

- Nevada Constitution, Section 2

Appendix D:

- Relevant excerpts from the record of proceedings:
 - Original Complaint filed on August 4, 2023.
 - Petition for Rehearing filed with the Nevada Supreme Court.
 - Petition for En Banc Reconsideration filed with the Nevada Supreme Court.

Appendix E:

- Key Exhibits:
 - Exhibit A: Original Complaint
 - Exhibit B Opposition To Motion To Dismiss
 - Exhibit C NVSC Appeal Brief
 - Exhibit D NVSC Petition For Rehearing
 - Exhibit E NVSC En Banc Reconsideration

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- Exhibit F Opposition To Attorney Fees and Costs
- Exhibit G Change Of Venue Granted
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- Exhibit 1: ROV 11-17-22 Petition
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- Exhibit 3: Unanswered Petition served upon respondents 12/1/22

- Exhibits 4-15: Voter Roll Reports and Findings
- Exhibit 16: Supplemental statements on election system issues
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- Exhibit 18: Supplemental statements on the deficiency of Signature Verification
- Exhibit 19: Supplemental statements on Lack of Transparency and Accountability
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Appendix A

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT BEADLES, AN INDIVIDUAL,
Appellant,

vs.

JAMIE RODRIGUEZ, IN HER
OFFICIAL CAPACITY AS REGISTRAR
OF VOTERS AND IN HER PERSONAL
CAPACITY; WASHOE COUNTY
REGISTRAR OF VOTERS, A
GOVERNMENT AGENCY; ERIC
BROWN, IN HIS OFFICIAL CAPACITY
AS WASHOE COUNTY MANAGER
AND IN HIS PERSONAL CAPACITY;
ALEXIS HILL, IN HER OFFICIAL
CAPACITY AS CHAIRWOMAN OF
WASHOE COUNTY BOARD OF
COMMISSIONERS AND IN HER
PERSONAL CAPACITY; AND WASHOE
COUNTY, A POLITICAL SUBDIVISION
OF THE STATE OF NEVADA,

Respondents.

No. 87683

FILED

MAY 15 2024

ELIZABETH A. BROWN

CLERK OF SUPREME COURT

BY s/ _____

DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a pro se appeal from district court orders denying a motion to change venue and granting a motion to dismiss appellant's complaint.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant Robert Beadles informed respondents that he believed there were election law violations in the 2020 election and there

¹Having considered the pro se brief, we conclude that a response is not necessary.

NRAP 46A(c). This appeal, therefore, has been submitted

for decision based on the pro se brief, the pro se amicus brief, and the record.

See NRAP 34(£)(3).

(img) Supreme Court Of Nevada

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were continuing breaches of legal procedures² When respondents did not directly respond to Beadles, he filed the underlying complaint alleging that (1) respondents violated Nevada Constitution Article 1, Section 10; Article 2, Section 1 A (1); Article 15, Section 2; and NRS 293.2546(11) by not responding to his allegations and (2) because of their failure to respond to his allegations, they should be removed from office.³ The district court denied Beadles' second motion to change venue and then granted respondents' motion to dismiss the complaint.

First, we conclude the district court did not manifestly abuse its discretion when it denied Beadles' request to change venue. *See Sicor, Inc. v. Hutchison*, 127 Nev. 904, 911, 266 P.3d 608, 613 (2011) (stating that this court reviews the denial of a motion to change venue for a manifest abuse

of discretion). Beadles originally filed this action in the Second Judicial District Court and was successful in having venue changed from that court.

But instead of transferring the matter to the Third Judicial District Court as requested by Beadles, the Second Judicial District Court concluded that the issues with venue could be alleviated by transfer to the First Judicial District Court, which would be a more convenient forum for witnesses than the Third Judicial District Court. Thereafter considering the factors laid

²We permitted amicus to file a brief in support of Beadles but conclude that brief does not support a different result here, as that brief focused on the allegations presented to respondents, not on whether the district court erred in denying the motion to change venue or in granting the motion to dismiss the complaint.

³While Beadles asserted other reasons outside of his complaint as bases for removing respondents from office, he did not include those allegations in his complaint, and the district court specifically said it could not consider his rogue exhibits filed in that court.

SUPREME COURT

OF

NEVADA

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out in *National Collegiate Athletic Association v. Tarkanian*, 113 Nev. 610, 612, 939 P.2d 1049, 1051 (1997), the First Judicial District Court concluded that Beadles failed to demonstrate a need to change venue once again. The record on appeal supports the district court's conclusion that Beadles did not demonstrate a reasonable likelihood that an impartial trial could not be had in the First Judicial District Court. *Id.* at 612, 939 P.2d 1051 (explaining that a change of venue may be necessary when there is a reasonable likelihood that an impartial trial is not possible in that venue). Thus, we affirm the district court's order denying Beadles' motion to change venue.

Second, we conclude the district court properly granted respondents' motion to dismiss the complaint because, taking all the factual allegations in the complaint as true and drawing every inference in favor of Beadles, he can prove no set of facts that would entitle him to relief as pleaded. See *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (reviewing de novo a district court's dismissal of a complaint under NRCP 12(b)(5)). Further, we conclude the district court did not abuse its discretion in denying Beadles' alternative request for a writ of mandamus on the same grounds. See *Koller v. State*, 122 Nev. 223,

226, 130 P.3d 653, 655 (2006) (stating that this court reviews a district court's denial of mandamus relief for an abuse of discretion).

Article 1, Section 10 of the Nevada Constitution guarantees the right to assemble and petition the Legislature. There are no set of facts that could prove a violation of that constitutional right based on respondents' failure to respond directly to Beadles' allegations.

Article 2, Section IA, Subsection 11 of the Nevada Constitution and NRS 293.2546(11) permit a voter "[t]o have complaints about elections

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and election contests resolved . . . as provided by law." Thus, the law permits a voter to file a complaint with the Secretary of State's office, NAC 293.025, or with the clerk of the district court, NRS 293.407. These laws do not establish that respondents had a duty to respond to Beadles' allegations. Additionally, because the constitutional provision is not self-executing, it does not

establish a private right of action. See *Mack v. Williams*, 138 Nev., Adv. Op. 86, 522 P.3d 434, 441-42 (2022) (explaining that a private right of action to enforce the Nevada Constitution is permitted if the constitutional provision is self-executing). Thus, no set of facts could prove that respondents violated Nevada Constitution, Article 2, Section 1A, Subsection 11 or NRS 293.2546(11) by not responding to Beadles.

Article 15, Section 2 of the Nevada Constitution requires all public officers to take an oath to support the Constitution and faithfully perform the duties of their office. Because none of respondents' duties of their offices required them to respond to allegations regarding elections, Beadles can prove no set of facts demonstrating respondents violated this constitutional provision.

Regarding Beadles' cause of action for removal of respondents from office, there is also no set of facts that would warrant relief as pleaded by Beadles. Beadles' reliance on NRS 266.430 is misplaced because that statute provides for the removal of the mayor or a municipal officer of an incorporated city or town and none of the respondents fall into those categories. While NRS 283.440 provides a procedure for the removal of certain public officers for malfeasance or nonfeasance, as discussed above, because none of the respondents had a duty to respond to Beadles' allegations, he can prove no set of facts, as pleaded, to demonstrate

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respondents' malfeasance or nonfeasance.⁴ Thus, we conclude the district court properly granted respondents' motion to dismiss the complaint, and accordingly we

ORDER the judgment of the district court AFFIRMED.⁵

s/_____, J.

Stiglich

s/_____, J.

Pickering

s/_____, J

Parraguire

cc: Hon. James Todd Russell, District Judge

Robert Beadles

Attorney General/Carson City

Washoe County District Attorney

Olena Alexander

David Chamberlain

Janice Hermsen

Oscar Williams

Carson City Clerk

⁴To the extent Beadles is attempting to rely on the allegations of election law violations and breaches of legal procedures that he reported to respondents to demonstrate malfeasance or nonfeasance, his complaint does not allege removal is necessary because of those allegations, and those allegations would be best raised through a complaint filed with the Secretary of State. NAC 293.025.

⁵Beadles appears to argue in his brief that the district court abused its discretion by awarding respondents their attorney fees. The record before this court demonstrates that the district court withdrew that order and Beadles has not thereafter appealed from another order regarding attorney fees.

SUPREME COURT

OF

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IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT BEADLES, AN INDIVIDUAL,

Appellant,

vs.

JAMIE RODRIGUEZ, IN HER OFFICIAL

CAPACITY AS REGISTRAR OF VOTERS

AND IN HER PERSONAL CAPACITY;

WASHOE COUNTY REGISTRAR OF

VOTERS, A GOVERNMENT AGENCY; ERIC

BROWN, IN HIS OFFICIAL CAPACITY AS

WASHOE COUNTY MANAGER AND IN HIS

PERSONAL CAPACITY; ALEXIS HILL, IN

HER OFFICIAL CAPACITY AS

CHAIRWOMAN OF WASHOE COUNTY

BOARD OF COMMISSIONERS AND IN HER

PERSONAL CAPACITY; AND WASHOE

COUNTY, A POLITICAL SUBDIVISION OF

THE STATE OF NEVADA,

Respondents.

No. 87683

FILED

JUN 21 2024

ELIZABETH A. BROWN

CLERK OF SUPREME COURT

BY s/ _____

DEPUTY CLERK

ORDER DENYING EN BANC RECONSIDERATION

Having considered the petition on file herein, we have concluded that en banc reconsideration is not warranted. NRAP 40A. Accordingly, we

ORDER the petition DENIED. ¹

_____, C.J.

Cadish

s/ _____, J

Stiglich

s/ _____, J.

Pickering

s/ _____, J.

s/ _____, J.

Herndon

Lee

s/_____, J.

s/_____, J.

Parraguirre

Bell

In light of this order, we take no action on the appellant's June 10, 2024, motion.

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24-21709

cc: Hon. James Todd Russell, District Judge

Robert Beadles

Attorney General/Carson City

Washoe County District Attorney

David Chamberlain

Janice Hermsen

Olena Alexander

Oscar Williams

Carson City Clerk

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NEVADA

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On Pleading Paper

Appendix 3 Oct. 20, 2023

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Deputy District Attorney

Nevada State Bar Number 14079

ELIZABETH HICKMAN

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Nevada State Bar Number 11598

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REPRESENTING DEFENDANTS

JAMIE RODRIGUEZ, WASHOE

COUNTY REGISTRAR OF VOTERS,

ERIC BROWN, ALEXIS HILL,

and WASHOE COUNTY

FIRST JUDICIAL DISTRICT

COURT OF NEVADA

CARSON CITY

ROBERT BEADLES,

an individual,

Plaintiff,

vs.

Case No. 23-OC-

00105 1B

Dept No D1

JAMIE RODRIGUEZ, in her official capacity as Registrar of Voters and in her personal capacity; the WASHOE COUNTY REGISTRAR OF VOTERS, a government agency; ERIC BROWN in his official capacity as WASH OE COUNTY MANAGER and in his personal capacity, ALEXIS HILL in her official capacity as CHAIRWOMAN OF WASHOE COUNTY BOARD OF COMMISSIONERS and in her personal capacity; WASH OE COUNTY, a political subdivision of the State of Nevada, and DOES I-X; and ROE CORPORATIONS IX.

Defendants.

NOTICE OF ENTRY OF ORDER

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TO: ALL INTERESTED PERSONS

PLEASE TAKE NOTICE that on November 20, 2023, the Court in the above entitled matter filed its Order Granting Defendant's Motion to Dismiss. A copy of the Order is attached hereto.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 21st day of November, 2023.

CHRISTOPHER J. HICKS

District Attorney

By s/ _____

Lindsay L. Liddell

Deputy District Attorney

One South Sierra Street

Reno, NV 89501

lliddell@da.washoecounty.gov

(775) 337-5700

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

Pursuant to NRCP S(b), I certify that I am an employee of the Office of the District Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, Defendants' Opposition To Plaintiff's Second Motion To Change Venue was filed with the First Judicial District Court, Carson City. I certify that on this date, based on the parties' agreement pursuant to NRCP 5(b)(2)(E), Plaintiff Robert Beadles was served with a copy of Defendants' Notice of Entry of Order-Order Granting Defendants' Motion Dismiss at the following electronic mail address:

Robert Beadles

beadlesrnail@grnail.com

Dated this 21st day of November, 2023.

s/ _____

S. Haldeman

REC'D & FILED

2023 NOV 20 PM 2:17

WILLIAM SCOTT NOEN

CLERK

BY s/ _____

DEPUTY

IN THE FIRST JUDICIAL DISTRICT

COURT OF NEVADA

CARSON CITY

ROBERT BEADLES, an individual,

Case No. 23-OC-

Plaintiff,

00105 1B

vs.

Dept No D1

JAMIE RODRIGUEZ, in her official

capacity as Registrar of Voters and in her

personal capacity; the WASHOE COUNTY
REGISTRAR OF VOTERS, a government I
agency; ERIC BROWN in his official
capacity as WASHOE COUNTY
MANAGER and in his personal capacity,
ALEXIS HILL in her official capacity as
CHAIRWOMAN OF WASHOE
COUNTY BOARD OF
COMMISSIONERS and in her personal
capacity; WASHOE COUNTY, a political
subdivision of the State of Nevada, and
DOES I-X; and ROE CORPORATIONS IX.

Defendants.

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

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PROCEDURAL HISTORY

Plaintiff Robert Beadles ("Beadles") brought this action against Defendants, the Washoe County Registrar of Voters Jamie Rodriguez ("Ms. Rodriguez"), the Washoe County Registrar of Voters ("ROV"), Washoe County Manager Eric Brown ("Manager Brown"), Chairperson of the Washoe County Board of County Commissioners Alexis Hill ("Commissioner Hill"), and Washoe County. The Complaint contains two causes of action: (1) "Violation of Nevada Constitution Articles 1, 2, 15 and The Voter's Bill of 8 Rights," and (2) a "Petition for Removal of Officers from Office" seeking to remove Ms. Rodriguez, Manager Brown, and Commissioner Hill.

Defendants filed a Motion to Dismiss on August 15, 2023. Beadles filed Plaintiff's Opposition to Motion to Dismiss on August 29, 2023. Defendants filed a Reply in Support of Motion to Dismiss on September 5, 2023. On September 14, 2023, the Second Judicial District Court issued a Corrected Order Granting Plaintiff's Motion to Change Venue,

transferring this case to the First Judicial District Court. This Court held a hearing on the Motion to Dismiss on November 20, 2023.

FINDINGS OF FACT

Having reviewed the filings in this case, and having considered the parties' arguments, the Court makes the following findings of fact:

I. Robert Beadles, Commissioner Hill, Manager Brown, Ms. Rodriguez, and the ROV

1. Beadles is an individual who resides in Washoe County, Nevada. Comp/. at ¶11. He represents himself in this action "to save his lawyers from attacks on their livelihoods." Id. at ¶12.

2. Commissioner Hill, Manager Brown, and Ms. Rodriguez are employed by Washoe County, not an incorporated city or town, and this is a civil action.

3. Commissioner Hill is an elected public officer.

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4. Manager Brown and Ms. Rodriguez are not elected public officers. Manager Brown is employed as the Manager for Washoe County. Ms. Rodriguez is employed as the Registrar of Voters for Washoe County.

5. The ROV is a department of Washoe County, and not a separate legal entity or political subdivision of the State of Nevada.

II. The Present Case

6. After he filed his Complaint, Beadles filed over one hundred "supplemental exhibits:" (1) the Supplemental Exhibits in Support of Plaintiff's Complaint filed August 9, 2023, and (2) the Supplemental Exhibits in Support of Plaintiff's Motions filed August 24, 2023. In this filing, Beadles provided the Court approximately six binders and two flashdrives of files accompanying the aforementioned supplements. Beadles has now filed one hundred and forty-five "supplemental exhibits," among other things, which include various national and local news articles and Edward Solomon¹ elections content. These supplemental exhibits were filed without leave of Court, are not part of the Complaint, and do not amend the Complaint.

7. Beadles alleges that by not acknowledging and not responding to the three documents he and others allegedly submitted to Defendants, Defendants "deprived Plaintiff to have his grievances heard as enshrined in Nev. Const. Art. 1 § 10." *Comp/.* at ¶75, ¶71.

8. Beadles also alleges Defendants violated his rights under Article 2 Section IA Subsection 11 of the Nevada Constitution. *Compl.* at 72. Beadles claims he has a "constitutional right to pose grievances" and have them resolved "fairly, accurately and efficiently," but Defendants ignored his complaints. *Compl.* at ¶45, ¶72, ¶75.

¹ The Court takes judicial notice of Joey Gilbert v. Steve Sisolak et al., Case no. 22 OC 000851 B, filed in the First Jud. Dist. Ct. of the State of Nevada in and for Carson City. Therein, Joey Gilbert based a "highly dubious" claim alleging election fraud on mathematics created by individual named Edward Solomon.

9. Beadles alleges Defendants breached their duty under their oath because "[a]s of the filing of this complaint, there has been no acknowledgement or response from the Defendants regarding the underlying Petitions filed by Plaintiff." *Compl.* at ¶75.

10. Within his first cause of action, Beadles alternatively pleads that mandamus relief should issue to compel Defendants to respond to his grievances, and to "rectify" the issues alleged in those grievances. *Compl.* at ¶86.

11. Beadles states generally, "Defendants ... failed to fulfill the duties of their respective offices as alleged herein. "*Compl.* at ¶91. Beadles identifies no specific duty for which Defendants individually committed malpractice or neglect. Beadles alleges that, "By failing to address the Petitions, Defendants have each violated their oath to office, Nevada Revised Statutes and Administrative Codes, and violated the Plaintiff's constitutional rights." *Compl.* at ¶46.

12. Beadles also states, "Defendants have additionally failed to address, correct, or rectify the issues raised in the underlying Petitions, including but not limited to, (1) updating and resolving the voter registration lists; (2) providing proper vote counting mechanisms; (3) counting votes in secret; (4) inadequate signature verification; (5) illegal function within the election system; (6) violations of election procedures as required under Nevada law. [Exhibit 109]." *Compl.* At ¶91; see also *Compl.* at ¶¶46-51.

13. The Court finds that Beadles fails to identify a specific act of malfeasance or nonfeasance directly connected to a specific legal duty tied to Commissioner Hill, Manager Brown, or Ms. Rodriguez.

14. The Complaint and Opposition identify internal "mission statements," which are not laws and do not impose specific legal duties on specific employees. *Compl.* at ¶60; *Opp.* at 61.

15. Beadles provides numerous examples of a board of county commissioners' power to act regarding elections. See e.g. *Opp.* at 78. He provides no legal authority requiring those

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actions, much less requiring Commissioner Hill, Manager Brown, or Ms. Rodriguez to perform those actions in the way Beadles would prefer them performed.

16. In his "Demand for Relief, Beadles asks the Court to "strike down NRS293.269935(2) and 293.3606(4) to allow public inspection of ballots." *Compl.* at p. 16. He asks that the Court prohibit Defendants from "using any voting and tabulation machines for elections," and asks for general monetary damages in excess of \$15,000. *Id.* He asks that the Court require Defendants to use paper ballots, "[e]njoin the Defendants and make the digitized vote tally database (Microsoft SQL) open for public inspection," require Defendants disclose applicant name and credentials, prohibit Defendants from using QR codes, "halt Defendants' expenditure of "unapproved and unsafe equipment and software." *Id.* He also

requests that the Court require Defendants "take into account and redress all elections issues that Plaintiff puts on the table, no shying away." *Id.* at p. 15.

17. In the Opposition to Motion to Dismiss, Beadles includes approximately fourteen pages setting forth calculations that Beadles claims prove the 2020 election was "rigged."

Opp. 39-52. Based on his "formula," he argues that "Biden lost to Trump, Angie Taylor lost to Montognese, Devon Reese lost to Eddie Lorton, and Alexis Hill lost to Marsha Berkbigler in the 2020 elections." *Opp.* at 41. Notably, similar allegations regarding elections fraud based on mathematics from unqualified Edward Soloman were debunked in in last year's Beadles-funded primary elections contest. Affirming sanctions in that case, the Nevada Supreme Court recently held that: "[s]ometimes, as is the case here, the issue is novel because it is so lacking in arguable merit that no previous litigant has raised it. " Allegations "that an election was affected by 'a predetermined algorithm and 'illicit

²Case no. 22 OC 000851B, filed in the First Jud. Dist. Ct. of the State of Nevada in and for Carson City. The Court takes judicial notice of Beadles's documented role in that case. See Notice of Violation of Supreme Court Rule 229(2)(b), filed on August 12, 2022 in case no. 22 OC 000851B (discussing Beadles's role as "Mr. Gilbert's benefactor").

³ *Muellerv.* First Jud. Dist. Ct. in andforCnty. of Carsen City, no. 860641 2023 WL 5317951 at *3 (Aug. 17, 2023).

mathematics,¹ with no legitimate explanation for how that occurred, much less evidence to support those allegations, falls far short of being 'legitimate.'" *Id.* More to the point, Beadles's mathematics have no bearing on whether he can state a claim for relief regarding his unanswered elections petitions or for removal based on a public officer's official duties.

CONCLUSIONS OF LAW

18. A claim may be dismissed for "failure to state a claim upon which relief can be granted." NRCP 12(b)(5). On a Rule 12(b)(5) dismissal, the Court must liberally construe the pleadings and accept all allegations as true. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 22, 227-28, 181 P.3d 670, 672 (2008). Dismissal is appropriate if the allegations fail to state a cognizable claim of relief when taken at "face value" and construed favorably on behalf of the non-moving party. *Morris v. Bank of Am.*, 110 Nev. 1274, 1276, 886 P.2d 454, 456 (1994) (quoting *Edgar v. Wagner*, 101 Nev. 226, 227-28, 699 P.2d 110, 111-12 (1985)).

19. Beadles's rogue "supplemental exhibits," are outside the pleadings and will not be considered. Supplemental pleadings may not be filed without Court permission. NRCP 15(d). A party must move the Court to file a supplemental

pleading, and then the Court may, at its discretion, permit the filing. *Id.* There is no inherent right nor ability to unilaterally file supplements to pleadings. *See id.*

20. Beadles's supplemental exhibits ((1) the Supplemental Exhibits in Support of Plaintiff's Complaint filed August 9, 2023, and (2) the Supplemental Exhibits in Support of Plaintiff's Motions filed August 24, 2023) are not part of the Complaint, and are not within the scope of a Motion to Dismiss pursuant to Rule 12(b)(5).

21. Even if the Court were to convert the Motion to Dismiss to a Motion for Summary Judgment based on Beadles's supplemental exhibits, judgment in favor of Defendants would be appropriate. Beadles does not support any alleged facts with admissible evidence. Additionally, most facts alleged are immaterial to his causes of action, e.g. wide-spread election fraud, "unclean" voter rolls, etc. The nonmoving party "is not entitled to build a

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case on the gossamer threads of whimsy, speculation, and conjecture." *Collins v. Union Fed. Savings & Loan*, 99 Nev. 284, 302, 662 P.2d 610, 621 (1983). No fact finder could return a verdict in Beadles's favor on the claims alleged against these Defendants, and therefore summary judgment would likewise be appropriate.

I. BEADLES'S FIB.ST CAUSE OF ACTION

22. Beadles's first cause of action alleges that Defendants' failure to respond to his "petitions" amounts to a constitutional violation under the Nevada Constitution Article 1 Section 10, Article 2 Section 1A(11), Article 15 Section 2 and NRS 293.2546(11). *Compl.* at ¶¶67-87. The "petitions" are comprised of two complaints about elections processes and one Statement of Contest for the 2022 election. *Compl.* at ¶73; Exs. 1-3 to *Compl.*

**A. BEADLES FAILS TO STATE A CLAIM UNDER ARTICLE 1
SECTION 10 OF THE NEVADA CONSTITUTION.**

23. Article One, Section Ten of the Nevada Constitution, titled "Right to assemble and to petition," provides: "The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives and to petition the Legislature for redress of Grievances." NEV. CONST. ART. I SEC. 10 (emph. added).

24. Beadles's allegations, specifically that Washoe County, Manager Brown, Commissioner Hill, and Ms. Rodriguez did not respond to his complaints, do not give rise to a claim under Article 1 Section 10 of the Nevada Constitution. Construing the Complaint broadly, there are no facts alleged that, if true, demonstrate that Defendants impeded Plaintiff's right to assemble, to instruct his representatives, or to petition the Legislature.

25. The Court finds that Beadles failed to state a claim under Article 1 Section 10 of the Nevada Constitution. Dismissal with prejudice is appropriate because amendment would be futile.

B. BEADLES FAILS TO STATE A CLAIM UNDER ARTICLE 2
SECTION 1A SUBSECTION 11 OF THE NEVADA CONSTITUTION
OR UNDER THE NEVADA VOTERS' BILL OF RIGHTS.

26. Article 2 Section IA Subsection 11 provides that each registered voter in the State of Nevada has the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law." This is codified in NRS 293.2546(11), the Nevada Voters' Bill of Rights.

27. The Nevada Secretary of State is the Chief Officer for Elections in the State. NRS 293.124. As Chief Officer for Elections, the Secretary of State is responsible for the execution and enforcement of all provisions of NRS Title 24 (NRS Chapters 293-306), and all other provisions of State and Federal law relating to elections in this State. *Id.*

28. Consistent with this framework, the Nevada Administrative Code provides that "[a] person who wishes to file a complaint concerning an alleged violation of any provision of 13 Title 24 of NRS [NRS Chapters 2 93-306], must: **1. Submit the complaint in writing to the Secretary of State;** and 2. Sign the complaint." NAC 293 .025 (emph. added). The obligation is on the Secretary of State to "resolve [the complaints] fairly, accurately and efficiently as provided by law." NRS 293.2546(11); NAC 293.025.

29. In addition to submitting complaints to the Secretary of State concerning any alleged violation of NRS Title 24, any registered voter may contest the election of a candidate by filing a Statement of Contest with the clerk of the district court. NRS 293 .407. The Court finds that this statute imposes no duty on a County, a County Commissioner, a County Manager, or a Registrar of Voters.

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30. Additionally, there is no private right of action to enforce Article 2 Section IA Subsection 11 of the Nevada Constitution. In determining whether a private right of action exists to enforce a provision of the Nevada Constitution, the initial inquiry is whether the provision at issue is "self-executing." *Mack v. Williams*, 138 Nev. Adv. Op. 86, 522 P.3d 434, 441-42 (2022) (citing *Wren v. Dixon*, 40 Nev. 170, 161 P. 722, 729 (1916)).⁴ "A constitutional provision may be said to be self-executing if it supplies a sufficient rule by means of which the right given may be enjoyed and protected, or the duty imposed may be enforced; and it is not self-executing when it merely indicates principles, without laying down rules by means of which those principles may be given the force of law." *Wren*, 40 Nev 1701 161 P. at 729. Additionally, a prohibitory provision is self-executing as it is complete in itself to

the extent of the prohibition. Mack, 138 Nev. Adv. Op. 86,522 P.3d at 441-42. Only self-executing constitutional provisions give rise to a cause of action independent of any statutory procedure authorizing a private action. *Alper v. Clark County*, 14 93 Nev. 569, 572, 571 P.2d 810, 812 (1977).

31. Beadles acknowledges "Nev. Const. Art 2 Sec IA § 11 does not confer an obligation onto the Defendants, rather, Plaintiff contends that Sec IA § 11 is silent as to the responsive agency or department. Nothing in the Nevada Constitution dictates how a grievance should be posed, just that a person's grievances cannot be simply ignored." *Opp.* at p. 99. With this, Beadles concedes Article 2 Section 1A is not a self-executing provision of the Nevada Constitution and he cannot bring a private right of action.

32. Addressing Beadles's allegation that he is entitled to relief under Article 2 § 1A(11) first, which is included in the Nevada Voters' Bill of Rights as NRS 293.2546(11), this

' Beadles's Opposition includes analysis as to whether the Nevada Constitutions are self-executing, arguing he has a private right of action, and citing to Mack v. Williams, 138 Nev. Adv. Op. 86, 522 P.3d 434 (2022). *Opp.* at 10-12. Because he raised this argument, it is therefore appropriate to analyze the merits of those issues.

provision states that each registered voter in the State of Nevada has the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law." This is not a prohibitory provision and lacks the detailed means to describe how the policy would be enforced. Insofar as it explicitly states "as required by law," this provision defers to the legislature to set forth processes to enforce this policy. Therefore, Article 2 § 1A(11) of the Nevada Constitution is not self-executing.

33. Turning to the statute, nothing in NRS 293.2546(11) contemplates a private right of action. To the contrary, the Legislature made clear via NRS 293.840 that violations of Chapter 293 may result in criminal penalties and a civil penalty, but only in "a civil action brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction." Nothing in NRS Chapter 293 authorizes Plaintiff to pursue a private right of action for an alleged violation of NRS 293.3546(11), nor does Article 2 § 1A(11) provide for a private right of action.⁵

34. Assuming arguendo that a private right of action could be brought under Article 2 § 1A(1) or NRS 293.3546, Beadles does not state a claim on which relief could be granted. Beadles erroneously suggests, "this Court must determine where the responsibility falls within local government when a citizen poses an inquiry or complaint and petition . . . regarding election abnormalities, errors, and improper procedures on behalf of the ROV." Opp. at 99.

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⁵ That there is no private cause of action is separate from whether there may be a writ of mandamus compelling performance of a nondiscretionary duty. See *American Civil Liberties Union of Nev. v. Cnty. of Nye*, no. 85507, 2022 WL 14285458 (Oct. 21, 2022) (unpublished disposition) (granting a writ of mandamus regarding specific duties set forth in NRS Chapter 293); *Baldonado v. Wynn Las Vegas, LLC*, 124 Nev. 951, 961, 194 P.3d 96, 102 (2008) ("When an administrative official is expressly charged with enforcing a section of laws, a private cause of action generally cannot be employed.").

35. Establishing the process through which a complaint about elections will be heard is within the purview of the legislature. Per NRS 293.124, the Secretary of State is the Chief Office for Elections in Nevada, and all execution and enforcement of NRS Title 24 (NRS Chapters 293-306), and all other provisions of State and Federal law relating to elections, are the responsibility of the Secretary of State. NRS 293.124(1). The Secretary of State was given broad authority to enact regulations as are necessary to carry out the provisions of Title 24. NRS 293.124(2). Such regulations have the force of law. NRS 233B.040(1)(a); *Banegas v. State Industrial Ins. Sys.*, 117 Nev. 222, 227, 19 P.3d 245, 248 (2001) (recognizing "the Legislature may authorize administrative agencies to make rules and regulations supplementing legislation.").

36. NAC 293.025 specifically provides: "A person who wishes to file a complaint concerning an alleged violation of any provision of Title 24 of NRS [NRS Chapters 293-306], must: 1. Submit the complaint in writing to the Secretary of State; and 2. Sign the complaint." The obligation is on the Secretary of State to "resolve [the complaints] fairly, accurately and efficiently as provided by law!" NRS 293.2546(11); NAC 293.025. Thus, state law places the "duty" to resolve complaints about elections based on Article 2 § 1A(11) on the Secretary of State's office rather than on the named Defendants in this action. Accordingly, Beadles's claim fails because there is no duty or obligation mandated by Nevada law for the Defendants to respond to his complaints related to the elections process.

37. In addition to submitting complaints to the Secretary of State concerning any alleged violation of NRS Title 24, any registered voter may contest the election of a candidate by filing a Statement of Contest with the clerk of the district court. NRS 293.407. Again, this statute imposes no duty on a County, a County Commissioner, a County Manager, or a Registrar of Voters.

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38. The Court finds that nothing in Nevada law required Defendants to respond to documents that, by law, were required to be submitted to the Nevada Secretary of State or the district court. Even if there was a duty, that duty would only be to resolve the complaint-not to respond or "rectify" the alleged issue in the manner that the complainant prefers. The Complaint, construed liberally and in favor of Beadles, fails to state a claim under Article 2 Section 1A(11) of the Nevada Constitution or NRS 293.2546(11).

39. Additionally, amendment would be futile because there is no set of facts that would give rise to a claim under Article 2 Section 1A(11) against these Defendants. Therefore, dismissal with prejudice is appropriate.

**C. BEADLES FAILS TO STATE A CLAIM UNDER ARTICLE 15
SECTION 2 OF THE NEVADA CONSTITUTION.**

40. Article 15 Section 2 of the Nevada Constitution requires all members of the legislature, and all officers, executive, judicial and ministerial, to take an oath before performing the duties of their respective offices. The oath provides, in relevant part, that the public officer will support, protect, and defend the Constitutions of the United States and Nevada, and "will well and faithfully perform all duties of [their] office . . ." NEV. CONST. ART. 15 SEC. 2.

41. As set forth above, responding to Beadles's allegations of violations of elections laws or elections challenges are not within the duties of Defendants' offices. Plaintiff's assertions that "Defendants have thus perjured their oath of office" by not responding to his complaints does not state a claim under Article 15 of the Nevada Constitution. *See Compl.* at ¶75; NEV. CONST. ART. 15 SEC. 2. In his opposition, Beadles simply reiterates that the Nevada Constitution requires officers take an oath and summarily concludes "thus plaintiff can hold them accountable." *Opp.* at 8. He further argues that "implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the

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concerns and grievances of the citizenry." *Id.* at 64, 69, 73.

42. As previously demonstrated, responding to Beadles's allegations of violations of elections laws or elections challenges are not within the duties of Defendants' offices. Beadles's suggestion that responding to his grievances is

"implicit in this oath" has no basis in law, and therefore his claim fails as a matter of law. Moreover, this provision of the Nevada Constitution does not include a private right of action. *Mack*, 138 Nev. Adv. Op. 86, 522 P.3d at 441-42.

43. The Court finds that Beadles failed to state a claim upon which relief can be granted under Article 15 of the Nevada Constitution. Additionally, amendment would be futile because there is no set of facts that would give rise to a claim under Article 15 of the Nevada Constitution against these Defendants. Therefore, dismissal with prejudice is appropriate.

D. MANDAMUS RELIEF IS UNATTAINABLE,

44. A Court may issue a writ "to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station ... " NRS 34.160. "Mandamus is an extraordinary remedy which will not lie to control discretionary action, unless discretion is manifestly abused or is exercised arbitrarily or capriciously." *Mineral Cnty. v. State, Dep't of Conserv.*, 117 Nev. 235, 243, 20 P.3d 800, 805 (2001)(internal citations and quotations omitted). "A manifest abuse of discretion is a clearly erroneous interpretation of the law or a clearly erroneous application of a law or rule. *State Office of the Atty. Gen. v. Justice Ct. of Las Vegas Twp.*, 133 Nev. 78, 80- 81, 392 P.3d 170, 172 (2017)(internal citations and quotation marks omitted).

45. Writ relief is an extraordinary remedy that will only issue at the discretion of the Court. *State v. Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark*, 118 Nev. 140, 146, 42 P.3d 233, 237 (2002). "[M]andamus will never issue, unless a

clear, legal right to the relief sought is shown." *State v. Daugherty*, 48 Nev. 299, 231 P. 384, 385 (1924). The Court lacks authority

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to grant equitable relief when a party has an adequate remedy at law. *Las Vegas Valley Water Dist. v. Curtis Park Manor Water Users Ass'n*, 98 Nev. 275, 277, 646 P.2d 549, 550 (1982).

46. Here, there is no duty in law requiring any of the Defendants to respond to Beadles's petitions. NRS 293.2546(11); NAC 293.025. As such, there is no legal basis to issue a writ to compel such a response, or to compel Defendants to "rectify" Beadles's perceived grievances. Moreover, Beadles overlooked his available legal remedies to submit his petitions to the Nevada Secretary of State and the clerk of the district court as provided under Nevada's election laws. NAC 293.025.

47. Beadles fails to state a claim for writ of mandamus relief in his first cause of action. Additionally, amendment would be futile because Defendants have no specific legal duties to address Beadles's alleged issues or to act in the way Beadles asserts that they should. The Court hereby finds dismissal with prejudice is appropriate.

**E. DISCRETIONARY ACT IMMUNITY OTHERWISE
PROHIBITS THE FIRST CAUSE OF ACTION.**

48. In relevant part, NRS 41.032 states that:

[N]o action may be brought under NRS 41.031 or against ... an officer or employee of the State or any of its agencies or political subdivisions which is:

2. Based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty ... whether or not the discretion involved is abused.

49. A two-part test is used to determine whether discretionary-function immunity under NRS 41.032 applies to shield a defendant from liability." *Clark Cnty. Sch. Dist. v. Payo*, 133 Nev. 626, 631 (2017). Under the two-part test, a government defendant is not liable if the decision (1) involves an 'element of individual judgment or choice,' and (2) is 'based on considerations of social, economic, or political policy.'" *Id.* at 631-32 (citations omitted). The specific decision and the employee's subjective intent is irrelevant to whether the type of decision is susceptible to policy analysis. *Paulos v. FCHJ, LLC*, 136 Nev. 18, 26, 456 P .3d

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589, 595 (2020).

50. In this case, Defendants are being sued because they chose not to respond to Beadles's allegations of impropriety in the elections process following the 2022 election. As detailed above, Defendants did not have a legal duty to respond to Beadles's allegations as State law requires allegations relating to the elections

process to be submitted to the Secretary of State and any challenge to the election is to be filed as a Statement of Contest with the district court. NRS 293.2546(11); NRS 293.413; NAC 293.025. Because the decision whether to respond to Beadles's "petitions" was based the alleged failure to perform a discretionary function, the Court finds that Defendants would be entitled to discretionary act immunity.

51. Even if Beadles could state a viable claim in his first cause of action, it would be subject to dismissal based on discretionary act immunity. The Court finds the applicability of discretionary act immunity further warrants the First Cause of Actions' dismissal with prejudice, as any amendment would be futile.

II. BEADLES'S SECOND CAUSE OF ACTION

52. Beadles's Second Cause of Action demands Ms. Rodriguez's removal from her appointed position as Registrar of Voters, Manager Brown's removal from his appointed position as Washoe County Manager, and Commissioner Hill's removal from her elected position as Chair of the Washoe County Board of County Commissioners. The Complaint cites NRS 283.440 and NRS 266.430 as a basis for removal. *Compl.* at ¶89.

A. THE COMPLAINT FAILS TO STATE A CLAIM FOR REMOVAL UNDER NRS 266.430.

53. NRS 266.430 provides for criminal penalties and the removal of the mayor or any municipal officer of an incorporated city or town who is adjudged guilty of nonfeasance, misfeasance or malfeasance. No private citizen "may institute

criminal proceedings independently." *People for Ethical Operation of Prosecutors & Law Enft v. Spitzer*, 267 Cal. Rptr.

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3d 585 (2020), as modified (Sept. 8, 2020). "[I]n American jurisprudence ... a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another." *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973).

54. Beadles has no standing to pursue any criminal penalty, and NRS 266.430 is otherwise inapplicable to Commissioner Hill, Manager Brown, and Ms. Rodriguez. They are employed by Washoe County, not an incorporated city or town, and this is a civil action. As such, NRS 266.430 is inapplicable as a matter of law.

55. Beadles fails to state a claim for removal under NRS 266.430. Because NRS 266.430 is inapplicable to Commissioner Hill, Manager Brown, and Ms. Rodriguez as a matter of law, amendment would be futile. The Court finds that dismissal of this claim with prejudice is appropriate.

**B. THE COMPLAINT FAILS TO STATE A CLAIM FOR
REMOVAL UNDER NRS 283.440.**

56. Removal "is an extreme and extraordinary measure, intended only for extreme and extraordinary occasions." *Jones v. Eighth Jud. Dist. Ct. of State*, 67 Nev. 404, 418, 219 P.2d 1055, 1062 (1950). "It is fraught with seriousness and a demand for extreme caution both from the standpoint of him who prefers the charge and him who listens and pronounces judgment." *Id.*

57. Nevada law provides a procedure for "removal of certain public officers." NRS 238.440. A public officer who refuses or neglects to perform any official act in the manner and form prescribed by law, or who is guilty of any malpractice or malfeasance in office, may be removed therefrom ... 11 NRS 283.440(1). The burden of proof is beyond a reasonable doubt. Jones, 67 Nev. at 418, 219 P.2d at 1062. Removals are summary proceedings with no right to a jury trial. Jones, 67 Nev. at 418, 219 P.2d at 1062.

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58. To state a claim for removal, a person must verify under oath that the public officer:

Has been guilty of charging and collecting illegal fees for services rendered or to be rendered in the officer's office;

Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; or

Has been guilty of any malpractice or malfeasance in office.

NRS 283.440(2).

59. Only when the complaint sets forth one of the above circumstances, is the court required to cite the party charged to appear. See *Id.*

60. To state a claim for malfeasance to warrant removal from office, "the act of malfeasance must have a direct relation to and be connected with the performance of official duties." *Jones*, 67 Nev. at 408, 219 P.2d at 1057.

"Malfeasance" is synonymous with "malpractice." *Buckingham v. Fifth Jud. Dist. Ct. in and for Mineral Cnty.*, 60 Nev. 129, 102 P.2d 632, 635 (1940). "Malfeasance requires, at the very least, an allegation of knowledge that the act was wrongful, if not a greater level of intent." *Law v. Whitmer*, 136 Nev. 840, 2020 WL 7240299 at *19 (Nev. Dec. 8, 2020)(unpublished disposition).

61. To state a claim for removal based on malfeasance, "the mere words 'malpractice' and 'malfeasance' will not suffice." *Buckingham*, 60 Nev. 129, 102 P.2d at 635-36. "The wrongful act must be made to appear by the description employed[.]" *Id.* The complaint must allege an act of malfeasance having "a direct relation to and be connected with the performance of official duties." *Jones v. Eighth Jud. Dist. Ct. of State*, 67 Nev. 404, 408, 219 P.2d 1055, 1057 (1950). "[T]he conduct charged must be something that the defendant did in his official capacity." *Id.*

62. The other basis for removal is nonfeasance. NRS 283.440(2). "Omissions to act are not acts of malfeasance . . ." *Buckingham*, 60 Nev. 129, 102 P.2d at 635.

Acts of omission are to be analyzed under the section: "refuse or neglect to perform any official act in the manner and form as now prescribed by law . . ." *Id.*

"Nonfeasance is the substantial failure to

perform a required legal duty. Misfeasance is the doing in a wrongful manner of that which the law authorizes or requires him to do." *Schumacher v. State ex rel. Furlong*, 78 Nev. 167, 172, 370 P.2d 209, 211 (1962). Only nonfeasance can establish that an officer "refused or neglected" to perform an official act. See *Id.*

63. To state a claim for nonfeasance, the Complaint must identify an act required by law to be specifically performed by the person whose removal is sought and allege the person refused or neglected to so act. *Buckingham*, 60 Nev. 129, 102 P.2d at 636 (" ... the acts of omission charged against him do not come within the provisions of Section 4860, N.C.L., for reason that the acts which it alleged were omitted were not required of a county treasurer at the time of the enactment of the said Section 4860."). Even where an official duty exists, the officer can have discretion in carrying out the duty unless specifically prescribed by law. See *Jones*, 67 Nev. at 411-12, 219 P.2d at 1058-59. Allegations describing a public officer exercising that discretion is not nonfeasance that would state a claim for removal. *Id.*

64. In sum, the two relevant bases for removal are if an officer (1) "refused or neglected to perform official duties ... as prescribed by law;" or (2) is guilty of malfeasance. NRS 283.440(2)(emph. added). The officer must have substantially failed to perform their legal duties or intentionally committed a wrongful act

directly related to their duties. *Id.*; Jones, 67 Nev. at 408, 219 P.2d at 1057; Schumacher, 78 Nev. at 172, 370 P.2d at 211.

65. Where there is no official duty to act prescribed by law, there can be no removal. See NRS 283.440(2); Schumacher, 78 Nev. at 172, 370 P.2d at 211, citing Buckingham, 60 Nev. 129, 102 P.2d at 635. In Buckingham, "the particular acts of omission were not required of Buckingham as part of his duties as county treasurer and, thus, Buckingham did not refuse or neglect to perform any official act in the manner and form prescribed by law." *Schumacher*, 78 Nev. at 172, 370 P.2d at 211 (citations omitted).

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I. Commissioner Hill

66. Beadles does not and cannot identify any specific legal duty for Commissioner Hill. See *Compl.*; Jones, 67 Nev. at 408, 219 P.2d at 1057 (requiring a specific official duty for malfeasance); Buckingham, 60 Nev. 129, 102 P.2d at 635 (requiring a specific official duty for nonfeasance). Commissioner Hill was elected to the Washoe County Board of County Commissioners. The Board of County Commissioners has various powers to act on behalf of their county, with certain limitations. See NRS 244.146. The Board may act in a meeting with a quorum present. NRS 244.060(1). Commissioner Hill cannot act on her own; there must be a

majority vote of all county commissioners. See NRS 241.015(1). More importantly, there are no specific official duties requiring an individual county commissioner to act regarding elections. See NRS Chapter 244; NRS Chapter 293. Beadles failed to allege that Commissioner Hill has committed malfeasance or nonfeasance under Nevada law because there is no official duty to act on the matters alleged in the Complaint.

67. The Court finds that Beadles failed to state a claim for Commissioner Hill's removal. Dismissal with prejudice is appropriate. Amendment would be futile because Commissioner Hill has no official duty to act regarding the issues set forth in Beadles's Complaint.

ii. Manager Brown

68. Beadles does not and cannot identify any specific legal duty for Manager Brown to act regarding issues set forth in the Complaint. *See Compl.* A county manager serves at the pleasure of the board of county commissioners. NRS 244.125(2). A county manager has no specific duty regarding elections procedures. See NRS 244.135. The Complaint fails to sufficiently allege that Manager Brown committed malfeasance or nonfeasance because there is no official duty to act regarding the issues therein. *See Compl.*

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69. The Court finds that Beadles failed to state a claim for Manager Brown's removal. Dismissal with prejudice is appropriate. Amendment would be futile because Manager Brown has no official duty to act regarding the issues set forth in Beadles's Complaint.

iii. Ms. Rodriguez

70. While Ms. Rodriguez has certain legal duties as the Registrar of Voters, Beadles does not sufficiently allege acts of malfeasance or omissions of nonfeasance. He alleges "Defendants have additionally failed to address, correct, or rectify the issues raised in the underlying Petitions, including but not limited to, (1) updating and resolving the voter registration lists; (2) providing proper vote counting mechanisms; (3) counting votes in secret; (4) inadequate signature verification; (5) illegal function within the election system; (6) violations of election procedures as required under Nevada law. [Exhibit 109]." *Compl.* at ¶91; *see also Compl.* at ¶¶46-51.

71. As an initial matter, there are no specific egregious acts of wrongdoing specific to Ms. Rodriguez that would state a claim for removal based on malfeasance. *See id*; *see generally Compl.* Allegations of "illegal function" and vague "violations of election procedures," are no different than simply alleging there is "malfeasance." This does not state a claim for removal based on malfeasance. *Buckingham*, 60 Nev. 129, 102 P.2d at 635-36. There is no allegation that Ms. Rodriguez herself committed an egregious act related to her duties, and therefore it is not malfeasance under NRS 283.440. *See Compl.*

72. Regarding nonfeasance, the Complaint falls well short of alleging Ms. Rodriguez neglected or refused to perform an official duty. A registrar of voters must cancel voter registration in certain circumstances, maintain certain voter registration records, and provide voters written notice of any changes to their voter registration. NRS 293.530. An allegation that there are issues with "updating and resolving voter registration lists" does not allege Ms. Rodriguez specifically neglected or refused to perform her duties under NRS 293.530. An allegation that there are issues with "providing proper vote counting

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mechanisms" does not allege Ms. Rodriguez specifically neglected or refused to perform an official duty as prescribed by law. Regarding public observation, the registrar of voters must allow general public observation of ballot counting unless it interferes with ballot counting. NRS 293B.353; NAC 293.311(4). Having discretion in carrying out that duty, the allegation is so vague that it does not allege Ms. Rodriguez specifically neglected or refused to so perform. *See Jones*, 61 Nev. at 411-12, 219 P.2d at 1058-59. Lastly, general allegations of "illegal function" and vague "violations of election procedures" do not allege Ms. Rodriguez specifically neglected or refused to perform an official duty as prescribed by law.

73. Beadles does not and cannot identify any specific act of malfeasance or nonfeasance attributable to Ms. Rodriguez. Although Beadles makes conclusory allegations about the quality of the list of registered voters, the manner and

mechanisms used to county votes, and vague overarching dissatisfaction with the elections process, he has never substantiated his claims using the proper remedy, which is by submitting these complaints to the Secretary of State for investigation, a hearing if appropriate, and resolution by the Chief Officer for Elections in the State. See NAC 293.025; NAC 293.500-55. To circumvent that process, and instead attempt to terminate a public employee using a summary proceeding, would result in a miscarriage of justice. Moreover, Beadles fails to allege the type of "extreme and extraordinary occasions" that may warrant removal. Jones, 67 Nev. at 418,219 P.2d at 1062.

74. The Court finds that Beadles failed to state a claim for Ms. Rodriguez's removal. Dismissal with prejudice is appropriate. Amendment would be futile because, as set forth below, Ms. Rodriguez's non-elected position is not otherwise subject to removal under NRS 283.440.

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**C. EVEN IF BEADLES COULD STATE A CLAIM FOR
REMOVAL UNDER NRS 283,440, MANAGER BROWN AND Ms.
RODRIGUEZ ARE NOT "PUBLIC OFFICERS" SUBJECT TO
REMOVAL UNDER NRS 283.440.**

75. The title of NRS 283.440 states the section addresses "Removal of certain public officers for malfeasance or nonfeasance; Procedure; appeal." (emph. added). In Section 1, it states "Any person who is now holding or who shall hereafter hold any office ... " NRS 283.440(1)(emph. added). NRS Chapter 283 does not define "public officer" and does not define "hold any office." *See id.*

76. The language of NRS 283.440 is ambiguous as to whether it applies only to local elected officials, or whether it includes all public employees regardless of whether their positions are elected. See *Z, char v. Zbiegien*, 130 Nev. 733, 737, 334 P.3d 402, 405 (2014)("when a statute is susceptible to more than one reasonable interpretation, it is ambiguous ... "). Ambiguity is resolved "by looking at the statute's legislative history and construing the statute in a manner that conforms to reason and public policy." *Id.* A statute should not be read "so as to produce absurd or unreasonable results." *Orion Portfolio Servs. 2, LLCv. Cnty. of Clark ex rel. Univ. Med. Ctr. of S. Nev.*, 126 Nev. 397,403, 245 P.3d 527, 531(2010).

77. Legislative history for NRS 283.440 confirms that the removal provisions apply only to elected officials. *See Exhibit 1 to Motion to Dismiss, Min. of the Meeting of the Assembly Comm. on Gov. Affairs*, at 13- 20, 80th Leg. (Nev. April 11 2019); *Exhibit 2 to Motion to Dismiss, Min. of the Meeting of the Senate Comm. on Gov. Affairs*, at 13-24, 80th Leg. (Nev. May 3, 2019). NRS 283.440 was recently amended by Assembly Bill 397 in 20191 to allow for removal based on Title VII violations. *See id.*

78. When first introducing Assembly Bill 397, Assemblywoman Teresa Benitez-Thompson explained that the bill would allow for removal of "a local elected official" for sexual harassment or discrimination. Ex. I to Motion to Dismiss at 13. "This bill seeks to establish accountability for elected officials by giving the Nevada Equal Rights

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Commission the ability to make a recommendation to impeach an elected official when he or she has demonstrated egregious behavior. *Id.* at 14 (emph. added). Answering a question, she explained, "The intent of the legislation, Assemblyman Elison, is to allow NERC to flow through their normal process: bring in the elected official, and as she said, give them an additional tool of recommendation up to impeachment." *Id.* at 19 (emph. added). AB 397 addressed the deficit in remedies for an employee who is a victim of harassment perpetrated by an elected official because there is no way to remove the elected person." *Ex. 2 to Motion to Dismiss* at 13 (emph. added). When the harassment is perpetrated by a non-elected employee, there are generally internal procedures to remove or reprimand that employee. Assemblywoman Teresa Benitez-Thompson's intern explained "The intent of A.B. 397 is to ensure elected officials are abiding by the virtue of their office and maintaining the public trust ... " *Id.* at 16. The Court finds this shows that the

intent of NRS 283.440 is to provide a procedure only for elected officials, and not for non-elected government employees.

79. Additionally, Nevada courts have never applied NRS 283.440 to a public employee, even an appointed high-level employee. See *Jones*, 67 Nev. 404, 219 P.2d 1055 (involving an elected District Attorney); *Mason v. Gammick*, 133 Nev. 1047, 2017 WL 2945616 (June 26, 2017)(unpublished disposition)(involving an elected District Attorney); *Buckingham*, 60 Nev. 129, 102 P.2d 632 (involving elected County Clerk and County Treasurer); *Schumacher*, 78 Nev. 167 370 P.2d 209 (involving an elected County Assessor); *Gay -v. Dist. Ct. of Tenth Jud. Dist.in and for Clark Cnty.*, 41 Nev. 330, 171 P. 156 (1918)(involving an elected Sheriff); *Adler v. Sheriff, Clark Cnty.* 92 Nev. 436, 552 P.2d 334 (1976)(involving an elected Sheriff); *Hawkins v. Eighth Jud. Dist. Ct., Clark Cnty.*, 67 Nev. 248, 216 P.2d 601, 605 (1950)(involving an elected District Attorney); *State of Nevada -v. Culverwell*, 890 F.Supp. 933 (D. Nev.1995)(involving elected County Commissioners and City Councilmembers). The Court finds this persuasive to show that "Certain public officers" subject to removal under NRS

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283.440 means elected officials.

80. The limited application to elected officials produced a reasonable result. See *Orion Portfolio Servs. 2, LLC*, 126 Nev. at 403, 245 P.3d at 531. An appointed

position, or general public employee, may be removed or terminated by their employer. Public employees also often have various collective bargaining rights and agreements. See NRS Chapter 288. The Court finds that it would be unreasonable and absurd to read NRS 283.440 to allow a person who disapproves of any government employee ability to unilaterally seek removal of that employee. See *Orion Portfolio Servs. 2, LLC*, 126 Nev. at 403, 245 P.3d at 531. It was reasonable, however, for the Nevada Legislature to create a procedure for an elected official's removal and it did so in enacting NRS 283.440. Consistent with the legislative intent, NRS 283.440 may not be used as a mechanism for a member of the public to remove a public employee with whom they are dissatisfied.

81. The Court finds that NRS 283.440 applies only to public employees who hold elected positions.

82. Here, neither Manager Brown nor Ms. Rodriguez are elected officials, and thus neither are subject to removal proceedings under NRS 283.440. See NRS 244.135(1). The County Manager, Manager Brown, is appointed by the Board of County Commissioners. NRS 244.125(1). The Registrar of Voters, Ms. Rodriguez, is appointed by the Board of County Commissioners. NRS 244.164(1). Manager Brown and Ms. Rodriguez serve at the pleasure of the Washoe County Board of County Commissioners. *Id.*; NRS 244.125(2). As such, they can be removed from their positions only by the Washoe County Board of County Commissioners.

83. Even if Beadles could otherwise state a claim for Manager Brown or Ms. Rodriguez's removal under NRS 283.440, neither are not elected officials and they cannot be removed from their employment under NRS 283.440. This further supports the Court's finding that dismissal with prejudice is appropriate, as amendment would be futile.

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E. MONETARY DAMAGES AND EQUITABLE RELIEF ARE UNATTAINABLE FOR REMOVAL ACTIONS.

84. In a removal action under NRS 283.440, "[t]he remedy is removal from office. Nothing in the statutes allows for recovery of damages by the complainant against the officer." *Armstrong v. Reynolds*, 2:17-cv-02528-APG-CWH, 2019 WL 1062364 at *8 (D. Nev. Mar. 6, 2019), *aff'd in part, rec'd in part and remanded*, 22 F.4th 1058 (9th Cir. 2022). There is no private claim for malfeasance. *Id.*

85. Here, Beadles improperly seeks injunctive relief regarding elections procedures in his removal claim. Even if the claim for removal were viable, injunctive relief and monetary damages are unavailable. Removal is the only available remedy for that claim.

III. THE OFFICE OF THE REGISTRAR OF VOTERS IS NOT A SUABLE ENTITY.

86. The State of Nevada waived immunity from civil actions on behalf of itself and the political subdivisions of the State, subject to certain limitations. NRS 41.031. However, "In the absence of statutory authorization, a department of the municipal government may not, in the department name, sue or be sued." *Wayment v. Holmes*, 112 Nev. 232, 237-38, 912 P.2d 816, 819 (1996). A department of a county is not a suable entity because it is not political subdivision of the State of Nevada. *Id.*; see also *Schneider v. Elko Cnty. Sheriff's Dep't*, 17 F. Supp. 2d 1162, 1165 (D. Nev. 1998)(dismissing suit against a county sheriff's department for lack of capacity to be sued). A county department is "immune from suit" because it is not a suable entity. *Wayment*, 112 Nev. at 239, 912 P.2d at 820.

87. Even if Beadles could state viable claims in this action, the ROV is not a suable entity. The Court finds that dismissal of all claims against the ROV with prejudice is appropriate, as amendment would be futile.

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IV. BEADLES'S MISCELLANEOUS RELIEF IS UNATTAINABLE.

88. Nevada law prohibits awards of punitive damages against government entities and employees. NRS 41.035(1). "An award may not include any amount as exemplary or punitive damages." *Id.*

89. As a matter of law, even if Beadles had any viable claim against Defendants, he would not be entitled to recover punitive damages. Therefore, the Court dismisses with prejudice Beadles's request for punitive damages.

90. The Court "cannot recognize a remedy absent an underlying cause of action." *Badillo v. American Brands, Inc.*, 117 Nev. 34, 41, 16 P.3d 435, 440 (2001). "Altering common law rights, creating new causes of action, and providing new remedies for wrongs is generally a legislative, not a judicial, function." *Id.* 117 Nev. at 42, 16 P.3d at 440.

91. Here, Beadles asks this Court to award him various relief that not connected to any cause of action. *Compl.* at p. 16. As set forth above, the Court finds dismissal with prejudice is appropriate for both causes of action. There is no legally tenable avenue for Beadles to obtain the relief requested. Therefore, the Court dismisses with prejudice Beadles's requests for relief.

JUDGMENT

Therefore, based on the above Findings and Fact and Conclusions of Law made by this Court, and good cause appearing, the following Judgment is entered by the Court:

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss is **GRANTED**.

IT IS HEREBY FURTHER ORDERED that this case is **DISMISSED WITH PREJUDICE**.

Dated November 20, 2023

s/ _____

JAMES T RUSSELL

DISTRICT JUDGE

-26-

Submitted on 10/20/23 by:

s/ _____

LINDSAY L. LIDDELL

Deputy District Attorney

One South Sierra Street

Reno, NV 89501

lliddell@da.washoecounty.gov

(775) 337-5700

REPRESENTING DEFENDANTS

JAMIE RODRIGUEZ, WASHOE

COUNTY REGISTRAR OF VOTERS,

ERIC BROWN, ALEXIS HILL,

and WASHOE COUNTY

On Pleading Paper

FILED

Electronically

CV23-01341

2023-09-14 08:33:09 AM

Alicia L Lerud

Clerk of the Court

Transaction #9885609

2540

LINDSAY L. LIDDELL

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Nevada State Bar Number 14079

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(775) 337-5700

ATTORNEYS FOR DEFENDANTS

**IN THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE**

* * *

ROBERT BEADLES, an individual,

Plaintiff,

vs.

JAMIE RODRIGUEZ, in her official
capacity as Registrar of Voters and in her
personal capacity; the WASHOE COUNTY
REGISTRAR OF VOTERS, a government
agency; ERIC BROWN in his official
capacity as WASHOE COUNTY
MANAGER and in his personal capacity,
ALEXIS HILL in her official capacity as
CHAIRWOMAN OF WASHOE
COUNTY BOARD OF
COMMISSIONERS and in her personal
capacity; WASHOE COUNTY, a political
subdivision of the State of Nevada, and
DOES I-X; and ROE CORPORATIONS I-X.

Defendants.

Case No. CV23-01341

Dept. No. D1

NOTICE OF ENTRY OF ORDER

//

-1-

TO: ALL INTERESTED PERSONS

PLEASE TAKE NOTICE that on September 14, 2023, the Court in the above entitled matter filed its Corrected Order Granting Plaintiff's Motion To Change Venue. A copy of the Order is attached hereto.

AFFIRMATION PURSUANT TO NRS 239B.030 AND 603A.040

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 14th day of September, 2023.

CHRISTOPHER J. HICKS

District Attorney

By /s/ _____

LINDSAY L. LIDDELL

Deputy District Attorney

One South Sierra Street

Reno, NV 89501

lliddell@da.washoecounty.gov

(775) 337-5700

ATTORNEY FOR DEFENDANTS

-2-

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Office of the District Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, the foregoing was electronically filed with the United States District Court. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

ROBERT BEADLES

Dated this 14th day September, 2023.

/s/ N. Stapledon

N.Stapledon

-3-

FILED

Electronically

CV23-01341

2023-09-14 08:12:59 AM

Alicia L. Lerud

Clerk of the Court

Transaction # 9885572

2885

**IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE**

MR. ROBERT BEADLES, an individual,

Plaintiff

vs.

MR. ROBERT BEADLES, an individual,

JAMIE RODRIGUEZ, in her official capacity As

Registrar of Voters and in her personal Capacity;

Case No.: CV23-01341

Dept. No.: 1

the WASHOE COUNTY REGISTRAR OF VOTERS,
a government agency; ERIC BROWN in his official
capacity as WASHOE COUNTY MANAGER and
in his personal capacity, ALEXIS HILL in her
official capacity as CHAIRWOMAN OF WASHOE
COUNTY BOARD OF COMMISSIONERS
and in her personal capacity; WASHOE COUNTY,
Nevada, a political subdivision of the State
of Nevada, and DOES I-X; and ROE
CORPORATIONS I-X,

Defendants.

**CORRECTED ORDER GRANTING PLAINTIFF'S MOTION TO CHANGE
VENUE1**

Currently before the Court is Defendant Robert Beadles' ("Plaintiff") Motion to Change Venue ("Motion") filed August 13, 2023. On August 17, 2023, Jamie Rodriguez ("Ms. Rodriguez") in her official capacity as Registrar of Voters and in her personal capacity; the Washoe County Registrar of Voters, a government agency; Eric Brown ("County Manager Brown") in his official

¹ This Corrected Order changes a typographical error in the title (changing “Defendant’s” to “Plaintiff’s”).

capacity as Washoe County Manager and in his personal capacity; Alexis Hill (“Commissioner Hill”) in her official capacity of Chairwoman of Washoe County Board of Commissioners and in her personal capacity; and Washoe County, Nevada, a political subdivision of the State of Nevada (collectively “Defendants”) filed an *Opposition to Motion for Change of Venue* (“Opposition”). On August 24, 2023, Plaintiff filed *Reply in Support of Motion to Change Venue* (“Reply”) and submitted the Motion to the Court for consideration.

I. Background

Plaintiff filed his *Complaint* (“Complaint”) on August 4, 2023. Therein, Plaintiff asserts the following:

1. The Complaint is brought against Defendants based on their violations of Plaintiff’s state Constitutional rights to due process, equal protection, voter’s rights, and the laws and codes of Nevada related to the conduct of elections regarding Defendants’ non-response to Plaintiff’s grievances and “general stonewalling” when

presented with reports and analysis on voting systems in use in Washoe County and various requests for information. Complaint ¶ 33.

2. Plaintiff alleges violations of his rights and the laws of Nevada based on the Defendants having never acknowledged or responded to three formal Petitions filed with the county by Plaintiff. *Id.* ¶ 31.

3. Plaintiff will show that Defendants willfully committed acts of malpractice, maladministration, and/or nonfeasance, and perjury in the conduct of their official duties, thus having the appearance of impropriety and damaging the public's trust. *Id.* ¶ 32.

4. Plaintiff includes Exhibit 109 that is a highlight of several supplemental statements in support of the merits of the underlying Petitions. Individually and as a whole, Plaintiff contends that the highlights presented in Exhibit 109 are of such a serious matter that they cannot be ignored-just as the original Petitions should never have been ignored to cure the problems that are self-evident, including but not limited to: unclean and grossly inaccurate voter rolls, un-approved and unsecure voting systems that Defendants chose of their own volition, the rush toward pioneering new technology that could impact county, state, and

national security, failure to train staff and election officials, failure to provide trained election officials, telling staff to not verify signatures, unequal treatment of

signatures at the polls, counting of votes in secret, illegal function within the election system, and gross violations of the Nevada Revised Statutes and Administrative Codes regarding election procedures. *Id.* ¶ 33.

5. Exhibit 109, point 6 (a) provides “The Washoe ROV’s [Registrar of Voters] staff has seen: ‘100% turnover in permanent staff and a loss of institutional knowledge.’ The Elections Group 6-9-23.” The Election Group is the consulting agency initially hired by County Manager Brown. *Id.* ¶ 34.

6. Plaintiff alleges the Registrar of Voters is in violation of Nevada law and, if left uncorrected, is unprepared to run the 2024 presidential primary safely, securely, and accurately as required by law unless all the issues are put on the table and addressed by one or more Defendant(s) under the Court’s supervision. *Id.* ¶ 35.

7. Plaintiff alleges Defendant(s) ignored Plaintiffs Petitions as an annoyance and will continue to do so if this Court does not intervene. *Id.* ¶ 36.

8. Plaintiff demands the Complaint and the underlying Petitions be heard by this honorable court. *Id.* ¶ 37.

II. Legal Authority

The Nevada Supreme Court reviews a district court’s ruling on a motion for change of venue under NRS 13.050(2) for an abuse of discretion. *Roethlisberger v. McNulty*, 127 Nev. 559, 563, 256 P.3d 955, 957 (2011). A district court may, on motion or stipulation, change the place of the proceeding “[w]hen there is reason to

believe that an impartial proceeding cannot be had therein” or “[w]hen the convenience of the witnesses and the ends of justice would be promoted by the change.” NRS 13.050(2)(b) and (c). “When the place of the proceeding is changed, all other matters relating to the proceeding shall be had in the county to which the place of the proceeding is changed . . . and the papers shall be filed or transferred accordingly.” NRS 13.050(3).

In evaluating a pre-voir dire change of venue motion, the Court considers five factors: “(1) the nature and extent of the pretrial publicity; (2) the size of the community; (3) the nature and gravity

of the lawsuit; (4) the status of the plaintiff and defendant in the community; and (5) the existence of political overtones in the case.” *See Nat’l Collegiate Athletic Ass’n v. Tarkanian*, 113 Nev. 610, 613-14, 939 P.3d 1049,1051-52 (1997) (citing *People v. Hamilton*, 48 Cal.3d 1142, 774 P.3d 730 (1989)).

III. Analysis

In Plaintiff's Motion, Plaintiff contends that the prevailing local conditions and recent actions of the Defendants severely compromise the prospect of a fair trial in this jurisdiction. Mot. at 2:1-4. Plaintiff first alleges media bias in this case, arguing Defendants have been assisted by local media outlets to advance an imbalanced and partial narrative concerning the case's merits. *Id.* at 2:6-7. First, Plaintiff alleges this media effort involves revealing non-public records and aims to portray the Plaintiff's claims as lacking validity, even though substantial corroborative evidence exists. *Id.* at 2:7-9. Second, Plaintiff alleges improper release of non-public records as seen in the text messages with Mark Robison, a reporter. *Id.* at 2:15-19. Third, Plaintiff contends he has valid reasons to assert that certain court officials, inclusive of judges and clerks in Washoe County, share professional and personal affiliations with the Defendants – showing the appearance of impropriety and undermining the Plaintiff's trust in obtaining an impartial trial. *Id.* at 2:20-24. For the foregoing reasons, Plaintiff believes that securing an impartial trial is implausible in Washoe County. *Id.* at 3:1-2. Plaintiff seeks transfer of the case to Lyon County as it is neutral and geographically convenient. *Id.* at 3:2-3. Plaintiff argues transfer to Lyon County would serve the best interests of the public, benefit all parties involved, and present no prejudice or evidence challenges in relation to the case.

In the Opposition, Defendants first argue that the Motion is entirely meritless – claiming the public interest is best served by holding this case within the venue of Washoe County. Opp. at 2:13-26. Defendants contend Plaintiff is

advancing an imbalanced and partial narrative concerning the case's merits. *Id.* Next, Defendants argue Beadles' causes of action bear no right to a jury trial – noting that the right to a jury trial does not extend to either the equitable claim or the removal proceeding. *Id.* at 3:19-4:3. Further, Defendants argue that a pre-voir dire change of venue is otherwise unwarranted here in consideration of the five-factors test as enumerated in Tarkanian. *Id.* at 4:5-10. Defendants argue the nature and extent of pretrial publicity has, to date, been minimal. *Id.* at 4:21-23. Next, as to size of community, the Defendant argues that Washoe County has nearly half

a million people – noting no evidence that a population this size evidences potential difficulty in seating a jury. Further, as to nature and gravity of the case, Defendants argue that the ongoing political environment, not Beadles' Complaint, bring the issues alleged to the forefront of the community's consciousness – alleging this is no less true for Lyon County than it is for Washoe County. *Id.* at 5:12-18. As to status in the community, Defendants contend there is nothing about Beadles or Defendants' status that makes venue in Washoe County necessarily biased or impartial towards either party. *Id.* at 5:19-25. As to the existence of political undertones, Defendant again points out that the nature of the case has been presented in communities across the nature since the last major election – showing no mitigation can be gained by moving this case to another venue. *Id.* at 5:26, 6:1-3.

Finally, the Defendants argue the Motion further evidences forum shopping – alleging how Beadles has engaged in overt forum and judge shopping. *Id.* at 6:18-26, 7:1-6.

In the Reply, Plaintiff contends that the public interests in this case are varied and not solely financial. Reply at 3:25-28. Plaintiff lists several concerns in the Reply countering the Defendants assertion that a jury trial is unnecessary in this case.² See Reply *generally*. Further, Plaintiff alleges the Defendants’ claim of forum-shopping is misleading and unfounded – noting how Plaintiff’s request for impartiality is not forum shopping, nor can it be construed that Plaintiff’s prior actions demonstrate ill intent in pursuing removal. *Id.* at 7-18. Plaintiff reiterates its allegations against the Defendants – pointing to dozens of examples within the Exhibits he believes show Defendants’ attempts to portray him as a “right-wing conspiracy theorist.” See Reply *generally*. Finally, Plaintiff argues all five prongs of *Tarkanian* have been met. *Id.* As to the nature and extent of the pretrial publicity, Plaintiff argues the amount or level of publicity received (over 20 articles) supports a showing of a vindictive tone portraying Beadles in the media. *Id.* at 13:9-16. Second, as to the size of the community, Plaintiff argues that such a pervasive media presence in a county of 500,000 people will render it “nearly impossible to find someone who hasn’t heard about this ‘crazy right-wing election denier, extremist.” *Id.* at 13:18-25. As to the nature and gravity of the lawsuit, Plaintiff argues this factor favors change of venue considering the preexisting relationships between the

²Plaintiff lists concerns in general categories, including: (1) Right to Impartial Adjudicator is Paramount; (2) Judges, Though Presumed Unbiased, Are Human; (3) Right to Jury Trial in Constitutional Violations; (4) Monetary Damages Claim; (5) Equitable Claims; (6) Discretion of the Court; (7) Precedence on Removal Proceedings; and (8) Purpose of a Jury.

defense, the Defendants, court officials, and community leaders. *Id.* at 14:1-6. Further, Plaintiff argues the status of the parties within the community clearly favors a change of venue – arguing the Defendants have made Beadles a public figure by sending out several emails to the entire county email list. *Id.* 14:21-23. Plaintiff again points to the extensive TV and social media coverage depicting Beadles as an extremist. *Id.* at 14:23-28. Finally, Plaintiff alleges the existence of political overtones in the case validates Beadles’ position that a change in venue is warranted – asserting how Beadles has time and time again demonstrated the issues with the election system in Washoe County, a paramount issue in the case that cannot be tried in an unbiased manner without a change in venue. *Id.* at 15:3-16.

After reviewing the pleadings and applicable law, this Court finds good reason to grant the Plaintiff’s Motion and transfer venue to the First Judicial District Court in Carson City, Nevada. As discussed by the parties in the pleadings,

this Court looks to the five *Tarkanian* factors to determine if venue should be transferred.

The first factor, the nature and extent of the pretrial publicity, favors a change in venue. Throughout his Motion, Plaintiff cites the extent of the pretrial publicity garnered from this dispute. Plaintiff points specifically to Exhibits filed in support of the Motion that tend to show significant media presence surrounding the case – including pieces of media republished on a Defendant’s platform, and pieces published in highly trafficked local press. Further, Defendant argues the coverage has expanded to the national media, citing to coverage in the Associated Press on the matter. The Court agrees with the Plaintiff that the issues that are central to this case have been broadly covered by local media outlets and widely distributed to the Washoe County voting population by computer network applications such as email and Facebook, which favors a change in venue. Further, the information generated by the parties is arguably polarizing and at times inflammatory, which also favors a change of venue.³ See *Sicor, Inc. v. Hutchinson*, 127 Nev. 904, 915, 266 P.3d 608, 616 (2011)

³See Exhibit 120. “*Election-fraud claims resurfaced in Nevada as Robert Beadles revises Washoe County lawsuit.*” “[Beadles’] goal ... remains the same: to have a court address the validity of his election grievances and remove Washoe County Registrar of Voters Jamie Rodriguez, County Manager Eric Brown and Alexis Hill, Washoe County Commission chair ... In response to the first lawsuit, the Washoe County District Attorney’s office sent Beadles a letter on Tuesday calling his

claims the “inaccurate rantings of a conspiracy theorist”. *Reno Gazette Journal*. See also Exhibit 132: “*Robert Beadles tests Washoe County election fraud claims in court.*” “For a year and a half, Robert Beadles has criticized Washoe County officials in public meetings, blog posts and email over election concerns. He’s now filed a lawsuit backing up his

(finding that a consideration of whether the evidence “reveal[s] the kind of inflammatory or polarizing material associated with a need for change of venue” is proper.) Further, Plaintiff asserts that his action is directed at changes to the voting process prior to the 2024 election, which is just fourteen months from now. The possibility that a trial in this case will be close in time to, or coincide with the election, is real.⁴

The second and third *Tarkanian* factors are viewed as neutral to this Court. On its face, the Washoe County population (~500,000) evidences no identifiable issues favoring either party with regard to seating a fair and impartial jury in this matter, nor is the nature or gravity of the issue in this case unique to Washoe County alone.

The fourth factor, the status of the Plaintiff and Defendants in the community, favors a change in venue. The summarization of Plaintiff’s pleadings above and the multitude of Exhibits filed in this case detail the manner and extent to which he has become a well-known public figure in Washoe County whose primary objective is criticizing and changing the manner in which elections are

conducted in Washoe County. Further, each of the Defendants is a publicly elected official, whose campaigns include broad outreach to the county's voting population which will comprise a jury, if one is seated in this case. There is no denying that the parties in this case have unique and far-reaching popularity in northern Nevada. Accordingly, this factor favors a change of venue.

The fifth factor, the existence of political overtones in the case, favors denying a change of venue. This Court agrees that the political overtones in the case are not unique to Washoe County and are experienced in many communities across the country with respect to local election integrity.

On balance, and in consideration of all *Tarkanian* factors, this Court finds it proper to grant the Motion. The parties are entitled to entrust the important legal issues in this case to a venue where there would be few if any external influences and where the *Tarkanian* factors are neutralized. While factors two, three and five are not determinative, as discussed above, factors one and four weigh

claims.” *Reno Gazette Journal*. See also Exhibit 135, Commissioner Hill’s campaign email. “Can you believe this? I’m being sued ... I wouldn’t let wild conspiracy theories stand in the way of our free and fair elections. Now, MAGA extremist and recent California transplant Robert Beadles is suing me. Guess what? I don’t cave to bullies! I need you with us ... Together we can show Beadles and his army of extremists that they have no place in Washoe County.”

⁴ The *Tarkanian* court also considered a sixth factor, which was not specifically enumerated: the amount of time that separated the release of the publicity and the trial. *Tarkanian*, 113 Nev. at 614, 939 P.2d at 1052.

heavily in favor of changing venue in this case. Further, the change of venue to the First Judicial District considers the convenience of the parties and any witnesses that would be called to testify.

Based upon the foregoing and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff Robert Beadles' *Motion to Change Venue* is GRANTED.

IT IS HEREBY FURTHER ORDERED that venue is changed to the First Judicial District Court in Carson City, Nevada for all further proceedings in the above-entitled matter.

IT IS SO ORDERED.

DATED this 14th day of September 2023.

s/ _____

KATHLEEN M. DRAKULICH

DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO. CV23-01341

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 14th day of September, 2023, I electronically filed the **CORRECTED ORDER GRANTING PLAINTIFF'S MOTION TO CHANGE VENUE** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ROBERT BEADLES

LINDSAY LIDDELL, ESQ. for ALEXIS HILL, ERIC BROWN, WASHOE COUNTY, JAMIE RODRIGUEZ

ELIZABETH HICKMAN, ESQ. for ALEXIS HILL, ERIC BROWN, WASHOE COUNTY, JAMIE RODRIGUEZ

Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada: [NONE]

s/ _____

Danielle Redmond

Department 1 Judicial Assistant

Relevant Statutes and Regulations

Rule 8. General Rules of Pleading

(a) **Claim for Relief.** A pleading that states a claim for relief must contain:

(2) a short and plain statement of the claim showing that the pleader is entitled to relief;

Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing

(b) **How to Present Defenses.** Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion:

(5) failure to state a claim upon which relief can be granted; and

Rule 15. Amended and Supplemental Pleadings

(a) Amendments Before Trial.

(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it; or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

(2) Other Amendments. In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

(3) Time to Respond. Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.

(b) Amendments During and After Trial.

(1) Based on an Objection at Trial. If, at trial, a party objects that evidence is not within the issues raised in the pleadings, the court may permit the pleadings to be amended. The court should freely permit an amendment when doing so will aid in presenting the merits and the objecting party fails to satisfy the court that the evidence would prejudice that party's action or defense on the merits. The court may grant a continuance to enable the objecting party to meet the evidence.

(2) For Issues Tried by Consent. When an issue not raised by the pleadings is tried by the parties' express or implied consent, it must be treated in all respects as if raised in the pleadings. A party may move—at any time, even after judgment—to amend the pleadings to conform them to the evidence and to raise an unpleaded issue. But failure to amend does not affect the result of the trial of that issue.

(c) Relation Back of Amendments. An amendment to a pleading relates back to the date of the original pleading when:

(1) the amendment asserts a claim or defense that arose out of the conduct, transaction, or occurrence set out—or attempted to be set out—in the original pleading; or

(2) the amendment changes a party or the naming of a party against whom a claim is asserted, if Rule 15(c)(1) is satisfied and if, within the period provided by Rule 4(e) for serving the summons and complaint, the party to be brought in by amendment:

(A) received such notice of the action that it will not be prejudiced in defending on the merits; and

(B) knew or should have known that the action would have been brought against it, but for a mistake concerning the proper party's identity.

(d) Supplemental Pleadings. On motion and reasonable notice, the court may, on just terms, permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented. The court may permit supplementation even though the original pleading is defective in stating a claim or defense. The court may order that the opposing party plead to the supplemental pleading within a specified time.

[Amended; effective March 1, 2019.]

Rule 61. Harmless Error

Unless justice requires otherwise, no error in admitting or excluding evidence— or any other error by the court or a party—is ground for granting a new trial, for setting aside a verdict, or for vacating, modifying, or otherwise disturbing a judgment or order. At every stage of the proceeding, the court must disregard all errors and defects that do not affect any party’s substantial rights.

[Amended; effective March 1, 2019.]

NAC 293.025 Submission of complaint concerning violation of provision of title 24 of NRS. (NRS 293.124) A person who wishes to file a complaint concerning an alleged violation of any provision of title 24 of NRS must:

1. Submit the complaint in writing to the Secretary of State; and
2. Sign the complaint.

Ê The complaint may include proof of the alleged violation.

(Added to NAC by Sec’y of State, eff. 3-22-94; A by R217-97, 5-26-98)

NRS 293.2546 Legislative declaration of voters' rights. The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:
 - (a) Is written in a format that allows the clear identification of candidates; and
 - (b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote during any period for early voting or on election day if the voter is waiting in line to vote or register to vote at a polling place at which the voter is entitled to vote or register to vote at the time that the polls close and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.
6. To request assistance in voting, if necessary.
7. To a sample ballot which is accurate, informative and delivered in a timely manner as provided by law.
8. To receive instruction in the use of the equipment for voting during early voting or on election day.
9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.
10. To have a uniform, statewide standard for counting and recounting all votes accurately.
11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

(Added to NRS by 2003, 680; A 2017, 403, 3330; 2019, 4069)

NRS 281A.020 Legislative findings and declarations.

1. It is hereby declared to be the public policy of this State that:

(a) A public office is a public trust and shall be held for the sole benefit of the people.

(b) A public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.

2. The Legislature finds and declares that:

(a) The increasing complexity of state and local government, more and more closely related to private life and enterprise, enlarges the potentiality for conflict of interests.

(b) To enhance the people's faith in the integrity and impartiality of public officers and employees, adequate guidelines are required to show the appropriate

separation between the roles of persons who are both public servants and private citizens.

(c) In interpreting and applying the provisions of this chapter that are applicable to State Legislators, the Commission must give appropriate weight and proper deference to the public policy of this State under which State Legislators serve as “citizen Legislators” who have other occupations and business interests, who are expected to have particular philosophies and perspectives that are necessarily influenced by the life experiences of the Legislator, including, without limitation, professional, family and business experiences, and who are expected to contribute those philosophies and perspectives to the debate over issues with which the Legislature is confronted.

(d) The provisions of this chapter do not, under any circumstances, allow the Commission to exercise jurisdiction or authority over or inquire into, intrude upon or interfere with the functions of a State Legislator that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or NRS 41.071.

(Added to NRS by 1977, 1103; A 1999, 2730; 2009, 1046)

Voters' Bill of Rights

The Nevada Voters' Bill of Rights, as outlined in NRS 293.2546 and later codified in Article 2, Section 1A of the Nevada Constitution, includes the following provisions:

Rights of voters. Each voter who is a qualified elector under this Constitution and is registered to vote in accordance with Section 6 of this Article and the laws enacted by the Legislature pursuant thereto has the right:

1. To receive and cast a ballot that:

- (a) Is written in a format that allows the clear identification of candidates; and
- (b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote during any period for early voting or on election day if the voter is waiting in line at a polling place at which, by law, the voter is entitled to vote at the time that the polls close and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner as provided by law.

8. To receive instruction in the use of the equipment for voting during any period for early voting or on election day.

9. To equal access to the elections system without discrimination, including, without limitation, discrimination on the basis of race, age, disability, military service, employment or overseas residence.

10. To a uniform, statewide standard for counting and recounting all votes accurately as provided by law.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law.

Section 2. **Oath of office.** Members of the legislature, and all officers, executive, judicial and ministerial, shall, before they enter upon the duties of their respective offices, take and subscribe to the following oath:

I,, do solemnly [solemnly] swear (or affirm) that I will support, protect and defend the constitution and government of the United States, and the constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of, on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.

[Amended in 1914. Proposed and passed by the 1911 legislature; agreed to and passed by the 1913 legislature; and approved and ratified by the people at the 1914 general election. See: Statutes of Nevada 1911, p. 458; Journal of the Assembly, 26th Session, p. 20 and Journal of the Senate, 26th Session, p. 37.]

Appendix D

- Original Complaint filed on August 4, 2023:

See Appendix E, Exhibit A

- Petition for Rehearing filed with the Nevada Supreme Court:

See Appendix E, Exhibit D

- Petition for En Banc Reconsideration filed with the Nevada Supreme Court:

See Appendix E, Exhibit E

EXHIBIT A:
ORIGINAL COMPLAINT

FILED

Electronically

CV23-01341

2023-08-04 11:16:01 AM

Alicia L. Lerud

Clerk of the Court

Transaction # 9813859 : csulezic

COMP

ROBERT BEADLES

10580 N. McCarran Blvd. #115, Apt. 386

Reno, NV 89503

Plaintiff, Pro Se

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA IN AND FOR THE COUNTY OF WASHOE**

MR ROBERT BEADLES, an

individual,

Plaintiff,

vs.

JAMIE RODRIGUEZ, in her official

capacity as Registrar of Voters and

CASE NO.:

DEPT. NO.:

COMPLAINT FOR EQUITABLE,

in her personal capacity; the
WASHOE COUNTY REGISTRAR
OF VOTERS, a government agency;
ERIC BROWN in his official capacity
as WASH OE COUNTY MANAGER
and in his personal capacity, ALEXIS
HILL in her official capacity as
CHAIRWOMAN OF WASHOE
COUNTY BOARD OF
COMMISSIONERS and in her
personal capacity; WASH OE
COUNTY, Nevada, a political
subdivision of the State of Nevada,
and DOES 1-X; and ROE
CORPORATIONS 1-X.

Defendants.

**INJUNCTIVE RELIEF, PETITION
FOR REMOVAL OF PUBLIC
OFFICIAL
FROM OFFICE,
AND PUNITIVE DAMAGES**

(Jury Trial Demanded)

**Automatically Exempt from
Arbitration**

NAR S(a)(l)(G)-Declaratory Relief

Plaintiff ROBERT BEADLES ("Beadles"), in proper person, hereby files this Complaint against JAMIE RODRIGUEZ ("Rodriguez") in her official capacity as Registrar of Voters and in her personal capacity; the WASH OE COUNTY REGISTRAR OF VOTERS, a government agency; ERIC BROWN ("Brown") in his official capacity as WASHOE COUNTY MANAGER and in his

personal capacity, ALEXIS HILL ("Hill") in her official capacity as
CHAIRWOMAN OF WASHOE COUNTY BOARD OF COMMISSIONERS and
in her personal capacity;

Page 1 of 17

WASHOE COUNTY, Nevada, a political subdivision of the State of Nevada, and
DOES 1-X; and ROE CORPORATIONS 1-X. collectively ("Defendants"), allege
and petition this Court as follows:

JURISDICTION & VENUE

1. This Court has jurisdiction pursuant to NRS 13.030.
2. Under the doctrine of concurrent jurisdiction, this Court has jurisdiction to resolve claims under Nevada State Constitution and under Nevada State election laws.
3. This Court has jurisdiction to hear this matter, as all events giving rise to this incident took place in Washoe County, Nevada. The harm to be enjoined is threatened in Washoe County.
4. This Court has jurisdiction over this matter pursuant to Nev. Const. Art. 6 § 6, regarding all cases not assigned to the justices' courts.
5. The venue is proper in Washoe County for election complaints pursuant to NRS 293.2546 (11).
6. The venue is proper in Washoe County pursuant to NRS 13.040, where the plaintiff and defendants reside.

7. In *Schumacher v. Furlong*, 78 Nev. 167, 370 P.2d 209 (1962), the Opinion of the Nevada Attorney General, "Under this statutory procedure any complainant can, for specifically enumerated grounds, e.g., malfeasance or nonfeasance, initiate district court proceedings to remove any person holding any nonjudicial office in this state. This statutory procedure has previously been used against a county officer."

8. The Defendant(s), acting individually or in concert in contravention of Plaintiffs right to equal protection are subject to penalties pursuant to NRS 283.440 and/or NRS 266.430.

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9. Defendant Washoe County Nevada, is a political subdivision of the State of Nevada under the doctrine of respondent superior. Washoe County is vicariously liable for the actions of its officers and officials when they are acting within the scope of their employment.

10. This Court has jurisdiction over this matter pursuant to NRS 4.370 (1) as the matter in controversy exceeds \$15,000, exclusive of attorney fees, interest, and costs.

PARTIES

11. Plaintiff Robert Beadles resides in Washoe County, Nevada, and is a qualified elector who voted in the 2020 and 2022 elections and who intends to vote again in 2024.

12. Plaintiff comes before the court *prose* because many BAR-certified attorneys are being targeted, dis-barred, sanctioned, etc. for simply bringing an elections-related lawsuit forward. Plaintiff hereby represents himself *prose* to save his lawyers from attacks on their livelihoods.

13. Plaintiffs rights to have their legitimate grievances of matters of elections and the officials who conduct them responded to "fairly, accurately, and efficiently as provided by law" have been ignored by the Defendants and DOES and ROES to be determined.

14. The office of the Registrar of Voters was created pursuant to NRS 244.164 and W.C.C.

5.541 (except duties imposed by virtue of NRS 293.393 to make out and deliver certificates of election). In general terms, the defendants handle voter registrations and conduct elections on behalf of the people of Washoe County.

15. Defendant Rodriguez is a resident of Washoe County. Rodriguez is and was at all times relevant hereto, the Washoe County Registrar of Voters and a person acting under the color and authority of law. Rodriguez is named in her official and personal capacities.

16. Rodriguez has not responded to Plaintiffs November 18, 2022 Petition.

[EXHIBIT 1]

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17. Rodriguez has not responded to Plaintiffs November 23, 2022 Petition.

[EXHIBIT 2]

18. Rodriguez has not responded to Plaintiffs December 1, 2022 Petition.

[EXHIBIT 3]

19. Defendant Brown is a resident of Washoe County. Brown is and was at all times relevant hereto, the Washoe County Manager and a person acting under the color and authority of law. Brown is named in his official and personal capacities.

20. Brown has not responded to Plaintiffs November 18, 2022 Petition.

[EXHIBIT 1]

21. Brown has not responded to Plaintiffs November 23, 2022 Petition.

[EXHIBIT 2]

22. Brown has not responded to Plaintiffs December 1, 2022 Petition. [EXHIBIT 3]

23. Defendant Hill is a resident of Washoe County. Hill is and was at all times relevant hereto, the Chairwoman of the Washoe County Board of

Commissioners and a person acting under the color and authority of law. Hill is named in her official and personal capacities.

24. Hill has not responded to Plaintiffs November 18, 2022 Petition. [EXHIBIT 1]

25. Hill has not responded to Plaintiffs November 23, 2022 Petition. [EXHIBIT 2]

26. Hill has not responded to Plaintiffs December 1, 2022 Petition. [EXHIBIT 3]

27. Defendant Washoe County, Nevada, is a political subdivision of the State of Nevada under the doctrine of respondent superior. Washoe County is vicariously liable for the actions of its officers and officials when they are acting within the scope of their employment.

28. Defendants Does I through X and Roe Corporations I through X are persons or entities that, at all times material hereto, committed acts, activities, misconduct or omissions which make them jointly and severally liable under the claims for relief set forth herein. The true names and capacities of the Doe Defendants and Roe Corporate Defendants are presently unknown, but when ascertained, Plaintiff requests leave of Court to amend this complaint to substitute their true names and identities.

III. NATURE OF THE CASE

29. Plaintiff is and was at all times relevant hereto a legally registered voter in Washoe County who was affected by the 2020 and 2022 elections overseen by Defendants.

30. Plaintiff brings this complaint against Defendants based on their violations of Plaintiff's state Constitutional rights to due process, equal protection, voter's rights, and the laws and codes of Nevada in the conduct of elections, regarding Defendants' non-response to Plaintiffs grievances and general stonewalling when presented with reports and analysis on voting systems in use in Washoe County and various requests for information.

31. Plaintiff alleges violations of his rights and the laws of Nevada based on the Defendants having never acknowledged or responded to three formal Petitions filed with the county by Plaintiff.

32. Plaintiff will show that Defendants willfully committed acts of malpractice, maladministration, and/or nonfeasance, and perjury in the conduct of their official duties, thus having the appearance of impropriety and damaging the public's trust.

33. Plaintiff hereby introduces Exhibit 109 that is a highlight of several supplemental statements in support of the merits of the underlying Petitions. Individually and as a whole, highlights presented in Exhibit 109 are of such a

serious matter that they cannot be ignored-just as the original Petitions should never have been ignored-to cure the problems that are self-evident, including but not limited to: unclean and grossly inaccurate voter rolls, un-approved and unsecure voting systems that Defendant(s) chose of their own volition, the rush toward pioneering new technology that could impact county, state, and national security, failure to train staff and election officials, failure to provide trained election officials, telling staff to not verify signatures, unequal treatment of signatures at

Page 5 of 17

the polls, counting of votes in secret, illegal function within the election system, gross violations of the Nevada Revised Statutes and Administrative Codes regarding election procedures, and the list goes on.

34. Plaintiff wishes to direct the Court's attention to Exhibit 109, point 6 a) "The Washoe ROV's staff has seen: "100% turnover in permanent staff and a loss of institutional knowledge." The Elections Group 6-9-23" The Election Group is the consulting agency initially hired by County Manager Brown.

35. Plaintiff hereby alleges the Registrar of Voters is in violation of Nevada law and, if left uncorrected, is unprepared to run the 2024 presidential primary safely, securely, and accurately as required by law unless all the issues are put

on the table and addressed by one or more Defendant(s) under the Court's supervision.

36. Plaintiff hereby alleges Defendant(s) ignored Plaintiffs Petitions as an annoyance and will continue to do so if this Court does not intervene.

37. The Plaintiff demands this complaint and the underlying Petitions be heard by this honorable court.

FACTUAL ALLEGATIONS

38. Plaintiff voted in Washoe County in the 2020 and 2022 elections overseen by Defendants.

39. Plaintiff intends to vote in Washoe County in the upcoming presidential primary to occur in January 2024 and in subsequent elections overseen by Defendants.

40. Plaintiff and others provided each of the Defendants with a Petition addressing certain violations of elections, errors, and anomalies, prior to the Board of Commissioner's canvass of the vote in public meeting held November 18, 2022. This first of three Petitions

was filed at the Washoe County Manager's office (the "November 18, 2022 Petition").

[Exhibit 1]

41. Plaintiff provided Defendants with a second Petition addressing a different set of issues and related violations of elections and other laws enumerated therein on November 23, 2022 Petition (the "November 23rd, 2022 Petition").

[Exhibit 2]

42. Plaintiff provided Defendants with a third Petition addressing a different set of issues and related violations of elections and other laws enumerated therein on December 1, 2022 (the "December 1st, 2022 Petition"). [Exhibit 3]

43. Defendants have a duty and obligation to respond to Petitions of elections pursuant to the Voter's Bill of Rights Nev. Const. Art. 2 Sec. 1A § 11 and NRS 293.2546 (11).

44. Defendants, and each of them, have failed and refused to respond to or address the allegations made in the Petitions and continue to fail and refuse to respond to or address the same since the filing of the Petitions.

45. Plaintiffs rights to have legitimate grievances regarding matters of elections and the officials who conduct them responded to "fairly, accurately, and efficiently as provided by law" have been ignored by the Defendants, and each of them.

46. By failing to address the Petitions, Defendants have each violated their oath

to office, Nevada Revised Statutes and Administrative Codes, and violated the Plaintiffs constitutional rights.

47. Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address gross inaccuracies and improper maintenance of voter rolls.

48. Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address illegal functions within the election system that alter intended votes.

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49. Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address the counting of votes in secret and without adequate verification.

50. Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address instructions to Washoe County election workers to disregard signature verification, in violation of the law.

51. Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address violations of the election processes required by Nevada statutes, Nevada administrative codes, and the Nevada Constitution.

52. Because of the violations alleged herein, Defendants have not and are not

able to conduct elections fairly, accurately, and securely as required by law.

53. Defendants' actions or inaction going forward may impact state and national security because of the critical flaws and vulnerabilities in many of the systems and procedures related to voter registration, handling of signatures and voter data, voting, signature curing, and recording and reporting votes as mentioned in the underlying Petitions and Exhibit 109.

54. Plaintiff respectfully requests the court's indulgence to accept Exhibit 109 in support of a) timeliness of this complaint, b) the severity of problems that underpin the underlying Petitions.

55. Plaintiff has suffered and will continue to suffer emotional distress, reputation damage, and irreparable harm-namely, disenfranchisement through gross violations of one's right to pose grievances of elections and against election officials and have them answered and resolved.

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56. Defendants' failure to address the various violations stated within the underlying Petitions has resulted in a loss of confidence in the election system in Washoe County and Nevada. The Defendants' continued failure will result in an irreparable erosion of public confidence in the election system and its results in future elections unless the Court intervenes.

57. The disregard of legal obligations by the Defendants will contribute to a

more generalized erosion of the rule of law, encouraging further acts of disobedience by other public servants without the accountability this Court can and must impose.

58. If public officials are not held accountable for their actions, citizens will fear that their freedoms and rights are not adequately protected, leading to a sense of insecurity and potential suppression of those rights.

59. If left unchecked, if there is no accountability, public officials can act with impunity. By this Court not acting affirmatively to correct the ills before it will set a dangerous precedent, paving the way for more widespread infringement of civil liberties.

60. The mission statement of the ROV states in part: "that Washoe County's Elections are operated with the utmost integrity, transparency, and accountability; and that the department is known for excellence in customer service and the administration of elections." 1

61. Plaintiff hereby alleges the Registrar of Voters has failed their mission statement.

62. Plaintiff hereby alleges that the Defendants, individually, have failed their oath of office and in their duties to Plaintiff and all electors who reside in Washoe County.

63. The Court should hold Defendants to a standard of propriety and as stated

in Plaintiffs November 18, 2022 Petition, which reads:

1 <https://www.washoecounty.gov/voters/index.php>

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- i. Federal judges are held to a standard known as a semblance of impropriety, to which Nevada's Chief Justice in 1980, Harry E. Claiborne, was accused. Judge Claiborne was the first federal judge to go to jail and the second to be impeached in U.S. history. (<https://www.senate.gov/about/powersprocedures/impeachment/impeachment-claiborne.htm>) Here, the defendants are held to a similar standard because of the nature of elections being a right and the pinnacle of a Constitutional Republic.
- ii. By failing to address the petitions the Defendants have violated their oath to office, Nevada Revised Statutes and Administrative Codes, and violated the Plaintiffs constitutional rights.
- iii. The actions of Defendants and/or those acting on behalf of Defendants and referred to herein, depriving Plaintiffs and other Washoe County residents of their rights secured by the Constitution and laws of the United States, were done while acting under color of law.

64. The plaintiff has diligently raised concerns regarding the flaws and irregularities within the Washoe County Nevada election system for the past two years. Despite the plaintiffs genuine efforts to bring these issues to the attention of the defendants, they have remained unresponsive.

65. Defendant Washoe County Nevada, a political subdivision of the State of Nevada under the doctrine of respondent superior, Washoe County is vicariously liable for the actions of its officers and officials when they are acting within the scope of their employment. 66. Plaintiff has no adequate remedy at law and will suffer serious and irreparable harm to his constitutional rights unless this honorable court intervenes to enjoin the Defendants.

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**FIRST CAUSE OF ACTION
VIOLATION OF NEVADA CONSTITUTION
ARTICLES 1, 2, 15 and THE
VOTER'S BILL OF RIGHTS
(EQUITABLE AND INJUNCTIVE RELIEF
SOUGHT OR WRIT OF MANDAMUS)**

67. Plaintiff repeats and realleges his allegations herein above inclusively, as

though set forth herein, and incorporates the same by this reference.

68. "A public office is a public trust and shall be held for the sole benefit of the people." NRS 281A.020.

69. **Duty:** Defendants, and each of them, pledged an oath pursuant to Nev. Const. Art. 15 Sec. 2 that provides in part: " ... I will well and faithfully perform all the duties of the office of , on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury."

70. Defendants, and each of them, have a duty to uphold Plaintiffs constitutional rights.

71. Plaintiffs right to have their grievances heard is enshrined in Nev. Const. Art. 1 § 10: "to petition the Legislature for redress of Grievances."

72. Plaintiffs right to have their Petitions of elections resolved "fairly, accurately and efficiently" is enshrined in Nev. Const. Art. 2 Sec. IA§ 11 and NRS 293.2546 (11).

73. Plaintiff submitted valid Petitions to Defendant(s) as shown in Exhibits 1, 2, and 3 as referenced herein.

74. On information and belief, Defendants received and are aware of the underlying Petitions filed by Plaintiff.

75. **Breach Of Duty:** As of the filing of this complaint, there has been no acknowledgment or response from the Defendants regarding the underlying

Petitions filed by Plaintiff.

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76. Plaintiff exercised his constitutional right to pose grievances and have them resolved "fairly, accurately and efficiently" but was ignored by the Defendant(s).

77. Defendants have thus deprived Plaintiff to have his grievances heard as enshrined in Nev. Const. Art. 1 § 10.

78. Defendants have thus violated Plaintiffs right to have his Petitions, individually or as a whole, resolved "fairly, accurately, and efficiently." Nev. Const. Art. 2 Sec 1A § 11 and NRS 293.2546 (11) when they ignored said Petitions.

79. Defendants have thus perjured their oath of office.

80. In addition, Defendants have failed to address, correct, or rectify the issues raised in the underlying Petitions, including but not limited to, (1) updating and resolving the voter registration lists; (2) providing proper vote counting mechanisms; (3) counting votes in secret; (4) inadequate signature verification; (5) illegal function within the election system; (6) violations of election procedures as required under Nevada law. [Exhibit 109]. Plaintiff seeks an injunction regarding the foregoing.

81. Plaintiff has further been damaged as his vote did not count as he cast it

and thus has been

robbed of his right to suffrage.

82. *Qui non negat, fatetur* is a Latin maxim of law, meaning "he who does not deny, admits." As such, Plaintiffs assertions in the underlying Petitions stand unopposed.

83. Plaintiff has a reasonable likelihood of prevailing on the merits.

84. As a result, Plaintiff suffered and will continue to suffer emotional distress, reputation damage, and irreparable harm-namely, disenfranchisement through gross violations of one's right to pose grievances of elections and against election officials and have them

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answered and resolved. Without Injunctive Relief, Plaintiff will suffer irreparable harm for which monetary damages are inadequate.

85. The Defendant(s)' actions have resulted in harm to Plaintiff and unless admonished for their breach of oath and duty will continue to inflict harm upon Plaintiff.

86. Granting the requested relief will serve public interest in seeing the harm stopped. There is little to no hardship for the Defendants to respond to the Petitions and resolve discrepancies that are identified herein. In the

alternative, Plaintiff seeks a writ of Mandamus from the Court as allowed by NRS 34.160; NRS 34.190, ordering the Defendants to respond to the Petitions and rectify those issues raised in Paragraph 80 herein.

87. Plaintiff has no adequate remedy at law and therefore seeks the injunctive and equitable relief as stated in Demand for Relief below.

SECOND CAUSE OF ACTION

PETITION FOR REMOVAL OF OFFICERS FROM OFFICE

88. Plaintiff repeats and realleges its allegations herein above inclusively, as through set forth herein, and incorporates the same by this reference.

89. Plaintiff respectfully demands this honorable court to remove Defendants Jaime Rodriguez, Washoe County Registrar of voters, Eric Brown, Washoe County Manager, Alexis Hill, Washoe County Commissioner from office pursuant to the Court's authority under NRS 283.440 and NRS 266.430.

90. Defendants, and each of them, have failed to fulfill the duties of their respective offices as alleged herein.

91. Defendants have additionally failed to address, correct, or rectify the issues

raised in the underlying Petitions, including but not limited to, (1) updating and resolving the voter registration lists; (2) providing proper vote counting mechanisms; (3) counting votes in secret; (4) inadequate signature verification; (5) illegal function within the election system; (6) violations of election procedures as required under Nevada law. [Exhibit 109]. Plaintiff seeks an injunction regarding the foregoing.

92. Defendants through their acts of malpractice, malfeasance, and or nonfeasance have failed to perform their duties and have harmed and will continue to harm plaintiff.

93. Granting the requested relief will serve public interest.

JURY TRIAL DEMANDED

94. Plaintiff demands a jury trial on all claims triable by jury as provided by Nevada State laws.

PUNITIVE DAMAGES

95. The Defendant(s) have acted in their personal and professional capacities.

96. The actions of Defendant(s) constitute a willful disregard for Plaintiffs rights, accuracy in elections, the mission statement of the ROV, and a free and fair Constitutional republic.

97. Plaintiff suffered and will continue to suffer emotional distress, reputation damage, and irreparable harm-namely, disenfranchisement through gross violations of one's right to pose grievances of elections and against election officials and have them answered and resolved timely.

98. The Defendant(s) have no cover of sovereign immunity. *Scheuer v. Rhodes*, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974).

99. Punitive damages are warranted when gross and willful violations of rights and law occur as is the case here. *Smith v. Wade*, 461 U.S. 30 (1983).

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100. Punitive damages, in this case, are meant to punish and deter future abuses of the same sort and must be significant in their application to these Defendant(s) per the Court's discretion.

DEMAND FOR RELIEF

101. WHEREFORE, Plaintiff respectfully demands for a judgment against Defendant(s) for:

- i. An adequate and proper response by Defendant(s) to Plaintiffs petition of November 18, 2022, through the discovery processes,

- under court supervision and seeks an injunction regarding the same;
- ii. An adequate and proper response by Defendant(s) to Plaintiffs petition of December 1, 2022, through the discovery processes, under court supervision and seeks an injunction regarding the same;
 - iii. Defendants must take into account and redress all elections issues that Plaintiff puts on the table, no shying away;
 - iv. Award Plaintiff their cost of suit;
 - v. Award monetary damages in excess of \$15,000;
 - vi. Award punitive damages;
 - vii. Defendants that are found in violation of laws shall be fined, fired, and/or removed from office; [NRS 283.440, NRS 266.430]
 - viii. Enjoin Defendants from their continued violations of the following NRSs and strictly comply with NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380 (2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927(4)(b), NRS

293.277(3), NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d),
NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.IA§ 1(b);

- ix. Enjoin Defendants from using any voting and tabulation machines for elections in Washoe County; and
- x. Enjoin Defendants to use paper ballots at all polling locations and in every election;
- xi. Enjoin Defendants to disclose ACB applicant's names and credentials publicly prior to appointment;
- xii. Enjoin the defendants and halt the expenditure of \$12.6M of taxpayer dollars for unapproved and unsafe equipment and software;
- xiii. Enjoin the Defendants and make the digitized vote tally database (Microsoft SQL) open for public inspection;
- xiv. Honorable court to strike down NRS 293.269935(2) and 293.3606(4) to allow public inspection of ballots;
- xv. Enjoin the Defendants to prohibit QR codes from use in recounts;
- xvi. Grant or impose any remedy, and further relief at law or equity, that this Court deems just and proper in these circumstances;
- xvii. Removal of Defendants from office; and
- xvii. For such further relief as the Court deems just

Dated: August 4, 2023

Robert Beadles, *pro se*

s/ Robert Beadles

Robert Beadles, *pro se*

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VERIFICATION

I, Robert Beadles have read Plaintiff's Verified Complaint for Removal Of Officers per 283.440 and believe the facts contained therein are true or based upon a good faith belief that the facts stated therein are true, under the penalty of perjury.

DATED August 4, 2023

s/ _____

Robert Beadles

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that this document does not contain the social security number of any person. UNDER PENALTIES OF PERJURY, I affirm that the facts alleged in the foregoing are true and correct according to my n personal knowledge.

s/ _____

Robert Beadles, Plaintiff

STATE OF NEVADA

COUNTY OF WASHOE

On the 4th day of August, 2023, personally appeared before me Robert Beadles who, being by me first duly sworn, executed the foregoing in my presence and stated to me under penalties of perjury that the facts alleged therein are true and correct according to his own personal knowledge.

Notary Stamp:

AMBER MILLER

Notary Public

State of Nevada

. Appt. No. 04-91829-2

My Appt. Expires July 11, 2024

s/ _____

Notary Public

My commission expires: 11 July 2024

Page 17 of 17

Presented on Pleading Paper

SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA

AFFIRMATION

Pursuant to NRS 239B.030 and 603A.040

The undersigned does hereby affirm that the preceding document, (*title of document*)

COMPLAINT FOR RELIEF AND REMOVAL OF OFFICE

file in case number: -----

(*mark one*)

Document does not contain the personal information of any person.

Document contains the personal information of a person as required by: ([x]
mark one)

A specific state or federal law, to wit: (*write the specific state or federal
law*)

For the administration of a public program

For the administration for a federal or state grant

Confidential Family Court Information Sheet (NRS 125.130, NRS
125.230, and NRS 125B.055)

DATED this (*day*) 4th day of (*month*) August, 2023.

Submitted By: (*Your signature*) s/_____

(*Print your name*) Robert Beadles

(*Attorney for*) N/A

REV 2.24.2023 ER

Affirmation

Exhibit Glossary

Exhibit 1 ROV 11-17-22- Petition. 40 pg.

Exhibit 2 11-23-22 Contest 11 pg.

Exhibit 3 Unanswered Petition served upon defendants 12/1/22. 19 pg.

Exhibit 109 Highlights of Supplemental Statements 4 pg.

Exhibit B

FILED

Electronically

CV23-01341

2023-08- 11: 11:34:28 AM

Alicia L. Lerud

Clerk of the Court

Transaction#

9856384 : yviloría

COMP

ROBERT BEADLES

10580 N. McCarran Blvd. # 115, Apt. 386

Reno, NV 89503

Plaintiff Pro Se

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA IN AND FOR THE COUNTY OF WASHOE**

MR. ROBERT BEADLES,

an individual,

Plaintiff,

vs.

CASE NO.: CV23-01341

DEPT. NO.: 1

JAMIE RODRIGUEZ, in her official capacity
as Registrar of Voters and in her personal
capacity; the WASHOE COUNTY
REGISTRAR OF VOTERS, a government
agency; ERIC BROWN in his official capacity
as WASHOE COUNTY MANAGER and in
his personal capacity, ALEXIS HILL in her
official capacity as CHAIRWOMAN OF
WASHOE COUNTY BOARD OF
COMMISSIONERS and in her personal
capacity; WASHOE COUNTY, Nevada a
political subdivision of the State of Nevada,
and DOES I-X; and ROE CORPORATIONS I-X.
Defendants

**PLAINTIFF'S OPPOSITION TO
MOTION TO DISMISS**

Plaintiff Robert Beadles (Beadles), hereby moves to deny the Motion to Dismiss.
This Opposition will show fatal flaws in the Points and Authorities presented by the
Defense in their Motion to Dismiss based on NRCP 12(8)(5) and other authorities.

I. BACKGROUND

On 7/25/23 Plaintiff filed a lawsuit CV23-01283 against defendants in Washoe County, District 2 Civil Court. On 8/3/23 Defendants moved the initial lawsuit to Federal Court. On 8/4/23 Plaintiff filed a new lawsuit in District 2 Court again, CV23-01341, without any Federal Causes of Action.

1

On 8/8/23, Plaintiff received the proposed Motion for Sanctions from Defendants [Exhibits 124 and 125]. On 8/9/23 Plaintiff dismissed the Federal Lawsuit leaving this case to move forward with.

II. INTRODUCTION

Prior to this honorable court ruling on the defendant's motion to dismiss, Plaintiff respectfully

demands the court first rule on the Plaintiffs Response in Support of Change of Venue. Additionally, when Plaintiff prevails, the court must strike the Defendants Motion For Sanctions as moot and discard it.

"It is not only of some importance but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done."

- Sir William Blackstone

An impartial judge is like a balance beam. It must be level in order to weigh the evidence fairly." - Earl Warren, Chief Justice of the Supreme Court of the United States

This case is about county corruption and broken elections. The plaintiff has, for the past 2 years, tried to work with the defendants to get them to look over and take action on many issues and crimes occurring within the Washoe County Election System. Instead of the defendants working with the plaintiff, they have actively worked against him. They have used their positions, the press, and the defense to libel and slander him, rather than addressing the many issues and crimes he has presented to them.

The plaintiff is here in this honorable courtroom as he has run out of remedies. He has tried working with the Secretary of State and local law enforcement, all to no avail. The plaintiff has issued \$80,000 challenges and rewards to disprove his findings. All those who have tried have found that he

is right in his allegations. The common practice of the defense, defendants, media, etc., is to say the plaintiff has wild numbers, and they are wrong. What's funny is they are right. Why are they right? Because he is simply sharing the county's own certified election results. Those numbers and results are mathematically impossible, as will be touched on in this filing.

What's truly revealing is when the plaintiff simply inserts the county's own certified election results into Google Bard, their AI platform, it says: "This suggests that there was some kind of fraud or manipulation involved in the election results."

"This suggests that someone was able to manipulate the vote counts after the election was over." "I would recommend that you notify the authorities about your concerns." "It is important to hold those responsible for election fraud accountable, so that our democracy can remain strong."

This is one more reason the Plaintiff is in this honorable courtroom; even Google's AI Platform called Bard told him to.

One must remember these are the defendants' numbers, not the plaintiffs, and yes, they are wild and unaddressed by any of the defendants. This honorable court needs to know that there are two causes of action in this case. Cause one pertains to

violations of the NV Constitution and the Voter Bill of Rights. The second cause of action involves using NRS 283.440, which pertains to the removal of officers for malfeasance, malpractice, or nonfeasance. This case is about accountability. The plaintiff believes he has an absolute right and a case to seek the removal of these officers. He believes that they are duty-bound to answer his past petitions. Yet, even if this honorable court decides that citizens have no recourse against officers via NRS 283 .440 or answering legitimate grievances and petitions, cause one must still go forward.

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It's imperative that this honorable court hold wrongdoers accountable. Right is right, wrong is wrong. It's that simple. The evidence will show that the defendants broke numerous laws, NRS. policies and procedures, and even court orders. There must be accountability. If there is no accountability for public officers breaking the law, we have slid into tyranny. "No one is above the law, and no one should be able to use their position in government to escape accountability for wrongdoing." - Preet Bharara

The evidence will show that the defendants, defense, and media have all worked in concert to libel and slander the plaintiff. Simply reading the defense's Motion For Sanctions will shock this honorable court. It is a sanctionable event and not becoming of a public servant. The defense will say the defendants have no duty to

respond, that the county can't be sued, that NRS 283.440 doesn't apply to these defendants; all of which are false.

If the three highest-ranking county officials for our elections have no duty to respond and can't be sued, then this is no longer America. A simple look at the case logs will show people sue the state and county all the time. Even if this honorable court says the plaintiff can't sue the county or state, he named the defendants individually as well. Even if this court states that the defendants can't be removed via NRS 283 .440, surely this honorable court can hold them accountable for counting all of our votes in the 2022 primary and 2022 recounts in secret. That is a direct violation of the court orders, countless NRS, and destroys public faith in our right to suffrage.

This honorable court could hold these offenses accountable as well: If a county manager can use his position to get his wife out of a DUI, or the chairwoman for the county commissioners can steal the county's property and use it to enrich herself, and libel and slander the reputation of the plaintiff. Or if all these NRS's are allowed to be broken by the defendants:

NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.10(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b);

Surely if this honorable court says the petitions don't have to be answered, that the county can't be sued, that the defendants have no duty to respond to the public, or that our constitutional rights don't apply in this County, surely this honorable court can proceed forward with this case against the defendants in their individual capacities and hold them accountable for the allegations against them.

The plaintiff requests this honorable court to weigh the evidence on its merits and allow this case to proceed, even if the court fails to hold the defendants accountable to the public in cause 2. Clearly, cause 1 must move forward. This case is about far more than just firing three people or answering petitions; it's about ensuring our servants are held accountable and that our elections are conducted lawfully.

Time is of the essence. According to Defendant Brown, the 2024 election processes start this October. In the current condition, in his own words, they are not prepared for the election. What's worse, the election system in its current condition, run by these defendants, can be trusted about as much as walking across a cotton thread for a tightrope 2,024 feet in the air with 500,000 ballots on your back. There's no way that Tightright can be a Trustrope, right? The Washoe County election

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system is broken. The plaintiff merely asks this honorable court to examine all the evidence, weigh it on its merits, and rule accordingly.

In the following, the Plaintiff will address numerous allegations the Defense stated in their *Motion to Dismiss* and numerous claims-causes of action and remedies the Plaintiff has stated. The Plaintiff will additionally demonstrate in this voluminous Opposition why the Defense's motion to dismiss is littered with false allegations and show why the Plaintiffs case must move forward, and the *Motion to Dismiss* should not be granted.

Nevada is a notice pleading state; the plaintiff has met the requirements in his opposition and respectfully demands this honorable court to deny the defense's motion to dismiss and allow this case to move forward.

Elements Required To Be Met For Cause 1

To bring a complaint against a violation of the Nevada Constitution articles 1, 2, or 15, a plaintiff must generally establish standing, justiciability, and the specific constitutional provision(s) that were violated.

Plaintiff clearly in submitted pleadings, exhibits and forthcoming testimony exceeds this requirement.

Elements To Be Met For Cause 2

To bring a complaint against a violation of NRS 283.440, a plaintiff must generally establish

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standing, demonstrate malpractice, malfeasance or nonfeasance by a public officer.

Plaintiff clearly in submitted pleadings, exhibits and forthcoming testimony exceeds this requirement.

Legally Actionable Claims and Grounds Presented by the Plaintiff:

III. THE PLAINTIFF IS ENTITLED TO BRING FORWARD HIS ALLEGATIONS, CAUSES OF ACTIONS, AND CLAIMS SET FORTH BY THE FOLLOWING AUTHORITIES

The plaintiff was robbed of his additional rights as set forth by his Court Orders.

Defendants violated Plaintiffs Court orders [Exhibit 72] which clearly states:

"The Plaintiffs will be permitted to observe during the processing and counting of ballots and in accordance with Nevada law and regulations and Washoe county's existing procedures, to the same extent as other eligible observers. "

"If Washoe County is processing and/or counting ballots, observations shall be Allowed. "

Defendants counted all votes in secret thus violating numerous laws and Plaintiffs court orders [Exhibit 23-24, 72].

The Plaintiff filed 3 Unanswered petitions, in which the plaintiff clearly laid out numerous violations of election laws and statutes. The defendants failed to respond or act upon the violations as required by the NV Constitution and NRS.

The plaintiff's right to have his Petitions of elections resolved "fairly, accurately, and efficiently" is enshrined in Nev. Const. Art. 2 Sec. 1A § 11 and NRS 293.2546 (11).

Defendants have thus deprived Plaintiff's right to have his grievances heard as enshrined in Nev. Const. Art. 1 § 10: "to petition the Legislature for redress of Grievances."

Defendants have violated NRS 281A.020 "A public office is a public trust and shall be held for the sole benefit of the people" and thus plaintiff can hold them accountable.

Defendants have violated Nev. Const. Art. 15 Sec. 2 that provides in part: " ... *I will well and faithfully perform all the duties of the office of. , on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury*" and thus plaintiff can hold them accountable.

NRS 283.440 allows for removal of "**any person who is now holding or who shall hereafter hold any office in this State and who refuses or neglects to perform any official act in the manner and form prescribed by law, or who is guilty of any malpractice or malfeasance in office, may be removed therefrom as hereinafter prescribed in this section, except that this section does not apply to:**

(a) A justice or judge of the court system;

(b) A state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution; or

(c) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

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Which clearly shows the defendants are any person, in any office, and NOT an office listed as not subject to removal.

NRS 357.040 Liability for damages and civil penalty for certain acts.

1. Except as otherwise provided in NRS 357.050, a person who, with or without specific intent to defraud, does any of the following listed acts is liable to the State or a political subdivision, whichever is affected, for the amounts set forth in subsection 2:

(a) Knowingly presents or causes to be presented a false or fraudulent claim for payment or approval.

(b) Knowingly makes or uses, or causes to be made or used, a false record or statement that is material.

NRS 357.080 Action by private plaintiff; venue of actions.

1. Except as otherwise provided in this section and NRS 357 .100, a private plaintiff may bring an action pursuant to this chapter for a violation of NRS 357.040 on his or her own account and that of the State or a political subdivision, or both the State and a political subdivision. The action must be brought in the name of the State or the political subdivision, or both.

Also additional Statutes listed below in the sections labeled, Plaintiff Can Receive Punitive Damages, Monetary Damages and Equitable relief are Available for Removal Actions, and additional statues shown throughout this Opposition.

Under case law below, Plaintiff additionally believes he can bring forth these claims and causes of action:

Removal of Defendants from office: In Schumacher v. Furlong, 78 Nev. 167, 370 P.2d 209 (1962), the Opinion of the Nevada Attorney General states, "Under this statutory procedure any complainant can, for specifically enumerated grounds, e.g., malfeasance or nonfeasance, initiate district court proceedings to remove any person holding any nonjudicial office in this state. This statutory procedure has previously been used against a county officer."

Several cases show that a voter has standing to bring claims against public officers or the county for election crimes. For example, in *Am. Civil Liberties Union of Nev. v. The Cnty. of Nye*, No. 85507 (Nev. Oct. 21, 2022), the court held that the ACLU had standing to challenge voting procedures in Nevada, and the court's analysis touched on the rights of voters to challenge election processes. "*Establishing clear rules, prior to election day, as to how such validity is to be established is of equal, if not greater, importance.*") as well as a constitutional right "[t]o have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law," *Nev. Const. art. 2, § 1A(11)*. Further, the votes in Nye County will count toward statewide election contests and ballot matters, and petitioners assert concerns that threaten the validity of that election process, thus impacting the citizens of this state in general. "

Additionally, it states, "*For these reasons, and because Baldonado v. Wynn Las Vegas. LLC. 124 Nev. 951, 961, 194 P.3d 96, 102 (2008), is distinguishable, we disagree with respondents' argument that only the Nevada Secretary of State may enforce election laws such that petitioners lack standing to seek relief in this instance.* "

Nev. Policy Research Inst. v. Cannizzaro, 138 Nev. Adv. Op. 28 (Nev. 2022)

Discusses the public-importance exception to standing, while not discussing election

crimes, it should allow a voter to bring claims against public officers for election crimes. *"OPINION*

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HARDESTY, J: Appellant Nevada Policy Research Institute, Inc. (NPRI) filed a complaint against respondents, alleging that their dual service as members of the state Legislature and as employees of the state or local government violates the Nevada Constitution's separation-of-powers clause."

"In Schwartz v. Lopez, 132 Nev. 732, 382 P.3d 886 (2016), we recognized that a public-importance exception applies when an appropriate party sues to protect public funds by raising a constitutional challenge to a legislative expenditure or appropriation in a case involving an issue of significant public importance. "

"We thus take this opportunity to limitedly expand the public-importance exception in Nevada to cases such as this-specifically, we hold that traditional standing requirements may not apply when an appropriate party seeks to enforce a public official's compliance with Nevada's separation-of-powers clause (even if it does not involve an expenditure or appropriation), provided that the issue is likely to recur and there is a need for future guidance. The constitutional separation-of-powers challenge at issue here meets those requirements."

"We elect to apply the public-importance exception here and confer standing on NPRI because it is an appropriate party and the issue in this case implicates separation of powers under our state constitution, is likely to recur, and is of such significant public importance as to require resolution for future guidance. "

Mack v. Williams, 522 P.3d 434 (Nev. 2022)

Discusses the framework for determining whether a damages action exists to enforce self-executing provisions of the Nevada Constitution, which should allow a citizen to bring claims against public officers.

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Plaintiff undeniably possesses standing to present the claims, causes of action, and seek remedy, as evidenced throughout this Opposition and his numerous other filed pleadings.

IV. Original Pleadings Contained Claims for Relief

The defense would like this honorable court to believe that Plaintiff included no claims upon which relief can be granted. This is simply untrue. As shown in [Exhibits 1-145] there are numerous examples of claims upon which relief can be

granted. In the first exhibit to the court [Exhibit 109] it gave a supplemental break down for the court and defense to grab the at a glance issues the Plaintiff has brought before this court. Just simply looking to the supplemental statements in [Exhibits 16-22] list dozens of claims upon which relief can be granted. In the original complaint, in addition to the supplemental exhibits it clearly stated claims upon which relief can be granted to Plaintiff. To further show the defense is misleading this honorable court, simply look to their Motion To Dismiss. It will quickly be evident that they did an 11 page analysis on their attempt to say the defendants have no duty to respond to wrong doing nor accountability to the public whatsoever. The defense then provides a one sentence admission proving the Plaintiff does indeed have claims upon which relief can be granted. On page 12 lines 16-21, *"Beadles also states, "Defendants have additionally failed to address, correct, or rectify the issues raised in the underlying Petitions, including but not limited to, (1) updating and resolving the voter registration lists; (2) providing proper vote counting mechanisms; (3) counting votes in secret: (4) inadequate signature verification; (5) illegal function within the election system; (6) violations of election procedures as required under Nevada law. [Exhibit 109].*

"Compl. at ¶91; see also Compl. at ¶¶46-51."

For cause of action 1, Plaintiff lists numerous remedies sought, just a quick glance to the remedies section of the original complaint shows:

i. An adequate and proper response by Defendant(s) to Plaintiffs petition of November 18, 2022, through the discovery processes, under court supervision and seeks an injunction regarding the same;

ii. An adequate and proper response by Defendant(s) to Plaintiffs petition of December 1, 2022, through the discovery processes, under court supervision and seeks an injunction regarding the same;

iii. Defendants must take into account and redress all elections issues that Plaintiff puts on the table, no shying away;

iv. Award Plaintiff their cost of suit;

v. Award monetary damages in excess of \$15,000;

vi. Award punitive damages;

vii. Defendants that are found in violation of laws shall be fined, fired, and/or removed from office; [NRS 283.440, NRS 266.430]

viii. Enjoin Defendants from their continued violations of the following NRSs and strictly comply with NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS

293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b);

ix. Enjoin Defendants from using any voting and tabulation machines for elections in Washoe County; and

x. Enjoin Defendants to use paper ballots at all polling locations and in every election;

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xi. Enjoin Defendants to disclose ACB applicant's names and credentials publicly prior to appointment;

xii. Enjoin the defendants and halt the expenditure of \$12.6M of taxpayer dollars for unapproved and unsafe equipment and software;

xiii. Enjoin the Defendants and make the digitized vote tally database (Microsoft SQL) open for public inspection;

xiv. Honorable court to strike down NRS 293.269935(2) and 293.3606(4) to allow public inspection of ballots;

xv. Enjoin the Defendants to prohibit QR codes from use in recounts;

xvi. Grant or impose any remedy, and further relief at law or equity, that this Court deems just and proper in these circumstances;

xvii. Removal of Defendants from office; and

xviii. For such further relief as the Court deems just and necessary in the premises.

Further examples are in numerous exhibits, one example of which contained within supplemental statements on the deficiency of Signature Verification [Exhibit 18] in where it clearly states:

Remedies:

1. Before, during, and after the 2024 elections:
2. Order that all recorded signatures be made with a black ballpoint pen on 24 lbs. paper and then scanned at no less than 300 dpi before being entered into the signature database,
3. Order the defendants to adhere to American Bankers Association's (ABA) Signature Verification Guide standards,
4. Order to prohibit disabled civilians from using nvease to register to vote and vote, except as provided for in UOCAVA, and
5. Require county to pursue greater outreach to disabled and needy voters, provide more field teams to register disabled and needy voters; [Note: all public agencies to register voters starting in 2024 per statute],

6. See Statement on Election system issues for remedies related to equipment/software [exhibit 16],
7. See Statement on Unprepared for 2024 [exhibit 22] for remedies to labor and training,
8. Order audit of voter signatures in 2024 primary and general elections, starting with UOCAVA and civilian early voting; invalidate a voter's record with a bad signature and related ballot, refer the violation to the district attorney.

Secondary Remedies:

9. Order the creation of a voter's assistant database to keep track of authorized assistants,
10. Order that voter's assistants be registered and authorized and assigned to the individual voter(s).
11. Plaintiff demands Defendant(s) and DOES be punished as per N .R. S. 283.440 and any other remedies this honorable court deems fit.

As this honorable court can see, the defense is clearly trying to hide the truth, the defendants' duties are alleged, claims are made, all which relief can be granted upon.

For cause of action 2, Plaintiff clearly seeks the basic relief in the 3 defendants joining the unemployment line. There must be accountability with those who hold office, and those in office who are responsible for our most precious voice, our vote. It is truly the only peaceful say we have in our Country to voice the change we wish to see in our County and Country. We cannot allow our so-called public servants to steal it without consequence.

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Nevada is a notice pleading state, Plaintiff has met the requirements and respectfully demands this honorable court to deny the defenses motion to dismiss and allow this case forward.

V. Plaintiff Does State Claims and Does State Claims In Which Relief Can Be Granted

To expand further on Section IHI above, Plaintiff clearly states claims that relief can be granted in the original complaint, as well as in various documents in [Exhibits 1-145]. Examples of claims stated and relief that can be granted are in [Exhibits 16-22] and throughout the original complaint. A few examples in the complaint are: Failing to answer plaintiffs petitions, which is a violation of NRS 293.2546 (11) and the Nevada Constitution Art. 2, Sec. 1A, S11. In the petitions [Exhibits 1, 2, 3], it clearly states numerous NRS violations that the defendants

have failed to remedy or even respond to. The defense falsely states the defendants have no duty to respond to the plaintiff. Plaintiff strongly disagrees, as NRS 293.2546 (11) clearly states that the Plaintiff has the right to have his Petitions of elections resolved "fairly, accurately, and efficiently." That never happened.

The [Exhibits 1-145] clearly show dozens if not hundreds of claims. In [Exhibits 16-22] alone, it states hundreds of claims and dozens of requests for relief.

Another glaring example is on pages 15-16 in the original complaint. These NRS have mostly, if not all, been violated by defendants: NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1). NAC 293B. 1 10(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS

293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4). NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2, Sec. 1A, § 1(b);

Additionally, the complaint literally says Defendants that are found in violation of laws shall be fined, fired, and/or removed from office; [NRS 283.440, NRS 266.430].

The Plaintiff clearly states a grantable remedy for both causes of action.

Additionally, Plaintiff asks this Honorable Judge to *"enjoin Defendants from their continued violations of the following NRSs and strictly comp(v with the NRS listed above"*.

Defendants have violated the NRS and other laws by violating the below NRS.

Plaintiff is allowed to bring these claims and causes of action against the defendants as shown throughout this document and in "Section III" of this opposition. Nevada is a notice pleading state and thus at this stage of the complaint, this honorable court must deem all allegations as true.

Below is a brief overview of the claims and causes of action stemming from the NRS violations outlined above, also documented on pages 15 and 16 of the initial complaint, as well as referenced throughout [Exhibits 16-22].

NRS 293.530 discusses the defendants' duties in maintaining the voter rolls, which they have horribly violated. See [Exhibits 1-22] for examples.

NRS 293.2546(11), the defendants have violated the Plaintiffs rights to "To have complaints about elections and election contests resolved fairly, accurately and efficiently."

NRS 293B.033, NRS 293B.063, NRS 293B.065, NRS 293B.100, NRS 293B.104, NRS 293B.104, NRS 293B.1045(1), NRS 293B.130, and NAC 293B.110(1)(b). These violations encompass a wide range of rules and regulations that the defendants are required to adhere to when utilizing voting machines. Notably, these include the obligation to meet or surpass federal standards through the System, ensuring privacy and independence, guaranteeing accurate registration or recording of votes, and verifying that the mechanical recording device correctly registers or records all votes cast for individuals and measures on the voter's ballot.

Furthermore, the Secretary of State is prohibited from approving any system that fails to meet or exceed federal standards. The standards and procedures for approval of systems or devices by the Secretary of State, along with the corresponding regulations, were not complied with. Additionally, the software and operating systems must undergo specific certification prior to use, a requirement that was not fulfilled. It is evident that the defendants violated most, if not all, of

these NRS provisions in varying degrees. See [Exhibits 1-3, 16-22, 58, 60-70, 94, 104, 105, 110, 112, 129, 146] for further proof of violations.

NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293.403(2), NRS 293.404(2), NRS 293.423, and NAC 293.311(4). These violations are deeply interconnected, as they collectively underscore the defendants' duty to ensure transparency and openness throughout the voting process, a duty that they have blatantly neglected.

One central aspect of these statutes is the explicit requirement for the defendants to conduct various stages of the voting process in full public view. For instance, defendants are mandated to allow members of the general public to observe the counting of ballots at central counting locations, encompassing the period when ballots are being processed. This fundamental aspect ensures accountability and trust in the electoral process.

Moreover, the statutes dictate that the counting of mail ballots, early voting returns, and ballots after the polls are closed must be conducted openly in the presence of the public. This transparency ensures the integrity of the election outcomes and instills confidence in the democratic process.

The requirement for allowing recount procedures, in which any eligible voter can demand a recount within a specified timeframe, is also deeply tied to this overarching theme of transparency. The presence of authorized representatives, candidates, and other relevant parties during the recount emphasizes the need for openness and accountability.

Additionally, the obligation for the county clerk to permit members of the general public to observe the handling of absent ballots underlines the defendants' duty to uphold transparency at all stages of the election process.

In failing to adhere to these statutes, the defendants have not only violated their legal responsibilities but have also undermined the fundamental principles of transparency and openness that are essential for a fair and credible democratic process. These interconnected violations serve as a stark reminder of the defendants' neglect of their duty to ensure that every step of the electoral process is conducted in a manner that maintains public trust and confidence. See [Exhibits 17, 23, 24, 72, and 126] for damning proof of defendants violations and further proof of claims and causes of actions that must be brought forward by this honorable court.

NRS 293.269927 underscores the defendant's solemn duty to safeguard the integrity of the mail ballot process, a responsibility the defendants have disregarded. This

statute emphasizes meticulous signature verification as an essential step, either electronically or manually, to ensure the authenticity of returned mail ballots.

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Vital to this process is the statute's insistence on addressing any doubts about signature consistency, signaling a "reasonable question of fact." In these instances, the defendant's is mandated to contact the voter promptly to seek confirmation.

Signature verification, a linchpin of transparency, upholds the sanctity of elections by ensuring that each ballot is validly submitted. NRS 293.269927 underscores this crucial role and the obligation to rectify signature-related concerns, a responsibility the defendants have neglected.

By sidestepping this pivotal responsibility, the defendants have eroded the only real safeguard the citizens have against fraudulent ballots being accepted. There are ballots sent to basically everyone, unlimited ballot harvesting is legal due to AB 321, so signature verification is the only real safeguard we have to ensure fraudulent ballots don't make their way into being counted. This violation destroys public trust in the democratic process and undermines the integrity of the vote.

See [Exhibits 1-3, and 18] for examples and eyewitness testimony from election workers who were told by the defendants to violate the NRS and not check signatures required by law.

NRS 293.277(3), NRS 293.285(1)(b)(4), NRS 293.3075(4), and NRS 293.3585(1)(d), [See Exhibits 16-22] collectively underscore the defendants' duty to implement an approved procedure to confirm that a registered voter has not already cast a vote within the current election cycle. These statutes mandate that the defendants must devise and follow a verification process, sanctioned by the Secretary of State, to ensure that no voter is allowed to vote more than once within the same election in the same county.

By adhering to these NRS regulations, the defendants safeguard the electoral process from potential instances of double voting, which could lead to compromised election outcomes. The importance of

this obligation cannot be overstated, as it upholds the fundamental principle of one-person-one-vote, essential for the integrity and legitimacy of democratic elections. Consequently, the defendants' failure to rigorously apply these NRS provisions

undermines the very essence of fair and transparent elections, eroding public trust and potentially tainting the outcomes.

NRS 293.3604 outlines the responsibilities entrusted to the defendants regarding mechanical recording devices. It underscores the duties of the election board at the close of each voting day, the obligations of the ballot board during early voting, and the role of the county clerk at the conclusion of the final voting day.

NRS 293.740 addresses the obligations of the defendants in enforcing the prohibition of soliciting votes and engaging in electioneering within the polling place or within a specified proximity to the polling place, along with the corresponding penalty.

Nev. Const. Art. 2, Sec. 1A, § 1(b) explicitly outlines the defendants' duty to precisely record the voter's preference in selecting candidates, a duty they have demonstrably failed to fulfill.

As shown throughout this opposition document, the original complaint, the exhibits and responses, the Plaintiff does have the ability to bring forth claims and causes of action against the defendants. In these few examples alone, Plaintiff clearly shows the defense is trying to mislead this honorable court. Most if not all examples shown above are claims that a remedy can be granted. This honorable court could remove

the defendants from office, enjoin them from further NRS violations, fine them, etc. Public officials must not be given a pass when they break the law. There must be consequences, not cover-ups.

VI. The DA's Office Confirms Much Of What Plaintiff Requests for Remedy CAN BE granted

In [Exhibit 111], the DA's office has provided its opinions on certain aspects of the relief sought by the Plaintiff, addressing whether the county commissioners possess the authority to grant them. Upon review, it becomes evident that even the DA's office acknowledges the feasibility of many remedies sought by the Plaintiff.

The DA's office's assessment encompasses a range of responsibilities falling within the Defendants' purview, including ensuring the accuracy of voter rolls, verifying election employees' residency within Washoe County while maintaining equitable representation from different political parties, conducting vote counting transparently in public view, establishing dual shifts for all positions, guaranteeing uninterrupted vote counting until completion, accommodating hand counting alongside machine counting, issuing paper provisional ballots for same-day

voter registrations, and withholding ballot counts until all processing is finalized.

Remarkably, these are precisely the measures the Plaintiff has emphasized in his pleadings, and notably, even the defense concedes their viability.

Nevertheless, the Plaintiff respectfully disagrees with the DA's office interpretation of Dillon's Rule, as he elaborates in his detailed discussion found here:

[<https://operationsunlight.com/2023/08/03/your-lesson-on-dillons-rule>].

Considering the Defense's findings and their claims regarding the actions the Defendants could take, along with the potential interventions that this honorable court could order, a significant portion, if not the entirety, of the remedies sought by the Plaintiff for his causes of action and claims could and

should be granted.

VII. Defendants Can Be Sued, and Have No Immunity

The defense is attempting to mislead the court and make this all about the defendants having no duty to answer to Plaintiffs' grievances, regardless of what the constitution, the NRS, and their own office descriptions state. The defense

states that the defendants are not guilty of malpractice, malfeasance, or nonfeasance because they have no duty to engage in "discretionary acts," making them immune. This could not be further from the truth.

Let's start by defining what the Merriam-Webster dictionary defines "discretionary" as: "Individual choice or judgment left the decision to his discretion, the power of free decision or latitude of choice within certain legal bounds." (source: <http://www.merriam-webster.com/dictionary/discretionary>).

Since when did the Defendants' oath of office say to support and defend election fraud or look the other way? When did that become a "discretionary act"?

It's clear that the defendants, as the three highest-ranking election officers in Washoe County, are duty-bound not only according to the NV Constitution to support and defend it but also to redress grievances. Even if this honorable court states that looking the other way with these petitions [Exhibits 1-3] is discretionary, this honorable court must surely find that the defendants are found knowingly and through malpractice, malfeasance, or nonfeasance of covering up election fraud and/or committing numerous NRS violations on purpose. These acts are clearly not discretionary and would be criminal.

The evidence will show that this is exactly what happened.

If one simply looks to the NRS, it clearly states that the State, County offices, and officers can be sued. They have no immunity in certain instances. Simply reading through NRS 41.031 through 41.039, the NRS states numerous ways these officers and offices can be sued and held accountable. Here are a few examples:

NRS 41.031 Waiver applies to State and its political subdivisions; naming State as defendant; service of process; State does not waive immunity conferred by Eleventh Amendment.

1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, 485.318, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.010 or the limitations of NRS 41.032 to 41.036, inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, subsection 3 and any statute which expressly provides

for governmental immunity, **if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.**

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part

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thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:

(a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(b) The person serving in the office of administrative head of the named agency.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

As outlined in the above NRS, the Plaintiff brought this complaint against the office and officer as it states to do. It's abundantly clear immunity only applies when an office or officer is actually performing their duty correctly. Immunity does not apply when they are knowingly breaking the law, as the evidence will prove. For proof of crimes, look to this document, [Exhibits 1-145], the Plaintiffs response via [Exhibit 142], and further testimony from eyewitnesses, and additional evidence to be submitted at trial.

VIII. Plaintiff Requested Remedy From SOS Numerous Times

The defense says that the defendants have no duty to respond to the Plaintiffs' petitions, grievances, or proof of election fraud and, according to NAC 293.025, to attempt to alleviate the Defendants from the various claims made by the Plaintiff. The code used is inferior to the Plaintiffs rights and is misapplied to the facts.

As will be proven, the Plaintiff's ability to exercise his right and obligation to lodge an

administrative complaint when he knows elections are inaccurate is encumbered and violated by the intrusion of the Secretary of State in local administrative

matters that fall outside their authority as enumerated in Title 24 of NRS and NAC. Additionally, the SOS was made aware of the petitions [Exhibit 1-3], and hundreds of violations were submitted to the SOS, all of which went unremedied. What's worse is as shown in [Exhibits 17, 23, 24, 72, 120, 126, and 127], defendants were caught breaking court orders, the NRS, the NAC, and numerous other election laws, and then lied to the Secretary of State as to what happened to cover it up. The video, the transcript, the SOS response, the court orders, and supplemental statements in the exhibits above clearly show this occurred.

The defendants must be held accountable; there is no immunity to election fraud. This is just one of dozens of examples where the defendants clearly broke the law and are subject to removal via 283.440 and to be prosecuted. The defense is misleading this honorable court. Justice must be granted to Washoe voters.

IX. Defense Fails To Understand NRS 266.430 Reference in Complaint

The Defense has misinterpreted Plaintiffs complaint relative to NRS 266.430. The Defense posits that "No private citizen "may institute criminal proceedings independently. " At no time does the Plaintiff claim relief or demand of the Court that NRS 266.430 be applied to the Defendants.

The Plaintiff merely offers NRS 266.430 in the context of severity of the penalties should the Defendants be found negligent pursuant to NRS 283.440, not to prosecute them in this civil proceeding.

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This is a gross misinterpretation intended to impugn Plaintiffs character so the DA can go to the Reno Gazette-Journal and say, "Ah-ha!" look at what a fool is Beadles. Beadles is harassing his clients. Beadles is bad. The actions of the Defense that misstate and misinterpret the Plaintiff verge on egregious conduct.

Plaintiffs complaint cannot be dismissed for deficiency of form and NRS 266.430 has not been applied as asserted by the Defense. Thus, the Defense's arguments to dismiss the instant complaint based on NRS 266.430 are without merit.

X. The Complaint States Claims For Removal Under NRS 283.440

The defense clearly tries to hide the facts from this honorable court. NRS 283.440 is very clear the only offices it **does not apply** to are:

... except that this section does not apply to:

(a) A justice or judge of the court system:

(b) A state officer removable from office only through impeachment pursuant to Article 7 of the

Nevada Constitution: or

(c) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

It additionally states: Any person who is now holding or who shall hereafter hold any office in this State.

It additionally states what offices this statute does NOT apply to. The defendants offices are NOT listed as safe from NRS 283.440.

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Clearly, the highest-ranking Election Official (ROV), The Highest Ranking Administrative Official (County Manager), and the Chairwoman of the Washoe County Board of County Commissioners are subject to removal via NRS 283.440 as they are not excluded as the other positions are.

XI. Plaintiff States Multiple Claims For Defendants Removal

There are numerous claims made by the Plaintiff in [Exhibits 1-145] that clearly show removal is warranted, as well as prosecution and all other remedies stated in Plaintiffs complaints and exhibits, as well as any other remedy this court sees fit to administer. All of these are claims stated by the Plaintiff for which he can be granted remedy. A few examples of which are in the original complaint, [Exhibits 1-15, 16-24, 104, 105, 126, 129, 134-140, 142, and 143].

The Plaintiff shows that the defendants broke numerous NRS, some stated in [Exhibits 16-22], and all the below stated in the original complaint:

NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec. 1A § 1(b).

Its resounding clear the defenses argument has no merit and the Plaintiff stated numerous claims for the defendants removal in addition to failing to answer his properly served grievances in [Exhibits 1-

3].

XII. The ROV Can and Is Being Sued

As stated above in "IV. **Defendants Can Be Sued, and Have No Immunity**" the NRS in NRS 41.031 through 41.039, the NRS states numerous ways these officers and offices can be sued and held accountable.

Reference to Past Interpretations: While past cases have primarily dealt with elected officials, the law clearly states it must apply to "any person, in any office." And clearly states who is NOT able to be removed from office. The ROV, County Manager nor County Commissioner are in the list of who cannot be removed. One must remember, the defendants do not hold some low-level job in the county; defendant Rodriguez is the acting ROV for all of Washoe County. The NRS states her position interchangeable with that of an elected County Clerk. Her duties in short consist of: *Under general direction of the County Manager, plans, organizes, directs, and manages the operations of the Registrar of Voters Department; and performs related work as required.*

https://www.washoecounty.gov/humanresources/files/hrfiles/6000934_1.pdf

[Exhibit 117] Defendant Brown is the furthest from a low-level county employee. He

is in direct control of the duties of the ROV, defendant Rodriguez. He additionally has appointed her, the deputy ROV, and has contracted with numerous election services companies as well. His duties as defined by the county additionally include:

Under the administrative direction of the Board of County Commissioners, serves as the Chief Administrative Officer of Washoe County; exercises administrative direction over the appointed County department heads and staff; represents the County on a variety of matters at the State and County level; and performs related work as required.

https://www.washoecounty.gov/humanresources/files/hrfiles/60009303_1.pdf

[Exhibit 133].

It is clear these two defendants are the furthest from just county employees as the defense tries to downplay. These two defendants control the county election systems and more. If they cannot be held accountable under NRS 283.440, it would be a clear travesty of justice. The third defendant, County Commissioner Alexis Hill, has been sworn in as a seated county commissioner, and this law without any further explanation clearly applies to her.

Furthermore, the defense's attempt to ignore and obfuscate the truth of what the law clearly says to the court is reprehensible. The application of NRS 283.440 in the

removal of "any person, in any office," for malfeasance or nonfeasance of high-ranking employees must be allowed per law. Failure to do so would open the door to systemic issues, undermining public trust, and clear violations of law that would then be permissible.

Furthermore, beyond NRS 283.440, this honorable court has numerous remedies at its disposal to hold the defendants accountable for the malpractice, malfeasance, or nonfeasance they have all committed as shown in these pleadings and exhibits. It's the road to tyranny when public officials or offices have no accountability to we the people.

Defenses claims the ROV cannot be sued is meritless.

XIII. Damages and Relief are Available For Plaintiff

There are numerous examples of damages to Plaintiff and all Washoe Voters listed in pleadings,

[Exhibits 1-145], and the above sections. To restrain from tremendous redundancy in stating them all in this section as well, just a simple reference to the original complaint shows damages due to defendants violations of NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b),

NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec. 1A § 1(b)

Most if not all of these are punishable as shown in the following NRS':

NRS 193.130 Categories and punishment of felonies.

1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of NRS 176A.100 or paragraph (a) of subsection 2 of NRS 453.336, upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term

of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute.

NRS 193.140 Punishment of gross misdemeanors. Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

[1911 C&P § 19; RL § 6284; NCL § 9968]-NRS A 1967 459;
1981,652;2013,977)

NRS 193. 150 Punishment of misdemeanors.

1. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, unless the statute in force, at the time of commission of such misdemeanor prescribed a different penalty.

NRS 193.153 Punishment for attempts.

1. An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime. A person who attempts to commit a crime, unless a different penalty is prescribed by statute, shall be punished as follows:

(a) If the person is convicted of:

(1) Attempt to commit a category A felony, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

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(2) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is greater than 10 years, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.

(3) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is 10 years or less, for a category C felony as provided in NRS 193.130.

(4) Attempt to commit a category C felony, for a category D felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(5) Attempt to commit a category D felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(6) Attempt to commit a category E felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(b) If the person is convicted of attempt to commit a misdemeanor, a gross misdemeanor or a felony for which a category is not designated by statute, by imprisonment for not more than one-half the longest term authorized by statute, or by a fine of not more than one-half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both fine and imprisonment.

2. Nothing in this section protects a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed. A person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion discharges the jury and directs the defendant to be tried for the crime itself.

There are numerous penalties for officers who commit malfeasance in office. A condensed list of potential examples for this Honorable Court include:

Nev. Rev. Stat. § 658.155 provides that officers who commit malfeasance or corruption in office are guilty of a category D felony.

Nev. Rev. Stat. § 252.190 provides that a district attorney who commits malfeasance in office may be punished with a gross misdemeanor.

Nev. Rev. Stat. § 197.130: Public officers knowingly making false or misleading statements in official reports or statements are guilty of a gross misdemeanor.

Nev. Rev. Stat. § 197.140: Public officers making false certificates or writings, containing knowingly false statements, are guilty of a gross misdemeanor.

Nev. Rev. Stat. § 197.110: Public officers engaging in misconduct by soliciting compensation for neglecting duties or using public resources for private gain are guilty of a category E felony and subject to punishment as provided in NRS 193.130.

Nev. Rev. Stat. § 42.005 allows for the award of punitive damages in cases where the defendant has been found guilty of fraud, among other things.

Schumacher v. Furlong discusses NRS 283.440, which provides for the removal of an office holder for malfeasance.

The acts alleged against the defendants were outside the scope of faithfully performing their duties and employment.

As shown above, there are numerous remedies that are available for victims of public officers who commit the violations Plaintiff alleges.

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Plaintiff further states numerous remedies he seeks that this court can grant as shown in exhibits, responses, pleadings, and the original complaint. One example, in the original complaint, that the court can grant with ease is to:

*i. **Enioin Defendants from their continued violations of the following NRSs and strictly comply with** NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4). NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec. 1A § 1 (b):*

Additionally, this honorable court can enjoin the defendants Hill and Brown to force a vote at the County Commission Board on numerous remedies he seeks.

For example:

Enjoin Defendants from using any voting and tabulation machines for elections in Washoe County; and Enjoin Defendants to use paper ballots at all polling locations and in every election:

As per [Exhibit 16, line 60-61]

60. Pursuant to N.R.S. 293B.105 General authority. "The board of county commissioners of any county or the city council or other governing body of any city may purchase and adopt for use at elections any mechanical voting system and mechanical recording device. The system or device may be used at any or all elections held in the county or city, for voting, registering and counting votes cast."

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61. County has discretion in the selection of election systems, hiring practices, and numbers of precinct polls and locations:

a. County may choose not to use any election system. (N.R.S. 293.269925, 293.3075(6), 293.506, and 293B.110, exception N.R.S. 293.2955(1, 4)

b. 94 was the number of poll workers in the 2022 general in Washoe County aged 41-60; 180 aged 61-70; 148 aged 71+, which equals 422 workers or 89% out of a total

472 poll workers hired, according to the 2022 Washoe EAV Survey. [Exh. 106 2022 Washoe EA V Survey v1_workers.xlsx]

c. County may choose to hire more local workers (N.R.S. 293.217 to 293.243 inclusive, and 293.258, and 293B.360 to 293B.390 inclusive) to process and count mail ballots and such, along with allowing 6-hour shifts and double shifts for workers to accommodate seniors and pregnant women (N.R.S. 613.4354 to 613.4383).

d. N.A.C. 293.015: "As used in NRS 293.361 and 293.740, the Secretary of State will interpret the term "polling place" to mean any place that is designated by the county clerk for voting by personal appearance."

e. County may provide as many polling locations as necessary to serve precincts and clusters of seniors and/or disabled persons to enable voting and lessen wait times (N.R.S. 293.205, 293.2731 to 293.2738 inclusive, 293.3072, 293.3561 to 293.361 inclusive, and 293.437).

f. Out-of-precinct polling on Election Day ruled against by U.S. Supreme in 2021 (Brnovich v. DNC, No.19-1257 and Arizona Republican Party v. DNC, No. 19-1258) [Exh. 29] (<https://www.cnbc.com/2021/07/01/supreme-court-upholds-arizona-voting-rules-d>

As shown above in this one example, the commissioners have the ability, by vote, to use or not use voting machines, vote tabulators, paper ballots, vote within a voter's own precinct, and more.

One of the reasons the County of Washoe itself is named in this case is because Defendants Hill and Brown, according to "Washoe County Board Of Commissioners Rules Of Procedure"

(<https://www.washoecounty.gov/bcc/WC%20BCC%20Rules%20of%20Procedure%202022.pdf>), section 5.5, clearly states that the two defendants Brown and Hill, alone, can put these items on the agenda for all commissioners to vote on. By a vote of 3 in the affirmative, all of their abilities shown in [Exhibit 16] could be immediately implemented.

This honorable court has the ability to enjoin Defendants Hill and Brown to add these items to the agenda for a vote. What happens from there is up to them. This is just another example of how the court and the defendants have the ability to grant remedy to the plaintiff.

As shown, this honorable court does have the ability to grant damages and remedies.

Once again, the defenses claims are without merit.

XIII. NAC 293.025

The NRS Is Superior To the NAC. The Nevada Constitution Is Superior To Both.

The defense's claim that citizens must use NAC 293.025 for election-based grievances and that the defendants have no duty to respond is false. As numerous NRS cited by the Plaintiff in this document and in the exhibits show, the defendants are duty-bound to conduct elections and fulfill their duties according to the law. However, they have failed in that duty.

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The Plaintiff has submitted numerous complaints under NAC 293 .025, as evident in just a few of 100s of examples in [Exhibits 126 and 127], all of which have gone without remedy. Moreover, in cases where the SOS did respond to one of Plaintiffs grievances, the defendants either lied to the SOS or the SOS was complicit in the act of counting votes in secret, as demonstrated in [Exhibits 23, 24, 72, and 126]. It is baseless for the defense to assert that NAC 293.025 is the sole means for a voter to seek redress for election issues. The Nevada Voters Bill of Rights and the NV Constitution take precedence over the NAC. The NRS holds supremacy over the NAC, a principle commonly understood in the legal community and also referenced in:

In *State, Div. of Insurance v. State Farm*, 116 Nev. 290 (Nev. 2000), the court found that a regulation was invalid because it conflicted with a statute, suggesting that the NRS takes precedence over the NAC in this instance.

"NRS 679B.130 provides in relevant part that '[a] regulation shall not extend, modify or conflict with any law of this state or the reasonable implications thereof.' NAC 690B.230(2) forbids insurers to take any underwriting action against an insured that is fifty percent at fault."

Similarly, in *Horizons at Seven Hills Homeowners Ass'n v. Ikon Holdings, LLC*, 132 Nev. Adv. Op. 35 (Nev. 2016), the court held that a regulation could not contradict the statute it was designed to implement, stating: *"Nev. Attorney for Injured Workers v. Nev. Self-Insurers Ass'n*, 126 Nev. 74, 84, 225 P. 3d 1265, 1271 (2010) (internal quotations omitted). 'Administrative regulations cannot contradict the statute they are designed to implement.' *Id.* at 83, 225 P.3d at 1271 (internal quotations omitted)," further demonstrating that the NRS is superior to NAC.

These violated NRS alone: NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927,

NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b); and the punishments listed in the above NRS' in "**Damages and Relief are Available For Plaintiff**" as well as the removal of immunity shown in NRS 41.031 through 41.039 clearly supersede some NAC that the SOS and defendants alike fail to adhere to.

The defense's claims that all election issues must be through NAC 293.025 are clearly meritless, and if they were fact, no Nevada voter would ever receive remedy, further showing why Plaintiff is here in this honorable court.

XIV. TRIAL BY JURY

A jury trial cannot be denied to the Plaintiff. Plaintiffs First Cause of Action states many claims and remedies as set forth in this document, exhibits, initial complaint, and pleadings.

The Plaintiffs Second Cause of Action asks for the removal of officers from office.

Case law is settled that even if one cause of action is dismissed or handled outside

of trial, the other cause(s) of action can still move forward. Plaintiff believes that both causes of action, due to the damning consequences on the public at large, must be heard in an open trial. Evidence weighed on its merit, and an unbiased ruling granted for all parties.

Plaintiff's right to a jury trial: "Nevada's constitution provides that "[t]he right of trial by jury shall be secured to all and remain inviolate forever." Nev. Const. Art 1 § 3." *Taylor v. Colon*, 468 P.3d 820 (2020).

See Aftercare of Clark County v. Just. Ct. of Las Vegas Twp. ex rel Cnty. of Clark, 120 Nv. 1 (2004),

and *Harris Assocs. V Clark County Sch. Dist.*, 119 Nev. 639 (2003), and *Blanton v.*

North Las Vegas Mun. Ct., 103 Nev. 623 (1987), and *Castillo v. Pons-Diaz*, No.

82267-COA (Nev App. Aug. 17, 2022). (short list)

NRS 40.310 - Issues of fact to be tried by jury if proper demand made.

NRS 40.453 does not preclude waiver of the right a trial by jury. *Lowe Enterprises v.*

Dist. Ct., 118 Nev. 92 (2002)

Pursuant to NRS 41A.056(2), a plaintiff is free to bring a complaint and present

his/her case to a jury despite the panel's decision. *Barret v. Baird*, 111 Nev. 1496

(1995)

NRS 41.0348 - "In every action or proceeding in any court of this state in which both the State or political subdivision and any present or former officer, employee, immune contractor or member of a board or commission thereof... the court or jury in rendering any final judgment, verdict, or other disposition shall return a special verdict"

NRS 174.135 - Hearing on motion, "An issue of fact shall be tried by a jury if a jury trial is required under the Constitution of the United States or of the State of Nevada or by statute 3."

Plaintiff's Second Cause of Action seeks removal of the Defendants pursuant to NRS 283.440.

If removal is the relief granted in summary hearing, Plaintiff's other demands for relief still move forward.

However, if the Petitions are to be considered as underlying the actions and motivations of the Defendants-as they should-issues of fact may be presented thus requiring a jury trial.

To put it another way, this Court becomes the fact checker in a summary hearing. If this Court is

willing to accept all of Plaintiffs evidence as true and correct then Plaintiff will gladly go down that path with the Court.

Should any evidence thus be questioned by this Court or by the Defendants, a jury trial is warranted. Hence, the Plaintiff cannot be denied his right to a trial by jury when such right is invoked, which he has done.

If this esteemed court remains unconvinced that the plaintiffs case warrants progression and that the plaintiff has adhered to Nevada's notice pleading state rules, the motion to dismiss presented by the defense should rightfully be declined. In the forthcoming sections, the plaintiff will additionally refute the defense's claims and furnish further evidence substantiating the necessity to hold the defendants responsible for their grievous actions. Failing to do so would undeniably signify a lack of justice for the citizens of Washoe.

XVI. PROOF OF TRUTH

THERE IS AN ILLEGAL FUNCTION WITHIN WASHOE COUNTY

DEPRIVING EVERY VOTER OF THEIR RIGHT TO LAWFUL SUFFRAGE

Here is a brief explanation of how anyone reading this reply can verify that the Plaintiff is telling the truth:

Washoe County published what is called the CVR, which stands for Cast Vote Record. It's published on their website for the public. It is what they certify under penalty of perjury, stating these are the election results we must all believe. By simply using the COUNTY's own certified election results,

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someone with a 4th-grade education can, in about a minute, verify if an election in a precinct was legitimate or fraudulent.

This is what we call the layman's calculation.

It's extremely accurate at a precinct level, with the exception of the occasional precinct outliers. It's meant to spot-check elections, to determine at a glance if they are legitimate or fraudulent, by people with a 4th-grade math understanding. Once the precinct(s) are proven fraudulent from the layman's calculation, one can use the "academic calculation," which requires a high school-level understanding of geometry and algebra to use [Exhibits 104-105]. The "academic calculation" will get the user to within a FEW VOTES of accuracy; it takes longer to do and is more complicated, but Plaintiff urges the reader to find the smartest mathematician they

can find to try it for themselves and they too will see like the hundreds, potentially thousands of others, the Plaintiff is right.

The proof-of-truth formula the Plaintiff will demonstrate typically requires around a 4th-grade understanding of math, in the first 3 examples, making it very user-friendly. The 4th example will typically require a 7th to 9th grade level of math understanding. In the 4th example, Plaintiff will demonstrate using a "layman's calculation that solves the unknown" In this example, Plaintiff will again do the impossible and predict with impossible accuracy the percentage of votes Marsha Berkgigler received in her mail-in and early vote ballots per precinct. Meaning the reader will be able to predict what percentage of votes Berkgigler will receive in a precinct.

What makes this particularly impossible is the reader will be able to do this only knowing 2 variables when the user MUST know all 3 variables to solve. Plaintiff calls this the box analogy. In grade school, we were taught to find the volume of a box by knowing the length, the width, and the height; if you didn't know one of these variables, you could not solve for the volume of the box.

However, Plaintiff will show you how to proverbially solve for the volume of the box only knowing the height and width, which would be impossible.

Similarly, in the 4th example, Plaintiff will prove to the reader that Hill vs Berkbigler is completely fraudulent as we can solve for the percentage of Berkbigler votes cast percentage only knowing 2 of the three variables. Plaintiff will now demonstrate for the reader how our Washoe elections are completely and utterly untrustworthy and these elections are completely rigged. In these 4 examples, Plaintiff will only use the Washoe County Certified Election Results to show that **Biden lost to Trump, Angie Taylor lost to Montognese, Devon Reese lost to Eddie Lorton, and Alexis Hill lost to Marsha Berkbigler in the 2020 elections.**

Using the County's cast Vote Records (CVR data), if you pick a precinct in Washoe County for the 2020 General Election and use ONLY the County's certified election results, randomly pick a precinct in the Eddie Lorton vs Devon Reese race you want to check on. For this demonstration, the Plaintiff will use the City Council Race and randomly select Precinct 1033. Using ONLY the county's certified election results, we do the following:

Eddie Lorton vs. Devon Reese 2020 City Council Race

Find these 4 vote totals

Reese Mail-In Vote Total of 355

Reese Early Vote Total of 172

Lorton Mail-In Vote Total of 132

Lorton Early Vote Total of 143

Now then simply add together all the votes for both candidates which equals 802

Now then multiply 802 by 50% which equals 401

Now then take Reeses 355 mail-in votes and multiply them by 73% which equals
259.15

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Now then take 401 and minus the 259.15 from it which equals 141.85

Now simply add 2.42 to 141.85 which equals 144.27

Why does this matter?

Because the Washoe County Certified Vote Total for Lorton's Early Vote Total in
Precinct 1033 is... **143!**

We just did and solved the impossible; this layman's calculation predicted
Lorton would receive

144 votes! The County reported Lorton received 143! **We were off by one vote!**

If the reader is skeptical, fear not. The plaintiff will give three more examples and
then explain how this is not a trick. This means the election was predetermined.

Someone or something set the boundaries of these elections, and no matter how many votes come in, the hacked or programmed software will never allow Lorton, Berkbigler, Trump, or Montognese to win, regardless of how many more votes they receive than their opponent as shown in [Exhibits 60-68, 95, 104, 105, 110,112, 129, 146]

Next let's move onto Angela Taylor vs Mathew Montognese Disctrict E 2020

School Board

Race.

Similar to the Reese Lorton Race, Plaintiff again proves that using the layman's calculation, one can predict the unpredictable with mathematical impossibility.

Plaintiff will randomly select Precinct 3019.

Find these 4 vote totals

Taylor Mail-In Vote Total of 196

Taylor Early Vote Total of 74

Montognese Mail-In Vote Total of 93

Montognese Early Vote Total of 42

Now then simply add together all the votes for both candidates which equals 405

Now then multiply 405 by .579% which equals 234.49

Now then take Montognese Early Vote of 42 multiply it by .989 which equals 41.53

Now minus 41.53 from 234.49 which equals 192.95

Now add 6.11 to 192.95 which equals 199.06

We just predicted Taylors Mail In Vote at 199.06

The County Certified results swear under penalty of perjury Taylor received 196 votes!

The layman's calculation here again impossibly predicts the fraudulent certification by 3 votes!

For the readers wondering, is he just adding numbers together? Fear not, if you want to make sense of this impossible prediction calculator, read [Exhibits 104 and 105] for a detailed academic explanation of how these calculations are created, which make the impossible vote total predictions possible.

Next, we will randomly examine a precinct in the Biden VS Trump 2020

General Presidential

race in Washoe County.

We will randomly select precinct 6413 and use only the Washoe County Certified Vote Totals once again.

Find these 4 vote totals

Biden Mail-In Vote Total of 357

Biden Early Vote Total of 147

Trump Mail-In Vote Total of 283

Trump Early Vote Total of 423

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Now then simply add together all the votes for both candidates which equals 1210

Now then multiply 1210 by 63.5% which equals 768.35

Now then take 768.35 and minus Trumps Early Vote of 423 which equals 363.35

The County's Certified Voter Results state Biden received 357 votes. The layman's calculation predicted 363 Mail-In Votes for Biden. **The layman's calculation was only off by 6 votes!**

Once again, another mathematical impossibility in a fair election. This further demonstrates that the race was predetermined before the results were ever certified.

Plaintiff can repeat this process for most election races in the 2020 and 2022 Washoe Certified Election results [Exhibit 101,105], showing that every Washoe voter has been robbed of their right to suffrage. For the last example, Plaintiff will demonstrate using the layman's calculation that Alexis Hill vs Marsha Berkgigler was rigged as well. In this example, Plaintiff will achieve the impossible by using only 2 out of 3 essential variables to solve the equation. This layman's calculation is a bit more complex than the three previous examples. Exhibits 104 and 105 show the reader how these races were predetermined and how to predict most, if not all, precincts in many

Washoe County election races. The academic formula will guide the user in most instances to predict precinct after precinct to the nearest few votes! In other words, the academic formula will enable the user in most, if not all, precincts to predict the race in that precinct to the nearest vote or so! Let's begin.

Alexis Hill vs Marsha Berkgigler Washoe County Commissioners District 1
2020 General Race

Plaintiff will randomly select Precinct 1007.

Find these 4 vote totals

Hill Mail-In Vote Total of 156

Hill Early Vote Total of 65

Berkbigler Mail-In Vote Total of 92

Berkbigler Early Vote Total of 62

Here is the legend for the reader's usage:

G= Berkbigler's Early Vote divided by the sum of Berkbigler's Early Vote and Hills
Mail-In Vote

H= Berkbigler's Mail-In vote divided by the sum of Type equation here. Berkbigler's
Mail-In vote and Hills Early Vote

Alpha=The Sum of Berkbigler's Early Vote and Berkbigler's Mail-In Vote divided
by the sum of all
4 categories.

Lambda=The Sum of Berkbigler's Early Vote and Hills Mail-In Vote divided by
sum of all 4 categories.

For the sake of condensing the notation, we are going to assign the four letters,
A,B,C and D to each precinct's Early and Mail-in Vote totals for Berkbigler and Hill.

Let A= Berkbigler's Early Vote at a precinct.

Let B = Hill's Early Vote at the same precinct.

Let C = Berkbigler's Mail Vote at a precinct.

Let D = Hill's Mail Vote at a precinct.

Let $K=A+B+C+D$, which is the sum of all four above votes.

Let $G =A/(A+D)$, which is the percentage of votes that belong to Berkbigler amongst the sum of Berkbigler's Early Vote and Hill's Mail-in Vote at the same precinct.

Let $H=C/(C+B)$, which is the percentage of votes that belong to Berkbigler amongst the sum of Berkbigler's Mail Vote and Hill's Early Vote at the same precinct.

Let $\text{Alpha}=(A+C)/(A+B+C+D)$, which is the percentage of all voters that voted for Berkbigler
Early or for Berkbigler Mail.

Let $\text{Lambda}=(A+D)/(A+B+C+D)$, which is the percentage of all voters that either voted for Berkbigler Early or for Hill by Mail. Observe that $(1-\text{Lambda})=(C+B)/(A+B+C+D)$

There is a universal tautology concerning those four numbers, A,B,C and D , and those four rations, G,H , Alpha and Lambda . This tautology says:

$$\text{Alpha} = G(\text{Lambda}) + (1 - \text{Lambda})H; a = g\lambda + (1 - \lambda)h$$

Proof: [Mathematical equation] Q.E.D

So why is this tautology important? Because it tells us that we cannot solve for Alpha, which is Berkbigler's total share of the vote, knowing only g and h. In a fair election, we need to know all

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three variables g, h AND Lambda in order to solve for Alpha.

However, in Washoe County, we can solve for Alpha with no knowledge of Lambda at any precinct, using only g and h and the same formula with an $R^2=0.994$ (essentially no error, with the most significant source of error being whether you round up or down to the nearest integer).

$$\text{Alpha} = 0.059785 + 0.422213h + 1.535061g^2 - 1.211691g^3$$

Suppose you are blindfolded. You don't know A,B,C or D in a precinct, but I do.

However, I provide to you the g and h percentage and the total sum of ballots cast,

K.

So, if I tell you that $g=30\%$, this means that A and $(A+D)$ are in a 3 to 10 ratio.

There is no way for you to resolve the individual value of A or D from this

information. It could be 3 to 10, or 21 to 70

or 300 to 1000, etc.

Knowledge of g does not impart knowledge of A , D or $A+D$, therefore you remain blindfolded to the values of A and D , even after I tell you g .

Now I tell you $h=54\%$, this means that C and $C+B$ are in a 54:100 ratio. Again,

there is no way to determine the individual values of C , B or $C+B$ from this

information.

And without Λ , you cannot know Alpha (remember that Alpha is Berkbigler's

(unintelligible text) percentage of the ballots at the precinct thus a formula that

predicts Alpha *(unintelligible text)* of the precincts, predicts the entire election.)

Allow me to give you an example.

In Precinct One:

$g=A/(A+D) = 30\%=30/100$, from which we know $D=70$, since $100-30=70$.

$h=C/(C+B) = 54\%=54/100$, from which we know $B=46$, since $100-54=46$.

$\Lambda=(A +D)/(A +B+C+D)=50\%=(30+70)/200$.

$$\text{Alpha}=(A+C)/(A+B+C+D)=42\%=(30+54)/200=g\text{Lambda}+(1-\text{Lambda})h=(30\%)(50\%)+(50\%)(54\%)$$

In Precinct Two:

$$g=A/(A+D) =30\%=300/1000, \text{ from which we know } D=700, \text{ since } 1000-300=700.$$

$$h=C/(C+B) =54\%=216/400, \text{ from which we know } 184, \text{ since } 400-216=184.$$

$$\text{Lambda}=(A+D)/(A+B+C+D)=71.4\%=1000/1400.$$

$$\text{Alpha}=(A+C)/(A+B+C+D)=36.8\%=516/1400=g\text{Lambda}+(1-\text{Lambda})h=(0.3)(0.714)+(0.286)(0.54)$$

Notice that in both precincts, $g=30\%$ and $h=54\%$; however both precincts have a different value for Alpha. In Precinct One $\text{Alpha}=42\%$ and in Precinct Two $\text{Alpha}=36.85\%$. Hence, you cannot solve for Alpha knowing only g and h , you must also know the third variable, Lambda, in a fair election.

Thus, the fact that we can solve for Alpha, **without Lambda**, knowing only g and h , in every precinct, with the equation...

$\text{Alpha}=0.059785+0.422213h+1.535061g^2-1.211691 g^3...$ means that the election is rigged by definition, since it violates the universal tautology of...

$$\text{Alpha} = G(\text{Lambda}) + (1 - \text{Lambda})H; \alpha = g\lambda + (1 - \lambda)h$$

Proof:[Mathematical equation] **Q.E.D**

which says that the fractions $A/(A+D)$ and $C/(C+B)$ alone (g and h alone), cannot solve for the fraction $(A+C)/(A+B+C+D)$, which is Alpha. If the Defense wishes to argue this, then tell us how to solve for Alpha knowing only g and h with no knowledge of lambda.

Here is an example using Precinct Reno-Verdi 1033. Remember that this is blindfold. I have all the information in the table below; however, I will only provide g,h and K, where K is the total ballots cast.

$$g = 180 / (180 + 382) = 0.32028; h = 150 / (150 + 164) = 0.47770 \text{ and } K = (180 + 164 +$$

$$150 + 382) = 876$$

$$\text{Lambda} = (180 + 382) / 876 = 0.64155$$

R_0	Pname	R	A	B	C	D
P#	Precinct	Registered	Berkbigler	Hill		Hill
			Early	Early		MiV

30	Reno	1085	180	164	150	382
	Verdi					
	1033					

Now I provide those the values $g=0.32028$; $h=0.47770$ and $K=876$

We first calculate $=0.059785+0.422213h+1.535061g^2-1.211691g^3$

$$g^2=(0.32028)(0.32028)=0.102579$$

$$g^3=(0.32028)(0.32028)(0.32028)=0.032854$$

$$\text{Alpha}=0.059785+(0.422213)(0.4777)+(1.535061)(0.10258)-(1.211691)(0.032854)$$

$$\text{Alpha}=0.059785+0.20169+0.15746-0.039809$$

$$\text{Alpha}=0.379126$$

We now multiply Alpha and K to get Berkbigler's Total Vote.

$$(0.379126)(876)=332.11, \text{ rounded to the nearest integer is } 332.$$

Observer that $A+C=180+150=330$, which was the actual total vote for Berkbigler, a residual difference of only two votes.

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You just predicted Berkbigler's total vote with a blindfold, knowing only g, h and K.

Notice that you did this without knowing $\text{Lambda}=0.64155!!!$

Remember **Alpha** is the Sum of Berkbigler's Early Vote and Berkbigler's Mail-In Vote divided by the sum of all 4 categories, which determines the winner of the precinct!

Here is an example using Precinct Incline Village 8105. Remember that this is blindfold. I have all the information in the table below; however, I will only provide g,h and K, where K is the total ballots cast.

$g=154/(154+ 188)=0.45029$; $h=160/(160+ 128)=0.55555$ and $K=(154+ 128+ 160+ 188)=630$

$\text{Lambda}=(154+ 188)/630=0.54285$

R_0	Pname	R	A	B	C	D
-----	-------	---	---	---	---	---

P#	Precinct	Registered	Berkbigler Early	Hill Early		Hill MiV
30	Reno Verdi 1033	817	154	128	160	188

Now I provide those the values $g=0.45029$; $h=0.55555$ and $K=630$

We first calculate $=0.059785+0.422213h+1.53506lg2-1 .211691g3$

$$g^2=(0.45029)(0.45029)=0.202761$$

$$g^3=(0.45029)(0.45029)(0.45029)=0.0913$$

$$\text{Alpha}=0.059785+(0.422213)(0.55555)+(1.535061)(0.202761)-(1.211691)(0.0913)$$

$$\text{Alpha}=0.059785+0.23456+0.31125-0.110629$$

$$\text{Alpha}=0.494966$$

We now multiply Alpha and K to get Berkbigler's Total Vote.

$(0.494966)(630)=311.82$, rounded to the nearest integer is 312.

Observer that $A+C= 154+160=314$, which was the actual total vote for Berkbigler, a residual difference of only two votes.

You just predicted Berkbigler's total vote with a blindfold, knowing only g,h and K.

Notice that you

did this without knowing $=0.54285$, which is 10% less than the lambda value of the previous precinct example. Amazing right!

To make a long short, instead of being equal to the weighted average of g and h (where is the weight) in a fair election, is now equal to the sum of the area of a rectangle sides with sides h.0.42;

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the volume of a rectangular prism with sides g,g, 1.53; subtracted by the hypervolume of a rectangular tesseract with sides g,g,g,1.21; plus the length of a line of length=0.059785.

That, ladies and gentlemen, is the surest sign of a rigged election.

Q.E.D.

Using this calculation that a 9th grader should be able to perform, like magic, the reader can predict how all precincts in the Washoe 2020 Berkbigler vs. Hill voted!

Using the 4th grade Layman's calculation, you are able to again predict the impossible in each precinct in the Lorton vs. Reese, Taylor vs. Montognese, Trump vs. Biden races!

This is not a trick; this is not the Collatz conjecture or a Hailstone sequence.

Plaintiff can show you precinct by precinct in election race after election race where this occurred. However, the Plaintiff can only show you this happened in the 2020 and 2022 Washoe County elections, as it never happened before the implementation of AB 321 or the pandemic. Almost anyone can verify what Plaintiff is proving with the layman's calculations. This simple formula is impossibly accurate. If you use the actual academic formula, you can predict it down to the closest vote or so!

For skeptics who say it's a trick because we know the certified data, they're mistaken. A simple test would be to find someone with a 4th-grade understanding of the math used above, randomly provide the person with the County's certified CVR data for ONLY 5 precincts in a Washoe County election race listed above they want to check, and they'll be able to predict how each precinct voted in that race with a very low margin of error, with a few exceptions for outliers. Again, the academic calculation is close to a handful of votes margin of error. The damning

truth of the proof is that every precinct in the 2 largest counties of Nevada, on separate sides of the state, voted nearly identically the same, and the other 15 counties and Carson City did not! Not even close! Additionally, prior to 2020, this had never happened before. Dozens of PhDs have concurred with Plaintiffs findings. Furthermore, Plaintiff ran the Certified Election Results and findings through Google's Bard, which

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is described as a "large language model with the ability to solve complex mathematical problems, write and execute code, and manipulate strings."

Google's Bard, when given the data, responded with:

"This suggests that there was some kind of fraud or manipulation involved in the election results." "This suggests that someone was able to manipulate the vote counts after the election was over." "I would recommend that you notify the authorities about your concerns." "It is important to hold those responsible for election fraud accountable, so that our democracy can remain strong." <https://bard.google.com/~,hare/64002ac15e3h>

What citizens and officials alike fail to realize is that it doesn't take 1,286 people to rig an election; it could only take 1-5 people see [Exhibits 23, 24, and 72]. No human

ever counts the ballot or the bubbles. In a recount or audit, no human ever counts the bubbles or the ballots; it's all machines. Machines can be programmed or hacked to do whatever their user decides. Machines do not have a conscience; machines have no stake in the outcome. Machines do what they are told to do. Machines are great at getting us around the world, surfing the web, and expanding our knowledge and reach, but when it comes to our vote, it makes it way too easy for a bad actor(s) to steal our vote and our county-country without anyone ever being able to prove what the Plaintiff just did for you.

It's critical for this honorable court and all readers of this document to understand this example of a stolen election via an illegal function within the election system is not a singular event, with Defendant Hill fraudulently taking victory over the true winner, Marsha Berkgigler. Plaintiff can show this exact fraud occurring numerous times in the 2020 election. A few examples of which are Eddie Lorton vs. Devon Reese in the City Council Race of 2020. Devon Reese claimed victory through this exact same fraudulent outcome. The same with Angie Taylor in the Washoe School

Board race against Montongnese. Taylor won by the same fraudulent function. Additionally, Hartung vs. Baker in the District 4 county commissioner race. Hartung achieved victory through the same fraud. Biden achieved victory over

Trump using this same illegal function. These are just a few examples of the 2020 election fraud in Washoe County

(<https://docs.google.com/spreadsheets/d/1vqzGhTkMq1GklbNjiu-JmKJFFTQNNQ569ec6LwZVaRc/edit#gid=686729976>).

In 2022, Plaintiff can prove that the same illegal function, with a few changes from its hacker or programmer from it's 2020 counterpart coding, fraudulently claimed victory for Cisco Aguilar, Aaron Ford, Catherine Cortez Mastro, Hillary Schieve, and numerous other candidates [Exhibits 104, 105].

This is not hyperbole; this is not the rantings of a conspiracy theorist, as defense states. This is Paul Revere yelling throughout the streets of Washoe County to this honorable court that election fraud isn't coming; it's already here. This is the County certified data, the state certified data, their numbers, not the Plaintiffs, proving that the elections are the furthest thing from trustworthy. Every Nevadan voter is being disenfranchised by this illegal system and functions within it.

This is an epidemic of election fraud from the school board level all the way to the Presidential level. It is incumbent on this court to do what is just and strike down the use of machines for voting and counting, as they did in Arizona [Exhibit 69], and strike down the unconstitutional parts of AB 321 in mailing ballots to voters who do not request them.

This proof of truth has an **undefeated \$80,000 challenge to prove it wrong.**

Dozens of PhDs from everywhere have tried and all have failed to prove it wrong.

You read what Google's Bard said, yet

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all the defendants are aware of this crime, have never responded, have never addressed the plaintiff except to use the media and their channels to libel and slander plaintiff.

This glaring example of election fraud has been covered up by the defendants; there must be accountability for their malfeasance, nonfeasance, and/or malpractice. The defendants must be tried under NRS 283.440 as well as all other applicable statutes this honorable court deems fit.

Furthermore under no circumstances should voting machines, or tabulation machines be used in Washoe County.

Again, this happened in 2022 Elections too.

"Accountability is the glue that binds the State together." - Mario Cuomo

Therefore, the plaintiff respectfully requests this honorable court to uphold its oath of office, consider the evidence impartially, and rule in favor of the Plaintiff when the preponderance of evidence against the defendants tips the scales.

Edward Solomon

The defense will attack the brilliant mathematician Edward Solomon. They will say he is not an academic, nor an expert in the field of mathematics. It's true he does not have a PhD from Harvard or a similar institution; however, he has written numerous papers and is the first to have solved The General Solution to Multivariate Quaternionic Least Squares, with any mixture of left-handed, righthanded, or middle-handed constants. He was invited to the JMM2023 conference in Boston in January 2023, in front of hundreds of the world's smartest mathematicians, where he gave a keynote

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speech. What Solomon did was take the Washoe County election and, instead of discussing votes, he substituted the word "votes" with "stocks." He conclusively demonstrated to the world's smartest mathematicians that he could DETERMINE the prices of stocks in the future! When he finished his presentation, he received a standing ovation and numerous business requests. What they didn't know

was that he had shown the Washoe County 2020 election, not the stock market. You see, as soon as people mention votes and elections, the defense and media attack the individual. However, by simply changing the words from "elections" and "votes" to "stocks" and "market," he was the sensation of the conference, see [Exhibits 130 and 131]. Additionally, what the defense doesn't want this honorable court to know is that to prove what the Plaintiff just demonstrated above doesn't require a world-class mathematician; or even a PhD, an average math teacher or a graduate student at most should be able to confirm what was just demonstrated to this honorable court. Solomon is a witness; he simply observed what happened in the Nevada elections, and every legitimate PhD or similar has found what he observed and what he can demonstrate is true: the Washoe County elections are rigged.

XVII. Another Example of Defendants Patterns of Malfeasance,

Malpractice or Nonfeasance

3/3/21 [Exhibit 145] and [Exhibit 3]

Tracey Hilton Thomas served the ROV as a polling place manager under 3 ROVs since 2000. In an email addressed to the County Commissioners, including Chairwoman Hill, that was forwarded to Defendants Rodriguez and Brown, she stated a litany of issues she observed during the 2020 election. These issues were clear violations of policies and law. In her email, she asked for:

- Protection at polls

- Reasonable hours to work, not 10-plus hours a day and 14 days straight.
- Signatures didn't match; laws and processes weren't being followed.
- Using bipartisan management teams from different parties who weren't married, etc.
- also asked for forensic audits of the electronic equipment,

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- Protection of the personal data of voters
- Cleaning up the rolls as they are ripe for fraud.
- 7,661 same-day registered voters that made no sense at all
- Unconstitutional registering of out-of-state voters; multiple ballots being cast by the same voters
- The need for forensic audits of the ballot
- Registering of election observers with the state.

However, she never received an answer and was never called back into work. This email was sent to Chairwoman Hill, the Commissioners and later to County Manager Brown, and now-active ROV Rodriguez.

No action has ever been taken, no response has ever been given, except that she is no longer welcome to work for the ROV.

There is an immense pattern of the defendants refusing to respond, refusing to act, and refusing to address these grievous election violations that have been sent to them.

Instead, they libel, slander, or simply never use the employees again who bring these violations of the law to their attention.

This pattern of covering up crimes and attacking the concerned voters and workers must be addressed by this court. These are clear violations of cause one and cause two. The plaintiff respectfully demands the honorable court to rule accordingly.

XVIII. STANDARD OF REVIEW

Draw All Reasonable Inferences in Favor of the Plaintiff:

When the facts in the instant complaint are viewed in the light most favorable to the Plaintiff, they

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state a plausible claim for relief contrary to the assertion made by the Defense that plaintiffs allegations fail to rise to the occasion.

The Defense does not question the facts outlined in the Petition nor the Supplemental Statements [Exhibits 1-3, 15-22]. Instead, they deny the facts exist in order to invoke NRCP 12(b)(5) for dismissal. That is a patently false assumption

and a crooked application of NRCP 12(b)(5) because anyone with eyes can read the evidence, which is thorough and incontrovertible.

The Plaintiff will herein prove that the Defense has failed to bring an adequate claim for dismissal based on NRCP Rule 12(b)(5).

The Plaintiff will herein prove that the counsel for the Defendants has committed acts unbecoming of an officer of the court and thusly should be sanctioned and this honorable court should turn her over to the BAR for ethical violations.

XVIII. The Goal Of The Defense

The goal of the Defense is to bury Beadles' instant complaint and related petitions and evidence in furtherance of a suppression of his rights. Doing so serves to obfuscate and subvert the integrity and purity of elections, a concept enumerated in the Nevada Constitution as follows:

Nev. Const. Art. 2 Sec 6: "for the ascertainment by proper proofs of the persons who shall be entitled to the right of suffrage, as hereby established,

to preserve the purity of elections, and to regulate the manner of holding and making returns of the same;"

"Proper proofs" of those entitled to the right of suffrage is very much on the forefront of Plaintiffs

Petitions in support of the instant complaint. For example, when voter rolls are unclean and election workers do not verify signatures then "proper proofs" are questionable at best and as it is in Washoe

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County.

Nevada is a notice pleading state, which means that plaintiffs need only set forth the facts which support a legal theory, rather than correctly identifying the legal theory itself.

Several cases explicitly state that Nevada is a "notice pleading" state or jurisdiction. For example, *Liston v. Las Vegas Metro. Police Dep't*, *The Estate of Cronin v. G4 Dental Enters.*, and *Russo v. Shae, LLC* all state this explicitly.

These cases also explain that this means plaintiffs need only "set forth the facts which support a legal theory" rather than correctly identifying the legal theory itself.

Other cases, such as *Iliescu v. The Reg'l Transp. Comm'n of Washoe Cnty.*, and *Nutton v. Sunset*

Station, Inc., similarly state that Nevada is a "notice-pleading" jurisdiction and explain that this means a complaint need only set forth sufficient facts to demonstrate the necessary elements of a claim for relief.

The case *Jacobsen v. Ducommun, Inc.* mentions NRCP 8(a), which requires only a 'short and plain statement of the claim" in pleadings. This rule is consistent with notice pleading. *Drage v. AAAA Two Star Towing, Inc.*, and *Smith v. District Court* both explicitly state that Nevada is a notice-pleading jurisdiction and explain that this means courts in Nevada "liberally construe pleadings to place into issue matters which are fairly noticed to the adverse party."

Finally, *Hay v. Hay* directly answers the research request by stating that "Nevada is a notice-pleading jurisdiction" and explaining that this means "our courts liberally construe pleadings to place into issue matters which are fairly noticed to the adverse party."

The Defense alleges that Beadles' lawsuit is frivolous and without legal basis. This is incorrect. The claims presented in the lawsuit are based on credible evidence and legal precedent. Proof of such are

in the pleadings, thousands of pages of exhibits and video evidence served on the defendants and defense. If that wasn't enough, even more proof of the legitimacy of allegations alleged will come from discovery and trial. Therefore, contrary to the Defense's assertion, this lawsuit has a legitimate legal basis and is not frivolous.

However, the Defense, in essence, claims that whatever rights Plaintiff has have been met and the rights he does not have do not obligate the Defendants and thus, the instant complaint is erroneous, along with claims of deficiency of form and more.

In large part, the Defense relies on NAC 293.025 to attempt to alleviate the Defendants from the various claims made by Plaintiff. The code used is inferior to Plaintiff's rights and is misapplied to the facts.

As will be proven, the Plaintiff's ability to exercise his right and obligation to lodge an administrative complaint, when he knows elections are inaccurate, is encumbered and violated by the intrusion of the Secretary of State in local administrative matters that fall outside their authority as enumerated in Title 24 of NRS and NAC.

The Defense parses words such as "resolve," "rectify," and "respond" throughout their argument in a conflagration of Defendants' duties and obligations to Plaintiff's rights.

The Defense claims the Registrar of Voters and the County manager are not public officials and are immune from Plaintiff's claims. The Defense asserts a claim under NRS 283.440 is a summary

matter for the court and that a trial by jury is not possible.

Plaintiff disagrees:

The County and related municipalities are the fabric of local governance to which the Plaintiff has an unfettered right to make inquiries, redress grievances, and to obtain a reply or resolution-not the Secretary of State.

The definition of an unconstitutional act is: that, "referring to a statute, governmental conduct, court decision or private contract... which violate one or more provisions of the [Nevada] Constitution."¹

Unconstitutional acts are extremely serious compared to the average misdemeanor, or act of nonfeasance, malfeasance, etc. They cannot be summarily resolved as the Defense contends.

Overall, the facts in the instant complaint must be viewed in the light most favorable to the Plaintiff; doing so, the complaint states claims for relief, and Plaintiff's rights remain intact to the benefit of every elector and citizen in the county and state.

Throughout the Motion to Dismiss, the Defense makes various claims against Plaintiff including, but not limited to: incorrect application of law; failure to notify the Secretary of State; failure to lodge a complaint with the Ethics Commission; incorrect remedies; lack of evidence; false statements; false arguments; and, failure to state a claim upon which relief can be granted. The Defense relies on NRCP 12(b)(5) to demand this Court approve their Motion to Dismiss. Plaintiff addresses these claims and NRCP 12(b)(5) throughout this document.

The Defense has created a classic situation where there is no adequate remedy in law for the average elector with a grievance, which is the motivation behind the Plaintiffs filing of the instant

<https://dictionary.law.com/Default.aspx?selected=2184>

complaint. The spirit of the law has been twisted by the Defense as will be proven. For Plaintiffs rights, voter's rights, and our democracy, Plaintiff must be allowed to have his case heard in open court. This Court is hereby asked to deny the Motion to Dismiss.

XX. What NRS 283.440 Actually Says

NRS 283.440 Removal of certain public officers for malfeasance or nonfeasance: Procedure; appeal.

1. **Any person** who is now holding or who shall hereafter hold **any office** in this State and who refuses or neglects to perform any official act in the manner and form prescribed by law, or who is guilty of any malpractice or malfeasance in office, may be removed therefrom as hereinafter prescribed in this section, except that this section **does not apply to:**

- (a) A justice or judge of the court system;
- (b) A state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution; or
- (c) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

2. Whenever a complaint in writing, duly verified by the oath of any complainant is presented

to the district court alleging that any officer within the jurisdiction of the court:

(a) Has been guilty of charging and collecting any illegal fees for services rendered or to be rendered in the officer's office;

(b) Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; or

(c) Has been guilty of any malpractice or malfeasance in office,

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E the court shall cite the party charged to appear before it on a certain day, not more than 10 days or less than 5 days from the day when the complaint was presented. On that day, or some subsequent day not more than 20 days from that on which the complaint was presented, the court, in a summary manner, shall proceed to hear the complaint and evidence offered by the party complained of. If, on the hearing, it appears that the charge or charges of the complaint are sustained, the court shall enter a decree that the party complained of shall be deprived of the party's office.

3. The clerk of the court in which the proceedings are had, shall, within 3 days thereafter, transmit to the Governor or the board of county commissioners of the proper county, as the case may be, a copy of any decree or judgment declaring

any officer deprived of any office under this section. The Governor or the board of county commissioners, as the case may be, shall appoint some person to fill the office until a successor shall be elected or appointed and qualified. The person so appointed shall give such bond as security as is prescribed by law and pertaining to the office.

4. If the judgment of the district court is against the officer complained of and an appeal is taken from the judgment so rendered, the officer so appealing shall not hold the office during the pendency of the appeal, but the office shall be filled as in case of a vacancy.

5. As used in this section, "malfeasance in office" includes, without limitation:

(a) Engaging in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 that is severe or pervasive such that removal from office is an appropriate remedy.

(b) Willfully failing to comply with any other sanction imposed upon a local elected officer pursuant to NRS 233.175. [21:200:1909; A 1949, 113; 1943 NCL § 4860] + [22:200:1909; A 1949, 113; 1943 NCL § 4861] + [23:200:1909; RL § 2853; NCL § 4862] + [24:200:1909; RL § 2854; NCL § 4863]-(NRS A 1973, 417; 1977,937;2009, 1072;2019, 1946)

XXI. Defendants Are Duty Bound To Respond To Plaintiff

The Defense is attempting to mislead this court in numerous ways. A few examples: in regards to the Defendant's duty to respond to the Defense, the Defense says Defendants have no duty to respond to the Plaintiff; therefore, the case should be dismissed. This couldn't be further from the truth. The defense omits damning evidence against the defendants that clearly show they broke numerous laws, as well as committed nonfeasance, malfeasance, or malpractice. The defense purposely does not address the below claims that the evidence clearly supports the defendant's guilt. Instead, the defense tries to say there's no duty to respond, so who cares if they break nearly every election law? The plaintiff has no right to complain, let alone have his grievances, petitions addressed, and God forbid grant him remedy. This is a blatant cover-up by the defense. Plaintiff addresses these acts in this document. In the unlikely event this court sides with the defense on this matter, the honorable court is duty-bound to rule on all the Plaintiffs claims against the Defendants and the evidence provided in support of his claims. It would be a travesty of justice and breach of this honorable Judge's oath of office to allow crimes before her to go unpunished. Plaintiff will now address how all three defendants are duty-bound to respond to the Plaintiffs properly served petitions and grievances.

A. Jaimie Rodriguez, Registrar Of Voters is DUTY BOUND to respond.

Defendants Office, Mission Statement:

The Mission of the Washoe County Registrar of Voters Department is to ensure that each citizen of Washoe County who is eligible to register and voter is able to do so; that Washoe County's Elections are operated with the utmost integrity. transparency, and accountability; and that the department is known for excellence in customer service and the administration of elections.

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Clearly her own mission statement says it will be operated with the utmost integrity. transparency, and ACCOUNTABILITY. If she is not accountable to Plaintiff and all voters. then there is no integrity, or transparency.

The NRS defines her role as:

NRS 244.164 Registrar of voters: Creation of office; appointment, qualifications, powers and duties.

1. In each county having a population of 100,000 or more, the board of county commissioners may create the office of registrar of voters, prescribe the

qualifications, duties and compensation of that office and make appointments to that office.

2. The registrar of voters, upon appointment as provided in subsection 1, shall assume all of the powers and duties vested in and imposed upon the county clerk of the county with respect to elections, except the duties imposed by virtue of NRS 293.393 to make out and deliver certificates of election.

(Added to NRS by 1965, 669; A 1969, 1533; 1973, 1079; 1979, 510)

Notice she has "all the powers and duties vested in the and imposed upon the county clerk of the county with respect to elections"

The NRS clearly states:

NRS 293.044 "County clerk" defined; synonymous with "registrar of voters" in certain counties. Except as the term is used in NRS 293.393, whenever the term "county clerk" is used in this title it means "registrar of voters" in those counties where such office has been created pursuant to the provisions of NRS 244.164.

So, the Defendant is the same as an Elected County Clerk with all the powers and duties over the elections. The defendant is the highest-ranking election official in Washoe County, duty bound to administer all aspects of the County's election processes and ensure the laws are followed.

The Washoe County Code demonstrates this as well:

5.451 - Registrar of voters: Creation of office; registrar's appointment, qualifications, term, compensation, powers and duties.

1. There is hereby created the office of Washoe County registrar of voters, which office shall be filled by appointment made by the board of county commissioners.

2. The qualifications for the office of registrar of voters shall be as prescribed and determined by the board of county commissioners. The person appointed to such office shall serve in such office solely at the pleasure of the board of county commissioners.

3. The compensation to be paid to the registrar of voters shall be determined and fixed by the

board of county commissioners.

4. The registrar of voters shall assume all of the powers and duties vested in and imposed upon the county clerk with respect to elections, except the duties prescribed by NRS 293.393, relating to the preparation and delivery of certificates of election.

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On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently

(<https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>).

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit

of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S.

Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.

The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293.2546, which emphasizes a similar commitment to the voters.

Defendant Jamie Rodriguez, as the highest-ranking election official in Washoe County, is duty-bound to respond to the Plaintiff. There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states she does NOT have to answer the Plaintiffs petitions, even if just to tell him to pound sand.

Plaintiff is Duty Bound To Respond To Plaintiff.

B. Eric Brown, County Manager is DUTY BOUND to respond.

The NRS clearly states:

NRS 281A.182 Persons serving in certain positions designated as public officers or employees; applicability.

1. Any person who serves in one of the following positions is designated as a public officer solely

and exclusively for the purposes of this chapter:

(c) A county manager or a city manager.

NRS 244.125 Appointment; compensation; removal.

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1. The county commissioners of any county are authorized to appoint a county manager and to fix the compensation for such county manager.

2. The county manager shall hold office at the pleasure of the board of county commissioners, and may be removed from office by the board at any time.

[Part 1:221:1951]-(NRS A 1957, 279; 1963, 518, 1296)

NRS 244.135 Duties; employees and assistants.

1. The county manager shall perform such administrative functions of the county government as may be required by the board of county commissioners.

2. The county manager may, with the approval of the board of county commissioners, appoint such assistants and other employees as are necessary to the proper functioning of his or her office. The salaries of such assistants and employees and other expenses of conducting the office of the county manager shall be fixed and determined by the county manager with the consent and approval of the board of county commissioners.

Washoe County Code States:

5.0215 - County manager: Powers and duties

1. The county manager shall perform such administrative functions of the county government as may be required by the board of county commissioners.

The county manager shall oversee the functions and activities of various programs or divisions within the office of county manager and the county, which may include legislative affairs, strategic planning, emergency management grants administration, communications, special projects, security of county facilities, the

administrative hearing office, and others as are necessary to the proper functioning of the county. *The county manager may also oversee various appointed department heads as proscribed by the board of county commissioners.*

https://library.municode.com/nv/washoe_county/codes/code_of_ordinances?nodeld=C

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Clearly the NRS states he is designated as a public officer, that he is to serve at the pleasure of the board of county commissioners, that with the approval of the board of county commissioners, appoint such assistants and other employees as are necessary to the proper functioning of his or her office, that he shall oversee the functions and activities of various programs or divisions, and that he may also oversee various appointed department heads as proscribed by the board of county commissioners.

Did you notice what it didn't say? It didn't say he would direct the Registrar of Voters office. It said he could "oversee" offices like the ROV.

Overseer, Blacks Law 2nd Edition:

"A superintendent or supervisor ; a public officer whose duties involve general superintendence of routine affairs."

Simply looking to the RGJ, [Exhibit 101] you will see Defendant Brown, in his own words directing the tear down of the Registrar Of Voters office down to the "studs and start over".

By observing any of the Board of County Commissioners meetings where Eric Brown hired an outside firm to assess the ROV operations, one can find examples in [Exhibits 118 and 119]. Listen to his words as he describes how he conducted the vetting process to bring in this out-of-state group.

Their condemning report is available in [Exhibit 97], where it unequivocally states that the ROV's office is entirely unsuitable for overseeing our county's elections. This provides further evidence that Defendant Brown and Rodriguez consistently ignored the Plaintiffs warnings over the years, leading to the deterioration of the ROV. Furthermore, this honorable court can refer to [Exhibit 144], which states, "County Manager Eric Brown also made a plea for the approval of the recommended sample-ballot vendor. He mentioned that efforts to connect with local printers- as requested by the commissioners following the 2020 and 2022 elections- were unsuccessful. 'We continually faced situations where they either lacked the necessary equipment or capability,' Brown stated. 'We don't have much time left to continue issuing RFPs, so my sincere recommendation to you is: Let's proceed with this vendor.'"

Another instance is highlighted in [Exhibits 115 and 116], where Brown allegedly libels and slanders Beadles by making inaccurate statements about the meeting on 3/11/22 [Exhibit 94]. The transcript of this meeting is in [Exhibit 110]. During this session, the Plaintiff presented evidence of election issues to Brown and several other county officers. Eric Brown presided over the meeting, receiving all information directly, not the acting ROV, Spikula, at the time. The Plaintiff had to submit evidence to Brown and await his response. Defendant Rodriguez was also present during the meeting, serving in the capacity of the Government Affairs

Officer, not as the current ROV. The Plaintiff emphasizes these details to clearly illustrate, using just the handful of aforementioned examples, that Brown effectively functions as the Registrar of Voters. He appointed Rodriguez, and subsequently, the Deputy ROV. Neither of these individuals possessed or possess the requisite experience to manage our elections. When qualified individuals applied for the ROV or Assistant ROV positions, they were overlooked, and less qualified candidates were placed in pivotal roles within the Washoe County elections.

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On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently

(<https://www.nvsos.gov/sos/home/showpublisheddocument/10552.1638072159445070000>).

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1 A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.

The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293.2546, which emphasizes a similar commitment to the voters.

Defendant Brown is acting as the De facto Registrar of Voters. In his job descriptions above, he is clearly to oversee, not direct and run departments. Brown is totally unsuitable to run our elections, as his own admission shows in [Exhibit 101].

Brown in the highest-ranking administrative officer of Washoe County and is absolutely duty bound to respond to the Plaintiff. He is duty bound in his role as County Manager and surly duty bound by his De facto role as acting ROV. There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states he does NOT have to answer the Plaintiffs petitions, even if just to tell him he has no rights in Washoe County to go cry somewhere else and to get lost.

**C. Alexis Hill, Chairwoman of Washoe County Commissioners is
DUTY BOUND to respond.**

NRS 244.035 County commissioners required to take oath of office; effect of failure to take oath.

1. On entering upon the discharge of the duties of the office of county commissioner, each county commissioner, whether elected or appointed, shall take and subscribe to the oath of office as prescribed by law.

2. If a county commissioner shall neglect or refuse, during the period of 15 days from and after the first Monday of January succeeding his or her election, to take the oath of office as herein

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directed, his or her office shall be deemed vacant, and such vacancy shall be filled by appointment.

**NRS 244.070 Election and terms of chair and vice chair of board of county commissioners;
clerk of board.**

1. The county commissioners shall:

(a) Elect one of their number as chair of the board and another of their number as vice chair of the board; and

(b) Fix the terms of office of the chair and vice chair of the board.

2. The county clerk shall be clerk of the board.

Defendants state Rodriguez and Hill didn't take office until 2021. That is true, but the Plaintiffs' petitions are dated in 2022. They both had the ability and duty to respond. Commissioner Herman responded; she is supportive of the Plaintiffs' efforts to address the issues raised but is constantly stifled by Brown and Hill. Commissioner Lucey is no longer in office. Commissioner Hartung is no longer in office. Commissioner Jung is no longer in office. Commissioner Clark was not a Commissioner at the time either, yet has been supportive of all efforts to address the issues Plaintiff has presented. Hill, Brown, and Rodriguez are the only ones who remain who have been unresponsive. Commissioner Andriola and Garcia were not in office until this year and did not receive 2022 petitions. Clark and Herman have both been supportive of finding the truth. The previous ROV is no longer in office either.

The county board as a whole has the ability to grant most, if not all, of the demanded remedies. It would need to be put for a vote by Hill and Brown. If 3 votes by the commissioners are in the affirmative, the ROV would then be able to fashion all remedies that apply to the county's power to control their elections per the NRS. It is another reason why Plaintiff sued the county as the county

board of commissioners as a body it has the ability to adopt the demanded remedies.

A few examples of how the commission as a whole can grant remedies sought are:

N.R.S. 293.269925. 293.3075(6), 293.506, 293B.110, except N.R.S. 293.2955(1, 4),

N.R.S. 293.217 to 293.243 inclusive, 293.258. 293B.360 to 293B.390 inclusive,

N.R.S. 293.205, 293.2731 to 293.2738 inclusive, 293.3072. 293.3561 to 293.361

inclusive, and 293.437 just to name a few.

Additionally, Rodriguez and Hill have the ability to look into Plaintiffs' 2020

election claims even though they weren't involved in the election at that time. The

excuse that because they already happened, nothing can be done is ridiculous. Try

saying that to an IRS agent or likewise. Because they weren't an IRS agent when

you filed your taxes last year, they can't audit you. Do you see the absurdity of their

claim? They were, of course, seated for the 2022 Elections and the petitions that

they were served, they failed to respond to as well.

The Plaintiff has repeatedly reached out to Chairwoman Commissioner Hill,

presenting his grievances both in documented form [Exhibits 1-15] and in person.

Despite these efforts, she has consistently failed to address them. Instead of

constructively engaging with the Plaintiffs concerns, Commissioner Hill has

embarked on a series of campaigns, to libel and slander the Plaintiff for both

her financial enrichment and to cause reputational damage to Plaintiff [Exhibits

134-135]. As the head of The County Commission, Commissioner Hill possesses the

necessary authority to introduce these grievances into the County Commission

Board's agenda and initiate an investigation. Yet, she has refused to. Not only has she declined to take these matters to the board for potential discussion and resolution. but she has also failed to provide any direct response to the Plaintiff. Her attempts to label him as a "right-wing extremist" seem to serve as a tactic to galvanize support and fundraising for her campaign. Given just these actions and omissions, there is a compelling argument for her

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potential malfeasance, nonfeasance, and breach of her oath to office. The provisions of NRS 283.440 necessitate her examination in this regard.

On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently

(<https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>)

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.

The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293 .2546, which emphasizes a similar commitment to the voters.

Chairwoman Alexis Hill is the highest-ranking Commissioner in Washoe County. She and Brown alone have the power to add items to the agenda for consideration as 5.5 In the Washoe County Board of County Commissioners Rules of Procedure Handbook clearly states

(<https://www.washoecountv.gov/bee/WC%20BCC%20Rulcs%20of%20Proccdurc%202022.pdf>)

Hill has neglected her duties and has failed to provide her duty-bound response to plaintiff.

There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states she does NOT have to answer the Plaintiff's petitions, even if just to tell him she hates his face and voice.

D. All Defendants Are Duty Bound To Respond

For above mentioned reasons alone, defendants are duty bound to answer Plaintiffs Petitions.

Here is additional proof for this honorable court to consider.

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NRS 281A.500 Notice and acknowledgment of statutory ethical standards:

Distribution of information regarding standards; duty to file acknowledgment; contents; form; retention; penalty for willful refusal to file.

1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer;
and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

9. Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of

the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

10. The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

11. Willful refusal to execute and file the acknowledgment required by this section shall be

deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.785 and 281A.790; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

NRS 244.137 Legislative findings and declarations. The Legislature hereby finds and declares that:

6. To provide a board of county commissioners with the appropriate authority to address matters of local concern for the effective operation of county government, the provisions of NRS 244.137 to 244.146, inclusive:

(a) Expressly grant and delegate to the board of county commissioners all powers necessary or proper to address matters of local concern so that the board may adopt county ordinances and implement and carry out county programs and functions for the effective operation of county government; and

(b) Modify Dillon's Rule as applied to the board of county commissioners so that if there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

NRS 244.143 "Matter of local concern" defined.

1. "Matter of local concern" means any matter that:

(a) Primarily affects or impacts areas located in the county, or persons who reside, work, visit or are otherwise present in areas located in the county, and does not have a significant effect or impact on areas located in other counties;

(b) Is not within the exclusive jurisdiction of another governmental entity;
and

(c) **Does not concern:**

- (1) A state interest that requires statewide uniformity of regulation;
 - (2) The regulation of business activities that are subject to substantial regulation by a

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federal or state agency; or

(3) Any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

2. The term includes, without limitation, any of the following matters of local concern:

- (a) Public health, safety and welfare in the county.
- (b) Planning, zoning, development and redevelopment in the county.
- (c) Nuisances and graffiti in the county.
- (d) Outdoor assemblies in the county.
- (e) Contracts and purchasing by county government.
- (f) Operation, management and control of county jails and prisoners by county government.

(g) Any public property, buildings, lands, utilities and other public works owned, leased, operated, managed or controlled by county government, including, without limitation:

(1) Roads, highways and bridges.

(2) Parks, recreational centers, cultural centers, libraries and museums.

3. The provisions of subsection 2:

(a) Are intended to be illustrative;

(b) **Are not intended to be exhaustive or exclusive;** and

(c) Must not be interpreted as either limiting or expanding the meaning of the term "matter of local concern" as provided in subsection 1.

(Added to NRS by 2015.2418)

NRS 244.146 Powers of board of county commissioners; exercise of powers; prohibitions.

1 (c) All other powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board. If there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local

concern pursuant to this paragraph, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

NRS 244.165 Prosecution and defense of suits. The boards of county commissioners shall have power and jurisdiction in their respective counties to control the prosecution or defense of all suits to which the county is a party.

NRS 244.194 Voting or counting devices: Rental, lease or other acquisition.

Boards of county commissioners may rent, lease or otherwise acquire voting or counting devices in whatever manner will best serve local interests.

NRS 244.195 Other powers. Except as otherwise provided in NRS 244.137 to 244.146, inclusive, the boards of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and necessary to the full discharge of the powers and jurisdiction conferred on the board.

The above law shows a sworn oath of office and ethical standards. If they didn't uphold these, they must be removed. It further states defendants can be removed for nonfeasance via NRS 283.440. The board of county commissioners has the appropriate authority to address matters of local concern. It clarifies what local concerns are not and asserts that the board has all other powers necessary or

proper to address matters of local concern. It does not state elections or addressing petitions are not

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local concerns. In fact, it would appear they are and should be addressed by the entire board. The board has the power and jurisdiction in their respective counties to control the prosecution or defense of all suits to which the county is a party. The board can choose to use or not use voting machines. The board of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and necessary to the full discharge of the powers and jurisdiction conferred on the board.

These are additional reasons why the County was named in the lawsuit and why Hill and Brown have the power to add items to the agenda so the board can wield its power to answer petitions, grant remedies, etc. as a whole versus a sole commissioner.

XXII. Plaintiff Stated Claims for Cause of Action 1 and 2, Which Relief Can Be Granted

The defense conveniently omits the thousands of pages of exhibits, and video in where numerous claims are stated in supplement to the pleadings. To further show some of the claims stated, for both causes of actions, Plaintiff will provide a partial list below, and looks forward to presenting all claims at trial.

A. Claims against County Chairwoman Alexis Hill

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, and NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

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Plaintiff to the best of his knowledge alleges the following against Defendant Hill.

- Failed her duties to respond to Plaintiffs' petitions and grievances (Shown in Duty Bound Section Above).
- She has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office.

- Defendant has been presented evidence of election fraud numerous times, in email, in petitions, in person. She has allowed these election issues to continue and rob every voter of their right to suffrage
- Stole county property via the county email list to enrich herself and libel and slander Beadles.
- Did not disclose boards she sits on publicly.
- Voted on items that enrich her board positions and organizations she is connected to.
- Uses-used her position to lobby activists to protest other commissioners' agenda items.
- Used her position to lobby activists where harm could have occurred to the public.
- Helped cover up election crimes.
- Uses her position to keep other commissioners' items off the Commission agenda.

Another reason to advocate for Hill's removal under NRS 283.440 is evident in [exhibit 138], which pertains to an ethics complaint. This document highlights her misuse of position, potentially endangering the public. Additionally, it brings to light undisclosed board positions she holds outside the public's knowledge, on which she casts votes that could lead to personal enrichment.

Another alleged violation includes allegations of Hill using County property for personal enrichment. Hill solicited money for her campaign and libeled and slandered Beadles, as clearly shown in [Exhibits 134, 135, 139, and 140]. Plaintiff received her emails, as did Berkbigler. Neither Plaintiff nor Berkbigler, nor potentially hundreds of thousands of other Washoe residents, signed up for her emailers. However, we are signed up for Washoe County updates with our emails she solicited.

This alleged act, if found guilty, could constitute a litany of charges including Misuse of Public Funds, Property, or Manpower (NRS 281.230), Campaign and Election Violations, Federal Mail and Wire Fraud, and the Federal Electronic Communications Privacy Act (ECPA), just to name a few. All of which should additionally constitute removal via NRS 283.440.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Hill to be weighed at trial.

B. Claims against County ROV Rodriguez

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

Plaintiff to the best of his knowledge alleges the following against Defendant Rodriguez.

- Failed her duties to respond to Plaintiffs' petitions and grievances. (Shown in Duty Bound Section Above)

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- Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office.
- Broke election laws and deprived every Washoe Voter of their right to suffrage.

Rodriguez has breached nearly every election law and the court orders granted to the Plaintiff. This is a clear violation of numerous laws, court orders and NRS which could include: Contempt of Court, Civil Penalties, Criminal Penalties including felonies, Removal from Office, Barriers to Future Office, Civil Litigation causes of action just to name a few.

One damning example of the crime and cover up is:

Counting votes in secret: People generally think that hundreds or thousands of people would have to work in unison to steal a county or state election. This is not true. All of the votes, whether digital or paper, are ALL counted by machines. The defendant and four people behind closed doors are the ones who tell us what the machines say the outcome of the elections is. These five people tell us who wins or loses. We, the people, have no way to audit their reporting. We are not allowed to count the bubbles or the ballots at any time due to NRS 293.269935(2) and 293.3606(4). Therefore, we are forced to trust but never verify. Plaintiff clearly shows in [Exhibits 23-24] that defendant Rodriguez violated court orders [Exhibit 72], "If Washoe County is processing and/or counting ballots, observations shall be allowed" and Nevada Revised Statutes and Nevada Administrative Code: N.R.S. 293.269931 § 1, 293.3606 § 1, 293.363 § 1, and N.R.S. 293B.353, 293B.354, 293B.380 § 2(a), and N.A.C. 293.311 § 4. Further evidence is shown in [Exhibit 17].

There is the crime, here is proof the defendants covered it up.

Proof They Covered It Up

As illustrated above, the defendant has violated the law. The Plaintiff and associates utilized the Secretary of State's Election Violation Forms to submit complaints concerning these violations.

Referencing [Exhibit 126], the Secretary of State defends the Defendants, stating,

“Our office has reached out to Washoe County for comment. We learned that because you arrived significantly later

with a request to see the room, you were informed that the day's activities within the tally room had

concluded. The tally room was accessible when the USB sticks were loaded for the recount, and Washoe County staff informed everyone in the observation room about these ongoing activities.”

Additionally, “Washoe County staff noted that they were unaware you represented the candidate requesting the recount.” However, by examining the incident transcript [Exhibit 23] or the related video footage [Exhibit 24], it's evident that the defendants are in violation of court orders [Exhibit 72] and have committed several breaches of the NRS, as detailed in [Exhibit 17]. This instance, one among many presented by the Plaintiff, unequivocally indicates that the Secretary of State either

received false information from the defendants, leading to inaction, or chose to overlook the defendants' legal transgressions.

Reviewing snippets from the crime transcript [Exhibit 23], it becomes evident that the Defendants misrepresented events to the Secretary of State.

Example:

ASSISTANT ROV HEATHER CARMEN: I've spoken

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to Jamie, and she also concurs with my decision.

VALERIE WHITE: And can you explain why you were --

ASSISTANT ROV HEATHER CARMEN: Because we did not have this open during the regular election when we were doing the tabulation. So we're doing consistently what we did previously.

VALERIE WHITE: But this is not a consistent

situation because this is a recount being paid for --

ASSISTANT ROV HEATHER CARMEN: And we're
doing the --

VALERIE WHITE: -- by the candidate --

ASSISTANT ROV HEATHER CARMEN: And we're

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actually doing the exact same thing --

VALERIE WHITE: I am a --

ASSISTANT ROV HEATHER CARMEN: -- that we
did in the election. We're not going to do --

VALERIE WHITE: I am a representative of the candidate.

ASSISTANT ROV HEATHER CARMEN: We're not going to deviate from what we
did before.

VALERIE WHITE: I am a representative --

ASSISTANT ROV HEATHER CARMEN: Okay.

This blatant admission by the defendant clearly shows they broke nearly every election law. The Constitution, court orders, etc., by depriving not only a paid representative of the candidate of observation but also denying every voter their right to suffrage in the 2022 Primary Election. This is beyond appalling. Watch the video [Exhibit 23] and see for yourself. These people, behind closed

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doors, counted all the votes in violation of the law and then told us who wins. We have zero ability to audit their reportings. The defendants are all aware of and involved in this grievous rights violation of all Washoe voters and the cover-up in their reportings as to what happened to the Secretary of State. The defendants must be tried under 283.440, and the other statutes listed above.

Such actions, deprive every Washoe voter of a fair election, solidify the immediate DUTY of this honorable court for her removal under NRS 283.440 and be tried under the non all-encompassing statutes listed above.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Rodriguez to be weighed at trial.

C. Claims against County Manager Brown

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, and NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

Plaintiff to the best of his knowledge alleges the following against Defendant Brown.

- Failed his duties to respond to Plaintiffs' petitions and grievances (Shown in Duty Bound Section Above).

- Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office.
- Has appointed unqualified puppets to do his bidding in the ROV office.
- Has kept qualified people from receiving employment at the ROV office.
- Is actively covering up election crimes.
- Used his county position to enrich himself and or family.

An instance of Brown leveraging his county position to favor his wife can be seen in [Exhibit 136-137]. Melody Brown, his wife, was found to be nearly four times over the legal limit for driving under the influence at the time of a vehicular incident. However, after invoking her husband's name multiple times-as shown more than a dozen times in the video [exhibit 136]-she was unexpectedly retrieved by her husband from the holding facility without facing jail time or a DUI charge.

If allegations are true, Defendant Brown, could be facing Obstruction of Justice, Official Misconduct, Bribery or Corruption, Conspiracy, Violation of Ethics Codes, Civil Liability, removal from office and ban from holding future office just to name a few penalties for this one act alone.

These acts if proven true further underscores the necessity of Brown's removal under NRS 283.440.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Brown to be weighed at trial.

D. Additional Claims against all Defendants

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All three defendants were duty-bound by the Constitution and NRS 293.2546 to "resolve complaints about elections and election contests fairly, accurately, and efficiently." However, they refused to uphold their duty. Instead, they conspired to libel, slander, and oppress the Plaintiff, thereby disenfranchising every voter in Washoe, Nevada. All three defendants are unequivocally subject to removal under NRS 283.440

All three defendants are aware of counting Washoe County's 2022 Primary Election votes in secret, as well as Candidate Gilbert's recount contest, in secret. All three are aware of, or took part in, the cover-up with the secretary of state, as shown above. Additionally, all three defendants were made aware of, and have covered up, the fact that the Washoe County Elections in 2020 and 2022 have a damningly evident fraudulent function flipping every Washoe County voter's vote. Thus, depriving every Washoe voter of their right to suffrage.

Impossible Results In A Fair Election, Proof Of Crime

Washoe County is one of 17 counties in Nevada, and it is where only one other county had a mathematical impossibility occur. In a fair election, one expects to see different precincts vote differently. For example, if a precinct is heavy Democrat, you would expect the votes to favor certain Democrats; if it were a heavy Republican precinct, you would expect the votes to favor certain Republicans. Additionally, depending on the size of the precincts, you would expect the vote percentages to differ from one precinct to another. Yet, in both Washoe and Clark County, every precinct voted nearly identically the same. This is impossible. In fact, the other 15 counties didn't vote anything like Washoe or Clark County, nor did Carson City. At no time in the history of our State has this occurred, yet it did in Washoe and Clark County in the 2020 and 2022 elections. This is mathematically impossible. The court must understand this is not the Plaintiffs data or math or

numbers; it is simply the Certified Election Results from Washoe and Clark County. Meaning the ROV and SOS signed off on these impossible results and then certified the election.

Plaintiff has brought this issue to the attention of the defendant's numerous times, always being dismissed, never addressed. And then, they collaborate with the media to libel and slander Plaintiff instead of addressing this glaring issue. What's important to understand is this isn't a guess, this is proof of election rigging on the largest scale, see [Exhibits 104, and 105] in where the user can DETERMINE the results of each election. This is impossible in a fair election, period. It is mathematically impossible in a fair election across 1,286 precincts, in the 2 largest countys of Nevada, on opposite ends of the state to vote idenetically the same, while no other county or Carson City did. This would require every voter in Washoe and Clark County to meet and conspire together to vote exactly as they tell each other to with no deviation. Plaintiff urges this honorable court to verify Plaintiffs findings with UNR and UNLV math professors, ask them how we can solve the impossible, if the election wasn't predetermined. Show them exhibits 104, and 105 and tell them to solve for alpha without knowing lambda, if they are honest they will tell you Plaintiff is right the elections are rigged. Many math professors have concluded our findings were correct many are scared to come forward for fear of losing their jobs. Many have told me that they fled their countries due to Marxism, communism and stolen elections just to come to America, for me to show them through exhibits 104-105 they are right back into what they tried to escape, stolen elections and loss of the peoples voices. Justice must be administered by this honorable court or we will lose our country.

**E. Duty To Conduct Lawful Elections & If One Cause Of Action Is
Dismissed, The Others Can Move Forward**

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Plaintiff believes the laws show the Defendants have a duty to respond to his original petitions. But, for the sake of argument, let's say this honorable court believes they don't need to be accountable to the public and can ignore legitimate complaints and petitions brought before them. Well, then, Plaintiff would beg the question: are they accountable for breaking any laws? It is well-established that there are numerous penalties and potential prison time for election fraud. Clearly, the defendants have broken numerous laws and violated various statutes, as the evidence shows and testimony will prove. Examples of additional statutes being broken are as follows:

NRS 293 NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927.
NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1
) . NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1),
NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS
293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3). NRS
293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d),
NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b)

The penalties for these offenses, when specified in the statutes, range from civil penalties to misdemeanors and felonies. Some of the more severe offenses can carry heavy fines and imprisonment.

Does this honorable court not agree that there must be accountability? So, even if this honorable court rules against cause 2, surely cause 1 must move forward.

In *Jones v. Eighth Jud. Dist. Ct. of State*, 67 Nev. 404, 418, 219 P.2d 1055, 1062 (1950) that the defense cited: Petition in prohibition by Robert E. Jones, as District Attorney of Clark County.

Nevada, against the Eighth Judicial District Court of the State of Nevada, in and for the County of

Clark, and the Honorable Taylor H. Wines. Judge thereof, presiding in Department No. 1 to test the sufficiency of a complaint seeking to remove petitioner from the office of District Attorney for alleged neglect of duty and malfeasance in office. The Supreme Court, Badt, J., held that the complaint was insufficient as to the first, third, and fourth counts but was sufficient as to the second count.

Even in the case the defense cited, it clearly shows each cause of action was weighed; some were removed, but one moved forward. That one claim removed Jones from office.

Plaintiff requests this honorable court to weigh the evidence on its merits and allow this case to proceed even if the court fails to hold the defendants accountable to the public in cause 2. Clearly, cause 1 must move forward. This case is about far more than just firing three people: it's to ensure our servants are held accountable and that our elections are conducted lawfully.

XXIII. The SOS has a conflict of interest

The SOS has a reputation to uphold and is failing. This document proves the current Secretary of State, Cisco Aguilar, is a fraud. He did not win his election, as exhibits 104-105 prove. Jim Marchant should be our Secretary of State, not Cisco Aguilar. It's possible Aguilar doesn't know this, but the statements he's made in the press about no proof of election violations is absurd [Exhibit 120]. The bill he's passed to silence election debate and accountability via SB 406 is in stark resemblance to the Hitler regime. SB 406, on the surface, sounds reasonable until one actually reads it. It is so ambiguous it could potentially apply to anyone for anything. A citizen could simply disagree with an election official or even a poll watcher and end up in jail for 4 years! There are countless laws to

keep election workers safe; this bill is about silencing opposition, such as what the Plaintiff brings forward. That's why the Plaintiff is suing to remove SB 406 as well.

As seen over the past 3 years, the public's confidence in the SOS and Nevada's elections in general are on the line in many respects and in regards to Plaintiffs instant complaint and related petitions and complaints.

The SOS is an elected official with a vested interest in the outcome of elections. Naturally, any dispersions of the accuracy of an election could prove deleterious to the reputation of the SOS should it be realized that their race was encumbered by results that were inaccurate.

Such a revelation could result in a contest of the election of the SOS. Any impediment to an elector's or candidate's right to contest an election is repugnant. So, when the SOS fails to act to correct ills because it is convenient or politically advantageous it is an abuse of their office.

Plaintiffs petitions contain facts and makes points which support needed changes in elections that must be considered and adopted in hopes of achieving accuracy of results and propping of the public's trust.

On information and belief, the SOS has adopted a Top-Down election management policy that seeks to undermine county rights of any level of autonomy in the conduct of elections.

Stripping Plaintiff of his rights to redress grievances with the county is consistent with the Top-Down policy exhibited by the SOS.

The SOS exhibited their conflict of interest when it suppressed Plaintiffs petitions and complaints. Now, by their upcoming efforts to control every county's election processes, they will be the one-stop-shop for all election complaints. The county will point to them, the SOS will point to the county, and we the people will lose our voices. It's Venezuela 2.0; one doesn't need to be a psychic to see what's happening. Key positions are being stolen across the state, then processes are put in

place to ensure they and their buddies never lose their stolen power and influence. This is not a conspiracy; it's truth, as the evidence and actions of these selected servants show us. This honorable court can do what's right and stop this abuse and takeover. See above, NAC is inferior to NRS, and NRS is inferior to the NV Constitution.

XXIII. Mandamus and Equitable Relief are Attainable

The Defense acknowledges correctly that the Plaintiff wishes this Court to compel one or more defendants to respond to his grievances, even if to say Plaintiff is wrong, and to "rectify" the issues alleged in those grievances to the extent possible or practical.

The Defense claims that Plaintiff is incorrect in his assertions that discretionary acts of the Defendants make them liable, citing *Mineral Cnty. V State, Dep't of Conserv.*, "an extraordinary remedy which will not lie to control discretionary actions, unless discretion is manifestly abused or is exercised arbitrarily or capriciously." And citing, *State Office of the Atty. Gen. v. Justice Ct. a/Las Vegas Twp.*, "A manifest abuse of discretions is a clearly erroneous interpretation of the law or a clearly erroneous application of a law or rule."

The Plaintiff refutes such arguments below in "Discretionary Act Immunity."

Non-discretionary Duty: The Defense claims because of NAC 293.025, the Defendants are not subject to liability of their non-discretionary acts to "respond," or "rectify," or "resolve" Plaintiff's Petitions or any other concern he has posed to the Defendants. As previously discussed, NAC 293.025 is not an immunity shield. Nev. Const. Art 2 Sec 1A (11) and NRS 293.2546 (11) state Voter's Rights and to "resolve" complaints. An implied duty exists.

Moreover, Defendants have a non-discretionary duty to uphold the law, respect Plaintiffs rights, and

to fulfill their oaths of office. The Plaintiff has the constitutional rights to the relief requested.

No Adequate Remedy at Law: The Defense claims that Plaintiff "has an adequate remedy at law." And that "Beadles ignored his available legal remedies." Plaintiff disagrees and as discussed in "The Requested Relief is Unobtainable" .

Lack of Other Remedies: Upon information and belief, the Plaintiff has filed complaints with the SOS that have gone unnoticed. Certainly, there has been no reply.

As such, the Plaintiff pursued his secondary avenue which was to petition his local government. When that proved fruitless, he filed the instant complaint that is before this Court. The Defendants have abused their roles and Plaintiffs rights and as such, Plaintiff has no other remedy but to seek accountability, which in this instance requires removal from office and other relief requested.

XXV. Plaintiffs Miscellaneous Relief is Appropriate and Obtainable.

[Note: The following is an abridged list of misc. remedies]

Plaintiffs Complaint contains a demand for specific relief as follows:

i. Defendants must take into account and redress all elections issues that Plaintiff puts on the table, no shying away;

ii. Enjoin Defendants to disclose ACB applicant's names and credentials publicly prior to appointment;

iii. Enjoin the defendants and halt the expenditure of \$12.6M of taxpayer dollars for unapproved and unsafe equipment and software;

iv. Defendants that are found in violation of laws shall be fined, fired, and/or removed from office;

The Defense, on p. 19, ln 6-8, argues, "There is no legally tenable avenue for Beadles to obtain the relief requested above. The Court should dismiss Beadles's miscellaneous requests for relief." The Plaintiff wholeheartedly disagrees. The Plaintiff has proven the merits of his argument and the facts. The relief sought is not inappropriate. In fact, the relief sought is critical to the safety and security of our elections and nothing less. Plaintiff respectfully demands all [Exhibits 1-145] be weighed in this honorable Court's decision and included in his response, the facts, evidence and data clearly show the defendants motion to dismiss is the furthest thing from allowable.

**Additional material
from this filing is
available in the
Clerk's Office.**