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1 2645 LINDSAY L. LIDDELL Deputy District Attorney 2 Nevada State Bar Number 14079 3 ELIZABETH HICKMAN Deputy District Attorney Nevada State Bar Number 11598 4 One South Sierra Street 5 Reno, NV 89501 lliddell@da.washoecounty.gov 6 ehickman@da.washoecounty.gov (775) 337-5700 7 ATTORNEYS FOR DEFENDANTS 8 9 IN THE SECOND JUDICIAL DISTRICT COURT 10 OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE 11 * * * 12 ROBERT BEADLES, an individual, 13 Plaintiff, Case No. CV23-01341 14 Dept No. D9 VS. 15 JAMIE RODRIGUEZ, in her official 16 capacity as Registrar of Voters and in her personal capacity; the WASHOE COUNTY 17 REGISTRAR OF VOTERS, a government / agency; ERIC BROWN in his official 18 capacity as WASHOE COUNTY MANAGER and in his personal capacity, 19 ALEXIS HILL in her official capacity as CHAIRWOMAN OF WASHOE 20 **COUNTY BOARD OF** COMMISSIONERS and in her personal 21 capacity; WASHOE COUNTY, a political subdivision of the State of Nevada, and 22 DOES I-X; and ROE CORPORATIONS I-X. 23 Defendants. 24 OPPOSITION TO MOTION TO REQUEST JUDGE SIMONS 25 26 //

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Defendants, by and through counsel, Deputy District Attorney Lindsay Liddell, hereby oppose the "Motion to Request Judge Simons" filed by Plaintiff Robert Beadles ("Beadles") on August 4, 2023. This Opposition is based on the following Memorandum of Points and Authorities and all papers and pleadings on file with this Court.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Beadles filed a Motion to request his preferred judge, Chief Judge Simons. He believes he is entitled to make such a request, but presents no legal authority to support the same. While Defendants certainly agree Judge Simons has a reputation for fairness, impartiality, and a respected intellect, the motion is inappropriate and frivolous. A motion to request one's preferred judge is not cognizable under Nevada law nor any rules of this Court. As such, it should be denied.

II. THE MOTION IS INAPPROPRIATE AND SHOULD BE DENIED.

Beadles asks this Court to assign Judge Simons to this case. He opines that "Judge Simons'[s] experience and expertise make her the ideal judge to preside over this case," that her "fair and impartial approach to the law will ensure that the case is decided on its merits," he believes her calendar is amendable to this case, and states he has no prior relationship with Judge Simons. See Mot. to Request Judge Simons at p. 2.

The Nevada Supreme Court Rules provide a limited opportunity to preempt an assigned judge. SCR 48.1. Upon filing a notice of peremptory challenge and paying the \$450 fee, the clerk is required to "randomly reassign the case to another judge within the district." SCR 48.1(2)(emph. added). The rule does not permit a party to judge shop by requesting their preferred judge. On the contrary, the rule includes timelines "designed to prevent its use as a device for 'judge shopping.'" Smith v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark, 107 Nev. 674, 677, 818 P.2d 849, 852 (1991).

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1 There is no legal basis for a party's request to have the case assigned to their preferred 2 judge. Beadles's Motion to Request Judge Simons is an inappropriate attempt to contravene 3 the random case assignment process. Reassignment at a party's request to their preferred 4 judge would invite public skepticism of the ability to receive justice in the court system. III. 5 **CONCLUSION** 6 The Motion should be denied because it has no legal basis. Pursuant to NRS 7 18.010(2), Defendants should be awarded attorneys' fees in connection with having to 8 oppose the instant Motion. 9 AFFIRMATION PURSUANT TO NRS 239B.030 10 The undersigned does hereby affirm that the preceding document does not contain 11 the social security number of any person. 12 Dated this 16th day of August 2023. 13 14 CHRISTOPHER J. HICKS District Attorney 15 16 By_ /s/ Lindsay L. Liddell LINDSAY L. LIDDELL 17 Deputy District Attorney One South Sierra Street Reno, NV 89501 18 lliddell@da.washoecounty.gov 19 (775) 337-5700 20 ATTORNEY FOR DEFENDANTS 21 22 23 24 25 26

ROBERT BEADLES

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:

Dated this 16th_day August, 2023.

/s/ S. Haldeman S. Haldeman