



# CENTER FOR JUSTICE AND CONSTITUTIONAL LITIGATION

*At the Nevada Policy Research Institute*

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## **Moved to Monday: Court date for NPRI motion for preliminary injunction against CCSD tax-increase proposal**

LAS VEGAS — The hearing on a motion for a preliminary injunction filed by NPRI's Center for Justice and Constitutional Litigation and scheduled for tomorrow has now been moved to next Monday.

That motion, filed last Friday, asks the court to halt placement of a \$669 million property-tax-increase proposal onto November's general-election ballot because of a violation of state law by the Clark County Regional Debt Management Commission.

Late yesterday, Clark County District Attorney Steven B. Wolfson and Deputy DA Mary Ann Peterson, as attorneys for the Clark County School District Board of Trustees, filed a peremptory challenge against District Judge Michelle Leavitt. Leavitt had granted the preliminary injunction, which was originally scheduled to be heard tomorrow.

Given the challenge, the case was reassigned to Nevada District Court Judge Valorie J. Vega. However, Nevada Supreme Court Rule 48.1(3)(b) states that a peremptory challenge must come at least three days prior to any scheduled pre-trial hearing. Such a challenge also may not occur after the judge has "made any ruling on a contested matter." (Nevada S.C.R. 48.1(5)).

Judge Vega is now scheduled to hear the preliminary injunction motion on Monday, Aug. 20, 2012.

"Instead of wasting taxpayers' money and the court's time to remove the case from a fully competent district court judge, CCSD's Board of Trustees and the other defendants should admit that they violated Nevada's Open Meeting Law and accept the consequences," said Andy Matthews, plaintiff and president of NPRI. "These stall tactics unnecessarily delay both the case and a speedy resolution, which is important because, by the county's own admission, election materials are already being prepared for printing."

On Friday, Aug. 3, NPRI filed its original complaint in the Eighth Judicial District Court, alleging that the Debt Management Commission violated Nevada's Open Meeting Law ([NRS](#)

[Chapter 241](#)) at a June 7 meeting, when it approved the Clark County School District's \$669 million property-tax increase for the fall ballot without allowing for any public comment before its vote.

While Karen Gray, an employee of NPRI, was in attendance and prepared to discuss the matter, the Commission ignored state law and allowed no public comment before taking its vote.

Nevada's Open Meeting Law, at [NRS 241.020\(2\)\(c\)\(3\)](#), requires that public comment must be taken "before the public body takes action on the item."

Another provision in the chapter, [NRS 241.036](#), states that: "The action of any public body taken in violation of any provision of this chapter is void."

"Without constant oversight, government will become closed and opaque," said Joseph Becker, director of NPRI's Center for Justice and Constitutional Litigation. "Cases like this one ensure that government remains transparent, open and accountable to citizens. We look forward to the court upholding Nevada's Open Meeting Law."

The hearing on the motion for preliminary injunction will be held Monday, Aug. 20, 2012, at 9:30 a.m., before Judge Valorie J. Vega in Courtroom 16B of the Regional Justice Center.

Becker, Matthews and Jacob Hafter, a local attorney retained as outside co-counsel by NPRI and its Center for Justice and Constitutional Litigation, will have media availability immediately after the hearing.

Audio of the Debt Management Commission's June 7 meeting is available at:

[http://www.npri.org/audioLib/20120813\\_DMC\\_2012-06-07.MP3](http://www.npri.org/audioLib/20120813_DMC_2012-06-07.MP3).

CJCL's Open Meeting Law Violation Complaint in *Nevada Policy Research Institute, et al. v. CCSD, et al.* is available at:

[http://www.npri.org/docLib/20120807\\_Nevada\\_Policy\\_Research\\_Institute\\_v.\\_Clark\\_County\\_School\\_District.pdf](http://www.npri.org/docLib/20120807_Nevada_Policy_Research_Institute_v._Clark_County_School_District.pdf).

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