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7  
8 **UNITED STATES DISTRICT COURT**  
9  
10 **DISTRICT OF NEVADA**

11 COLLEEN WESTLAKE, an individual;  
12 AMERICAN WILD HORSE PRESERVATION  
13 CAMPAIGN d/b/a AMERICAN WILD  
HORSE CAMPAIGN a California non-profit  
corporation,

14 Plaintiffs,

15 vs.

16 CHRIS MILLER, in his capacity as Enforcement  
Supervisor for the Nevada State Department of  
17 Agriculture; DOUG FARRIS as Animal Industry  
Administrator for the Nevada State Department  
18 of Agriculture; NEVADA STATE  
DEPARTMENT OF AGRICULTURE, a  
19 political subdivision of the State of Nevada;  
20 ZENA QUILLAN, an Individual; CATTOOR  
LIVESTOCK ROUNDUP, INC., a Utah  
21 Corporation; PYRAMID LAKE PAIUTE  
INDIAN TRIBE; DOES 1-X; DOE MEMBERS  
22 of the PYRAMID LAKE PAIUTE INDIAN  
TRIBE XI - XXX and ROE ENTITIES I-X

24 Defendants.

CASE NO.: 3:19-cv-00023  
DEPT NO.:

25 **COMPLAINT**

26 COME NOW Plaintiffs, COLLEEN WESTLAKE, and AMERICAN WILD HORSE  
27 PRESERVATION CAMPAIGN d/b/a AMERICAN WILD HORSE CAMPAIGN, by and through  
28 their attorneys, GUS W. FLANGAS, ESQ., and JESSICA K. PETERSON, ESQ., of the FLANGAS

1 DALACAS LAW GROUP, and for their causes of action against Defendants, allege as follows:

2 **THE PARTIES**

3 1. At all times material hereto, Plaintiff, COLLEEN WESTLAKE (hereinafter  
4 referred to as "Ms. Westlake"), was and is a resident of Washoe County, Nevada.

5 2. At all times material hereto, Plaintiff, AMERICAN WILD HORSE  
6 PRESERVATION CAMPAIGN d/b/a AMERICAN WILD HORSE CAMPAIGN (hereinafter  
7 referred to as "AWHC"), was and is a California non-profit corporation, whose goal is to  
8 preserve wildhorses in the United States for the benefit of all citizens.

9 3. Plaintiffs are informed and believe and upon that basis allege that at all times  
10 material hereto, Defendant, DOUGLAS FARRIS (hereinafter referred to as "Defendant Farris"),  
11 was and is a resident of Washoe County, Nevada.

12 4. Plaintiffs are informed and believe and upon that basis allege that at all times  
13 material hereto, Defendant, CHRIS MILLER (hereinafter referred to as "Defendant Miller"), was  
14 and is a resident of Washoe County, Nevada.

15 5. Plaintiffs are informed and believe and upon that basis allege that at all times  
16 material hereto, Defendant, NEVADA DEPARTMENT OF AGRICULTURE (hereinafter the  
17 "Department"), is a political subdivision of the State of Nevada, and pursuant to NRS 569 et.  
18 seq., is considered the owner of the feral horses which are at issue in this case.

19 6. Plaintiffs are informed and believe and upon that basis allege that at all times  
20 material hereto, Defendant, PYRAMID LAKE PAIUTE INDIAN TRIBE (hereinafter the  
21 "Tribe"), was and is a sovereign nation whose reservation is located in Washoe County, Nevada.  
22 The tribe while sovereign, is subject to the laws of the State of Nevada for actions taken by its  
23 Members acting on behalf of the Tribe on non-reservation land.

24 7. Plaintiffs are informed and believe and upon that basis allege that at all times  
25 material hereto, Defendant, CATTOOR LIVESTOCK ROUNDUP, INC., (hereinafter Catoor")  
26 was and is a Utah Corporation, who was hired by the Tribe to assist in the illegal roundup of the  
27 horses as set forth herein.

28 8. At all times material hereto, Defendant, ZENA QUILLAN (hereinafter



1 “Defendant Quillan”), was and is a resident of Churchill County, Nevada, and is the individual  
2 who illegally paid for and received the feral horses, at issue in this case, from the Tribe.

3 9. At all times material hereto, Defendant Farris was and is the Animal Industry  
4 Administrator for the Department. In that role, Defendant Farris, is responsible for the  
5 management of the Animal Industry Division of the Department, which is in charge of  
6 regulatory, testing, inspection, licensing, certification, and service programs statewide.  
7 Specifically, Defendant Farris is responsible for issuing brand certificates for feral horses to  
8 individuals who have claimed ownership, for issuance of livestock auction licenses, and for  
9 enforcing the statutory regulations of NRS 569 et. seq.

10 10. Plaintiffs are informed and believe and upon that basis allege that Defendant Farris  
11 can delegate the authority to issue the brand certificates to enforcement agents within the  
12 Department, and authorized Defendant Miller to issue the brand certificates at issue in this case.

13 11. The true names and capacities of Defendants named herein as DOES I-X, DOES  
14 MEMBERS OF THE PYRAMID LAKE PAIUTE INDIAN TRIBE XI-XXX inclusive, and ROE  
15 ENTITIES I-X, inclusive, whether individual, corporate, associate or otherwise, are presently  
16 unknown to Plaintiffs who therefore sue the said Defendants by such fictitious names; and when the  
17 true names and capacities of such DOES I through X, inclusive, DOES MEMBERS OF THE  
18 PYRAMID LAKE PAIUTE INDIAN TRIBE XI-XXX inclusive, and ROE ENTITIES I-X, inclusive,  
19 are discovered, Plaintiffs will ask leave to amend this Complaint to substitute the true names of the  
20 said Defendants. Plaintiffs are informed, believe and therefore allege that Defendants so designated  
21 herein are responsible in some manner for the events and occurrences contained in this action.

#### 22 **JURISDICTION & VENUE**

23 12. This Court has original jurisdiction over Plaintiffs’ due process claim brought under  
24 42 U.S.C. § 1983 because it is a claim to redress the deprivation without due process in violation of  
25 the XIV Amendment and Plaintiffs liberty or property interests created as a result of enactment of  
26 NRS 569 et. seq. and 565 et.seq., which placed substantive limitations on official discretion, and  
27 required notice to be provided to Plaintiffs and other official actions to be taken before the feral  
28 horses could be rounded up or sold. 28 U.S.C. § 1343(a)(3). This Court also has supplemental

1 jurisdiction over Plaintiffs' state-law claims pursuant to 28 U.S.C. § 1367(a) because those claims  
2 and Plaintiffs' § 1983 claim "form part of the same case or controversy."

3 13. Plaintiffs are informed and believe and upon that basis allege that Defendant Farris  
4 issued brand certificates transferring ownership and livestock movement permits in violation of NRS  
5 569 et. seq; NRS 565 et. seq., and NRS 575 et. seq. and or authorized Defendant Miller to issue  
6 brand certificates transferring ownership and livestock movement permits in violation of the  
7 foregoing statutes.

8 14. The improper actions as contained in paragraphs 11 and 12 have deprived Plaintiffs  
9 of rights, privileges, or immunities secured by the Constitution or laws of the United States.

10 15. This Court also has jurisdiction over the other Defendants as the other Defendants  
11 acted in concert with Defendants Miller and Farris to deprive Plaintiffs of their rights to not be  
12 deprived of their property without due process in violation of the Fourteenth Amendment and thus  
13 the other Defendants are guilty of conspiracy to violate 42 U.S.C. §1983.

14 16. Cattoor is subject to personal jurisdiction of this Court because they are a foreign  
15 corporation that regularly conducts business in this jurisdiction, and they acted in concert with the  
16 other Defendants to violate the statutes at issue in this case.

17 17. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 because a  
18 substantial part of the events that give rise to this Complaint occurred in this judicial district.

19 **GENERAL ALLEGATIONS**

20 18. Plaintiffs are informed and believe and upon that basis allege that on or about  
21 January 4<sup>th</sup> and 5<sup>th</sup> 2019, Members of the Tribe used ATV's and trucks, and also rode horses, to enter  
22 onto private land located in the Palomino Valley located in Washoe County, Nevada (hereinafter the  
23 "Valley"), to wrongfully roundup and or rustle feral horses and burros that were located on "Private  
24 "Land" in the Valley, and drive them onto reservation land.

25 19. Plaintiffs are informed and believe and upon that basis allege that Cattoor was hired  
26 by the Tribe to assist with the round-up and were the owners of the helicopter that also assisted in  
27 driving the horses onto reservation land.

28 20. Although the Private Land was not fenced, there were posts and signs that said "No



1 Trespassing,” and in addition, one of the owners of the Private Land had informed the members of  
2 the Tribe involved in improperly taking the feral horses and burros, that they were on Private Land.

3 21. The horses that were on the Private Land were feral horses as that term is defined  
4 pursuant to NRS 569 et. seq.

5 22. In addition to the feral horses that were improperly rounded up, some of the horses  
6 that were caught in the roundup were owned by Individuals and not the Department nor the Tribe.  
7 Specifically, Ms. Westlake’s horse was caught in the roundup and has not been returned.

8 23. During this improper roundup, horses were taken off property belonging to other  
9 individuals, and although some of the horses were subsequently released, the horses have been so  
10 traumatized that they have not and probably will not return back to the land from where they were  
11 wrongfully taken.

12 24. At the time this improper roundup was taking place, Plaintiffs called the Sheriff’s  
13 Department to report the illegal actions being taken by the Members of the Tribe. Plaintiffs were  
14 then told by the Sheriff’s Office to call the Department. When the Plaintiffs called the Department  
15 to report the illegal actions of Members of the Tribe, the Department told the Plaintiffs to call the  
16 Sheriff’s Department. Plaintiffs also notified the Department and the Attorney General’s Office by  
17 email of the illegal roundup.

18 25. Plaintiffs are informed and believe and upon that basis allege that Defendant Quillan  
19 entered into a contract with the Tribe for the sale of the feral horses to her so that she could  
20 subsequently resell them to a slaughter house. Defendant Quillan knew or should have known that  
21 the contract with the Tribe was void as a matter of law because the Tribe did not have ownership of  
22 the horses.

23 26. Plaintiffs are informed and believe and upon that basis allege that Defendant Quillan  
24 received horses taken in the improper roundup and has or is in the process of transporting them to  
25 the slaughter house(s).

26 27. Plaintiffs are informed and believe and upon that basis allege that Defendant Miller  
27 cleared the horses captured on January 4<sup>th</sup> and 5<sup>th</sup> 2019, for shipment by improperly issuing brand  
28 inspections on the morning of January 6, 2019 in violation of NRS 569 et. seq.; NRS 565.130; and

1 NRS 565.150.

2 28. NRS 565.130 requires that ownership of feral horses be established prior to issuance  
3 of brand inspection clearance certificates. NRS 565.150 requires an inspector to refuse to issue  
4 brand inspection clearance certificates and immediately seize and take possession of any animal  
5 where the person presenting the animal cannot establish legal possession or right to ownership of the  
6 animals.

7 29. Plaintiffs are informed and believe and upon that basis allege that Defendant Miller  
8 issued the brand certificates to the Tribe without any proof of the Tribe having ownership in the feral  
9 horses, and with knowledge that pursuant to NRS 569, the Department was and is the owner of the  
10 feral horses at issue herein.

11 30. Plaintiffs are informed and believe and upon that basis allege that at the time of  
12 improper roundup, Defendant Miller was aware of residents' concerns regarding the improper capture  
13 of privately owned horses and feral horses belonging on the Private Land in the Valley, and failed  
14 to enforce the law.

15 31. Plaintiffs are informed and believe and upon that basis allege that Defendant Miller  
16 acting under color of state law and pursuant to his authority as an Enforcement Administrator with  
17 the Department conspired with the Tribe and Defendant Quillan to circumvent the requirements of  
18 NRS 569 et. seq.

19 32. Plaintiffs are informed and believe and upon that basis allege that the acts of the  
20 conspiracy consisted of having the Tribe improperly and without basis' claim ownership of the  
21 horses, so Defendant Miller could issue brand certificates to the Tribe enabling the Tribe to sell the  
22 horses to Defendant Quillan for a profit, thereby negating the requirement of the Department having  
23 to comply with the requirements of NRS 569 et. seq.

24 33. Plaintiffs are informed and believe and upon that basis allege that the Tribe does not  
25 have ownership of the horses as the horses are feral horses and are thus owned by the Department.

26 34. On Monday January 7<sup>th</sup>, 2019, Ms. Westlake contacted the Department and notified  
27 Defendant Farris that her horse was among the horses that were caught in the improper round-up that  
28 occurred on January 4<sup>th</sup> and 5<sup>th</sup>. Ms. Westlake provided a copy of the Brand Inspection Clearance



1 Certificate to Defendant Farris showing that she was and is the owner of the horse.

2 35. Ms. Westlake was told by Defendant Farris' via email that the Department was  
3 inspecting all horses captured and would notify her if her horse was found.

4 36. Plaintiffs are informed and believe and upon that basis allege that at the time these  
5 representations were made that Ms. Westlake's horse had already been sold and was being  
6 transported to the slaughterhouse.

7 37. As to the other feral horses, Plaintiffs are informed and believe and upon that basis  
8 allege that Defendant Miller improperly and without authority and in violation of NRS 569 et. seq.,  
9 issued Brand Inspection Clearance Certificates to the Tribe deeming the tribe to be the owners of the  
10 feral horses.

11 38. Plaintiffs are informed and believe and upon that basis allege that the actions of  
12 Defendant Miller were ratified by his superior Defendant Farris and as such are actions on the part  
13 of the Department.

14 39. Plaintiffs are informed and believe and upon that basis allege that Defendant Miller  
15 also improperly and without authority and in violation of NRS 569 et. seq., and 575 et. seq., issued  
16 a Livestock Movement License to Defendant Quillan permitting her to transport and relocate the  
17 horses.

18 40. Plaintiffs are informed and believe and upon that basis allege that on the basis of the  
19 improperly issued Brand Inspection Clearance Certificates that the Tribe was able to sell the horses  
20 to Defendant Quillan.

21 41. Plaintiffs are informed and believe and upon that basis allege that Defendant Quillan  
22 has subsequently sold the horses to a slaughterhouse and the horses are currently in transport on their  
23 way to a slaughterhouse in either Mexico or Canada.

24 42. NRS 569.010 provides that the Nevada Department of Agriculture is the owner of  
25 feral livestock and may dispose of feral livestock by sale through an agent appointed by the  
26 Department.

27 43. NRS 569.045 requires notice to be published for four weeks in a newspaper of  
28 general circulation prior to feral livestock being gathered describing the area where the gathering is

1 to take place, describe the type of feral livestock that will be gathered, indicate a location where  
2 owners or possible owners of the feral livestock may go to claim the feral livestock that was  
3 gathered, and list the name and telephone number of a person who may be contacted if an owner or  
4 possible owner is interested in viewing the feral livestock.

5 44. NRS 569.075 requires the Department to publish notice of the sale of all feral  
6 livestock.

7 45. Plaintiffs are informed and believe and upon that basis allege that there was no  
8 "Notice of Gathering" published nor was any "Notice of Sale" published, which are both in violation  
9 of NRS 569 et. seq.

10 46. Plaintiffs are informed and believe and upon that basis allege that any of the proceeds  
11 from the sale of feral livestock are to be deposited into the State Treasury for credit to the Livestock  
12 Inspection Account, which is used for the Department.

13 47. Plaintiffs are informed and believe and upon that basis allege that the purpose of the  
14 Department and the funds that are allocated to it, is to promote efficient, orderly and economical  
15 conduct of the various activities for the encouragement, advancement and protection of the livestock  
16 and agricultural industries of the State of Nevada which is a benefit to the welfare of all of the people  
17 of the State of Nevada.

18 48. Plaintiffs are informed and believe and upon that basis allege that if the Department  
19 does not obtain funds from various activities of the Department including from the sale of feral  
20 livestock that in order to carry out its mandates that it receives funds from the General Fund.

21 49. The violation of NRS 569 et. seq., by Defendant Miller in allowing the Tribe to claim  
22 ownership of the horses and sell the horses to Ms. Quillan and the subsequent ratification by  
23 Defendant Farris of the foregoing acts is a violation of their fiduciary duties to all of the people of  
24 the State of Nevada.

25 50. Plaintiffs are informed and believe and upon that basis allege that Defendant Farris  
26 is authorized pursuant to NRS 561.148 to temporarily stop the movement of livestock for purposes  
27 of inspection.

28 51. Plaintiffs are informed and believe and upon that basis allege that Defendant Farris



1 could have issued and enforced a written hold order to the owner or custodian of any livestock which  
2 the Director finds is in violation of any of the provisions of law administered by the Department  
3 which can prohibit the further sale or movement or require that the livestock be held at a designated  
4 premise until the Director has evidence that the order was complied with.

5 52. Plaintiffs are informed and believe and upon that basis allege that despite  
6 Defendant Farris's ability to issue such Orders and despite being informed of the violations of the  
7 provisions of NRS 569 et. seq. Defendant Farris failed to issue the appropriate Orders to stop the  
8 transport of the horses.

9 53. feral horses are part of the wildlife in Nevada that is for the benefit of all Nevada  
10 citizens.

11 54. The mission of AWHC is to increase protection of wild horses and burros to  
12 preserve these cherished animals and their natural habitat and behaviors for future generations to  
13 enjoy in the wild, which is a right provided to the citizens of the State of Nevada.

14 55. AWHC has a vested interest in supporting the rights of Nevada citizens by virtue  
15 of having a membership of over 5,000 Nevada citizens who support AWHC's mission. In  
16 addition, these Nevada members of AWHC enjoy viewing, studying and photographing wild  
17 horses on public and open rangeland. AWHC is thereby entitled to bring this action on behalf of  
18 Nevada citizens to demand enforcement of the appropriate laws germane to this case.

19 **FIRST CLAIM FOR RELIEF**

20 **(Violation of NRS 569 et. seq - All Defendants)**

21 56. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1  
22 through 55, above, as though fully set forth herein.

23 57. The Department as owner of the feral horses, Defendant Miller, and Defendant Farris  
24 all have a duty to Ms. Westlake and to the 5,000 citizens of Nevada represented by AWHC to  
25 enforce the provisions of NRS 569 et. seq.

26 58. By failing to require notice of gathering, failing to publish Notice of Sale and  
27 then issuing brand certificates to the Tribe declaring the Tribe to be the owner of the feral horses and  
28 issuing livestock movement licenses, Defendants Miller and Farris breached their duty to Ms.

1 Westlake and to AWHC as the representative of Nevada citizens.

2 59. When Members of the Tribe are on non-reservation land, they have a duty to follow  
3 the laws of the State of Nevada.

4 60. By trespassing onto the private non-reservation land and rounding up feral horses the  
5 Members of the Tribe and Catoor violated NRS 569 et. seq.

6 61. By selling the horses to Defendant Quillan without notice as required by NRS 569  
7 et. seq., the Tribe violated the statute.

8 62. As a direct and proximate result of the action taken by the Members of the Tribe, and  
9 Catoor acting on behalf of the Tribe, Plaintiffs have been damaged.

10 63. Defendant Quillan also violated NRS 569 et. seq. by purchasing the feral horses from  
11 the Tribe.

12 64. Defendant Quillan knew or should have known that the sale of the horses to her was  
13 in violation of NRS 569 et. seq.

14 65. As a direct and proximate result of Defendants' actions Ms. Westlake's horse and  
15 many other horses were taken causing damages to Ms. Westlake including but not limited to special  
16 damages for the cost and value of her horse, which is incapable of being measured, general damages  
17 for pain and suffering for the loss of her beloved animal and the anxiety and worry it has caused; and  
18 damages to Nevada citizens for destruction of feral horse groups that have been on this property for  
19 years and upon which citizens enjoy viewing, studying and photographing these wild horses.

20 66. The actions of Defendants were oppressive, fraudulent or malicious , therefore,  
21 Plaintiffs are entitled to recover damages for the sake of example and by way of punishing  
22 Defendants in an amount in excess of \$75,000, the exact amount to be proven at a Trial in this  
23 matter.

24 67. Plaintiffs have had to retain the services of attorneys to seek return of these animals  
25 and that the laws be enforced, and are thus entitled to costs and reasonable attorneys fees.

26 **SECOND CLAIM FOR RELIEF**

27 **( Violation of 42 U.S.C. § 1983 - All Defendants)**

28 68. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1



1 through 67, above, as though fully set forth herein.

2 69. Defendants' improper actions in gathering up the horses without notice, selling the  
3 horses without notice, issuing Brand Certificates declaring the Tribe to be the owners, and issuing  
4 Livestock Movement permits were performed while acting under color of state law.

5 70. Defendants' improper actions as noted above deprived Plaintiffs of the rights,  
6 privileges, or immunities secured by the Constitution or laws of the United States.

7 71. As a direct and proximate result of Defendants' improper actions, Ms. Westlake has  
8 suffered severe or extreme emotional distress, including but not limited to long spells of uncontrolled  
9 crying, and anxiety, which emotional distress will become even more pronounced if her horse is  
10 actually slaughtered.

11 72. As a direct and proximate result of Defendants' improper actions, Ms. Westlake's  
12 horse and many other horses were taken causing damages to Ms. Westlake including but not limited  
13 to special damages for the cost and value of her horse, which is incapable of being measured, general  
14 damages for pain and suffering for the loss of her beloved animal and the anxiety and worry it has  
15 caused; and damages to Nevada citizens for destruction of feral horse groups that have been on this  
16 property for years and upon which citizens enjoy viewing, studying and photographing these wild  
17 horses.

18 73. As a direct and proximate result of Defendants' improper actions, Plaintiffs are  
19 entitled to mandatory injunctive relief requiring the return of the horses until such time as there is  
20 compliance with NRS 569 et. seq., and specifically, Ms. Westlake is entitled to a mandatory  
21 injunction requiring return of her horse to her.

22 74. It has become necessary for Plaintiffs to engage the services of an attorney to  
23 commence this action and Plaintiffs, are therefore, entitled to reasonable attorney's fees and costs  
24 as damages

25 **THIRD CLAIM FOR RELIEF**

26 **(Conspiracy - All Defendants)**

27 75. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1  
28 through 74, above, as though fully set forth herein.





1 which states:

2 **Questions of construction or validity of instruments, contracts and statutes.** Any  
3 person ... whose rights, status or other legal relations are affected by a statute, ... may  
4 have determined any question of construction or validity arising under the statute,  
...and obtain a declaration of rights, status or other legal relations thereunder.

5 86. A dispute has arisen between Plaintiffs and Defendants with respect to NRS 569 et  
6 seq.

7 87. Plaintiffs allege that Defendants were required to comply with the Notice, Publication  
8 and sale provisions of NRS 569 et. seq.

9 88. Defendants have stated that these were not feral horses but were actually owned by  
10 the Tribe and thus the Tribe had the right to go onto private land and reclaim the horses and be  
11 declared as owners thus eliminating the need for them to comply with NRS 569 et. seq.

12 89. Plaintiffs are entitled to a Declaratory Judgment in their favor declaring the following:  
13 (a) that the horses that are the subject of the round-up that occurred on January 4, and 5<sup>th</sup> 2019 are  
14 feral horses and as such are owned by the Department; (b) that all unbranded horses in the Valley  
15 not on reservation land are feral horses; (c) that the Department be required to enforce the notice and  
16 publication provisions of NRS 569 et. seq., for the benefit of all of the Nevada citizens; (d) that Ms.  
17 Westlake is the owner of Lady and her horse shall be returned to her forthwith, regardless of where  
18 it is presently located; (e) that because the transfer of the horses to the Tribe was done in  
19 contravention of the requirement of NRS 569 et seq., and in violation of the law; and (f) that the sale  
20 to Defendant Quillan is void as a matter of law and thus, she is not the owner of the horses and the  
21 horses must be returned by Defendant Quillan to the Department for restoration to the land from  
22 where the horses were taken.

23 90. A Declaratory Judgment is appropriate in this case because there exists a justiciable  
24 controversy between the Parties with respect to the requirements of the statute.

25 91. The interests of Plaintiffs and Defendants are adverse as Plaintiffs seek to  
26 declare the sale void and seek return of all of the horses while Defendants seek to uphold the  
27 gathering, transfer of ownership and subsequent sale.

28 92. The controversy between the Parties is ripe for judicial determination as the horses

1 are currently in transit and it is anticipated that Ms. Westlake's horse is among the horses already  
2 in transport, and without judicial intervention her horse will be slaughtered.

3 93. The controversy between the Parties is ripe for judicial determination also because  
4 the Tribe Members have stated that they intend to do this again and without judicial intervention,  
5 the Department will continue to act in violation of the law.

6 94. It has become necessary for Plaintiffs to engage the services of an attorney to  
7 commence this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and costs as  
8 damages.

9 **FIFTH CLAIM FOR RELIEF**

10 (Mandatory Injunctive Relief)

11 95. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1  
12 through 94 above as though fully set forth herein.

13 96. On or about January 4<sup>th</sup> and 5<sup>th</sup>, 2019, Defendants engaged in a conspiracy for the  
14 removal, transfer of ownership and subsequent sale of the feral horses located in the Valley on  
15 private land.

16 97. Pending adjudication on the merits of this case, any efforts by Defendants to deprive  
17 Plaintiffs of their property in contravention of the notice provisions of NRS 569 et. seq. gives rise  
18 for the need of Mandatory Injunctive Relief in order to maintain the status quo so Plaintiffs can  
19 continue to enjoy the benefits of the horses.

20 98. By virtue of Defendants' actions, Plaintiffs are being damaged in an amount that is  
21 difficult to determine due to the fact that the horses are feral horses and as such are of a value that  
22 is incapable of being adequately measured.

23 99. The damages and injuries caused to Plaintiffs, are of a such a nature that they cannot  
24 be adequately measured because the damages consist of not only Plaintiffs' rights to enjoy the horses  
25 on the land but also to potentially buy the horses if the Department decides to sell them pursuant to  
26 the provisions of NRS 569. Therefore, the taking and destruction of the horses, is not easily  
27 compensable by money damages.

28 100. There is no adequate, plain or speedy remedy at law to protect Plaintiffs except



1 to return Ms. Westlake's horse to her; return the horses to the lands from which they were taken,  
2 require the Department and Defendants Farris and Miller to abide by the requirements of NRS 569  
3 et seq., issue a mandatory injunction requiring the Tribe and any other subsequent purchaser to abide  
4 by NRS 569; and require the Department to produce documents to subsequent owners showing that  
5 the law has been complied with.

6 101. It has become necessary for Plaintiff to engage the services of an attorney to  
7 commence this action and Plaintiff are, therefore, entitled to reasonable attorney's fees and costs as  
8 damages.

9 **SIXTH CLAIM FOR RELIEF**

10 **(Permanent Injunction)**

11 102. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1  
12 through 101 above and incorporate them as though fully set forth herein.

13 103. Plaintiffs are being irreparably harmed by the failure of Defendants to abide by NRS  
14 569 et. seq.

15 104. The damages for the general loss of the horses and for Ms. Westlake's loss of her  
16 horse are of a type that cannot be adequately measured, and thus, Plaintiffs' injuries are not easily  
17 compensable by money damages.

18 105. Plaintiffs are suffering continuing damages for fear and worry that the Tribe members  
19 will return and more horses will be taken, sold and slaughtered, the extent of which can not be  
20 measured or ascertained.

21 106. There is no adequate, plain or speedy remedy at law to protect Plaintiffs except  
22 to require the Court to enjoin Defendants from rounding up, issuing Brand Certificates, and selling  
23 the horses until NRS 569 et. seq. is complied with.

24 107. Therefore, Plaintiffs are entitled to an order granting a preliminary injunction against  
25 Defendants: (1) enjoining Defendants from entering onto private lands and gathering the feral horses  
26 without notice; (2) enjoining Defendants from issuing brand certificates or livestock movement  
27 licenses without compliance with NRS 569 et. seq.; (3) enjoining the slaughter of the horses that are  
28 currently believed to be in transit; (4) issuance of an Order stopping the horses from crossing the

1 border; and (5) immediate return of Ms. Westlake's horse.

2 108. It has become necessary for Plaintiffs to engage the services of an attorney to  
3 commence this action and Plaintiffs are, therefore, entitled to reasonable attorney's fees and costs

4 WHEREFORE, Plaintiffs respectfully request that this Court enter an Order

5 1. Declaring that Defendants to have engaged in a civil conspiracy to violate the  
6 provisions of NRS 569 et. seq. upon Plaintiffs and to therefore be jointly and severally liable for  
7 all damages awarded by the Court without allocation, apportionment, or limitation of liability.

8 2. Enjoining Defendants from committing any further acts in furtherance of said  
9 conspiracy including but not limited to transferring or selling any other horses.

10 3. Awarding Plaintiffs compensatory and incidental damages in an amount not less  
11 than Seventy Five Thousand Dollars (\$75,000.00)

12 4. Awarding Plaintiffs punitive damages in such amount as the Court may deem  
13 appropriate to penalize Defendants for their intentional and malicious acts of misconduct.

14 5. Requiring Defendants to comply with the provisions of NRS 569 and in the event  
15 of a question to seek written guidance from the Attorney General's Office.

16 6. Immediately restraining the Tribe from rounding up any horses that are not on  
17 reservation land.

18 7. Declaring the contract between the Tribe and Defendant Quillan void as a matter  
19 of law.

20 8. For a mandatory injunction returning Ms. Westlake's horse and all other horses  
21 that were taken by the Tribe:

22 9. For the Court to require that any horses that were sold to Zena Quillan that have  
23 now been placed in trucks for shipment that Zena Quillan contact the shipper and have the  
24 shipper return the horses to Zena Quillan who shall then arrange for the transport back to the  
25 Pyramid Lake Paiute Indian Tribe or to the Valley

26 10. That all horses currently in the possession of the Tribe be returned to the  
27 Valley and/or held by the Department until compliance with the provisions of NRS 569 are met.

28 11. That this Order to be provided to all border control stations that the Border



1 Control Agents disallow any trucks transporting non-papered horses from crossing the border and  
2 report the location to Plaintiffs' counsel so that instructions may be provided on returning the  
3 horses.

4 12. For an Order requiring Zena Quillan and/or the Tribe provide the current location  
5 of the horses to Plaintiff's counsel.

6 13. Awarding Plaintiffs, the costs of this action and any subsequent appeal, together  
7 with such other relief, not necessarily limited to pecuniary relief as the Court may deem Plaintiffs  
8 entitled to receive.

9 14. For such other and further relief as the Court may deem just and proper.

10 DATED this 16<sup>th</sup> day of January, 2019.

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