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9 Special Counsel for the Nevada
10 Commission on Judicial Discipline

11 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

12 IN THE MATTER OF THE HONORABLE,
13 MICHELE FIORE, Justice of the Peace,
14 Pahrump Township Justice Court, Nye
15 County, State of Nevada,

Case No.: 2025-108-P

Respondent.

16 **SPECIAL COUNSEL'S RESPONSE TO RESPONDENT'S**
17 **SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES**
18 **TO DISQUALIFY COMMISSIONERS**

19 COMES NOW Thomas J. Donaldson, Special Counsel for the Nevada Commission on
20 Judicial Discipline ("Commission" or "NCJD"), and hereby responds to Respondent's Supplemental
21 Memorandum of Points and Authorities in Support of Motion to Disqualify Commissioners
22 ("Supplement") dated September 18, 2026. The instant response is made pursuant to PRJDC 38.2
23 and the Commission's Interim Order Regarding Respondent's Motion to Disqualify Commissioners
24 dated September 14, 2026, providing for the Supplement limited to "why the *Motion to Qualify*
25 should not be **stricken or denied as untimely** pursuant to PRJDC 38.1(A) and PRJDC 38.4" and
26 a response and based upon the following memorandum of points and authorities and the pleadings
27 and papers on file herein. Order, p. 2 at lines 1-3 (italics in original; bold added).

28 **Memorandum of Points and Authorities**

Initially, Respondent notes in her Supplement that "the Motion to Disqualify was never
opposed as such there is no formal opposition arguing that the Motion was untimely." Supplement,

1 p. 1, fn. 1. Of course, as the Commission well knows, Respondent's contention is certainly
2 misleading.

3 By email message dated September 1, 2026, the day after Respondent filed her Motion to
4 Disqualify Commissioners, the Commission notified Respondent's counsel and Special Counsel:

5 *The Honorable Judge Michele Fiore's Motion to Disqualify Commissioners Stefanie*
6 *Humphrey, John Krmpotic and Joseph Sanford...* filed with the Commission on
7 August 31, 2026, **is untimely** pursuant to Rule 38.4 of the Procedural Rules of the
Nevada Commission on Judicial Discipline (PRJDC). Filings before the
Commission shall not be untimely. PRJDC 38.1(A). An order will follow.

8 Exhibit 1, hereto (italics in original; bold supplied). The Commission's Order dated
9 September 14, 2026, followed.

10 Clearly, the Commission determined that Respondent's Motion was untimely in accordance
11 with PRJDC 38.4 and 38.1(A). Thus, no formal opposition was necessary or appropriate under the
12 circumstances.

13 Next, Respondent falsely claims in her Supplement, "Judge Fiore's Motion to Disqualify is
14 **not a Rule 38.4 cause affidavit.**" Supplement, p. 1 at lines 24-25 (emphasis added). Yet, in the
15 Motion to Disqualify, Respondent "**moves under PRJDC 38.4**, the Due Process Clause of the
16 Fourteenth Amendment to the United States Constitution, and Article 1, Section 8 of the Nevada
17 Constitution to disqualify [three (3) Commissioners] from the panel assigned to adjudicate this
18 matter. Motion, p. 1 at lines approximately 16-20 (emphasis supplied). Further, the Motion includes
19 a Declaration of Paola M. Armeni, Esq., "under penalty of perjury," *i.e.*, an affidavit specifying the
20 facts upon which the disqualification is sought, as required by PRJDC 38.4(A). Motion, Declaration.
21 Thus, Respondent's own Motion rebuts her claim.

22 The affidavit must be filed not more than thirty (30) days after service of the order setting
23 hearing. PRJDC 38.4(A). Filings before the Commission shall not be untimely. PRJDC 38.1(A).
24 The Commission's Order Setting Public Hearing in this matter was filed on June 16, 2026.
25 Respondent's Motion to Disqualify was filed on August 31, 2026, seventy-six (76) days after the
26 Order Setting Hearing and forty-six (46) days after 30-day deadline in PRJDC 38.4(A) expired.

27 Respondent's Supplement fails to provide any reason, excuse or good cause for the
28 Commission to excuse her neglect. Instead, Respondent attempts to argue "the constitutionality of

1 the tribunal itself,” which is beyond the scope of the Commission’s Order limiting the Supplement
2 to the untimeliness of the Motion to Disqualify. Supplement, pp. 5-7; Order, p. 2 at lines 1-3. Of
3 course, any such “constitutional challenge” is better directed at the Nevada Supreme Court rather
4 than the Commission.

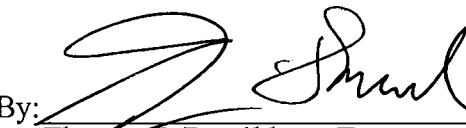
5 Indeed, PRJDC 38.4 sets forth the process for challenging a Commissioner. After a (timely)
6 affidavit is filed, the Commission will forward the filed affidavit to the Commission member sought
7 to be disqualified. PRJDC 38.4(A). The Commission member against whom an affidavit alleging
8 bias or prejudice or other cause is filed shall proceed no further with the matter and file a written
9 answer with the Commission clerk within five (5) days after receiving the affidavit admitting or
10 denying the allegations and setting forth any additional facts on the question of disqualification.
11 PRJDC 38.4(B). Only then must the Commission hear and determine the Commission member’s
12 disqualification pursuant to PRJDC 3. PRJDC 38.4(C).

13 Conclusion

14 Respondent concedes that her Motion to Disqualify was untimely filed and provides no
15 reason, excuse or good cause in her Supplement for the Commission to determine otherwise. Thus,
16 the Commission should formally deny Respondent’s Motion. However, in the unlikely event that
17 the Motion is granted, the Commission should then follow the process set forth in PRJDC 38.4 and
18 not summarily disqualify the identified Commissioners as sought in the Motion.

19 DATED this 22nd day of September, 2026.

20 MESSING ADAM JASMINE & SHORE, LLP

21 
22 By: _____
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By: Kelly Gilbert
Kelly Gilbert

EXHIBIT 1

EXHIBIT 1

Thomas J. Donaldson

From: Judicial Information <ncjdinfo@judicial.nv.gov>
Sent: Tuesday, September 1, 2026 1:09 PM
To: Armeni, Paola M.; Thomas J. Donaldson
Cc: Concepcion, Stacey; Kelly Gilbert
Subject: NCJD Case No. 2025-108-P

Good afternoon,

The Honorable Judge Michele Fiore's Motion to Disqualify Commissioners Stefanie Humphrey, John Krmpotic and Joseph Sanford... filed with the Commission on August 31, 2026, is untimely pursuant to Rule 38.4 of the Procedural Rules of the Nevada Commission on Judicial Discipline (PRJDC). Filings before the Commission shall not be untimely. PRJDC 38.1(A). An order will follow.

Thank you,

Commission Staff

Nevada Commission on Judicial Discipline

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