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**DISTRICT COURT
CLARK COUNTY NEVADA**

DONALD J. TRUMP FOR PRESIDENT, INC.;
the NEVADA REPUBLICAN PARTY,

Plaintiff/Petitioners,

vs.

JOSEPH P. GLORIA, in his official capacity as
Registrar of Voters for Clark County, Nevada,

Defendant/Respondent.

Case No. A-20-824153-C
Dept No. 15

Election-Related Action

**ORDER GRANTING EX PARTE MOTION
FOR TEMPORARY RESTRAINING
ORDER ON ORDER AND INJUNCTION
ON ORDER SHORTENING TIME**

Petitioners filed an *EX PARTE* MOTION FOR TEMPORARY RESTRAINING ORDER ON ORDER AND INJUNCTION ON ORDER SHORTENING TIME on November 3, 2020.

NOW, THEREFORE, having reviewed the papers, pleadings, declarations, statements and evidence on file herein, the arguments of counsel present which included the arguments of Brian R. Hardy, Esq. for the Petitioner and counsel for the Defendant, Joseph P. Gloria. Mary-Anne Miller, Esq., the Secretary of State as an interested party by Gregory L. Zunino, Esq. and John M. Devaney, Esq. for the Intervenor-Respondents, DNC Services Corporation/Democratic National Committee and Nevada State Democratic Party, and being otherwise fully advised, hereby finds and orders as follows:

THIS COURT HEREBY FINDS that NRCP 65(b) provides that this “court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only

1 if: (A) specific facts in an affidavit or a verified complaint clearly show that immediate and
2 irreparable injury, loss, or damage will result to the movant before the adverse party can be heard
3 in opposition; and (B) the movant’s attorney certifies in writing any efforts made to give notice
4 and the reasons why it should not be required.” *Id.*; see also *Hamm v. Arrowcreek Homeowners’*
5 *Ass’n*, 124 Nev. 290, 297 n.15 (2008); *Turner v. Saka*, 90 Nev. 54, 63 (1974). Injunctive relief
6 is normally available when the moving party can demonstrate that it has a reasonable probability
7 of success on the merits and that the nonmoving party’s conduct, if allowed to continue, will
8 cause irreparable harm for which compensatory relief is inadequate. *Univ. & Cmty. Coll. Sys. of*
9 *Nevada v. Nevadans for Sound Gov’t*, 120 Nev. 712, 721, 100 P.3d 179, 187 (2004); *Dangberg*
10 *Holdings v. Douglas County*, 115 Nev. 129, 142, 978 P.2d 311, 319 (1999). The question of
11 whether to grant or deny a preliminary injunction is addressed to the sound discretion of the
12 district court. See *U. Sys.*, 120 Nev. at 721, 100 P.3d at 187. In this case, the facts to support
13 each element are present, justifying the requested exercise of this Court’s discretion.

14 THIS COURT HEREBY FURTHER FINDS Petitioners are seeking to assure the
15 integrity of the election process in Clark County, Nevada. Absent an injunction, Petitioners
16 have no adequate remedy at law. As aptly stated by other courts hearing such elections issues
17 “none of the harm that [Respondents] will allegedly suffer from an injunction rises to the same
18 level as the harm that disenfranchised [voters] will suffer without an order from this Court. ... it
19 is axiomatic that there is no post hoc remedy for a violation of the right to vote.” *Martin v.*
20 *Crittenden*, 347 F. Supp. 3d 1302, 1310 (N.D. Ga. 2018); see also *Fla. Democratic Party v.*
21 *Scott*, 215 F. Supp. 3d 1250, 1258 (N.D. Fla. 2016)(stating with respect to elections “[t]his isn’t
22 golf: there are no mulligans.”); *League of Women Voters of N. Carolina v. North Carolina*, 769
23 F.3d 224, 247–48 (4th Cir. 2014)(affirming “once the election occurs, there can be no do-over
24 and no redress. The injury to these voters is real and completely irreparable if nothing is done.”
25 Courts routinely deem restrictions on fundamental voting rights irreparable injury. See, e.g.,
26 *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir.2012); *Williams v. Salerno*, 792 F.2d 323,
27 326 (2d Cir.1986); *Alternative Political Parties v. Hooks*, 121 F.3d 876 (3d Cir.1997); *United*
28 *States v. City of Cambridge*, 799 F.2d 137, 140 (4th Cir.1986).

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BASED UPON THE FOREGOING FINDINGS:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioners' *Ex Parte* Motion for Temporary Restraining Order is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following voting precincts are to remain open until 8:00 p.m. and stay open thereafter consistent with NRS §§ 293.305 and 293.273:

- Burkholder, Lyal Mid. Sch.;
- Clark County Building Department;
- Heritage Park Senior Facility;
- Shadow Ridge High School;
- Goolsby, Judy And John Elem;
- Guinn, Kenny C. Mid. Sch.;
- Sun City Macdonald Ranch Community Ctr.;
- Bass, John Elem. - 10377 Rancho Destino Rd.
- Canarelli, Lawrence and Heidi Mid. Sch.;
- Desert Breeze Community Ctr.
- Conners, Eileen Elem.;
- Kesterson, Lorna Elem.;
- Gray, R. Guild Elem.;
- Coleman, Cora Senior Ctr.;
- Desert Oasis High School
- Schofield, Jack J.H.S.;
- Cram, Brian And Teri Mid. Sch.;
- Leavitt, Justice Myron Mid. Sch.;
- Cadwallader, Ralph L. Mid. Sch.;
- Las Vegas Athletic Club;
- Knudson, K. O. Mid. Sch.;
- Lawrence, Clifford J.H.S.;

- 1 • Historic Fifth Street School;
- 2 • Reed, Doris Elementary;
- 3 • Monaco, Mario C. and Joann Middle School;
- 4 • Aliante Library;
- 5 • Keller, Duane Middle School;
- 6 • Boulevard Mall (near Applebee’s);
- 7 • McDoniel Elementary School; and
- 8 • Winchester Dondero Cultural Center.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that oral motion to
10 intervene on behalf of the Democratic National Committee and Nevada State Democratic Party
11 is GRANTED.

12 IT IS SO ORDERED this ____ day of November, 2020.

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15 _____
DISTRICT COURT JUDGE

16 Respectfully Submitted:

17 MARQUIS AURBACH COFFING
18

19 By /s/ Brian R. Hardy, Esq.
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