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9 Special Counsel for the Nevada
10 Commission on Judicial Discipline

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

12 **STATE OF NEVADA**

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

Case No.: 2025-108-P

17 Respondent.

18 **MOTION FOR ORDER SHORTENING TIME**

19 COMES NOW Thomas J. Donaldson, Special Counsel for the Nevada Commission on
20 Judicial Discipline ("Commission" or "NCJD"), and hereby moves for an order from the
21 Commission shortening the time for Respondent to respond to Special Counsel's Motion for Leave
22 to request Commission to Issue Subpoenas ("Motion") filed herewith. The instant motion is made
23 pursuant to PRJDC 38.2 and based upon the following memorandum of points and authorities and
24 the pleadings and papers on file herein.

25 **Memorandum of Points and Authorities**

26 Generally, motions to shorten time may not be granted except upon an unsworn declaration
27 under penalty of perjury or affidavit of counsel or a self-represented litigant describing the
28 circumstances claimed to constitute good cause and justify shortening of time. *See* EDCR 2.26

Here, the Commission issued its Prehearing Order dated May 12, 2026, specifying, "[n]ot
less than thirty (30) days before the hearing, the Parties may submit a written request for the
Commission to issue subpoenas for the production of documents or to compel attendance or

1 testimony of the witnesses, if any, pursuant to NRS1.466 and PRJDC 20.” Prehearing Order, p. 1
2 at lines 20-22. The Commission issued its Order Setting Public Hearing dated June 16, 2026,
3 scheduling the hearing in this matter on October 19-22, 2026. Thus, the deadline for requesting
4 subpoenas was September 18, 2026. Unfortunately, this deadline was not entered on Special
5 Counsel’s calendar and passed without Special Counsel requesting subpoenas to compel the
6 attendance of his witnesses at the hearing in this matter.

7 Special Counsel was appointed to this matter in April, 2026. In May and June, 2026, Special
8 Counsel identified potential witnesses in this matter, attempted to contact them and disclosed them
9 to Respondent in Special Counsel’s Discovery Disclosure dated May 28, 2026.¹ See Motion,
10 Exhibit 1. Special Counsel successfully contacted Curtiss C. Kull, Robert Richardson and Jay
11 Brown. However, other than NCJD Investigator Kull, Special Counsel has not been able to confirm
12 any of the other witnesses’ appearances at the hearing in this matter.² Thus, Special Counsel was
13 not aware of the need for subpoenas until the week of September 21, 2026, preparing for the “meet
14 and confer” with Respondent’s counsel in accordance with the Commission’s Prehearing Order.

15 Special Counsel’s law practice is almost exclusively comprised of labor law clients and cases
16 that result in arbitrations and administrative hearings, not court proceedings. In fact, since July,
17 2026, Special Counsel has prepared for and participated in four (4) public employee termination
18 arbitrations in Las Vegas, Pahrump and Minden, Nevada.³ It has been years since Special Counsel
19 was involved in civil litigation and Special Counsel cannot recall the last time he requested a
20 subpoena from an arbitrator, hearing officer or judge.

21 Special Counsel asked Respondent’s counsel if she would stipulate to the Commission
22 issuing subpoenas for hearing witnesses. However, on the morning of September 28, 2026,

24 ¹ After realizing that Respondent had not disclosed herself in her initial or supplemental
25 disclosures, Special Counsel named Respondent in his Second Supplemental Discovery Disclosure dated
September 25, 2026.

26 ² Investigator Kull is available to testify at any time on Monday, October 19, 2026.

27 ³ One of the Las Vegas arbitrations settled the business day before the hearing and the
28 arbitrator in the Minden case had to reschedule the hearing at the last minute due to health issues. However,
Special Counsel was prepared to proceed with both arbitrations.

1 Respondent's counsel indicated she would not stipulate to the issuance of subpoenas. Special
2 Counsel also asked Respondent's counsel if she could reply to the Motion in a few days rather than
3 the full ten (10) days. Respondent's counsel replied, "I will do the best I can. We are also juggling
4 our own responses and Motions."

5 Anticipating the negative response from Respondent's counsel, Special Counsel prepared the
6 concurrent Motion, drafted the instant Motion immediately after the response from Respondent's
7 counsel and directed both Motions to be filed simultaneously.

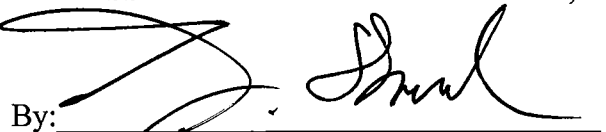
8 In light of the upcoming hearing commencing on October 19, 2026, Respondent normally
9 having ten (10) days to file a response to the Motions pursuant to PRJDC 38.2(A) and Special
10 Counsel needing time to serve the subpoenas, if issued, on the hearing witnesses, Special Counsel
11 is requesting an Order Shortening Time for Respondent's response to the pending Motion.

12 Conclusion

13 Special Counsel sincerely apologizes to Respondent and the Commission for the subpoena
14 deadline oversight, the need for subpoenas and the filing of the instant Motion. Special Counsel
15 respectfully requests Orders from the Commission granting both Motions.

16 DATED this 28th day of September, 2026.

17 MESSING ADAM JASMINE & SHORE, LLP

18 
19 By: _____

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27 Special Counsel for the Nevada
28 Commission on Judicial Discipline

1 **DECLARATION OF SPECIAL COUNSEL THOMAS J. DONALDSON IN SUPPORT**
2 **OF MOTION FOR ORDER SHORTENING TIME**

3 I, Thomas J. Donaldson, declare as follows:

4 1. I am currently an attorney duly licensed to practice law in the State of Nevada and
5 Special Counsel for the Nevada Commission on Judicial Discipline in the above-captioned matter.

6 2. I have personal knowledge of the facts set forth in this Declaration, except as to those
7 matters stated on information and belief, as to those matters, I believe them to be true. If called upon
8 to do so, I could and would competently testify to the facts stated herein.

9 3. I submit this Declaration in support of Special Counsel's Motion for Order Shortening
10 Time attached hereto.

11 4. On April 23, 2026, the Nevada Commission on Judicial Discipline ("Commission")
12 appointed me as Special Counsel in the above-captioned matter.

13 5. The Commission issued its Prehearing Order dated May 12, 2026, specifying, "[n]ot
14 less than thirty (30) days before the hearing, the Parties may submit a written request for the
15 Commission to issue subpoenas for the production of documents or to compel attendance or
16 testimony of the witnesses, if any, pursuant to NRS1.466 and PRJDC 20." Prehearing Order, p. 1
17 at lines 20-22.

18 6. The Commission issued its Order Setting Public Hearing dated June 16, 2026,
19 scheduling the hearing in this matter on October 19-22, 2026.

20 7. In May and June, 2026, I identified potential witnesses in this matter, attempted to
21 contact them and disclosed them to Respondent in Special Counsel's Discovery Disclosure dated
22 May 28, 2026.

23 8. I successfully contacted Curtiss C. Kull, Robert Richardson and Jay Brown, all of
24 whom expressed a desire to testify at the hearing in this matter, which was not yet set by the
25 Commission at that time.

26 9. I subsequently informed Mr. Kull, Mr. Richardson and Mr. Brown of the hearing
27 dates in this matter on October 19-22, 2026.

28 ///

1 10. The deadline for requesting subpoenas was September 18, 2026. However, this
2 deadline was not entered on my calendar and passed without me requesting subpoenas to compel the
3 attendance of his witnesses at the hearing in this matter.

4 11. The week of September 21, 2026, while preparing for the “meet and confer” with
5 Respondent’s counsel, I again attempted to contact all of the witnesses in the Disclosure, but was
6 only able to speak with Mr. Kull, who confirmed his upcoming appearance at the hearing in this
7 matter on October 19, 2026.

8 12. I have not been able to confirm any of the other witnesses’ appearances at the hearing
9 in this matter.

10 13. In conjunction with the “meet and confer,” Special Counsel asked Respondent’s
11 counsel if she would stipulate to the Commission issuing subpoenas for hearing witnesses.
12 However, on the morning of September 28, 2026, Respondent’s counsel indicated she would not
13 stipulate to the issuance of subpoenas. Special Counsel also asked Respondent’s counsel if she could
14 reply to the Motion in a few days rather than the full ten (10) days. Respondent’s counsel replied,
15 “I will do the best I can. We are also juggling our own responses and Motions.”

16 14. Anticipating the negative response from Respondent’s counsel, Special Counsel
17 prepared a Motion for Leave to Request Commission to Issue Subpoenas, drafted the instant Motion
18 immediately after the response from Respondent’s counsel and directed both Motions to be filed
19 simultaneously.

20 15. Special Counsel’s law practice is almost exclusively comprised of labor law clients
21 and cases that result in arbitrations and administrative hearings, not court proceedings.

22 16. In July through September, 2026, Special Counsel prepared for and participated in
23 four (4) public employee termination arbitrations in Las Vegas, Pahrump and Minden, Nevada. One
24 (1) of the Las Vegas arbitrations settled the business day before the hearing and the arbitrator in the
25 Minden case had to reschedule the hearing at the last minute due to health issues. However, Special
26 Counsel was prepared to proceed with both arbitrations. Special Counsel also had to prepare a post-
27 hearing brief based upon the transcript for the other Las Vegas arbitration and tried to enjoy a family
28 vacation at the end of August, 2026.

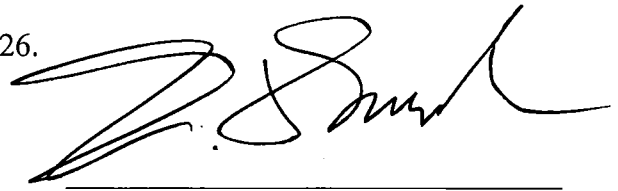
1 17. It has been years since I was involved in civil litigation and I cannot recall the last
2 time that I requested a subpoena from an arbitrator, hearing officer or judge to compel a witness to
3 appear at a hearing or for the production of documents.

4 18. I sincerely apologize to Respondent and the Commission for the subpoena deadline
5 oversight, the need for subpoenas and the filing of the instant Motion.

6 19. It is my belief that subpoenas issued by the Commission are the only means to assure
7 the appearances of these witnesses at the upcoming hearing.

8 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing
9 is true and correct.

10 Executed this 28th day of September, 2026.

A handwritten signature in black ink, appearing to read 'T. J. Donaldson', written over a horizontal line.

THOMAS J. DONALDSON, ESQ.

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