



1 **RPLY**

2 Joseph C. Reynolds (8630)
3 Ariel C. Johnson (13357)
4 HUTCHISON & STEFFEN, PLLC
5 5371 Kietzke Lane
6 Reno, NV 89511
7 (775) 853-8746 tel
8 (775) 201-9611 fax
9 jreynolds@hutchlegal.com
10 ajohnson@hutchlegal.com

11 *Attorneys for Petitioners Greater Las Vegas Short Term*
12 *Rental Association and Jacqueline Flores, President and Director*

13 **EIGHTH JUDICIAL DISTRICT COURT**
14 **STATE OF NEVADA**

15 GREATER LAS VEGAS SHORT TERM
16 RENTAL ASSOCIATION, a non-profit
17 Nevada corporation; JACQUELINE FLORES,
18 President and Director,

19 Plaintiffs,

20 vs.

21 CLARK COUNTY and the BOARD OF
22 CLARK COUNTY COMMISSIONERS, a
23 political subdivision of the State of Nevada;
24 and the STATE OF NEVADA,

Defendants.

Case No. A-22-856311-P
Dept. No. 8

**REPLY TO CLARK COUNTY'S
LIMITED OPPOSITION TO MOTION
TO DISMISS**

1 The Greater Las Vegas Short Term Rental Association, a non-profit Nevada corporation,
2 and Jacqueline Flores, President and Director (the Rental Association), by and through their legal
3 counsel, Joseph C. Reynolds, Esq., and Ariel C. Johnson, Esq., of Hutchison & Steffen, PLLC,
4 hereby submits this Reply to Clark County's Limited Opposition to the Rental Association's
5 Motion to Dismiss Clark County's Counterclaims pursuant to NRCP 12(b).

6 On October 18, 2022, Clark County filed an Answer to the Rental Association's Second
7 Amended Complaint. In its Answer, Clark County asserted seven Counterclaims (nos. 1-7).

1 Thereafter, on November 8, 2022, and in response, the Rental Association moved to dismiss
2 Clark County's Counterclaims. On November 22, 2022, Clark County filed a Limited
3 Opposition to the Rental Association's Motion to Dismiss. It also filed a new pleading entitled
4 Clark County's First Amended Counterclaims (nos. 1-6), contending that the Rental
5 Associations pending Motion to Dismiss is now moot. This Court has scheduled a hearing on
6 the Rental Association's Motion to Dismiss for December 13, 2022.

7 The Rental Association respectfully replies to Clark County's Limited Opposition
8 pursuant to EDCR 2.20. This Reply is supported by the accompanying Memorandum of Points
9 and Authorities, which is incorporated by reference herein.

10 DATED this 5th day of December, 2022.

11 HUTCHISON & STEFFEN, PLLC

12 /s/ Joseph C. Reynolds

13 Joseph C. Reynolds (8630)

14 Ariel C. Johnson (13357)

15 *Attorneys for Petitioners*

16 *Greater Las Vegas Short Term Rental Association*
17 *and Jacqueline Flores, President and Director*

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 The Rental Association does not dispute that Clark County may amend its pleading
3 pursuant to NRCP 15(a). Yet, contrary to Clark County’s assertion in its Limited Opposition,
4 the Rental Association’s Motion to Dismiss filed on November 8, 2022, is not *per se* moot. First,
5 Clark County’s First Amended Counterclaims (nos. 1-6) simply attempt to buttress
6 counterclaims it originally raised (nos. 2-6). The grounds supporting the Rental Association’s
7 Motion to Dismiss those claims filed on November 8, 2022, remain intact. Second, Clark County
8 did not include in its First Amended Counterclaims two counterclaims that it originally asserted
9 in its October 18, 2022, pleading. These are: Counterclaim No. 1 (seeking a declaratory
10 judgment regarding Section 30.44.010 of the Clark County Code) and Counterclaim No. 7
11 (seeking an injunction against the Rental Association from allegedly violating the law).
12 Accordingly, the Rental Association respectfully submits that Clark County has abandoned
13 and/or otherwise withdrawn those counterclaims. They should be dismissed. *See* EDCR 2.23.
14 With respect to the new and existing counterclaims being raised and/or re-raised in Clark
15 County’s First Amended Counterclaims filed on November 22, 2022, the Rental Association will
16 respond to those in a separate pleading.

17 DATED this 5th day of December, 2022.

18 HUTCHISON & STEFFEN, PLLC

19 */s/ Joseph C. Reynolds*

20 Joseph C. Reynolds (8630)

21 Ariel C. Johnson (13357)

22 *Attorneys for Petitioners*

23 *Greater Las Vegas Short Term Rental Association*
24 *and Jacqueline Flores, President and Director*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Hutchison & Steffen, PLLC and that on this 5th day of December, 2022, I caused the above and foregoing document, entitled REPLY TO CLARK COUNTY’S LIMITED OPPOSITION TO MOTION TO DISMISS to be served as follows:

- by placing the same to be deposited for mailing in the Unites States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
to be sent electronically via the Court’s electronic service system; the date and time of this electronic service is in place of the date and in place of deposit in the mail; and/or
to be served through Formal Service of Process (Proof of Service to follow)

to the parties or attorney(s) listed below at the address and/or facsimile number indicated below:

Table with 2 columns and 2 rows containing contact information for James B. Gibson, Yolanda T. King, Aaron D. Ford, Jeffrey Rogan, and Timothy Allen.

/s/ Madelyn Carnate-Peralta
An Employee of Hutchison & Steffen, PLLC