

1 THE O’MARA LAW FIRM, P.C.  
2 DAVID C. O’MARA  
3 NEVADA BAR NO. 8599  
4 311 East Liberty St.  
5 Reno, Nevada 89501  
6 775-323-1321  
7 775-323-4082 (fax)  
8 [david@omaralaw.net](mailto:david@omaralaw.net)

9 *Counsel for Plaintiffs*

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 JILL STOKKE, an individual, CHRIS )  
13 PRUDHOME, MARCHANT FOR )  
14 CONGRESS, RODIMER FOR )  
15 CONGRESS, an individual, )

Case No.

Plaintiffs,

**COMPLAINT**

v.

SECRETARY OF STATE BARBARA )  
CEGAVSKE, in her official capacity, and )  
CLARK COUNTY REGISTRAR OF )  
VOTERS JOSEPH P. GLORIA, in his )  
official capacity, )

Defendants.

17  
18 Plaintiffs Jill Stokke, Chris Prudhome, Marchant for Congress, and Rodimer for Congress  
19 through their undersigned counsel, bring this action against: Defendant Secretary of State Barbara K.  
20 Cegavske and the Clark County Registrar of Voters Joe P. Gloria. All persons named as defendants  
21 are sued exclusively in their official capacities. Plaintiffs allege as follows:

22 **JURISDICTION AND VENUE**

23 1. This Court has subject-matter jurisdiction over this action under 28 U.S.C. § 1331,  
24 because this case arises under the Constitution and laws of the United States of America and 28  
25 U.S.C. § 1367 because the claims based on state law are so related to the federal questions as to form  
26 part of the same case or controversy. This Court also has jurisdiction to grant both declaratory and  
27 injunctive relief under 28 U.S.C. §§ 2201 and 2202.







1           25.     The Equal Protection Clause of the U.S. Constitution prohibits states from denying  
2 “to any person . . . the equal protection of the laws.” U.S. Const. amend. XIV, § 1. Plaintiffs’ equal  
3 protection rights are enforceable pursuant to 18 U.S.C. § 1983.

4           26.     Defendants have violated the Equal Protection Clause by attempting to match  
5 signatures in Clark County using the Agilis system and thereafter, not having the clerk or employee  
6 of the clerk’s office verify the signature.

7           27.     No other county in Nevada uses this system, and accordingly, voters in Clark County,  
8 including Plaintiff Stokke, are at an unequal risk of having their legal votes diluted by votes with  
9 mismatched signatures.

10          28.     There is no legitimate state interest that justifies this disparity in any way and such  
11 disparity violates Nevada voters’ right to have uniform, statewide standard of counting and  
12 recounting all votes accurately.

13                   **Count III: Violation of Nev. Rev. Stat. §§ 293.8881 and 293.363**

14          29.     Plaintiffs fully incorporate the allegations in paragraphs 1 through 21 above as if fully  
15 set forth herein.

16          30.     Nev. Rev. Stat. §§ 293.8881 and 293.363 require Defendants to allow public access to  
17 ballot-counting. Through the above-described conduct, Defendants deprived Plaintiff Prudhome any  
18 meaningful access to ballot-counting.

19                   **PRAYER FOR RELIEF**

20 WHEREFORE Plaintiffs respectfully pray for the following relief:

21           1.     An Injunction directing Defendants and their officers, agents, employees, attorneys, and any  
22 other person acting under their direction or control to cease the use of the Agilis system to count  
23 ballots in Clark County;

24           2.     Injunctive relief directing Defendants that the Agilis system is improper and that each mail  
25 ballot shall and must be checked by the clerk or an employee of the office of the clerk before it can  
26 be verified as a valid ballot for counting.

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- 1 3. For injunctive relief directing Defendants and their officers, agents, employees and any other
- 2 person acting under their direction or control to allow meaningful access to the ballot counting
- 3 process.
- 4 4. For declaratory judgment that Defendants have violated NRS 293.8874 passed by the Nevada
- 5 Legislature in 2020.
- 6 5. A declaratory judgment that Defendants have violated the Elections and Equal Protection
- 7 Clauses and Nev. Rev. Stat. §§ 293.8881 and 293.363;
- 8 6. Attorney’s fees and costs pursuant to 18 U.S.C. § 1988; and
- 9 7. All other relief that this honorable Court deems just and proper.

10 DATED: November 5, 2020

THE O’MARA LAW FIRM, P.C.

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/s/ David C. O’Mara  
DAVID C. O’MARA, ESQ

311 East Liberty St.  
Reno, Nevada 89501  
775-323-1321  
775-323-4082 (fax)  
*Counsel for Plaintiff*

**CIVIL COVER SHEET**

JS 44 (Rev. 06/17)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

JILL STOKKE, CHRIS PRUDHOMÉ, MARCHANT FOR CONGRESS,  
RODIMER FOR CONGRESS

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

THE O'MARA LAW FIRM, P.C., David C. O'Mara, Esq.,  
311 E. Liberty Street, Reno, Nevada 89501  
775.323.1321

**DEFENDANTS**

SECRETARY OF STATE BARBARA CEGAVSKE, in her official  
capacity, CLARK COUNTY REGISTRAR OF VOTERS JOSEPH P.  
GLORIA, in his official capacity, et al.

County of Residence of First Listed Defendant \_\_\_\_\_

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC § 1331; 28 USC § 1367; 18 USC § 1983, 1988

Brief description of cause:

violation of the elections clause, equal protection, and Nevada Revised Statutes.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

11/05/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ David C. O'Mara

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

JILL STOKKE, CHRIS PRUDHOME, MARCHANT
FOR CONGRESS, RODIMER FOR CONGRESS

Plaintiff(s)

v.

SECRETARY OF STATE BARBARA CEGAVSKE, in
her official capacity, CLARK COUNTY REGISTRAR
OF VOTERS JOSEPH P. GLORIA, in his official
capacity, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Joseph P. Gloria, in his official capacity as Clark County Registrar of Voters
Clark County Election Department
965 Trade Drive, Ste A,
North Las Vegas, Nevada 89030

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are: The O'Mara Law Firm, P.C.
311 East Liberty Street,
Reno, Nevada 89501

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

JILL STOKKE, CHRIS PRUDHOME, MARCHANT
FOR CONGRESS, RODIMER FOR CONGRESS

Plaintiff(s)

v.

SECRETARY OF STATE BARBARA CEGAVSKE, in
her official capacity, CLARK COUNTY REGISTRAR
OF VOTERS JOSEPH P. GLORIA, in his official
capacity, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Barbara Cegavske, in her official capacity as Nevada Secretary of State
101 North Carson Street, Ste 3
Carson City, NV 89701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
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Reno, Nevada 89501

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
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CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

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\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: