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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**

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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 2nd MOTION TO REQUEST JUDGE SIMONS**

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1 Defendants, by and through counsel, Deputy District Attorney Lindsay Liddell,  
2 hereby oppose the “2<sup>nd</sup> Motion to Request Judge Simons” filed by Plaintiff Robert Beadles  
3 (“Beadles”) on August 9, 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 Second Motion to request his preferred judge, Chief Judge Simons.  
8 This time, he attempts to provide legal authority to support his request. The legal authority  
9 cited is inapplicable, and does not support a party’s request for judge reassignment.

10 Again, Defendants agree Judge Simons is a well-qualified judicial officer. However,  
11 a party cannot request their preferred judge. Such a request runs afoul of the Court’s  
12 random assignment process, which serves to promote impartiality and fairness in the  
13 judicial system.

14 A motion to request one’s preferred judge is not cognizable under Nevada law nor  
15 any rules of this Court. The Second Motion to Request Judge Simons should be denied.

### 16 II. THE MOTION IS INAPPROPRIATE AND SHOULD BE DENIED.

17 While his first Motion to Request Judge Simons is currently pending and has not  
18 been submitted to this court, Beadles filed a Second Motion to Request Judge Simons. He  
19 again expresses that Judge Simons would be an “ideal judge to preside over this case.”

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

1 The authority cited in the Motion does not support Beadles’s request. He cites Eighth  
2 Judicial District Court Rules, which are inapplicable here. He cites NRS 3.025 and 3.223,  
3 which authorize the Chief Judge to address case assignments, but provides no private right  
4 for a party to make such a request. The cases lack full citations, and are thus difficult to  
5 locate. For example, a search identifies numerous cases titled “Ferguson v. State.” To the  
6 extent Beadles refers to *Matter of Guardianship of T.T.H.*, 134 Nev. 958, 421 P.3d 282 (2018),  
7 that case addressed a court’s discretion to transfer a case from family court to district court.  
8 It has no bearing on whether a party can request reassignment to their preferred judge. *Id.*

9 There is no legal basis for a party’s request to have the case assigned to their preferred  
10 judge. Beadles’s Second Motion is an inappropriate attempt to contravene the random case  
11 assignment process. It is a waste of judicial resources and should be denied.

### 12 III. CONCLUSION

13 The Motion should be denied because it has no legal basis. “In fact, random  
14 assignment rules are specially intended to prevent judge shopping.” *Shopping for a Venue:  
15 The Need for More Limits on Choice*, 50 U. Miami L. Rev. 267. Not only is this motion  
16 frivolous, but it is also needlessly duplicative of another motion Beadles filed one week  
17 prior. Pursuant to NRS 18.010(2), Defendants should be award attorneys’ fees in  
18 connection with having to oppose the instant Motion.

#### 19 AFFIRMATION PURSUANT TO NRS 239B.030

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

22 Dated this 17th day of August 2023.

23 By           /s/ Lindsay L. Liddell            
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**CERTIFICATE OF SERVICE**

Pursuant to NRCF 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 17th day August, 2023.

/s/ S. Haldeman

S. Haldeman