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7 ATTORNEYS FOR DEFENDANTS

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

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12 * * *

13 ROBERT BEADLES, an individual,

14 Plaintiff,

Case No. CV23-01341

15 vs.

Dept No. D9

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

24 Defendants.

25 **OPPOSITION TO MOTION TO REQUEST JUDGE SIMONS**

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

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I. INTRODUCTION**

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

13 **II. THE MOTION IS INAPPROPRIATE AND SHOULD BE DENIED.**

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

19 The Nevada Supreme Court Rules provide a limited opportunity to preempt an
20 assigned judge. SCR 48.1. Upon filing a notice of peremptory challenge and paying the
21 \$450 fee, the clerk is required to “**randomly reassign** the case to another judge within the
22 district.” SCR 48.1(2)(emph. added). The rule does not permit a party to judge shop by
23 requesting their preferred judge. On the contrary, the rule includes timelines “designed to
24 prevent its use as a device for ‘judge shopping.’” *Smith v. Eighth Jud. Dist. Ct. in & for Cnty. of*
25 *Clark*, 107 Nev. 674, 677, 818 P.2d 849, 852 (1991).

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