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CASE NO: A-26-937025-C
Department 11

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

ALEXANDER NILL, individually and as managing member of GUBERLAND LLC, MARK and JENNY-LYNNE EDINGTON, and KIM SNYDER, each an individual, and representative of potential class members;

Plaintiffs,

vs.
SOUTHERN NEVADA WATER AUTHORITY, a political subdivision of the State of Nevada; DOE INDIVIDUALS; and ROE GOVERNMENTAL ENTITIES;

Defendant.

Case No.:
Dept. No:

**COMPLAINT
FOR EMERGENCY
DECLARATORY RELIEF**

I. NATURE OF ACTION

*"[We] speak for the trees."*¹

1. For generations, Las Vegas Valley residents have grown the valley's green canopy with trees and plants that cool, reduce energy costs, improve property values, and provide comfort and recreation for millions. But now, Southern Nevada Water Authority ("SNWA") is destroying Las Vegas Valley's invaluable tree canopy virtually *overnight*.

2. Under the guise of removing "useless" grass, SNWA along with its member agencies like the Las Vegas Valley Water District ("LVVWD"), the City of Henderson Department of Utility Services ("HDUS"), are leaving hundreds of trees for dead – *daily*. By exploiting ambiguity and vagueness in recent law, SNWA has made itself the legislature, executive branch and judiciary, to *coerce* the removal of residential grass that provides critical

¹ Dr. Seuss, *The Lorax*, 1971.

1 cover and protection for trees in and around the Las Vegas Valley. This unlawful overreach
2 has now allegedly killed more than **100,000 trees** and caused more than **\$300,000,000 in tree**
3 **loss damage.**

4 3. SNWA and its member agencies lobbied for Assembly Bill 356 in 2021 and
5 Assembly Bill 220 in 2023 – to conserve water. SNWA repeatedly assured the Nevada
6 Legislature that residential green spaces, parks, playgrounds, dog parks, and recreation spaces
7 – and residential trees – would be protected.² Single-family residential use was explicitly
8 protected in AB 356 and AB 220 (together, “AB 356”)³. But after AB 220 passed, SNWA
9 and its members are using the undefined term “nonfunctional” and “use” to go after residential
10 turf, even if it is “functional” and now *requiring* the removal of what they claim is “useless”
11 grass around trees in parks, yards, and play areas.⁴ This valley-wide turf removal is killing
12 trees. Unless stopped, Defendant intends to do even more harm to the Las Vegas Valley
13 between now and December 31, 2026; the ‘nonfunctional’ grass removal deadline SNWA set
14 in AB 356.

15 4. SNWA claims its interpretations are binding law but they are not. They are
16 not fixed by statute, regulation, or formally adopted rule, but instead exist as changeable
17 website content that may be (and has been) revised at any time *without* notice, public
18 participation, or legislative or regulatory approval.

19 5. Plaintiffs acknowledge water conservation is *critical* to the future
20 sustainability of the Las Vegas Valley and fully support thoughtful, resident-serving efforts
21 to promote conservation and environmental stewardship. But such initiatives must be done
22 with appropriateness, reasonability, a mindful regard for community well-being, and in
23 compliance with Nevada law, and must not violate residents’ constitutionally protected rights.
24 AB 356 only allows SNWA to *facilitate*, not force removal of non-functional turf, and only

25 ² See Minutes of the Senate Committee on Natural Resources, Nevada Legislature 81st Session, May 11, 2021 where
26 Assemblyman Watts testified “AB 356 is not intended to target common areas in communities... green spaces in
27 multifamily developments...”; see also minutes from Minutes of the Senate Committee on Natural Resources,
28 Nevada Legislature 82nd Session, March 13, 2023 where SNWA representative Andy Belanger testified when
summarizing the AB 220 that he had never “seen a [water bill] this long in [his] entire career” but Section 31 of AB
220 made “*it very clear that the only exemption from the nonfunctional turf requirement is property that is used as a
single-family residence, not property that is zoned.*”

³ For ease of reference, Plaintiff refers to AB 356 and AB 220 collectively as AB 356.

⁴ See Declaration from SNWA/LVVWD award winning arborist and expert witness, Norm Schilling attached as
Exhibit A.

1 in areas that are *not* used as single-family residential areas. But SNWA is stepping well
2 beyond those residential protections and now labeling grass “useless” in areas the Legislature
3 never intended – single-family residential use – the green spaces, homes, parks, and fields
4 where families gather and play.

5 6. SNWA’s turf-removal mandates, tragically unchecked by legal and
6 constitutional safeguards, or even rational care, and are SNWA-centric, costing Las Vegas
7 Valley residents hundreds of millions of dollars, and destroying the Valley’s valuable tree
8 canopy that serves the residents.

9 7. This overreach does not stop with removal of “functional” turf. Plaintiffs’
10 initial investigations reveal that Defendant and its members have spent and/or committed
11 more than \$70,000,000 of public funds (presumably from fines SNWA’s member agencies
12 charge residents) to fuel *public-funded* fear-mongering, shame, and propaganda campaigns to
13 unlawfully seize unchecked power and kill what makes the Las Vegas Valley green: trees and
14 the grass that is vital to trees’ survival.

15 8. Turf surrounding the Valley’s trees serves a critical function – and is far from
16 useless. Fewer than 10 percent of trees in the Las Vegas Valley survive the removal of their
17 grass cover.⁵

18 9. Yet, Defendant’s definition of nonfunctional turf shockingly omits any
19 consideration that grass removal will kill trees. And Defendant’s definition of functional or
20 nonfunctional omits any discussion of whether the grass removal will threaten a tree.

21 10. SNWA’s power is unchecked, and residents lack any due process to protect
22 themselves.

23 11. As a result, Defendant’s policies have created a valley-wide graveyard of dead
24 trees that, unless stopped, will continue to grow and take decades to recover—if at all.

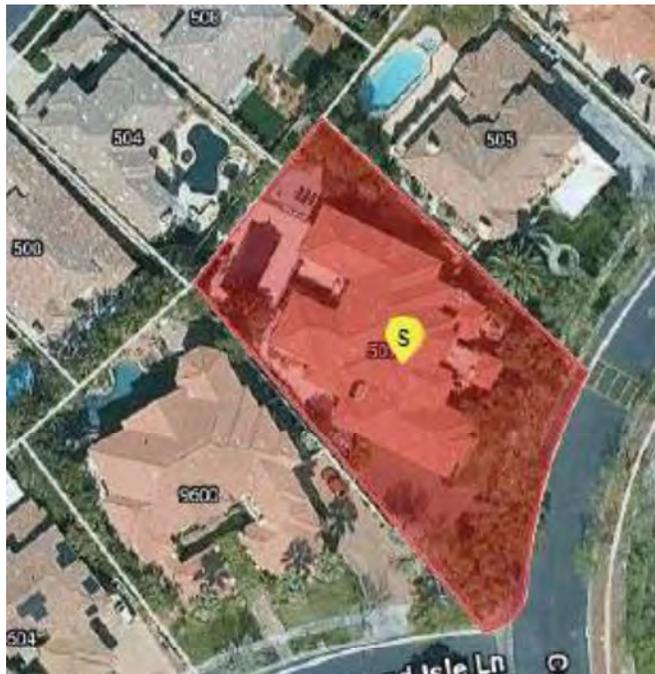
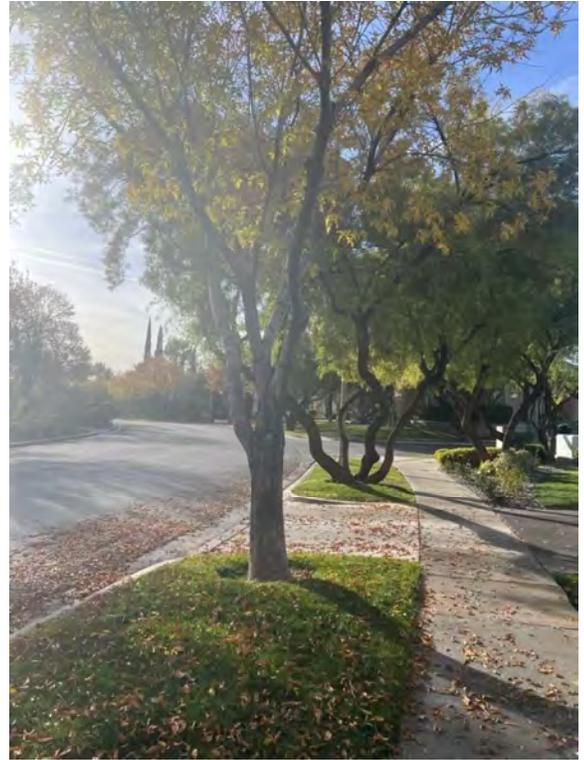
25 12. Defendant’s abusive wielding of this unconstitutional law must be stopped
26 *immediately* before more trees die and the Las Vegas Valley becomes a desert wasteland.

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⁵ See Declaration from SNWA/LVVWD award winning arborist and expert witness, Norm Schilling attached as Exhibit A.

1 property. For that reason, SNWA has deemed the grass surrounding and protecting Ms.
2 Snyder's beautiful trees "useless" grass that must come out.

3 18. If the grass is removed, her front yard trees *will* die.



27 19. What is now a beautiful, useful, and value-adding oasis will become barren
28 and exposed. Removal will increase her energy costs and erase the value and joy of her home.

1 Fearing fines if she delays, Snyder feels trapped by confusing and ambiguous SNWA policies
2 that ignore the real-life ecosystem of residential landscapes. Her dream yard will become a
3 stark reminder of bureaucratic overreach without any recourse for everyday single-family
4 homeowners like her.

5 20. Snyder and her attorneys sent a letter to SNWA on November 25, 2025, raising
6 the concerns.

7 21. SNWA never replied.

8 22. Apparently, under SNWA’s adjustable rules, residents have no rights to their
9 own property.

10 **B. Plaintiff Alexander Nill**

11 23. Plaintiff Alexander Nill, individually and as managing member of Guberland
12 LLC, is a homeowner and investor in the vibrant Stallion Mountain community, where cool
13 front yards with healthy grass and shady trees create a welcoming oasis in the desert heat.

14 24. As the managing member of Guberland LLC, and individually, Nill owns
15 homes in the Links Subdivision, and has been directly harmed by SNWA’s interpretation and
16 coercive implementation of AB356 and AB 220. The Stallion Mountain HOA, pressured by
17 SNWA’s ambiguous “nonfunctional” versus “functional” turf designations and threats of
18 excessive-use charges or other penalties, ceased proper landscape maintenance—including
19 regular watering, fertilization, and weed control—citing water restrictions stemming from
20 Defendant’s policies. This forced neglect has caused significant deterioration of the
21 landscaping across Guberland LLC’s properties

22 25. As a direct result, two mature trees on Guberland LLC’s properties have
23 already been cut down, with additional trees marked for removal due to stress and decline
24 following the loss of protective grass cover. The properties’ once-thriving lawns have
25 withered into weeds or bare soil, rendering portions unusable and unsightly.

26 26. The HOA’s directives have compelled the conversion of five of Guberland
27 LLC’s six properties to desert landscaping to comply with SNWA’s turf-removal mandates.
28 Two smaller lots have already been converted at an out-of-pocket cost of approximately
\$1,200 each. The remaining three properties are significantly larger and will require
substantially higher conversion costs. Only one property will be spared from conversion.

1 27. Further compounding the financial harm, one property has deteriorated to such
2 an extent due to the lack of maintenance that it is no longer eligible for SNWA’s own turf-
3 conversion rebate program, resulting in additional out-of-pocket expenses that would have
4 been offset by the rebate.

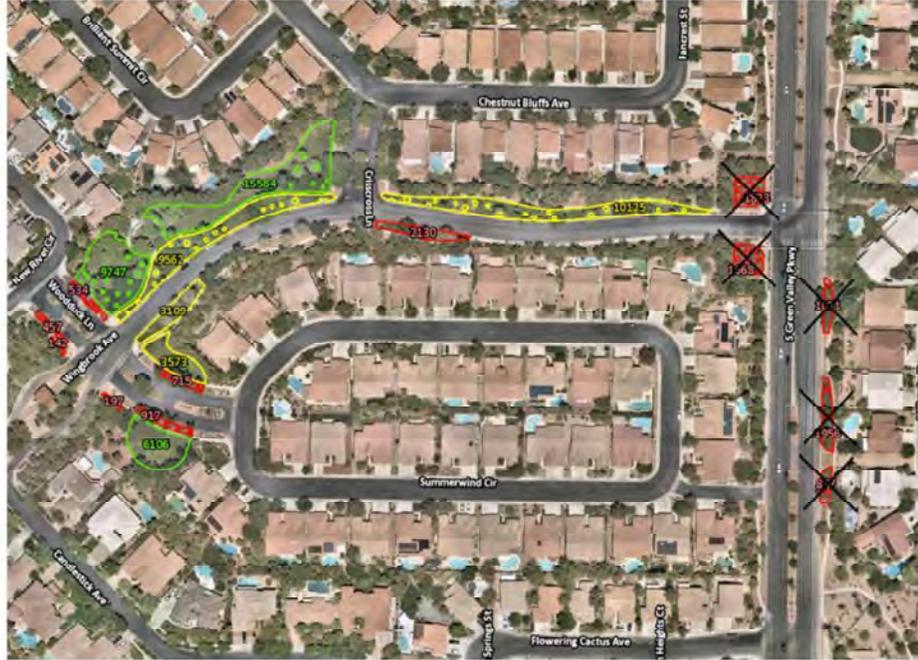
5 28. Nill estimates that at least 200 families in the Stallion Mountain community
6 face similar harms, as SNWA’s overreach—through vague and ambiguous interpretations of
7 “functional” versus “nonfunctional” turf—has pressured HOAs valley-wide to stop watering
8 and maintaining community green spaces, stripping away the greenery that defined their
9 neighborhoods, reducing property values, and imposing significant conversion and
10 remediation costs.

11 **C. Plaintiffs Jenny-Lynne and Mark Edington Family**

12 29. Plaintiffs Jenny-Lynne and Mark Edington and their boys have enjoyed their
13 home in The Estates at Green Valley Ranch in Henderson since 2012. They picked their home
14 because they wanted to live close to the community park’s playground. The playground is
15 shaded by towering trees and soft grass. It has been the backdrop for countless playdates,
16 lemonade stands, picnics, and family memories for them and their sons.
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1 30. Defendant has marked a total of 162,082 square feet of the grass in the
 2 Edington family’s neighborhood as “nonfunctional”— even grass in a park, with a playground
 3 and trees for shade is allegedly “useless”.

4 Green Valley Ranch Community Assoc
 1939 KACHINA MOUNTAIN DR



SOUTHERN NEVADA
 WATER AUTHORITY



Legend

Red outline	Non-Functional	5,092
Yellow outline	Non-Functional w/o Mod	26,369
Green outline	Functional	
Blue outline	Subject to 150 sqft/unit Allocation	

Estimated Areas

Total Area
 431697 SQFT

Non-Functional
 107647 SQFT

Functional
 269615 SQFT

**Non-Functional w/o
 Modification**
 54435 SQFT

15 31. Currently, the functional grass (misabeled as useless) will be removed January
 16 15, 2026, to comply with AB 356.

17 32. The Edington family and their neighbors each are at risk of losing dozens
 18 more irreplaceable 40 to 60 foot, 40-year-old trees in and around parks, play areas, and
 19 recreational zones.



1 33. Children regularly use this area to set up neighborhood lemonade stands, sell
2 cookies, and children’s art.

3 34. The dog owners in the neighborhood meet every morning to let their dogs
4 mingle and play.

5 35. Mr. Edington serves on the local HOA board at The Estates at Green Valley
6 Ranch and has fought hard to preserve the community park’s beautiful, highly functional
7 grass and trees.

8 36. SNWA designated the grass immediately adjacent to the park and throughout
9 the neighborhood as useless and nonfunctional turf.

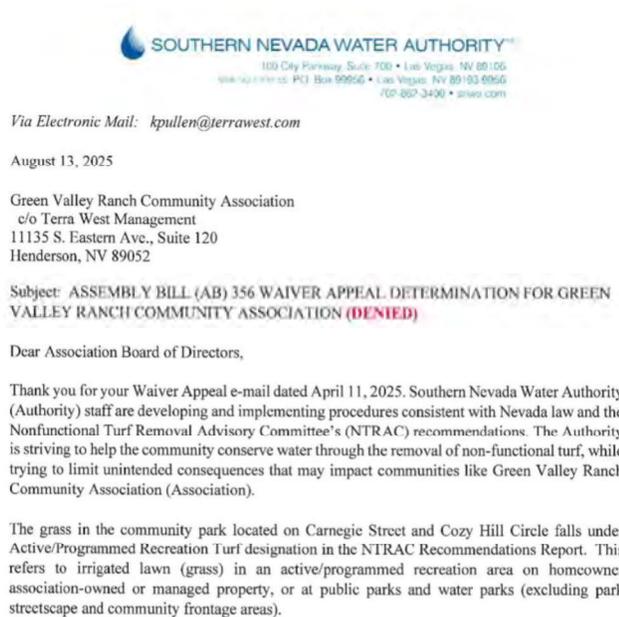


19 37. The master HOA, the “Green Valley Ranch Community Association” applied
20 for a waiver to keep the supposedly “useless” grass, only to be flatly rejected – even though
21 it includes grass and trees for a *playground*.

22 38. The Edingtons and their local HOA “The Estates at Green Valley Ranch” were
23 sure SNWA would reconsider its “useless” grass designation because the grass next to the
24 playground meets the requirements necessary to be deemed “functional” even under SNWA’s
25 rules.

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1 39. Their waiver application was denied by SNWA without a hearing – even
2 though the designated area includes grass and trees for a *playground* and is daily used for
3 lemonade stands, picnics, gatherings, and as a dog park run.⁶



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14 40. Undeterred, the HOA appealed, but SNWA denied them again without due
15 process, leaving them feeling utterly powerless in a process that seems rigged and futile. The
16 impending removal threatens the survival of dozens of mature trees that shade the playground
17 and neighborhood, diminishing the area’s recreational value and increasing heat exposure for
18 families and children.

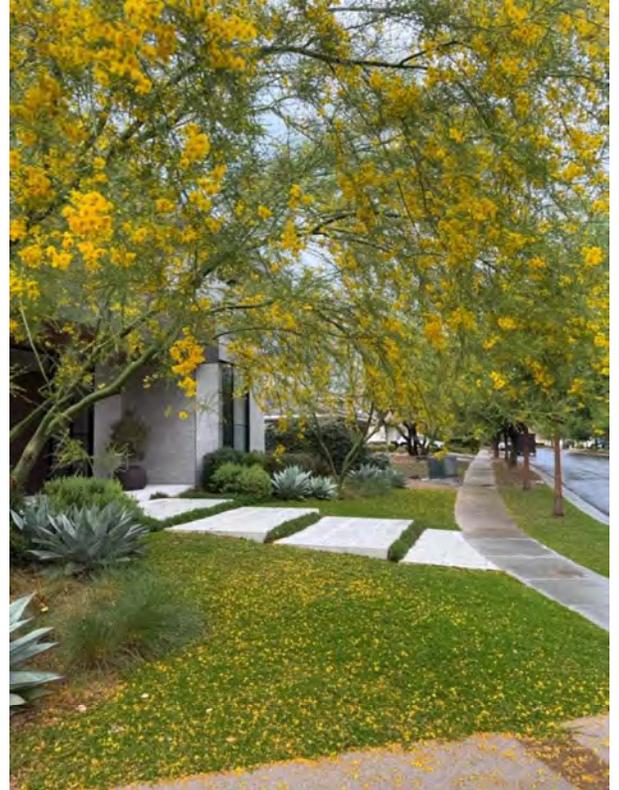
19 41. Now, with essential “functional” grass removal slated for mid-January 2026,
20 those irreplaceable trees are at risk – like the more than 100,000 dead trees before them.

21 42. The HOA was coerced by SNWA’s threats of fines and subjective and
22 irrational rules.

23 43. Like Plaintiff Snyder, SNWA has determined the trees in front of the
24 Edingtons’ home must also go for the same unlawful reason (i.e., SNWA claims homeowners
25 do not own trees in front of their single-family residence because they are not exclusively
26 “used” as a single-family residence) (additional photos are attached as **Exhibit C**).

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⁶ The park has a “pick up after your pet” plastic bag dispenser and trashcan for dog waste. This is of note because one of SNWA’s “functional” uses is dog parks/runs.

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44. For the Edingtons, this is not just policy; it is personal heartbreak, robbing their children and neighbors of a safe, cool space to play, depressing their property values, and increasing cooling costs, while highlighting how fluid bureaucratic rules and overzealous agencies that attempt to enforce them can destroy community treasures without considering the profound loss of enjoyment of life and property value – without due process – for generations to come.

45. The Edingtons’ HOA (fearing Defendant’s unlawful fines) has already removed so much turf that its headline announcement in its December 2025 Community Newsletter was about a new \$10 monthly assessment for replacing all the “dead, dying, and diseased trees in our community!”

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ESTATES AT GREEN VALLEY RANCH OWNERS ASSOCIATION

December 2025



BOARD MEMBERS

PRESIDENT:
Irwin Simon

VICE PRESIDENT:
W. Tracy Hankins

SECRETARY
Brenda Grasso

Trees in the Community

We are pleased to announce a large scale tree project is about to begin to remove dead, dying and diseased trees in our community! We also have a plan moving forward to address other tree removals in the next two to three years.

The board has decided to implement a \$10 a month assessment that will be set aside and strictly used to replace trees.

The board understands this is a busy time for all, but have been advised by professionals that this is a great time to plant trees, even though not the best timing for the Holiday Season.



D. Millions of Others Throughout the Las Vegas Valley

46. Plaintiffs' plights represent the tragedy SNWA is causing for millions of Valley residents harmed by SNWA's unconstitutional abuse and overreach.



1 47. Public spaces like the large parks in Summerlin, Henderson, and North Las
2 Vegas, are being turned into eye sores, a tortured mix between “no grass” and “unnatural
3 rock” like the Cottonwood Tree Park in Summerlin where SNWA has forced the removal of
4 what it unilaterally deemed “useless grass” rendering once open, inviting public spaces
5 unusable, heat-absorbing, and insect-attracting eyes sores, where trees shrivel and die after
6 the allegedly nonfunctional grass has been replaced with objectively useless rock.

7 48. Thanks to SNWA’s unlawful conduct, the grass where families used to play
8 with their children and pets has become a wasteland where few dare venture because of the
9 risk of rock and heat. Many other parks throughout the Valley have already suffered the same
10 destruction at SNWA’s hands (additional photos are attached as **Exhibit D**).

11 **III. RELEVANT NON-PARTIES**

12 49. SNWA members include: (i) Las Vegas Valley Water District (“LVVWD”);
13 (ii) City of Las Vegas Department of Public Utilities; (iii) City of North Las Vegas Utilities
14 Department; (iv) City of Henderson Department of Utility Services; (v) Big Bend Water
15 District (Laughlin); (vi) Clark County Water Reclamation District; and (vii) Virgin Valley
16 Water District (Mesquite).

17 50. LVVWD is a Nevada political subdivision created by statute, headquartered in
18 Clark County, Nevada, and conducting its governmental operations within this judicial
19 district.

20 51. Nevada Legislature created LVVWD as a special-purpose municipal entity in
21 1947 under the Las Vegas Valley Water District Act, chapter 167, Statutes of Nevada 1947,
22 as amended (the “WD Act”). *See* WD Act § 5.1; *see also Roberts v. Las Vegas Valley Water*
Dist., 849 F. Supp. 1393, 1395 n.1 (D. Nev. 1994).

23 52. Henderson Department of Utility Services (“HDUS”) is a Henderson City
24 municipal subdivision created by statute, headquartered in Clark County, Nevada, and
25 conducting its governmental operations within this judicial district.

26 53. LVVWD, HDUS, and the other SNWA members are not regulated by the
27 Public Utilities Commission of Nevada (“PUCN”). LVVWD, HDUS, and the other SNWA
28 members cooperate with each other and are each subject to SNWA rules and policies.

IV. JURISDICTION AND VENUE

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2 54. Plaintiffs are residents of and real property owners in Nevada, with their
3 principal places of residence in Clark County, Nevada, and have lost and risk loss of turf and
4 trees in and around their residences.

5 55. This action arises under the Nevada Constitution, the laws of the State of
6 Nevada, and the common law of Nevada, including but not limited to claims for declaratory
7 and injunctive relief, *ultra vires* acts, and violations of statutory and fiduciary duties by public
8 entities and officials.

9 56. This Court has subject matter jurisdiction over this action pursuant to Article
10 6, Section 6 of the Nevada Constitution, which vests the district courts with original
11 jurisdiction in all cases in equity and in all cases at law which involve the legality of acts of
12 public officers, agencies, or political subdivisions.

13 57. This Court further has jurisdiction pursuant to NRS 13.030, as Plaintiffs seek
14 equitable relief and judicial review of unlawful governmental action, including declaratory
15 and injunctive relief against Nevada political subdivisions and public officials acting under
16 color of state law.

17 58. Venue is proper in this Court pursuant to NRS 13.040 and NRS 13.050,
18 because a substantial portion of the acts and omissions giving rise to Plaintiffs' claims
19 occurred in Clark County, Nevada, and because Defendant conducts business, maintains
20 offices, and exercises governmental authority within Clark County.

21 59. Defendant SNWA is a regional water authority formed pursuant to Nevada
22 law, headquartered in Clark County, and exercising governmental authority within this
23 judicial district.

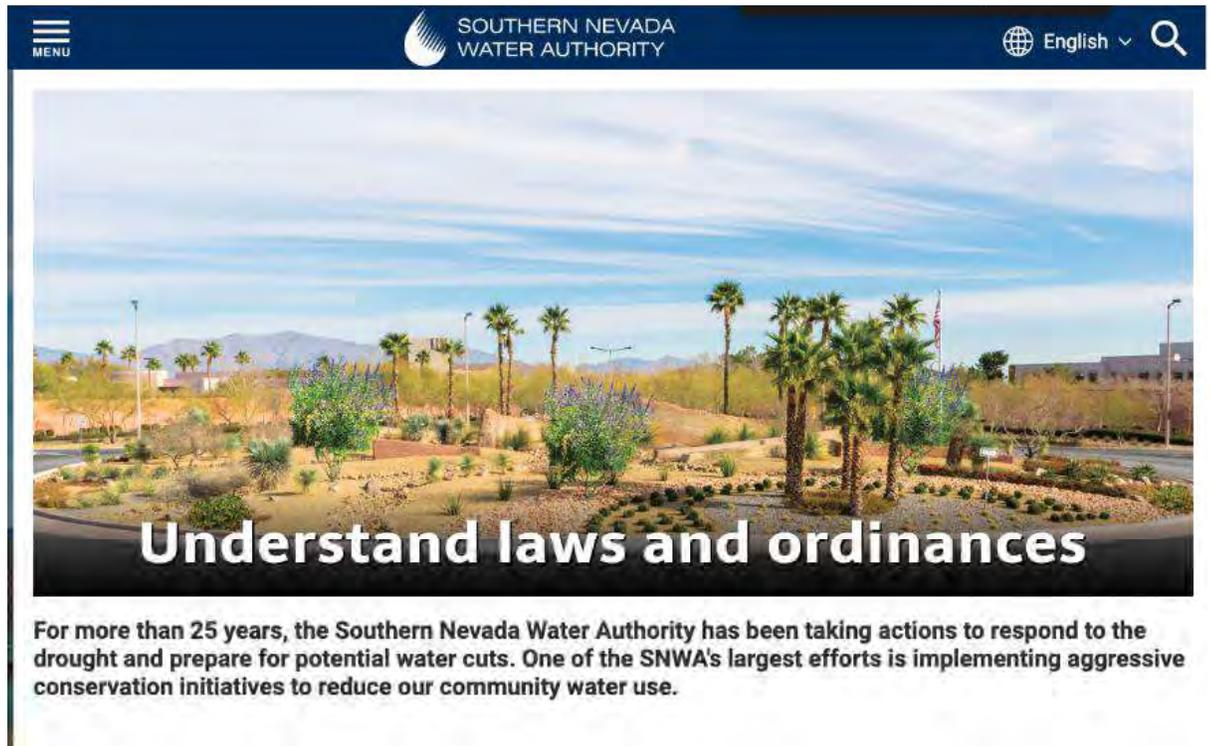
24 60. The challenged acts and omissions occurred in Clark County and were directed
25 at, and caused harm to, Nevada residents within this district.

26 61. This Court has personal jurisdiction over all parties because each resides in, is
27 domiciled in, conducts substantial governmental operations in, or committed the acts
28 complained of within Clark County, Nevada.

V. ADDITIONAL BACKGROUND

62. SNWA was never intended to police grass. They were created by statute to protect and serve the water needs and rights of Las Vegas Valley residents. Unfortunately, SNWA has suffered mission drift. Instead of serving Valley residents, Defendant has become an agency that polices, tickets, and abuses those they are statutorily charged to serve.

63. SNWA’s website claims its sole role is *not* to serve or protect residents but instead to “implement[] aggressive conservation initiatives” [OBJ] to prepare for “potential water cuts.”⁷



64. But as explained below, the Nevada Legislature never authorized the type of “aggressive” conduct that Defendant has initiated against the Valley’s residents and so-called nonfunctional turf.

65. Rather, SNWA was created to allow its seven member agencies to operate cooperatively, by sharing resources – with limited enforcement power resting in the respective member agencies – not SNWA.

⁷ Available at <https://www.snwa.com/conservation/understand-laws-ordinances/index.html> last visited December 31, 2025.

1 66. The Nevada Legislature never empowered (and still has not empowered)
2 SNWA to be the enforcement mechanism for water conservation.

3 67. It is true SNWA was empowered to educate consumers on conservation, and
4 provide rebates and incentives, but that does not extend to the power to enforce police or
5 control consumer behavior with aggressive campaigns, fines and police like tactics.⁸

6 68. Likewise, SNWA was never empowered to enforce the plan to ensure
7 nonfunctional turf was removed.

8 69. Even so, in or around September 2022, SNWA began sending letters like the
9 one below directing the removal of “nonfunctional, decorative grass by the end of 2026.”

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⁸ See e.g. Seven local governments including Las Vegas created SNWA as a political subdivision on July 25, 1991, by a cooperative agreement pursuant to NRS 277.080–277.180 (the “WA Act”);



If you are a single-family residential property or have replaced your grass with artificial turf, kindly disregard this letter

September 2022

Dear Neighbor:

I am reaching out to you because satellite imagery indicates your property has grass, some or all of which may be subject to removal under a new law. Last year, the Nevada Legislature passed Assembly Bill 356 which prohibits using water delivered by Water Authority member agencies to irrigate nonfunctional, decorative grass by the end of 2026 except for single-family residential homes. This new law applies to businesses, homeowners' association common areas, apartment/condominium complexes, and other types of property. The rules regarding the removal of non-functional grass were developed by a citizens committee.

The Colorado River – Southern Nevada's primary water supply – is enduring a long-term drought that has depleted reservoir storage by more than *nine trillion gallons* since 2000. Communities all over the Southwest are ramping up water conservation efforts in response, and ours is no exception. The Southern Nevada Water Authority (SNWA) is working to help our community replace purely ornamental, decorative grass with drip-irrigated landscaping that uses up to 75 percent less water.

The first step in complying with the law is to contact the SNWA so we can map your property and outline which grass areas need to be removed and converted to drip-irrigated plants and trees, artificial turf, or other material. Please visit snwa.com or call **702-862-3740** to get started. We can also share information about available resources, including our cash incentive program to help reduce your initial outlays, a low-interest loan program that may be available to many property owners, and presentations to your board members, residents, and/or tenants.

By the end of 2026, all non-functional grass can no longer be irrigated. However, we encourage you to begin preparing for your conversion now while the Water Smart Landscapes incentive, which provides up to \$3 per square foot for water-efficient landscape upgrades, is still available and before contractor and plant material prices increase due to higher demand.

Additional information about both the new law and the SNWA's Water Smart Landscapes incentive program is available at snwa.com. While online, you can also request a map of your property's grass to help your planning efforts. If you no longer have grass on this property, or if you believe your property's grass is not subject to AB 356, please email AB356@snwa.com with the address and any other pertinent information. We appreciate your cooperation, and we look forward to working with you.

Respectfully,

J.C. Davis
Manager, Enterprise Conservation

If you are a single-family residential property, please disregard this letter.

SNWA MEMBER AGENCIES
Big Bend Water District • Boulder City • Clark County Water Reclamation District • City of Henderson • City of Las Vegas • City of North Las Vegas • Las Vegas Valley Water District

70. AB 356 and AB 220 never gave SNWA this duty, power or role of enforcement.

71. Rather than serving and protecting residents' water needs and rights, Defendant (and its member agencies) now punishes and fines residents for using "too much water," uses unlawful means to pressure property owners (e.g., residents, homeowners' associations) to tear out functional grass that protects trees from yards, playgrounds, and parks, and in the process has killed more than 100,000 trees through these aggressive and unlawful policies and practices.

1 72. Defendant wields AB 356 as a weapon to impose fines against residents,
2 communities, churches, parks, and HOAs if they fail to remove functional residential grass,
3 including grass that is essential to the survival of thousands of beautiful trees throughout the
4 Valley, even though AB 356 expressly protects single-family residences, requires the
5 preservation of functional turf, and says nothing about killing the Las Vegas Valley's trees to
6 save water.

7 73. In addition to these letters, Defendant and its member agencies like LVVWD
8 troll Las Vegas Valley neighborhoods in co-branded police-like patrol cars with the motto
9 "Don't Waste Water. It's the Law." emblazoned on the back, and Defendant's logo, issuing
10 water warnings to punish residents into compliance and change public behavior.

11 74. Defendant and its member agencies have no lawful authority to police,
12 threaten, or enforce AB 356's requirements: the statute expressly limits SNWA's role to
13 "develop[ing] a plan to identify and facilitate the removal of existing nonfunctional turf"
14 within its service area.



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23 Photo taken 9/2025



Photo of SNWA/LVVWD patrol car, courtesy of

24 NPR.org⁹

25 75. Defendant and its member agencies, in concert and under the direction of John
26 Entsminger, empowered by an unconstitutional AB 356, have anointed themselves the water

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28 ⁹ See <https://www.npr.org/2025/08/28/nx-s1-5518196/las-vegas-drought-water-patrol-conservation> see also <https://knpr.org/2025-08-20/las-vegas-turns-to-water-patrols-one-of-many-conservation-efforts-in-the-thirsty-mountain-west>

1 legislature, enforcer (aka police), judge, jury, and executioners to engage in *ultra vires*
2 actions, forcing the removal of functional grass via unlawful threats, leaving thousands of
3 trees for dead all across the Las Vegas Valley.

4 76. Under Nevada law, SNWA cannot and does not have the power to create,
5 interpret, enforce, and finally adjudicate the law under AB 356, specifically whether grass is
6 functional or nonfunctional and must be removed. Such an unchecked combination of power
7 is facially unconstitutional. SNWA’s abusive misconduct that is destroying the Valley’s trees
8 and stripping hundreds of millions of dollars in private property value highlights why the
9 Constitution prohibits such consolidated power.

10 77. Defendant was originally empowered to procure and provide water, educate
11 residents, and educate users on conservation¹⁰, but SNWA has corrupted this laudable mission
12 and anointed itself water overlord, patrolling Las Vegas Valley streets in marked enforcement
13 vehicles, issuing citations, shaming and punishing residents, to extract up to \$100,000,000
14 from Valley residents via so-called excessive-use charges and fines.

15 78. Defendant has taken a good and necessary cause—water conservation—and
16 used it to wage an unconstitutional, irrational war against 1,000 acres of so-called “useless
17 grass”¹¹ and have killed more than 100,000 trees as collateral damage.

18  MENU  SOUTHERN NEVADA
WATER AUTHORITY  English 

19 **Does this mean you'll show up at my house to remove my grass?** 

20 No. The legislation doesn't include single-family residential homes that have grass in the back or front yard. We estimate
21 that approximately **1,000 acres of nonfunctional turf remains at residential properties**—primarily front-yard grass.
22 However, we encourage residents to voluntarily convert any unused grass to drip-irrigated, desert-friendly plants and trees,
and we offer a cash incentive to help offset those costs.

23 79. Defendant wages this destructive, punitive war against Valley residents under
24 the pretense of its statutory duty to educate the public about water conservation.

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27 ¹⁰ See e.g. Las Vegas Valley Water District Act, chapter 167, Statutes of Nevada 1947, as amended (the “WD Act”)
28 see WD Act § 5.1; later seven local governments including Las Vegas created SNWA as a political subdivision on
July 25, 1991, by a cooperative agreement pursuant to NRS 277.080–277.180 (the “WA Act”);

¹¹ Available at <https://www.snwa.com/conservation/understand-laws-ordinances/index.html> last visited December 31,
2025.

1 80. Section 14 of the Defendant’s enabling statute, does give them the authority to
2 “Develop and distribute information promoting education and the conservation of
3 groundwater in the Basin”.¹²

4 81. But this authority only extends to groundwater, not river water. And Defendant
5 is not just “promoting education and conservation” to residents, they are coercing and
6 shaming them with sensational YouTube Videos like these declaring “useless grass is illegal.”
7 And by “useless” grass, SNWA means nonfunctional turf as contemplated by AB 356. To
8 seize this unlawful authority, SNWA has raised its “service rules” to the status of law and
9 claims in its marketing that nearly all grass valley wide as nonfunctional turf and, thus, illegal
10 under AB 356.



21 82. But all grass is *not* illegal (or useless).¹³

22 83. Alarmingly, only SNWA gets to decide what “useless” turf means without any
23 meaningful ability to challenge that decision. Which is one reason why SNWA’s definition
24 of “non-functional” is ever changing, and ranges from merely “decorative” to “useless” to
25 “wasteful” without any legislative direction, input or safeguards.

27 _____
28 ¹² See Southern Nevada Water Authority Enabling Act, Chapter 572 of the Statutes of Nevada 1997
available at https://www.leg.state.nv.us/SpecialActs/71-SNevadaWaterAuthority.html?utm_.com

¹³ If useless grass was “illegal” SNWA wouldn’t need to offer incentives to encourage people to replace it.

1 84. This is the case even though (a) the Nevada Legislature *expressly* required
2 SNWA to *protect* single-family residential grass in AB 356 and (b) as detailed below, SNWA
3 is statutorily bound under Dillon’s rule (codified at NRS 268.001) to protect Valley residents’
4 current water usage.

5 85. SNWA has ignored these legal requirements and instead views AB 356 as a
6 license to kill grass (and by extension, trees) *anywhere* in the Las Vegas Valley except for
7 small areas immediately surrounding single-family homes.

8 86. According to SNWA, grass located in existing parks, private yards,
9 community areas, churches, school fields, and play areas is all nonfunctional or useless.

10 87. But residents were expressly exempted by the legislature, and because there is
11 no appeal process for residents, Plaintiffs and others around the Las Vegas Valley have no
12 way to protect trees in their front yards, parks, schools, and community areas.

13 88. As shown in screen shots from SNWA’s website, once SNWA has deemed
14 grass nonfunctional or “useless”, only “establishments” (not residents) may seek a waiver to
15 protect the grass and trees.¹⁴



Additional Functional Turf Definitions

The following are abbreviated definitions. For a complete list of definitions and clarifications, visit snwa.com.

Active/Programmed Recreation Turf: Grass used for recreation that is 1,500 contiguous square feet or greater; co-located with facilities; located at least 10 feet from a street or interior-facing parking lot.

Athletic Field Turf: Grass used for sports or physical education that is 1,500 contiguous square feet or

Waivers

Any **establishment** may apply for a waiver for functional turf that provides a recreational benefit to the community and meets the functional turf definition.

For information about the waiver process, visit snwa.com.

Waiver applications must demonstrate turf substantially complies with the Functional Turf definition as indicated by:

24 89. What are the “establishments” SNWA acknowledges?
25
26
27

28 ¹⁴ Available at <https://www.snwa.com/apps/watersmart-landscape-commercial-waiver/index.cfm?step=start>, last visited December 31, 2025.

1 90. As depicted on Defendant’s website below, they will only entertain appeals
2 from: (i) “Homeowner’s Association”, (ii) “Apartment/Fourplex/Triplex/Duplex”, or (iii)
3 “Commercial or Golf Course” entities as shown on SNWA’s website.¹⁵



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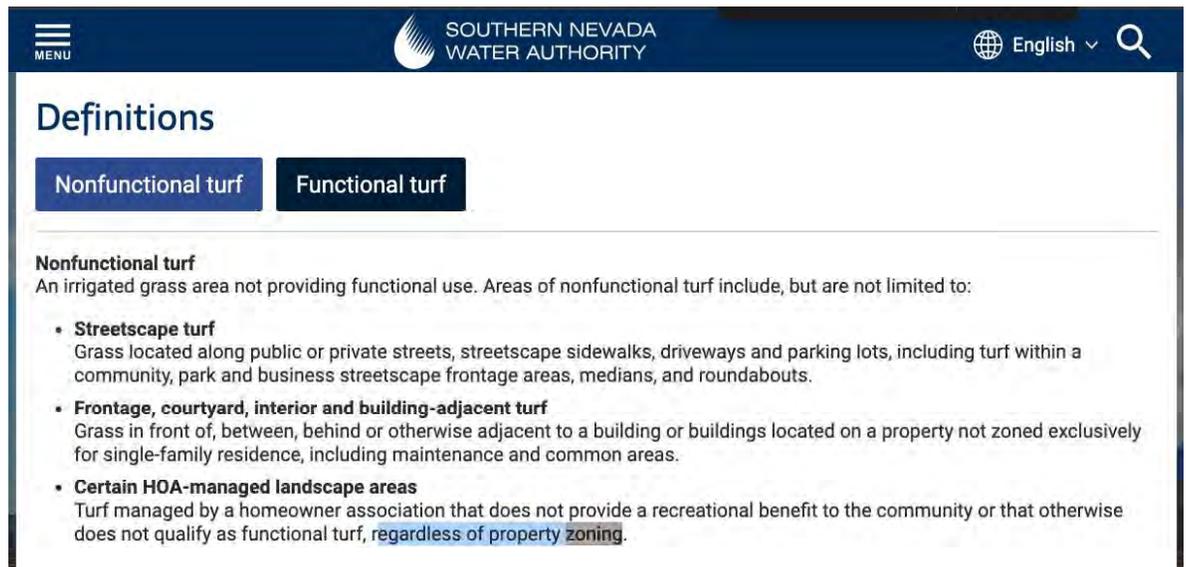
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12 91. Defendant’s unlawful overreach is so outrageous, they even explicitly state
13 that they have authority over grass regardless of zoning.¹⁶



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23 92. In doing so, Defendant’s “service rules” that were not approved by the
24 Legislature claim priority over state, county, and city property rights and laws and
25 constitutional protections.

26

27 ¹⁵ *Id.*

28 ¹⁶ Available at <https://www.snwa.com/conservation/understand-laws-ordinances/index.html> last visited December 31, 2025. AB220 explicitly amended the language of AB356 from: “parcel of property that is not zoned for single-family residence” to “parcel of property that is not used exclusively as a single-family residence” but this too is subjective and irrational and overrides property rights and values without protections or seizure rights.

1 93. This overreach is so extensive, Las Vegas Valley residents are not allowed to
2 protect the trees in front of their own homes—on their personal real property—if their HOA
3 maintains the property.

4 94. The Nevada Legislature did not create these rules that SNWA claims are the
5 law in its supposed educational materials. A Nevada regulatory agency did not interpret these
6 laws into the Nevada Revised Statutes or Nevada Administrative Code. Rather, these alleged
7 “laws” are merely “service rules” Defendant and its member agencies now improperly call
8 laws.¹⁷

9 95. And even then, the key provisions, like the definition of “functional” and “non-
10 functional turf” are not in SNWA’s “service rules.” Rather, SNWA’s service rules merely
11 “define” these terms by incorporating SNWA’s website. As such, the definitions are invalid
12 (or non-existent) because they were never properly promulgated.

13 96. Nevada law, AB 356 included, does not authorize Defendant to unilaterally
14 define and decide whether grass serves a function regardless of its location, especially without
15 adequate due process via an appropriate appeals process.

16 97. It is true that AB 356 and AB 220 modified the Conservation of Colorado
17 River Water Act available at Chapter 364, Statutes of Nevada 2021 to reference the idea of
18 non-functional turf and provide for plan and a deadline of December 31, 2026. But nowhere
19 does the new law give SNWA the authority to enforce, or penalize non-enforcement.¹⁸

20 98. And nowhere in AB 356 or AB 220 does the legislature define the terms
21 “functional” or “nonfunctional” turf.

22 99. Without clear authority, Defendant is breaching its fiduciary duties to the State
23 of Nevada, violating Nevada law (including AB 356), threatening residents with
24 misinformation to achieve nominal water savings¹⁹, tearing up grass that cools and protects

25 ¹⁷ As explained below, SNWA has claimed an unlawful delegation of legislative authority, in violation of Nevada’s
26 modified Dillon’s rule, as explained below, and in a gross overreach of their executive functions, have seized
27 legislative authority by creating their rules without legislative oversight, in violation of the separation of powers and
28 required legislative process.

¹⁸ A copy of the Colorado River Conservation Act is available at <https://www.leg.state.nv.us/SpecialActs/63-ConservationColoradoRiverWater.html?.com> last visited January 3, 2026.

¹⁹ SNWA has stated roughly 2% of Nevada’s allocation of the Colorado river water will be saved by AB 356
measures. Some have opined that more water is lost from Lake Mead by evaporation than will be saved by AB 356’s
“non-functional turf” measures.

1 green space that millions of Valley residents use and enjoy, and executing capital punishment
2 on trees across the Valley.

3 100. There will be no Las Vegas meadow or green canopy to enjoy if SNWA is
4 permitted to continue to remove residential grass and kill hundreds of thousands more trees
5 in the weeks and months to come.

6 101. Defendant is robbing the next generations of Valley residents of the benefits,
7 enjoyment, cooling, and shade the prior generations took more than 100 years to carefully
8 create.

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Understand laws and ordinances

For more than 25 years, the Southern Nevada Water Authority has been taking actions to respond to the drought and prepare for potential water cuts. One of the SNWA's largest efforts is implementing aggressive conservation initiatives to reduce our community water use.

Grass restrictions

Replacing useless grass

A law enacted by the Nevada Legislature in 2021 will prohibit the use of Colorado River water delivered by Water Authority member agencies to irrigate nonfunctional grass, beginning in 2027.

The law applies to Southern Nevada commercial, multi-family, government and other properties. It does not apply to grass in single family residences, such as grass in front and back yards.

Cutting back on this grass in our valley will reduce Southern Nevada's Colorado River consumption and protect our community's water supply.

The Water Authority Board of Directors established a citizens advisory committee to help the Water Authority implement the new law. Its activities included defining what constitutes "nonfunctional" grass. [View the Nonfunctional Turf Removal](#)

THIRST QUENCHERS: Nevada's nonfunc...

Watch later Share

Bronson Mack
Public Services Executive Manager

Mike Bernardo
Conservation District Treasurer

OUTDOOR IRRIGATION ON LANDSCAPING REFLECTS

Watch on Youtube

Listen to the full podcast: [THIRST QUENCHERS: Nevada's nonfunctional grass law and alternative grasses help protect community's water supply](#)

1 102. Defendant’s war against what they call “useless” and “nonfunctional” turf has
2 become irrational and sensational.

3 103. As if on a witch hunt, SNWA is more concerned about removing “evil” grass
4 than saving water. This is evident by emails from SNWA employees like Hillery Francis dated
5 April 30, 2024, explaining residents “could remove the nonfunctional grass and retain the
6 existing irrigation system to be compliant with AB 356.”

7 104. In other words, SNWA is more concerned with the witch hunt like removal of
8 grass, not irrigation systems; as if saying they don’t care about saving water, they care about
9 removing “useless” and “non-functional” grass.

10 105. But grass that children, families, and communities play on is “functional” and
11 grass that protects trees (in front of residents’ homes) is not “useless.” Without grass cover,
12 the trees die. Defendant has become more focused with removing plants than saving water or
13 protecting the rights of Las Vegas residents. Such bureaucratic devastation and overreach
14 must be stopped.

15 106. Defendant has pointed to AB 356 to force HOAs to remove “useless grass” by
16 December 31, 2026.

17 107. And Defendant has created marketing campaigns including one called “Team
18 Lake Mead”, paying up to \$70,000,000 (or more) to the NHL Vegas Golden Knights, the
19 MLBAAA Las Vegas Aviators,²⁰ the NFL Las Vegas Raiders²¹ and other celebrity
20 endorsements, to shame “bad” users, and make hundreds of YouTube videos to convince the
21 world their AB 356 rules have the color of law (in Spanish and English).²²

22 108. Upon information and belief, and as can be discerned from public record
23 searches, initial estimates suggest Defendant has spent and/or committed more than
24 **\$70,000,000** in outreach, marketing, and advertising efforts to convince Clark County that
25 watering or having non-functional turf is against the law, including a \$30,000,000 multi-year
26 contract with the Las Vegas Raiders.

27 ²⁰ See <https://www.reviewjournal.com/news/politics-and-government/golden-knights-aviators-join-team-lake-mead-with-new-ad-campaign-3102507/.com> last visited December 31, 2025.

28 ²¹ See <https://thenevadaindependent.com/article/snwa-would-pay-30-million-to-raiders-under-proposed-decade-long-advertising-contract-for-water-conservation.com> where SNWA offered the Raiders \$30,000,000, last visited December 31, 2025.

²² See https://www.youtube.com/watch?v=NzHT_WY5e-U featuring Spanish singer/actor/model Neise Cordeiro.

1 109. These advertisements maintain that under the color of AB 356, all streetscape
2 grass must be removed – even if it is regularly enjoyed by Las Vegas Valley residents.

3 110. And even if it is owned by residents, within their own property.

4 111. Given this barrage of marketing and media noise, and to avoid fines, and the
5 penalty of Defendant’s alleged law, HOAs valley wide have complied with Defendant’s
6 interpretation and implemented “Mandatory Turf Removal.”

7 112. As shown in the following photos, trees that undergo a “Mandatory Turf
8 Removal” under their canopies die in short order.



15
16 113. In Summerlin alone, thousands of 30–40-year-old trees, including 50–60-foot
17 sycamores, have had their grass removed, and then been left to bake and die—marked for
18 removal with red paint.

19 114. As shown below, because only 10% of trees survive this conversion process,
20 “Mandated Turf Removal” means mandatory tree removal.



26 115. This valley-wide destruction of Las Vegas’s green canopy directed and
27 overseen by Defendant is irrational, costly, irreversible, and most importantly unlawful.
28

1 123. Plaintiffs are informed and believe that at all relevant times other persons and
2 entities existed or acted in concert whose names and capacities are presently unknown and
3 who are therefore designated as DOE INDIVIDUALS and ROE GOVERNMENTAL
4 AGENCIES.

5 124. Each DOE and ROE Defendant is alleged to have participated in, directed,
6 implemented, enforced, or ratified the acts, omissions, policies, or practices challenged in this
7 Complaint, and thus caused or contributed to the injuries suffered by Plaintiffs.

8 125. Plaintiffs will seek leave of the Court to amend this Complaint to substitute
9 the true names and capacities of the DOE and ROE Defendants when ascertained.

10 **VII. GENERAL FACTUAL ALLEGATIONS**

11 126. Las Vegas (aka “The Meadows” in Spanish) has been a green oasis at least
12 since it was first observed by Spanish Mexican explorers in 1829.²³

13 127. Las Vegas has been naturally green due to an undefined amount of
14 groundwater independent of the Colorado River.²⁴

15 128. The Las Vegas Valley’s residents have carefully and lovingly expanded that
16 meadow oasis, filling the Valley with hundreds of thousands of trees over the last 90 years.

17 129. Before the passage of AB 356, Defendant had strict requirements to plant trees
18 for every acre of development to grow a healthy and cooling green canopy over the valley.

19 130. This green canopy lowers temperatures, decreases energy and cooling costs,
20 and improves property values and quality of life and enjoyment.

21 131. Under the auspices of AB 356 and water conservation, Defendant is now
22 killing the ecosystem it took generations to cultivate.

23 **A. HISTORY OF DEFENDANT**

24 132. Water is essential to life and a fundamental property right, and the Nevada
25 Legislature created SNWA to help protect Nevada’s water rights.

26 ²³ Las Vegas, the name given to the area by early Spanish Mexican explorers, means “the meadows” or “fertile
27 plains” due to the area’s artesian wells that supported grassy areas in the middle of the Mojave Desert. *See* Al, Stefan,
28 *The Strip: Las Vegas and the Architecture of the American Dream* (2017); *see also*
https://ponce.sdsu.edu/las_vegas_name.html (last visited Dec. 29, 2025); *Cooperative Agreement Establishing the*
Southern Nevada Water Authority (July 25, 1991) (on file with the Clark County Recorder), authorized by Nev. Rev.
Stat. §§ 277.080–180.

²⁴ *Id.*

1 133. SNWA is a creature of statute, a municipal entity created to serve Las Vegas
2 Valley residents with public utility water service.

3 134. Unlike a private utility monopoly, Defendant is *not* regulated by the Public
4 Utilities Commission of Nevada (“PUCN”). Neither are its seven members.

5 135. On July 25, 1991, seven local governments created SNWA as a political
6 subdivision by a cooperative agreement pursuant to NRS 277.080–277.180 (the “WA Act”);
7 governed by a Board of Directors comprised of representatives from each of SNWA’s
8 member agencies, including LVVWD.²⁵

9 136. Defendant has historically managed up to 300,000 acre-feet of water from the
10 Colorado River.

11 137. Separate from that water, Las Vegas Valley residents have historically pumped
12 more than 71,000-acre feet of water independent of the Colorado River.²⁶

13 138. John Entsminger, Esq. (“Entsminger”) serves simultaneously as General
14 Manager of SNWA and LVVWD and as Nevada’s representative on Colorado River matters.

15 139. Entsminger is paid more than \$600,000 a year in salary and benefits (more
16 than the President of the United States or similar officials in other states like California).²⁷

17 140. Under Nevada’s “modified Dillon’s Rule,” codified at NRS 268.001,
18 Defendant may only exercise powers granted to it by the Nevada Revised Statutes.

19 **B. Legislative History Highlights Residents Are To Be Protected**

20 141. In 2021, Nevada enacted Assembly Bill 356 in response to declining Colorado
21 River water supplies. AB 356 prohibited, with limited exceptions, the use of Colorado River
22 water distributed by SNWA or its member agencies to irrigate “nonfunctional turf” on
23 property not zoned exclusively for single-family residential use beginning January 1, 2027,
24

25 ²⁵ SNWA members are (i) Las Vegas Valley Water District (LVVWD); (ii) City of Las Vegas Department of Public
26 Utilities; (iii) City of North Las Vegas Utilities Department; (iv) City of Henderson Department of Utility Services;
27 (v) Big Bend Water District (Laughlin); (vi) Clark County Water Reclamation District; and (vii) Virgin Valley Water
District (Mesquite). **Plaintiffs reserve the right to seek leave of the Court to add additional member agencies if
and when necessary to provide complete relief.**

28 ²⁶ LAS VEGAS VALLEY HYDROGRAPHIC BASIN 13-212 GROUNDWATER PUMPAGE INVENTORY
CALENDAR YEAR 2024 <https://tools.water.nv.gov/Pumpage%20Inventories/212%20-%20Las%20Vegas%20Valley/212%20-%202024%20-%20Las%20Vegas%20Valley.pdf>

²⁷ <https://www.openthebooks.com/nbc3-salaries-of-nevadas-highest-paid-water-officials/>

1 but AB 356 did not define “functional turf” or “nonfunctional turf.” *See* A.B. 356, 81st Leg.,
2 Reg. Sess. § 39 (Nev. May 11, 2021).

3 142. AB 356 directed SNWA’s Board of Directors to define “functional turf” and
4 “nonfunctional turf” and to develop a plan to identify and facilitate the removal of
5 nonfunctional turf, while also authorizing limited waivers or extensions. *Id.* at 4. The statute
6 also created the Nonfunctional Turf Removal Advisory Committee (“NTRAC”) as a
7 temporary advisory body and directed it to provide written recommendations to SNWA
8 Board. *Id.* at 5.

9 143. Importantly, AB 356 did *not* empower SNWA or its members to remove the
10 “nonfunctional turf”, did *not* authorize SNWA or its members to enforce AB 356, gave them
11 no enforcement authority, and created no penalty mechanism for failure to comply with AB
12 356.

13 144. When AB 356 was presented to the Legislature, both SNWA representatives
14 and legislative sponsors repeatedly assured lawmakers and the public that the bill would
15 protect residential areas and green spaces serving quality of life purposes while pushing
16 conservation. These were not casual remarks but explicit, on-the-record promises about what
17 the legislation would and would not do.

18 145. SNWA's own representatives led these assurances. On May 11, 2021, Andy
19 Belanger testified before the Senate Committee on Natural Resources, explaining that AB 356
20 would only apply to “any property *not* zoned exclusively for a single-family residence.”
21 Minutes, S. Comm. on Nat. Res., 81st Leg., Reg. Sess. at 4 (Nev. May 11, 2021) (emphasis
22 added). In other words, single-family residents were protected. To eliminate any ambiguity,
23 SNWA submitted a proposed amendment specifically to “clarify” that Colorado River water
24 could not be used for nonfunctional turf “on any property not zoned exclusively for single-
25 family residences.” *Id.* SNWA affirmatively sought this clarification to ensure single-family
26 residential areas remained protected, implicitly acknowledging the importance of preserving
27 property rights and assuring protections were in place for resident quality of life.

28 146. SNWA also acknowledged that the vast majority of turf in the Las Vegas
Valley served important residential purposes. Colby Pellegrino, SNWA's Deputy General
Manager for Water Resources, testified that of the 12,600 acres of turf remaining in the

1 Valley, fully "7,600 acres is turf needed for quality of life, recreation and residential use." *Id.*
2 In other words, SNWA's own data showed that more than 60 percent of Valley turf was
3 functional because it served residents' quality of life and recreational needs.

4 147. The bill's legislative sponsor reinforced these protections even more explicitly.
5 Assemblyman Howard Watts assured the Senate Committee that "Assembly Bill 356 is not
6 intended to target common areas in communities" because "[c]ommon areas in these
7 communities are considered functional turf." *Id.* at 10. He clarified that "[g]reen spaces in
8 multifamily developments are not being addressed in the bill" and that the legislation targeted
9 only "[m]edians and other areas serving no purpose." *Id.* Unequivocally community green
10 spaces were functional, protected, and off-limits.

11 148. The testimony from homeowner association representatives confirmed this
12 understanding. Tonya Bates, representing the Community Association Institute Nevada
13 Legislative Action Committee, expressed initial concerns that "not every home is located in
14 areas zoned exclusively for single-family residences" and that "many SNWA customers live
15 in condominiums where the only green space may be the common area." *Id.* Assemblyman
16 Watts directly addressed these concerns, reiterating that "Assembly Bill 356 is *not* intended
17 to target common areas in communities" because "[c]ommon areas in these communities are
18 considered functional turf." *Id.* (emphasis added). These reassurances that residential
19 common areas were protected addressed concerns raised by stakeholders representing
20 homeowner associations.

21 149. In an earlier session, when Assemblywoman Cohen raised concerns about
22 protecting families in multifamily dwellings whose "greenbelt areas may be more functional
23 than for people who live in single houses," Chair Watts assured her that the legislation
24 "specifically addresses nonfunctional turf that is not residential, which includes both single
25 family and multifamily areas." Minutes, Assemb. Comm. on Nat. Res., 81st Leg., Reg. Sess.
26 at 11 (Nev. Apr. 9, 2021). Assemblywoman Cohen emphasized the critical point: "sometimes
27 that turf appears to be just ornamental, yet it is actually more than that for the people who live
28 there." *Id.* The Legislature understood that what might appear decorative to an outside
observer serves vital functions for the residents who live with and enjoy that green space

1 daily. They understood that, absent these protections, they would be harmfully impacting
2 people's homes and properties.

3 150. The legislative record is unambiguous: AB 356 was intended to remove truly
4 wasteful turf (medians, unused commercial strips) while protecting residential green spaces
5 that serve quality of life, recreational, and aesthetic purposes. Only by strictly observing these
6 protections would it truly avoid a harmful effect "on the quality of life for people in Las Vegas
7 Valley." *Id.*

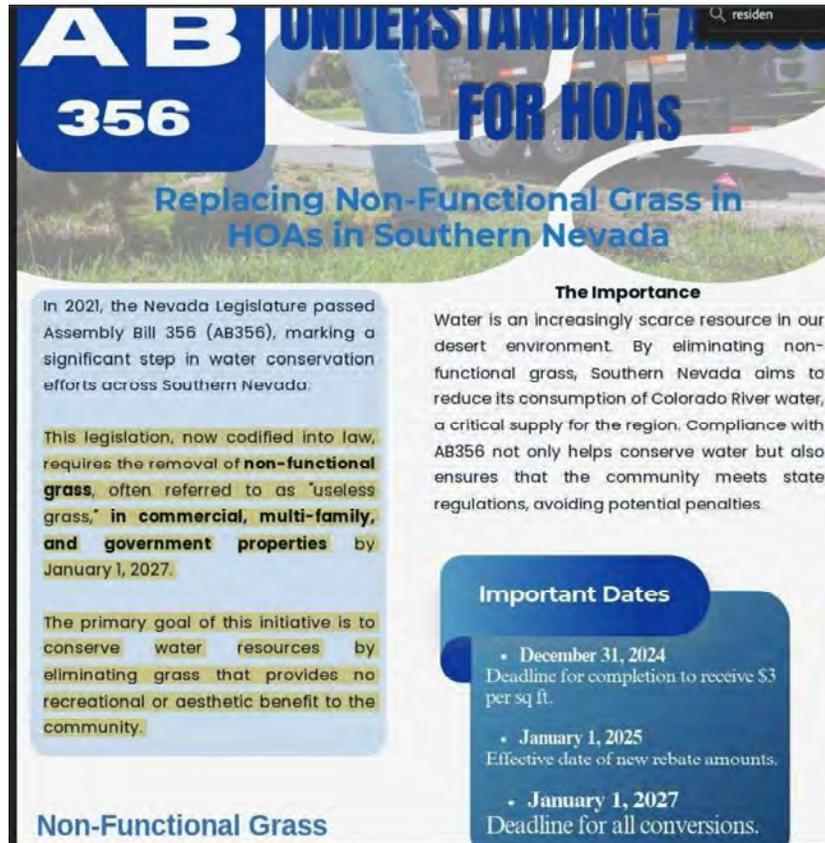
8 151. SNWA reinforced these legislative assurances in public-facing materials. In
9 its "AB 356 FAQ", SNWA addressed the question: "Does this mean you'll show up at my
10 house to remove my grass?" SNWA's answer was clear: "No. The legislation does *not* include
11 single-family residential homes that have grass in the back or front yard." SNWA, AB 356
12 FAQ, Nonfunctional Turf Removal (available at
13 <https://www.snwa.com/conservation/understand-laws-ordinances/index.html>) (emphasis
14 added).



15 Does this mean you'll show up at my house to remove my grass?

16 No. The legislation doesn't include single-family residential homes that have grass in the back or front yard. We estimate
17 that approximately 1,000 acres of nonfunctional turf remains at residential properties—primarily front- yard grass.
18 However, we encourage residents to voluntarily convert any unused grass to drip-irrigated, desert-friendly plants and trees,
19 and we offer a cash incentive to help offset those costs.
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1 152. SNWA’s educational materials consistently described AB 356 as targeting
 2 “non-functional grass... in commercial, multi-family, and government properties” and
 3 eliminating only “grass that provides no recreational or *aesthetic* benefit to the community.”
 4 SNWA, AB 356: Replacing Non-Functional Grass in HOAs in Southern Nevada.



19 153. These public marketing representations mirrored SNWA’s legislative
 20 testimony: residential areas and grass serving recreational or *aesthetic* community benefits
 21 (like residential front yards and greenspaces) were protected.

22 154. But SNWA has not stayed true to these representations. They misled the
 23 Legislature and Nevadans and used ambiguity and vagueness in AB 356 to create confusing
 24 rules to target residential turf.

25 C. The NTRAC Study and Advisory Recommendations

26 155. Between August and November 2021, NTRAC convened public meetings and
 27 issued a written report titled *SNWA Nonfunctional Turf Removal Advisory Committee*
 28 *Recommendations Report* (Nov. 2021). The NTRAC Report was an advisory document
 transmitting proposed definitions and recommended waiver criteria to SNWA’s Board of

1 Directors, consistent with NTRAC’s advisory role under AB 356. *See* A.B. 356 §§ 40–41;
2 SNWA Nonfunctional Turf Removal Advisory Committee, *Recommendations Report* §§ I–
3 III (Nov. 2021).

4 156. NTRAC proposed a restrictive definition of “functional turf,” limiting that
5 term to irrigated grass used for enumerated categories of active or programmed human use,
6 including athletic fields, playgrounds, golf course play areas, limited pet relief areas, and
7 small residential use areas, and recommending that all other irrigated turf be treated as
8 “nonfunctional.” *Recommendations Report* at 8–10 (Nov. 2021).

9 157. The NTRAC Report contains no reference to trees, tree canopy, irrigation-
10 dependent landscapes, the need for turf to protect and preserve existing trees and their root
11 systems, or preservation of existing trees as a factor relevant to defining functional turf or
12 granting waivers. *See id.* (the word “tree” does not appear once in the report; rather discussion
13 focused solely on turf categories and implementation considerations).

14 **D. AB 220 Reaffirmed Residential Protections**

15 158. In 2023, the Legislature enacted Assembly Bill 220, which amended portions
16 of the Conservation of Colorado River Water Act (Chapter 364, Statutes of Nevada 2021)
17 originally enacted through AB 356. AB 220 clarified enforcement provisions and amended
18 Section 39 of the 2021 Act, referencing non-functional turf and establishing a plan with a
19 deadline of December 31, 2026. Again, AB 220 did not supply statutory definitions of
20 “functional turf” or “nonfunctional turf.” *See* A.B. 220, 82d Leg., Reg. Sess. § 31 (Nev. 2023).
21 Critically, AB 220 did not give SNWA, its members, or any other entity the authority to
22 enforce or penalize non-compliance with AB 356 or AB 220.²⁸

23 159. During the AB 220 legislative hearings, SNWA reaffirmed the original
24 protections for single-family residences. Andy Belanger testified that “Section 31 makes
25 minor changes to A.B. No. 356 from the 81st Session to better match legislative intent and
26 clarify that any property or parcel that is *not* used exclusively as a single-family residence is
27 required to remove nonfunctional turf.” Minutes, S. Comm. on Nat. Res., 82d Leg., Reg. Sess.

28 ²⁸ Available at <https://www.leg.state.nv.us/SpecialActs/63-ConservationColoradoRiverWater.html?.com> A copy of
the Colorado River Conservation Act is available at [https://www.leg.state.nv.us/SpecialActs/63-
ConservationColoradoRiverWater.html?.com](https://www.leg.state.nv.us/SpecialActs/63-ConservationColoradoRiverWater.html?.com) last visited January 3, 2026.

1 at 21 (Nev. May 16, 2023). This clarification reinforced the single-family residence protection
2 by extending the protections to any property that was used (not just zoned) as a single-family
3 residence.

4 160. Importantly, SNWA’s own testimony during AB 220 continued to characterize
5 its approach as voluntary and educational rather than mandatory and punitive. Mr. Belanger
6 described SNWA's excessive use charges (which affected only the top 6 percent of water
7 users) in encouraging rather than coercive terms, explaining that SNWA "encourage[s]
8 remaining customers affected by the charge to follow the watering schedule, reduce outdoor
9 watering and consider how much grass they still need." *Id.* (emphasis added). The language
10 of “encourage” and “consider” reflects SNWA's representations that it would work with
11 residents through education and incentives, *not* through aggressive enforcement tactics or
12 HOA coercions that destroy residential landscaping.

13 161. During the same May 16, 2023 hearing, SNWA continued to insist turf
14 removal would not harm trees. Colby Pellegrino testified that concerns about “removing turf
15 from single-family homes” was causing tree death was unfounded because "it is not killing
16 trees” but simply reduces water use by ensuring “tree roots [are] watered one day a week in
17 the winter, not seven.” *Id.* at 27. This representation has proven tragically false, as SNWA’s
18 enforcement has resulted in the death of more than 100,000 trees across the Las Vegas Valley.

19 162. The Legislature’s intent remained consistent across both the 2021 and 2023
20 sessions: protect residential areas, preserve quality of life green spaces, and pursue water
21 conservation through voluntary, resident-serving measures rather than punitive destruction of
22 functional landscaping. If anything, the residential protections were expanded to protect not
23 only those areas zoned for single family residents but used as such.

24 **E. Defendant’s Illegal Definition of “Useless” and “Non-Functional” Turf**

25 163. Surprisingly, neither AB 356 or AB 220 define the term “non-functional” or
26 “useless” turf.

27 164. As such, the Nevada Revised Statutes (“NRS”) do not define non-functional
28 turf.

1 165. Similarly, the Nevada Administrative Code (“NAC”) does not define non-
2 functional turf.²⁹

3 166. The definition of these crucial terms, which are impacting personal property
4 rights, destroying parks and schools, and robbing hundreds of millions of dollars in property
5 value from Las Vegas Valley residents, was left to Defendant with zero legislative oversight
6 and no due process protections for property owners.

7 167. But not even Defendant’s evolving service rules fully define “functional” and
8 “non-functional turf.” Instead, the terms are on SNWA’s website.³⁰

9 168. Even though these “rules” are not enacted or preserved in the NRS, or NAC,
10 and are simply website-based service rules created and modified without accountability to the
11 Las Vegas Valley residents, Defendant regularly (and overreachingly) refer to them as “laws”
12 to scare and force compliance.

13 169. Even the hyperlink containing Defendant’s “rules” improperly refers to the
14 “rules” as “laws” further reinforcing Defendant’s overreach even though Defendant’s useless
15 turf “law” is *not* actually law and cannot be enforced by SNWA or its members.³¹

16 170. Rather the definitions of “useless” and “non-functional” turf ideas are simply
17 presented as the “law” on SNWA’s website and in meeting minutes, as follows:

18 **A. Nonfunctional turf: An irrigated grass area not providing functional use.**

19 Areas of nonfunctional turf include, but are not limited to:

20 **i. Streetscape turf**

21 Grass located along public or private streets, streetscape sidewalks, driveways and
22 parking lots, including turf within a community, park and business streetscape
23 frontage areas, medians, and roundabouts.

24 **ii. Frontage, courtyard, interior and building-adjacent turf**

25
26
27 ²⁹ As a result, it appears the Nevada legislature left far too much to Defendant’s discretion, creating a statute
28 that is either void for vagueness, or alternatively gave Defendant an unconstitutional delegation of legislative
and judicial authority.

³⁰ See SNWA, *Definitions*, <https://www.snwa.com/laws/definitions.html>; LVVWD Service Rules Ch. 1.

³¹ See <https://www.snwa.com/conservation/understand-laws-ordinances/index.html>

1 Grass in front of, between, behind or otherwise adjacent to a building or buildings
2 located on a property not zoned exclusively for single-family residence, including
3 maintenance and common areas.

4 **iii. Certain HOA-managed landscape areas**

5 Turf managed by a homeowner association that does not provide a recreational benefit
6 to the community or that otherwise does not qualify as functional turf, regardless of
7 property zoning.

8 **B. Whereas, “Functional” turf is as follows:**

9 **i. Functional turf:**

10 An irrigated grass area that provides a recreational benefit to the community and is:

- 11 • Located at least 10 feet from a street, installed on slopes less than 25 percent and
12 not installed within street medians, along streetscapes or at the front of entryways
13 to parks, commercial sites, neighborhoods, or subdivisions.
- 14 • Active/programmed recreation turf, athletic fields, designated-use-area turf, golf
15 course play areas, some pet relief turf, playground turf or resident area turf.

16 **ii. Active/programmed recreation turf**

17 Grass used for recreation that is 1,500 contiguous square feet or greater; co-located
18 with facilities; and located at least 10 feet from a street or interior-facing parking lot
19 unless the turf area is at least 30 feet in all dimensions or immediately adjacent to an
20 athletic field.

21 **iii. Athletic field turf**

22 Grass used for sports or physical education that is 1,500 contiguous square feet or
23 greater; not less than 30 feet in any dimension; and located at a school, daycare,
24 religious institution, recreation center, senior center, park or water park. Athletic field
25 turf may be located less than 10 feet from a street or interior-facing parking lot if the
26 contiguous turf area is at least 30 feet in all dimensions.

27 **iv. Designated use area**

28 Grass designated for special use at cemeteries and mortuaries.

v. Golf course play area

1 Grass in driving ranges, chipping and putting greens, tee boxes, greens, fairways and
2 rough.

3 **vi. Pet relief area**

4 Grass at a property providing commercial and retail services for pets, such as
5 veterinarian and boarding facilities. The area must not exceed 200 square feet.

6 **vii. Playground turf**

7 Grass in designated play areas with playground amenities, including but not limited
8 to slides, swings and climbing structures on homeowner association owned/managed
9 property or at a public park, water park, school, daycare, recreation center, senior
10 center or religious institution. Playground turf may be located less than 10 feet from a
11 street if fenced.

12 **viii. Resident area turf**

13 Grass up to 150 square feet per dwelling unit at multi-family residential properties,
14 multi-family mixed use properties, or assisted living and rehabilitation centers used
15 by tenants for recreation or leisure. May not be located in parking lots, streetscapes or
16 other non-accessible areas.³²

17 171. Given this legislative/executive/judicial ambiguity, Defendant has created
18 rules that far surpass its authority, harm Las Vegas Valley residents, and defy the logical
19 interpretation of “useless” turf to unlawfully demand the removal of “useful” residential grass
20 in violation of its enabling statutes and the express legislative intent of AB 356 and AB 220—
21 to protect functional turf and turf located at single-family residences.

22 **F. SNWA’s Unlawful Adoption and Evolution of Turf Definitions**

23 172. Under AB 356, the definitions were delegated to SNWA’s Board for
24 promulgation through member agency service rules, and implementation has proceeded
25 through service rules and published guidance applying an activity-based framework derived
26 from the NTRAC recommendations. *See* A.B. 356 § 39; LVVWD Service Rules (Definitions
27 of “Functional Turf” and “Non-Functional Turf,” referencing SNWA guidance for the
28 operative definition); SNWA, *Nonfunctional Turf Removal* guidance.

³² Available at <https://www.snwa.com/conservation/understand-laws-ordinances/index.html>, last visited December 30, 2025.

1 173. Although SNWA member agencies like LVVWD attempt to enforce turf
2 removal requirements through its Service Rules, the substance of turf classification is not
3 contained in those rules, but instead only incorporated by reference to SNWA website
4 materials that may be (and have been) modified without legislative or regulatory process.

5 174. **As a result, the operative standards SNWA claims are binding law are not**
6 **– they are not fixed by statute, regulation, or formally adopted rule, but instead exist as**
7 **changeable website content that may be (and has been) revised at any time *without***
8 **notice, public participation, or legislative or regulatory approval.**

9 175. This progression from undefined and vague statutory terms to advisory
10 recommendations, to service-rule and guidance-based implementation has allowed SNWA to
11 systematically dismantle the very protections it promised to the Legislature and to the
12 residents of the Las Vegas Valley.

13 176. The administratively applied criteria have narrowed the scope of “functional
14 turf” in ways that ignore the Legislature’s intent (and SNWA’s assurances) that AB 356 and
15 AB 220 would protect residential areas and quality of life green spaces, while completely
16 excluding tree preservation considerations from both the definition and waiver framework.
17 *See* A.B. 356 § 39; Recommendations Report at 8–10 (Nov. 2021). Despite legislative
18 assurances that “common areas in these communities are considered functional turf” and that
19 “green spaces in multifamily developments are not being addressed,” *Minutes, S. Comm. on*
20 *Nat. Res., 81st Leg., Reg. Sess.* at 10 (Nev. May 11, 2021). SNWA now treats these exact
21 areas as “nonfunctional” and mandates their removal.

22 177. SNWA enforces turf removal requirements against parks, common areas, and
23 residential yards, the precise residential green spaces and common areas that both SNWA and
24 the Legislature repeatedly promised would be protected. This *ultra vires* enforcement
25 contradicts the legislative record, exceeds SNWA’s delegated authority, and destroys the
26 quality of life and recreational amenities the Legislature explicitly intended to preserve.

27 178. It must be stopped or trees will die, properties will be ravaged, and residents
28 will continue to be abused by governmental overreach without due process.

G. PLAINTIFFS CONTINUE TO FACE IRREPARABLE HARM

1 179. Even though AB 356 expressly protects residential turf or any turf that serves
2 a function (e.g., recreational purposes, protecting and preserving the Las Vegas Valley’s
3 valuable tree canopy), Plaintiffs have seen hundreds of trees die in their neighborhoods after
4 “mandatory” turf removal.

5 180. Each of the Plaintiffs have trees on or near their real property that have been
6 left to die or are marked for mandatory removal,

7 181. Snyder is facing threats from SNWA and her HOA due to the law’s ambiguity
8 and SNWA’s unconstitutional actions – ultra vires action and abuse of power with threatened
9 fines and suspension of service.

10 182. Nill’s trees and acres of land are withering.

11 183. The Edingtons have neighborhood trees that will be left to die as soon as mid-
12 January 2026.

13 184. If the turf conversion occurs, which SNWA has purported to mandate under
14 AB 356, each of their Plaintiffs expect their trees to die.

15 185. These trees, once lost, cannot be replaced.³³

16 186. Many of the trees being lost throughout the Las Vegas Valley are 30 to 50
17 years old, and SNWA does not care or even consider this in its functional/nonfunctional
18 review process. As such, Plaintiffs, their HOAs, and all other Las Vegas Valley residents have
19 no other way to challenge SNWA’s unlawful, misguided crusade.

20 187. This means that people living now may die before seeing the Las Vegas Valley
21 recover from the damage caused by Defendant’s unlawful policies and practices.

22 188. SNWA’s unlawful campaign to destroy the Valley trees has already increased
23 temperature and electricity costs across the Valley and is harming Las Vegas Valley residents.

24 189. The loss of trees, tree cover, and the Las Vegas Valley’s green canopy is
25 destroying property values, depriving residents of use of their property, grass, parks, and
26

27 ³³ States with drier climates like Arizona (Ariz. Rev. Stat. Ann. § 45-563.03 (2025) and California (*see* Cal. Water
28 Code § 10608.14(b) (2025)) understand the importance of grass in protecting and preserving trees and expressly
protect grass under trees. This is because without grass cover, roots overheat, attract pests and are lost. If the grass
cover had been left in place, it would have kept the roots cool, protected against future pests, and not taken more
water.

1 playgrounds, and turning the Las Vegas Valley into an astroturf and rock city (like Dr. Seuss's
2 dystopian "Thneedville"), instead of an oasis in a desert.

3 **H. ADMINISTRATIVE REMEDY EXHAUSTION IS FUTILE**

4 190. Administrative remedies do not exist or have proven futile because only
5 enterprises, multi-family or HOAs may appeal, and trees are irrelevant to the appeal or waiver
6 process.

7 191. Specifically, Plaintiff's counsel wrote a letter regarding these issues to
8 SNWA's general counsel Greg Walch on November 25, 2025 (attached as **Exhibit F**).

9 192. SNWA has yet to respond.

10 193. The lack of response is not surprising. The Defendant's rules (and the law)
11 entirely disregard trees altogether, and the devastating impact that their subjective
12 implementation of AB 356 is causing.

13 194. They have given Plaintiffs no way to be heard on that critical issue.

14 195. Trees are omitted from and *irrelevant* to the waiver process or analysis.³⁴

15 196. The word tree does not appear in AB 356 itself.

16 197. The word tree does not appear in AB 220.

17 198. The word tree does not appear on SNWA website discussing waivers.

18 199. The word tree does not appear at all in NRS 116.330 where the HOAs (and
19 only HOAs) were implicitly prohibited from installing non-functional turf.

20 200. In sum, exhaustion of administrative remedies is futile because it is not
21 allowed by AB 356 or SNWA's rules.

22 201. Thus even if Plaintiff's flagged trees as a concern the Defendant's appeal
23 process does not consider tree loss as an appealable issue.

24 202. Similarly, as set forth herein and without limiting the same, Plaintiffs lack
25 adequate remedies at law because:

- 26 i. Monetary damages alone cannot compensate Las Vegans for the destruction
27 of trees and turf within the Las Vegas Valleys;

28

³⁴ The word "tree" only appears once

1 208. Section 14 of the Defendant’s enabling statute, gives them the authority to
2 “Develop and distribute information promoting education and the conservation of
3 groundwater in the Basin”.³⁵

4 209. It does not give them authority to engage in enforcement of policy.

5 210. But Defendant is not just “promoting education and conservation” residents,
6 they are coercing and shaming them with sensational YouTube Videos like these declaring
7 “useless grass is illegal.” And by “useless” grass, SNWA means nonfunctional turf as
8 contemplated by AB 356. To seize this unlawful authority, SNWA has raised its member
9 agency’s “service rules” to the status of law and defined nearly all grass valley wide as
10 nonfunctional turf and, thus, illegal under AB 356.



19 211. And Defendant has created marketing campaigns including one called “Team
20 Lake Mead”, paying up to \$70,000,000 (or more) to the NHL Vegas Golden Knights, the
21 MLBAAA Las Vegas Aviators,³⁶ the NFL Las Vegas Raiders³⁷ and other celebrity
22 endorsements, to shame “bad” users, and make hundreds of YouTube videos to convince the
23 world their AB 356 rules have the color of law (in Spanish and English).³⁸

25 ³⁵ See Southern Nevada Water Authority Enabling Act, Chapter 572 of the Statutes of Nevada 1997
available at https://www.leg.state.nv.us/SpecialActs/71-SNevadaWaterAuthority.html?utm_.com

26 ³⁶ See <https://www.reviewjournal.com/news/politics-and-government/golden-knights-aviators-join-team-lake-mead-with-new-ad-campaign-3102507/.com> last visited December 31, 2025.

27 ³⁷ See <https://thenevadaindependent.com/article/snwa-would-pay-30-million-to-raiders-under-proposed-decade-long-advertising-contract-for-water-conservation.com> where SNWA offered the Raiders \$30,000,000, last visited
28 December 31, 2025.

³⁸ See https://www.youtube.com/watch?v=NzHT_WY5e-U
featuring Spanish singer/actor/model Neise Cordeiro.

1 212. Defendant has spent and/or committed more than **\$70,000,000** in outreach,
2 marketing, and advertisements efforts to convince Clark Count that watering or having non-
3 functional turf is against the law, including the \$30,000,000 multi-year contract with the Las
4 Vegas Raiders.

5 213. This aggressive and expensive marketing campaign goes well beyond their
6 Section 14 authority to "promote education and conservation" in substance, not just scale.
7 SNWA cannot: declare grass "illegal" when no statute criminalizes it; threaten fines and
8 service disconnection without enforcement authority; misrepresent service rules as binding
9 law; or use public funds to coerce rather than educate. SNWA transformed lawful educational
10 marketing into *ultra vires* enforcement.

11 214. Given this barrage of marketing and media noise, and to avoid fines, and the
12 penalty of Defendant's alleged law, HOAs valley wide have complied with Defendant's
13 interpretation and implemented "Mandatory Turf Removal."

14 215. This mission drift and *ultra vires* action stems in part from vague statutory
15 language and inappropriate comingling of authority and funds between the Defendant and
16 Defendant's agency members appears to exist as pled in Cause of Actions below.

17 216. As a statutory creature, Defendant is constrained by the limits on its powers
18 and may exercise only those powers the Legislature expressly authorized per the "modified
19 Dillon's Rule," codified at NRS 268.001.

20 217. Under the modified Dillon's Rule, local government entities possess only

- 21 i. powers expressly granted by statute,
- 22 ii. powers necessarily implied from an express grant, or
- 23 iii. powers indispensable to their declared objectives.

24 *See Ronnow v. Las Vegas*, 57 Nev. 332, 343, 65 P.2d 133, 136 (1937).

25 218. Any doubt as to the existence of a power is resolved *against* the local
26 government entity and the exercise of authority. *See id.* ("Any fair, reasonable, substantial
27 doubt concerning the existence of power is resolved by the courts against the corporation, and
28 the power is denied." Explicitly, "all acts beyond the scope of the powers granted are void.").

1 219. Any action by a local government entity beyond its authorized scope is *ultra*
2 *vires* and per se unlawful. Nevada courts invalidate actions taken without statutory
3 authorization.

4 220. Defendant has engaged in numerous unlawful *ultra vires* actions by claiming
5 powers that neither their enabling statutes, or AB 356 and AB 220 provide, including but not
6 limited to the following actions:

7 **i. Mandating** the removal of turf throughout the Las Vegas Valley that serves the
8 critical function of protecting and ensuring the survival of existing trees, including turf located
9 on Plaintiffs' single-family residential property or on common area property within Plaintiffs'
10 HOAs that Plaintiffs pay to maintain for their use and enjoyment;

11 **ii. Ruling** on ownership rights (or the lack thereof) for valuable landscaping and large
12 trees located on Plaintiffs' single-family residential properties to mandate the removal of turf
13 surrounding and protecting those trees; and

14 **iii. Policing** the Valley, threatening Valley residents, and/or otherwise attempting to
15 enforce Defendant's unlawful interpretation of AB 356 and/or AB 220 without any express grant
16 of authority to do so.

17 221. SNWA's enabling cooperative agreement under NRS 277.080–277.180 limits
18 its authority to cooperative water management, resource acquisition, and education on
19 groundwater conservation. It grants no police, enforcement, or punitive powers over land use
20 or private property. AB 356 §39 and AB 220 §31 reinforce this: SNWA must "define" turf
21 terms and "develop a plan to identify and facilitate" removal—not enforce, fine, or mandate
22 it. Legislative history confirms voluntary intent rather than mandatory enforcement.

23 222. Yet SNWA exceeds this limited authority by: (1) Sending coercive letters
24 demanding removal of turf by the end of 2026 (aforementioned in ¶69); (2) Marketing its
25 interpretations as binding law through aggressive, high-cost campaigns that shame and
26 pressure residents into compliance (aforementioned in ¶¶107–111, including the "Team Lake
27 Mead" initiative and celebrity endorsements); (3) Patrolling neighborhoods in marked
28 enforcement vehicles issuing warnings (¶74); and (4) Denying waivers without any hearing
or meaningful consideration of tree survival or functional use, even for areas clearly serving
recreational purposes

1 223. LVVWD was formed to secure and distribute water to the Las Vegas Valley
2 and manage water resources for the community’s benefit and to construct waterworks,
3 purchase water rights, and supply water to customers within its service area. See WD Act § 1
4 and § 1.1. While it is empowered to encourage conservation, it was not formed to monitor
5 landscapes, or police residents.

6 224. Similarly, SNWA oversees the LVVWD, and per Section 13 of the WA Act
7 can collect an annual fee assessed on users of groundwater in the basin. But funds collected
8 under Section 13 must have limited use.

9 225. While SNWA has the authority to educate consumers on conservation (per
10 Section 14), it does *not* have authority to “punish” or “police” residents’ use.

11 226. Neither the WD Act nor the WA Act authorize SNWA (or its member agencies
12 like LVVWD) to force the removal of residential use of “non-functional turf.”

13 227. Neither AB 356 (or AB 220) authorize Defendant to force or penalize the
14 failure to remove “nonfunctional turf” anywhere, let alone turf used by single-family
15 residences. Instead, AB 356 and AB 220 simply authorize Defendant to develop a plan to
16 identify and facilitate the removal of existing nonfunctional turf on property not used
17 exclusively for single-family residences.

18 228. They cannot force residents, even via a resident’s HOA, to convert and accept
19 an SNWA rebate.

20 229. Nothing in the WD Act, the WA Act, AB 356, or AB 220 authorizes SNWA
21 to kill trees in the process of defining, identifying, or facilitating the removal of nonfunctional
22 turf.

23 230. Neither Act authorizes the use of public funds to remove private landscaping.
24 Nor does AB 356 which instead prohibits removal of single-family residential turf.

25 231. Nothing in the WD Act or the WA Act expressly authorizes LVVWD or
26 SNWA to oversee landscaping, turf, grass, or trees.

27 232. AB 356 only requires Defendant to make a plan and prevent use of Colorado
28 River water on non-functional turf (except for residential use).

1 233. Nothing in the WD Act or the WA Act expressly or impliedly authorizes
2 LVVWD or SNWA to use their money to shame residents into removing landscaping. Nor
3 does AB 356 because it expressly excludes single family residents.

4 234. If a power is not clearly granted in the statute, Defendant does not have it.

5 235. Therefore, Defendant does not have authority over trees.

6 236. Even so, Defendant is killing thousands of trees.

7 237. Defendant's *ultra vires* actions directly harm Plaintiffs. Plaintiff Snyder has
8 been told the grass on her single-family residential property is "nonfunctional" and subject to
9 mandatory removal despite AB 356's residential protections, solely because SNWA claims
10 authority to override property boundaries. Plaintiffs Edington's HOA waiver application for
11 playground grass and neighborhood trees was denied without hearing, pursuant to SNWA's
12 *ultra vires* claim of final adjudicatory authority. Plaintiff Nill's HOA was coerced into
13 stopping watering of community grass and trees through SNWA's *ultra vires* enforcement
14 threats, resulting in dead and dying trees throughout his neighborhood. These injuries stem
15 directly from SNWA's assumption of powers not granted by statute: the power to mandate
16 removal rather than facilitate it, the power to police and penalize non-compliance, and the
17 power to override residential protections through expansive definitions of "nonfunctional"
18 turf.

18 238. Nevada courts consistently strike down *ultra vires* actions by overreaching
19 local government entities.

20 239. The Nevada Supreme Court has held that a local government entity's powers
21 "cannot be assumed by the agency, nor can they be created by the courts" and that a grant of
22 authority "must be clear." *See Clark Cty. Sch. Dist. v. Clark Cty. Classroom Teachers Ass'n*,
23 115 Nev. 98, 102, 977 P.2d 1008, 1010 (1999).

24 240. Under Nevada's modified Dillon's Rule, any overreach into ungranted powers
25 is unlawful. Such overreach undermines the constitutional separation of powers between the
26 State, which makes laws, and local entities, which execute them. *See Nev. Const. Art. I, §§ 1,*
27 *2, 8, and 22. See also Nev. Const. Art. III. See also Sheriff, Clark Cty. v. Luqman*, 101 Nev.
28 149, 153–54, 697 P.2d 107, 110–11 (1985).

SECOND CAUSE OF ACTION**AB 356/AB 220 Are Unconstitutionally Vague and Therefore Void**

1
2
3 241. Plaintiffs incorporate by reference all preceding paragraphs and allegations as
4 though fully set forth herein.

5 242. AB 356 and AB 220 effect an unconstitutionally vague delegation of
6 legislative power because the Legislature failed to define the core regulated term:
7 “nonfunctional turf.”

8 243. Other than a limitation that the law does not apply to single-family residents,
9 the statutes provide no reference to residential procedural rights, or their ability to appeal
10 decisions by Defendant that harm residents – like the death of more than 100,000 trees – and
11 improperly gives unlimited latitude to the Defendant to remove “functional turf” mis-labeled
12 as “useless”. *See Dunphy v. Sheehan*, 92 Nev. 259, 264, 542 P.2d 332, 335 (1976) (holding
13 that, where provisions are vague, deceptive, or uncertain, they are unconstitutional).

14 244. AB 356 and AB 220 do not define “functional” and “nonfunctional turf” while
15 simultaneously mandating its complete removal by December 31, 2026.

16 245. Similarly, AB 220 fails to define “use as a single-family residence” suggesting
17 the protections for grass “used” for a single-family residence, even if not zoned as such, would
18 be protected from removal.

19 246. The Legislature improperly left the definition of the terms “functional” and
20 “nonfunctional turf” and single-family residence “use” to SNWA.

21 247. Rather than these definitions being fixed in the Nevada Revised Statutes or
22 Nevada Administrative Code, they are simply referenced in SNWA’s service rules without
23 any legislative oversight or involvement in the creation or implementation of those rules.

24 248. The unconstitutional vagueness of AB 356 and AB 220 with respect to these
25 terms create inherently subjective meanings, and are one reason why Defendant and its
26 members interchangeably refer to “non-functional turf” as “useless” or “decorative.” *See City*
27 *of Las Vegas v. Eighth Judicial Dist. Court*, 118 Nev. 859, 865-66, 59 P.3d 477, 482 (2002)
28 (holding that where a definition used in a statute, in this case the word “annoying,” requires
citizens to guess at its meaning, the statute is void for vagueness). This vagueness invites

1 arbitrary enforcement, as SNWA interchangeably uses "nonfunctional," "useless," or
2 "decorative" without fixed criteria, ignoring functions like tree protection.

3 249. Similarly, failing to define what "single family residential use" despite zoning
4 means, is inherently confusing. Does that mean that if an apartment building or park area is
5 used as a single-family residence, they are protected from SNWA analyzing whether the grass
6 is functional or non-functional?

7 250. Rather than supplying statutory definitions or intelligible standards to these
8 terms, the Legislature improperly left these determinations *entirely* to SNWA.

9 251. A statute is unconstitutionally vague when it fails to give a person of ordinary
10 intelligence fair notice of what is prohibited or encourages arbitrary and discriminatory
11 enforcement. See *Dunphy*, 92 Nev. at 264, 542 P.2d at 335 (holding that, where provisions
12 are vague, deceptive, or uncertain, they are unconstitutional).

13 252. Here, the law is void for vagueness because property owners are left guessing
14 how the law is applied and cannot discern from the statute language itself what turf is lawful
15 to water, what grass must be removed, or how those determinations are made.

16 253. Similarly, the lack of a statutory definition for "functional" or "nonfunctional"
17 turf or "use" prevents any court from interpreting the scope or application of AB 356 or AB
18 220. The absence of any statutory definition or objective criteria renders compliance
19 unknowable without resort to SNWA's later-created rules, which are not static but mutable,
20 unpublished in statute, and inconsistently applied.

21 254. By authorizing SNWA to define "functional" versus "nonfunctional" turf, to
22 determine exemptions, to promulgate service-rule definitions binding across multiple
23 jurisdictions, and to revise those definitions over time, the Legislature abdicated its non-
24 delegable duty to make fundamental policy decisions. See also *Luqman*, 101 Nev. at 153-54,
25 697 P.2d at 110-11 (noting the Legislature must meet sufficient legislative standards to
26 prevent agencies from acting capriciously or arbitrarily).

27 255. Because AB 356 and AB 220 are unconstitutionally vague and fail to define
28 "nonfunctional turf" with sufficient specificity to give fair notice of what conduct is
prohibited, the statutes improperly leave that threshold determination entirely to Defendant.
See *City of Las Vegas v. Eighth Judicial Dist. Court*, 118 Nev. at 861 & 865, 59 P.3d at 479

1 & 481 (finding that an ordinance/legislature is unconstitutionally vague if it requires “people
2 of common intelligence” to guess at its meaning or subjects the exercise of a right to an
3 “unascertainable standard”).

4 256. As a result, Plaintiffs cannot determine from the plain statutory text whether
5 existing landscaped areas are lawful to water, subject to removal, or eligible for exemption.

6 257. The definition is so subjective that even functional turf has been deemed
7 nonfunctional by SNWA.

8 258. Such vagueness is what is fueling the changing definitions and as such, the law
9 should be deemed void.

10 **THIRD CAUSE OF ACTION**

11 **AB 356/AB 220 Are Unconstitutional for Lack of Due Process**

12 259. Plaintiffs incorporate by reference all preceding paragraphs and allegations as
13 though fully set forth herein.

14 260. The Nevada Constitution protects residents from deprivation of life, property,
15 or value without due process.

16 261. AB 356 violates the due process rights and protections for life, liberty and
17 property afforded in Article 1, Section 1, 2, 8 and 22 of the Nevada Constitution.

18 262. Article 1, Sections 1 and 2 of the Nevada Constitution impose substantive
19 limits on the Nevada’s exercise of police power and prohibit arbitrary or irrational
20 governmental interference with private property.

21 263. Nevada law has long recognized that constitutional provisions prohibiting
22 governmental conduct are self-executing and judicially enforceable. *Wren v. Dixon*, 40 Nev.
23 170, 190–91, 161 P. 722, 729 (1916). Where such prohibitory provisions protect substantive
24 constitutional rights, their self-executing nature may give rise to a private cause of action
25 regardless of whether the Legislature has provided an express statutory remedy. *Alper v. Clark*
26 *County*, 93 Nev. 569, 571–72, 571 P.2d 810, 812 (1977). The Nevada Supreme Court has not
27 limited or repudiated this long-standing doctrine, and courts applying Nevada law have
28 treated claims seeking private enforcement of constitutional prohibitions as cognizable under
existing precedent. *Mack v. Williams*, 2020 U.S. Dist. LEXIS 125901, at *3–4 (D. Nev. July
17, 2020).

1 264. Read in harmony with Article I Section 2, this right reflects a foundational
2 constitutional limitation on the State’s police powers and informs the interpretation and
3 application of all governmental action affecting individual rights and property.

4 265. AB 356, on its face and as applied, undermines the constitutional purpose of
5 government by harming its residents, imposing severe, uncompensated, and irreversible
6 burdens on discrete property owners while producing no commensurate benefit to public
7 safety, security, or welfare.

8 266. Rather than protecting the people and their rights, AB 356 authorizes actions
9 that increase heat exposure, reduce environmental protections, diminish property value, and
10 shift the costs of statewide water policy onto a narrow class of citizens.

11 267. AB 356 substantially impairs Plaintiffs’ inalienable rights and flouts the
12 express purpose of government by mandating and coercively compelling (on threat of loss of
13 water), the destruction of valuable private property improvements, including mature trees and
14 landscaping that provide shade, environmental protection, energy efficiency, and economic
15 value.

16 268. The compelled destruction of these improvements and properties interferes
17 with Plaintiffs’ ability to possess and protect property and to pursue safety and happiness,
18 including protection from extreme heat, increased cooling costs, degraded air quality, and
19 diminished habitability and enjoyment of their properties.

20 269. Likewise, Article 1, Section 8 of the Nevada constitution guarantees “No
21 person shall be deprived of life, liberty, or property, without due process of law” and assures
22 citizens that “[p]rivate property shall not be taken for public use without just compensation
23 having been first made, or secured, except in cases of war, riot, fire, or great public peril, in
24 which case compensation shall be afterward made.”

25 270. Article 1, Section 22, provides for the minimum protections government must
26 afford to take life, liberty or personal property. Specifically, Article 1, Section 22 of the
27 Nevada Constitution provides **strict, owner-protective limitations** on any governmental
28 action that takes or damages private property for public use. These protections apply broadly
to **any taking or damaging of property**, whether accomplished through formal
condemnation or through indirect or regulatory means.

1 271. AB 356 does not respect these rights.

2 272. If SNWA does have the authority to exercise punitive power, they must do so
3 subject to procedural safeguards and constitutional norms.

4 273. Failing to provide notice and an opportunity to be heard is a violation of due
5 process, guaranteed by the Nevada Constitution.

6 274. This is especially true when government action deprives individuals of life,
7 liberty, or property, as is occurring here where water and personal property are being deprived
8 and destroyed as Defendant and its member agencies continue to remove “useless” grass and
9 leave thousands of trees for dead. See *Memphis Light, Gas & Water Div. v. Craft*, 436 U.S.
10 1, 11–12 (1978).

11 275. Defendant has also appointed itself enforcers of AB 356. In that self-appointed
12 role, Defendant has threatened to impose fines and turn off residents’ water if Las Vegas
13 Valley residents fail to comply with what Defendant claims to be the “law.”

14 276. Defendant’s conduct has deprived and continues to deprive Plaintiffs (and all
15 Las Vegas Valley residents) procedural safeguards and rights due to SNWA’s arbitrary
16 enforcement lacking legislative standards. See *Luqman*, 101 Nev. At 153-54, 697 P.2d at 110-
17 11 (noting the Legislature must meet “sufficient legislative standards” or rather standards that
18 are “sufficient to guide the agency with respect to the purpose of the law and the power
19 authorized” to prevent agencies from acting “capriciously nor arbitrarily”).

20 277. Therefore, Plaintiffs are entitled to declaratory relief that AB 356 and AB 220
21 are unconstitutional to the extent described above, and permanent injunctive relief prohibiting
22 Defendant from implementing or enforcing AB 356 in a manner that takes or damages private
23 property without first satisfying the requirements of Article 1, Section 22, including a public-
24 use adjudication and payment of just compensation.

25 278. Defendant has failed to provide any substantive or procedural due process to
26 residents to avoid this harm – even if the turf is around single residence homes, in their parks
27 or around their neighborhoods.

28 279. When SNWA elevated their “service rules” to the status of law they ignored
the legislative intent to protect residents and the constitutional due process protections
afforded to all Nevadans. Nevada courts have made clear, however, that administrative

1 agencies possess only those powers expressly or necessarily implied by statute, and that courts
2 must carefully police the boundaries of agency authority to ensure that legislative grants of
3 power are not exceeded. See *Clark County School Dist. v. Clark County Classroom Teachers*
4 *Ass'n*, 115 Nev. at 102-103, 977 P.2d at 1010-11 (finding that courts must carefully police
5 the boundaries of agency authority to ensure that legislative intent is not exceeded).

6 280. If AB 356 and AB 220 were intended to affect residential property, like the
7 front yard property owned by Plaintiffs the laws must provide any mechanism whereby
8 property owners may challenge a decision on what constitutes the undefined terms single-
9 family residential “use”, “functional” turf or “nonfunctional” turf.

10 281. But SNWA limited the appeal/waiver process to “enterprises” like HOAs and
11 did not even consider giving individuals a right to appeal a non-functional/useless turf
12 designation.

13 282. Without the necessary constitutional safeguards of due process, affording
14 residents a path to contest, appeal or challenge “useless” grass designations, the rule has
15 become a brazen abuse of power - loose, changeable, and subjective to SNWA’s whim.

16 283. AB 356 and AB 220 are particularly dangerous because they do not authorize
17 enforcement, and require no due process consideration of (or compensation for) foreseeable
18 collateral harm, including damage to mature trees, soil stability, and microclimate conditions
19 on Plaintiff’s property – and pests. See *Silvar v. Eighth Judicial Dist. Court*, 122 Nev. 289,
20 293, 129 P.3d 682, 685 (2006) (analyzing the two-prong test of the void-for-vagueness
21 doctrine and finding that the second prong, specific standards for enforcement, is arguably
22 more important than the first as these standards prevent the pursuit of sweeping enforcement
23 based upon personal predilections).

24 284. As such, SNWA claims the right to destructive outcomes without legislative
25 guidance, procedural safeguards, or mitigation requirements. See *Mathews v. Eldridge*, 424
26 U.S. 319, 335 (1976) (finding that effective due process generally requires courts to consider
27 three distinct factors: (1) the private interest affected by the action, (2) the risk of erroneous
28 deprivation from the procedures used and the burden of adding or substituting procedural
safeguards, and (3) the government’s interest).

1 285. Here, the laws are unconstitutional and violate substantive and procedural due
2 process because the private interest of property rights, value, and positive effects of grass are
3 at great risk of being erroneously deprived because there is no due process for residents.

4 286. The risk of erroneous deprivation of rights has occurred and remains high
5 because SNWA acts as if AB 356 concentrates legislative, executive, and quasi-judicial
6 functions in SNWA, denying Plaintiffs a neutral decision-maker. SNWA defined the critical
7 operative term (“nonfunctional turf”), is deciding how to enforce that definition against
8 Plaintiffs and their respective HOAs through member-agency service rules, and adjudicated
9 Plaintiffs’ and their respective HOAs’ status through arbitrary waiver and interpretation
10 processes.

11 287. Defendant’s overreach is so extensive that it claims its service rules supersede
12 all other state and local laws that protect Plaintiffs and their respective property and due
13 process rights.

14 288. Plaintiffs have no access to a legislatively prescribed hearing standard,
15 evidentiary burden, or independent adjudicator before being deprived of valuable property
16 rights.

17 289. As a result, SNWA is labeling grass “non-functional” without any due process
18 safeguards and removing grass so quickly and aggressively that because SNWA has left for
19 dead more than 100,000 trees and caused more than \$300,000,000 in tree damage loss alone.

20 290. The statutes neither require SNWA to evaluate the impacts of tree removal nor
21 provide standards for balancing conservation objectives against property damage.
22 Remarkably, they do not even use the word “tree”. Yet Plaintiffs’ grass supports tree root
23 systems, cool and mitigate heat and runoff, and enhance property value, yet SNWA’s
24 determination disregards these effects entirely. There is no analysis on the age, nature, or size
25 of a tree and what the loss of that tree will do to the neighborhood or landscape.

26 291. Property values have been diminished, cooling costs are being increased, and
27 quality of life has been deprived without any vehicle for residential appeal.

28 292. Therefore, AB 356 and AB 220 – to the extent they do apply to residential
properties, are unconstitutionally depriving individuals of life, liberty, and property, without

1 the protections guaranteed by Nevada law and the Nevada Constitution. As such, the law is
2 unconstitutional.

3 293. Therefore, because they lack due process, AB 356 and AB 220 are not a
4 constitutional exercise of the State's police power as applied to Plaintiffs.

5 **FOURTH CAUSE OF ACTION**
6 **AB 356/AB 220 Are Unconstitutional as Applied By SNWA**

7 294. Plaintiffs incorporate by reference all preceding paragraphs and allegations as
8 though fully set forth herein.

9 295. Unlike an ultra-vires claim that challenges an agency exceeding their enabling
10 statutory authority under the modified Dillon's rule, an unconstitutional as applied challenge,
11 contests the specific enforcement actions and application of an agency's interpretation of a
12 law.

13 296. Nevada courts will not defer to an agency's interpretation of a statute when that
14 interpretation conflicts with the statute's plain meaning, ignores legislative intent, or is
15 unreasonable. *Nevada Power Co. v. Eighth Judicial Dist. Ct.*, 120 Nev. 948, 959-61, 102 P.3d
16 578, 584-87 (2004).

17 297. Defendant has applied AB 356 and AB 220 to impose valley-wide regulatory
18 mandates while evading the procedural safeguards that ordinarily accompany ordinance-
19 making, including public notice, deliberation, and democratic accountability.

20 298. The result is governance by reference to an external authority whose rules are
21 neither fixed nor legislatively ratified – precisely the type of unchecked delegation courts have
22 repeatedly condemned. See *Lugman*, 101 Nev. at 153-54, 697 P.2d at 110-11 (Utilizing the
23 “suitable standards” test that determines if authority is delegable from the Legislature and
24 finding that, so long as the statute communicates intelligible principles and standards to guide
25 the authority, only then is it appropriate).

26 299. During legislative consideration of AB 356 and AB 220, SNWA
27 representatives and legislators repeatedly promised that the statutes would protect residential
28 areas, recreational green spaces, and community amenities.

300. Despite these legislative promises, SNWA now enforces AB 356 and AB 220
to mandate removal of turf on single-family residential property, in parks and recreational

1 areas used by residents, in HOA common areas maintained for residents' use, and protecting
2 mature trees.

3 301. Defendant has ignored the Nevada Legislature's directive to protect residential
4 turf and has deemed grass on Plaintiffs' personal real properties as "useless" – regardless of
5 zoning. *See Nevada Power Co. v. Eighth Judicial Dist. Ct.*, 120 Nev. at 959-61, 102 P.3d at
6 584-87 (finding that a court will not defer to an agency's interpretation of a statute if the
7 interpretation ignores, and conflicts with the statute's plain meaning or is unreasonable
8 because *courts owe no deference to an agency's interpretation of a statute where the statute*
9 *is unambiguous or the agency's interpretation conflicts with the statute's plain meaning or is*
10 *unreasonable*).

11 302. This application is arbitrary because identical turf receives different treatment
12 depending on SNWA's subjective determinations, deeming functional turf serving
13 recreational and environmental purposes as "nonfunctional" despite the Legislature's intent to
14 protect such spaces.

15 303. Defendant has mandated the removal of turf around more than 100,000 trees
16 and leaving them for dead by removing "nonfunctional turf" even though the grass clearly
17 serves a function – it protects the temperature, watering and health of tree roots.

18 304. Therefore, AB 356 and AB 220, as applied by SNWA, are unconstitutional
19 because SNWA's enforcement contradicts the Legislature's express intent, ignores the
20 statute's residential protections, destroys functional green spaces the Legislature intended to
21 preserve, and results in arbitrary deprivation of protected property interests.

FIFTH CAUSE OF ACTION

AB 356/AB 220 Are an Unconstitutional Delegation of Power

22 305. Plaintiffs incorporate by reference all preceding paragraphs and allegations as
23 though fully set forth herein, by deferring to Defendant's lobbying efforts and not supplying
24 a statutory definition or intelligible standard, the Legislature delegated the threshold
25 determination of what conduct is regulated entirely to the Southern Nevada Water Authority
26 ("SNWA"), an unelected regional authority.

27 306. The statutes thus do not merely authorize SNWA to administer a legislative
28 policy; they empower SNWA to decide, in the first instance, what the law prohibits.

1 307. A statute is improperly delegative when it fails to give a person of ordinary
2 intelligence fair notice of what is prohibited or invites arbitrary and discriminatory
3 enforcement. See *Luqman*, 101 Nev. at 155, 697 P.2d at 111 (holding that due process requires
4 statutes to “afford a person of ordinary intelligence the opportunity to know what is
5 prohibited” and to provide “explicit standards of application” sufficient to avoid arbitrary and
6 discriminatory enforcement, and explaining that legislative delegations are constitutional only
7 where the Legislature supplies “suitable standards” to guide agency discretion).

8 308. Here, property owners cannot ascertain from the statutory text what turf may
9 be irrigated, what turf must be removed, or how those determinations are made. *Cf. id.* at 154–
10 55, 697 P.2d at 111 (explaining that sufficient legislative standards are required to ensure that
11 an agency “will neither act capriciously nor arbitrarily”). Compliance is possible only by
12 reference to SNWA’s later-created rules and interpretations, which are mutable, uncodified,
13 and inconsistently applied. Such a statutory scheme improperly transfers core policy
14 judgments from the Legislature to an executive agency without constitutionally adequate
15 guidance. See *Comm’n on Ethics v. Hardy*, 125 Nev. 285, 291–93, 212 P.3d 1098, 1103–04
16 (2009) (holding that where the Nevada Constitution commits a function to a particular branch,
17 any delegation of that authority to another branch is impermissible, and reaffirming that
18 constitutionally based structural protections, including separation of powers, cannot be
19 waived or cured by statutory enactment).

20 309. This structure cedes core legislative policy choices to SNWA without
21 meaningful (or constitutionally required) constraints. By authorizing SNWA to define
22 “functional” versus “nonfunctional” turf, determine exemptions, promulgate service-rule
23 definitions binding across multiple jurisdictions, and revise those definitions over time, the
24 Legislature abdicated its non-delegable duty to make fundamental policy decisions. Other
25 than a general statutory objective—which in the case of Plaintiffs and others Defendant and
26 its members routinely exceed—no intelligible principle cabins SNWA’s discretion, and the
27 statutes provide no limiting standards tied to health, safety, water yield, proportionality, or
28 environmental tradeoffs. See *Luqman*, 101 Nev. at 154, 697 P.2d at 111 (determining that
statutes must contain sufficient legislative standards to be constitutional).

1 enforcing these statutes without constitutionally adequate notice, standards, and an
2 opportunity to be heard.

3 4. **Declaratory Relief – Unconstitutional as Applied (Fourth Cause of**
4 **Action)** A declaration that Defendant’s interpretation and application of AB 356 and
5 AB 220—particularly to residential properties, common areas, and turf serving
6 functional and environmental purposes—are unconstitutional as applied because
7 they conflict with legislative intent, exceed statutory authority, and result in arbitrary
8 deprivation of protected property interests.

9 5. **Declaratory Relief – Unconstitutional Delegation of Legislative Power**
10 **(Fifth Cause of Action)** For a declaration that AB 356 and AB 220 constitute an
11 unconstitutional delegation of legislative power by vesting Defendant with
12 unfettered discretion to define the scope of regulated conduct, determine
13 exemptions, and impose binding rules without intelligible standards or legislative
14 safeguards.

15 6. **Injunctive Relief.** For permanent injunctive relief enjoining Defendant from
16 enforcing, implementing, or coercively applying AB 356 or AB 220 in any manner
17 inconsistent with Nevada law, legislative intent, or constitutional protections.

18 7. **Attorneys’ Fees and Costs.** For an award of reasonable attorneys’ fees and
19 costs of suit as authorized by statute, contract, or other applicable law.

20 8. **Such Other and Further Relief.** For such other and further relief as the
21 Court deems just and proper.

22 DATED this 12th day of January 2026.

23 **LEX TECNICA, LTD.**

24 /s/ Samuel D. Castor

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