

SUMM

District Court

CARSON CITY, NEVADA

SIGAL CHATTAH, an individual,

Plaintiff,

vs.

BARBARA CEGAVSKE, in her official capacity as NEVADA SECRETARY OF STATE, JOHN T. KENNEDY, an individual

Defendants.

CASE No. **220C 00099 1B**
DEPT. No. **IF**

SUMMONS

BARBARA CEGAVSKE

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

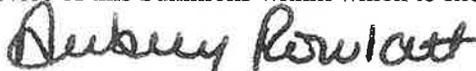
TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
 - a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
 - b. Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted By:


(Signature)

JOSEPH GILBERT, ESQ.
NEVADA BAR NO.: 9033
405 Marsh Ave.
Reno, Nevada 89509
Tel: (775) 284-7000
ATTORNEY FOR PLAINTIFF


CLERK OF COURT

By: 
Deputy Clerk August 24, 2022
Date

NOTE: When service is by publication, add a brief statement of the object of the action.

SUMM

District Court

CARSON CITY, NEVADA

SIGAL CHATTAH, an individual,

Plaintiff,

vs.

BARBARA CEGAVSKE, in her official
capacity as NEVADA SECRETARY OF
STATE, JOHN T. KENNEDY, an individual

Defendants.

CASE No. **22 OC 00099 1B**
DEPT. No. **II**
Additional
SUMMONS

JOHN T. KENNEDY

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
 - a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
 - b. Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Dorothy Rowlett
CLERK OF COURT

Submitted By:

Joseph Gilbert
(Signature)

By: *JF* August 24, 2022
Deputy Clerk Date

JOSEPH GILBERT, ESQ.
NEVADA BAR NO.: 9033
405 Marsh Ave.
Reno, Nevada 89509
Tel: (775) 284-7000
ATTORNEY FOR PLAINTIFF

NOTE: When service is by publication, add a brief statement of the object of the action.

1 **COMP**
2 JOSEPH S. GILBERT, ESQ.
3 Nevada Bar No.: 9033
4 JOEY GILBERT LAW
5 405 Marsh Ave.
6 Reno, Nevada 89509
7 Tel: (775) 284-7000
8 Fax: (775) 284-3809
9 Joey@joeygilbertlaw.com
10 *Counsel for Plaintiff*

REC'D & FILED
2022 AUG 24 PM 4:40
AUBREY ROWLATT
CLERK
BY K. PELEASON
DEPUTY

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

10 SIGAL CHATTAH, an individual,)
11)
12 Plaintiff,)
13 vs.)
14 BARBARA CEGAVSKE, in her official)
15 capacity as NEVADA SECRETARY OF)
16 STATE, JOHN T. KENNEDY, an individual)
17 Defendants.)

) Case No: 22 DC 00099 1B
) Dept No.: II

13 **COMPLAINT**

18 **COMPLAINT**

19 COMES NOW, SIGAL CHATTAH, individually and as Nevada Republican Party
20 Candidate for Nevada Attorney General, by and through the undersigned attorney of record,
21 JOSEPH S. GILBERT, ESQ. of JOEY GILBERT LAW, who hereby submit the following
22 COMPLAINT FOR RELIEF and allege against Defendants as follows:

23 ///
24 ///
25 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I.

JURISDICTION AND VENUE

1. This Court has jurisdiction to hear Plaintiff's claims pursuant to NRS 293.2045 and grant declaratory and injunctive relief pursuant to NRS 30.40 and 33.010.

2. Venue is proper under NRS 13.020 and 13.040 because this action is against a public officer for acting in her official capacity, and pursuant to NRS 293.2045.

II.

PARTIES

1. Plaintiff, SIGAL CHATTAH, a Nevada resident, is at all times mentioned herein the Republican Candidate for Nevada Attorney General and brings this action in accordance with NRS 293.2045.

2. At all times mentioned herein, Defendant BARBARA CEGAVSKE, is named herein in her official capacity as Nevada Secretary of State. As the Secretary of State, Cegavske is the Chief Office of Elections for Nevada and is responsible for the execution, administration, and enforcement of the state's election laws. *See* NRS 293.124.

3. At all times mentioned herein Defendant, JOHN T. KENNEDY, a purported Nevada resident, is the candidate running for Nevada Attorney General, designated with the Libertarian party filing his Declaration of Candidacy in ordinary course with the Nevada Secretary of State.

4. All of the acts or failures to act herein were duly performed by and attributable to all Defendants, each acting as agent, employee, or under the direction and/or control of the others. Said acts or failures to act were within the scope of said agency and/or employment and each of the Defendants and ratified the acts and omissions by the other Defendants. Whenever

1 4. On June 16, 2022, Plaintiff prevailed in the Nevada GOP primary as the victor in
2 the Attorney General race to proceed to the General Election against incumbent Ford.

3 5. Defendant JOHN T. KENNEDY, filed his Declaration of Candidacy, on behalf of
4 the Libertarian Party of Nevada, in ordinary course with the Nevada Secretary of State.

5 6. Included in the Declaration of Candidacy is the following statement, to wit;

6 “... that **I will not violate any election law** or any law defining and prohibiting corrupt
7 and fraudulent practices in campaigns and elections in this State, that **I will qualify for**
8 **the office if elected thereto**, including, but not limited to, complying with any litigation
9 prescribed by the Constitution and laws of this Sate concerning the number of years or
10 terms for which a person may hold the office; that I understand that knowingly and
11 willfully filing a declaration of candidacy which contains a false statement is a crime
punishable as a gross misdemeanor and also subjects me to a civil action disqualifying
me from entering upon the duties of the office...” [*Emphasis added*]

12 7. To qualify for the office of Attorney General, the qualifications are found in NRS
13 228.010 *entitled* Qualifications which provides:

14 No person shall be eligible to the Office of Attorney General unless the person:

- 15 1. Has attained the age of 30 years at the time of such election;
- 16 2. Is a qualified elector and has been a citizen resident of this State for 3 years next
preceding the election; and
- 17 3. Is a member of the State Bar of Nevada in good standing.

18 8. That Plaintiff is a member in good standing with the State Bar of Nevada since
19 2002.

20 9. That Defendant KENNEDY is not licensed as an attorney in the State of Nevada,
21 nor is he a member of the State Bar in Nevada in good standing, nor does he qualify to be a
22 member in good standing with the State Bar of Nevada.

23 10. That on July 26, 2022, Plaintiff notified Defendant CEGAVSKE’s office that
24 Defendant KENNEDY is not a member of the State Bar of Nevada by filing an Election Integrity
25 Complaint.

1 11. On same day, Plaintiff also notified Nevada Attorney General's office and
2 provided the office of the Nevada Attorney General the Election Integrity Complaint.

3 12. That on August 17, 2022, Defendant, Secretary of State issue a correspondence
4 that Plaintiff's time to object to a candidate qualification had expired on April 5, 2022 under
5 NRS 193.182 and refused to take further action.

6 13. That Defendant Secretary of State failed in her obligations to verify that
7 Defendant Kennedy had in fact met the qualifications of NRS 228.010 to run for office, placing
8 an onerous burden on Plaintiff to engage in such verification.

9 14. That the office of Nevada Attorney General's was notified of the disqualification
10 of Defendant KENNEDY and also refused to take any subsequent remedial measures thereon.

11 15. That as noted *supra*, in the 2018 election, the margin for victory was less than half
12 a point.

13 16. That having a disqualified candidate on the ballot poses a threat to the integrity of
14 the election for the Office of Attorney General, and can compromise the margin of victory for
15 qualified candidates.

16 17. NRS 293.2045 *entitled* Remedies in preelection actions challenging candidates
17 who fail to meet qualifications for office; disqualification from taking office; removal from
18 ballot or notification to voters at polling places; applicability provides as follows:
19

- 20
- 21 1. In addition to any other remedy or penalty provided by law, but except as
22 otherwise provided in NRS 293.1265, if a court of competent jurisdiction finds in any
23 preelection action that a person who is a candidate for any office fails to meet any
24 qualification required for the office pursuant to the Constitution or laws of this State:
25 (a) **The name of the person must not appear on any ballot for the election for which
the person filed a declaration of candidacy**, except that if the statutory deadline for
making changes to the ballot has passed, the provisions of subsection 2 apply; and
 (b) The person is disqualified from entering upon the duties of the office for which the
person filed a declaration of candidacy.

1 NRS 228.010, and further knowing that he would not meet the qualifications as proscribed, if
2 elected.

3 23. That Defendant KENNEDY, knowingly and willfully filed a declaration
4 containing the false statement that he qualifies for office under NRS 228.010, punishable as a
5 gross misdemeanor and this civil action brought *sub judice*.

6 24. That as a direct and proximate result of Defendants' fraud, Plaintiff has been
7 damaged in an amount in excess of \$15,000.00, the exact amount of which will be determined at
8 trial.

9 25. That it has been necessary for Plaintiff to retain counsel to prosecute this action
10 by reason of which she is entitled to reasonable attorney's fees.

11
12 **IV.**
13 **SECOND CLAIM FOR RELIEF**
14 **(DECLARATORY RELIEF)**
15 **(Against All Defendants)**

16 26. Plaintiff repleads and realleges all of the paragraphs in the preceding Claims for
17 Relief and incorporates the same by reference as if fully set forth herein.

18 27. A genuine justiciable controversy exists relevant to the rights of Plaintiff, having
19 a disqualified candidate appearing on the ballot in the General Election for the office of Nevada
20 Attorney General.

21 28. Plaintiff seeks an order from this Court declaring Defendant KENNEDY's
22 immediate disqualification from the ballot, under NRS 293. 2045(1)(a), and immediately
23 removing him therefrom.

24 29. Plaintiff also seeks that each polling place shall post a sign where Defendant
25 KENNEDY's name may appear on the ballot informing voters that he is disqualified from
entering the upon the duties of the office in accordance with NRS 293.2045(b)(2).

