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6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR CARSON CITY**
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9 **HELLEN QUAN LOPEZ, individually and**
10 **on behalf of her minor child, C.Q.;**
11 **MICHELLE GORELOW, individually and**
12 **on behalf of her minor children, A.G. and**
13 **H.G.; ELECTRA SKRYZDLEWSKI,**
individually and on behalf of her minor
child, K.J.; SARAH and BRIAN SOLOMON,
individually and on behalf of their minor
children, D.D. and K.S.,

CASE NO: 15 OC 000207 1B

Dept. No.: 2

14 **Petitioner,**

ORDER DENYING DEFENDANT'S
MOTION TO DISMISS

15 **v.**

16 **DAN SCHWARZ, in his official capacity as**
17 **Treasurer of the State of Nevada,**

18 **Respondents.**
_____ /

19 Dan Schwartz filed a Countermotion to Dismiss under NRCP 12(b)(5).

20 On a 12(b)(5) motion the court must accept all factual allegations in a complaint
21 as true and draw all inferences in the plaintiff's favor.¹ A "complaint should be dismissed
22 only if it appears beyond a doubt that [the pleader] could prove no set of facts, which, if
23 true, would entitle [him] to relief."²

24 Mr. Swartz did not argue the complaint does not contain sufficient factual
25 allegations, rather he alleged facts and argued his facts demonstrate SB 302 is
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27 _____
28 ¹*Buzz Stew, LLC v. City of North Las Vegas*, 124 Nev. 224, 228 (2008).

²*Id.*

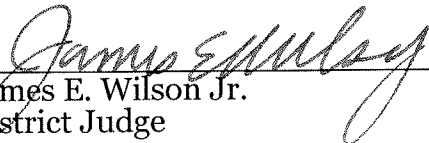
1 constitutional.

2 Mr. Swartz has not demonstrated that the allegations in the complaint, which the
3 court must accept as true at this juncture on an NRCP 12(b)(5) motion, fail to state a
4 claim for relief. Therefore the motion to dismiss is denied.

5 December 24, 2015.

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James E. Wilson Jr.
District Judge

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CERTIFICATE OF MAILING

I certify that on December 24, 2015 I placed a copy of the foregoing order in the United States Mail postage prepaid, addressed as follows:

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Deputy Clerk