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8 *Attorneys for Legislative Defendants Brenda J. Erdoes, in her official capacity as Director of the
9 Legislative Counsel Bureau of the State of Nevada, and Nicole J. Cannizzaro, in her official
10 capacity as Chair of the Legislative Commission of the State of Nevada*

11 **UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA**

13 SHAWN MEEHAN, an individual; JANINE
14 HANSEN, an individual; LYNN
15 CHAPMAN, an individual; and MELISSA
16 CLEMENT, an individual,

17 Plaintiffs,

18 vs.

19 STEPHEN F. SISOLAK, in his official
20 capacity as Governor of the State of Nevada;
21 AARON DARNELL FORD, in his official
22 capacity as Attorney General of the State of
23 Nevada; BRENDA J. ERDOES, in her
24 official capacity as Director of the Legislative
Counsel Bureau of the State of Nevada;
NICOLE J. CANNIZZARO, in her official
capacity as Chair of the Legislative
Commission of the State of Nevada; and
DOES 1 through 100,

Defendants.

Case No. 3:21-cv-00100-MMD-WGC

**STIPULATION AND ORDER
REGARDING SERVICE OF PROCESS
ON LEGISLATIVE DEFENDANTS,
BRIEFING SCHEDULE FOR MOTIONS,
AND RELATED MATTERS**

PARTIES AND COUNSEL

21 This Stipulation and Order is agreed to and approved by: (1) **Sigal Chattah**, Esq., Chattah
22 Law Group, counsel for Plaintiffs Shawn Meehan, Janine Hansen, Lynn Chapman, and Melissa
23 Clement; and (2) **Kevin C. Powers**, General Counsel, Legislative Counsel Bureau, Legal Division
24 ("LCB Legal"), counsel for Legislative Defendants Brenda J. Erdoes ("Director Erdoes"), in her

1 official capacity as Director of the Legislative Counsel Bureau of the State of Nevada, and Nevada
2 State Senator Nicole J. Cannizzaro, in her official capacity as Chair of the Legislative Commission
3 of the State of Nevada.

4 On March 23, 2021, pursuant to FRCP 41(a)(1)(A)(i), Plaintiffs voluntarily dismissed,
5 without prejudice, the Executive Defendants named in the complaint: (1) Stephen F. Sisolak, in his
6 official capacity as Governor of the State of Nevada; and (2) Aaron D. Ford, in his official
7 capacity as Attorney General of the State of Nevada. (ECF No. 21.) Therefore, because the
8 Executive Defendants have been voluntarily dismissed, without prejudice, from this action, their
9 attorneys, Aaron D. Ford, Attorney General, and Craig A. Newby, Deputy Solicitor General,
10 Office of the Attorney General, are no longer representing any defendants in this action.

11 **BACKGROUND**

12 On Feb. 17, 2021, Plaintiffs filed a complaint for damages and injunctive and declaratory
13 relief under the federal civil rights statute in 42 U.S.C. § 1983. (ECF No. 1.) Plaintiffs are four
14 individuals who, on behalf of themselves, seek entry to Nevada's Legislative Building to engage
15 in lobbying activities during the 81st legislative session. (ECF No. 1 at 1-2.) In their complaint,
16 Plaintiffs alleged that they have been deprived of federal and state constitutional rights as a result
17 of the decision of Director Erdoes, as the executive head of the LCB, to restrict or prohibit
18 lobbyists and members of the public from physically entering the Legislative Building during the
19 81st legislative session due to the COVID-19 pandemic. (ECF No. 1 at 18-25.)

20 In their complaint, Plaintiffs named several state officers of the executive branch and
21 legislative branch as defendants in their official capacities. (ECF No. 1 at 1-2.) As named in the
22 complaint, the Executive Defendants were: (1) Stephen F. Sisolak, in his official capacity as
23 Governor of the State of Nevada; and (2) Aaron D. Ford, in his official capacity as Attorney
24 General of the State of Nevada. (ECF No. 1 at 1-2.) On Feb. 26, 2021, Plaintiffs filed affidavits

1 of service of the summons and complaint on those Executive Defendants. (ECF No. 10.) On
2 March 23, 2021, pursuant to FRCP 41(a)(1)(A)(i), Plaintiffs voluntarily dismissed, without
3 prejudice, those Executive Defendants from this action. (ECF No. 21.)

4 As named in the complaint, Legislative Defendants are: (1) Brenda J. Erdoes, in her official
5 capacity as Director of the Legislative Counsel Bureau of the State of Nevada; and (2) Nevada
6 State Senator Nicole J. Cannizzaro, in her official capacity as Chair of the Legislative Commission
7 of the State of Nevada. (ECF No. 1 at 1-2.) Legislative Defendants have not been personally
8 served in this action yet with the summons and complaint under FRCP 4.

9 On Feb. 24, 2021, Plaintiffs filed an emergency motion for preliminary injunction. (ECF
10 No. 6.) On Feb. 25, 2021, this Court entered a minute order, stating that:

11 The Court has reviewed Plaintiff's motion for preliminary injunction (ECF No. 6, the "PI"
12 motion.) The normal briefing schedule will apply to the motion because Plaintiffs do not
13 specifically request an expedited briefing schedule in their PI motion and did not otherwise
establish they are entitled to an expedited briefing schedule under LR 7-4. The Court will
determine whether to set a hearing upon reviewing the subsequent briefs.

14 (ECF No. 8.) On March 29, 2021, Plaintiffs filed a motion to extend the briefing schedule for
15 their motion for preliminary injunction. (ECF No. 22.)

16 **STIPULATION**

17 The parties, through their respective counsel, hereby stipulate and agree, subject to this
18 Court's approval, as follows:

19 1. Legislative Defendants stipulate and agree to appear voluntarily in this action and waive
20 their rights to be served by Plaintiffs with a summons and complaint under FRCP 4.

21 2. The parties stipulate and agree to the following briefing schedule for Plaintiffs' motion
22 for preliminary injunction (ECF No. 6) and the following timeline and briefing schedule for
23 Legislative Defendants to file a responsive pleading to Plaintiffs' complaint (ECF No. 1) or, in the
24 alternative, a motion to dismiss asserting defenses or objections under FRCP 12:

- 1 (a) Not later than **April 21, 2021**, Legislative Defendants must file and serve their:
 - 2 (1) Opposition points and authorities in response to Plaintiffs' motion for preliminary
 - 3 injunction (ECF No. 6) under LR 7-2; and
 - 4 (2) Responsive pleading to Plaintiffs' complaint (ECF No. 1) or, in the alternative,
 - 5 motion to dismiss asserting defenses or objections under FRCP 12.
- 6 (b) Not later than **May 5, 2021**, Plaintiffs must file and serve their:
 - 7 (1) Reply points and authorities in support of their motion for preliminary injunction
 - 8 (ECF No. 6) under LR 7-2; and
 - 9 (2) Opposition points and authorities in response to Legislative Defendants' motion to
 - 10 dismiss under LR 7-2, if Legislative Defendants file such a motion instead of a
 - 11 responsive pleading.
- 12 (c) Not later than **May 12, 2021**, Legislative Defendants must file and serve their reply
- 13 points and authorities in support of their motion to dismiss under LR 7-2, if Legislative
- 14 Defendants file such a motion instead of a responsive pleading.

15 3. Because Plaintiffs' complaint (ECF No. 1) raises numerous claims for relief under
16 federal and state constitutional provisions and because such claims present complex issues of
17 federal and state law, the parties stipulate and agree to the following page limits for the motions,
18 oppositions in response, and replies set forth in paragraph 2 above:

- 19 (a) Motions and oppositions in response to such motions are limited to 30 pages, excluding
- 20 exhibits, and must include a table of contents and table of authorities, which are excluded from
- 21 the page limits.
- 22 (b) Replies in support of such motions are limited to 20 pages, excluding exhibits, and must
- 23 include a table of contents and table of authorities, which are excluded from the page limits.

1 4. The parties stipulate and agree that Plaintiffs' motion to extend the briefing schedule for
2 their motion for preliminary injunction (ECF No. 22), which was filed on March 29, 2021, is
3 withdrawn and denied as moot based on this Stipulation and Order.

4 **SIGNATURES OF COUNSEL AND ORDER OF THE COURT**

5 Legislative Defendants' attorney of record, Kevin C. Powers, General Counsel, LCB Legal,
6 attests and certifies that he obtained the consent of Plaintiffs' attorney of record, Sigal Chattah,
7 Esq., to file with her electronic signature this Stipulation and Order Regarding Service of Process
8 on Legislative Defendants, Briefing Schedule for Motions, and Related Matters.

9 DATED: This 30th day of March, 2021.

10 By: /s/ Kevin C. Powers

11 **KEVIN C. POWERS**

12 General Counsel

13 Nevada Bar No. 6781

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21 *Attorneys for Legislative Defendants*

22 *Brenda J. Erdoes and Nicole J. Cannizzaro*

23 By: /s/ Sigal Chattah

24 **SIGAL CHATTAH, ESQ.**

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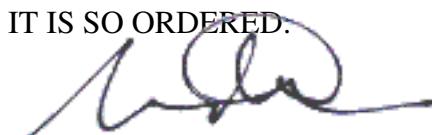
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32 *Attorney for Plaintiffs*

33 IT IS SO ORDERED.



34 _____
35 UNITED STATES DISTRICT JUDGE

36 DATED: March 30, 2021