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6 Plaintiff, *in Propria Persona*, *sui juris*

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Brad Lee Barnhill,

Plaintiff,

v.

FRANCISCO V. AGUILAR, in his official
capacity as Secretary of State of Nevada,

Defendant.

Case No. 2:26-cv-02818-JAD-MDC

**PLAINTIFF'S NOTICE OF
DEFENDANT'S FAILURE TO
TIMELY OPPOSE MOTION AND
CLARIFICATION OF
REQUESTED RELIEF**

Plaintiff Brad Lee Barnhill, appearing *in propria persona*, respectfully submits this Notice concerning Defendant's failure to timely oppose Plaintiff's previously filed Motion to Consolidate or, Alternatively, Coordinate Proceedings, and clarifies that Plaintiff seeks only the alternative relief of coordinated pretrial proceedings, without consolidation of the actions.

I. DEFENDANT HAS NOT TIMELY OPPOSED THE MOTION

1. On September 30, 2026, Plaintiff submitted his Opposition to Defendant's Motions to Stay and Extend Time, together with his Motion to Consolidate and Notice of Related Cases (ECF Nos. 9, 10, and 11).

2. Plaintiff's motion identified ***Republican National Committee, et al. v. Aguilar, et al.***, Case No. 2:24-cv-00518-CDS-MDC, as a related action and requested consolidation or, alternatively, coordination of proceedings under Fed. R. Civ. P. 42(a) and LR 42-1.

3. Pursuant to LR 7-2(b), Defendant's opposition was due on [DATE], absent an order extending that deadline.

1 4. As of the filing of this Notice, Defendant has not filed an opposition to the motion, and
2 Plaintiff is unaware of any order extending Defendant's response deadline.

3 5. LR 7-2(d) provides that failure to file points and authorities in response to a motion, other
4 than a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes consent to
5 granting the motion.

6 6. Plaintiff respectfully brings Defendant's nonresponse to the Court's attention for
7 consideration in adjudicating the pending motion.

8 **II. PLAINTIFF CLARIFIES THAT HE NO LONGER SEEKS**
9 **CONSOLIDATION**

10 Upon further consideration of the distinct factual and procedural issues presented in the
11 two actions, Plaintiff withdraws his request for consolidation and seeks only the alternative relief
12 expressly requested in his original motion: coordination of pretrial proceedings concerning
13 common questions of law and fact.

14 Plaintiff does not seek merger of the actions, transfer of his action to another district
15 judge, administrative closure of his case, or a stay pending resolution of the RNC Matter.

16 Plaintiff requests that each action retain its separate docket, pleadings, parties, discovery,
17 evidentiary record, and independent disposition.

18 The cases nevertheless present overlapping legal questions concerning the Secretary of
19 State's obligations under Section 8 of the National Voter Registration Act, 52 U.S.C. § 20507,
20 including the reasonable-effort requirement of § 20507(a)(4).

21 11. Fed. R. Civ. P. 42(a)(3) expressly authorizes the Court, when actions involve common
22 questions of law or fact, to issue orders avoiding unnecessary cost or delay without requiring
23 consolidation.

24 Coordination of appropriate pretrial proceedings would permit the assigned judges to
25 address overlapping legal questions efficiently while preserving Plaintiff's independent claims
26 concerning specific Clark County voter-registration records and Defendant's response to
27 Plaintiff's administrative complaint.

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2 Such coordination would also address Defendant's expressed concerns regarding
3 overlapping legal questions without imposing the indefinite delay Plaintiff opposed in
4 responding to Defendant's Motion to Stay (ECF No. 7).

5 **III. CLARIFICATION OF RELIEF REQUESTED**

6 Plaintiff respectfully clarifies that the relief he seeks under his pending motion is limited
7 to:

8 A. Recognition that Defendant has not timely opposed the motion, subject to
9 verification of the applicable response deadline and any extension ordered by the Court;

10 B. Consideration of Defendant's nonresponse under LR 7-2(d);

11 C. Coordination of appropriate pretrial proceedings in this action and **RNC v.**
12 **Aguilar**, Case No. 2:24-cv-00518-CDS-MDC, concerning common questions of NVRA Section
13 8 law, pursuant to Fed. R. Civ. P. 42(a)(3);

14 D. Preservation of the separate dockets, parties, pleadings, discovery, factual records,
15 and independent adjudication of each action; and

16 E. No consolidation, reassignment, administrative closure, or stay of Plaintiff's
17 action as a consequence of the requested coordination.

18 Plaintiff submits this Notice to clarify and narrow the relief previously requested, not to
19 present additional evidence or new grounds for relief..

20 **CERTIFICATION**

21 I certify that artificial intelligence was used to generate a portion of this filing. I have
22 reviewed the source material and verified that the artificially generated content in the filing is
23 accurate and complies with the filing's Rule 11 obligations.

24 Dated this 19th day of October, 2026

25 Respectfully submitted,

26 /s/ Brad Lee Barnhill

27 Brad Lee Barnhill
28 Plaintiff, *in propria persona, sui juris*

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CERTIFICATE OF SERVICE

I certify that on October 19, 2026, I mailed the foregoing document for filing to the Clerk of Court for the United States District Court for the District of Nevada.

I certify that on October 19, 2026, I served a true copy by U.S. Mail, postage prepaid, and by electronic mail, upon:

Emily D. Espinosa, Deputy Attorney General, Office of the Nevada Attorney General,
100 North Carson Street, Carson City, NV 89701-4717,
edespinosa@ag.nv.gov

and upon Counsel of record for Plaintiffs in Case No. 2:24-cv-00518-CDS-MDC:

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/s/ Brad Lee Barnhill

Brad Lee Barnhill

Plaintiff, *in Propria Persona*, sui juris