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2015 DEC 24 PM 1:50  
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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.<sup>1</sup> 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."<sup>2</sup>

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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28 <sup>1</sup>*Buzz Stew, LLC v. City of North Las Vegas*, 124 Nev. 224, 228 (2008).

<sup>2</sup>*Id.*

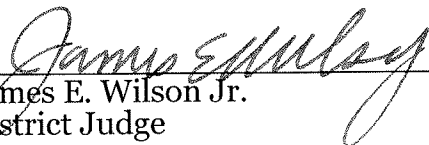
1 constitutional.

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