

1 Mark H. Hutchings, Esq.
Nevada Bar No. 12783

2 John B. Lanning, Esq.
Nevada Bar No. 15585

3 **HUTCHINGS LAW GROUP**

4 400 South 4th Street, Suite 550

5 Las Vegas, Nevada 89101

6 Phone: (702) 660-7700

7 Fax: (702) 552-5202

8 mhutchings@hutchingslawgroup.com

9 john@hutchingslawgroup.com

10 *Attorneys for Plaintiff*

11 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE SATE OF NEVADA**
12 **IN AND FOR THE COUNTY OF WASHOE**

13 LILITH BARAN, an individual;
14
15 Plaintiff,
16
17 v.
18
19 CARI ANN BURGESS, individually and in her
20 official capacity as Registrar of Voters; MIKKI
21 HUNTSMAN, individually and in her capacity as
22 city clerk for the City of Reno; CITY OF RENO
23 NEVADA, a political subdivision of the state of
24 Nevada; WASHOE COUNTY REGISTRAR OF
25 VOTERS, a government agency; ERIC BROWN,
26 individually and in his official capacity as
27 Washoe County Manager; ALEXIS HILL,
28 individually and in her official capacity as
Chairwoman of the Washoe County Board of
Commissioners; WASHOE COUNTY, a political
subdivision of the state of Nevada; FRANCISCO
AGUILAR, individually and in his official
capacity as Secretary of State; NEVADA
SECRETARY OF STATE, a political subdivision
of the state of Nevada; NEVADA ATTORNEY
GENERAL; a political subdivision of the state of
Nevada; AARON FORD, individually and in his
capacity as Nevada Attorney General; DOES I
through X; and ROE BUSINESS ENTITIES I
through X, inclusive,

Defendants.

Case No.

Dept. No.

COMPLAINT FOR DECLARATORY RELIEF

COMES NOW, Plaintiff LILITH BARAN, by and through her attorneys of record, Mark H.

HUTCHINGS LAW GROUP
400 SOUTH 4TH STREET, SUITE 550
LAS VEGAS, NV 89101

1 Hutchings, Esq. and John B. Lanning, Esq. of the law firm Hutchings Law Group, and alleges as
2 follows:

3 **PARTIES**

4 1. Plaintiff LILITH “LILY” BARAN, is an individual who at all times relevant hereto
5 resides in the State of Nevada, County of Washoe. Additionally, Lilith Baran properly registered as a
6 candidate and ran in the election for Reno City Council person, Ward 1, which was conducted on June
7 12, 2024.

8 2. Defendant CARI ANN BURGESS, is and at all times material hereto, was an individual
9 residing in the State of Nevada, County of Washoe. Additionally, Cari Ann Burgess is, and at all times
10 relevant hereto was serving as the Registrar of Voters for Washoe County, Nevada.

11 3. Defendant MIKKI HUNTSMAN, is and at all times material hereto, was an individual
12 residing in the State of Nevada, County of Washoe. Additionally, Mikki Huntsman is, and at all times
13 relevant hereto was serving as the City Clerk for the city of Reno, Nevada.

14 4. Defendant CITY OF RENO, NEVADA, is a division and/or department of the State of
15 Nevada.

16 5. Defendant WASHOE COUNTY REGISTRAR OF VOTERS is division and/or
17 department of the State of Nevada.

18 6. Defendant ERIC BROWN, is and at all times material hereto, was an individual residing
19 in the State of Nevada, County of Washoe. Additionally, Eric Brown is, and at all times relevant hereto
20 was serving as the Manager for Washoe County, Nevada.

21 7. Defendant ALEXIS HILL, is and at all times material hereto, was an individual residing
22 in the State of Nevada, County of Washoe. Additionally, Alexis Hill is, and at all times relevant hereto
23 was serving as the Chairwoman for the Washoe County Board of Commissioners in Washoe County,
24 Nevada.

25 8. Defendant WASHOE COUNTY is a division and/or department of the State of Nevada.

26 9. Defendant FRANCISCO AGUILAR is and at all times material hereto, was an
27 individual residing in the State of Nevada, County of Washoe. Additionally, Francisco Aguilar is, and
28 at all times relevant hereto was serving as the Nevada Secretary of State.

1 Rangel, Kathleen Taylor, and Tom Van Ruitten.

2 19. The election for Reno Council Ward 1 was held on June 11, 2024, as part of the Closed
3 Primary elections that took place statewide.

4 20. The election results were certified by the Election Commissioners on June 21, 2024.

5 21. Pursuant to those Results, Kathleen Taylor won the election for Reno City Council Ward
6 1. She received 1,030 votes, or 29.13% of the total votes cast in that race.

7 22. Plaintiff lost the race by a mere 193 votes, receiving 837 votes, or 23.67% of votes cast
8 in that race.

9 23. Plaintiff seeks to challenge the election results and demand a hand recount of all votes
10 cast.

11 **CLAIMS FOR RELIEF**

12 **DECLARATORY RELIEF**

13 **(AGAINST ALL DEFENDANTS)**

14 24. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 18 as
15 though fully set forth herein.

16 25. NRS 30.040(1) provides that: “Any person . . . whose rights, status, or other legal
17 relations are affected by a statute . . . may obtain a declaration of rights, status or other legal relations
18 thereunder.”

19 26. A dispute has arisen between Plaintiff and Defendants about the procedures by which
20 Defendants are required to conduct the recount requested by Plaintiff pursuant to NRS 293.403.
21 Defendants process for conducting recounts is to use the same voting machines and software used to
22 tally the original vote, which subverts the entire purpose of using the recount process to verify the
23 accuracy of the final tally. Plaintiff demands a physical recount without the use of machines, as
24 mandated by NRS 293.404(3): “The recount must include a count and inspection of all ballots,
25 including rejected ballots, and must determine whether all ballots are marked as required by law.” The
26 controversy between the parties is not contingent, Defendants have a duty to recount the ballots as
27 required under NRS 293.403 since Plaintiff sent her written demand for recount on June 25, 2024.

28 Plaintiff has suffered a particularized harm in the form of the election losing based upon the distinct

1 and documented possibility of the voting machines used to calculate vote totals do not accurately reflect
2 the number of votes cast.

3 27. The interests of the parties are adverse because Plaintiff seeks an accurate and
4 transparent recount performed by hand without the use of technology which Defendants refuse to do.

5 28. Plaintiff has a legally protectable interest in taking her seat as councilwoman for Ward
6 1 if, in fact, she was elected by a majority of the votes cast.

7 29. The dispute between the parties is ripe for determination because a declaration of rights
8 of the parties will settle the dispute between the parties and allow the recount to be conducted in a fair
9 and accurate way as prescribed by the Nevada Legislature.

10 30. Plaintiff seeks a declaration from the Court, pursuant to NRS 30.040, that:

- 11 a. Defendants are required under NRS 293.403 to perform a hand recount of all
12 ballots cast in the election held on June 11, 2024 for Reno City Council, Ward
13 1.
- 14 b. The recount must be completed by physical inspection of all ballots cast,
15 including the physical paper receipts produced by any Voter-Verified Paper
16 Trail (VVPAT) machines.
- 17 c. The recount must be conducted in the presence of Plaintiff and her authorized
18 observers.
- 19 d. Defendants may not move, destroy, modify, or otherwise alter any ballots cast
20 in the June 11, 2024 election, and all ballots must be stored in the vaults of the
21 County Clerk as required under NRS 293.391.

22 31. Plaintiff has been forced to retain the services of an attorney due to the conduct of
23 Defendants and therefore, requests an award of reasonable attorney's fees and costs of suit as provided
24 by any applicable contract, rule, or statute.

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. For a Declaratory Order as set forth above;
2. For Injunctive Relief and Specific Performance as set forth above;
3. For an award of attorney fees and costs;
4. For such further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: June 26, 2024.

HUTCHINGS LAW GROUP

/s/ John B. Lanning

By: _____

Mark H. Hutchings, Esq.
Nevada State No. 12783
John B. Lanning, Esq.
Nevada Bar No. 15585
400 South 4th Street, Suite 550
Las Vegas, NV 89101
Telephone: (702) 660-7700
Attorneys for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECOND JUDICIAL DISTRICT COURT
WASHOE COUNTY, NEVADA

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated: June 26, 2024.

HUTCHINGS LAW GROUP

/s/ John B. Lanning

By: _____
Mark H. Hutchings, Esq.
Nevada State No. 12783
John B. Lanning, Esq.
Nevada Bar No. 15585
400 South 4th Street, Suite 550
Las Vegas, NV 89101
Telephone: (702) 660-7700
Attorneys for Plaintiff