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DISTRICT COURT
CLARK COUNTY, NEVADA

THE CITY OF BOULDER CITY,
NEVADA,

Plaintiff,

vs.

DANIEL D. JENSEN, ET AL,

Defendants.

CASE NO. A621582

DEPT. XIX

BEFORE THE HONORABLE ALLAN R. EARL, DISTRICT COURT JUDGE
WEDNESDAY, SEPTEMBER 8, 2010

TRANSCRIPT OF PROCEEDINGS
PLAINTIFF'S MOTION FOR DECLARATORY ORDER, INJUNCTION AND
WRIT OF MANDAMUS OR PROHIBITION

APPEARANCES:

For the Plaintiff:

JENNIFER DiMARZIO, ESQ.
PAUL E. LARSEN, ESQ.
DAVID R. OLSEN, ESQ.

For the Defendants:

LINDA STRICKLAND, ESQ.
TRACY STRICKLAND, ESQ.

RECORDED BY: Francesca Haak, Court Recorder

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CLERK OF THE COURT

1 Las Vegas, Nevada - Wednesday, September 8, 2010, 9:00 a.m.

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3 THE COURT: We are here this morning in case number A621582, Nevada, Boulder
4 City versus Daniel Jensen, et al. I'd like appearances of counsel for the record.

5 MR. LARSEN: Your Honor, representing the City of Boulder City, Paul Larsen with
6 Lionel Sawyer & Collins. I'm sorry. And with me is David Olsen, the city attorney for the
7 City of Boulder City.

8 MS. STRICKLAND: Your Honor, representing defendants Fisher, Jensen, Rapp,
9 Harris, and ostensibly over 800 signers of the initiative petition is Linda Strickland.

10 MR. STRICKLAND: And Tracy Strickland.

11 THE COURT: Well, I haven't seen the Stricklands here for a while.

12 MS. STRICKLAND: Hello, Your Honor.

13 MR. STRICKLAND: Been pretty fortunate, Your Honor.

14 THE COURT: All right. This is the City of Boulder City's motion. Mr. Larsen.

15 MR. LARSEN: Thank you, Your Honor.

16 I think everybody in the room concedes that voters can initiate legislation by
17 an initiative petition. The Nevada Supreme Court has made a clear distinction between what
18 is legislation and what is an administrative act. The defendants have essentially conceded in
19 page 5 of their opposition that what we're talking about in this particular initiative, and if --
20 I'll direct Your Honor's attention to line 17 on page 5. What we're talking about in this
21 initiative is the closure of a single golf course, the Boulder City Golf Club.

22 Councilwoman Strickland -- also Defense Counsel Strickland -- has indicated
23 that as a city councilwoman she has tried to do -- and I quote from their defense, their
24 opposition -- this issue, tried to undertake this issue as a city council on two separate
25 occasions, and I direct Your Honor to lines 5 and 6 on page 5 and to lines 8, 9 and 10 on