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4 STOREY COUNTY

5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

7  
8 THOMAS S. TAORMINA,  
Plaintiff,  
9 vs.  
10 STOREY COUNTY,  
11 Defendant.

CASE NO. 3:09-CV-00021-LRH-VPC

**ANSWER TO COMPLAINT SEEKING  
DECLARATORY AND INJUNCTIVE  
RELIEF**

12  
13 COMES NOW Defendant, Storey County, by and through its attorneys, Thorndal,  
14 Armstrong, Delk, Balkenbush & Eisinger, and in answer to Plaintiff's Complaint, hereby admits,  
15 denies, and alleges as follows:

16 **FIRST DEFENSE**

17 **I**

18 Defendant is without sufficient knowledge or information with which to form a belief as  
19 to the truth of the allegations contained in Paragraphs 1, 2, 3, 6, 7, 9, 11, 12, 13, 14, 18 and 19 of  
20 Plaintiff's Complaint, and upon such basis denies said allegations.

21 **II**

22 Defendant admits the allegations contained in Paragraphs 4, 8, 15, 16, 17 and 23 of  
23 Plaintiff's Complaint.

24 **III**

25 Defendant denies the allegations contained in Paragraphs 5, 10, 20, 21, 22 and 24 of  
26 Plaintiff's Complaint.

27 **SECOND DEFENSE**

28 Plaintiff's Complaint on file herein fails to state a claim against Defendant upon which

1 relief can be granted.

2 **THIRD DEFENSE**

3 The applicable ordinances of Storey County are reasonable and necessary to the public's  
4 health, safety and welfare.

5 **FOURTH DEFENSE**

6 It has been necessary for Defendant to employ the services of an attorney to defend this  
7 action, and a reasonable sum should be allowed Defendant as and for attorney's fees, together  
8 with its costs expended in this action.

9 **FIFTH DEFENSE**

10 The acts alleged to have been wrongfully done by Defendant were, in fact, accomplished  
11 by Defendant by authority of license given to Defendant by Plaintiff.

12 **SIXTH DEFENSE**

13 Plaintiff, with full knowledge of all the facts connected with or relating to the transaction  
14 alleged in the Complaint, ratified and confirmed in all respects the acts of Defendant by  
15 accepting the benefits to Plaintiff accruing from such acts.

16 **SEVENTH DEFENSE**

17 Defendant's alleged actions or omissions were taken with due care in the execution of the  
18 statutes and regulations, and, therefore, Defendant is statutorily immune from this action.

19 **EIGHTH DEFENSE**

20 Defendant's alleged actions or omissions occurred in the exercise or performance of  
21 discretionary functions and duties, and, therefore, Defendant is statutorily immune from this  
22 action.

23 **NINTH DEFENSE**

24 Pursuant to NRCP Rule 11, as amended, all possible affirmative defenses may not have  
25 been alleged herein insofar as sufficient facts were not available to Defendant after reasonable  
26 inquiry upon the filing of Defendant's Answer, and therefore, Defendant reserves the right to  
27 amend this Answer to allege additional affirmative defenses if subsequent investigation so  
28 warrants.

1 WHEREFORE, Defendant prays:

2 1. That Plaintiff's Complaint be dismissed with prejudice and that he take nothing  
3 thereby;

4 2. That Defendant be awarded a reasonable attorney's fee and costs of suit; and

5 3. For such other and further relief as this Court deems just and proper.

6 DATED this 25<sup>th</sup> day of March, 2009.

7 THORNDAL, ARMSTRONG,  
8 DELK, BALKENBUSH & EISINGER

9 By: /s/ Brent T. Kolvet  
10 Brent T. Kolvet, Esq.  
11 State Bar No. 1597  
12 6590 S. McCarran Blvd., Suite B  
13 Reno, Nevada 89509  
14 Attorneys for Defendant  
15 Storey County  
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**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of Thorndal, Armstrong, Delk, Balkenbush & Eisinger, and that on this date I caused the foregoing **ANSWER TO COMPLAINT SEEKING DECLARATORY AND INJUNCTIVE RELIEF** to be served via the United States District Court's CM/ECF Electronic Filing program on all parties to this action and by placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada, fully addressed as follows:

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*Attorneys for Plaintiff*  
*Thomas S. Taormina*

DATED this 25<sup>th</sup> day of March, 2009.

/s/ Mary C. Wilson  
An employee of Thorndal, Armstrong,  
Delk, Balkenbush & Eisinger