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EIGHTH DISTRICT COURT
CLARK COUNTY NEVADA

11 ALEXANDER NILL, individually and as
12 managing member of GUBERLAND LLC,
13 MARK and JENNYLYNNE EDINGTON, and
14 KIM SNYDER, each an individual, and
15 representative of potential class members;
16 Plaintiffs,
17 vs.
18 SOUTHERN NEVADA WATER
19 AUTHORITY, a political subdivision of the
20 State of Nevada; DOE INDIVIDUALS; and
21 ROE GOVERNMENTAL ENTITIES;
22 Defendants.

Case No.: A-26-937025-C
Dept. 11

**PLAINTIFFS' EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

**[REQUEST FOR ORDER AND
EXPEDITED HEARING]**

"We Speak for the Trees"¹

I. INTRODUCTION

SNWA is labeling grass as nonfunctional or useless, even when that grass is essential to the life of mature trees. SNWA does so under the asserted authority of Assembly Bill 356 ("AB 356") in a manner that exceeds the authority granted by the statute and predictably causes irreparable harm to established landscapes. When SNWA designates grass as "useless," homeowners' associations, property managers, and residents are pressured to remove it. Once the grass is removed, mature trees lose critical subsurface moisture, weaken, and often die. SNWA's own

¹ Dr. Seuss, *The Lorax*.

1 expert Norm Schilling notes that more than 100,000 trees have died since SNWA began labeling
2 grass as “useless” and Las Vegas has suffered \$300,000,000 in tree loss damage alone. Compl. ¶¶
3 3–6; Schilling Decl. ¶¶ 21–22.

4 Removal of turf deprives mature trees of critical subsurface moisture, increases root-zone
5 and ambient temperatures, and disrupts soil biology necessary for tree health, predictably
6 accelerating irreversible decline and often resulting in tree death once removal begins. Compl. ¶¶
7 8–12; Schilling Decl. ¶¶ 19–20, 31. That harm now threatens Plaintiffs’ residential and community
8 properties unless this Court moves quickly. Compl. ¶¶ 29–48.

9 Because SNWA’s policies are causing ongoing, irreversible harm Plaintiffs seek a stay of
10 SNWA’s ability to designate “functional” and “nonfunctional” turf until the Court can hear the
11 claims. While Plaintiff’s ask the Court to apply this stay to all SNWA designations, *at a minimum*,
12 Plaintiffs seek a stay as applied within their communities, specifically: (i) Stallion Mountain
13 Community in East Las Vegas, (ii) Green Valley Ranch Community in Henderson, and (iii) Canyon
14 Fairways Community in Summerlin.² The requested stay is narrowly tailored and directed at the
15 designation process itself, which operates without any meaningful due process protections.
16 Plaintiffs do not seek an adjudication on the merits at this stage. They ask only that the Court
17 preserve the status quo while their claims are considered, before irreversible harm occurs.

18 This relief is necessary because Plaintiffs face imminent and ongoing harm because SNWA
19 wants grass removed. If the grass is removed, mature trees are likely to die. Mr. Nill’s trees are
20 actively declining after his HOA stopped watering after SNWA designated his turf “useless” and
21 “nonfunctional.” Compl. ¶¶ 23–28. The Edingtons grass in their Wingbrook park and in front of
22 their home is also apparently “useless” according to SNWA; even though other trees in their
23 community have died following conversion. Compl. ¶¶ 29–48.

24 Similarly, SNWA wants Ms. Snyder to remove “useless” turf from her own single-family
25 residential property. Compl. ¶¶ 15–22. Without rapid Court intervention, grass will be removed
26
27

28 _____
² Plaintiff’s note that poor communities often have few resources, including trees and as such seek the stay of SNWA
“non-functional” turf designations to apply to all communities valley-wide.

1 before this Court can review the claims. Once turf is removed and trees decline, a later ruling cannot
2 restore the lost canopy or environmental harm; and money won't compensate the Plaintiffs.

3 Therefore, Plaintiffs seek a narrowly tailored Temporary Restraining Order and Preliminary
4 Injunction to stay SNWA's turf designations while the Court considers the legality of SNWA's
5 actions on a full record. This is not about policy. It is about process – and making time for judicial
6 review. This Motion does not ask the Court to manage water policy or resolve the ultimate merits.
7 It asks only that existing conditions be preserved for a brief period, so Plaintiffs' claims are not
8 mooted by irreversible physical destruction.

9 Plaintiffs and affected community associations sought waivers and relief under SNWA's
10 own rules. SNWA denied those requests and appeals and pushed for rapid grass removal. Compl.
11 ¶¶ 37–40. As individual property owners and residents, Plaintiffs have no process to contest the
12 harm they face – except for judicial intervention. Compl. ¶¶ 19–22, 26–28.

13 The problem is process and timing. SNWA's designation-driven process operates first, and
14 judicial review comes too late. Unless this Court intervenes now, Plaintiffs' claims will be rendered
15 moot as a practical matter. Compl. ¶¶ 179–206.

16 Nevada law authorizes temporary injunctive relief to preserve the pre-dispute status quo and
17 prevent irreparable harm pending a prompt hearing. Where, as here, agency action threatens
18 irreversible physical destruction before judicial review is possible, the balance of hardships and the
19 public interest favor temporary relief.

20 **II. FACTUAL BACKGROUND**

21 **A. SNWA's Turf Designations Under AB 356 Cause Irreversible Harm Without Process**

22 SNWA's implements Assembly Bill 356 ("AB 356") by designating turf as "functional" or
23 "nonfunctional" and directing non-functional turf to be removed. Compl. ¶¶ 3–5, 72–76.

24 But SNWA lacks statutory authority to require removal.

25 SNWA may assert that it does not directly enforce turf removal. That instead, it issues turf
26 designations and communicates to homeowners' associations, property managers, and residents that
27 turf labeled "nonfunctional" must be removed to comply with AB 356. But because SNWA insists
28

1 its designations are law, residents reasonably treat these edicts as mandatory directives that must
2 be followed to avoid fines and penalties, or termination of service. Compl. ¶¶ 67–69, 111.

3 Like when a police officer issues a traffic ticket, residents may want to pay the fine or appeal
4 the citation. But SNWA provides no administrative process by which individual residents may
5 contest a turf designation, seek a stay, or appeal, even when turf appears to be obviously functional
6 – like grass in front of a house, in a community green space where children play, or in neighborhood
7 parks, or adjacent to playgrounds. Compl. ¶¶ 19–22, 190–201.

8 SNWA’s designation itself, that grass is “useless” causes the harm that leads to turf removal
9 and tree death. Turf removal deprives mature trees of subsurface moisture, predictably causing
10 irreversible decline and death once removal begins. Compl. ¶¶ 8–12; Schilling Decl. ¶¶ 19–20,
11 31. As a result, affected trees enter irreversible decline without judicial or administrative review.

12 This designation-driven mechanism has already resulted in widespread tree loss and now
13 threatens the properties in this case. Compl. ¶¶ 6, 11, 21–22. Absent judicial intervention, SNWA’s
14 designation process will continue to remove grass and kills trees – before this Court can rule.
15 Therefore, time is of the essence.

16 **B. The Edington Neighborhood Park and Adjacent Residential Landscaping**

17 Plaintiffs Mark and Jenny-Lynn Edington have lived in a residential neighborhood adjacent
18 to a long-established community park and playground since 2012. Compl. ¶¶ 29–30. The park’s
19 mature trees and turf provide shade, cooling, and recreational use, and subsurface moisture critical
20 to tree health. Compl. ¶¶ 30–32.

21 In or around 2025, SNWA designated more than 160,000 square feet of the neighborhood
22 turf “non-functional”, including turf immediately adjacent to the playground, requiring removal.
23 Compl. ¶¶ 33–36. SNWA made this designation without site-specific evaluation of recreational use,
24 without considering the turf’s role in sustaining mature trees, and without affording residents *any*
25 opportunity to contest the classification before irreversible harm would occur. Compl. ¶¶ 32–36.

26 The Green Valley Ranch Community Association sought a waiver under SNWA’s rules and
27 submitted information showing the turf satisfied SNWA’s own functional criteria. Compl. ¶¶ 37–
28 38. SNWA denied the waiver approximately six months later. The HOA appealed, and SNWA

1 denied the appeal, leaving no further administrative avenue to challenge the designation or obtain
2 a stay. Compl. ¶¶ 39–40.

3 As a result, the HOA plans to remove the turf in the Edington neighborhood park any day
4 now. Compl. ¶¶ 31, 41. Once removed, the mature trees shading the playground will predictably
5 enter irreversible decline and face eventual death. Compl. ¶¶ 32, 41; Schilling Decl. ¶¶ 19–20, 31.

6 SNWA has also designated turf in front of the Edingtons’ own single-family residence as
7 “nonfunctional,” notwithstanding that the turf protects mature trees providing shade, privacy, and
8 residential enjoyment. Compl. ¶¶ 43–44. As individual residents, the Edingtons have no right to
9 appeal, no hearing, and no opportunity to present evidence before removal occurs.

10 **C. Plaintiff Snyder’s Single-Family Residential Property**

11 Plaintiff Kim Snyder owns and resides in a single-family residential property with grass and
12 mature trees located between the sidewalk and curb. Compl. ¶¶ 15–16. SNWA informed her HOA’s
13 property management company that turf on Ms. Snyder’s own residential property was
14 “nonfunctional” or “useless” and therefore subject to removal. Compl. ¶¶ 16–18.

15 SNWA provides no mechanism for Ms. Snyder, as an individual homeowner, to appeal this
16 designation because the turf is on her property. Compl. ¶¶ 19–22. The designation therefore acts as
17 a final determination, without notice, hearing, or any opportunity to present evidence before
18 irreversible harm occurs.

19 Absent immediate court intervention, turf removal will expose Ms. Snyder’s mature trees
20 to the same predictable and irreversible harm that has already killed more than 100,000 trees
21 throughout the Las Vegas Valley, as explained by SNWA’s own arborist expert, Norm Schilling.
22 Compl. ¶¶ 19–20; Schilling Decl. ¶¶ 19–20, 31. Once removal occurs, the resulting damage cannot
23 be undone by later judicial relief.

24 **D. Plaintiff Nill’s Residential Properties**

25 Plaintiff Alexander Nill owns multiple single-family residential properties within SNWA’s
26 enforcement jurisdiction. Compl. ¶¶ 23–24. For more than ten years, he maintained turf and
27 landscaping without issue under his HOA’s governing documents. Compl. ¶ 24.

28

1 In 2025, SNWA designated turf at Mr. Nill’s properties as “nonfunctional” or “useless.” Following
2 that designation, the HOA curtailed watering of the grass and landscaped areas to avoid violating
3 AB 356. Compl. ¶¶ 25–26. As a direct result, the turf died and mature trees dependent on that turf
4 for subsurface moisture entered active decline.

5 When Mr. Nill sought to replace the turf, the HOA refused based on SNWA’s designation.
6 Compl. ¶¶ 25–26. The designation operated as a mandate, without any hearing or appeal process.
7 Mr. Nill had no mechanism to challenge the designation or obtain a stay before irreversible harm
8 occurred. His trees deteriorate daily. Compl. ¶¶ 8–12, 26–27; Schilling Decl. ¶¶ 19–20, 31.

9 III. LEGAL STANDARD

10 A. Temporary Restraining Orders and Preliminary Injunctions Under Nevada Law

11 Nevada district courts possess broad equitable authority to issue temporary restraining
12 orders and preliminary injunctions to preserve the status quo and prevent irreparable harm pending
13 adjudication of the parties’ rights. *See* NRCP 65; NRS 33.010; *Dixon v. Thatcher*, 103 Nev. 414,
14 415, 742 P.2d 1029, 1029 (1987). The grant or denial of preliminary injunctive relief rests within
15 the sound discretion of the district court. *Labor Comm’r of State of Nev. v. Littlefield*, 123 Nev. 35,
16 38-39, 153 P.3d 26, 28 (2007).

17 In determining whether to grant injunctive relief, Nevada courts consider whether the
18 moving party has shown a likelihood of success on the merits, whether irreparable harm will result
19 absent relief, whether the balance of equities favors the moving party, and whether the public
20 interest would be served by the injunction. *S.O.C., Inc. v. Mirage Casino-Hotel*, 117 Nev. 403, 408,
21 23 P.3d 243, 246 (2001).

22 The moving party bears the burden of providing testimony, exhibits, or documentary
23 evidence to support its request for an injunction. *Coronet Homes, Inc. v. Mylan*, 84 Nev. 435, 437,
24 442 P.2d 901, 902 (1968); compare 11A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane,
25 *Federal Practice and Procedure: Civil*, § 2949, at 237 (2013) (to sustain a preliminary injunction,
26 “[e]vidence that goes beyond the unverified allegations of the pleadings and motion papers must be
27 presented”), with *Las Vegas Novelty, Inc. v. Fernandez*, 106 Nev. 113, 787 P.2d 772 (1990) (noting
28 that NRCP 65 was drawn from an earlier version of FRCP 65, making it appropriate to look to

1 federal cases and treatises in construing our rule). *Hosp. Int'l Group v. Gratitude Group, LLC*, 132
2 Nev. 980, 387 P.3d 208 (2016).

3 Temporary injunctive relief is particularly appropriate where, absent court intervention, the
4 subject of the litigation will be permanently altered or destroyed before the court can determine the
5 parties' rights. *Dixon*, 103 Nev. at 415; *Dangberg Holdings Nev., L.L.C. v. Douglas Cty.*, 115 Nev.
6 129, 146, 978 P.2d 311, 322 (1999). A temporary restraining order therefore must remain limited
7 to its core purpose: preserving the status quo and preventing irreparable harm only so long as
8 necessary to permit a prompt hearing. *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck*
9 *Drivers Local No. 70*, 415 U.S. 423, 439 (1974); see also *Dangberg*, 115 Nev. at 146, 978 P.2d at
10 321; *Tran v. Quality Loan Serv. Corp.*, No. 2:12-CV-01372-GMN, 2012 WL 4753308, at *3 (D.
11 Nev. Oct. 4, 2012).

12 Irreparable harm exists where an injury cannot be adequately compensated by money
13 damages or where damages would be difficult or impossible to measure. *Boulder Oaks Cmty. Ass'n*
14 *v. B & J Andrews Enters., LLC*, 125 Nev. 397, 403, 215 P.3d 27, 31 (2009); see also *Finkel v.*
15 *Cashman Pro., Inc.*, 128 Nev. 68, 74, 270 P.3d 1259, 1263 (2012)

16 The loss or destruction of unique property interests, including established land uses and
17 environmental features that cannot be restored, constitutes irreparable harm under Nevada law.
18 *Dixon*, 103 Nev. at 415.; *Dangberg*, 115 Nev. at 146.

19 The public interest likewise favors preserving the status quo where governmental action
20 threatens irreversible harm and where the scope of the government's statutory authority is seriously
21 disputed. Nevada courts recognize a strong public interest in ensuring that agencies act within the
22 authority conferred by the Legislature and that property is not irreversibly altered before the legality
23 of such action can be reviewed. *S.O.C.*, 117 Nev. at 408; *Dangberg*, 115 Nev. at 146.

24 **B. Limited Application Here Is Appropriate**

25 Plaintiffs seek narrowly tailored, status-quo relief to prevent imminent and irreversible harm
26 while the Court determines whether SNWA's enforcement of Assembly Bill 356 exceeds the
27 authority granted by the Legislature. Without interim relief, SNWA's designation practices will
28

1 permanently destroy existing trees and landscaped areas before the Court can adjudicate Plaintiffs'
2 statutory claims, rendering any final judgment ineffectual.

3 Where serious statutory questions exist and agency action threatens irreversible harm before
4 judicial review can occur, Nevada law authorizes temporary injunctive relief in aid of declaratory
5 relief to maintain the status quo until the parties' rights are determined. *Nevada Management Co.*
6 *v. Jack*, 75 Nev. 232, 236, 338 P.2d 71, 73 (1959). This case presents precisely that circumstance.
7 Because SNWA's turf designation process applies uniformly and triggers irreversible physical
8 harm immediately upon issuance, a partial or property-by-property stay would not prevent ongoing
9 tree loss valley-wide before the Court can adjudicate Plaintiffs' claims.

10 **IV. LEGAL ARGUMENT**

11 **A. Plaintiffs Are Likely to Succeed Because SNWA's Enforcement Exceeds the** 12 **Authority Granted by AB 356 and AB 220**

13 Plaintiffs are likely to succeed on the merits because SNWA has exceeded the statutory
14 authority granted by AB 356, as amended by AB 220, in violation of Nevada's modified Dillon's
15 Rule. No due process is afforded residents. SNWA has expanded its authority beyond what the
16 Legislature conferred by treating turf designations as *de facto* removal mandates that foreseeably
17 destroy mature trees and residential landscaping. Compl. ¶¶ 140–144, 163–178, 217–222, 274–283.

18 Under the modified Dillon's Rule, SNWA possesses only those powers expressly granted
19 by statute or necessarily implied from those grants, and any reasonable doubt must be resolved
20 against the agency. See *Ronnow v. Las Vegas*, 57 Nev. 332, 343, 65 P.2d 133, 136 (1937). AB 356
21 directs SNWA to ensure that Colorado River water is not used on "nonfunctional turf," but it does
22 not define that term, does not reference trees, and does not authorize the destruction of mature tree
23 canopy. Compl. ¶¶ 141–145. The statute expressly excludes single-family residential property from
24 mandatory turf removal. *Id.*

25 When SNWA designates turf as "nonfunctional" without regard to its role in protecting tree
26 root systems from overheating and desiccation, SNWA acts *ultra vires*. Compl. ¶ 220. Turf
27 preserves subsurface moisture and enables tree survival performs an essential ecological function
28 and is not "nonfunctional" within the meaning of the statute. Schilling Decl. ¶¶ 19–20, 31.

1 SNWA's statutory overreach is compounded by the absence of due process. SNWA
2 provides no hearing, no appeal, and no mechanism for individual residents to challenge turf
3 designations or obtain a stay before irreversible harm occurs. Compl. ¶¶ 259–293. Yet SNWA's
4 designations trigger immediate consequences, including turf removal, cessation of watering, and
5 predictable loss of mature tree canopy. *Id.*

6 These statutory defects apply uniformly to Plaintiffs. SNWA designated turf protecting
7 mature trees in community parks, HOA-governed neighborhoods, and on single-family residential
8 property, despite the statute's express residential exclusion and without any individualized process.
9 Compl. ¶¶ 15–48. In each instance, SNWA's designation initiated a chain of events leading to turf
10 removal or cessation of watering and ongoing tree decline. *Id.*

11 Plaintiffs need not prevail on the ultimate merits for this Court to grant interim relief. Where
12 serious statutory questions exist and agency action threatens irreversible harm before judicial
13 review can occur, temporary injunctive relief properly preserves the status quo so the Court can
14 adjudicate the parties' rights. *Jack*, 75 Nev. at 236, 338 P.2d at 73.

15 **B. Plaintiffs (and All Residents) Face Immediate and Irreparable Harm**

16 Plaintiffs face immediate and irreparable harm absent injunctive relief. SNWA's
17 designation practices compel or coerce removal of turf that protects mature trees, depriving those
18 trees of the subsurface moisture necessary for survival. Schilling Decl. ¶¶ 19–20, 31.

19 The harm is imminent and irreversible because SNWA is moving quickly and trees are
20 *already* dying after having had their grass removed. Like Mr. Nill's trees, which are actively
21 declining after watering ceased in response to SNWA's designation. Turf removal at the Edington
22 neighborhood park is scheduled to begin imminently, and other Plaintiffs face ongoing enforcement
23 pressure and immediate removal requirements. Compl. ¶¶ 31, 41, 179–184.

24 Trees take generations to grow, cannot be replaced through monetary damages, and their loss
25 permanently alters residential properties and community green spaces. Compl. ¶¶ 8–12, 185. Unless
26 the Court stays SNWA's designation practices (valley-wide, or at a minimum as applied to
27 Plaintiffs' communities), grass will keep being removed and thousands of more trees will die.
28 Compl. ¶¶ 179–206.

1 Once SNWA labels turf “nonfunctional” or “useless,” homeowners and HOAs act to
2 remove it for fear of violating the law. Once turf is removed, mature trees dependent on existing
3 soil moisture and cooling predictably enter irreversible decline and die. *Id.*

4 This harm cannot be remedied by money damages or later judicial relief. Mature trees take
5 decades to grow and cannot be replaced within any meaningful timeframe. Their loss permanently
6 alters residential properties, community spaces, and environmental conditions. Compl. ¶¶ 185–189.
7 Once trees die, no subsequent ruling by this Court can restore the canopy, shade, cooling, or
8 ecological benefits they provide. *Id.*

9 The timing of the threatened harm underscores its irreparable nature. Turf removal at the
10 Edington neighborhood park is scheduled to occur imminently, and once removal begins, the
11 mature trees shading the playground will predictably enter irreversible decline. Compl. ¶¶ 180–184.
12 Across the Valley, many affected trees are 30 to 50 years old, yet SNWA does not consider tree
13 age, canopy value, ownership interests, or survivability when issuing functional versus
14 nonfunctional turf designations. Compl. ¶ 186.

15 The Complaint also alleges concrete, ongoing harms resulting from canopy loss, including
16 increased surface temperatures, higher electricity costs, diminished residential enjoyment, and
17 degradation of community spaces. Compl. ¶¶ 187–189. These harms are cumulative, ongoing, and
18 incapable of precise monetary valuation. When coupled with the permanent loss of mature trees,
19 they constitute irreparable harm as a matter of law.

20 SNWA’s designation practices proceed on accelerated timelines that ensure physical
21 destruction occurs before judicial review can take place. Compl. ¶¶ 190–206. Once turf is removed
22 and trees die, Plaintiffs’ injuries are complete. Because Plaintiffs face imminent tree loss that will
23 occur before this Court can rule, and because no later administrative or judicial remedy can restore
24 dead mature trees or the benefits they provide, Plaintiffs satisfy the irreparable-harm requirement
25 for issuance of a temporary restraining order and preliminary injunction.

26 **C. The Balance of Equities and the Public Interest Strongly Favor Injunctive Relief**

27 The balance of equities and the public interest both weigh decisively in favor of temporary
28 injunctive relief. Once SNWA designates turf as “nonfunctional” or “useless,” homeowners and

1 HOAs act to remove it to avoid perceived legal exposure. That designation-driven response is
2 immediate and effectively irreversible. Absent interim relief, Plaintiffs will suffer permanent and
3 irreversible harm through the loss of mature trees, shade, and established residential and community
4 green space all before this Court can determine whether SNWA possesses the authority to mandate
5 such destruction. Compl. ¶¶ 179–189.

6 By contrast, a temporary restraining order imposes minimal hardship on SNWA. The
7 requested relief merely pauses enforcement of disputed turf designations while the Court
8 adjudicates Plaintiffs’ statutory claims. AB 356’s statutory turf-removal deadline does not occur
9 until December 31, 2026. Compl. ¶ 3. A brief pause in the designation process does not undermine
10 SNWA’s conservation mission, does not impair long-term objectives, and does not prevent future
11 enforcement should SNWA ultimately prevail. SNWA faces administrative inconvenience;
12 Plaintiffs face permanent loss.

13 The public interest likewise favors preserving the status quo. The public has a compelling
14 interest in ensuring that governmental agencies act within the authority granted by the Legislature
15 and do not inflict irreversible harm to private property and community resources before the legality
16 of their actions can be reviewed. Compl. ¶¶ 140–144, 274–283. Plaintiffs allege that SNWA
17 enforces turf-removal mandates through informal guidance and HOA pressure, without statutory
18 standards or meaningful avenues for individual appeal. Compl. ¶¶ 165–177. Preserving existing
19 conditions ensures that judicial review remains meaningful rather than purely academic.

20 The public also has a substantial interest in preventing irreversible environmental harm
21 caused by enforcement actions whose legality has not yet been adjudicated. SNWA’s
22 implementation of AB 356 has already resulted in widespread loss of mature trees and threatens
23 continued destruction of canopy that cannot be replaced within a human generation. Compl. ¶¶
24 179–189, 303–304. Mature trees reduce surface temperatures, lower energy demand, and make
25 residential neighborhoods and community spaces usable during extreme heat. Compl. ¶¶ 187–189.
26 Allowing additional canopy loss to proceed while statutory authority remains in dispute deserves
27 both residents and long-term conservation goals.

28

1 Finally, the requested relief is narrowly tailored. The primary relief preserves the status quo
2 as to SNWA’s designation process, which operates uniformly throughout the Las Vegas Valley and
3 triggers irreversible harm immediately upon issuance, while the alternative minimum relief
4 preserves existing conditions at the specific properties identified in the Complaint. In either form,
5 the relief leaves SNWA free to continue conservation planning and to enforce AB 356 in
6 circumstances not before the Court. The public interest is best served by maintaining the pre-
7 enforcement status quo until this Court determines whether SNWA’s designation practices comply
8 with governing law. Compl. ¶¶ 29–36, 97, 136–144.

9 V. REQUESTED INJUNCTIVE RELIEF

10 Plaintiffs respectfully request that the Court enter a Temporary Restraining Order and set
11 an expedited hearing on Plaintiffs’ request for a preliminary injunction. The requested relief is
12 narrowly tailored to preserve the status quo and prevent irreversible harm pending adjudication of
13 this action and is directed solely at SNWA’s designation process, not at ultimate enforcement or
14 policy determinations.

15 A. Primary Requested Relief (Valley-Wide Designation Stay)

16 Plaintiffs request that the Court enter an order providing that, pending further order of the
17 Court:

- 18 1. **Stay of SNWA Turf Designations.** SNWA is enjoined from issuing, implementing,
19 applying, or relying upon any determinations, classifications, or designations of
20 turf as “functional” or “nonfunctional” under Assembly Bill 356 throughout the
21 Las Vegas Valley to the extent such designations operate through SNWA’s
uniform, centralized designation process and trigger imminent turf removal or
cessation of watering before judicial review can occur.
- 22 2. **Status-Quo Relief Only.** This Order preserves existing, pre-enforcement
23 conditions and prevents irreparable environmental harm while the Court
24 determines the scope of SNWA’s statutory authority and the legality of the
25 designation process. Nothing in the Order constitutes a final determination
26 regarding the validity of AB 356 or restricts SNWA’s ability to engage in
conservation planning, education, or other actions consistent with statutory limits
and due process.

27 B. Alternative Minimum Relief (HOA-Specific Stay)

1 At a minimum, if the Court determines that broader relief is not appropriate at the TRO
2 stage, Plaintiffs request that the Court enter an order providing that, pending further order
of the Court:

- 3 1. **Stay of Designations in Plaintiffs' Communities.** All SNWA determinations,
4 classifications, or designations of "functional" or "nonfunctional" turf applicable to
the following homeowners' associations are stayed:
5 a. Stallion Mountain Community (East Las Vegas)
6 b. Green Valley Ranch Community (Henderson)
c. Canyon Fairways Community (Summerlin)
- 7 2. **No New or Revised Designations in Plaintiffs' Communities.** SNWA is enjoined
8 from issuing, revising, or relying upon any new or existing turf designations
affecting the homeowners' associations identified above pending further order of
the Court.
- 9 3. **Relief Limited to Preservation of the Status-Quo.** This relief preserves existing
10 conditions and prevents irreparable harm pending resolution of the parties' statutory
11 and constitutional claims. Nothing herein constitutes a final determination regarding
the validity or scope of AB 356 or SNWA's authority thereunder.

12
13 A copy of this language is attached as a proposed order for convenience, given the urgency of the
14 matter.

15 **VI. NO BOND IS REQUIRED UNDER NRCP 65(c)**

16 NRCP 65(c) provides that the Court *may* require security in an amount it considers proper.
17 The rule does not mandate a bond in every case, and courts routinely waive or minimize security
18 where a temporary restraining order issued on notice is limited in scope and duration and is intended
19 to preserve the status quo pending a prompt hearing. See *Perdomo v. Noem*, 790 F. Supp. 3d 850,
20 883 (C.D. Cal. 2025); *Cutera, Inc. v. Lutronic Aesthetics, Inc.*, 444 F. Supp. 3d 1198, 1210–11
21 (E.D. Cal. 2020); *Innovation Law Lab v. Nielsen*, 310 F. Supp. 3d 1150, 1165 (D. Or. 2018);
22 *Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009).

23 The requested TRO preserves existing conditions by temporarily pausing the designation
24 process only, while the Court considers whether SNWA has statutory authority to implement turf
25 designations in a manner that foreseeably kills mature trees. It does not compel affirmative action,
26 deprive SNWA of property or revenues, or alter SNWA's long-term objectives. A brief pause also
27 does not impede the statutory timeline, including the December 31, 2026 deadline associated with
28 AB 356.

1 Because SNWA faces no realistic risk of compensable loss during the limited duration of a
2 status-quo TRO, a bond would serve no compensatory purpose. The Court should therefore waive
3 security. In the alternative, Plaintiffs request that the Court set a nominal bond.

4 **VII. CONCLUSION**

5 SNWA has already caused substantial harm as 100,000 trees and \$300,000,000 in tree loss
6 damage has already occurred according to SNWA's own highly decorated arborist Norm Schilling.
7 Without immediate injunctive relief, Plaintiffs (and all Southern Nevada residents) will continue to
8 suffer irreparable harm before this Court can adjudicate their claims. Once turf is removed and
9 mature trees decline or die, no later ruling can restore the canopy, shade, cooling, and community
10 benefits those trees provide.

11 Plaintiffs do not ask the Court to resolve the ultimate merits at this stage. This is not about
12 policy. It is about process. They ask only that the Court preserve the status quo long enough to
13 determine whether SNWA has acted within statutory limits and with adequate process before the
14 designation-driven removal of turf causes irreversible damage.

15 For these reasons, Plaintiffs respectfully request that the Court grant this Motion, enter a
16 Temporary Restraining Order consistent with the relief requested above, and set an expedited
17 hearing on Plaintiffs' request for a preliminary injunction.

18 DATED this 20th day of January, 2026.

19 **LEX TECNICA, LTD.**

20 /s/ Samuel D. Castor
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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the ____ day of January, 2026, service of the foregoing **PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION** was made this date by depositing a true copy of the same for mailing, first class mail at Las Vegas, Nevada, addressed as follows:

Oliver Pancheri, Esq.
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