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AFFIDAVIT OF MICHAEL MARKING

State of Nevada }
County of Lander } ss.

I, Michael Marking, being first duly sworn, depose and say that

- 1. I and Elizabeth Fleming are Plaintiffs in the above entitled case;
- 2. This affidavit is given in support of our OPPOSITION TO MOTION FOR MORE DEFINITE STATEMENT, 30 March 2012, in Sixth Judicial District Court, Lander County, Case No. 10196, Dept. 1, *Marking v. Austin Roping Club*.
- 3. I attended the February and March 2012 meetings of the Austin Roping Club to the extent that I was permitted to do so. I attended the entire February meetings. I attended the March meeting but left when the meeting was closed as shown on the meeting's agenda.
- 4. Exhibit DS-1 is a true and correct copy of the February 2012 meeting notice and agenda.
- 5. Exhibit DS-2 is a true and correct copy of the March 2012 meeting notice and agenda.
- 6. Exhibit DS-3 is a true and correct copy of the written motion distributed by Sissie Gallegos near the beginning of the March 2012. Exhibit DS-4 is a true and correct copy of a handout distributed along with the written motion.
- 7. Exhibit DS-5 is a true and correct copy of the Club's By-Laws as were in effect from the time we (Plaintiffs) joined the Club. The copy was provided to us by Sissie

27 Gallegos, who passed it out also to others and represented that it contained the by-
28 laws.

29 **8.** There have been and are several drafts of revisions to the DS-5 By-Laws. However,
30 none were ever approved during the time we were members, and no other By-Laws
31 have been approved from the time we were members to present.

32 **9.** We have been involved with the Club since 2006. We had a corral since Spring 2007.
33 We began to attend meetings regularly in 2008.

34 **10.** Either one or the other or both of us (Plaintiffs) have attended almost all Club
35 meetings held beginning 2008, even when we were not members.

36 **11.** We (Plaintiffs) have on numerous occasions, at meetings and in letters, beginning at
37 least as early 2009, protested to the Club and its members regarding violations of the
38 By-Laws, the Corral By-Laws, the Open Meeting Law, and the Nevada Statutes.

39 **12.** No mention of this action (*Marking v. Austin Roping Club*) was made by anyone
40 during the February 2012 meeting.

41 **13.** Observing that the nearly complete closure of the March 2012 meeting was in
42 violation of the Open Meeting Law, I contacted Lander County Sheriff's Department's
43 Sergeant Jones before the meeting to inquire about how a deputy would likely enforce
44 or fail to enforce my rights. He attended the meeting from nearly the beginning to
45 when I left.

46 **14.** When I was asked to leave, I protested, explaining that (for example) closing the
47 reading of the February minutes was a violation of the law because it was unrelated to
48 the exception allowed by the Open Meeting Law. I explained that I had no problem
49 leaving when the agenda item for discussion of this action would be reached. The Club
50 members in attendance would not relent. I left peaceably when Sgt. Jones suggested it
51 was time to go.

52 **15.** I observed no recorders, microphones, or laptop computers at either the February 2012

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or March 2012 meetings, no any other reason to believe that anyone had changed the policy of not recording Club meetings.

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

Dated Friday, 30 March 2012.

Michael Marking

(Plaintiffs' electronic document name: *mfvarc_affidavit_marking_20120330a*)