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

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

11 * * *

12 ROBERT BEADLES, an individual,

13 Plaintiff,

Case No. 23-OC-00105-1B

14 vs.

Dept No. D1

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

23 Defendants.

24 **DEFENDANTS' OPPOSITION TO ROBERT BEADLES'S LIMITED MOTION**
25 **FOR RECONSIDERATION OF CHANGE OF VENUE LOCATION**
26

1 Defendants Jamie Rodriguez (“Ms. Rodriguez”), the Office of the Washoe County
2 Registrar of Voters (“ROV”), Washoe County Manager Eric Brown (“Manager Brown”),
3 Washoe County Commissioner Alexis Hill (“Commissioner Hill”), and Washoe County by
4 and through counsel, DDA Lindsay Liddell (“DDA Liddell”), hereby file their Opposition
5 to Plaintiff Robert Beadles’s (“Beadles”) Limited Motion for Reconsideration of Change of
6 Venue Location. This Opposition is based on the following Memorandum of Points and
7 Authorities.

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **I. INTRODUCTION**

10 In this Motion, Beadles asks the Court to reconsider the Court’s Corrected Order
11 Granting Plaintiff’s Motion to Change Venue filed September 14, 2023 (“Venue Order”).
12 Beadles previously filed a Motion to Change Venue, asking that venue be changed from the
13 Second Judicial District Court in Washoe County to Lyon County. Granting his Motion,
14 the Court transferred venue to the First Judicial District Court in Carson City. The Court
15 noted that “venue to the First Judicial District considers the convenience of the parties and
16 any witnesses that would be called to testify.” *Venue Order*, at p. 8.

17 Beadles did not seek or obtain leave to file this Motion for Reconsideration. As
18 such, it is procedurally improper and should be denied on that basis. Moreover, the Motion
19 does not provide substantially different evidence or show that the Venue Order is clearly
20 erroneous. Even if procedurally proper, it lacks merit. The Motion should be denied.

21 **II. THE MOTION IS PROCEDURALLY IMPROPER.**

22 The applicable court rules require a party to seek leave of the Court before filing a
23 motion for reconsideration. FJDCR 3.13; DCR 13(7). “District Court Rule (DCR) 13(7)
24 provides that a motion for reconsideration or rehearing may be made with leave of court.”
25 *Arnold v. Kip*, 123 Nev. 410, 416, 168 P.3d 1050, 1054 (2007). “Issues once heard and

26 //

1 disposed of will not be renewed in the same cause except by leave of court granted **upon**
2 **motion.**” FJDCR 3.13(a)(emph. added).

3 Here, Beadles failed to seek leave to file a motion for reconsideration. He filed the
4 instant Motion in violation of FJDCR 3.13(a) and DCR 13(7). The Court has not granted
5 Beadles leave to seek reconsideration of the Court’s Venue Order. The Motion is thus
6 procedurally improper and should be denied on that basis.

7 **III. THE MOTION SHOULD BE DENIED.**

8 “A district court may reconsider a previously decided issue if substantially different
9 evidence is subsequently introduced or the decision is clearly erroneous.” *Masonry & Tile*
10 *Ass’n of S. Nev. v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997).

11 **A. BEADLES DID NOT PROVIDE SUBSTANTIALLY DIFFERENT EVIDENCE.**

12 Beadles attached two exhibits: one Nevada Appeal article covering this case, and
13 one social media post by Nevada Attorney General Aaron Ford in Fall 2022. Both are
14 similar to the “evidence” Beadles provided with his initial Motion to Change Venue.

15 In this Motion, Beadles also provides various unsupported statements. He claims
16 “There is tremendous bleed over of people who live in Washoe, and work in Carson who
17 tell takes to the voters of Carson City.” *Mot.* at p. 2. He includes artificial intelligence
18 Google Bard output regarding news viewership in Carson City. This is both inadmissible
19 and unreliable. *See* NRS 50.285; NRS 52.015; NRS 51.065. Notwithstanding that Beadles
20 is seeking to disenfranchise and remove Commissioner Hill from her elected position
21 outside of Beadles’ personal district, he claims that “the people of Washoe County feel
22 greatly disenfranchised by their political servants.” *Mot.* at p. 8. He claims Defendants have
23 professional relationships in Carson City, and that Carson City residents label him “as a
24 right-wing conspiracy theorist.” *Mot.* at p. 5. Though not relevant to this Motion, Beadles
25 insists he is not racist or antisemitic because he has a “close friend” who is Jewish. *Id.*

26 //

1 Beadles claims Lyon County is a convenient and fair forum. He erroneously claims
2 Yerington is an additional 30 minutes away. *Mot.* at p. 10. People from Northern Nevada
3 know that Yerington is at least an hour and fifteen minutes from Carson City, depending on
4 traffic.¹ He likewise erroneously claims Defendants consented to venue in Lyon County. To
5 be clear, Defendants oppose a venue change to Lyon County.

6 Even if Beadles could present his “evidence” in an admissible form, the evidence is
7 not substantially different than the evidence he previously provided. He provided one
8 article, an old tweet, and argued that people in Carson City consume the same news as
9 those in Washoe County. Moreover, there is no reason to conclude Lyon County, and all
10 other Northern Nevada residents, do not also consume the same sources of news media.
11 This does not provide a basis to reconsider the Venue Order.

12 **B. BEADLES DID NOT SHOW THE VENUE ORDER IS CLEARLY ERRONEOUS.**

13 The Venue Order applied the *Tarkanian* factors to grant Beadles’s Motion to Change
14 Venue and transfer venue to the First Judicial District Court. *Venue Order* at p. 7–8; *Nat’l*
15 *Collegiate Athletic Ass’n v. Tarkanian*, 113 Nev. 610, 613–14, 939 P.3d 1049, 1051–52 (1997).
16 In the instant Motion, Beadles cites the Venue Order only once, quoting the Court’s finding
17 that “There is no denying that the parties in this case have unique and far-reaching
18 popularity in northern Nevada. Accordingly, this factor favors a change of venue.” *Mot.* at
19 p. 7. Beadles does not appear to argue that the court erred in that finding. *Id.* He appears to
20 make a generalized argument that the Court erred in its finding that the First Judicial
21 District Court was an appropriate venue.

22 The Motion points to no errors of law or fact in the Venue Order. Beadles does not
23 dispute that the First Judicial District Court is a reasonably convenient forum for parties
24 and witnesses in this case. The Court made no other findings regarding the First Judicial
25

26 ¹ Defendants request the Court take judicial notice of this fact pursuant to NRS 47.130(2)(a) and NRS
47.150(2). The drive time between Carson City and Yerington is generally known within this jurisdiction.

1 District Court itself. He instead argues that Lyon County would still be convenient and that
2 he believes he can get a more fair trial there. This does not show the Venue Order was
3 clearly erroneous.

4 To the extent the Venue Order is clearly erroneous, its errors do not favor granting
5 the Motion. For example, the Court granted Beadles’s Motion to Change Venue in part
6 finding that “each of the Defendants is a publicly elected official...” *Venue Order* at p. 7.
7 However, out of the several Defendants in this case, only Commissioner Hill is an elected
8 official. *See Compl.* at ¶¶15, 19, 23. More importantly, there is no precedent permitting a
9 Plaintiff to motion for a change of venue from his initial venue choice. A Plaintiff should
10 waive and be estopped from asserting any right to challenge venue after filing the action in
11 a particular venue and specifically pleading that venue was proper. *See Compl.* at ¶5.

12 The Motion does not show the Venue Order was clearly erroneous. Therefore, even
13 if the Motion was procedurally proper, reconsideration is not warranted.

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IV. CONCLUSION

The Motion should be denied. Beadles did not seek and obtain leave to file a motion for reconsideration, and thus this Motion is procedurally improper. Additionally, Beadles does not provide substantially different evidence or show the Venue Order is clearly erroneous. The Motion does not provide a basis to reconsider the Venue Order. A proposed order is attached hereto as "Exhibit 1."

AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this 29th day of September 2023.

By 
LINDSAY L. LIDDELL
Deputy District Attorney
One South Sierra Street
Reno, NV 89501
lliddell@da.washoecounty.gov
(775) 337-5700
REPRESENTING DEFENDANTS
JAMIE RODRIGUEZ, WASHOE
COUNTY REGISTRAR OF VOTERS,
ERIC BROWN, ALEXIS HILL,
and WASHOE COUNTY

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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 Robert Beadles's Limited Motion for Reconsideration of Change of Venue Location 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 Robert Beadles's Limited Motion for Reconsideration of Change of Venue Location at the following electronic mail address:

Robert Beadles
beadlesmail@gmail.com

Dated this 29th day September, 2023.


S. Haldeman

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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 ROBERT BEADLES'S LIMITED MOTION FOR RECONSIDERATION OF CHANGE OF VENUE LOCATION

1 **PROCEDURAL HISTORY**

2 On August 13, 2023, Beadles filed a Motion to Change Venue. On August 17, 2023,
3 Defendants filed an Opposition to Motion to Change Venue. On September 14, 2023, the
4 Second Judicial District Court issued a Corrected Order Granting Plaintiff’s Motion to
5 Change Venue (“Venue Order”). On September 19, 2023, Beadles filed a Limited Motion
6 for Reconsideration of Change of Venue Location.

7 **FINDINGS OF FACT**

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

11 1. In this Motion, Beadles asks the Court to reconsider the Venue Order. Beadles
12 previously filed a Motion to Change Venue, asking that venue be changed to Lyon County.
13 The Court granted his Motion to Change Venue, but transferred venue to the First Judicial
14 District Court in Carson City. The Court noted that “venue to the First Judicial District
15 considers the convenience of the parties and any witnesses that would be called to testify.”
16 *Venue Order*, at p. 8.

17 2. Beadles did not seek or obtain leave to file this Motion.

18 3. Beadles attached two exhibits: one Nevada Appeal article covering this case, and
19 one social media post by Nevada Attorney General Aaron Ford in Fall 2022. Both are
20 similar to the “evidence” Beadles provided with his initial Motion to Change Venue.

21 4. In this Motion, Beadles also provides various unsupported statements. He claims
22 “There is tremendous bleed over of people who live in Washoe, and work in Carson who
23 tell takes to the voters of Carson City.” *Mot.* at p. 2. He includes artificial intelligence
24 Google Bard output regarding news viewership in Carson City. Notwithstanding that
25 Beadles is seeking to disenfranchise and remove Commissioner Hill from her elected
26 position outside of Beadles’ personal district, he claims that “the people of Washoe County

1 feel greatly disenfranchised by their political servants.” *Mot.* at p. 8. He claims Defendants
2 have professional relationships in Carson City, and that Carson City residents label him “as
3 a right-wing conspiracy theorist.” *Mot.* at p. 5. Though not relevant to this Motion, Beadles
4 insists he is not racist or antisemitic because he has a “close friend” who is Jewish. *Id.*

5 5. Beadles claims Lyon County is a convenient and fair forum. He erroneously claims
6 Yerington is an additional 30 minutes away. *Mot.* at p. 10. People from Northern Nevada
7 know that Yerington is at least an hour and fifteen minutes from Carson City, depending on
8 traffic.¹ He likewise erroneously claimed Defendants consented to venue in Lyon County.
9 To be clear, Defendants opposed a venue change to Lyon County.

10 6. The Motion points to no errors of law or fact in the Venue Order. Beadles does not
11 dispute that the First Judicial District Court is a reasonably convenient forum for parties
12 and witnesses in this case. The Court made no other findings regarding the First Judicial
13 District Court itself. He instead argues that Lyon County would still be convenient and that
14 he believes he can get a more fair trial there. This does not show the Venue Order was
15 clearly erroneous.

16 CONCLUSIONS OF LAW

17 7. The applicable court rules require a party to seek leave of the Court before filing a
18 motion for reconsideration. FJDCR 3.13; DCR 13(7). “District Court Rule (DCR) 13(7)
19 provides that a motion for reconsideration or rehearing may be made with leave of court.”
20 *Arnold v. Kip*, 123 Nev. 410, 416, 168 P.3d 1050, 1054 (2007). “Issues once heard and
21 disposed of will not be renewed in the same cause except by leave of court granted **upon**
22 **motion.**” FJDCR 3.13(a)(emph. added).

23 8. Here, Beadles failed to seek leave to file a motion for reconsideration. He filed the
24 instant Motion in violation of FJDCR 3.13(a) and DCR 13(7). The Court has not granted
25

26 ¹ The Court takes judicial notice of this fact pursuant to NRS 47.130(2)(a) and NRS 47.150(2). The drive time
between Carson City and Yerington is generally known within this jurisdiction.

1 Beadles leave to seek reconsideration of the Court’s Venue Order. The Motion is thus
2 procedurally improper and is denied on that basis.

3 9. “A district court may reconsider a previously decided issue if substantially different
4 evidence is subsequently introduced or the decision is clearly erroneous.” *Masonry & Tile*
5 *Ass’n of S. Nev. v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997).

6 10. Even if Beadles could present his “evidence” in an admissible form, the evidence is
7 not substantially different than the evidence he previously provided. He provided one
8 article, an old tweet, and argued that people in Carson City consume the same news as
9 those in Washoe County. Moreover, there is no reason to conclude Lyon County, and all
10 other Northern Nevada residents, do not also consume the same sources of news media.
11 This does not provide a basis to reconsider the Venue Order.

12 11. Recitation of artificial intelligence output such as Google Bard and Chat GPT to
13 provide support to one’s argument is both inadmissible and unreliable. *See* NRS 50.285;
14 NRS 52.015; NRS 51.065.

15 12. The Venue Order applied the *Tarkanian* factors to grant Beadles’s Motion to Change
16 Venue and transfer venue to the First Judicial District Court. *Venue Order* at p. 7–8; *Nat’l*
17 *Collegiate Athletic Ass’n v. Tarkanian*, 113 Nev. 610, 613–14, 939 P.3d 1049, 1051–52 (1997).
18 In the instant Motion, Beadles cites the Venue Order only once, quoting the Court’s finding
19 that “There is no denying that the parties in this case have unique and far-reaching
20 popularity in northern Nevada. Accordingly, this factor favors a change of venue.” *Mot.* at
21 p. 7. Beadles does not appear to argue that the court erred in that finding. *Id.* He appears to
22 make a generalized argument that the Court erred in its finding that the First Judicial
23 District Court was an appropriate venue.

24 13. To the extent the Venue Order is clearly erroneous, its errors do not favor granting
25 the Motion. For example, the Court granted Beadles’s Motion to Change Venue in part
26 finding that “each of the Defendants is a publicly elected official...” *Venue Order* at p. 7.

1 However, out of the several Defendants in this case, only Commissioner Hill is an elected
2 official. *See Compl.* at ¶¶15, 19, 23. More importantly, there is no precedent permitting a
3 Plaintiff to motion for a change of venue from his initial venue choice. A Plaintiff should
4 waive and be estopped from asserting any right to challenge venue after filing the action in
5 a particular venue and specifically pleading that venue was proper. *See Compl.* at ¶5.

6 14. The Motion does not show the Venue Order was clearly erroneous, or present
7 substantially different evidence. Therefore, even if the Motion was procedurally proper,
8 reconsideration is not warranted.

9 **JUDGMENT**


10 Therefore, based on the above Findings and Fact and Conclusions of Law made by
11 this Court, and good cause appearing, the following Judgment is entered by the Court:

12 **IT IS HEREBY ORDERED** that Plaintiff Robert Beadles's Limited Motion for
13 Reconsideration of Change of Venue Location is **DENIED**.

14
15 Dated _____.

16
17 _____
18 JAMES T. RUSSELL
19 DISTRICT JUDGE

20 Submitted on September 29th, 2023 by:

21 
22 LINDSAY L. LIDDELL
23 Deputy District Attorney
24 One South Sierra Street
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REPRESENTING DEFENDANTS
JAMIE RODRIGUEZ, WASHOE
COUNTY REGISTRAR OF VOTERS,
ERIC BROWN, ALEXIS HILL,
and WASHOE COUNTY