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

12 SHAWN MEEHAN, an individual, JANINE HANSEN, and  
13 individual, LYNN CHAPMAN, an individual, MELISSA  
14 CLEMENT, an individual,

15 Plaintiffs,

16 vs.

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

24 Defendants.

)  
)  
) [COMPLAINT]  
)  
)

Case No:

)  
) **CIVIL RIGHTS**  
) **COMPLAINT FOR**  
) **DAMAGES AND**  
) **INJUNCTIVE AND**  
) **DECLARATORY RELIEF**  
) **JURY TRIAL DEMANDED**  
)  
)  
)

25 **COMPLAINT**

26 COME NOW, Plaintiffs, who bring this action on behalf of themselves (collectively  
27 “PLAINTIFFS”) by and through the undersigned attorneys of record, SIGAL CHATTAH,  
28 ESQ., of the CHATTAH LAW GROUP, who hereby complain of Defendants and each of them  
and allege as follows:

**PARTIES**

**A. The Plaintiffs**

1  
2 1. Plaintiff, SHAWN MEEHAN, at all relevant times, is and was a Nevada  
3 lobbyist residing in the State of Nevada, precluded from engaging in lobbying activities as a  
4 result of Defendants' actions as delineated *infra*.

5  
6 2. Plaintiff, LYNN CHAPMAN, at all relevant times, is and was a Nevada  
7 lobbyist residing in the State of Nevada, precluded from engaging in lobbying activities as a  
8 result of Defendants' actions as delineated *infra*.

9  
10 3. Plaintiff, JANINE HANSEN, at all relevant times, is and was a Nevada  
11 lobbyist residing in the State of Nevada, precluded from engaging in lobbying activities as a  
12 result of Defendants' actions as delineated *infra*.

13  
14 4. Plaintiff, MELISSA CLEMENT, at all relevant times, is and was a Nevada  
15 lobbyist residing in the State of Nevada, precluded from engaging in lobbying activities as a  
16 result of Defendants' actions as delineated *infra*.

**B. The Defendants**

17  
18 1. Defendant STEPHEN F. SISOLAK, was and is at all times relevant herein the  
19 Governor of the STATE OF NEVADA.

20  
21 2. Defendant AARON DARNELL FORD, was and is at all times relevant herein  
22 the Attorney General for the STATE OF NEVADA and has failed to enforce the Nevada and  
23 US Constitutions in his official capacity as Attorney General of the State of Nevada.

24  
25 3. Defendant BRENDA ERDOES, was and is at all times relevant herein, head of  
the Legislative Counsel Bureau.

26  
27 4. Defendant NICOLE CANNIZZARO, was and is at all times relevant herein,  
28 Chair of the Legislative Commission.



1 authority to award the requested declaratory relief under 28 U.S.C. § 2201; the requested  
2 injunctive relief and damages under 28 U.S.C. § 1343(a); and attorneys’ fees and costs under  
3 42 U.S.C. § 1988. Plaintiffs seek damages and declaratory and injunctive relief accordingly.

4 9. The U.S. District Court for the District of Nevada is the appropriate venue for  
5 this action pursuant to 28 U.S.C. §§ 1391(b)(1) and (2) because it is the District in which  
6 Defendants either maintain offices or do substantial official government work in, exercise  
7 their authority in their official capacities, and will continue to enforce the Orders and  
8 Emergency Directives; and it is the District in which substantially all of the events giving rise  
9 to the claims occurred.

10 10. This Court has supplemental jurisdiction over Plaintiffs’ State law claims  
11 pursuant to 28 U.S.C. § 1367(a) because they are part of the same case and controversy  
12 described by Plaintiffs’ Federal claims and are of a common nucleus of operative facts.  
13  
14

15 **INTRODUCTION**

16 11. In the wake of the novel coronavirus (“COVID-19”), the State of Nevada  
17 Executive Administrators and their Agencies hastily instituted a series of State and County-  
18 wide orders and emergency directives (the “Orders and Emergency Directives”) in an effort to  
19 stem the spread of COVID-19. As well-intentioned as these Orders and Emergency  
20 Directives are with respect to the general public’s health, safety and welfare, they have come  
21 at a steep price with respect to the complete and utter restraint on Nevadans’ civil rights and  
22 liberties.  
23

24 12. This action challenges the constitutionality of Defendants’ Orders and  
25 Emergency Directives to curb Plaintiffs’ civil rights and liberties by ordering draconian  
26 “shelter-in-place” orders, effectively instituting a ban on lobbying by violating the First  
27 Amendment to the United States Constitution which provides in pertinent part:  
28

1 Congress shall make no law...abridging the freedom of speech...and to  
2 petition the Government for a redress of grievances.

3 13. This action further challenges the constitutionality of Defendants Orders and  
4 Emergency Directives to curb Plaintiffs civil rights and liberties by violation Article 4 Section  
5 15 of the Constitution of the State of Nevada which provides in pertinent part:

6 Open sessions and meetings; adjournment for more than 3 days or to another  
7 place. The doors of each House shall be kept open during its session, and  
8 neither shall, without the consent of the other, adjourn for more than three days  
9 nor to any other place than that in which they may be holding their sessions.  
10 The meetings of all legislative committees must be open to the public, except  
11 meetings held to consider the character, alleged misconduct, professional  
12 competence, or physical or mental health of a person.

13 14. If allowed to stand, Defendants' Orders and Emergency Directives will not  
14 only continue to violate Plaintiffs' rights under both the Nevada and U.S. Constitutions, but  
15 Defendants will continue to preclude Plaintiffs from engaging in constitutionally protected  
16 lobbying activities, quashing the spirit and purpose of a constitutional legislative process.

17 15. Accordingly, Plaintiffs bring this action challenging the Constitutionality of  
18 Defendants' Orders and Emergency Directives, which have deprived them of numerous rights  
19 and liberties under both the U.S. and Nevada Constitutions.

20 16. In doing so, Plaintiffs seek: (1) equitable and injunctive relief to enjoin the  
21 enforcement of Defendants' Orders and Emergency Directives; (2) declaratory relief from this  
22 Court in declaring that Defendants' Orders and Emergency Directives violate Plaintiff's civil  
23 rights under: (a) 42 U.S.C. § 1983 of the Federal Civil Rights Act ("§ 1983"), (b) the Due  
24 Process clause of the Fifth and Fourteenth Amendments and (c) the First Amendment rights to  
25 free speech and petition the Government for a redress of grievances, (3) attorney's fees and  
26 costs for the work done by Plaintiffs' counsel in connection with this lawsuit in an amount  
27  
28

1 according to proof; and (4) for such other and further relief as the Court deems just and  
2 appropriate.

3 **FACTS AND CIRCUMSTANCES SURROUNDING ALL CLAIMS**

4 17. The global COVID-19 pandemic brought on by an infectious and  
5 communicable disease caused by the recently discovered coronavirus, has caused catastrophic  
6 and unprecedented economic damage across the globe, and with it, significant loss of life and  
7 fundamental changes to both world and national economies, and specifically, the manner in  
8 which businesses are permitted to run, if at all.

9  
10 18. To be sure, State and U.S. officials have faced tremendous adversity in  
11 planning, coordinating, and at times executing effective nationwide and statewide policies to  
12 protect the general public's health, safety and welfare during this time of crisis.

13  
14 19. However, these policies, as well-intentioned as they may be, have had an  
15 unlawful and disparate effect on some people, their health and their businesses over other  
16 people and their health and their businesses, to the point where life, liberty and the pursuit of  
17 happiness have been ripped away from law-abiding citizens and businesses.

18  
19 20. On or about March 13, 2020, President of the United States ("POTUS")  
20 Donald J. Trump proclaimed a National State of Emergency as a result of the threat of the  
21 emergence of COVID-19.

22  
23 21. On March 16, 2020, POTUS announced "*15 Days to Slow the Spread*" –  
24 Coronavirus Guidelines for America based on the Center for Disease Control ("CDC")  
25 recommendations.

26  
27 22. Though a Federal Mandate was not issued, these guidelines and  
28 recommendations for the general public and State Agencies were made based on COVID-19

1 projections established by the CDC and the Institute of Health Metrics and Evaluation  
2 (“IHME”).

3 23. Over the course of the subsequent thirty days, it became noticeably clear that  
4 these projections were grossly over-exaggerated and correlating restrictions were unnecessary.

5 24. Specifically, since the initial outbreak in February and March of 2020, the  
6 Federal Government’s projections of anticipated U.S. deaths related to the virus have  
7 decreased substantially, by an order of magnitude. Yet, despite such revisions, Defendants  
8 have continued to increasingly restrict—and in some cases have even outright banned—  
9 Plaintiffs’ engagement in constitutionally-protected activities.  
10

11 25. On February 04, 2020, Defendant Governor Sisolak issued Executive Order  
12 2020-01, finding that “[d]ocuments, records, or other items of information which may reveal  
13 the details of a specific emergency plan or other tactical operations by a response agency...  
14 are hereby deemed confidential and not subject to subpoena or discovery, and not subject to  
15 inspection by the general public...,” to include “[h]andbooks, manuals, or other forms of  
16 information detailing procedures to be followed by response agencies in the event of an...  
17 emergency...” (“Executive Order 2020-01”). Such an Order seeks to prevent accountability  
18 of the Defendants’ actions over the subsequent eleven months that would follow.  
19  
20

21 26. On March 12, 2020, Defendant Governor Sisolak activated the State  
22 Emergency Operations Center, in an effort to coordinate a response and minimize the impact  
23 and further transmission of COVID-19 to persons in Nevada, and such declaration was made  
24 to remain in effect until the end of the COVID-19 emergency (“Emergency Declaration”).  
25

26 27. Chapter 414 of the Nevada Revised Statutes, entitled *Emergency Management*,  
27 delineates the Executive Authority that Defendant Governor Sisolak enjoys, and albeit  
28 broadly extends certain powers to the Governor, it does not allow for arbitrary and capricious

1 actions, willful misconduct or grossly negligent conduct taken against the State, or against the  
2 residents of Nevada.

3 28. Accordingly, Defendant Governor Sisolak and other named Defendants  
4 engaged in actions that were arbitrary and capricious, grossly negligent, willful misconduct  
5 and in bad faith, in the execution and enforcement of those powers delineated in Chapter 414  
6 of the Nevada Revised Statutes, as stated *infra*.

7  
8 29. NRS 414.110 specifically precludes immunity for such actions that are based  
9 on willful misconduct, gross negligence, or bad faith.

10 30. It has become exceedingly clear that Defendant Governor Sisolak and  
11 associated Defendants named herein have engaged in gross negligence, bad faith and willful  
12 misconduct by issuing Orders and Emergency Directives that are arbitrary and capricious, and  
13 not supported by substantial evidence to merit same at the time of this 81<sup>st</sup> legislative session.  
14

15 **THE NEVADA LEGISLATURE**

16 31. The Nevada Legislature is a bicameral body, consisting of the lower house,  
17 the Assembly, with 42 members, and the upper house, the Senate, with 21 members.

18 32. The Legislature's first official working day is the first Monday of February  
19 following the election. Sessions of the Legislature are biennial, occurring during odd  
20 number years. The 81<sup>st</sup> Legislative Session for 2021 year commenced on February 1, 2021.

21 33. The Legislature must adjourn *sine die* each regular session not later than  
22 midnight Pacific Daylight Time (PDT) 120 calendar days following its commencement. Any  
23 legislative action taken after midnight PDT on the 120th calendar day is void unless it occurs  
24 during a special session convened by the Governor of Nevada.  
25  
26  
27  
28



**THE LEGISLATIVE COUNSEL BUREAU AND LEGISLATIVE COMMISSION**

34. Created in 1945, the Legislative Counsel Bureau is a nonpartisan centralized agency serving both houses and members of all political parties with the purpose of administration of the State Capital Building among other purposes.

35. The Legislative Counsel Bureau consists of the Legislative Commission, an Interim Finance Committee, a Director, an Audit Division, a Fiscal Analysis Division, a Legal Division, a Research Division, and an Administrative Division.

36. The Nevada Legislative Counsel Bureau's Executive Director is selected by the Nevada Legislative Commission. Defendant BRENDA ERDOES was selected and voted on by the Legislative Commission as Executive Director on February 26, 2020.

37. Legislative Commission (NRS 218E.150<sup>1</sup>) supervises the Legislative Counsel Bureau. The Commission is a body of 12 legislators, six from each house. The Commission also takes actions on behalf of the legislative branch of government when the full Legislature

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<sup>1</sup> **NRS 218E.150 Creation; membership; vacancies; officers; terms.**

1. There is hereby created in the Legislative Counsel Bureau a Legislative Commission consisting of 12 members.

2. At each regular session:

(a) The Senate shall, by resolution, designate six Senators as regular members of the Legislative Commission and six Senators as alternates; and

(b) The Assembly shall, by resolution, designate six members of the Assembly as regular members of the Legislative Commission and six members of the Assembly as alternates.

3. The Legislature shall determine by a joint rule at each regular session:

(a) The method of determining the majority party and the minority party regular and alternate membership on the Legislative Commission.

(b) The method of filling vacancies on the Legislative Commission.

(c) The method of selecting the Chair.

(d) The term of office of the Chair.

4. The members of the Legislative Commission serve until their successors are appointed by resolution as provided in this section, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection:

(a) Terminates on the day next after the general election; and

(b) The vacancy must be filled as provided by the joint rule adopted pursuant to subsection 3.

1 is not in session. This body meets every few months between sessions to provide guidance to  
2 staff of the Legislative Counsel Bureau and to deal with other interim matters. The current  
3 Members of the Legislative Commission is comprised of the following individuals:

- 4
- 5 • Senator Nicole Cannizzaro, Chair
  - 6 • Senator Julia Ratti, Vice Chair
  - 7 • Senator Moises Denis
  - 8 • Senator Scott Hammond
  - 9 • Senator Joseph Hardy
  - 10 • Senator James Settlemeyer
  - 11 • Assemblywoman Teresa Benitez-Thompson
  - 12 • Assemblywoman Maggie Carlton
  - 13 • Assemblyman Jason Frierson
  - 14 • Assemblywoman Lisa Krasner
  - 15 • Assemblyman Jim Wheeler
  - 16 • Assemblyman Steve Yeager

17 38. The administration of the State Capital building and access thereto is the  
18 responsibility of the Legislative Counsel Bureau and/or the Legislative Commission.

19 39. Access to the State Capital and denial thereof is wholly the realm of  
20 Legislative Counsel Bureau and/or Legislative Commission, whether it is with or without  
21 Emergency Orders and Directives.

22 **POST COVID-19 SPECIAL 2020 SESSIONS**

23 40. Section 9 of Article V of the Constitution of the State of Nevada provides that,  
24 "[T]he Governor may, on extraordinary occasions, convene the Legislature by Proclamation  
25 and shall state to both houses, when organized, the business for which they have been  
26 specially convened."

27 41. During the 2020 year, the Governor of the State of Nevada, along with  
28 Emergency Orders issued, convened two Special Sessions of the Legislature.

1           42.     The 31st (2020) Special Session of the Nevada Legislature began on July 8,  
2 2020, at 10:03 AM, and adjourned *sine die* on July 19, 2020, at 7:13 PM as Governor  
3 convened the Legislature by Proclamation under Article V Section 9 to consider the following  
4 initiatives:

- 5
- 6           1. Reducing, reserving, or cancelling certain general fund appropriations made  
7 during the 80th Session of the Nevada Legislature to fund operating budgets.
- 8           2. Amendments to Nevada Revised Statutes § 362.100 et seq. to accelerate and  
9 advance the payment schedule of the tax on the net proceeds of minerals.
- 10          3. Transfers to the State General Fund certain amounts from certain funds and  
11 accounts including, but not limited to, the Healthy Nevada Fund.
- 12          4. Providing flexibility for the Department of Health and Human Services to  
13 transfer funds among various accounts in the same manner and limits as  
14 allowed for work programs under NRS 353.220.
- 15          5. Providing flexibility for restoration of programs, services and any other  
16 reductions approved in the special session in the event Nevada receives federal  
17 funding to assist with the impact on the state budget caused by the COVID-19  
18 pandemic.
- 19          6. Any other actions directly related to solutions for the projected general fund  
20 revenue shortfall for the current biennium.
- 21          7. Amendments to Chapter 388G to allow local school districts to carry  
22 forward yearend balances to the following school year.
- 23          8. Amendments to Chapter 396 of Nevada Revised Statutes governing the  
24 Millennium Scholarship to authorize the Nevada Board of Regents to  
25 implement temporary waivers or modifications of the continuing eligibility  
26 requirements for recipients of the Millennium Scholarship during the period of  
27 the COVID-19 emergency. Require the submission of a report to the Governor  
28 and the Director of the Nevada Legislative Counsel Bureau no later than  
February 1, 2021, setting forth in detail any temporary actions taken by the  
Board of Regents and the impact of such actions on Millennium Scholarship  
recipients.

1 43. It is significant to note, that lobbyists were not allowed access to the State  
2 Legislative Building or Members offices during the 31<sup>st</sup> Special Legislative Session.

3 44. Following an apparent inability to address all matters in the closed 31<sup>st</sup> Special  
4 Legislative Session, Defendants held a Second closed Special Legislative Session.

5 45. The 32<sup>nd</sup> (2020) Special Session of the Nevada Legislature began on July 31,  
6 2020, at 10:28 AM, and adjourned *sine die* on August 6, 2020, at 12:21 AM.

7  
8 46. The Second Legislative Session dealt with a slew of expanded issues, many  
9 having nothing to do with the emergent need for the Governor and Legislature to address in an  
10 Emergency Session.

11 47. The 32<sup>nd</sup> Special Session, per Proclamation was called for the following  
12 matters:  
13

14 1. *Legislation, as requested by the Legislative Counsel Bureau of the Nevada*  
15 *Legislature, to correct clerical, typographical, and other related errors in S.B.*  
16 *151, A.B. 431, and S.B. 161 passed during the 80<sup>th</sup> Session of the Nevada*  
*Legislature.*

17 2. *Legislation to revise Chapter 612 and other appropriate chapters of Nevada*  
18 *Revised Statutes governing unemployment insurance and related matters to*  
19 *allow the Employment Security Division to contact applicants and*  
20 *unemployment benefit recipients by electronic mail and to expedite payment of*  
*benefits with good cause, among other potential flexibility enhancing*  
*mechanisms.*

21 3. *Social justice reform legislation, including revisions to Senate Bill 242*  
22 *(2019) at the request of the bill's primary sponsor, amending peace officer*  
23 *conduct standards regarding the use of force; liability for misuse of force;*  
24 *protecting the public right to film and otherwise record police activity as a*  
*means of ensuring accountability of peace officers; and other items related*  
*thereto.*

25 4. *Legislation to revise Chapter 293 and other appropriate chapters of the*  
26 *Nevada Revised Statutes governing elections to ensure Nevadans can exercise*  
27 *their fundamental right to vote during a state of emergency and tn [sic] a way*  
28 *that does not dangerously expose them to increased risk of COVID 19*  
*infection by guaranteeing every active registered voter receive a mail ballot*

1 while ensuring a sufficient number of in-person polling locations to vote in  
2 person for the 2021) General Election.

3 5. Legislation, as requested herein by the Governor, to effectuate liability  
4 protections to certain persons, not for-profit entities, state government and its  
5 subdivisions, schools, including elementary, middle, and high schools and  
6 institutions of higher education, and businesses substantially complying with  
7 Controlling Health and Safety Standards from claims and liabilities related to  
8 COVID-19 and to amend Title 40 and, potentially, Title 41 of Nevada Revised  
9 Statutes to ensure the protection of the health and safety of hotel, motel,  
10 casino-resort, and other employees during the current COVID-19 pandemic.

11 6. Legislation, as requested by the Nevada Legislative Counsel Bureau, to  
12 ensure participation from members who are predisposed to acute illness  
13 resulting from the existing COVID-19 pandemic and in order to encourage and  
14 foster participation in committee meetings by enabling individuals to attend,  
15 participate, vote or take action using secure remote technologies. This  
16 legislation should also provide that if the Legislature passes any proposed  
17 constitutional amendments for a first time during a special session, the Director  
18 of the Legislative Counsel Bureau shall immediately cause the full text of the  
19 proposed amendment in the form approved to be published in a separate  
20 printed volume of statutes. Finally, this Legislation shall provide the Nevada  
21 Legislature with authority necessary to effectuate any restructuring of the  
22 *[sic]* Legislative Counsel Bureau the Nevada Legislature deems necessary to  
23 the effective and efficient conduct of its duties.

24 7. Legislation to provide authority for the Judicial Branch to implement  
25 alternative dispute resolution measures for evictions actions to mitigate the  
26 harm resulting from the COVID 19 recession and the dramatic unemployment  
27 resulting from it.

28 48. It is significant to note, that lobbyists were not allowed access to the State  
Legislative Building or Members offices during the 32nd Special Legislative Session as well.

49. On February 1, 2021, Nevada's 81<sup>st</sup> Legislative Session began, with lobbyists  
precluded from entering the State Capital and engage in lobbying activities.

50. The laws regarding Lobbying in the State of Nevada are codified in Chapter  
218H of the Nevada Revised Statute entitled Lobbying and delineates the registration process  
accordingly.

1           51.     As of the date of this Complaint, not a single person has officially registered  
2 with the Legislative Counsel Bureau to lobby during the 2021 Legislative session.

3           52.     Nevada law defines a *lobbyist* as someone who both “communicates directly  
4 with a member of the Legislative Branch on behalf of someone other than himself or herself  
5 to influence legislative action” and “appears in person in the Legislative Building” or other  
6 building where a legislative committee meets.” *NRS 218H.080*.

7  
8           53.     Anyone who acts as a lobbyist is supposed to register with the Legislative  
9 Counsel Bureau within two days after beginning lobbying activity. *NRS 218H.200*

10          54.     In normal, non-pandemic times, Lobbyist register with the Legislative Counsel  
11 Bureau and appear on an online registry where their information and clients are listed.

12          55.     But as the building is closed to the public and to lobbyists, Plaintiffs are denied  
13 access to enter the building and register under the normal procedure. Only lawmakers, staff  
14 and a small number of reporters are allowed in the building

15  
16          56.     Additionally, Plaintiffs are not considered a lobbyist until they are physically  
17 in the building, regardless of any advocacy for legislation they may engage in virtually or over  
18 the phone.

19  
20          57.     During the 2021 legislative session, lobbyists are precluded from registering on  
21 the website [www.leg.state.nv/Lobbyist/](http://www.leg.state.nv/Lobbyist/) , precluding contacting legislators and discuss  
22 pending issues as lobbyists.

23          58.     NRS 218H.020 requires that the fullest opportunity be afforded to the people to  
24 petition their government for the redress of grievances and to express freely to individual  
25 Legislators and to legislative committees their opinions on legislation.  
26

1           59.     NRS 218H.080(2) states that a *Lobbyist* does not include a Persons who  
2 confine their activities to formal appearances before legislative committees and who clearly  
3 identify themselves and the interest or interests for whom they are testifying.

4           60.     Therefore, without the ability to register as a lobbyist, Plaintiffs are simply  
5 reduced to lay advocates, no different than members of the public as delineated in NRS  
6 218H.080(2).

7  
8           61.     Defendants have unilaterally eradicated the right to Petition since Plaintiffs in  
9 this matter cannot communicate and lobby directly with the Legislature, for now the third  
10 consecutive Legislative Session under the auspices of “emergency orders”.

11           62.     Defendants have further eradicated the requirements under NRS 218H.200  
12 since registration is not available during the session, and no one may be in the building. no  
13 one can be a “lobbyist” or lobby legislative representatives and staff.

14  
15           63.     Accordingly, Plaintiffs’ Complaint against Defendants, and each of them, for  
16 violation of the Federal Civil Rights Act, 42 U.S.C § 1983, to declare and enjoin the  
17 enforcement of the collective actions of the Legislative Commission, the Legislative Counsel  
18 Bureau and all Defendants from precluding Plaintiffs access under Chapter 218H to the  
19 Legislators and participating in the 81<sup>st</sup> Legislative Session.

20  
21           64.     Plaintiffs have standing to bring § 1983 claims since they are aggrieved in fact,  
22 as lobbyists who have previously, registered as lobbyists in the State of Nevada during past  
23 legislative sessions under NRS 210H.

24           65.     Plaintiffs have standing to bring § 1983 claims since they are aggrieved in fact,  
25 as lobbyists whose rights have been violated pursuant to the First Amendment of the United  
26 States Constitution.  
27  
28

1           66. Article 4 Section 15 of the Nevada Constitution entitled Open sessions and  
2 meetings; adjournment for more than 3 days or to another place, provides "[T]he doors of  
3 each House shall be kept open during its session, and neither shall, without the consent of the  
4 other, adjourn for more than three days nor to any other place than that in which they may be  
5 holding their sessions. The meetings of all legislative committees must be open to the public,  
6 except meetings held to consider the character, alleged misconduct, professional competence,  
7 or physical or mental health of a person."

9           67. Plaintiffs further have standing to bring § 1983 claims since they are aggrieved  
10 Lobbyists precluded from entering into the building and attend sessions as mandated under  
11 Article 4 Section 15 of the Nevada Constitution.

12           68. Defendants' Orders and Emergency Directives are in violation of 42 U.S.C. §  
13 1983, as is the enforcement of these Orders and Emergency Directives by Defendants, and  
14 should be enjoined under § 1983, due to the following circumstances:  
15

16           a. The Orders and Emergency Directives plainly violate the Due Process  
17 Clause of the Fifth and Fourteenth Amendments in that they unconstitutionally and  
18 disparately preclude Plaintiffs from engaging in the First Amendment Rights to  
19 Free Speech and right to Petition the Government.  
20

21           b. These Orders and Emergency Directives further violate Article 4,  
22 Sections 15 of the Nevada Constitution.

23           c. These Orders and Emergency Directives further violate Article 1,  
24 Section 9 of the Nevada Constitution which provides "**Liberty of speech and the**  
25 **press.** Every citizen may freely speak, write and publish his sentiments on all  
26 subjects being responsible for the abuse of that right; and no law shall be passed to  
27 restrain or abridge the liberty of speech or of the press. In all criminal prosecutions  
28



1 and civil actions for libels, the truth may be given in evidence to the Jury; and if it  
2 shall appear to the Jury that the matter charged as libelous is true and was  
3 published with good motives and for justifiable ends, the party shall be acquitted  
4 or exonerated.

5 d. These Orders and Emergency Directives further violate Article 1  
6 Section 10 of the Nevada Constitution which provides “Sec: 10. **Right to**  
7 **assemble and to petition.** The people shall have the right freely to assemble  
8 together to consult for the common good, to instruct their representatives and to  
9 petition the Legislature for redress of Grievances.”  
10

11 69. Unless and until injunctive relief is granted, Plaintiffs will continue to suffer  
12 irreparable harm for which they are left without an adequate remedy at law, in that they are  
13 precluded from entering the Legislature and engaging in constitutional lobbying activities.  
14

15 **EQUITABLE ALLEGATIONS**

16 70. In violation of State and Federal Constitutional and Statutory provisions,  
17 Defendants, and their agents and employees, including Defendants DOES 1 to 100, have, and  
18 unless enjoined, will continue to subject the Plaintiffs to constitutional violations and injury  
19 that will cause Plaintiffs harm, and Plaintiffs will be fearful of exercising their right to lobby  
20 and petition the government for redress.  
21

22 ///

23 ///

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25 ///

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28

**CLAIMS FOR RELIEF**

**I.**

**FIRST CLAIM FOR RELIEF  
VIOLATION OF THE FIFTH AMENDMENT**

**Due Process as enforced by 42 § 1983  
(Against All Defendants)**

1  
2  
3  
4  
5  
6       71.     Plaintiffs incorporate herein by reference each and every allegation contained  
7 in the preceding paragraphs of this Complaint as though fully set forth herein.

8       72.     While not explicitly defined in the U.S. Constitution, the Supreme Court has  
9 “acknowledged that certain unarticulated rights are implicit in enumerated guarantees.... Yet  
10 these important but unarticulated rights [association, privacy, presumed innocent, etc.] have  
11 nonetheless been found to share constitutional protection in common with explicit  
12 guarantees.” *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 579-580 (1980).

13       73.     Courts have found that “[f]reedom of movement is kin to the right of assembly  
14 and to the right of association. These rights may not be abridged. *Aptheker v. Secretary of*  
15 *State*, 378 U.S. 500, 520 (1964).

16       74.     Unless enjoined, Defendants will act under color of law to deprive Plaintiffs of  
17 their right to free speech and the right to petition the government as protected by the Due  
18 Process Clause.

19       75.     Plaintiffs have no adequate remedy at law and will suffer serious and  
20 irreparable harm to their Constitutional rights unless Defendants are enjoined from  
21 implementing and enforcing the Orders and Emergency Directives precluding them from  
22 engaging in their Constitutional rights.  
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1           82. Defendants declaration of a State of Emergency in March 2020, is no longer an  
2 emergency eleven months later. Defendants are engaging in deliberate and unconscionable  
3 conduct at this juncture to preclude Plaintiffs from engaging in lobbying activities despite any  
4 empirical data demonstrating an emergency for such preclusive action.

5           83. Because Defendants' decisions in issuing the Emergency Directives were  
6 made in reliance on procedurally deficient and substantively lawful processes, Plaintiffs were  
7 directly and proximately deprived of their property and liberties, and consequently, their  
8 ability to lawfully lobby the Legislature without unconstitutional government overreach.

9           84. Because Defendants' decisions were made in reliance upon an arbitrary and  
10 capricious interpretation of the Nevada Constitution and related laws and statutes with respect  
11 to their ability to order a closure of the State Capital and eradication of lobbying, Plaintiffs  
12 were directly and proximately deprived of their property rights and liberties absent substantive  
13 due process of law, in violation of the Fourteenth Amendment to the U.S. Constitution.

14           85. Plaintiffs have no adequate remedy at law and will suffer serious and  
15 irreparable harm to their constitutional rights unless Defendants are enjoined from  
16 implementing and enforcing the Orders and Emergency Directives.

17           86. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory  
18 relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining  
19 enforcement of the Orders and Emergency Directives.

20           87. Plaintiffs found it necessary to engage the services of private counsel to  
21 vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys'  
22 fees pursuant to 42 U.S.C. § 1988.

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**III.**  
**THIRD CLAIM FOR RELIEF**  
**VIOLATION OF THE FREE SPEECH AND PETITION THE GOVERNMENT OF**  
**THE FIRST AMENDMENT**  
*(Against All Defendants)*

88. Plaintiffs incorporate herein by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

89. At its core, the Free Speech Clause of the First Amendment to the U.S. Constitution functions as a constitutional guarantee that no person or group will be denied the protection under the law that is enjoyed by millions of Americans.

90. The Orders and Emergency Directives, and Defendants' enforcement thereof, violate the First Amendment, both facially and as-applied to Plaintiffs.

91. Strict scrutiny applies where, as here, the classification impinges on a fundamental right – the right to free speech, including the right to due process and the right to petition the Government for a redress of grievances, among others.

92. Defendants cannot satisfy strict scrutiny because their arbitrary actions are not narrowly tailored measures that further compelling government interests, for the reasons stated above.

93. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendants are enjoined from implementing and enforcing the Orders and Emergency Directives.

94. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to declaratory relief and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the Orders and Emergency Directives.



1           100.    Additionally, Article I Section 10, provides that the people shall have the right  
2 freely to assemble together to consult for the common good, to instruct their representatives  
3 and to petition the Legislature for redress of Grievances.

4           101    Defendants’ Orders and Emergency Directives interfered with Plaintiffs’ rights  
5 and liberties as set forth under Article I, Sections 1, 9, and 10, of the Nevada Constitution by  
6 precluding them from attending the State Capital and engaging in lobbying activities.

7  
8           102.    Defendants’ Orders and Emergency Directives have proximately and legally  
9 caused harm to Plaintiffs’ as lobbyists which will continue to have deleterious effects unless  
10 and until Defendants are enjoined by this Court from enforcing their respective Orders and  
11 Emergency Directives.

12  
13           103.    Requiring Plaintiffs to abstain from conducting lawful lobbying State of  
14 Nevada, despite other compliance measures being taken to satisfy the public health interests at  
15 stake, violates their Nevada Constitutional liberty rights.

16           104.    Plaintiffs have no adequate remedy at law and will suffer serious and  
17 irreparable harm to their Constitutional rights unless Defendants are enjoined from  
18 implementing and enforcing the Orders and Emergency Directives.

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20           105.    Plaintiffs have found it necessary to engage the services of private counsel to  
21 vindicate their rights under the law. Plaintiffs are entitled to an award of attorneys’ fees  
22 thereon.

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**VI.**  
**FIFTH CLAIM OF RELIEF**  
**VIOLATION OF NEVADA CONSTITUTION**  
**Article 4 Sec. 15**  
***(Against All Defendants)***

106. Plaintiffs incorporate herein by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

107 Article 4, Section 15, of the Nevada Constitution provides “[T]he doors of each House shall be kept open during its session, and neither shall, without the consent of the other, adjourn for more than three days nor to any other place than that in which they may be holding their sessions. The meetings of all legislative committees must be open to the public, except meetings held to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.”

108. Defendants have violated Article 4 Section 15 by denying access to Plaintiffs by keeping the State Capital closed to access by Plaintiffs.

109. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their Constitutional rights unless Defendants are enjoined from implementing and enforcing the Orders and Emergency Directives.

110. Plaintiffs have found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are entitled to an award of attorneys’ fees thereon.

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**VIII.**  
**SIXTH CLAIM FOR RELIEF**  
**DECLARATORY ACTION**  
*(Against All Defendants)*

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4           111. Plaintiffs incorporate herein by reference each and every allegation contained  
5 in the preceding paragraphs of this Complaint as though fully set forth herein.

6           112. NRS 414.0345 defines “Emergency” as “an occurrence or threatened  
7 occurrence for which, in the determination of the Governor, the assistance of state agencies is  
8 needed to supplement the efforts and capabilities of political subdivisions to save lives,  
9 protect property and protect the health and safety of persons in this state, or to avert the threat  
10 of damage to property or injury to or the death of persons in this state.”

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12           113. Defendants Emergency Declaration on March 20, 2020 is no longer an  
13 Emergency eleven months later.

14  
15           114. Defendants have continued to utilize the Emergency Directives to preclude  
16 lobbyist and the public from the State Capital to further their political agendas behind closed  
17 doors.

18           115. Defendants continue to engaged in acts or omissions respecting legal duty of  
19 an aggravated character, or with willful, wanton misconduct hiding behind emergency  
20 directives which should be declared void at this juncture.

21  
22           116. Defendants fail to provide any empirical data as to why the State Capital  
23 remains closed to Plaintiffs and the public, in violation of Article 4 Section 15 and Plaintiffs  
24 rights under the United States and Nevada Constitutions.

25           117. Plaintiffs have found it necessary to engage the services of private counsel to  
26 vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys’  
27 fees and costs thereon.  
28

**REQUESTED RELIEF**

1  
2 WHEREFORE, Plaintiffs request that this Court:

3 (1) Issue a declaratory judgment with the following Declaration that Defendant  
4 Governor Sisolak’s Emergency Orders violate Article 4 Section 15 and are null and void  
5 and remain

6 (i) Unconstitutional under the Fifth Amendment;

7 (ii) Unconstitutional under the Fourteenth Amendment;

8 (iii) Arbitrary and capricious, an abuse of discretion, or otherwise  
9 not in accordance with the U.S. and/or Nevada Constitutions;

10 (iv) Contrary to Constitutional right, power, privilege, or immunity  
11 in violation of the U.S. and/or Nevada Constitutions; and

12 (v) In excess of statutory jurisdiction, authority, or limitations, or  
13 short of statutory right in violation of the U.S. and/or Nevada Constitutions;

14 (2) Set aside and hold unlawful Defendants’ Orders and Emergency Directives and  
15 immediately allow Plaintiffs access to the State Capital to engage in lobbying activities;

16 (3) Permanently enjoin Defendants and all persons and entities in active concert or  
17 participation with Defendants, including law enforcement authorities and their agents, from  
18 enforcing the Orders and Emergency Directives and allowing Plaintiffs into the State  
19 Capital to lobby during this 81<sup>st</sup> Legislative Session;

20 (4) Issue a TRO and a preliminary injunction preventing Defendants from  
21 enforcing or implementing the Orders and Emergency Directives until this Court decides the  
22 merits of this lawsuit;

23 (5) Permanently enjoin Defendants and all persons and entities in active concert or  
24 participation with Defendants from enforcing the Orders and Emergency Directives unless  
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1 they are issued in accordance with all procedural and substantive due process requirements  
2 of the U.S. Constitution;

3 (6) Award Plaintiffs damages arising out of their § 1983 Claims, and specifically,  
4 under the Fifth Amendment to the U.S. Constitution, and Article 1, Section 9 and 10, of the  
5 Nevada Constitution's.

6 (7) For such other and further relief to which Plaintiffs may show themselves  
7 justly entitled; and

8 (8) For an award of reasonably attorneys' fees and his costs on his behalf  
9 expended as to such Defendants pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1988.  
10

11 **AFFIRMATION**

12 The undersigned does hereby affirm that this document does not contain the social  
13 security number of any person.  
14

15 DATED this \_17th\_\_\_ day of February, 2021.

16 **CHATTAH LAW GROUP**

17  
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