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6
7 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR CARSON CITY**

9 MICHAEL LITTLE, a Citizen and Taxpayer of Nevada;

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11 Plaintiff,

Case No.

12 Dept. No.

13 vs.

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15 THE STATE OF NEVADA; THE NEVADA
GOVERNOR'S OFFICE OF ECONOMIC
16 DEVELOPMENT; and STEVEN HILL, in his
Official Capacity as Executive Director of The Nevada
17 Governor's Office of Economic Development;

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19 Defendants.

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21 **COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**
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23 For his Complaint, Plaintiff alleges:

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25 1. On or about February 25, 2011, Defendant STEVEN HILL, (hereinafter, "HILL")
26 began service as the Director of the Nevada Governor's Office of Economic Development
27 (hereinafter, "GOED"). Beginning in calendar year 2011 and pursuant to Defendant HILL's actions
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1 as GOED Executive Director, Defendants implemented a program sometimes referred to as the
2 “Catalyst Fund” which, despite Nevada Constitutional prohibitions to the contrary, resulted in either
3 the payment or the legal obligation to make payment of State of Nevada funds to private
4 corporations, at least one of which is an alternative energy competitor of Plaintiff LITTLE.

5 2. The Constitution of Nevada reads:

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7 Gifts or loans of public money to certain corporations prohibited. The State shall
8 not donate or loan money, or its credit, subscribe to or be, interested in the Stock of
9 any company, association, or corporation, except corporations formed for
educational or charitable purposes.

10 Nev. Const. Art. 8, §9.

11 Loans of Public Money to or Ownership of Stock in Certain Corporations by
12 County or Municipal Corporation Prohibited. No county, city, town, or other
13 municipal corporation shall become a stockholder in any joint stock company,
14 corporation or association whatever, or loan its credit in aid of any such company,
corporation or association, except, rail-road corporations[,] companies or
associations.

15 Nev. Const. Art. 8, §10.

16 3. Plaintiff LITTLE is harmed by the program complained of both as a Nevada
17 taxpayer and as a result of the subsidization of an “alternative energy” competitor, SolarCity, Inc.
18 which Defendant GOED has either paid (or approved for the payment) of \$1.2 million in state
19 funds.
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21 4. Plaintiff LITTLE thus brings this action, pursuant to NRS §§ 30.030 and 33.010 to
22 challenge the constitutionality of Defendant STATE OF NEVADA’s, Defendant HILL’s and
23 Defendant GOED’s action of disbursing or contracting for disbursement of state funds to private
24 business entities in violation of the Constitution of Nevada, Art. 8, §§ 9 and/or 10.
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PARTIES

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2 5. Plaintiff MICHAEL LITTLE (hereinafter “LITTLE”) is a resident of Las Vegas, a
3 Nevada taxpayer, a citizen of Nevada, a citizen of the United States, and not a debtor in bankruptcy,
4 and is raising capital in development of an alternative energy company unsubsidized by GOED.

5 6. Defendant STEVEN HILL (hereinafter “HILL”) is a resident of Las Vegas, Nevada
6 and currently holds the position of Executive Director of the Governor’s Office of Economic
7 Development, the person who statutorily “shall direct and supervise the administrative and technical
8 activities of the Office.” NRS 231.053.

9 7. Defendant GOVERNOR’S OFFICE OF ECONOMIC DEVELOPMENT (hereinafter
10 “GOED”) resides in Carson City, Nevada and GOED, pursuant to NRS § 12.105, is named as a
11 Defendant herein as the employer of Defendant HILL.

12 8. Defendant STATE OF NEVADA (hereinafter “NEVADA”) resides in Carson City,
13 Nevada and, pursuant to NRS § 12.105, is named as a Defendant herein as the employer of
14 Defendant HILL and holder of Nevada state funds.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF

15 9. On or about February 25, 2011, Defendant HILL was sworn-in as Executive Director
16 of the Nevada Governor’s Office of Economic Development, a division of the State of Nevada
17 Executive Branch.

18 10. The Nevada Constitution reads, in relevant part: “The State *shall not donate or loan*
19 *money*, or its credit, subscribe to or be, interested in the Stock of any company, association, or
20 corporation, except corporations formed for educational or charitable purposes. . .” Nevada Const.
21 Art. 8, §9, ¶1 (emphasis added).

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2. Enjoin all Defendants from continuing the Catalyst Fund program or any such program that subsidizes private entities under the guise of economic development or any other such label.

3. Award Plaintiff his reasonable costs and attorney fees.

4. Grant such other relief as the Court deems appropriate and proper.

DATED this 19th day of February, 2014.

NPRI CENTER FOR JUSTICE AND
CONSTITUTIONAL LITIGATION

BY: _____

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