

1 JOSEPH F. BECKER, ESQ.
Nevada Bar No. 12178
2 NPRI CENTER FOR JUSTICE AND CONSTITUTIONAL LITIGATION
7130 Placid Street
3 Las Vegas, NV 89119
Telephone: (702) 450-6256
4 Fax: (702) 549-3680
Attorney for Plaintiff

5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

9 WILLIAM POJUNIS;

10
11 Plaintiff,

Case No.

12 Dept. No.

13 vs.

14 MOISES DENIS; THE PUBLIC UTILITIES COMMISSION
OF NEVADA; and THE STATE OF NEVADA on
15 Relation of The Public Utilities Commission of Nevada,

16 Defendants

17
18 **COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

19
20 For his Complaint, Plaintiff alleges:

21 1. On or before February 7, 2011, Defendant MOISES DENIS, began service in the
22 Nevada Legislature despite concurrently holding a position in the Executive Branch of the State of
23 Nevada, contrary to The Constitution of Nevada Art. 3, §1, ¶1.

24 2. Plaintiff thus brings this action, pursuant to NRS §§ 30.030 and 33.010 to challenge
25 the validity of Defendant MOISES DENIS holding his Executive Branch employee position on the
26 basis the Nevada Constitution expressly prohibits said employment by members of the Nevada
27 Legislature.
28

1 **PARTIES**

2 3. Plaintiff WILLIAM POJUNIS (hereinafter "POJUNIS") is a resident of Las Vegas,
3 Nevada, a citizen of the United States, and not a debtor in bankruptcy. He is duly qualified, holds
4 the job requirements established by the Public Utilities Commission of Nevada, and earnestly
5 seeks the position of Computer Technician currently held by Defendant MOISES DENIS.

6 4. Defendant MOISES DENIS (hereinafter "DENIS") is a resident of Las Vegas,
7 Nevada and currently holds the Nevada Executive Branch position of Computer Technician for the
8 Public Utilities Commission of Nevada, despite serving concurrently as a Senator in the Seventy-
9 sixth Session of the Nevada State Legislature.

10 5. Defendant PUBLIC UTILITIES COMMISSION OF NEVADA (hereinafter "PUCN")
11 resides in Carson City, Nevada and the PUCN, pursuant to NRS § 12.105, is named as a
12 Defendant herein as the employer of Defendant DENIS, despite Defendant DENIS serving
13 concurrently as a Senator in the Seventy-sixth Session of the Nevada State Legislature.

14 6. Defendant STATE OF NEVADA (hereinafter "NEVADA") resides in Carson City,
15 Nevada and the NPUC, pursuant to NRS § 12.105, is named as a Defendant herein as the
16 employer of Defendant DENIS, despite Defendant DENIS serving concurrently as a Senator in the
17 Seventy-sixth Session of the Nevada State Legislature.

18 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

19 7. On or about February 7, 2011, Defendant DENIS was sworn-in to the Seventy-sixth
20 Session of the Nevada Legislature, despite holding a position as an employee of the Nevada
21 Executive Branch.

22 8. The Nevada Constitution reads, in relevant part: "The powers of the Government of
23 the State of Nevada shall be divided into three separate departments, the Legislative, the
24 Executive and the Judicial; and no persons charged with the exercise of powers properly belonging
25 to one of these departments shall exercise *any functions*, appertaining to either of the others. . ."
26 Nevada Const. Art. 3, §1, ¶1 (emphasis added).
27
28

