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REC'D & FILED
2020 FEB -5 PM 2:40

AUBREY ROWLATT
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Electronically Filed
Feb 12 2020 10:45 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

9
10 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
11
12 **IN AND FOR CARSON CITY**

13 REV. LEONARD JACKSON,
14
15 Plaintiff,

16 v.

17 FAIR MAPS NEVADA PAC, and
18 BARBARA CEGAVSKE, in her official
19 capacity as Nevada Secretary of State,

20 Defendants.

Case No.: 19 OC 00209 1B

Dept. No.: I

NOTICE OF APPEAL

21 Plaintiff Rev. Leonard Jackson, by and through counsel, Kevin Benson, Esq. of Benson Law
22 Nevada, hereby appeals the Order entered by the District Court on January 2, 2020 and served on
23 January 6, 2020.

24 Dated this 5th day of February, 2020.

25 BENSON LAW, LLC

26 By: 

27 KEVIN BENSON, ESQ.
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Carson City, NV 89706
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Email: kevin@bensonlawnv.com

CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of Benson Law, LLC,
and that on this date, I caused the foregoing Notice of Appeal 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

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14 BARBARA CEGAVSKE, in her official
capacity as Nevada Secretary of State,

15 Defendants.

Case No.: 19 OC 00209 1B

Dept. No.: I

CASE APPEAL STATEMENT

16
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.

26 ////

27 ////

28 ////

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

3 Respondent: Fair Maps Nevada
4 Counsel: Adam Hosmer-Henner
5 Lucas Folletta
6 McDONALD CARANO
7 100 West Liberty Street, Tenth Floor
8 Reno, Nevada 89501

9 Respondent: Barbara Cegavske, Secretary of State
10 Counsel: Greg Zunino
11 Office of the Attorney General
12 100 N. Carson Street
13 Carson City, Nevada 89701

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

17 All attorneys identified above are licensed to practice in Nevada.

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

20 Retained.

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

22 Retained.

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

25 No.

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

27 November 26, 2019.

28 **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.

27 ////

28 ////

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

2 No.

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

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

6
7 Dated this 5th day of February, 2020.

8
9 BENSON LAW, LLC

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11 By: 

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