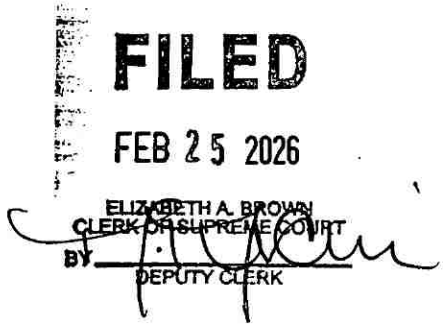
IN THE SUPREME COURT OF THE STATE OF NEVADA

LAKE TAHOE FINE DINING, LLC, A NEVADA LIMITED LIABILITY COMPANY D/B/A THE ROARING 20'S,
Appellant,
vs.
DOUGLAS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA,
Respondent.

No. 88892



ORDER OF AFFIRMANCE

This is an appeal from a district court order granting summary judgment and injunctive relief. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

Facts

Appellant Lake Tahoe Fine Dining operated a now-defunct strip club called The Roaring 20's (collectively Roaring 20's) in the basement of a casino property within the Tahoe Basin portion of Douglas County. Under Douglas County Code (DCC) §§ 5.36.010(B) and 5.36.030, a strip club featuring lap dances is an "adult characterized business." The only area in the Tahoe Basin portion of Douglas County where adult characterized businesses are permitted is the Stateline Community Plan Area as defined by Tahoe Regional Planning Agency. DCC § 5.36.030(D). These businesses must have a license to operate and cannot be within 250 feet of each other. DCC §§ 5.36.030(A), (E). However, there is an exception for "adult revues," which do not require a license. DCC § 5.36.030(G); *see* DCC § 5.36.010(H). Though dancers in an adult revue may expose certain anatomical areas as allowed by the DCC, they must also abide by DCC §§ 5.36.100(E), (F)(6),

and (F)(15), *see* DCC §§ 5.36.010(H), 5.36.140, which prohibit performers from displaying their "genitals, pubic area or anus," DCC §§ 5.36.100(E)(1), (F)(15)(a), or allowing others to touch their "genitals, breast, anus or pubic area." DCC § 5.36.100(F)(15)(b).

When Roaring 20's applied to Douglas County for a liquor license, it described itself as an upscale bar and nightclub with live entertainment. Reviewing that application, the Douglas County Board of Commissioners voiced concerns that Roaring 20's would instead operate a "gentlemen's club" or strip club. But Roaring 20's represented to the Board that it only sought to replace a former bar and nightclub and planned to retain that use, that it was aware of the DCC's restrictions, and that "[t]here will be no adult characterized business, as you defined in the code."

Once open, and despite its tamer representations to the County, Roaring 20's advertised itself as a strip club and "erotic ultra lounge." Roaring 20's featured a bar, a catwalk-style stage with ceiling-to-floor poles, a DJ, and dancers who offered strip-tease-type dances for patrons. The female dancers wore pasties over their areolas and thong underwear, and patrons would pay the dancers by throwing money at them or tucking it into their underwear. Roaring 20's also had an area with semi-private screened booths where patrons could receive lap dances for an additional fee. The DJ would announce when the dancers were available for private dances, and the dancers would also walk the floor and sell lap dances to the patrons. A Roaring 20's employee near the semi-private area would collect payment for those lap dances.

Roaring 20's never applied for, or received, an adult characterized business license from Douglas County.[1] After receiving complaints about Roaring 20's, Douglas County sent undercover agents to investigate and determined Roaring 20's' business activities required an adult characterized business license. The County thereafter filed a complaint against Roaring 20's for declaratory and injunctive relief, seeking to compel compliance with the DCC, including its licensing requirements.

The licensing requirement put Roaring 20's in a catch-22, because the casino on the property already held an adult characterized business license and DCC §§ 5.36.030(A) and (E) prohibited two such licensees within 250 feet of each other. In November 2023, Roaring 20's and the County stipulated to vacate trial so that they could pursue settlement discussions. The district court adopted the stipulated order they submitted, wherein Roaring 20's agreed that its performers would "not engage in 'lap dances' involving physical contact between a [ ] performer and a patron" and that it would "implement and enforce policies prohibiting [ ] performers from engaging in such 'lap dances'" and terminate any performer who violated those policies. This would allow Roaring 20's to continue operating without an adult characterized business license, offering topless dancing on the main stage as consistent with the adult revue exception. *See* DCC §§ 5.36.030(G), 5.36.010(H), 5.36.140, 5.36.100(E), (F)(6), (F)(15). Roaring 20's then purportedly implemented policies requiring dancers to acknowledge they would not engage in lap dances involving physical contact with patrons and that their employment would be terminated if they did.

[1]It also never applied for or received a gaming license.

Roaring 20's also encouraged the performers to report violations, offering cash rewards.

A follow-up police investigation about a month later, however, showed that Roaring 20's was still operating an erotic dance business featuring lap dances. Undercover officers noted females dancing provocatively on the main stage and heard the DJ announce, by name, the dancers who were available for private dances. The officers watched the dancers lead patrons to the semi-private back area. One officer saw dancers on the main stage allow the patrons to touch them when placing bills on the dancers' bodies, and one dancer leaned forward and allowed that officer to touch her bare cleavage area while placing dollar bills on her chest. The officers also purchased private lap dances at a rate of $25 per song, which the dancers performed on the officers in the semi-private back area.

The County filed a motion for an order to show cause why Roaring 20's should not be held in contempt and also moved for summary judgment on its earlier complaint. The parties agreed to submit the matter for a decision on summary judgment, specifying that no genuine dispute of material fact remained unresolved. The district court concluded Roaring 20's' business operation did not meet the adult revue exception and that Roaring 20's was operating as an unlicensed adult characterized business. It found sufficient evidence showing that the lap/private dances regularly resulted in the dancers' unclothed breasts and clothed pubic area coming into physical contact with the patrons and that Roaring 20's had failed to stop this conduct despite agreeing to do so. The district court also rejected Roaring 20's' argument that the applicable provisions of the DCC were unconstitutional. The district court therefore granted summary judgment in the County's favor. It held Roaring 20's in contempt, fined it $500, and

ordered it to pay reasonable expenses and attorney fees per NRS 22.100. Relying on equitable factors, it also issued a conditional permanent injunction ordering Roaring 20's to cease operating until it obtained an adult characterized business license. Roaring 20's appeals.

Discussion

Roaring 20's argues that: (1) the district court lacked subject matter jurisdiction; (2) the district court erred in holding Roaring 20's in contempt and in granting the injunction without applying strict scrutiny as required by the First Amendment; (3) DCC § 5.36 unconstitutionally differentiates between genders and strict scrutiny review should apply; and (4) privacy rights apply to patrons receiving lap dances.

The district court had subject matter jurisdiction

Roaring 20's argues that the Tahoe Regional Planning Compact (the Compact) preempts state law and thus prevents the County from challenging, or the district court from ruling on, the allowable use of the business premises in which Roaring 20's operated. Roaring 20's contends that the structure housing its business, and therefore its own showroom and operation as an adult revue, was grandfathered in by the Compact, citing NRS 278.8125, NRS 278.822, and the Compact itself. Roaring 20's further argues that the Tahoe Regional Planning Agency has exclusive jurisdiction over the approval or denial of any required license or permit within the structures regulated by the Compact.

Issues of subject matter jurisdiction are reviewed de novo, *Ogawa v. Ogawa*, 125 Nev. 660, 667, 221 P.3d 699, 704 (2009), and can be raised at any time, *Superpumper, Inc. v. Leonard*, 137 Nev. 429, 430-31, 495 P.3d 101, 104 (2021).

The Compact was ratified in 1969 to protect the natural beauty of the Tahoe Basin along with its environmental, cultural, and economic value. Compact Art. I. The Compact created the Tahoe Regional Planning Agency (the Agency), which is responsible for adopting "all necessary ordinances, rules, regulations and policies" implementing a regional plan for the Tahoe Basin. Compact Art. VI(a); NRS 278.813(1). Such laws include, for example, water and subdivision regulations, zoning, tree removal, outdoor advertising, and air pollution. Compact Art. VI(a); NRS 278.813(2). These laws "must establish a minimum standard applicable throughout the region." NRS 278.813(1); *see also* Compact Art. VI(a). Generally, the local counties' powers are subordinate to those of the Agency. NRS 278.822. But "any political subdivision," such as Douglas County, "may adopt and enforce an equal or higher standard" than the Agency has set. Compact Art. VI(a); NRS 278.813(1). Also, the Agency's powers are expressly "confined to matters which are general and regional in application" and leave to the counties' jurisdiction "the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan." NRS 278.813(3).

The Compact requires the Agency to acknowledge lawful casinos in the Tahoe Basin that existed in 1979 by recognizing "as a permitted and conforming use . . . [e]very structure housing gaming under a nonrestricted license" that "existed as a licensed gaming establishment" in 1979. Compact Art. VI(d)(1); NRS 278.8125(1)(a). Under the Compact, the Agency may not permit any new casinos to be built or permit existing ones to be enlarged. Compact Art. VI(d)(1), (f)(3); NRS 278.8125(1)(a). These requirements "are intended only to limit gaming and related activities as conducted within a gaming establishment" and are "not to limit

any other use of property zoned for commercial use or the accommodation of tourists." Compact Art. VI(i); NRS 278.8127(2).

While the Compact therefore protects preexisting gaming establishments and prohibits the expansion of gaming and existing gaming space, it does not comprehensively regulate what goes on in that space, nor does it regulate adult businesses. *See* NRS 463.0152 (defining "game" and "gambling game"); NRS 463.0153 (defining "gaming" and "gambling"). That regulation, instead, is left to the counties and cities. *See* NRS 278.813(3). Roaring 20's did not apply for a gaming license, nor does it cohesively or convincingly argue that the Compact immunizes a strip club's lap dancing and other erotic touching or exposure from County licensing regulations. And, nothing in the Compact divests district courts of jurisdiction over disputes arising from such regulations. Accordingly, the district court properly exercised jurisdiction over this case.

The district court did not err by holding Roaring 20's in contempt and granting the injunction

Roaring 20's next challenges the grant of summary judgment, contending the contempt order and injunction were improper. We review the grant of summary judgment de novo, viewing the facts in the light most favorable to the nonmoving party. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). But here, Roaring 20's agreed below that no genuine issue of material fact existed and submitted this case for summary judgment based on the evidence before the court. The issues before us, then, involve the interpretation and application of the DCC and the stipulated order, which we also review de novo, employing principles of statutory and contract interpretation. *See, e.g., DeChambeau v. Balkenbush*, 134 Nev. 625, 628-29, 431 P.3d 359, 361-62 (Nev. Ct. App. 2018) (interpreting a stipulation under contract rules); *City of Reno v. Citizens for Cold Springs*,

126 Nev. 263, 271-72, 236 P.3d 10, 16 (2010) (interpreting a municipal code according to the rules of statutory interpretation); *Sparks Nugget, Inc. v. State ex rel. Dep't of Tax'n*, 124 Nev. 159, 163, 179 P.3d 570, 573-74 (2008) (reviewing only the statutory and constitutional provisions where the parties stipulated to the operative facts).

Under those principles, a provision's language, if plain, will control. *Urias v. First Jud. Dist. Ct.*, 141 Nev., Adv. Op. 24, 568 P.3d 576, 579 (2025); *DeChambeau*, 134 Nev. at 628, 431 P.3d at 361-62. But if a provision's language is ambiguous, courts seek to identify and effectuate the provision's or the parties' objective intent, giving the words their most reasonable meaning. *DeChambeau*, 134 Nev. at 628, 431 P.3d at 362; *Sparks Nugget*, 124 Nev. at 163, 179 P.3d at 574.

The district court properly held Roaring 20's in contempt

Roaring 20's argues the district court improperly held it in contempt because the stipulated order was unclear and did not address whether the prohibited conduct included incidental touching or touching through clothing. It further argues that as a business it only had to comply with the stipulated order's second and third requirements, that it was not responsible for the dancers' conduct during the lap dances, and that it was not given the opportunity to comply with the stipulated order before the district court held it in contempt.

Disobedience of a court order is contempt. NRS 22.010(3). A contempt order must be grounded on a party's disobedience of an earlier order "that spells out the details of compliance in clear, specific and unambiguous terms so that such person will readily know exactly what duties or obligations are imposed on him." *State, Dep't of Indus. Rels. v. Albanese*, 112 Nev. 851, 856, 919 P.2d 1067, 1070 (quoting *Sw. Gas Corp. v. Flintkote Co.*, 99 Nev. 127, 131, 659 P.2d 861, 864 (1983)) (citation modified).

"Whether a [party] is guilty of contempt is generally within the particular knowledge of the district court, and the district court's order should not lightly be overturned." *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 650, 5 P.3d 569, 571 (2000).

The stipulated order states:

> The parties further agree that effective as of the date of the Court's order pursuant to this stipulation, Defendant [Roaring 20's] performers shall not engage in 'lap dances' involving physical contact between a ROARING 20's performer and a patron. ROARING 20's shall implement and enforce policies prohibiting ROARING 20's performers from engaging in such 'lap dances,' and ROARING 20's shall terminate any ROARING 20's performer who violates such policies.

This language is clear, particularly when read in the context of this case. Roaring 20's was being investigated for operating as an adult characterized business without the proper business license. Roaring 20's knew it had to either obtain an adult characterized business license or comply with the adult revue exception to continue operating its business. That exception prohibits performers from displaying or exposing "any portion of a person's genitals, pubic area, or anus in a lewd and obscene fashion"; from touching a patron's genitals, breast, anus, or pubic area or allowing patrons to touch those parts of the performer's body; and from using any device or inanimate object to simulate sexual acts. DCC §§ 5.36.010(H), 5.36.100(E), (F)(15)(a)-(c), 5:36.140. Yet the evidence showed that Roaring 20's' DJ announced when dancers were available for private dances and that Roaring 20's' club managers or employees took payment and provided receipts for those dances. It further showed those private lap dances involved intentional, physical contact between the patron and performer. The stipulated order plainly prohibited this conduct.

Roaring 20's' attempt to create ambiguity in the order's language by distinguishing between clothed and unclothed touching is groundless. Lap dancing is commonly understood to involve close physical contact meant to sexually arouse or excite, and nothing in the stipulated order draws or suggests a narrowed reading of the term. *See, e.g., City of Las Vegas v. Eighth Jud. Dist. Ct.*, 122 Nev. 1041, 1050-51, 146 P.3d 240, 246-47 (2006) (describing lap dancing). Next, given that the uncontested evidence showed that Roaring 20's dancers were violating the adult revue restrictions and that Roaring 20's openly facilitated that improper conduct, Roaring 20's cannot avoid liability by now arguing its dancers acted independently and are solely to blame. *Cf. Doe Dancer I v. La Fuente, Inc.*, 137 Nev. 20, 23-30, 481 P.3d 860, 866-70 (2021) (rejecting an argument that the dancers in that case were independent contractors). Finally, Roaring 20's' argument that it was given no chance to comply with the stipulated order fails in view of the evidence, which shows a continuing violation, uninterrupted by the stipulated order. Accordingly, the district court's contempt finding was proper and not subject to reversal by this court.

The district court did not err by granting the injunction

Roaring 20's' arguments against the injunction include that the DCC only penalizes skin-to-skin contact, that the district court wrongly presumed the statutory violation constituted an irreparable injury, that the injunction was overly broad (by improperly enjoining more than the lap dancing), that it was improper because the DCC imposes a monetary penalty for violations, and that it effectively prevents Roaring 20's from doing business in the Stateline Community Plan Area. We disagree.

The district court's decision to issue an injunction is reviewed for abuse of discretion. *Finkel v. Cashman Pro., Inc.*, 128 Nev. 68, 72, 270 P.3d 1259, 1262 (2012) (preliminary injunctions); *Chateau Vegas Wine, Inc.*

v. S. Wine and Spirits of Am., Inc., 127 Nev. 818, 824, 265 P.3d 680, 684 (2011) (permanent injunctions). However, de novo review applies to "questions of law implicated by [an] injunction." *Elk Point Country Club Homeowners' Ass'n v. K.J. Brown, LLC*, 138 Nev. 640, 642, 515 P.3d 837, 839 (2022).

First, Roaring 20's' contention that the DCC proscribes only skin-to-skin contact unduly narrows the DCC's text, which penalizes "touch" and does not distinguish between clothed and unclothed touching. *See Touch*, Merriam-Webster's Collegiate Dictionary (12th ed.) ("to bring a bodily part into contact," "to put hands upon in any way"); DCC §§ 5.36.010(V)(2)-(3) (defining "specified sexual activities" to include "fondling or erotic touching of any human genitals, pubic region, [ ] anus or female breast"); DCC § 5.36.100(F)(15)(b) (restricting such "touch"); Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 140 (2012) (explaining that words should be interpreted by the meaning proper usage would assign them).

Next, Roaring 20's' argument that the statutory violation cannot justify this injunction fails on the record facts. Generally, "the main prerequisite to obtaining injunctive relief is a finding that plaintiff is being threatened by some injury for which he has no adequate legal remedy." 11A Mary Kay Kane & Alexandra D. Lahav, *Availability of Injunctive Relief—In General*, Fed. Prac. & Proc. Civ. § 2942 (3d ed., May 21, 2025); *see also State ex rel. Office of Att'y Gen., Bureau of Consumer Prot. v. NOS Commc'ns, Inc.*, 120 Nev. 65, 69, 84 P.3d 1052, 1054 (2004) (noting traditional standards for equitable relief require showing irreparable harm and an inadequate legal remedy). "Irreparable harm is an injury for which compensatory damage is an inadequate remedy," *Excellence Cmty. Mgmt. v.*

Gilmore, 131 Nev. 347, 353, 351 P.3d 720, 723 (2015) (citation modified), and it can be found in recurrent violations of the legal right that would not be fairly or reasonably redressed through other legal action, 42 Am. Jur. 2d *Injunctions* § 35. In enforcement actions, however, a government agency need only demonstrate the statutory violation and that the statute permitted the injunction. *NOS Commc'ns, Inc.*, 120 Nev. at 68, 84 P.3d at 1054. That said, an ongoing statutory violation is still relevant evidence of an irreparable injury that may on its own justify injunctive relief.

As to the propriety of the injunction, the evidence showed Roaring 20's violated the DCC before and after the stipulated order. In weighing an injunction, the court addressed that evidence and determined that imposing the $500-per-day civil penalty allowed by DCC §§ 1.08.010(D) and 1.08.020 would be an inadequate deterrent given the amount of money the dancers brought in, and that enjoining only the prohibited conduct would be ineffective given Roaring 20's' previous failure to adhere to the stipulated order. *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 325, 130 P.3d 1280, 1285 (2006) (explaining a party requesting an injunction must also show a likelihood of future violations). We agree that enjoining only the lap dances and/or merely imposing the monetary penalty is an inadequate legal remedy here considering Roaring 20's' past failure to prevent the lap dances, the financial incentive for offering them, and Roaring 20's' insistence that it was the dancers, not the business, who are to blame[2] *See id.* (explaining in considering the likelihood of recurrent

[2]Though the parties do not address it, DCC § 5.36 has been amended to clarify that an adult revue must be owned, managed, or controlled by an unlimited gaming licensee. Douglas County Ordinance 2024-1640. Because Roaring 20's does not have an unlimited gaming license, it appears Roaring

violations, the court may consider factors such as the recurring nature of the violations, the violator's motivation, and whether the violator has recognized their culpability or can sincerely promise violations will not continue). And, the County is likely to be irreparably harmed by Roaring 20's' continuing licensing violation, which upends the County's goal of limiting the negative secondary effects of adult characterized businesses. *See* DCC § 5.36.020.

Further, the DCC does not confine the penalty to a monetary one, as Roaring 20's suggests. Though the DCC did not expressly provide for injunctive relief at the time the district court ordered it, neither did the DCC bar that option. DCC § 5.36 has since been amended to expressly allow civil actions seeking injunctive relief, showing a bar on injunctive relief was never intended. Douglas County Ordinance 2024-1640; DCC § 5.36.160. *See also Pub. Emps.' Benefits Program v. LVMPD,* 124 Nev. 138, 157, 179 P.3d 542, 554-55 (2008) (holding that when the Legislature clarifies a statute "through subsequent legislation, we may consider the subsequent legislation persuasive evidence of what the Legislature originally intended").

Finally, that Roaring 20's cannot obtain a license at its preferred venue because the neighboring business already holds that license does not make the injunction draconian. Though Roaring 20's argues the effect of the DCC and injunction is to prohibit it from offering topless female dancing "anywhere in the South Lake Tahoe Basin area,"

20's could not now present an adult revue even if we directed the district court to enjoin only the lap dances. *Cf. Personhood Nev. v. Bristol,* 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (finding an appeal moot where the court was unable to grant effective relief with respect to the injunction at issue).

Roaring 20's does not point to evidence showing it is, in fact, altogether barred from doing business should it obtain the proper license. Enjoining Roaring 20's from operating until it can obtain the proper business license was not improper under the totality of the circumstances here.

Roaring 20's fails to show that First Amendment law requires a different outcome

Roaring 20's also contends that because erotic dancing is expressive conduct entitled to First Amendment protection, the district court improperly failed to employ strict scrutiny in interpreting the DCC's provisions and the stipulated order's language and that the County cannot meet its high burden under that standard. Roaring 20's' First Amendment argument weaves through much of its briefing and pulls from wide-ranging contexts—religious flagellation, Hijabs, ballroom dance, and gloved doctors, among others—to support the broader argument that Roaring 20's was unfairly enjoined from doing business and wrongly held in contempt based on an overbroad interpretation of the DCC's proscriptions and the stipulated order.

Roaring 20's does not appear to raise a facial First Amendment constitutional challenge to DCC § 5.36.[3] Assuming, *arguendo*, it presents an as-applied constitutional challenge, Roaring 20's' argument for strict scrutiny review seemingly rests on the premise that all erotic dancing,

[3]At most, Roaring 20's argues that by imposing a buffer zone between licensees, the licensing scheme here improperly vests its competitor—the neighboring business that holds the adult characterized business license—unbridled discretion to regulate Roaring 20's by effectively precluding it from obtaining that license. But Roaring 20's relies on law addressing statutes that vest such discretion in a government official—not law addressing the validity of buffer zones. *See, e.g.*, *Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38.

including topless and lap dancing, demands substantial protection under the First Amendment. But Roaring 20's does not present law showing that the activity at issue here—lap dancing—enjoys such robust protection. Moreover, we have previously rejected the idea that strict scrutiny applies to licensing requirements applicable to erotic dancing. *See, e.g., Deja Vu Showgirls v. State, Dep't of Tax'n*, 130 Nev. 719, 728-29, 334 P.3d 392, 399 (2014) (recognizing "the degree of protection afforded to erotic dance under the First Amendment is uncertain" given society's lesser interest in protecting this type of expression, and that intermediate scrutiny applied to the regulation involved); *see also Barnes v. Glen Theatre, Inc.*, 501 U.S. 560, 571 (1991) (rejecting a similar First Amendment challenge because "the requirement that the dancers don pasties and G-strings does not deprive the dance of whatever erotic message it conveys; it simply makes the message slightly less graphic").

DCC § 5.36 expressly seeks to regulate the negative secondary effects of adult businesses, not their content. DCC § 5.36.020; *see also City of Las Vegas*, 122 Nev. at 1050, 146 P.3d at 246 (noting some of the negative secondary effects of erotic dance establishments). Similar adult business licensing regulations have been upheld, and Roaring 20's fails to show why this court should rule differently here. *See City of Littleton, Colo. v. Z.J. Gifts D-4, LLC*, 541 U.S. 774, 782-84 (2004) (upholding as consistent with the First Amendment a content-neutral law requiring adult businesses to obtain a license before operating); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 49-55 (1986) (explaining cities may create a buffer zone between adult businesses to address the negative secondary effects of those businesses). We therefore reject Roaring 20's argument that the district court erred by not applying strict scrutiny under the First Amendment. *City*

of Las Vegas, 122 Nev. at 1048, 146 P.3d at 245 (reviewing de novo constitutional challenges to an ordinance); *see also Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38 (explaining we may decline to consider points that are not cogently argued).

Roaring 20's does not show that the gender differences in DCC § 5.36 required the district court to apply strict scrutiny

Roaring 20's additionally argues that gender distinctions in DCC § 5.36 required the district court to apply strict scrutiny. Roaring 20's acknowledges that *Salaiscooper v. Eighth Judicial District Court*, 117 Nev. 892, 903, 34 P.3d 509, 517 (2001), applies intermediate scrutiny to gender classifications, but it argues that Nevada's Equality of Rights Amendment mandates the application of strict scrutiny.

We do not read that amendment as requiring the district court to apply strict as opposed to intermediate scrutiny review to DCC § 5.36, nor are we convinced by Roaring 20's' arguments that such was intended. The amendment provides that "[e]quality of rights under the law shall not be denied or abridged" on account of sex, sexual orientation, gender identity, or various other classifications. Nev. Const. art. 1, § 24. The purpose of the amendment was to add "a specific guarantee" of equal rights under the law. *See* Question No. 1, Senate Joint Resolution No. 8 of the 80th Session, www.leg.state.nv.us/App/InterimCommittee/REL/Document/27874. Though the corresponding voters' pamphlet addresses the need to prohibit discrimination across a wide range of vulnerable populations, *id.*, nothing indicates the amendment was meant to raise the existing level of scrutiny in all contexts, let alone in this one.

In rejecting Roaring 20's argument, the district court quoted and applied *Salaiscooper*'s test, pointing to "anatomical gender differences" as a reasonable basis for different treatment of nudity between the genders. Contrary to Roaring 20's' contention, this was not an improper application of the law, and a majority of courts have upheld laws prohibiting women, but not men, from exposing their breasts. *See Free the Nipple - Springfield Residents Promoting Equal. v. City of Springfield, Mo.*, 923 F.3d 508, 510 (8th Cir. 2019) (listing cases). Further, the specific provision upon which the district court relied—DCC § 5.36.100(F)(15)(b)—addresses *touching* breasts, and does not differentiate based on gender regardless. We thus reject Roaring 20's' argument regarding gender discrimination.

Roaring 20's does not show that privacy rights exempt it from the licensing requirement

Finally, Roaring 20's cursorily contends that the district court failed to recognize that its patrons and lap dancers have a right to privacy, citing *Techtow v. City Council of Las Vegas*, 105 Nev. 330, 775 P.2d 227 (1989). But *Techtow* did not establish a broad right to privacy and it is readily distinguishable in that it addressed "the operation of legitimate, nonsexual massage services" and not strip clubs, it generally upheld the challenged ordinances regulating a licensed business and did not call into question the legitimacy of the licensing requirement, and it invalidated portions of the ordinances on right-to-privacy and freedom-of-association grounds only where they were redundant or would deter "entirely innocent" and "law abiding individuals" from visiting the business. *Id.* at 332-35, 775 P.2d at 229-31. Roaring 20's addresses none of these distinctions. We therefore reject this argument. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38 (noting that this court does not address arguments that are not adequately supported or briefed).

For these reasons, we

ORDER the judgment of the district court AFFIRMED.

_____, J.
Pickering

_____, J.
Cadish

_____, J.
Lee

cc: Hon. Nathan Tod Young, District Judge
David Wasick, Settlement Judge
Thierman Buck LLP
Douglas County District Attorney/Minden
Clifton J. Young
Douglas County Clerk