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5
6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
IN AND FOR CARSON CITY
7

8 IRA HANSEN, in his official capacity as Nevada
State Assemblyman for Assembly
9 District No. 32; and JIM WHEELER, in his
official capacity as Nevada State Assemblyman
10 for Assembly District No. 39,

11 Plaintiffs,

12 vs.

13 THE COMMISSION ON ETHICS OF THE
STATE OF NEVADA,

14 Defendant.
15

Case No. 15 OC 00261 1B
Dept. No. I

Consolidated with

Case No. 16 OC 00029 1B
Dept. No. II

16 **STIPULATION AND ORDER LIFTING STAY AND DISMISSING CONSOLIDATED**
CASES NO. 15 OC 00261 1B AND NO. 16 OC 00029 1B
17 **WITHOUT PREJUDICE**

18 The parties to the above-captioned matter, by and through their respective counsel of record,
19 hereby stipulate as follows:

20 1. On December 1, 2015, Plaintiffs IRA HANSEN and JIM WHEELER filed a Complaint to
21 Have Declared Void Action Taken by Commission on Ethics in Violation of Open Meeting Law, which
22 case is identified as Case No. 15 OC 00261 1B ("First OML Case").

23 2. On February 16, 2016, Plaintiffs IRA HANSEN and JIM WHEELER filed a second
24 Complaint to Have Declared Void Action Taken by Commission on Ethics in Violation of Open

1 Meeting Law, which case is identified as Case No. 16 OC 00029 1B (“Second OML Case”).

2 3. The First and Second OML Cases are associated with another case between the same parties
3 originally filed in the First Judicial District Court, Hansen v. Commission on Ethics, Case No.
4 15 OC 00076 1B, which is referred to herein as the “Ethics Case.” After the district court’s decision in
5 the Ethics Case, the Commission filed a notice of appeal, which was docketed as Commission on Ethics
6 v. Hansen, Nevada Supreme Court Case No. 69100.

7 4. On March 25, 2016, this Court approved a Stipulation and Order Consolidating and Staying
8 Case No. 15 OC 00261 1B [First OML Case] and Case No. 16 OC 00029 1B [Second OML Case]
9 Pending Decision by the Nevada Supreme Court in Case No. 69100. In part, the stipulation in the
10 Consolidated First and Second OML Cases stated that “[n]ot later than 20 days after the Nevada
11 Supreme Court renders a decision regarding the Assemblymen’s motion to dismiss the appeal in Case
12 No. 69100, the parties shall file a stipulation and order with this Court which lifts the stay in the
13 consolidated cases and which requests other appropriate action or relief from this Court in accordance
14 with the Nevada Supreme Court’s decision regarding the Assemblymen’s motion to dismiss the appeal
15 in Case No. 69100.”

16 5. On May 31, 2018, in Case No. 69100, the Nevada Supreme Court held that the notice of
17 appeal filed by the Commission required prior authorization in a public meeting that complied with the
18 OML and based thereon granted the Assemblymen’s motion to dismiss the appeal and issued a
19 published decision. Commission on Ethics v. Hansen, 134 Nev. Adv. Op. No. 40 (May 31, 2018).
20 Thereafter, the Nevada Supreme Court issued its remittitur on _____, 2018.

21 6. Given that the Nevada Supreme Court has rendered a decision regarding the Assemblymen’s
22 motion to dismiss the appeal in Case No. 69100, the parties respectfully request that this Court approve
23 this stipulation and order lifting the stay and dismissing the Consolidated First and Second OML Cases
24 without prejudice under NRCP 41(a).

1 7. The parties agree that: (1) each party will bear its own respective costs, expenses and
2 attorney's fees in the Consolidated First and Second OML Cases; and (2) no party is to be considered a
3 prevailing party in the Consolidated First and Second OML Cases for the purposes of seeking any costs,
4 expenses and attorney's fees under any rule, statute or law, whether federal, state or local.

5 Based upon the foregoing stipulation, the parties respectfully request that this Court approve this
6 stipulation and order lifting the stay and dismissing the Consolidated Cases No. 15 OC 00261 1B and
7 No. 16 OC 00029 1B without prejudice under NRCP 41(a), with each party to bear its own respective
8 costs, expenses and attorney's fees.

9 **IT IS SO STIPULATED.**

10 DATED: This _____ day of June, 2018.

DATED: This _____ day of June, 2018.

11 By: _____
12 **KEVIN C. POWERS**
13 Chief Litigation Counsel
14 Nevada Bar No. 6781
15 Legislative Counsel Bureau, Legal Division
16 401 S. Carson Street
Carson City, NV 89701
Tel: (775) 684-6830; Fax: (775) 684-6761
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Attorney for Plaintiffs

By: _____
TRACY L. CHASE
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tchase@ethics.nv.gov
Attorney for Defendant

17
18 **IT IS SO ORDERED.**

19 DATE: _____

JAMES T. RUSSELL
DISTRICT JUDGE

**WAIVER OF REQUIREMENTS OF CHAPTER 241 OF THE NEVADA
REVISED STATUTES**

The State of Nevada, Commission on Ethics will be posting its public agenda for a meeting to be held on Thursday, June 28, 2018, at a time to be noticed on the public agenda. The meeting will be held at 704 W. Nye Lane, Suite 204, Carson City, NV 89703 and the public agenda will include the following item:

Approval of proposed stipulation and order dismissing without prejudice two cases filed by Ira Hansen and Jim Wheeler, as plaintiffs, in the First Judicial District Court against the Commission on Ethics of the State of Nevada, as defendant, specifically referenced as Case No. 15 OC 00261 1B and Case No. 16 OC 00029 1B and authorization for Commission Counsel to finalize form, execute and file all documents in furtherance of the dismissal of the identified cases and/or providing other direction relating thereto.

I, IRA HANSEN, am represented by an attorney and voluntarily waive the statutory requirements of NRS Chapter 241, if any apply to the above public meeting, including waiver of any rights to written notice as may be required under NRS 241.033. I understand that the Commission on Ethics reserves all rights relating to any legal position that this waiver is not required under NRS Chapter 241, and I reserve all rights relating to any legal position that this waiver is required under NRS Chapter 241. A copy, facsimile or electronic signature shall be treated as an original for all purposes.

Dated this 06/22/2018 day of _____, 2018.



By: IRA HANSEN
(Print Name)

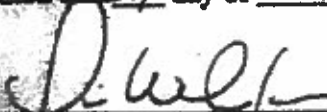
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I, **JIM WHEELER**, am represented by an attorney and voluntarily waive the statutory requirements of NRS Chapter 241, if any apply to the above public meeting, including waiver of any rights to written notice as may be required under NRS 241.033. I understand that the Commission on Ethics reserves all rights relating to any legal position that this waiver is not required under NRS Chapter 241, and I reserve all rights relating to any legal position that this waiver is required under NRS Chapter 241. A copy, facsimile or electronic signature shall be treated as an original for all purposes.

Dated this 24 day of JUNE, 2018.



By: **JIM WHEELER**
(Print Name)