

DISTRICT COURT CIVIL COVER SHEET

A-16-735496-C

County, Nevada

XXIII

Case No.

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): MICHELLE FLORES, an individual	Defendant(s) (name/address/phone): LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT, a political subdivision of the State of Nevada
Attorney (name/address/phone): Ashcraft & Barr   LLP, Jeffrey F. Barr, Esq. 2300 W. Sahara Avenue, Suite 1130 Las Vegas, NV 89102 (702) 631-7555	Attorney (name/address/phone):

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

**Civil Case Filing Types**

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

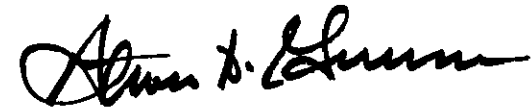
Business Court filings should be filed using the Business Court civil coversheet

April 22, 2016

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 **COMP**  
JEFFREY F. BARR, ESQ  
2 Nevada Bar No. 7269  
3 [barrj@AshcraftBarr.com](mailto:barrj@AshcraftBarr.com)  
4 ASHCRAFT & BARR | LLP  
2300 West Sahara Avenue, Suite 1130  
Las Vegas, NV 89102  
5 Telephone: (702) 631.7555  
Facsimile: (702) 631.7556

6 -  
7 LEE I. IGLODY, ESQ  
Nevada Bar No. 7757  
8 [lee@iglody.com](mailto:lee@iglody.com)  
Iglody Law, PLLC  
9 2300 West Sahara Avenue, Suite 1130  
Las Vegas, NV 89102  
10 Telephone: (702) 425-5366  
Attorneys for Plaintiff  
11 Michelle Flores

12 **DISTRICT COURT**  
13 **CLARK COUNTY, NEVADA**

14 MICHELLE FLORES, an individual

15 Plaintiff,

16 v.

17 LAS VEGAS-CLARK COUNTY LIBRARY  
DISTRICT, a political subdivision of the State  
18 of Nevada; DOES I-X, inclusive; and ROES  
A-Z, inclusive,

19 Defendants.

Case No.: A-16-735496-C

Dept. No.: XXIII

**VERIFIED COMPLAINT**

20  
21 Plaintiff Michelle Flores complains and alleges against Defendants as follows:

22 **SUMMARY OF THE ACTION**

23 1. Defendant Las Vegas Clark County Library District (the "District") banned  
24 homemaker and homeschooling mother of three, Plaintiff Michelle Flores ("Michelle"), from  
25 the District's libraries after Michelle openly and responsibly carried a firearm in a secure  
26 holster while visiting the Rainbow Library with her children.  
27

1           2. The District does not have the authority to ban Michelle because the District does  
2 not have the authority to make rules relating to the open possession of firearms. Last year,  
3 the Legislature made it clear in Senate Bill 175 (2015) (“SB175”) that the Legislature, alone,  
4 has the sole right to regulate the possession of firearms.

5           3. Nevertheless, the District insists on enforcing some arbitrary policy regulating the  
6 open possession of firearms in a conscious and willful disregard of Michelle’s constitutional  
7 rights and the rights accruing to all Nevada citizens stemming from the broad reforms enacted  
8 in SB175.

9  
10 **THE PARTIES, JURISDICTION, AND VENUE**

11           4. All previous paragraphs in this Complaint are specifically incorporated herein as  
12 though fully set forth.

13           5. Michelle is a resident of Clark County and a citizen of the State of Nevada.

14           6. Michelle is the mother of five-year-old minor R. Flores.

15           7. Michelle is the mother of three-year-old minor E. Flores.

16           8. Michelle is the mother of one-year-old minor H. Flores.

17           9. Michelle homeschools her three minor children and therefore the access to library  
18 facilities is of great importance.

19           10. At all times relevant to this Complaint, Michelle was not the subject of any court  
20 order prohibiting her possession of a firearm in the State of Nevada.

21           11. At all times relevant to this Complaint, Michelle lawfully owned and possessed a  
22 .38 caliber revolver.

23           12. The District is a political subdivision of the State of Nevada.

24           13. The City of Las Vegas and Clark County formed the District.

25           14. The City of Las Vegas and Clark County derived its authority to form the District  
26  
27

1 from the District's enabling statute, NRS ch. 379.

2 15. The City of Las Vegas and Clark County each appoint five members to the  
3 District's Board.

4 16. The District operates a facility named the Rainbow Library (the "Rainbow  
5 Library").

6 17. The Rainbow Library is located at 3150 N. Buffalo Drive, Las Vegas, Nevada.

7 18. The District is, and was at all times relevant hereto, responsible for the  
8 management of Rainbow Library.

9 19. Upon information and belief, the District employs the Rainbow Library staff  
10 responsible for the actions complained of in this Complaint.

11 20. The District promulgates the Library Rules of Conduct (the "District Rules").

12 21. Upon information and belief, a true and correct copy of the District Rules in effect  
13 as of March 16, 2016, is attached hereto as **Exhibit 1**.

14 22. The District Rules do not contain any regulation prohibiting the open carry of  
15 firearms.

16 23. On or about March 16, 2016, in reliance upon an arbitrary policy or regulation, the  
17 District issued a Trespass Notice to Michelle (the "Trespass Notice").

18 24. The Trespass Notice prohibits Michelle from entering any District library for a  
19 period of twelve months.

20 25. A true and correct copy of the Trespass Notice is attached hereto as **Exhibit 2**.

21 26. DOE Defendants I through X, inclusive, and ROE CORPORATIONS A through  
22 Z, inclusive, are fictitious names for the DOE Defendants and the ROE Defendants,  
23 respectively (collectively, the "Unknown Defendants"). Michelle will seek leave to amend  
24 this Complaint and proceedings herein to substitute the true names of such Unknown  
25  
26  
27

1 Defendants. Michelle believes that each of the Defendants designated herein as Unknown  
2 Defendants is responsible in some manner for the events herein referred to and negligently,  
3 carelessly, recklessly, or intentionally caused damages proximately thereby to Michelle as  
4 herein alleged.

5 27. The amount in controversy exceeds \$10,000.00.

6 28. Accordingly, jurisdiction and venue is proper in this Court.

7  
8 **MARCH 16, 2016 LIBRARY VISIT**

9 29. All previous paragraphs in this Complaint are specifically incorporated herein as  
10 though fully set forth.

11 30. On or about March 16, 2016, Michelle visited the Rainbow Library with her three  
12 minor children.

13 31. During this visit Michelle visibly, openly, and obviously carried her .38 caliber  
14 revolver in a side holster.

15 32. Michelle and her three minor children browsed the book stacks for approximately  
16 one hour.

17 33. Michelle checked out some books and proceeded to the Rainbow Library exit.

18 34. As she was exiting with her books and three minor children, Michelle was stopped  
19 between the first and second set of exit doors at Rainbow Library.

20 35. Michelle was stopped by a Rainbow Library security guard.

21 36. The Rainbow Library security guard was soon joined by another Rainbow Library  
22 employee.

23 37. Michelle attempted to engage in dialogue with the Rainbow Library security guard  
24 and employee regarding the reason for them stopping her.

25 38. The Rainbow Library employee summoned the police.  
26  
27

1 39. Police officers responded to the call.

2 40. At the instigation of the Rainbow Library security guard and employee, the police  
3 placed Michelle in handcuffs between the first and second set of exit doors to the Rainbow  
4 Library.

5 41. At the instigation of the Rainbow Library security guard and employee, the police  
6 took Michelle's firearm and holster.  
7

8 42. At the instigation of the Rainbow Library security guard and employee, the police  
9 took five rounds of ammunition from Michelle.

10 43. The police initially proceeded to call Child Protective Services to take custody of  
11 Michelle's three minor children.

12 44. At the instigation of the Rainbow Library security guard and employee, the police  
13 initiated proceedings to incarcerate Michelle.  
14

15 45. For reasons unknown and after a lengthy colloquy between the police officers,  
16 Michelle was neither arrested nor incarcerated.

17 46. After the police released Michelle, the Rainbow Library employee issued the  
18 Trespass Notice to Michelle.

19 47. All the actions by the police and the Rainbow Library security guard and employee  
20 took place in front of Michelle's three minor children.

21 48. The District's conscious and willful disregard of the legal rights of Michelle  
22 resulted in her public humiliation and emotional distress in front of her minor children and  
23 the unlawful prohibition of her use of public library facilities.  
24

25 **FIRST CLAIM FOR RELIEF**  
26 **(Violation of SB 175 and Nevada Constitution)**

27 49. All previous paragraphs in this Complaint are specifically incorporated herein as

1 though fully set forth.

2 50. Article 1, Section 11(1) of the Nevada Constitution provides, “Every citizen has  
3 the right to keep and bear arms for security and defense, for lawful hunting and recreational  
4 use and for other lawful purposes.”

5 51. Pursuant to SB175, the Nevada Legislature expressly preempted the entire field of  
6 firearms regulation, including but not limited to, the definition, the method and place of carry,  
7 the manner of use, and who may possess firearms and where they may be possessed.

8 52. The Nevada Legislature has the exclusive authority to regulate firearms in Nevada.

9 53. Nevada law prohibits the District from enacting rules or policies that contradict  
10 Nevada law.

11 54. The District’s arbitrary rules or policies banning the open carry of firearms in the  
12 District’s libraries violates Nevada law.

13 55. The District denied Michelle her constitutional right to bear arms.

14 56. The District has enacted and enforced arbitrary rules and policies that are  
15 prohibited by Nevada law and the Nevada Constitution.

16 57. The District denied Michelle her constitutional right to due process of law under  
17 Article 1, Section 8(5) of the Nevada Constitution.

18 58. Michelle was damaged by the District’s actions.

19 59. Michelle suffered actual loss and damages as a result of the District’s unlawful  
20 actions.

21 60. Michelle is entitled to damages in an amount equal to three times her actual  
22 damages.

23 61. Michelle is entitled to attorney’s fees and costs.

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**SECOND CLAIM FOR RELIEF  
(Declaratory Judgment)**

62. All previous paragraphs in this Complaint are specifically incorporated herein as though fully set forth.

63. The District enacted and enforced arbitrary rules and policies that violate the Plaintiff's constitutional rights.

64. The District's enactment and enforcement of these arbitrary rules and policies violate Article 1, Section 11(1) and Section 8(5) of the Nevada Constitution.

65. The District's promulgation and enforcement of these arbitrary rules and policies violate Nevada law.

66. Nevada law preempts the District's arbitrary rules and policies prohibiting the open carry of a firearm in a District library, and these arbitrary rules and policies should be declared invalid.

67. The District's arbitrary rules and policies form the basis for the Trespass Notice.

68. Nevada law preempts the Trespass Notice, and it should be declared invalid.

69. Michelle is entitled to a declaratory judgment that the District's rules and policies that prohibit the open possession of firearms in libraries are unconstitutional.

70. Michelle is entitled declaratory judgment that the Trespass Notice is invalid.

71. Michelle is entitled to attorney's fees and costs.

**THIRD CLAIM FOR RELIEF  
(Injunctive Relief)**

69. All previous paragraphs in this Complaint are specifically incorporated herein as though fully set forth.

70. Michelle has a right to carry firearms pursuant to the Nevada Constitution and



1 Nevada law.

2 71. This right is superior to any rule or regulation by any state or local entity not  
3 specifically authorized by Nevada law.

4 72. The District had enacted and enforced arbitrary rules and policies that violate the  
5 Michelle's rights.

6 73. The District's enforcement of these arbitrary rules and policies violates Nevada  
7 law.

8 74. Nevada law preempts the District's arbitrary rules and policies prohibiting the  
9 open carry of a firearm in a District library, and they are invalid.

10 75. The District's arbitrary rules and policies form the basis for the Trespass Notice.

11 76. Nevada law preempts the Trespass Notice, and it is invalid.

12 77. Michelle is entitled to a preliminary and permanent injunction to invalidate the  
13 Trespass Notice and to permit her to return to the District's libraries.

14 78. Michelle is entitled to attorney's fees and costs.

15 WHEREFORE, Michelle prays for relief as follows:

16 A. For declarative relief;

17 B. For preliminary and permanent injunctive relief;

18 C. For general damages;

19 D. For damages in an amount of three times her actual damages;

20 E. For reasonable attorney's fees;

21 F. For costs of suit herein; and

22 ///

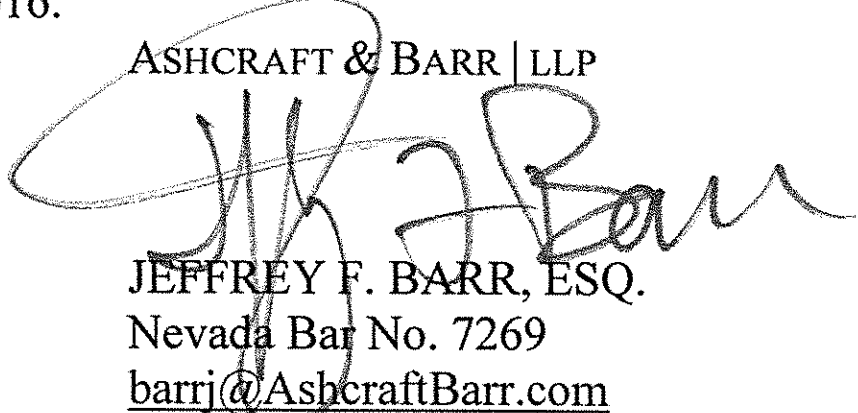
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1 G. For such further relief as the Court may deem proper.

2 DATED this 22<sup>nd</sup> day of April, 2016.

3 ASHCRAFT & BARR | LLP

4 

5 JEFFREY F. BARR, ESQ.

6 Nevada Bar No. 7269

7 [barrj@AshcraftBarr.com](mailto:barrj@AshcraftBarr.com)

8 2300 West Sahara Avenue, Suite 1130

9 Las Vegas, NV 89102

10 Attorneys for Plaintiff Michelle Flores

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VERIFICATION

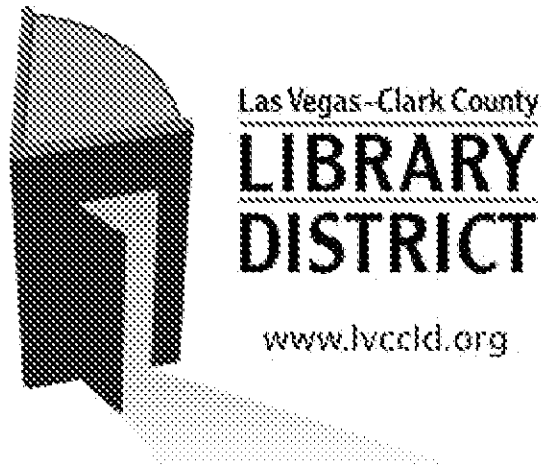
Under penalties of perjury, the undersigned declares that he is a Plaintiff named in the foregoing Verified Complaint and knows the contents thereof; that the pleading is true of her own knowledge, except as to those matters stated on information and belief, and that as to such matters she believes it to be true.

4/22/16  
Date:

Michelle Flores  
Name: Michelle Flores

**EXHIBIT 1**

**EXHIBIT 1**



## Library Rules of Conduct

It is our intention to provide library visitors with good service in a pleasant atmosphere. In addition to obeying all applicable federal, state and local laws, each of you can help by observing the following rules of conduct.

1. Library patrons shall be engaged in normal activities associated with the use of a public library. Conduct that disturbs library users or staff, or that hinders others from using the library or library materials is prohibited.
2. Damage, destruction or theft of library property is prohibited. Parents are liable for all acts of minors. (Nevada Revised Statute 379.160)
3. Firearms are prohibited as outlined in NRS 202.3673.
4. Use of all types of tobacco is prohibited in the library. (Including e-cigarettes)
5. Food or beverages are prohibited in the library except for pre-approved events or in specified areas.
6. Sleeping is prohibited on library property.
7. Talking on cell phones or through other electronic devices is prohibited.
8. Selling or solicitation is prohibited on library property, except to gather signatures for petitions as outlined in NRS 293.127565 or in accordance with the District's meeting room use agreements.
9. Animals, except service animals, are prohibited on library property.

10. Shoes and shirts must be worn in the library.
11. All children under the age of 10 must be supervised by an adult who assumes responsibility. Adult patrons must monitor all activities and behavior of their children on library property. Anyone under the age of 18 who does not follow the *Library Rules of Conduct*, has an emergency or is left at closing, will be subject to staff contacting a caregiver. If a caregiver cannot be contacted, staff will notify the police.
12. Patrons are not permitted to bring any large bags or shopping carts into the library.
13. Any person creating or emanating an odor that can be detected from six feet away will be asked to leave the library until the situation can be corrected. Before ejecting any patron who creates such a disturbance, the acting librarian shall contact by telephone appointed representatives to act in an advisory capacity. If the representative determines that the person is not making a disturbance, the patron shall not be ejected. In the event the representative does not arrive within 30 minutes, the patron can be evicted.
14. Library materials may not be taken into restrooms.
15. The library is not responsible for personal items that are lost, stolen or damaged on library property.
16. The Library District reserves the right to inspect an individual's personal belongings to prevent unauthorized removal of library materials and equipment or for the health and safety of staff and other patrons.

Depending on the seriousness of the infraction, any patron who violates any of these Rules of Conduct may be trespassed from the Library District for a period of up to one year. Any patron who is trespassed is prohibited from use of all Las Vegas-Clark County Library District facilities and services. Trespassed patrons returning to a Las Vegas-Clark County Library District branch during a period of trespass will be issued a new one-year trespass.

A patron who has been trespassed may have the decision reviewed by appealing via written request to the Library Director within fourteen (14) days of when the trespass was issued.

**EXHIBIT 2**

**EXHIBIT 2**

# Notice of Trespass

Please note that in accordance with NRS 207.200 you have been officially trespassed from the Las Vegas-Clark County Library District on 3/14/16 for the following infraction: (month, day, year)

*firearms in the library*

You may not visit any branch of the Las Vegas-Clark County Library District for a period of one (1) year from the date indicated above. Failure to comply will result in staff contacting local law enforcement.

If you wish to appeal this decision, you must do so by written request to the Library Director within fourteen (14) days of the above date:

Executive Director  
833 Las Vegas Blvd. N.  
Las Vegas, NV 89101



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**

<input type="checkbox"/> Apt. Notification <input type="checkbox"/> Garage Door <input type="checkbox"/> Curfew Notification <input type="checkbox"/> Other	<input type="checkbox"/> Disturbance <input type="checkbox"/> Drug Activity <input type="checkbox"/> Theft <input type="checkbox"/> Vandalism	<input checked="" type="checkbox"/> Trespassing <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Civil Stand-by <input type="checkbox"/>
Address <i>3150 N. Rainbow</i>		Event # <i>160316-1602</i>
Apt. Name <i>RAINBOW LIBRARY</i>		Message <i>TRESPASS DUE TO NOT CARRYING WHEN ASKED DUE TO CARRYING A GUN INSIDE AS/STESSED</i>
Date <i>3-16-16</i>	Time <i>1255</i>	Officer Name <i>ADIR</i>
		PP# <i>7302</i>

LVMPD 275 (REV. 10-14)      LAS VEGAS METROPOLITAN POLICE DEPARTMENT      CARBON COPY - CITIZEN