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

13 MARK LAWSON, an individual;

14 Plaintiff,

15 v.

16 CARI ANN BURGESS, individually and in her
17 official capacity as Registrar of Voters;
18 WASHOE COUNTY REGISTRAR OF
19 VOTERS, a government agency; ERIC BROWN,
20 individually and in his official capacity as
21 Washoe County Manager; ALEXIS HILL,
22 individually and in her official capacity as
23 Chairwoman of the Washoe County Board of
24 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,

25 Defendants.

Case No.

Dept. No.

COMPLAINT FOR DECLARATORY RELIEF

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27 COMES NOW, Plaintiff MARK LAWSON, by and through her attorneys of record, Mark H.
28 Hutchings, Esq. and John B. Lanning, Esq. of the law firm Hutchings Law Group, and alleges as

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1 follows:

2 **PARTIES**

3 1. Plaintiff MARK LAWSON, is an individual who at all times relevant hereto resides in
4 the State of Nevada, County of Washoe. Additionally, Mark Lawson properly registered as a candidate
5 and ran in the primary election as a Republican for Washoe County Commission, District 4
6 Representative which was conducted on June 11, 2024.

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

10 3. Defendant WASHOE COUNTY REGISTRAR OF VOTERS is division and/or
11 department of the State of Nevada.

12 4. Defendant ERIC BROWN, is and at all times material hereto, was an individual residing
13 in the State of Nevada, County of Washoe. Additionally, Eric Brown is, and at all times relevant hereto
14 was serving as the Manager for Washoe County, Nevada.

15 5. Defendant ALEXIS HILL, is and at all times material hereto, was an individual residing
16 in the State of Nevada, County of Washoe. Additionally, Alexis Hill is, and at all times relevant hereto
17 was serving as the Chairwoman for the Washoe County Board of Commissioners in Washoe County,
18 Nevada.

19 6. Defendant WASHOE COUNTY is a division and/or department of the State of Nevada.

20 7. Defendant FRANCISCO AGUILAR is and at all times material hereto, was an
21 individual residing in the State of Nevada, County of Washoe. Additionally, Francisco Aguilar is, and
22 at all times relevant hereto was serving as the Nevada Secretary of State.

23 8. Defendant NEVADA SECRETARY OF STATE is a division and/or department of the
24 State of Nevada.

25 9. Defendant AARON FORD is and at all times material hereto, was an individual residing
26 in the State of Nevada, County of Washoe. Additionally, Aaron Ford is, and at all times relevant hereto
27 was serving as the Nevada Attorney General.

28 10. Defendant NEVADA ATTORNEY GENERAL is a division and/or department of the

1 State of Nevada.

2 11. The true names and capacities of the Defendants designated herein as DOES 1 through
3 10 and ROE Entities 1 through 10, inclusive, are unknown. These Defendants are alleged to be acting
4 in some capacity or with respect to a cause of action hereunder that makes them parties to this action,
5 as yet unascertained. When ascertained, Plaintiff will seek leave to amend the true name for each such
6 DOE and ROE.

7 **JURISDICTION & VENUE**

8 12. This Court has jurisdiction over Defendants as all named Defendants reside in the
9 jurisdiction, and the acts and omissions complained of herein were committed, within the County of
10 Washoe, State of Nevada.

11 13. Venue is proper in the Second Judicial District Court in the County of Washoe pursuant
12 to NRS 30.040 because Plaintiff seeks a determination of rights and duties based upon the interpretation
13 of Nevada statutes as applicable to events and circumstances that took place in Washoe County,
14 Nevada.

15 **ALLEGATIONS COMMON TO ALL CLAIMS**

16 14. Plaintiff, a resident of Washoe County, Nevada, District 4, properly filed as a candidate
17 in the election for Washoe County Commission Representative for District 4.

18 15. District encompasses much of Sparks, Nevada and Northeastern Washoe County.
19 Plaintiff ran as a republican candidate.

20 16. 4 other Republican candidates (5 total) filed and were on the ballot for Washoe County
21 Commission District 4 Representative. The other candidates were: Clara Andriola, Trista Gomez,
22 Tracey Hilton-Thomas, and John L. "Little John" Walter, II.

23 17. The primary election for the Republican Washoe County Commission District 4
24 Representative was held on June 11, 2024, as part of the Closed Primary elections that took place
25 statewide.

26 18. The election results were certified by the Election Commissioners on June 21, 2024.

27 19. Pursuant to those Results, Clara Andriola won the republican primary for Washoe
28 County Commission District 4 Representative. She received 4,055 votes, or 43.34% of the total votes

1 cast in that race. Plaintiff came in second place, receiving 2,330 votes or 24.90% of the total votes
2 cast. Plaintiff has reason to doubt the accuracy of the results certified on June 21, 2024.

3 20. Plaintiff seeks to challenge the election results and demand a hand recount of all votes
4 cast.

5 **CLAIMS FOR RELIEF**

6 **DECLARATORY RELIEF**

7 **(AGAINST ALL DEFENDANTS)**

8 21. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 18 as
9 though fully set forth herein.

10 22. NRS 30.040(1) provides that: “Any person . . . whose rights, status, or other legal
11 relations are affected by a statute . . . may obtain a declaration of rights, status or other legal relations
12 thereunder.”

13 23. A dispute has arisen between Plaintiff and Defendants about the procedures by which
14 Defendants are required to conduct the recount requested by Plaintiff pursuant to NRS 293.403.
15 Defendants process for conducting recounts is to use the same voting machines and software used to
16 tally the original vote, which subverts the entire purpose of using the recount process to verify the
17 accuracy of the final tally. Plaintiff demands a physical recount without the use of machines, as
18 mandated by NRS 293.404(3): “The recount must include a count and inspection of all ballots,
19 including rejected ballots, and must determine whether all ballots are marked as required by law.” The
20 controversy between the parties is not contingent, Defendants have a duty to recount the ballots as
21 required under NRS 293.403 since Plaintiff sent his written demand for recount on June 25, 2024.
22 Plaintiff has suffered a particularized harm in the form of the election losing based upon the distinct
23 and documented possibility of the voting machines used to calculate vote totals do not accurately reflect
24 the number of votes cast.

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

27 25. Plaintiff has a legally protectable interest in appearing on the ballot as the republican
28 candidate for Washoe County Commission Representative for District 4 if, in fact, he was elected by a

1 majority of the votes cast.

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

5 27. Plaintiff seeks a declaration from the Court, pursuant to NRS 30.040, that:

- 6 a. Defendants are required under NRS 293.403 to perform a hand recount of all
7 ballots cast in the election held on June 11, 2024 for Reno City Council, Ward
8 1.
- 9 b. The recount must be completed by physical inspection of all ballots cast,
10 including the physical paper receipts produced by any Voter-Verified Paper
11 Trail (VVPAT) machines.
- 12 c. The recount must be conducted in the presence of Plaintiff and his authorized
13 observers.
- 14 d. Defendants may not move, destroy, modify, or otherwise alter any ballots cast
15 in the June 11, 2024 election, and all ballots must be stored in the vaults of the
16 County Clerk as required under NRS 293.391.

17 28. Plaintiff has been forced to retain the services of an attorney due to the conduct of
18 Defendants and therefore, requests an award of reasonable attorney’s fees and costs of suit as provided
19 by any applicable contract, rule, or statute.

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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: _____

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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

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