

BENSON LAW NEVADA  
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5 *Attorneys for Plaintiff*

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

9  
10 REV. LEONARD JACKSON,  
11 Plaintiff,

12 v.

13 FAIR MAPS NEVADA PAC, and  
14 BARBARA CEGAVSKE, in her official  
15 capacity as Nevada Secretary of State,  
16 Defendants.

Case No.: 19 OC 00209 1B  
Dept. No.: I

**CASE APPEAL STATEMENT**

17 Plaintiff Rev. Leonard Jackson, by and through counsel, Kevin Benson, Esq. of Benson Law  
18 Nevada, hereby submits the Case Appeal Statement:

19 **1. Name of appellant filing this case appeal statement:**

20 Rev. Leonard Jackson

21 **2. Identify the judge issuing the decision, judgment, or order appealed from:**

22 The Honorable James T. Russell.

23 **3. Identify each appellant and the name and address of appellate counsel:**

24 The only appellant is Rev. Leonard Jackson, represented by Kevin Benson of Benson Law  
25 Nevada, 123 W. Nye Lane, Suite 487, Carson City NV 89706.

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**4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent:**

Respondent: Fair Maps Nevada  
Counsel: Adam Hosmer-Henner  
Lucas Folletta  
McDONALD CARANO  
100 West Liberty Street, Tenth Floor  
Reno, Nevada 89501

Respondent: Barbara Cegavske, Secretary of State  
Counsel: Greg Zunino  
Office of the Attorney General  
100 N. Carson Street  
Carson City, Nevada 89701

**5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any such order):**

All attorneys identified above are licensed to practice in Nevada.

**6. Indicate whether appellant was represented by appointed or retained counsel in the district court:**

Retained.

**7. Indicate whether appellant is represented by appointed or retained counsel on appeal:**

Retained.

**8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:**

No.

**9. Indicate the date the proceedings commenced in the district court:**

November 26, 2019.

**10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:**

This is a challenge to a ballot initiative pursuant to NRS 295.061 and 295.009(1)(b) based on the initiative's inaccurate and misleading language and description of effect. The initiative's

1 description of effect stated, among other things, that it would create an “independent” redistricting  
2 commission to draw “fair and competitive” electoral districts.

3 The Plaintiff alleged, among other things, that this description is false and misleading because  
4 the commission the initiative would create is not in fact “independent,” nor does the initiative  
5 actually require the commission to create “fair and competitive” electoral districts.

6 The Defendant conceded that it was inaccurate and misleading to represent the commission as  
7 “independent” and to represent to voters that it would create “fair and competitive” districts. The  
8 Defendant requested the district court to rewrite and approve the description of effect. The Plaintiff  
9 argued that the district court lacked authority to rewrite the initiative’s description of effect, and that  
10 the district court’s role is simply to make findings regarding the adequacy of the description included  
11 with the initiative. In light of the Defendant’s concession that the proposed commission would not in  
12 fact be “independent,” the Plaintiff also argued that the text of the initiative itself is misleading  
13 because it prominently states that it is creating the “Independent Redistricting Commission” in the  
14 legislative branch of government.

15 The district court agreed with Plaintiff that the description of effect was inaccurate and  
16 misleading, and violated NRS 295.009(1)(b). However, the district court proceeded to rewrite the  
17 description of effect, and stated in its order that it did so “in consultation with the parties.” Plaintiff  
18 did not assent to this process, and did not “consult” with the district court or the opposing party on  
19 the rewritten description of effect. Plaintiff maintained that the district court lacked the authority to  
20 rewrite the description of effect.

21 Additionally, the district court failed to make specific findings of fact or law regarding the  
22 actual effect of the initiative and the inadequacy of the description of effect. The district court also  
23 failed to make any ruling regarding the misleading language in the initiative itself.

24 **11. Indicate whether the case has previously been the subject of an appeal to or original writ**  
25 **proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**  
**number of the prior proceeding:**

26 None.

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**12. Indicate whether this appeal involves child custody or visitation:**


No.

**13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

This case is not likely to settle because it involves an interpretation of the district court's role and jurisdiction under NRS 295.061.

Dated this 5th day of February, 2020.

BENSON LAW, LLC

By: 

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**CERTIFICATE OF SERVICE**

Pursuant to NRCF Rule 5(b), I hereby certify that I am an employee of Benson Law, LLC, and that on this date, I caused the foregoing Case Appeal Statement to be served to all parties to this action by:


- Placing a true copy thereof in a sealed postage prepaid envelope in the United States Mail in Carson City, Nevada
- Hand-delivery - via Reno/Carson Messenger Service
- Facsimile
- E-Mail (courtesy copy)
- Federal Express, UPS, or other overnight delivery
- E-filing pursuant to Section IV of District of Nevada Electronic Filing Procedures
- E-filing through the federal courts' CM / ECF filing and service system.

fully addressed as follows:

Adam Hosmer-Henner  
Lucas Folletta  
McDONALD CARANO  
100 West Liberty Street, Tenth Floor  
Reno, Nevada 89501  
*Attorneys for Defendant Fair Maps*

Greg Zunino  
Office of the Attorney General  
100 N. Carson Street  
Carson City, Nevada 89701  
*Attorneys for Defendant Secretary of State*

Dated: 2/5/20

  
An employee of Benson Law, LLC