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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 CHANGE VENUE**

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1 Defendants, by and through counsel, Deputy District Attorney Lindsay Liddell,  
2 hereby oppose the Motion to Change Venue filed by Plaintiff Robert Beadles (“Beadles”)  
3 on August 13, 2023. This Opposition is based on the following Memorandum of Points  
4 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 Change Venue, seeking to transfer this case challenging  
8 Washoe County’s elections processes to Lyon County. Justice and public interest are served  
9 by maintaining venue in Washoe County. The motion lacks merit, is further evidence of  
10 Beadles’ efforts to forum shop, and should be denied.

11 **II. THE MOTION SHOULD BE DENIED.**

12 **A. THE MOTION IS ENTIRELY MERITLESS.**

13 NRS 13.050(2)(b) permits a Court to change the place of a civil trial when “there is  
14 reason to believe that an impartial trial cannot be had” in the county where the complaint  
15 was filed. Beadles argues an impartial trial cannot be had in Washoe County because  
16 “certain court officials, inclusive of judges and clerks in Washoe County, share professional  
17 and personal affiliations with the Defendants” and “Defendants have advanced an  
18 imbalanced and partial narrative concerning the case’s merits” by “inappropriately sharing  
19 non-public records with the media.” *Mot. for Change of Venue* at p. 2.

20 **1. Public Interests Are Best Served with Venue in Washoe County.**

21 NRS 13.030 provides that actions against a county may be commenced in the district  
22 court of the judicial district embracing the county. Public interests, including “avoiding the  
23 costs to taxpayers of defending actions in other communities, maintaining actions where  
24 relevant official records are kept, and reducing forum shopping” support ensuring actions  
25 against a county are filed in the district court of that county. *Lyon Cnty. v. Washoe Medical*  
26 *Center*, 104 Nev. 765, 768, 766 P.2d 902, 904 (1988).

1 The public interest, including the interest in avoiding unnecessary costs to the  
2 taxpayer-funded defense, are served by maintaining venue in Washoe County. Beadles’s  
3 cursory assertion that potential professional or personal relationships may exist between  
4 unspecified Washoe County Judges and Defendants does not justify a change of venue. No  
5 lawsuit against the County could ever be heard in the district court that embraces the  
6 county defendant, as required by NRS 13.030, if Beadles’s nebulous presumptions of  
7 impartiality were accepted.

8 **2. BEADLES’S CAUSES OF ACTION BEAR NO RIGHT TO A JURY TRIAL.**

9 The primary purpose of entertaining a change of venue on the grounds of  
10 impartiality is to avoid a bias jury pool. *See e.g., Nat’l Collegiate Athletic Ass’n v. Tarkanian*,  
11 113 Nev. 610, 613–14, 939 P.2d 1049, 1051–52 (1997); *Sicor, Inc. v. Hutchison*, 127 Nev. 904,  
12 266 P.3d 608 (2011).

13 Two causes of action are identified in Beadles’s Complaint: (1) an alleged violation  
14 of constitutional rights regarding unanswered “petitions,” “equitable and injunctive relief  
15 sought or writ of mandamus,” and (2) an action to remove Defendants under NRS  
16 283.440. Though the laundry-list of relief requested detached any cause of action includes  
17 a request for monetary damages, neither cause of action seeks the same. More importantly,  
18 neither cause of action, as plead, provide a right to a jury trial.

19 The first cause of action is an equitable claim. “[T]he right to a jury trial does not  
20 extend to equitable matters.” *Awada v. Shuffle Master, Inc.*, 123 Nev. 613, 618, 173 P.3d 707,  
21 710 (2007). Likewise, there is no right to a jury trial for a writ of mandamus, but the Court  
22 may order a jury trial in its discretion. NRS 34.220. The second cause of action, a removal  
23 proceeding, is a summary proceeding without the right to a jury. *Jones v. Eighth Jud. Dist. Ct.*  
24 *of State*, 67 Nev. 404, 418, 219 P.2d 1055, 1062 (1950).

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1 Notwithstanding that neither cause of action is viable, neither cause of action  
2 provides Beadles the right to demand a jury trial. His concerns of this venue’s impartiality  
3 are immaterial. Even if the causes of action were viable, they would not be heard by a jury.

4 **3. A Change of Venue is Otherwise Unwarranted.**

5 In evaluating a pre-voir dire change of venue motion, the Court considers five  
6 factors: “(1) the nature and extent of pretrial publicity; (2) the size of the community; (3)  
7 the nature and gravity of the lawsuit; (4) the status of the plaintiff and defendant in the  
8 community; and (5) the existence of political overtones in the case.” *Nat’l Collegiate Athletic*  
9 *Ass’n*, 113 Nev. at 613-14, 939 P.2d at 1051–52(citing *People v. Hamilton*, 48 Cal.3d 1142,  
10 774 P.2d 730 (1989)).

11 “It is no ground for such change that the people of the county where the action is to  
12 be tried are generally interested in the question involved.” *Conley v. Chedic*, 7 Nev. 336, 340  
13 (1872).

14 Additionally, judges are presumed to be unbiased. *Millen v. Eighth Jud. Dist. Ct. ex. Re.*  
15 *Cnty. of Clark*, 122 Nev. 1245, 1254, 148 P.3d 694, 701 (2006). “[T]he bias and prejudice of  
16 the judge is not a ground for change of venue, unless expressly made so by statute.” *State v.*  
17 *Second Jud. Dist. Ct. in & for Washoe Cnty., Dep’t 2*, 52 Nev. 379, 287 P. 957, 960 (1930).  
18 Although judges are presumed to be unbiased, even if hypothetically a judicial officer  
19 lacked the impartiality to oversee a case, the remedy would be recusal or disqualification of  
20 the judge, not a change of venue.

21 In the present case, the nature and extent of pretrial publicity has, to date, been  
22 minimal. Only a handful of articles have been published, detailing both the Complaint  
23 Beadles filed and the Rule 11 letter Defendants served in Beadles’s first case.<sup>1</sup> The media  
24 coverage is no more inflammatory than Beadles’s own Complaint. The text messages

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25 <sup>1</sup> Beadles argues “Defendants have inappropriately shared non-public records with the media.” Contrary to  
26 Beadles’s assertion, although unfiled, Defendants’ letter is a public record under NRS Chapter 239.

1 Beadles included demonstrate the media’s efforts to take a neutral position by requesting  
2 his comment before publishing. Highlighting the absurdity of Beadles’s claim that media  
3 coverage somehow deprives him of the ability to have a fair trial, Beadles himself is the  
4 primary source of much pretrial publicity, as demonstrated by multiple articles quoting  
5 Beadles’ public blog, “Operation Sunlight.” Although there are several news articles  
6 relevant to this case, the medial quantity and nature of media coverage falls far short of the  
7 one-sided pervasive and prejudicial coverage that would necessitate a change of venue. The  
8 first factor favors denying the Motion to Change Venue.

9 The second factor is the size of the community. Washoe County has nearly a half  
10 million people. There is no evidence that with a population this size, it would be difficult to  
11 seat a jury that had not been exposed to any prejudicial publicity.

12 As to the nature and gravity of this case, this factor also weighs in favor or denying  
13 the Motion to Change Venue. The claims are unviable and a Motion to Dismiss is pending.  
14 Moreover, the allegations presented in this complaint echo strongly of the nationwide  
15 misinformed assertions of election fraud ongoing since the 2020 election cycle. The  
16 ongoing political environment, not Beadles’s complaint, bring the issues alleged to the  
17 forefront of the community’s consciousness. This is no less true for Lyon County than it is  
18 for Washoe County.

19 The fourth factor considers the status of the plaintiff and defendants in the  
20 community and factor five contemplates the existence of political overtones in the case.  
21 Commissioner Hill is a local elected official and Manager Brown and Ms. Rodriguez are  
22 appointed public officials. Beadles, as evidenced by the news articles he attached to the  
23 present motion, is also well known in the local political community and by the media.  
24 While recognizable in local politics, nothing about the status of either Beadles or  
25 Defendants makes venue in Washoe County necessarily biased or impartial. Finally, this  
26 lawsuit alleging election fraud is certainly political in nature, but its political overtones

1 essentially arguing the same election fraud theories that have been presented in  
2 communities across the nation over the last three years will not be mitigated by moving this  
3 case to a different venue. Neither of these factors support a change of venue.

4         Beadles submitted an inflammatory complaint alleging election fraud in Washoe  
5 County and seeking to remove an elected official and two appointed public employees from  
6 their offices. Although a handful of political media sources ran stories about the lawsuit,  
7 there is simply no basis to argue that the media coverage surrounding this lawsuit has been  
8 either pervasive or sensational enough to deprive Beadles of a fair trial.

9             **B. THE MOTION IS FURTHER EVIDENCE OF FORUM SHOPPING.**

10         Forum shopping is the “practice of choosing the most favorable jurisdiction or court  
11 in which a claim might be heard.” *Black’s Law Dictionary* 681 (8th ed. 2004). “Forum  
12 shopping” is disfavored in Nevada State Courts. *See, e.g., Adams v. Adams*, 107 Nev. 790,  
13 795, 820 P.2d 752 (1991); *Lyon Cnty.*, 104 Nev. at 768, 766 P.2d at 904. The practice of  
14 “forum shopping” is “inimical to sound judicial administration.” *Pub. Serv. Comm’n of Nev.*  
15 *v. SW. Gas Corp.*, 103 Nev. 307, 308, 738 P.2d 891, 891 (1987). Among the public interests  
16 supported by the requirement that a lawsuit against a county be filed in that county is the  
17 avoidance of forum shopping. *Lyon Cnty.*, 104 Nev. at 768, 766 P.2d at 904.

18         Nonetheless, Beadles’s present motion for a change of venue is nothing more than  
19 his latest quest to have his case heard by a decision maker that he strategically deems most  
20 favorable to his cause. To date, Beadles has engaged in overt forum and judge shopping.  
21 He filed the instant Complaint duplicating claims in a case from his first case that was  
22 removed to federal court, only deleting the Federal claims here. *See Beadles v. Rodriguez, et*  
23 *al*, CV23-01283 (Second Judicial District Court). He filed two separate motions to request  
24 his preferred judge. *See Mot. to Request Judge Simons; 2nd Mot. to Request Judge Simons*. In  
25 each case, he also filed peremptory challenges attempting to obtain his desired judge.  
26 Dissatisfied, he then moved to recuse the presiding judge, making baseless and outrageous

1 claims regarding the Court's collusion with the defense and taking issue with the Court's  
2 adherence to the rule against ex parte communication. *See Mot. for Recusal of Judge.*

3 The Court should not entertain a change of venue, which would only cater to  
4 Beadles's sense of entitlement to forum and judge shopping. Forum shopping is  
5 sanctionable under Rule 11. *C. v. Rady Children's Hosp.*, 17-cv-0846-AJB-JLB, 2017 WL  
6 6327138, at \*5 (S.D. Cal. Dec. 8, 2017).

7 **III. CONCLUSION**

8 It is plainly apparent that Beadles did not file his Motion for Change of Venue in the  
9 pursuit of justice but rather as another strategic attempt to have his meritless allegations  
10 heard in the forum he believes will be most favorable to himself. As the plaintiff, Beadles  
11 chose the initial venue in Washoe County. Venue is proper in Washoe County, and  
12 allegations that he cannot receive a fair trial in Washoe County are baseless. The public  
13 interests are best served by maintaining venue in Washoe County, which will conserve  
14 taxpayer dollars expended as a result of defending this frivolous lawsuit. As such, the  
15 Motion for Change of Venue should be denied.

16 AFFIRMATION PURSUANT TO NRS 239B.030

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

19 Dated this 17th day of August 2023.

20 CHRISTOPHER J. HICKS  
21 District Attorney

22 By     /s/ Lindsay L. Liddell      
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