Clark County we are excited for the victories that will Make Nevada Great Again.

Michael J. McDonald  
Chairman, Nevada Republican Party

Paid for by the Nevada Republican Party.  
Not authorized by any candidate or candidates  
committee.