



CASE NO: A-19-797087-C
Department 27

COMP

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DISTRICT COURT

CLARK COUNTY, NEVADA

CLARK COUNTY ASSOCIATION OF
SCHOOL ADMINISTRATORS AND
PROFESSIONAL-TECHNICAL
EMPLOYEES; HEATHER PITTMAN, an
individual; FRANCISCO TRUJILLO, an
individual; LATARA LASTER, an
individual; SARA SMITH, an individual,

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT;
DR. JESUS JARA, in his capacity as
Superintendent of Clark County School
District, LOLA BROOKS, in her capacity
as Clark County School District Trustee;
LINDA CAVAZOS, in her capacity as
Clark County School District Trustee;
CHRIS GARVEY, in her capacity as Clark
County School District Trustee; IRENE
CEPEDA in her capacity as Clark County
School District Trustee; DANIELLE FORD
in her capacity as Clark County School
District Trustee; DEANNA WRIGHT, in
her capacity as Clark County School
District Trustee; DR. LINDA YOUNG in
her capacity as Clark County School
District Trustee,

Defendants.

Case No.:

Dept No.:

COMPLAINT

BROWNSTEIN HYATT FARBER SCHRECK, LLP
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Plaintiffs allege:

PARTIES

1. Plaintiff Clark County Association of School Administrators and Professional-technical Employees (“CCASA”) is a labor organization doing business in Clark County, Nevada.

2. Plaintiff Heather Pittman is an individual residing in Clark County, Nevada.

3. Plaintiff Francisco Trujillo is an individual residing in Clark County, Nevada.

4. Plaintiff LaTara Laster is an individual residing in Clark County, Nevada.

5. Plaintiff Sara Smith is an individual residing in Clark County, Nevada.

6. Defendant Clark County School District (“CCSD”) is, and was at all relevant times, a political subdivision of the State of Nevada whose purpose is to administer the state system of public education in Clark County, Nevada pursuant to NRS 386.010.

7. Defendant Dr. Jesus Jara is an individual residing in Clark County, Nevada, carrying out his professional duties of Superintendent of CCSD in Clark County, Nevada.

8. Defendant Lola Brooks is an individual residing in Clark County, Nevada, carrying out her professional duties as Trustee on the CCSD Board of Trustees in Clark County, Nevada.

9. Defendant Linda Cavazos is an individual residing in Clark County, Nevada, carrying out her professional duties as Trustee on the CCSD Board of Trustees in Clark County, Nevada.

10. Defendant Chris Garvey is an individual residing in Clark County, Nevada, carrying out her professional duties as Trustee on the CCSD Board of Trustees in Clark County, Nevada.

11. Defendant Irene Cepeda is an individual residing in Clark County, Nevada, carrying out her professional duties as Trustee on the CCSD Board of Trustees in Clark County, Nevada.

12. Defendant Danielle Ford is an individual residing in Clark County, Nevada, carrying out her professional duties as Trustee on the CCSD Board of Trustees in Clark County, Nevada.

1 13. Defendant Deanna Wright is an individual residing in Clark County, Nevada,
2 carrying out her professional duties as Trustee on the CCSD Board of Trustees in Clark County,
3 Nevada.

4 14. Defendant Dr. Linda Young is an individual residing in Clark County, Nevada,
5 carrying out her professional duties as Trustee on the CCSD Board of Trustees in Clark County,
6 Nevada.

7 **JURISDICTION AND VENUE**

8 15. This Court has personal jurisdiction over all parties as all parties involved are
9 residents of Clark County, Nevada, are a political subdivision of the State of Nevada located in
10 Clark County, Nevada and/or conduct business in Clark County, Nevada.

11 16. The Court has jurisdiction over this action pursuant to the Nevada Constitution,
12 Article 6, § 6, NRS 241.037 and NRS 30.010, *et seq.*

13 17. Venue is proper in this Court pursuant to NRS 241.037.

14 **FACTUAL BACKGROUND**

15 18. On June 10, 2019, Superintendent Jara announced through an emailed video, and
16 an almost simultaneous press release, that CCSD would be eliminating the Dean of Students
17 position in its secondary schools to save approximately \$17 million.

18 19. The elimination of the Dean of Students position would cause 170 administrators
19 to lose their current jobs.

20 20. Defendants never notified the affected administrators before emailing a video
21 stating that the deans would lose their positions.

22 21. Defendants never notified CCASA, the affected administrators' labor organization,
23 about the budgetary cuts prior to the press release.

24 22. On the same day, after a public outcry ensued, some of the CCSD Trustees wished
25 to make their opposition against the decision known, and began contacting certain CCSD
26 administrators.

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1 23. The next day, on June 11, 2019, Stephen Augspurger (“Augspurger”), Executive
2 Director of CCASA, sent a letter to CCASA’s members addressing the elimination of the Dean of
3 Students position (the “CCASA Letter”).

4 24. On June 12, 2019, another CCSD Trustee contacted Augspurger regarding the
5 CCASA Letter, and alluded she was also in opposition to the decision to terminate the Deans of
6 Students.

7 25. According to all three CCSD Trustees, the CCSD Board of Trustees met in a
8 “closed session” with Jara to deliberate and vote regarding the personnel cuts. On information and
9 belief, the Trustees never provided a statutory justification for holding a closed session.

10 26. Based on the various accounts of the CCSD Trustees, Jara presented different
11 potential budgetary cuts to the Trustees.

12 27. Jara explained to the Trustees that he felt eliminating the Dean of Students position
13 was the preferred option.

14 28. To support this position, Jara stated to the Trustees that the principals would
15 support removal of the Dean of Students position because some schools were already converting
16 deans to assistant principals, and because the principals viewed deans as weak.

17 29. Jara then requested a vote for approval from the CCSD Board of Trustees that
18 eliminating the Dean of Students position was the correct choice.

19 30. On information and belief, the final vote was five trustees approved of eliminating
20 the Dean of Students position, and two opposed.

21 31. At least one Trustee has expressed dissatisfaction with Jara’s presentation. She
22 feels “hoodwinked” due to the inaccurate representation that was made by Jara in which he
23 asserted that the principals would support the decision to remove the Dean of Students position.
24 Based on the response from CCSD administrators, this representation was not accurate.

25 32. On June 13, 2019, the CCSD Board of Trustees held a public meeting, and
26 multiple members of the public expressed their dissatisfaction regarding the decision to eliminate
27 the Dean of Students position, and their anger that the CCSD Board of Trustees deliberated and
28 voted in secret.

1 33. Board President Lola Brooks responded by stating, “There was no vote.”

2 **SOLE CAUSE OF ACTION**

3 **Declaratory Relief –Violation of Nevada’s Open Meeting Law – All Defendants**

4 34. Plaintiffs reallege and incorporate by reference paragraphs 1 through 33 as though
5 fully set forth herein.

6 35. Nevada’s Open Meeting Law states “the Legislature finds and declares that all
7 public bodies exist to aid in the conduct of the people’s business. It is the intent of the law that
8 their actions be taken openly and that their deliberations be conducted openly.” NRS 241.010(1).

9 36. The Open Meeting Law requires that, outside of some very limited exceptions, “all
10 meetings of public bodies must be open and public, and all persons must be permitted to attend
11 any meeting of these public bodies.” NRS 241.020(1).

12 37. A public body “meets” when a majority of its members gather “to deliberate
13 toward a decision or to take action on any matter over which the public body has *supervision,*
14 *control, jurisdiction or advisory power.*” NRS 241.015(3)(a)(1) (emphasis added).

15 38. The CCSD Board of Trustees have supervision, control, jurisdiction, and advisory
16 power over operations of schools, and specifically whether to eliminate the Dean of Students
17 position from secondary schools.

18 39. Three Trustees have admitted that the entire Board of Trustees met to deliberate
19 and take action regarding the elimination of the Dean of Students position, but that it was held in
20 a “closed session.”

21 40. On information and belief, the CCSD Board of Trustees has not provided the
22 public with a basis for its “closed session,” as required by Nevada law, likely because none of the
23 statutory exceptions to the Open Meeting Law apply here.

24 41. The “closed session,” and CCSD Board of Trustees’s deliberation and action
25 regarding the elimination of the Dean of Students position violate Nevada’s Open Meeting Law.

26 42. If an action is taken in violation of the Open Meeting Law, that action is void.
27 NRS 241.036.

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1 43. A person who is denied the right conferred by Nevada’s Open Meeting Law may
2 bring suit “to have an action taken by the public body declared void.” NRS 241.037.

3 44. Plaintiffs have been irreparably harmed by the deprivation of rights conferred by
4 the Nevada Open Meeting Law, and have no adequate legal remedy.

5 45. The public has a strong interest in transparency in government and preservation of
6 the protections afforded to it under Nevada’s Open Meeting Law.

7 46. It has been necessary for the Plaintiffs to obtain the services of an attorney to
8 pursue this action, and they are entitled to recover reasonable attorneys’ fees and costs therefore.

9 WHEREFORE, Plaintiffs pray for relief as follows:

10 1. For Declaratory Judgment that the CCSD Board of Trustees violated Nevada’s
11 Open Meeting Law by holding an improper closed session, deliberating, and taking action in that
12 closed session to eliminate the Dean of Students position in CCSD secondary schools;

13 2. For Declaratory Judgment that the action taken in violation of the Nevada Open
14 Meeting Law is void;

15 3. For Preliminary and Permanent Injunctive Relief;

16 4. An award to Plaintiffs of their costs and attorney’s fees; and

17 5. For such other and further relief as the Court may deem just and proper.

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19 Dated this 20th day of June, 2019.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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