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8 *Attorneys for Plaintiff*

9 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
10 **IN AND FOR THE COUNTY OF WASHOE**

11 PAUL WHITE, an individual;

12 Plaintiff,

13 v.

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

26  
27 COMES NOW, Plaintiff PAUL WHITE, 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

1 follows:

2 **PARTIES**

3 1. Plaintiff PAUL WHITE, is an individual who at all times relevant hereto resides in the  
4 State of Nevada, County of Washoe. Additionally, Paul White properly registered as a candidate and  
5 ran in the primary election as a nonpartisan candidate for Washoe County School District At-Large  
6 District G 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 School Board Trustee, District G At-Large.

18 15. District G encompasses western Reno and Washoe County. Plaintiff ran as a  
19 nonpartisan candidate.

20 16. 6 other candidates (7 total) filed and were on the ballot for Washoe County School  
21 Board Trustee, District G. The other candidates were: Jacqlyn Di Carlo, Monica Lehmann, Diane  
22 Nicolet, Nathaniel "Nate" Phillipps, Perry Rosenstein, and Alicia Woo.

23 17. The primary election for the Washoe County School Board Trustee District G  
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, Perry Rosenstein won the republican primary for Washoe  
28 County School Board Trustee District G. He received 13,424 votes, or 34.64% of the total votes

1 cast in that race. Plaintiff received 4,554 votes or 11.75% of the total votes cast. Plaintiff has reason  
2 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 the Washoe County School District Trustee,  
28 District G seat if, in fact, he was elected by a majority of the votes cast.

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

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

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

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

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1 WHEREFORE, Plaintiff prays for relief as follows:

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

6 Respectfully submitted,

7 Dated: June 26, 2024.

8 HUTCHINGS LAW GROUP

9 */s/ John B. Lanning*

10 By: \_\_\_\_\_  
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**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: \_\_\_\_\_

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