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REPRESENTING DEFENDANTS
7 JAMIE RODRIGUEZ, WASHOE
COUNTY REGISTRAR OF VOTERS,
8 ERIC BROWN, ALEXIS HILL,
and WASHOE COUNTY

9
10 **FIRST JUDICIAL DISTRICT COURT OF NEVADA**
11 **CARSON CITY**

12 * * *

13 ROBERT BEADLES, an individual,

14 Plaintiff,

Case No. 23-OC-00105 1B

15 vs.

Dept No. D1

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

24 Defendants.

25 **DEFENDANTS' OPPOSITION TO PLAINTIFF'S SECOND MOTION TO**
26 **CHANGE VENUE**

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 September 21, 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 In his efforts to purportedly secure a fair trial, Beadles filed a second Motion to
8 Change Venue on September 21, 2023, requesting transfer of this case from Carson City to
9 Lyon County.¹ *Mot. to Change Venue*.

10 A District Judge in Washoe County determined on September 13, 2023, that
11 transferring venue to Carson City neutralized any impartiality that may have existed in
12 Washoe County while maintaining a venue that is convenient for the parties and witnesses.
13 *Order Granting Change of Venue*. Although all legitimate claims of prejudice were mitigated
14 by the transfer to Carson City, Beadles again argues that this Court should transfer the case
15 to Lyon County.² *Mot. to Change Venue*. Supporting his assertion that a Carson City jury
16 would be biased, Beadles bolfs his argument that impartial Washoe County citizens who
17 work in Carson may “tell the tales to voters of Carson City.” *Mot. to Change Venue* at p. 4.

18 While asserting tenuous claims of prejudice seeping from Washoe County to
19 Carson City, Beadles makes the outlandish suggestion that the Lyon County District Court,
20

21 ¹ This motion is procedural improper and could be denied on that basis, although it also lacks merit.
22 Issues once heard and disposed of will not be renewed in the same cause except by leave of court granted
upon motion.” FJDCR 3.13(a). Plaintiff already requested and received a change of venue in this case.

23 ² Demonstrating that Beadles is forum shopping rather than seeking to obtain a fair trial, he includes the
24 following request: “If this honorable court will not move the case to Lyon County, please return it back to
25 Judge Drakulich’s custody as Washoe County is preferable to relocating it to Carson City, for the sake of the
26 appearance of justice, if nothing else.” *Motion to Change Venue*, p. 19. The Motion to Change Venue should
be denied because an impartial trial can occur in Carson City. Plaintiff’s preferred venue is irrelevant, and his
request to have the case transferred back to Washoe County after previously arguing that he could not secure
a fair trial in Washoe County establishes that his Motions to Change Venue are simply manipulative efforts.

1 whose location the Lyon County Commission recently named the Donald J. Trump Justice
2 Complex,³ would be the most impartial venue for this case involving allegations of election
3 fraud. *Motion to Change Venue*, p. 3, p. 25, Ex. 155, p. 2. He omits that the same media
4 sources available to Washoe County and Carson City are available to residents of Lyon
5 County. Moreover, the Reno Gazette Journal owns the “weekly newspapers that serve
6 Yerington, Fernley and Dayton.” Ex. 1. Beadles provides no evidence to support his claims
7 regarding Lyon County’s ability to provide a fair trial.

8 The Motion should be denied. It is another attempt to frivolously forum shop. There
9 is no basis to change venue to Lyon County. Beadles’s causes of action do not entitle him to
10 a jury trial. Beadles fails to show that Carson City cannot facilitate an impartial proceeding.
11 Instead, as Beadles describes “Carson City serves as the epicenter of political affairs in
12 Carson City,” making it an appropriate venue for this highly political case.

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

14 **A. THERE IS NO BASIS TO CHANGE VENUE TO LYON COUNTY.**

15 NRS 13.050(2)(b) permits a Court to change the place of a civil trial when “there is
16 reason to believe that an impartial trial cannot be had” in the county where the complaint
17 was filed. Beadles argues an impartial trial cannot be had in Carson City, because the
18 Defendants “maintain personal and professional relationships in Carson City” and
19 “Plaintiff has been erroneously portrayed as the ‘Godfather of Election Reform’ and
20 maligned as a right-wing conspiracy theorist, characterizations that are patently false.”
21 *Mot. for Change of Venue*, at p. 2. A District Judge already deemed Carson City an
22 appropriate venue that mitigates any prejudice caused by pre-trial media coverage of this

23
24 ³ This action may have unconstitutionally interfered with the Lyon County Courts’ “ability to perform [their]
25 core constitutional functions.” See *City of Sparks v. Sparks Mun. Court*, 129 Nev. 348, 364–65, 302 P.3d
26 1118, 1129–30 (2013). Naming a court’s building after a polarizing politician arguably may have the effect of
impugning the appearance of impartiality and may indirectly manifest bias toward a political affiliation. At
minimum, it seems to have encouraged a litigant, Beadles, to pursue a venue change in a highly political case
involving accusations of elections fraud.

1 case or the status of the parties in Washoe County. *Order Granting Change of Venue*.
2 Beadles’s reassertion of essentially the same arguments, targeted toward the new venue, fall
3 far short of demonstrating that an impartial trial cannot be secured in Carson City.

4 Beadles provides no evidence regarding Lyon County to support his allegation that
5 he will have “the best opportunity for an unbiased trial” in Lyon County. *See Mot.* at p. 3.
6 He erroneously claims Defendants consented to venue in Lyon County. To be clear,
7 Defendants oppose a venue change to Lyon County. This would be burdensome and
8 inconvenient, including by forcing Defendants to travel over an hour to hand-file
9 documents or appear in any proceedings.

10 **1. Beadles’s Causes of Action do not Entitle him to a Jury Trial.**

11 The primary purpose of entertaining a change of venue on the grounds of
12 impartiality is to avoid a biased jury pool. *See e.g., Nat’l Collegiate Athletic Ass’n v. Tarkanian*,
13 113 Nev. 610, 613–14, 939 P.2d 1049, 1051–52 (1997); *Sicor, Inc. v. Hutchison*, 127 Nev. 904,
14 266 P.3d 608 (2011).

15 Two causes of action are identified in Beadles’s Complaint: (1) an alleged violation of
16 constitutional rights regarding unanswered “petitions,” “equitable and injunctive relief
17 sought or writ of mandamus,” and (2) an action to remove Defendants under NRS 283.440.
18 The first cause of action is an equitable claim. “[T]he right to a jury trial does not extend to
19 equitable matters.” *Awada v. Shuffle Master, Inc.*, 123 Nev. 613, 618, 173 P.3d 707, 710 (2007).
20 Likewise, there is no right to a jury trial for a writ of mandamus, but the Court may order a
21 jury trial in its discretion. NRS 34.220. The second cause of action, a removal proceeding,
22 is a summary proceeding without the right to a jury. *Jones v. Eighth Jud. Dist. Ct. of State*, 67
23 Nev. 404, 418, 219 P.2d 1055, 1062 (1950).

24 Notwithstanding that neither cause of action is viable, neither cause of action
25 provides Beadles the right to a jury trial. His concerns relating to the impartiality of a jury
26 made up of Carson City residents are immaterial. Even if the causes of action were viable,

1 they would not be heard by a jury. There is no basis to transfer venue in this case, which
2 will result in a bench trial if it is not dismissed prior to that point.

3 **2. Beadles has not Demonstrated that a Change of Venue from Carson City is**
4 **Warranted.**

5 Judges are presumed to be unbiased. *Millen v. Eighth Jud. Dist. Ct. ex. Rel. Cnty. of*
6 *Clark*, 122 Nev. 1245, 1254, 148 P.3d 694, 701 (2006). Additionally, “the bias and prejudice
7 of the judge is not a ground for change of venue, unless expressly made so by statute.” *State*
8 *v. Second Jud. Dist. Ct. in & for Washoe Cnty., Dep’t 2*, 52 Nev. 379, 287 P. 957, 960 (1930).

9 Plaintiff’s unsupported allegations in this case extend beyond the Complaint. While
10 arguing that he has unfairly been characterized as a conspiracy theorist, Plaintiff does little
11 to rebut this portrayal by making baseless assertions including: “Plaintiff has it on good
12 authority that there are several conflicts between the defendants, defense, and these 2 most
13 Honorable Judges. The Plaintiff does not wish to make public record of the allegations and
14 hopes the most Honorable Judges will do what’s right if conflicts exist and simply transfer
15 this case to Lyon County or recuse themselves from the case.” *Mot. to Change Venue* at p. 24.

16 Although judges are presumed to be unbiased, even if hypothetically a judicial officer
17 lacked the impartiality to oversee a case, the remedy would be recusal or disqualification of
18 the judge, not a change of venue. Beadles’s allegations of Judicial bias do not support his
19 Motion to Change Venue.

20 Next, in evaluating a pre-voir dire change of venue motion, the Court considers five
21 factors: “(1) the nature and extent of pretrial publicity; (2) the size of the community; (3)
22 the nature and gravity of the lawsuit; (4) the status of the plaintiff and defendant in the
23 community; and (5) the existence of political overtones in the case.” *Nat’l Collegiate Athletic*
24 *Ass’n*, 113 Nev. at 613-14, 939 P.2d. at 1051–52 (citing *People v. Hamilton*, 48 Cal.3d 1142,
25 774 P.2d 730 (1989)).

26 //

1 In the present case, there has been some media coverage of both the Complaint and
2 Defendants’ response.⁴ However, Beadles cannot demonstrate that the media coverage has
3 been so one-sided and pervasive that it warrants a change of venue. To demonstrate
4 prejudice, Beadles appears to argue that anyone who reads the newspaper in Northern
5 Nevada or watches a local news channel should be presumed to be unfairly prejudiced
6 against him.⁵ *Motion to Change Venue*, p. 14–17. He claims there is media bias against him,
7 but a prior-filed exhibit shows a media member contacting him to obtain his comment
8 before running a story about him. *Beadles’s Exhibit 1 to his first Motion to Change Venue filed*
9 *August 13, 2023.*

10 Admittedly, news sources such as the Reno Gazette Journal or Nevada Appeal and
11 news channels including KOLO, KRNV, or KTVN may extend to people throughout
12 Northern Nevada – almost certainly citizens of Carson City and Lyon County receive
13 some of their news through these sources. But a cluster of stories covering this lawsuit,
14 primarily distributed for a short period in mid-August, is not the sort of pre-trial publicity
15 that warrants a change of venue. Any risk of prejudice relating to the coverage of this
16 lawsuit against Washoe County Officials has already been remedied by the Second Judicial
17 District Court’s transfer of the case to Carson City. Moreover, the Reno Gazette Journal
18 owns popular media outlets in Lyon County. *Ex. 1.* Lyon County residents have likely been
19 exposed to the same media coverage as other Northern Nevada residents. *See id.* The first
20 factor does not support another change of venue.

21
22 ⁴ Beadles continues to argue, “Defendants have inappropriately shared non-public records with the
23 media.” Contrary to Beadles’s assertion, Defendants’ Motion for Sanctions, was a public record under NRS
24 Chapter 239 once served to Beadles. He also falsely claims “the defense” is “working in concert” with the
25 media, and that the Reno Gazette Journal received a copy of the proposed Motion for Sanctions before
26 Beadles. On the contrary, a courtesy copy of the motion was provided to Beadles via email on August 8,
2023, at 1:42 p.m., prior to media obtaining the same. *Ex. 2; Beadles’s Exhibit 1 to his first Motion to Change
Venue filed August 13, 2023.* Additionally, undersigned counsel has not spoken to the media regarding this case.

⁵ He includes artificial intelligence Google Bard output regarding news viewership in Carson City. This is
both inadmissible and unreliable. *See* NRS 50.285; NRS 52.015; NRS 51.065.

1 The second factor is the size of the community. Carson City has approximately
2 58,000 people. *Motion to Change Venue*, p. 21. Beadles argues, “in this city of 58,000 people,
3 it becomes nearly impossible to find someone who hasn’t heard about this ‘crazy right-wing
4 election denier, extremist....’” *Id.* If the 58,000 people in Carson City are not a large
5 enough population from which an impartial jury could be seated, then certainly Lyon
6 County, a rural Northern Nevada county with a similar population, would present the
7 same issue. Given the similar population size between the current venue and Beadles’s
8 requested venue, this factor does not favor a change of venue.⁶

9 As to the nature and gravity of this case, the third factor also weighs in favor or
10 denying the Motion to Change Venue. The claims are unviable and a Motion to Dismiss is
11 pending. Moreover, Beadles’s allegations in his complaint echo strongly of the nationwide
12 misinformed assertions of election fraud ongoing since the 2020 election cycle. *See Mot. to*
13 *Change Venue*, Ex. 155, p. 3 (“Local officials in 44 counties in 15 states have faced efforts to
14 change rules on voting since the 2020 election, according to Reuters news service. All of
15 them were led by Trump loyalists or Republican Party activists driven by false voter-fraud
16 theories, Reuters reported.”). The ongoing political environment, not Beadles’s complaint,
17 bring the issues alleged to the forefront of the consciousness of communities across the
18 nation. This is no less true for Lyon County than it is for Carson City.

19 Moreover, “Carson City serves as the epicenter of political affairs.” *Mot.* at p. 2. The
20 First Judicial District Court has been specifically designated to hear elections matters. *See*
21 NRS 293.127565(4); NRS 293.12795(3); NRS 293.174; NRS 293.127565; NRS
22 293.200(9)(a); NRS 293.252(7)(b). It was also designated as an alternative venue to hear
23 actions against the State of Nevada and its departments. NRS 41.031(2). The First Judicial
24

25 ⁶ If Beadles intention was to ensure a sufficient population from which to secure an impartial jury, a
26 transfer to Clark County, with its population of over 2 million people, would be more appropriate than Lyon
County.

1 District Court in Carson City has ample experience with elections and government
2 defendant cases. The third factor does not favor changing venue. If anything, it weighs
3 toward maintaining venue in Carson City.

4 The fourth factor considers the status of the plaintiff and defendants in the
5 community. Commissioner Hill is an elected member of the Washoe County Board of
6 County Commission. Manager Brown and Ms. Rodriguez are appointed public employees
7 in Washoe County. The Defendants are well known in Washoe County local politics, but
8 Beadles has presented no evidence that the citizens of Carson City have any preconceived
9 notions of these Washoe County employees. Beadles is “a member of the Washoe County
10 Republican Central Committee and a major donor to various conservative candidates and
11 causes.” *Mot. to Change Venue*, Exhibit 154, p. 3. Beadles had to reach back to election-
12 season 2022 to find evidence of media coverage relating to him outside the context of his
13 activities within Washoe County. *Id* at Ex. 156. Although Beadles represents that he “has
14 become, or is close to becoming, a household name in much of Carson City,” that is an
15 assertion that would need to be investigated in voir-dire, not an allegation that should
16 support a pre-voir dire Motion to Change Venue. *Id.* at 8. Further, even assuming
17 hypothetically Beadles was as well known in Carson City as he believes himself to be, that
18 alone doesn’t demonstrate prejudice or impartiality in light of his claims that “there are
19 hundreds of thousands of people behind me.” *Id.* at p. 25. Although recognizable in local
20 politics in Washoe County, there is nothing about the status of either Beadles or
21 Defendants that makes them particularly well known in Carson City, which is the current
22 venue of this case. The status of the parties in Carson City does not support a finding that
23 a fair trial cannot occur in Carson City. This factor does not support a change of venue.

24 Last, factor five contemplates the existence of political overtones in the case. This
25 lawsuit alleging election fraud in Washoe County is undeniably political in nature.
26 However, the lawsuit alleges corruption specific to Washoe County, and the transfer to

1 Carson City mitigated any potential impartiality. The overarching political nature of the
2 lawsuit realleges the same election fraud theories that have been presented in communities
3 across the nation over the last three years, and that broad political overtone will not be
4 mitigated by moving this case to a different venue.

5 Beadles submitted an inflammatory complaint alleging election fraud in Washoe
6 County and seeking to remove an elected official and two appointed public employees from
7 their offices. Although there were some articles and stories relating to this lawsuit in
8 multiple media sources, primarily in mid-August 2023, there is simply no basis to argue
9 that the media coverage reaching Carson City relating to this lawsuit has been either
10 pervasive or sensational enough to deprive Beadles of the possibility of a fair trial.
11 Evaluating the *Tarkanian* factors, none of the five factors support another change of venue.

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

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

21 Nonetheless, even after this case was transferred out of Washoe County to ensure
22 Beadle’s receives a fair trial, Beadles now presents yet another Motion to Change Venue,
23 which is a blatant effort to have this case determined by a decision maker that he
24 strategically deems most favorable to his cause. After previously arguing that Washoe
25 County was a biased venue, Beadles now requests in the alternative to transfer venue back
26 to Washoe County “for the sake of the appearance of justice.” *Mot.* at p. 19 lns. 8–11.

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

5 **III. CONCLUSION**

6 It is plainly apparent that Beadles did not file his Motion for Change of Venue in the
7 pursuit of justice but rather as another strategic attempt to have his meritless allegations
8 heard in the forum he believes will be most favorable to himself. As the plaintiff, Beadles
9 chose the initial venue in Washoe County. In light of pre-trial media coverage and the
10 status of the parties in Washoe County, to ensure an impartial trial the case was transferred
11 to Carson City. Beadles cannot demonstrate that Carson City, where Defendants are
12 neither elected nor appointed officials, is so prejudiced against him that he cannot secure a
13 fair trial. As such, the Motion for Change of Venue should be denied.

14 A proposed order is attached hereto as "Exhibit 4."

15 AFFIRMATION PURSUANT TO NRS 239B.030

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

18 Dated this 4th day of October, 2023.

19 CHRISTOPHER J. HICKS
20 District Attorney

21 By 
22 LINDSAY L. LIDDELL
23 Deputy District Attorney
24 One South Sierra Street
25 Reno, NV 89501
26 lliddell@da.washoecounty.gov
(775) 337-5700

ATTORNEY FOR DEFENDANTS

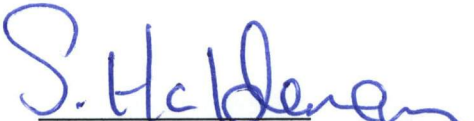
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CERTIFICATE OF SERVICE

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, Defendants' Opposition To Plaintiff's Second Motion To Change Venue was filed with the First Judicial District Court, Carson City. I certify that on this date, based on the parties' agreement pursuant to NRCP 5(b)(2)(E), Plaintiff Robert Beadles was served with a copy of Defendants' Opposition To Plaintiff's Second Motion To Change Venue at the following electronic mail address:

Robert Beadles
beadlesmail@gmail.com

Dated this 4th day October, 2023.


S. Haldeman

INDEX OF EXHIBITS

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Exhibit 1 Screenshot of <https://static.rgj.com/about-us/>
(last visited October 2, 2023)1 page

Exhibit 2 Email from Haldeman to Beadles 8/8/20231 page

Exhibit 3 Declaration of Suzanne Haldeman1 page

Exhibit 4 Proposed Order 7 pages

EXHIBIT 1

EXHIBIT 1

About Us

About the RGJ...

The RGJ is Northern Nevada's leading source for local news and information. The RGJ's extensive family of print and digital media provides engaging, relevant and timely news and information for the communities they serve.

The Reno Gazette-Journal is a member of the Gannett family of print, broadcast and digital media, which includes USA Today.

RGJ.com provides up to the minute breaking news updates. In addition to local news, RGJ.com is the area's leading website for information on prep sports, entertainment, real estate, employment and vehicles for sale.

A Brief History

The history of the Reno Gazette-Journal begins more than 125 years ago with the founding of the Nevada State Journal in 1870. Just six years later, the Reno Evening Gazette began publication.

In 1939, Spiedel Newspapers, Inc., a small company that owned newspapers located primarily in the West, acquired the two newspapers.

Then, in 1977, Spiedel Newspapers merged with Gannett Company, Inc., providing more resources for development and improvement of the local papers, including construction of a dramatic new office building with state-of-the-art printing facilities in 1981, on its current site at 955 Kuenzli Street, near downtown Reno.

On October 7, 1983 the two newspapers merged into the Reno Gazette-Journal, a daily morning edition. In 1999 the company purchased Eastern Sierra Publishing, a commercial print operation in Carson City; and in 2000 purchased the Mason Valley News, Fernley Leader and Dayton Courier, weekly newspapers that serve Yerington, Fernley and Dayton.

In the Fall of 2002, RENO Magazine made its debut. This glossy lifestyle magazine captures the best of the new Reno lifestyle.

The Reno Gazette-Journal has been consistently recognized for its journalistic excellence and its commitment to community service. The paper has won numerous national and regional awards honoring editorial and advertising excellence including the Pulitzer Prize for Editorial Writing, the highest recognition for excellence awarded in American journalism.

The Gazette-Journal has also been honored many times by Gannett, including selection as the Most Improved Newspaper in 1991, and Newspaper of the Year in 1986, 1987, 1992 and 1996.

Vertical sidebar with navigation icons: Home, Search, Star, Print, Share, Refresh, Home, Close, and a settings gear icon at the bottom.

EXHIBIT 2

EXHIBIT 2

From: [Haldeman, Suzanne](#)
To: robertbeadles@protonmail.com; beadlesmail@gmail.com
Cc: [Liddell, Lindsay L](#); [Hickman, Elizabeth](#)
Subject: Motion for Sanctions
Date: Tuesday, August 8, 2023 1:42:30 PM
Attachments: [MOTION FOR SANCTIONS-08.08.23.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hello,

Please see attached. Thanks and have a great day.



Suzanne Haldeman
Legal Secretary
District Attorney's Office
shaldeman@da.washoecounty.gov | O: 775.337.5702
One South Sierra Street, Reno, NV 89501



EXHIBIT 3

EXHIBIT 3

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DECLARATION OF SUZANNE HALDEMAN
IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S SECOND
MOTION TO CHANGE VENUE

STATE OF NEVADA
COUNTY OF WASHOE

I, Suzanne Haldeman do hereby declare, under penalty of perjury, the following:

1. I am a Legal Secretary for the Washoe County District Attorney's Office.
2. Exhibit 3 is a true and correct copy of the email I sent on August 8, 2023, at approximately 1:42 p.m. to Plaintiff Robert Beadles at the following email addresses: robertbeadles@protonmail.com; beadlesmail@gmail.com. Attached to the email was the proposed Motion for Sanctions regarding the Complaint filed in Second Judicial District Court case number CV23-01283, removed to the United States District Court District of Nevada, case number 3:23-cv-00382-ART-CSD.


SUZANNE HALDEMAN

EXHIBIT 4

EXHIBIT 4

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**FIRST JUDICIAL DISTRICT COURT OF NEVADA
CARSON CITY**

* * *

ROBERT BEADLES, an individual,

Plaintiff,

Case No. 23-OC-00105 1B

vs.

Dept No. D1

JAMIE 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 in his official capacity as WASHOE COUNTY MANAGER and in his personal capacity, ALEXIS HILL in her official capacity as CHAIRWOMAN OF WASHOE COUNTY BOARD OF COMMISSIONERS and in her personal capacity; WASHOE COUNTY, a political subdivision of the State of Nevada, and DOES I-X; and ROE CORPORATIONS I-X.

Defendants.

ORDER DENYING PLAINTIFF’S MOTION TO CHANGE VENUE

PROCEDURAL HISTORY

On July 25, 2023, Plaintiff Robert Beadles (“Beadles”) filed a Complaint against the Washoe County Registrar of Voters Jamie Rodriguez (“Ms. Rodriguez”), the Washoe County Registrar of Voters, Washoe County Manager Eric Brown (“Manager Brown”),

1 Chairperson of the Washoe County Board of County Commissioners Alexis Hill
2 (“Commissioner Hill”), and Washoe County (collectively “Defendants”) in Second
3 Judicial District Court case number CV23-01283. That Complaint contained two causes of
4 action arising under federal law, and two causes of action arising under Nevada law. On
5 August 3, 2023, Defendants removed that case to the United States District Court District
6 of Nevada, case number 3:23-cv-00382-ART-CSD. Beadles subsequently voluntarily
7 dismissed this case.

8 On August 4, 2023, Beadles filed the instant case, alleging the same State law causes
9 of action, against Defendants in the Second Judicial District Court, case number CV23-
10 01341. Following briefing on a Motion to Change Venue, on September 13, 2023, the
11 Second Judicial District Court granted the Motion and transferred the case to this Court.
12 Shortly thereafter, Beadles filed another Motion to Change Venue requesting this Court
13 transfer the case to Lyon County, Nevada.

14 **FINDINGS OF FACT**

15 Having reviewed the filings in this case, and having considered, without limitation,
16 all evidence submitted by the parties to the Court, as well as the parties’ written arguments,
17 the Court makes the following findings of fact:

18 1. A District Judge in Washoe County determined on September 13, 2023, that
19 transferring venue to Carson City neutralized any impartiality that may have existed in
20 Washoe County while maintaining a venue that is convenient for the parties and witnesses.

21 *Order Granting Change of Venue.*

22 2. This transfer to Carson mitigated any prejudice caused by pre-trial publicity
23 or the status of the parties in Carson City.

24 3. The same media sources available to Carson City are available to residents of
25 Lyon County.

26 //

1 4. In the present case, there has been some media coverage of both the
2 Complaint and Defendants’ response. However, it has not been so one-sided and pervasive
3 that it warrants a change of venue.

4 5. Coverage of this lawsuit by news sources such as the Reno Gazette Journal
5 or Nevada Appeal and news channels including KOLO, KRNV, or KTVN may extend to
6 people throughout Northern Nevada – almost certainly citizens of Carson City and Lyon
7 County receive some of their news through these sources. However, the limited number of
8 stories detailing the positions of both parties, primarily occurring in mid-August of 2023,
9 do support the allegation that Carson City has been so prejudiced against Beadles that a
10 fair trial could not be obtained.

11 6. Carson City has approximately 58,000 people. Lyon County is
12 approximately the same size.

13 7. Since the elections in 2020, allegations of election fraud have been in
14 forefront of the consciousness of communities across the nation, and communities within
15 Northern Nevada are no exception.

16 8. Commissioner Hill is an elected member of the Washoe County Board of
17 County Commission. Manager Brown and Ms. Rodriguez are appointed public officials in
18 Washoe County. Beadles is a member of the Washoe County Republican Central
19 Committee and a major donor to various conservative candidates and causes.

20 9. Although recognizable in local politics in Washoe County, there is nothing
21 about the status of either Defendants or Beadles that makes them particularly well known
22 in Carson City, which is the current venue of this case.

23 10. This lawsuit alleging election fraud in Washoe County is undeniably political
24 in nature. However, the lawsuit alleges corruption specific to Washoe County, and the
25 transfer to Carson City mitigated any potential impartiality.

26 //

1 **CONCLUSIONS OF LAW**

2 11. NRS 13.050(2)(b) permits a Court to change the place of a civil trial when
3 “there is reason to believe that an impartial trial cannot be had” in the county where the
4 complaint was filed.

5 12. The primary purpose of entertaining a change of venue on the grounds of
6 impartiality is to avoid a biased jury pool. *See e.g., Nat’l Collegiate Athletic Ass’n v. Tarkanian*,
7 113 Nev. 610, 613–14, 939 P.2d 1049, 1051–52 (1997); *Sicor, Inc. v. Hutchison*, 127 Nev. 904,
8 266 P.3d 608 (2011). Two causes of action are identified in Beadles’s Complaint: (1) an
9 alleged violation of constitutional rights regarding unanswered “petitions,” “equitable and
10 injunctive relief sought or writ of mandamus,” and (2) an action to remove Defendants
11 under NRS 283.440. The first cause of action is an equitable claim. “[T]he right to a jury
12 trial does not extend to equitable matters.” *Awada v. Shuffle Master, Inc.*, 123 Nev. 613, 618,
13 173 P.3d 707, 710 (2007). Likewise, there is no right to a jury trial for a writ of mandamus.
14 NRS 34.220. The second cause of action, a removal proceeding, is a summary proceeding
15 without the right to a jury. *Jones v. Eighth Jud. Dist. Ct. of State*, 67 Nev. 404, 418, 219 P.2d
16 1055, 1062 (1950). Because neither cause of action provides Beadles the right to a jury trial,
17 his concerns relating to the impartiality of a jury made up of Carson City residents are
18 immaterial.

19 13. Judges are presumed to be unbiased. *Millen v. Eighth Jud. Dist. Ct. ex. Rel.*
20 *Cnty. of Clark*, 122 Nev. 1245, 1254, 148 P.3d 694, 701 (2006). Additionally, “the bias and
21 prejudice of the judge is not a ground for change of venue, unless expressly made so by
22 statute.” *State v. Second Jud. Dist. Ct. in & for Washoe Cnty., Dep’t 2*, 52 Nev. 379, 287 P. 957,
23 960 (1930). Plaintiff’s allegations of some unidentified conflict do not support a change of
24 venue.

25 14. In evaluating a pre-voir dire change of venue motion, the Court considers
26 five factors: “(1) the nature and extent of pretrial publicity; (2) the size of the community;

1 (3) the nature and gravity of the lawsuit; (4) the status of the plaintiff and defendant in the
2 community; and (5) the existence of political overtones in the case.” *Nat’l Collegiate Athletic*
3 *Ass’n*, 113 Nev. at 613-14, 939 P.2d. at 1051–52 (citing *People v. Hamilton*, 48 Cal.3d 1142,
4 774 P.2d 730 (1989)).

5 15. Although there has been media coverage of this case, the nature and extent
6 of the pretrial publicity in Carson City does not justify a change of venue. It has not been
7 particularly one-sided, nor has it been pervasive or so inflammatory that it could prejudice
8 the entire community. The first *Tarkanian* factor does not support a change of venue.

9 16. Both Carson City and Lyon County have populations of nearly 60,000.
10 There is no evidence that an impartial jury, if required, would not be able to be seated in a
11 community the size of Carson City. As such, the second *Tarkanian* factor does not support
12 a change of venue.

13 17. The First Judicial District Court has been specifically designated to hear
14 elections matters. *See* NRS 293.127565(4); NRS 293.12795(3); NRS 293.174; NRS
15 293.127565; NRS 293.200(9)(a); NRS 293.252(7)(b). It is also designated as an alternative
16 venue to hear actions against the State of Nevada and its departments. NRS 41.031(2). This
17 Court has ample experience with elections and government defendant cases. The claims in
18 this case alleging election fraud are well suited to be heard in this Court. Further, the
19 nature and gravity of this case would be weighed no differently in Carson City than it
20 would be in Lyon County, given the allegations relate solely to Washoe County. The third
21 *Tarkanian* factor does not support a change of venue.

22 18. The Defendants are elected and appointed public employees in Washoe
23 County. Beadles is a member of the Washoe County Republican Central Committee and a
24 major donor to various conservative candidates and causes. Although their status may
25 have been significant to the ability to seat an impartial jury in Washoe County, there is no

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1 evidence they are particularly well known outside Washoe County. The fourth *Tarkanian*
2 factor does not support a change of venue.

3 19. Last, factor five contemplates the existence of political overtones in the case.
4 This lawsuit alleging election fraud in Washoe County is undeniably political in nature.
5 However, the lawsuit alleges corruption specific to Washoe County, and the transfer to
6 Carson City mitigated any potential impartiality. The overarching political nature of the
7 lawsuit realleges similar claims of election fraud that have been presented in communities
8 across the nation over the last three years, and that broad political overtone will not be
9 mitigated by moving this case to a different venue. The fifth *Tarkanian* factor does not
10 support a change of venue.

11 20. None of the five *Tarkanian* factors support a change of venue. There is no reason
12 to believe that an impartial trial cannot be had in Carson City.

13 Therefore, based on the above Findings of Fact and Conclusions of Law made by
14 this Court, and good cause appearing:

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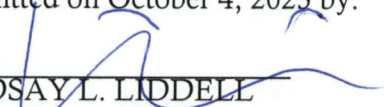
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IT IS HEREBY ORDERED that Plaintiff's Motion to Change Venue is **DENIED**.

Dated: _____.

JAMES T. RUSSELL
DISTRICT JUDGE

Submitted on October 4, 2023 by:


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COUNTY REGISTRAR OF VOTERS,
ERIC BROWN, ALEXIS HILL,
and WASHOE COUNTY