

1 **COMP**

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14 Nevada Policy Research Institute

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 NEVADA POLICY RESEARCH INSTITUTE, a  
18 Nevada domestic nonprofit corporation,

19 Plaintiff,

20 vs.

21 NICOLE J. CANNIZZARO, an individual engaging  
22 in dual employment with the Nevada State Senate  
23 and Clark County District Attorney; KASINA  
24 DOUGLASS-BOONE, an individual engaging in  
25 dual employment with the Nevada State Assembly  
26 and Clark County School District; JASON  
27 FRIERSON, an individual engaging in dual  
28 employment with the Nevada State Assembly and  
Clark County Public Defender; OSVALDO FUMO,  
an individual engaging in dual employment with the  
Nevada State Assembly and University of Nevada,  
Las Vegas; HEIDI SEEVERS GANSERT, an  
individual engaging in dual employment with the  
Nevada State Senate and University of Nevada  
Reno; GLEN LEAVITT, an individual engaging in  
dual employment with the Nevada State Assembly  
and Regional Transportation Commission;  
BRITTNEY MILLER, an individual engaging in  
dual employment with the Nevada State Assembly  
and Clark County School District; DINA NEAL, an

Case No.: A-20-817757-C

Dept. No.: II

**AMENDED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

[Exemption from Arbitration Based on  
Equitable Relief Requested]

1 individual engaging in dual employment with the  
2 Nevada State Assembly and Nevada State College;  
3 JAMES OHRENSCHALL, an individual engaging  
4 in dual employment with the Nevada State Senate  
5 and Clark County Public Defender; MELANIE  
6 SCHEIBLE an individual engaging in dual  
7 employment with the Nevada State Senate and Clark  
8 County District Attorney; TERESA BENITEZ-  
9 THOMPSON, an individual engaging in dual  
10 employment with the Nevada State Assembly and  
11 University of Nevada, Reno; JILL TOLLES, an  
12 individual engaging in dual employment with the  
13 Nevada State Assembly and University of Nevada,  
14 Reno; and SELENA TORRES, an individual  
15 engaging in dual employment with the Nevada State  
16 Assembly and Clark County School District,

17 Defendants.

18 NEVADA POLICY RESEARCH INSTITUTE (“NPRI”), by and through its attorneys of  
19 record, Deanna L. Forbush, Esq. and Colleen E. McCarty, Esq., of Fox Rothschild LLP, hereby  
20 alleges and complains against NICOLE J. CANNIZZARO, KASINA DOUGLASS-BOONE,  
21 JASON FRIERSON, OSVALDO FUMO, HEIDI SEEVERS GANSERT, GLEN LEAVITT,  
22 BRITTNEY MILLER, DINA NEAL, JAMES OHRENSCHALL, MELANIE SCHEIBLE, TERESA  
23 BENITEZ-THOMPSON, JILL TOLLES, and SELENA TORRES (collectively herein  
24 “Defendants”), as follows:

25 **FACTS COMMON TO ALL CLAIMS**

26 1. NPRI files this Complaint for Declaratory and Injunctive Relief in the public interest  
27 to address the ongoing constitutional violations by Defendants, and each of them, for engaging in  
28 dual employment by simultaneously holding elected offices in the Nevada State Legislature and paid  
positions with Nevada State or local governments.

2. The Nevada Constitution reads in relevant part:

The powers of the Government of the State of Nevada shall be divided  
into three separate departments, the Legislature, the Executive and the  
Judicial; and no person charged with the exercise of powers properly  
belonging to one of these departments shall exercise any functions,  
appertaining to either of the others, except in the cases expressly directed  
or permitted in this constitution. Nevada Const. Art. 3, §1, ¶1.

1 3. The rationale underlying the Separation of Powers requirement of Nevada Const. Art.  
2 3, §1, ¶1 can be traced to the desires of the constitutional framers to encourage and preserve the  
3 independence and integrity of the actions and decisions of individual members of the Nevada State  
4 Legislature and to guard against conflicts of interest, concentration of powers, and dilution of the  
5 separation of powers.

6 4. Defendants' dual employment by simultaneously holding elected offices in the  
7 Nevada State Legislature and paid positions with Nevada State or local governments expressly  
8 violates the Separation of Powers requirement of Nevada Const. Art. 3, §1, ¶1 and undermines the  
9 ethics of their legislative service by creating conflicts, concentrating power, and diluting the  
10 separation of powers.

11 5. If allowed to proceed with the dual employment stated herein, legislative  
12 expenditures or appropriations and taxpayer monies will be paid to Defendants in violation of  
13 Nevada Const. Art. 3, §1, ¶1. NPRI presents this action, pursuant to NRS 30.030, *et seq.*, and NRS  
14 33.010, *et seq.*, respectively, and can and will fully advocate for: (1) the Court's declaration that it is  
15 unconstitutional for Defendants to engage in the dual employment stated herein, and (2) the Court's  
16 injunction to prevent Defendants from continuing to engage in the unconstitutional dual employment  
17 stated herein.

### 18 **PARTIES**

19 6. NPRI is a public interest nonprofit, nonpartisan corporation organized under the laws  
20 of the State of Nevada whose primary missions are to conduct public policy research and advocate  
21 for policies that promote transparency, accountability, and efficiency in government.

22 7. At all relevant times, Defendant Nicole J. Cannizzaro has simultaneously held the  
23 elected office of Nevada State Senator and the paid government position of Chief Deputy District  
24 Attorney for the County of Clark, State of Nevada.

25 8. At all relevant times, Defendant Kasina Douglass-Boone has simultaneously held the  
26 elected office of Nevada State Assemblyperson and the paid government position of Social Worker  
27 Mental Health Specialist for the Clark County School District.  
28

1           9.       At all relevant times, Defendant Jason Frierson has simultaneously held the elected  
2 office of Nevada State Assemblyperson and the paid government position of Assistant Public  
3 Defender for the County of Clark, State of Nevada.

4           10.       At all relevant times, Defendant Osvaldo Fumo has simultaneously held the elected  
5 office of Nevada State Assemblyperson and the paid government position of Adjunct Instructor for  
6 the University of Nevada, Las Vegas.

7           11.       At all relevant times, Defendant Heidi Seevers Gansert has simultaneously held the  
8 elected office of Nevada State Senator and the paid government position of Executive Director,  
9 External Relations for the University of Nevada, Reno.

10          12.       At all relevant times, Defendant Glen Leavitt has simultaneously held the elected  
11 office of Nevada State Assemblyperson and the paid government position of Public Affairs Analyst  
12 for the Regional Transportation Commission.

13          13.       At all relevant times, Defendant Brittney Miller has simultaneously held the elected  
14 office of Nevada State Assemblyperson and the paid government position of Teacher for the Clark  
15 County School District.

16          14.       At all relevant times, Defendant Dina Neal has simultaneously held the elected office  
17 of Nevada State Assemblyperson and the paid government position of Adjunct Professor for the  
18 Nevada State College.

19          15.       At all relevant times, Defendant James Ohrenschall has simultaneously held the  
20 elected office of Nevada State Senator and the paid government position of Deputy Public Defender  
21 for the County of Clark, State of Nevada.

22          16.       At all relevant times, Defendant Melanie Scheible has simultaneously held the elected  
23 office of Nevada State Senator and the paid government position of Deputy District Attorney for the  
24 County of Clark, State of Nevada.

25          17.       At all relevant times, Defendant Teresa Benitez-Thompson has simultaneously held  
26 the elected office of Nevada State Assemblyperson and the paid government position of Adjunct  
27 Professor for the University of Nevada, Reno.

1           18.     At all relevant times, Defendant Jill Tolles has simultaneously held the elected office  
2 of Nevada State Assemblyperson and the paid government position of Adjunct Professor for the  
3 University of Nevada, Reno.

4           19.     At all relevant times, Defendant Selena Torres has simultaneously held the elected  
5 office of Nevada State Assemblyperson and the paid government position of Teacher for the Clark  
6 County School District.

### 7   JURIDICTION AND VENUE

8           20.     The Court has jurisdiction over all parties, where Plaintiff conducts business in the  
9 County of Clark, State of Nevada, and all Defendants either reside in or carry out the duties of their  
10 elected offices throughout the State of Nevada, including in the County of Clark.

11          21.     Venue is appropriate because the events giving rise to Plaintiff's causes of action  
12 have occurred, and continue to occur, in the County of Clark, State of Nevada.

### 13   FIRST CAUSE OF ACTION 14   **Violation of Separation of Powers** 15   **(Declaratory Relief)**

16          22.     Plaintiff realleges and incorporates by reference herein each and every foregoing  
17 paragraph of this Complaint as if set forth in full.

18          23.     There is an actual controversy between Plaintiff, acting in the public interest, and the  
19 Defendants and each of them, as to the meaning of the Separation of Powers requirement of Nevada  
20 Const. Art. 3, §1, ¶1 and its application to Defendants and their conduct. Plaintiff has taken the  
21 position that Defendants are persons simultaneously holding elected offices in the Nevada State  
22 Legislature and paid positions with Nevada State or local governments in violation of the Separation  
23 of Powers requirement of Nevada Const. Art. 3, §1, ¶1. Upon information and belief, Defendants  
24 disagree with Plaintiff's position stated above.

25          24.     Plaintiff seeks relief pursuant to NRS 30.010, *et seq.*, in the form of a declaration that  
26 Defendants simultaneously holding elected offices in the Nevada State Legislature and paid  
27 positions with Nevada State or local governments violates the Separation of Powers requirement of  
28 Nevada Const. Art. 3, §1, ¶1. A declaration resolving the actual controversy between Plaintiff and

1 Defendants will serve a useful purpose in settling the legal issues in this action and offering relief  
2 from uncertainty for all parties to this action.

3 25. It was necessary for Plaintiff to retain the services of an attorney to bring this cause  
4 of action, and it should be properly compensated therefore.

5 **SECOND CAUSE OF ACTION**  
6 **Violation of Separation of Powers**  
7 **(Injunctive Relief)**

8 26. Plaintiff realleges and incorporates by reference herein each and every foregoing  
9 paragraph of this Complaint as if set forth in full.

10 27. Defendants are persons simultaneously holding elected offices in the Nevada State  
11 Legislature and paid positions with Nevada State or local governments in violation of the Separation  
12 of Powers requirement of Nevada Const. Art. 3, §1, ¶1.

13 28. Without this Court's intervention, legislative expenditures or appropriations and  
14 taxpayer monies will be paid to Defendants in violation of Nevada Const. Art. 3, §1, ¶1, and  
15 irrevocable and irreparable harm will occur to the rights provided under this provision of the Nevada  
16 Constitution.

17 29. There exists no adequate remedy at law to prevent the constitutional violation caused  
18 by Defendants simultaneously holding elected offices in the Nevada State Legislature and paid  
19 positions with Nevada State or local governments in violation of the Separation of Powers  
20 requirement of Nevada Const. Art. 3, §1, ¶1.

21 30. Plaintiff, acting in the public interest, is entitled to injunctive relief to stop and  
22 prevent the Separation of Powers violations by Defendants stated herein. The Court has the power  
23 to grant such relief, pursuant to its inherent ability to grant equitable relief and the provisions of  
24 NRS 33.010, *et seq.*

25 31. It was necessary for Plaintiff to retain the services of an attorney to bring this cause  
26 of action, and it should be properly compensated therefore.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

3 1. For a declaration that Defendants simultaneously holding elected offices in the  
4 Nevada State Legislature and paid positions with Nevada State or local governments violates the  
5 Separation of Powers requirement of Nevada Const. Art. 3, §1, ¶1;

6 2. For an injunction against Defendants prohibiting each and every one of them from  
7 continuing to simultaneously hold elected offices in the Nevada State Legislature and paid positions  
8 with Nevada State or local governments in violation of the Separation of Powers requirement of  
9 Nevada Const. Art. 3, §1, ¶1;

10 3. For reasonable attorneys' fees and costs; and

11 4. For such other and further relief as the Court may deem just and proper.

12 Dated this 27th day of July, 2020.

13 **FOX ROTHSCHILD LLP**

14  
15 By: /s/ Deanna L. Forbush

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