

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

)('5\$/ 75\$(&200,66,21

&DVH 1R FY *019&)

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ORDER

\$0* 6(59,&(6 etla&

'HIHQGDQW

3HQGLQJ EHIRUH WKH &RXUW IRU FRQVLGHUDWLRQ

2Q \$SULO WKH 7ULEDO &KDUWHUHG 'HIHQGD
DV WR 3KDVH % RI WKH &RXUW¶V %LIXUFDWLRQ 2UGI
(&) 1R 'HIHQGDQWV¶V DQWLRQ IRU /HJDO 'HWHU
% RI WKH &RXUW¶V (&)LIXUFDWLRQ\$SUGU 7KHV
DGGUHVHG WKH VDPH LVVXHV 0° • 3KV@RHUHG '0

7ULEDO & KDUWHUHG REMHFWLRQ 7(&) 1R ILOHG D 5HV
2SSRVLQJ 'HIHQGDQW V 1R2EMHFWLRQV

II. LEGAL STANDARD

\$ SDUW\ PD\ ILOH VSHFLILF ZULWWHQ REMHFWLRQV
8QLWHG 6WDW-XGJH JHD JLDVGHU D XUVXDQW WR /RFDO 5XOH ,
' 1HY 5 ,%8SRQ WKH ILOLQJ RI VXFK REMHFWLRQV W
GHWHUPLQDWLRQ RI WKRVH SRUWLRQV RI WKH 5HSRUW
DFFHSMMHFW RU PRGL\ LQ ZKROH RU LQ SDUW WKH
0DJLVWUDWH -XGJH 8 6 & † E E ' 1HY ,%

III. DISCUSSION

7KH 2EMHFWLRQV ILOHG E\ ERWK WKH 7ULEDO & KDU
FRQWDLQ RYHUODSSLQJ DUJXPHQWV WKDW FDQ EH FRP
)HUHQEDFK HUUHG E\ ILQGLQJ WKDW >W@KH)7& GRHV
,QGLDQ 7ULEHV \$UPV RI ,QGLDQ 7ULEHV HPSWRUHRIF
\$UPV RI ,QGLDQ 7ULEHV ZLWK UHJDUG WR WKH VXEMHF
5HFRPPHQGDWLRQ 7ULEDO O1 & KDUWHUHG 'HIHQGDQWV
1R 'HIHQGDQW /LWWOH\$[H V 2EMHFWLRQ (&
,QXSSRUW RI WKH HUHQRQVHFWLRQV RI DUJ
WKH 7ULEDO & KDUWHUHG DUJXH WKDW-XGJH JHD JLDVGHU D XUVXDQW WR /RFDO 5XOH ,
WKH EXUGHQ RI HVWDEHOHQGLQV ZKROH ZUWKKWRQ IIRU F
WKH)7& \$FW 5HSRUW DQG 5HFRPPHQGDWLRQ 7ULEDO & KDU
'HIHQGDQWV 2EMHFWLRQ (&) 1R -XGJHFRQG V
)HUHQEDFK HUUHG WKH HUHQRQVHFWLRQV RI 5HSRUW
5HFRPPHQGDWLRQ 7ULEDO O1 & KDUWHUHG 'HIHQGDQW
(&) 1R 'HIHQGDQW /LWWOH\$[H V 2EMHFWLRQ

7KHUHIRUH WKH FDVHV FLWHG E\ WKH 7ULEDO &KDUWI
WKL V &RXUW¶V MXULVGLFWLRQ DUH LQDSSOLFDEOH KH

)XUWKHUPRUH ZKLOH VHFWRQ D RI WKH)7&

)p`¶V DXWKRTÕpÀ ‡QGBT•p°€0• & 'FWô‰WKH‰ Ôpè•0©

LQ ILQGLQJ WKDW WKH)7& \$FW LV DQ DFW RI JHQ
,QGLDQ WULEHV WKDW PWKRIU, H Q B U B Q D S S O E H V W R K H L U H
FRQWUDFWRUV)DOWan 3WKH SULQFLSOH >LV@ μQRZ ZH
RI WKLW &RXUW WKDW D JHQHUDO VWDWXWH LQ WHUPV
SURSHUW\ LQW F u s a r a m d i a n , N a t i o n a l W I B Q 6 D See also United States v.
Farris) G WK³ H L G H U D O O D Z V J H Q H U D O O \ D S S
8QLWHG 6WDWHV DSSO\ ZLWK HTXD United States v. W R C h e D G L D Q
) G WK & L U ³ I H G H U D O V W D W X W H V R I Q D W L
LVVXH S U H V D S S O \ W R O \ , Q G L D Q W U L E H V ' 6 D h f a n I L F D O
V W D W H G W K D W V W D W X W H V R I J V I Q H U D O B Q S V O K F D L W K L W
, Q G L D Q W U L E H V G R D S S O \ W R H , Q G Z D V R W O X E W L V R Q Q O J K W
J R Y H U Q D Q F H L Q S X U H O \ L Q W U D P X U D O P D W W H U V ' D
W U H D W \ U W K M U H R U V R P H S U R R I W K D W & R Q J U H V V L Q W
, Q G L D Q W U L E H V) D o n a W
, Q W K H L U 2 E M H F W L R Q V W K H 7 U L E D O & K D U W H U H G '
H F P ° ` @) a t
W K H S D V u s a r a F L O V H G E \ W K H 1 L Q W K V & G U L F X L D W W L Q D D W n d k a n V
I R @ ` 0 W ð À ` J Z % D ð W K • € 7 U L E % D ð À p À 0 ð A V Q , Q G W D

VWDWXWH RI JHQHUDO DSSOLFDELOLW\ GRHV DSSO\ W
LVVXH

\$V D U~~W~~X~~O~~R XUW ILQGV WKDW -XGJH)HUHQLE~~V~~D~~E~~K F
IHGHUDO VWDWXWH RI JHQHUDO DSSOLFDELOLW\W~~K~~H~~D~~W
)7& DX~~U~~W~~R~~ WR UHJXODWH DUPPS~~R~~\~~Q~~U~~V~~D~~Q~~W~~G~~U~~W~~K~~H~~V~~L~~U~~W~~F~~K~~

IV. CONCLUSION

IT IS THEREFORE ORDERED W~~K~~D~~W~~H 5HSRUW DQG 5HFRPPHQG
LV ACCEPTED and ADOPTEDQ IXOO WR WKH H[WHQW LW LV QRW

IT IS FURTHER ORDERED WKDW WKH)7&¶V \$PHQG HG 0RWLR
-XGJPHQW (&) ~~GR~~ANTED in part DQG DENIED in part~~V~~ VH „À)o07\ P@

IT IS FURTHER ORDERED 00ÈP€`2I D 1p.