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

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MR. ROBERT BEADLES, an individual,

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Plaintiff,

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vs.

Case No.: CV23-01341

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Dept. No.: 1

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JAMIE RODRIGUEZ, in her official capacity

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As Registrar of Voters and in her personal

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Capacity; the WASHOE COUNTY

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REGISTRAR OF VOTERS, a government

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agency; ERIC BROWN in his official capacity

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as WASHOE COUNTY MANAGER and in his

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personal capacity, ALEXIS HILL in her official

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capacity as CHAIRWOMAN OF WASHOE

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COUNTY BOARD OF COMMISSIONERS and

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in her personal capacity; WASHOE COUNTY,

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Nevada, a political subdivision of the State of

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Nevada, and DOES I-X; and ROE

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CORPORATIONS I-X,

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Defendants.

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ORDER GRANTING DEFENDANT’S MOTION TO CHANGE VENUE

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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 capacity as Washoe County Manager and in his personal capacity; Alexis Hill (“Commissioner Hill”)

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

6 **I. Background**

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

- 9 1. The Complaint is brought against Defendants based on their violations of Plaintiff’s state
10 Constitutional rights to due process, equal protection, voter’s rights, and the laws and
11 codes of Nevada related to the conduct of elections regarding Defendants’ non-response
12 to Plaintiff’s grievances and “general stonewalling” when presented with reports and
13 analysis on voting systems in use in Washoe County and various requests for information.
14 Complaint ¶ 33.
- 15 2. Plaintiff alleges violations of his rights and the laws of Nevada based on the Defendants
16 having never acknowledged or responded to three formal Petitions filed with the county
17 by Plaintiff. *Id.* ¶ 31.
- 18 3. Plaintiff will show that Defendants willfully committed acts of malpractice,
19 maladministration, and/or nonfeasance, and perjury in the conduct of their official duties,
20 thus having the appearance of impropriety and damaging the public’s trust. *Id.* ¶ 32.
- 21 4. Plaintiff includes Exhibit 109 that is a highlight of several supplemental statements in
22 support of the merits of the underlying Petitions. Individually and as a whole, Plaintiff
23 contends that the highlights presented in Exhibit 109 are of such a serious matter that they
24 cannot be ignored-just as the original Petitions should never have been ignored to cure the
25 problems that are self-evident, including but not limited to: unclean and grossly inaccurate
26 voter rolls, un-approved and unsecure voting systems that Defendants chose of their own
27 volition, the rush toward pioneering new technology that could impact county, state, and
28 national security, failure to train staff and election officials, failure to provide trained

1 election officials, telling staff to not verify signatures, unequal treatment of signatures at
2 the polls, counting of votes in secret, illegal function within the election system, and gross
3 violations of the Nevada Revised Statutes and Administrative Codes regarding election
4 procedures. *Id.* ¶ 33.

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

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

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

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

17 **II. Legal Authority**

18 The Nevada Supreme Court reviews a district court’s ruling on a motion for change of venue
19 under NRS 13.050(2) for an abuse of discretion. *Roethlisberger v. McNulty*, 127 Nev. 559, 563, 256
20 P.3d 955, 957 (2011). A district court may, on motion or stipulation, change the place of the
21 proceeding “[w]hen there is reason to believe that an impartial proceeding cannot be had therein” or
22 “[w]hen the convenience of the witnesses and the ends of justice would be promoted by the change.”
23 NRS 13.050(2)(b) and (c). “When the place of the proceeding is changed, all other matters relating
24 to the proceeding shall be had in the county to which the place of the proceeding is changed . . . and
25 the papers shall be filed or transferred accordingly.” NRS 13.050(3).

26 In evaluating a pre-voir dire change of venue motion, the Court considers five factors: “(1)
27 the nature and extent of the pretrial publicity; (2) the size of the community; (3) the nature and gravity
28 of the lawsuit; (4) the status of the plaintiff and defendant in the community; and (5) the existence of

1 political overtones in the case.” See *Nat’l Collegiate Athletic Ass’n v. Tarkanian*, 113 Nev. 610, 613-
2 14, 939 P.3d 1049,1051-52 (1997) (citing *People v. Hamilton*, 48 Cal.3d 1142, 774 P.3d 730 (1989)).

3 **III. Analysis**

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

19 In the Opposition, Defendants first argue that the Motion is entirely meritless – claiming the
20 public interest is best served by holding this case within the venue of Washoe County. Opp. at 2:13-
21 26. Defendants contend Plaintiff is advancing an imbalanced and partial narrative concerning the
22 case’s merits. *Id.* Next, Defendants argue Beadles’ causes of action bear no right to a jury trial –
23 noting that the right to a jury trial does not extend to either the equitable claim or the removal
24 proceeding. *Id.* at 3:19-4:3. Further, Defendants argue that a pre-voir dire change of venue is
25 otherwise unwarranted here in consideration of the five-factors test as enumerated in *Tarkanian*. *Id.*
26 at 4:5-10. Defendants argue the nature and extent of pretrial publicity has, to date, been minimal. *Id.*
27 at 4:21-23. Next, as to size of community, the Defendant argues that Washoe County has nearly half
28 a million people – noting no evidence that a population this size evidences potential difficulty in

1 seating a jury. Further, as to nature and gravity of the case, Defendants argue that the ongoing political
2 environment, not Beadles' Complaint, bring the issues alleged to the forefront of the community's
3 consciousness – alleging this is no less true for Lyon County than it is for Washoe County. *Id.* at 5:12-
4 18. As to status in the community, Defendants contend there is nothing about Beadles or Defendants'
5 status that makes venue in Washoe County necessarily biased or impartial towards either party. *Id.* at
6 5:19-25. As to the existence of political undertones, Defendant again points out that the nature of the
7 case has been presented in communities across the nature since the last major election – showing no
8 mitigation can be gained by moving this case to another venue. *Id.* at 5:26, 6:1-3. Finally, the
9 Defendants argue the Motion further evidences forum shopping – alleging how Beadles has engaged
10 in overt forum and judge shopping. *Id.* at 6:18-26, 7:1-6.

11 In the Reply, Plaintiff contends that the public interests in this case are varied and not solely
12 financial. Reply at 3:25-28. Plaintiff lists several concerns in the Reply countering the Defendants
13 assertion that a jury trial is unnecessary in this case.¹ *See Reply generally.* Further, Plaintiff alleges
14 the Defendants' claim of forum-shopping is misleading and unfounded – noting how Plaintiff's
15 request for impartiality is not forum shopping, nor can it be construed that Plaintiff's prior actions
16 demonstrate ill intent in pursuing removal. *Id.* at 7-18. Plaintiff reiterates its allegations against the
17 Defendants – pointing to dozens of examples within the Exhibits he believes show Defendants'
18 attempts to portray him as a “right-wing conspiracy theorist.” *See Reply generally.* Finally, Plaintiff
19 argues all five prongs of *Tarkanian* have been met. *Id.* As to the nature and extent of the pretrial
20 publicity, Plaintiff argues the amount or level of publicity received (over 20 articles) supports a
21 showing of a vindictive tone portraying Beadles in the media. *Id.* at 13:9-16. Second, as to the size
22 of the community, Plaintiff argues that such a pervasive media presence in a county of 500,000 people
23 will render it “nearly impossible to find someone who hasn't heard about this ‘crazy right-wing
24 election denier, extremist.” *Id.* at 13:18-25. As to the nature and gravity of the lawsuit, Plaintiff
25 argues this factor favors change of venue considering the preexisting relationships between the
26 defense, the Defendants, court officials, and community leaders. *Id.* at 14:1-6. Further, Plaintiff

27 ¹ Plaintiff lists concerns in general categories, including: (1) Right to Impartial Adjudicator is Paramount; (2) Judges,
28 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.

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

9 After reviewing the pleadings and applicable law, this Court finds good reason to grant the
10 Plaintiff’s Motion and transfer venue to the First Judicial District Court in Carson City, Nevada. As
11 discussed by the parties in the pleadings, this Court looks to the five *Tarkanian* factors to determine
12 if venue should be transferred.

13 The first factor, the nature and extent of the pretrial publicity, favors a change in venue.
14 Throughout his Motion, Plaintiff cites the extent of the pretrial publicity garnered from this dispute.
15 Plaintiff points specifically to Exhibits filed in support of the Motion that tend to show significant
16 media presence surrounding the case – including pieces of media republished on a Defendant’s
17 platform, and pieces published in highly trafficked local press. Further, Defendant argues the coverage
18 has expanded to the national media, citing to coverage in the Associated Press on the matter. The
19 Court agrees with the Plaintiff that the issues that are central to this case have been broadly covered
20 by local media outlets and widely distributed to the Washoe County voting population by computer
21 network applications such as email and Facebook, which favors a change in venue. Further, the
22 information generated by the parties is arguably polarizing and at times inflammatory, which also
23 favors a change of venue.² *See Sicor, Inc. v. Hutchinson*, 127 Nev. 904, 915, 266 P.3d 608, 616 (2011)

24 ² *See* Exhibit 120. “*Election-fraud claims resurfaced in Nevada as Robert Beadles revises Washoe County lawsuit.*”
25 “[Beadles’] goal ... remains the same: to have a court address the validity of his election grievances and remove Washoe
26 County Registrar of Voters Jamie Rodriguez, County Manager Eric Brown and Alexis Hill, Washoe County Commission
27 chair ... In response to the first lawsuit, the Washoe County District Attorney’s office sent Beadles a letter on Tuesday
28 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 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

1 (finding that a consideration of whether the evidence “reveal[s] the kind of inflammatory or polarizing
2 material associated with a need for change of venue” is proper.) Further, Plaintiff asserts that his
3 action is directed at changes to the voting process prior to the 2024 election, which is just fourteen
4 months from now. The possibility that a trial in this case will be close in time to, or coincide with the
5 election, is real.³

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

10 The fourth factor, the status of the Plaintiff and Defendants in the community, favors a change
11 in venue. The summarization of Plaintiff’s pleadings above and the multitude of Exhibits filed in this
12 case detail the manner and extent to which he has become a well-known public figure in Washoe
13 County whose primary objective is criticizing and changing the manner in which elections are
14 conducted in Washoe County. Further, each of the Defendants is a publicly elected official, whose
15 campaigns include broad outreach to the county’s voting population which will comprise a jury, if
16 one is seated in this case. There is no denying that the parties in this case have unique and far-reaching
17 popularity in northern Nevada. Accordingly, this factor favors a change of venue.

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

21 On balance, and in consideration of all *Tarkanian* factors, this Court finds it proper to grant
22 the Motion. The parties are entitled to entrust the important legal issues in this case to a venue where
23 there would be few if any external influences and where the *Tarkanian* factors are neutralized. While
24 factors two, three and five are not determinative, as discussed above, factors one and four weigh
25 heavily in favor of changing venue in this case. Further, the change of venue to the First Judicial
26 District considers the convenience of the parties and any witnesses that would be called to testify.

27 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.”

28 ³ 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.

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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 13th day of September, 2023.



KATHLEEN M. DRAKULICH
DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 CASE NO. CV23-01341

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the
4 STATE OF NEVADA, COUNTY OF WASHOE; that on the 13th day of September, 2023, I
5 electronically filed the **ORDER GRANTING DEFENDANT’S MOTION TO CHANGE VENUE**
6 with the Clerk of the Court by using the ECF system.

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

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

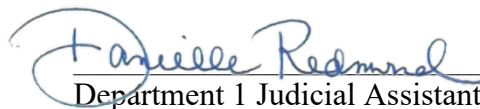
11 ROBERT BEADLES

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

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

16 **Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage**
17 **and mailing by Washoe County using the United States Postal Service in Reno, Nevada:**

18 [NONE]

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22 Department 1 Judicial Assistant
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