

1 Clyde DeWitt
California State Bar No. 117911
2 Nevada State Bar No. 9791
Law Offices of Clyde DeWitt,
3 A Professional Corporation

4 2800 28th Street, Suite 321
Santa Monica, CA 90405-6201
5 (310) 392-2600

6 732 South Sixth Street, Suite 100
Las Vegas, NV 89101-6948
7 (702) 386-1756

8 E-Fax (310) 362-8667
clydedewitt@earthlink.net

9 Attorneys for Plaintiff TCR Holdings, LLC
10

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF NEVADA**
13 **SOUTHERN DIVISION**

14
15 TCR HOLDINGS, LLC, A Nevada
Limited Liability Company and BRUCE
16 KAHN, an individual,

17 Plaintiffs,

18 v.

19 NYE COUNTY, NEVADA, a political
subdivision of the State of Nevada,

20 Defendant.
21

Case Number 2:09-CV-00433-JCM-GWF

Hon. James C. Mahan,
United States District Judge

Hon. George W Foley, Jr.,
United States Magistrate Judge

JUDGMENT

[FED. R. CIV. PROC. 54]

1 Attached hereto is a proposed judgment on the two of Plaintiffs' claims that were the
2 subject of the court's March 22, 2010 order granting Plaintiffs' Motion for Partial Summary
3 Judgment.

4 Dated: April 12, 2010.

Respectfully Submitted,

5 CLYDE DeWITT
6 LAW OFFICES OF CLYDE DeWITT, APC

7
8 By: /s/ Clyde DeWitt
Clyde DeWitt

9 Counsel for Plaintiffs, TRC Holdings, LLC and
10 Bruce Kahn

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
SOUTHERN DIVISION**

TCR HOLDINGS, LLC, A Nevada
Limited Liability Company and BRUCE
KAHN, an individual,

Plaintiffs,

v.

NYE COUNTY, NEVADA, a political
subdivision of the State of Nevada,

Defendant.

Case Number 2:09-CV-00433-JCM-GWF

Hon. James C. Mahan,
United States District Judge

Hon. George W Foley, Jr.,
United States Magistrate Judge

JUDGMENT

This action came on for hearing before the Court, Hon. James C. Mahan, United States District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered, granting Plaintiffs’ Motion for Summary Judgment on the following claims; and the court finding that there is no just reason for delaying the review of a judgment on fewer than all of the claims:

The Plaintiffs’ First Claim for Relief seeking a declaratory judgment pursuant to 28 U.S.C. § 2201, *et seq.* that Nye County Code § 9.20.090.A, which states,

“The application shall be made upon such forms as the Board may prescribe and shall contain at least the following information and minimal requirements for a license:

1 “A. Evidence that applicant, or one applicant as defined in this Chapter,
2 is a bona fide resident of the State and has been so for six (6) months”
3 Violates the dormant Commerce Clause of the United States Constitution and the Plaintiffs’
4 second claim for relief seeking an injunction against enforcement of that provision. The two
5 claims enumerated above are severed from the remainder of the case pursuant to Rule 54(b)
6 of the Federal Rules of Civil Procedure and on those claims it is ORDERED and
7 ADJUDGED in favor of Plaintiffs TCR Holdings, LLC and Bruce Kahn and against
8 Defendant Nye County, Nevada as follows:

9 Pursuant to 28 U.S.C. § 2201, *et seq.* the court DECLARES that Nye County Code
10 § 9.20.090.A, which states,


11 “The application shall be made upon such forms as the Board may
12 prescribe and shall contain at least the following information and minimal
13 requirements for a license:

14 “A. Evidence that applicant, or one applicant as defined in this Chapter,
15 is a bona fide resident of the State and has been so for six (6) months”
16 Violates the dormant Commerce clause of the United States Constitution and, pursuant to 42
17 U.S.C. § 1983, Defendant Nye County, Nevada, its officers, agents, servants, employees, and
18 attorneys and other persons who are in active concert or participation with any of them ARE
19 PERMANENTLY ENJOINED from enforcing or threatening to enforce Nye County Code
20 § 9.20.090.A, above.

21 THIS IS A FINAL JUDGMENT AS TO THE ENUMERATED CLAIMS.

22 Signed this 16th day of April, 2010.

23
24
25
26
27
28


UNITED STATES DISTRICT JUDGE