

DISTRICT COURT CIVIL COVER SHEET

XXX

County, Nevada

Case No.

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Clark County, a political subdivision of the State of Nevada

Defendant(s) (name/address/phone):

Save Red Rock; Gypsum Resources, LLC; Does
I-X; DOE Partnerships I-X; ROE Corporations I-X

Attorney (name/address/phone):

Deputy District Attorney, Robert T. Warhola

District Attorney-Civil Division

500 Grand Central Pkwy., Las Vegas, NV 89155-2215

(702) 455-4761

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

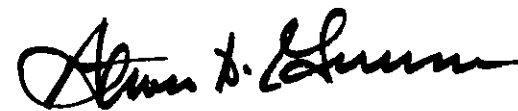
Business Court filings should be filed using the Business Court civil coversheet.

12/9/2016

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

CLARK COUNTY, a political subdivision
of the State of Nevada,

Plaintiff,

vs.

SAVE RED ROCK; GYPSUM
RESOURCES, LLC; DOES I – X; DOE
PARTNERSHIPS I – X; ROE
CORPORATIONS I – X;

Defendants.

Case No: A – 1 6 – 7 4 7 8 8 2 – C

Dept No: XXX

Exempt From Arbitration: NAR 3(A),5

- Action for Declaratory Relief; and
- Action Presenting Significant Issue of Public Policy.

COMPLAINT

COMES NOW, the Plaintiff, CLARK COUNTY, a political subdivision of the State of Nevada, by and through his attorneys, STEVEN B. WOLFSON, District Attorney, by, ROBERT T. WARHOLA, Chief Deputy District Attorney, and states the following as its complaint against the above-named defendants:

GENERAL ALLEGATIONS

1. Plaintiff CLARK COUNTY is a political subdivision of the State of Nevada.
2. Defendant SAVE RED ROCK, (“SRR”) is a Nevada non-profit corporation.

1 3. Defendant GYPSUM RESOURCES, LLC, ("Gypsum") a Nevada Limited-
2 Liability Company, is the applicant of the 2011 and 2016 Concept Plan, and a party to the
3 2010 Settlement Agreement, and thus a necessary party to this action.

4 4. Defendants DOES I through X, DOE PARTNERSHIPS I through X, ROE
5 CORPORATIONS I through X are fictitious names. Plaintiff is ignorant of the true names
6 of the individuals, corporations, partnerships, and associations so designated by said
7 fictitious names, and when the true names are discovered, Plaintiff will ask leave to amend
8 this Complaint and proceedings herein to substitute the true names of said Defendants.

9 5. The subject property is owned by Defendant Gypsum and consists of
10 approximately 2,010 acres generally located on the north side of State Route 159,
11 approximately 1.5 miles northwest of the intersection of State Route 160 (Blue Diamond
12 Road) and State Route 159, on property generally known as the James Hardie Gypsum Mine
13 or Blue Diamond Hill in Clark County, Nevada.

14 6. The subject property is not located within the Red Rock Canyon National
15 Conservation Area ("RRCNCA"), nor is it intended to serve as a buffer to the RRCNCA
16 under federal law.

17 7. In 2003, the State of Nevada and Clark County adopted laws that prohibited
18 rezoning of land in certain areas adjacent to Red Rock Canyon National Conservation Area,
19 including approximately 2,500 acres owned by Defendant Gypsum Resources, LLC.

20 8. In 2005, Gypsum filed an action entitled *Gypsum Resources, LLC v. Masto, et*
21 *al.*, Case No. CV-S-05-0583-RCJ-LRL in the United States District Court for the District of
22 Nevada ("Federal Lawsuit") seeking to invalidate the State and County laws on numerous
23 grounds.

24 9. Subsequent thereto, Gypsum, the County and the State filed motions for
25 summary judgment in the Federal Lawsuit. On or about November 24, 2009, the Federal
26 District Court issued an order granting in full the motion made by Gypsum as to the State,
27 thereby voiding the State law. The Federal District Court also granted in part the County's
28 motion on substantive due process grounds, but denied in part the County's motion on equal

1 protection grounds. The Federal District Court also denied the State's motion on equal
2 protection and constitutional grounds and granted the State's motion as to substantive due
3 process.

4 10. As a result of the Federal District Court's order, Gypsum's cause of action, for
5 violation of equal protection remained to be tried. The County and Gypsum were ordered to
6 mandatory settlement conferences by the Federal District Court which resulted in Gypsum
7 and the County entering into a Stipulation and Settlement Agreement Pursuant to Court
8 Ordered Settlement Conference in 2010 ("2010 Settlement Agreement").

9 11. As an express term of the 2010 Settlement Agreement, Gypsum and Clark
10 County acknowledged that Gypsum intended to submit a Major Project application for the
11 development of a master planned community pursuant to Chapter 30.20 of the Clark County
12 Code. Clark County agreed that it would process the Major Project Application "in good
13 faith" subject to Gypsum's understanding that Clark County could not and did not commit to
14 approval of any particular Major Project and/or any particular densities or uses. Another
15 term of the 2010 Settlement Agreement allowed Gypsum to only take primary, permanent
16 access to the Major Project from the east, most probably State Route 160, and expressly
17 prohibited primary access to the Major Project from connecting to State Route 159.

18 12. The State did not settle with Gypsum, but instead appealed the Federal District
19 Court's decision to the Ninth Circuit Court of Appeals. In turn, the Ninth Circuit certified
20 questions to the Nevada Supreme Court regarding the constitutionality of the State law
21 prohibiting rezoning of Gypsum's property. *Masto v. Gypsum Res., LLC*, 294 P.3d 404
22 (2013). Ultimately, the Nevada Supreme Court ruled against the State and found the State
23 law prohibiting rezoning on Gypsum's property violated Article 4, Sections 20 and 21 and
24 Article 4, Section 25, of the Nevada Constitution. *Id.*

25 13. In 2011, Gypsum submitted an application to Clark County for a Concept Plan
26 ("2011 Concept Plan") proposing 7,269 residential dwelling units along with commercial,
27 tourist commercial, industrial and public facility land uses over a project area of 3,466 acres.
28 The project area was mainly comprised of property owned by Gypsum, but included

1 approximately 992 acres of Bureau of Land Management ("BLM") land that Gypsum hoped
2 to exchange for environmentally or visually sensitive land it owned.

3 14. The purpose of a concept plan is to analyze a plan and identify potential
4 impacts that need further analysis. A concept plan is general and vague by design. Under
5 the Major Projects process, matters identified for further analysis in a concept plan are to be
6 studied in more detail at a later stage of the process, namely during the Specific Plan and
7 Public Facilities Needs Assessment stage of the Major Projects process, where issues and
8 concerns will be identified and attempted to be resolved.

9 15. Approval of the 2011 Concept Plan did not grant Gypsum an entitlement to
10 develop the property. The approval only allowed Gypsum to move to the next step of the
11 Major Project Process that is submittal of a specific plan and Public Facilities Needs
12 analysis, where issues and concerns about the proposed project could be studied in detail.

13 16. Defendant Save Red Rock appeared with many others in protest to Gypsum's
14 2011 Concept Plan.

15 17. In August of 2011, Clark County approved the 2011 Concept Plan application
16 subject to multiple conditions, but denied the portion of the 2011 Concept Plan that included
17 BLM lands.

18 18. The 2011 Concept Plan approval also required the removal of the tourist
19 commercial and industrial land uses from the Plan.

20 19. Consistent with the 2010 Settlement Agreement, primary permanent access to
21 the project for the 2011 Concept Plan was required to be made from the east, most likely by
22 way of a connection to State Route 160, and a condition was imposed prohibiting primary
23 access to State Route 159.

24 20. Another condition of approval limited the maximum average density of the
25 2011 Concept Plan to 2.5 dwelling units per acre, effectively reducing the overall residential
26 density of the total number of dwelling units on the approved Concept Plan from 7,269 units
27 to 5,026 units, a thirty percent reduction. A condition was also attached which limited
28 density to 1 unit per 2 acres on the development edges.

1 21. The Notice of Final Action for the 2011 approval provided that the approval
2 would expire in one year unless Gypsum “commence[d] the next step in the Major Projects
3 Review Process.”

4 22. Defendant Save Red Rock and other individuals and organizations appearing
5 in protest to the 2011 Concept Plan did not seek judicial review of the 2011 Concept Plan
6 approval and the 2011 Concept Plan approval became final.

7 23. In September of 2011, Gypsum commenced the next step in the Major Projects
8 Review Process by preparing and submitting to Clark County the Gypsum Reclamation
9 Specific Plan and the Gypsum Reclamation Public Facilities Needs Assessment.

10 24. Subsequently, Gypsum’s Major Project review process was placed on hold in
11 order to allow Gypsum time to pursue a land exchange with the BLM.

12 25. In January 2013, the Clark County Commission voted to approve a resolution
13 supporting the exploration of a potential land exchange between Gypsum and the BLM.

14 26. In October 2014, the land exchange proposal was denied by the BLM and the
15 BLM informed Gypsum that any potential for a land transfer or land exchange between the
16 BLM and Gypsum was not a shared objective by the BLM and that it was not feasible.

17 27. In 2016, Gypsum submitted another application for a Concept Plan to Clark
18 County (2016 Concept Plan).

19 28. The 2016 Concept Plan substantially conformed to the 2011 Concept Plan
20 approval by incorporating the conditions attached to the 2011 Concept Plan approval into the
21 2016 Concept Plan application.

22 29. The 2016 Concept Plan limited the maximum average density to 2.5 dwelling
23 units per acre on the Gypsum property, proposed an overall total number of dwelling units at
24 5,026 units, limited density on the development edges to one unit per every two acres,
25 removed the BLM owned land, no longer proposed tourist commercial and industrial land
26 uses in the plan and showed the primary, permanent access to the project coming from the
27 east, connecting to State Route 160, with no primary access to the project being made from
28 State Route 159, all in conformance with the 2011 Concept Plan approval.

1 30. This action arises out of Defendant Gypsum Resources, LLC, pending
2 application seeking approval of the 2016 Concept Plan on the subject property.

3 **FIRST CAUSE OF ACTION**
4 (Declaratory Judgment)

5 31. Plaintiff, CLARK COUNTY, repeats and realleges Paragraphs 1 through 30 of
6 its Complaint.

7 32. Chapter 30 of the NRS provides that courts of record within their respective
8 jurisdictions shall have power to declare rights, status and other legal relations whether or
9 not further relief is or could be claimed.

10 33. Declaratory judgements bring to the present a litigable controversy, which
11 otherwise might only be tried in the future. Its purpose is to give the parties an early
12 opportunity to adjudicate rights or obligations before the controversy has reached a more
13 critical stage in order to avoid the threat of impending litigation.

14 34. Upon approval of the 2011 Concept Plan on August 17, 2011, Clark County
15 attached a condition requiring Gypsum to commence the next step in the Major Projects
16 Review Process within one year.

17 35. Title 30 of the Clark County Code provides that the next step in the Major
18 Projects Review Process after concept plan approval is the submittal of a specific plan and
19 public facilities needs assessment.

20 36. Thus Gypsum was required to commence the next step of the Major Projects
21 Review Process by submitting a specific plan and public facilities needs assessment on or
22 before August 17, 2012.

23 37. Gypsum submitted the Gypsum Reclamation Specific Plan and Gypsum
24 Reclamation Public Facilities Needs Assessment to Clark County on September 28, 2011,
25 thus satisfying the condition to commence the next step of the Process within one year of the
26 2011 Concept Plan approval.

27 38. The 2011 Concept Plan approval has not expired.
28

1 39. A justiciable controversy exists between Clark County on one side and the
2 SRR on the other side. Clark County contends that Gypsum satisfied the condition of the
3 2011 Concept Plan approval by commencing the next step of the Major Project Review
4 Process by timely submitting a specific plan and public facilities need assessment to Clark
5 County within one year of the 2011 Concept Plan approval. Clark County further contends
6 that the 2011 Concept Plan approval has not expired and that Gypsum may proceed with the
7 next step of the Major Project Review Process without obtaining approval of the 2016
8 Concept Plan application. SRR disagrees with Clark County and contends that the 2011
9 Concept Plan approval has expired, thus requiring Gypsum to proceed with the 2016
10 Concept Plan application before proceeding to the next step of the process.

11 40. Clark County has a legal protectable interest in the controversy and the issue is
12 ripe for judicial determination. Such a declaration is necessary and appropriate at this time
13 so that Clark County can determine its rights and obligations with respect to the proper
14 application of Title 30 of the Clark County Code and in order to assure compliance with the
15 2010 Settlement Agreement in which Clark County agreed that it would process Gypsum's
16 major project applications under the major projects process "in good faith." The question of
17 how to proceed in the Major Projects Review Process relies on the resolution of the
18 controversy. In the event the 2011 Concept Plan remains active as Clark County contends,
19 the 2016 Concept Plan application approval will be rendered unnecessary and further
20 proceedings regarding 2016 Concept Plan rendered moot. In contrast, in the event the 2011
21 Concept Plan has expired, Clark County would know its rights and duties regarding the
22 further processing of the pending 2016 Concept Plan application as it relates to the 2010
23 Settlement Agreement.

24 41. Resolution of the issue may end the controversy between the parties and could
25 save the parties from undergoing lengthy and expensive proceedings and subsequent
26 litigation.

27 / / /

28 / / /

SECOND CAUSE OF ACTION
(Declaratory Judgment, In the Alternative)

42. Plaintiff, CLARK COUNTY, repeats and realleges Paragraphs 1 through 41 of its Complaint.

43. Chapter 30 of the NRS provides that courts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed.

44. Declaratory judgements bring to the present a litigable controversy, which otherwise might only be tried in the future. Its purpose is to give the parties an early opportunity to adjudicate rights or obligations before the controversy has reached a more critical stage in order to avoid the threat of impending litigation.

45. The Doctrine of Administrative Res Judicata applies in Nevada. Thus an administrative decision can result in issue or claim preclusion as to a subsequent decision made by an agency. Further, as a form of res judicata, collateral estoppel may apply to administrative proceedings.

46. The issues decided by the Clark County Commission when it considered and approved Gypsum's 2011 Concept Plan application are substantially the same, if not identical, to the issues presented by Gypsum's 2016 Concept Plan application.

47. The 2011 Concept Plan approval became final because Clark County issued a Notice of Final Action for the 2011 Concept Plan approval on August 25, 2011 and no one sought judicial review of the approval.

48. SRR lobbied against and appeared at the public hearings in protest against the 2011 Concept Plan approval, but did not seek judicial review of the approval.

49. A justiciable controversy exists between Clark County on one side and the SRR on the other side. Clark County contends that the Doctrine of Administrative Res judicata applies thus barring SRR from raising issues in the pending 2016 Concept Plan application that were previously decided on their merits over SRR's objections during the 2011 Concept Plan hearing before the Clark County Commission. SRR contends otherwise

1 arguing that it may contest again the issues it protested against previously in 2011 and re-
2 litigate matters which have since become final.

3 50. Clark County has a legal protectable interest in the controversy and the issue is
4 ripe for judicial determination. Such a declaration is necessary and appropriate at this time
5 so that Clark County can determine its rights and obligations with respect to the proper
6 application of Title 30 of the Clark County Code and in order to assure compliance with the
7 2010 Settlement Agreement in which Clark County agreed that it would process Gypsum's
8 major project applications under the major projects process "in good faith."

9 51. Resolution of the issue may end the controversy between the parties and could
10 save the parties from undergoing lengthy and expensive litigation.

11 **THIRD CAUSE OF ACTION**
12 (Declaratory Judgment, In the Alternative)

13 52. Plaintiff, CLARK COUNTY, repeats and realleges Paragraphs 1 through 51 of
14 its Complaint.

15 53. Chapter 30 of the NRS provides that courts of record within their respective
16 jurisdictions shall have power to declare rights, status and other legal relations whether or
17 not further relief is or could be claimed.

18 54. Declaratory judgements bring to the present a litigable controversy, which
19 otherwise might only be tried in the future. Its purpose is to give the parties an early
20 opportunity to adjudicate rights or obligations before the controversy has reached a more
21 critical stage in order to avoid the threat of impending litigation.

22 55. The issues decided by the Clark County Commission when it considered and
23 approved Gypsum's 2011 Concept Plan application are substantially the same, if not
24 identical, to the issues presented by Gypsum's 2016 Concept Plan application.

25 56. The 2011 Concept Plan approval became final because Clark County issued a
26 Notice of Final Action for the 2011 Concept Plan approval on August 25, 2011 and no one
27 sought judicial review of the approval.
28

1 57. A justiciable controversy exists between Clark County on one side and the
2 SRR on the other side. Clark County contends that it cannot decide issues differently when
3 considering the pending 2016 Concept Plan application than it previously decided on the
4 merits on substantially the same, if not identical, set of facts during the 2011 Concept Plan
5 hearing on the grounds that such actions may violate the good faith provision of the 2010
6 Settlement Agreement as well as long standing principles of administrative law. SRR
7 contends otherwise that Clark County would not be acting in bad faith, or contrary to
8 established law, should Clark County decide issues differently than it did in 2011 on
9 substantially the same set of facts.

10 58. Clark County has a legal protectable interest in the controversy and the issue is
11 ripe for judicial determination. Such a declaration is necessary and appropriate at this time
12 so that Clark County can determine its rights and obligations with respect to the proper
13 application of Title 30 of the Clark County Code and in order to assure compliance with the
14 2010 Settlement Agreement in which Clark County agreed that it would process Gypsum's
15 major project applications under the major projects process "in good faith."

16 59. Resolution of the issue may end the controversy between the parties and could
17 save the parties from undergoing lengthy and expensive litigation.

18 **FOURTH CAUSE OF ACTION**
19 (Declaratory Judgment, In the Alternative)

20 60. Plaintiff, CLARK COUNTY, repeats and realleges Paragraphs 1 through 59 of
21 its Complaint.

22 61. Chapter 30 of the NRS provides that courts of record within their respective
23 jurisdictions shall have power to declare rights, status and other legal relations whether or
24 not further relief is or could be claimed.

25 62. Declaratory judgements bring to the present a litigable controversy, which
26 otherwise might only be tried in the future. Its purpose is to give the parties an early
27 opportunity to adjudicate rights or obligations before the controversy has reached a more
28 critical stage in order to avoid the threat of impending litigation.

1 63. Title 30 of the Clark County Code states that “[a]ll parcels of land included
2 within a single petition or application must be contiguous.”

3 64. Under Title 30, for the purpose of land use application acceptance, two parcels
4 are considered “contiguous” when they share a common corner.

5 65. In the 2010 Settlement Agreement, Clark County agreed that Gypsum’s
6 property was contiguous as evidenced by a map of the subject property showing two large
7 portions of the subject property sharing a common corner.

8 66. Clark County’s approval of the 2011 Concept Plan treated Gypsum’s property
9 as contiguous, an issue that became final after not being challenged by SRR.

10 67. A justiciable controversy exists between Clark County on one side and the
11 SRR on the other side. Clark County contends two parcels of land which have only one
12 common corner is considered “contiguous” under Title 30 of the Clark County Code;
13 therefore, Gypsum’s parcels are contiguous and Clark County may proceed to process
14 Gypsum’s 2016 Concept Plan as currently presented. SRR contends that two parcels of land
15 which have only one common corner are not considered “contiguous” and that the 2016
16 Concept Plan may not proceed as currently presented. The question of how to proceed in the
17 Major Projects Review Process relies on the resolution of the controversy: In the event the
18 subject property is contiguous, the 2016 Concept Plan application approval may proceed as
19 currently presented. If the parcels are not contiguous, the 2016 Concept Plan may not
20 proceed as presented.

21 68. Clark County has a legal protectable interest in the controversy and the issue is
22 ripe for judicial determination. Such a declaration is necessary and appropriate at this time
23 so that Clark County can determine its rights and obligations with respect to the proper
24 application of Title 30 of the Clark County Code and in order to assure compliance with the
25 2010 Settlement Agreement in which Clark County agreed that it would process Gypsum’s
26 major project applications under the major projects process “in good faith.”

27 69. Resolution of the issue may end the controversy between the parties and could
28 save the parties from undergoing lengthy and expensive litigation.

FIFTH CAUSE OF ACTION
(Declaratory Judgment, In the Alternative)

70. Plaintiff, CLARK COUNTY, repeats and realleges Paragraphs 1 through 69 of its Complaint.

71. Chapter 30 of the NRS provides that courts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed.

72. Declaratory judgements bring to the present a litigable controversy, which otherwise might only be tried in the future. Its purpose is to give the parties an early opportunity to adjudicate rights or obligations before the controversy has reached a more critical stage in order to avoid the threat of impending litigation.

73. Title 30 of the Clark County Code provides that an approved specific plan may be incorporated into the land use plan, thus replacing the land use designation on the property.

74. Title 30 provides that the Clark County Planning Commission is a recommending entity to the Clark County Commission.

75. The Clark County Planning Commission incorrectly recommended denial of the 2016 Concept Plan on the basis that it conflicted with the land use plan designations on the property.

76. A justiciable controversy exists between Clark County on one side and the SRR on the other side. Clark County contends that a concept plan application may not be denied on the basis that it conflicts with the existing land use designation for a property because a concept plan is a preliminary step in the process for replacing the existing land use plan designation for the property. SRR erroneously contends that a concept plan may be denied on the basis that it is not consistent with the existing land use designation on a property. Resolution of the controversy is necessary before the 2016 Concept Plan application is heard by the Clark County Commission so that it may know whether to accept

1 or disregard the Planning Commission's recommendation before rendering a decision on the
2 2016 Concept Plan application.

3 77. Clark County has a legal protectable interest in the controversy and the issue is
4 ripe for judicial determination. Such a declaration is necessary and appropriate at this time
5 so that Clark County can determine its rights and obligations with respect to the proper
6 application of Title 30 of the Clark County Code and in order to assure compliance with the
7 2010 Settlement Agreement in which Clark County agreed that it would process Gypsum's
8 major project applications under the major projects process "in good faith."

9 78. Resolution of the issue may end the controversy between the parties and could
10 save the parties from undergoing lengthy and expensive litigation.

11 **PRAYER FOR RELIEF**

12 **WHEREFORE**, Plaintiff prays for judgment as follows:

- 13 1. That the Court make a binding declaration of the rights, duties or other legal
14 obligations of the parties.
- 15 2. That the Court award such other and further relief as the Court may deem
16 proper.

17 DATED this 9th day of December, 2016.

18 STEVEN B. WOLFSON
19 DISTRICT ATTORNEY

20 By: 

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