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

9
10 **FIRST JUDICIAL DISTRICT COURT OF NEVADA**
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
16 capacity as Registrar of Voters and in her
personal capacity; the WASHOE COUNTY
17 REGISTRAR OF VOTERS, a government
agency; ERIC BROWN in his official
18 capacity as WASHOE COUNTY
MANAGER and in his personal capacity,
19 ALEXIS HILL in her official capacity as
CHAIRWOMAN OF WASHOE
20 COUNTY BOARD OF
COMMISSIONERS and in her personal
21 capacity; WASHOE COUNTY, a political
subdivision of the State of Nevada, and
22 DOES I-X; and ROE CORPORATIONS I-
X.

23 Defendants.

24
25 **NOTICE OF ENTRY OF ORDER.**

26 //

1 TO: ALL INTERESTED PERSONS

2 PLEASE TAKE NOTICE that on January 11, 2024, the Court in the above entitled
3 matter filed its Order Granting Defendants' Motion for Attorneys' Fees and Costs. A copy
4 of the Order is attached hereto.

5 AFFIRMATION PURSUANT TO NRS 239B.030

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

8 Dated this 17th day of January, 2024.

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CHRISTOPHER J. HICKS
District Attorney

By Elizabeth Hickman
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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, Notice Of Entry Of Order- Order Granting Defendants' Motion for Attorneys' Fees and Costs 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 Notice Of Entry Of Order- Order Granting Defendants' Motion for Attorneys' Fees and Costs at the following electronic mail address:

Robert Beadles
beadlesmail@gmail.com

Dated this 17th day of January, 2024.


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 GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS

PROCEDURAL HISTORY

On November 20, 2023, the Court held a hearing on Defendants' Motion to Dismiss, Motion to Change Venue, and Plaintiff Robert Beadles's ("Beadles") Second

1 Motion to Change Venue. The Court granted the Motion to Dismiss, dismissing Beadles's
2 claims against the Washoe County Registrar of Voters Jamie Rodriguez ("Ms.
3 Rodriguez"), the Washoe County Registrar of Voters, Washoe County Manager Eric
4 Brown ("Manager Brown"), Chairperson of the Washoe County Board of County
5 Commissioners Alexis Hill ("Commissioner Hill"), and Washoe County with prejudice.

6 The Court indicated on the record that it would award Defendants their attorneys'
7 fees under NRS 18.010, and instructed Defendants to file a motion accordingly. On
8 November 29, 2023, Defendants' Memorandum of Costs and Disbursements was filed. On
9 December 12, 2023, Defendants' Motion for Attorneys' Fees was filed. Beadles filed an
10 Opposition, and Defendants filed a Reply in support of their Motion.

11 FINDINGS OF FACT

12 Having reviewed the filings in this case, and having considered, without limitation,
13 all evidence submitted by the parties to the Court, as well as the parties' written arguments,
14 the Court makes the following findings of fact:

15 1. This Court held a hearing on November 20, 2023, during which it
16 pronounced that Beadles's claims were dismissed with prejudice and that Defendants
17 would be awarded their attorneys' fees.

18 2. This case was dismissed with prejudice. Therefore, Defendants are the
19 prevailing party in this matter. Defendants did not recover any sum of damages, and
20 Beadles originally sought more than \$2,500 in damages.

21 3. Deputy District Attorney Lindsay Liddell is the primary attorney on this
22 case. Ms. Liddell earned a Juris Doctor from the William S. Boyd School of Law (2015), a
23 B.A. in economics and a B.A. in psychology *magna cum laude* from the University of
24 Nevada, Reno (2013), and an A.A. in criminal justice *summa cum laude* from Western
25 Nevada College (2011). Ms. Liddell is licensed in both Nevada and California (inactive),
26 and has been practicing law in the State of Nevada since May 2016. Ms. Liddell has a wide

1 range of experience. During law school, she was an Articles Editor for the Nevada Law
2 Journal, vice president of the environmental law society, an intern for the Honorable
3 Nathan Tod Young in the Ninth Judicial District Court, worked in the Education
4 Advocacy Clinic supporting children with special needs, and won an award for research
5 conducted in New Delhi, India. Ms. Liddell also served as a law clerk where she received
6 substantial mentorship after law school. Prior to joining the Washoe County District
7 Attorney's Office, Ms. Liddell was a civil litigation associate attorney at Robison, Sharp,
8 Sullivan & Brust. Ms. Liddell is an active member of the Bruce R. Thompson Inns of
9 Court. She is one of nine Nevada Lawyer Representatives appointed by Chief Judge
10 Miranda Du for the United States District Court, District of Nevada. As a Deputy District
11 Attorney, she successfully first chaired a jury trial, successfully first chaired bench trials and
12 evidentiary hearings, participated in many other hearings, attended settlement conferences,
13 conducted pretrial litigation, and received many favorable outcomes for clients. She was
14 recently nominated for the Reno Tahoe Young Professional Network's 20 Under 40 award.

15 4. Deputy District Attorney Elizabeth Hickman is the secondary attorney on
16 this case. Ms. Hickman earned a Juris Doctor *cum laude* from William S. Boyd School of
17 Law (2009), and a B.A in Sociology *magna cum laude* from Willamette University (2006).
18 Ms. Hickman is licensed in the State of Nevada and has been practicing law since October
19 2009. Prior to joining the District Attorney's Office, Ms. Hickman served as a Senior
20 Deputy Attorney General. At the Attorney General's Office for nearly thirteen years, Ms.
21 Hickman worked in both the Litigation Division, defending civil cases brought against the
22 State, and the Tobacco Enforcement Unit, enforcing a complex tobacco settlement on
23 behalf of Nevada and representing the Nevada Department of Taxation. At the District
24 Attorney's Office, Ms. Hickman represents the Office of the Registrar of Voters, gaining
25 specialized knowledge of Nevada's election laws.

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1 5. The Court finds that Ms. Liddell and Ms. Hickman's representation in this
2 case was of high quality. Ms. Liddell and Ms. Hickman actually performed the work
3 necessary to defend the Defendants in this case. Ms. Liddell and Ms. Hickman spent at
4 least 263.7 hours defending against Beadles's claims. The hours include work performed on
5 Beadles's first case, filed as Second Judicial District Court case number CV23-01283. The
6 first case contained identical claims brought under state law, and the work performed on
7 that case was necessary to obtain a successful outcome herein—Beadles refiled his claims
8 in the present case and removed only the federal law claims. The work performed in the
9 first case was used to defend the present case and is necessarily related to the defense in this
10 case. Therefore, it is appropriate to include those hours in an award of attorneys' fees.
11 Defendants received a successful and favorable outcome—Beadles's claims were dismissed
12 with prejudice.

13 6. The current reasonable market hourly rate for legal counsel comparable to
14 Ms. Liddell and Ms. Hickman is at least \$400 per hour for comparable counsel. Some
15 Nevada attorneys charge in excess of \$500 per hour. According to the Laffey Matrix, an
16 attorney fee scale used in many federal cases, the rate for an attorney four to seven years
17 out of law school is \$538 per hour, and is \$878 per hour for attorneys eleven to nineteen
18 years out of law school. In sworn declarations submitted in a case Deputy District
19 Attorney Michael Large handled, local attorneys stated that \$400 per hour is a customary
20 rate for civil litigation. In November 2023, the City of Sparks retained McDonald Carano,
21 LLP attorney Matt Addison as outside litigation counsel. Mr. Addison's standard hourly
22 rate is \$650 per hour, which he reduced for the City of Sparks to \$375 per hour. In a case
23 regarding Joey Gilbert's 2022 elections contest, attorney Colby Williams was awarded \$750
24 per hour and attorney Sam Mirkovich was awarded \$500 per hour.

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1 7. Though the reasonable market rate for comparable counsel is at least \$400
2 per hour, the Court finds that Defendants' request to be awarded a voluntarily reduced rate
3 of \$375 per hour is reasonable.

4 8. Defendants incurred costs in the amount of \$378.94 in defending this action.

5 9. Prompt rulings on motion for attorneys' fees minimize concerns that the
6 relevant circumstances will no longer be fresh in the mind of the Court after a lengthy
7 appeal process. Efficient disposition of this matter is best served by resolution of the instant
8 Motion for Attorneys' Fees and Costs.

9 CONCLUSIONS OF LAW

10 10. "The decision whether to award attorney's fees is within the sound discretion
11 of the trial court." *Bergmann v. Boyce*, 109 Nev. 670, 674, 856 P.2d 560, 563 (1993),
12 *superseded by statute on other grounds as recognized in In re DISH Network Derivative Litig.*, 133
13 Nev. 438, 451 n.6, 401 P.3d 1081, 1093 n.6 (2017).

14 11. Under NRS 18.010, the Court may award attorneys' fees to a prevailing party
15 under the following circumstances:

16 (a) When the prevailing party has not recovered more than
17 \$20,000; or

18 (b) Without regard to the recovery sought, when the court finds
19 that the claim...of the opposing party was brought or
20 maintained without reasonable ground or to harass the
prevailing party. The court shall liberally construe the
provisions of this paragraph in favor of awarding attorney's
fees in all appropriate situations.

NRS 18.010(2).

21 12. In awarding attorneys' fees, "the [C]ourt may pronounce its decision on the
22 fees at the conclusion of the trial or special proceeding without written motion and with or
23 without presentation of additional evidence." NRS 18.010(3). "The [C]ourt may decide a
24 postjudgment motion for attorney fees despite the existence of a pending appeal from the
25 underlying judgment." NRCP 54(d)(2)(A). As such, this Court had the authority to issue its
26 decision to award Defendants their attorneys' fees at the conclusion of the November 20,

1 2023 hearing. Moreover, this Court retains limited jurisdiction over this matter to decide
2 the instant motion for attorneys' fees pursuant to NRCP 54(d)(2)(A).

3 13. An award of attorneys' fees is appropriate under NRS 18.010(2)(a) because
4 Defendants are the prevailing party and Defendants did not recover more than \$20,000.

5 14. Additionally, an award of attorneys' fees is appropriate under NRS
6 18.010(2)(b) because Beadles brought and maintained his claims without reasonable
7 grounds.¹ A groundless claim is a claim unsupported by credible evidence. *Frederic &*
8 *Barbara Rosenberg Living Tr. V. MacDonald Highlands Realty, LLC*, 134 Nev. 570, 580, 427 P.3d
9 104, 113 (2018). Beadles's first cause of action alleged that Defendants' failure to respond
10 to his "petitions" amounts to a constitutional violation under the Nevada Constitution
11 Article 1 Section 10, Article 2 Section 1A(11), Article 15 Section 2 and NRS 293.2546(11).
12 *Compl.* at ¶¶67-87. Beadles brought this claim without reasonable ground because
13 Defendants have no duties specific to Beadles arising under the Nevada Constitution
14 Article 1 Section 10, Article 2 Section 1A(11), Article 15 Section 2 and NRS 293.2546(11).
15 *Order Granting MTD* at pp. 7-13. Beadles's Second Cause of Action demanded Ms.
16 Rodriguez, Manager Brown, and Commissioner Hill's removal from their positions under
17 NRS 266.430 and NRS 283.440. *Compl.* at ¶89. Beadles brought this claim without
18 reasonable ground because none of his allegations could state a claim for removal of Ms.
19 Rodriguez, Manager Brown, and Commissioner Hill. *Order Granting MTD* at pp. 15-25.
20 With no basis in law, the claims are unsupported by credible evidence and are thus
21 groundless under NRS 18.010.

22 15. In Nevada, "the method upon which a reasonable fee is determined is subject
23 to the discretion of the court" which "is tempered only by reason and fairness." *Shuette v.*
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25 ¹ This Court stated on the record that it would not award sanctions because it appeared as though Beadles had
26 "some belief in this."

1 *Beazer Homes Holdings Copr.*, 121 Nev. 837, 864, 124 P.3d 530, 548 (2005). When
2 determining the reasonable value of attorney services, a court considers the following

3 *Brunzell* factors:

4 (1) the qualities of the advocate: his ability, his training,
5 education, experience, professional standing and skill; (2) the
6 character of the work to be done: its difficulty, its intricacy, its
7 importance, time and skill required, the responsibilities imposed
8 and the prominence and character of the parties where they
affect the importance of litigation; (3) the work actually
performed by the lawyer: the skill time and attention given to the
work; (4) the result: whether the attorney was successful and
what benefits were derived.

9 *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

10 16. The attorneys representing the Defendants, Ms. Liddell and Ms. Hickman, are
11 well qualified. As demonstrated by the successful outcome in this case, Ms. Liddell and Ms.
12 Hickman are skilled legal advocates. Ms. Liddell and Ms. Hickman have extensive
13 experience and education, and have an esteemed professional standing in the legal
14 community.

15 17. Regarding the character of the work done, Ms. Liddell and Ms. Hickman
16 vigorously defended against Beadles's many filings, including his Complaints, motions to
17 change venue, motions to request a specific judge, and other motions he filed. This Court
18 has had an opportunity to observe and review the character of the work performed in the
19 multiple filings in this case. This is a case involving baseless claims of election fraud, and a
20 strategic and tenacious defense was necessary.

21 18. Ms. Liddell and Ms. Hickman undertook the work necessary to bring forth
22 successful motions to dismiss and to bring the instant motion. Ms. Liddell and Ms.
23 Hickman actually performed all of the work for which Defendants seek attorneys' fees. In
24 total, Ms. Liddell and Ms. Hickman spent at least 263.7 hours defending against Beadles's
25 claims. This is a conservative estimate, and does not include the time incurred in drafting
26 the Defendants' Motion for Attorneys' Fees, which the Court further finds is reasonable.

1 19. Defendants received a successful and favorable outcome—Beadles’s claims
2 were dismissed with prejudice.

3 20. A court shall not reduce the amount of attorney’s fees to a local government, a
4 public officer, or a public employee solely because the party is a local government, a public
5 officer, or a public employee. NRS 18.025(1)(b). If a Court determines that such a party is
6 entitled to receive attorney’s fees, and the fee rates are not set forth in an applicable rule or
7 statute, “the court shall award *reasonable* attorney’s fees and costs.” NRS 18.025(2)(emph.
8 added).

9 21. The Court is not limited to a specific approach when determining the amount of
10 fees to award, so long as the amount takes into account the *Brunzell* factors. *Logan v. Abe*,
11 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015)(citations and quotations omitted). The
12 lodestar approach to calculating attorneys’ fees involves multiplying the number of hours
13 reasonably spent on the case by a reasonable hourly rate. *University of Nevada v. Tarkanian*,
14 110 Nev. 581, 591, 879 P.2d 1180, 1188 n.4 (1994). Billing records are not required; instead,
15 the Court bases its award on reasonableness. *See O’Connell v. Wynn Las Vegas, LLC*, 134 Nev.
16 550, 557–58, 429 P.3d 664, 670–71 (Nev. App. 2018).

17 22. The Court concludes that the lodestar method is an appropriate and reasonable
18 method to calculate the award of attorneys’ fees in this case. The Nevada Supreme Court
19 upheld use of the lodestar method for attorneys serving as a government entity’s in-house
20 counsel. *Cuzze v. Univ. & Cmty. Coll. Sys. of Nevada*, 123 Nev. 598, 607, 172 P.3d 131, 137
21 (2007). Rejecting appellant’s argument that the reasonable market rate was excessive, the
22 Nevada Supreme Court noted that such an argument would ignore persuasive federal
23 precedent and that “**a lawyer’s position as a government attorney as no bearing on the**
24 **fees that may be recovered**” under that precedent. *Id.*, 123 Nev. 598, 607, n. 29, 172 P.3d
25 131, 137, n. 29 (emph. added). The lodestar method of using “prevailing market rates
26 necessarily takes into consideration such factors as salary, overhead, the cost of support

1 personnel, and incidental expenses." *PLCM Group v. Dexler*, 22 Cal. 4th 1084, 1097 (2000),
2 as modified (June 2, 2000). Use of the lodestar method for in-house counsel is "presumably
3 reasonable." *Id.* The Ninth Circuit has "repeatedly held that determination of a reasonable
4 hourly rate 'is not made by reference to the rates actually charged...'" *Welch v. Metro. Life*
5 *Ins. Co.*, 480 F.3d 942, 946 (9th Cir. 2007); see also *United States v. City of Jackson*, 359 F.3d
6 727, 733-34 (5th Cir. 2004)(rejecting city attorney's salary as the fee rate, instead using the
7 reasonable market rate for the local legal community).

8 23. Awarding government attorney's fees according to the lodestar method's
9 reasonable market rate is appropriate and purely compensatory. *Acosta v. Sw. Fuel Mgmt.,*
10 *Inc.*, Case No. CV164547FMOGRX, 2018 WL 1913772, at *10 (C.D. Cal. Mar. 28, 2018).²
11 A California Court of Appeals upheld lodestar calculations with market rates of \$500 and
12 \$625 per hour for two assistant attorneys general in the San Francisco Bay area in 2013,
13 rather than the governmental rates actually incurred. *In re Tobacco Cases I*, 216 Cal.App.4th
14 570, 581-82 (2013). The U.S. District Court in Nevada recently applied the lodestar
15 method to award a reasonable attorney fee of \$400 per hour for Washoe County Deputy
16 District Attorney Michael Large. This case law further persuades the Court that use of the
17 lodestar method with a reasonable market hourly rate is an appropriate approach to
18 calculating an award of attorneys' fees for in-house government attorneys. The price of
19 pursuing baseless claims in Nevada Courts should not be lowered because the opposing
20 party is a governmental entity. See NRS 18.025.

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22 _____
23 ² Ample authority supports awarding attorneys' fees based on reasonable market hourly value for in-house
24 government attorneys. See e.g. *Napier v. Thirty or More Unidentified Fed. Agents*, 855 F.2d 1080, 1092-93 (3rd
25 Cir. 1988)(Assistant U.S. Attorney's fee should "be valued at a market rate"); *Ex.-Imp. Bank of the U.S. v.*
26 *united California Disc. Corp.*, Case No. CV 09-2930 CASPLAX, 2011 WL 165312, at *2 (C. D. Cal Jan. 12,
2011)(awarding a reasonable market rate to government attorneys, even though they were paid a salary and
did not formally bill clients); *Hamilton v. Daley*, 777 F.2d 1207, 1213 (7th Cir. 1985)(calculating county
attorneys' fees "based on reasonable billing rates in the relevant community, not net hourly earnings").

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24. Defendants reasonably and conservatively seek fees based on a voluntarily discounted rate of \$375 per hour. Having spent 263.7 hours on this matter, an appropriate attorneys' fee award is \$98,887.50. The requested hours are reasonable, and any allegation of overbilling is mitigated by the reduced hourly rate of \$375 per hour.

25. "Costs must be allowed of course to the prevailing party against any adverse party against whom judgment is rendered..." in an action where plaintiff seeks to recover more than \$2,500 and in special proceedings. NRS 18.020. "[A]ny proceeding in a court which was not under the common-law and equity practice, either an action at law or a suit in chancery, is a special proceeding." *Foley v. Kennedy*, 110 Nev. 1295, 1304, 885 P.2d 583, 588 (1994)(quoting *Schmaling v. Johnston*, 54 Nev. 293, 301, 13 P.2d 1111, 1113 (1932)). Within three days of service of a memorandum of costs, the adverse party may move to retax the costs. NRS 18.110(4). A party waives any challenge to claimed costs when he does not file a motion to retax costs pursuant to NRS 18.110(4). *Estate of Powell Through Powell v. Valley Health Sys., LLC*, Case No. 84861, 2023 WL 8291871 at *4 (Nov. 30, 2023)(unpublished disposition).

26. Because Defendants are the prevailing party and Beadles sought to recover more than \$2,500, Defendants are entitled to an award of their costs in the amount of \$378.94. Moreover, Beadles did not file a motion to retax costs, timely or otherwise, and thus waived any challenge to Defendants' requested costs.

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

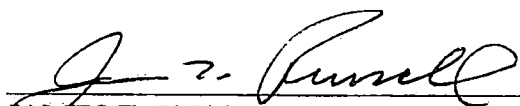
IT IS HEREBY ORDERED that Defendants' Motion for Attorneys' Fees is **GRANTED**.

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IT IS HEREBY FURTHER ORDERED that Defendants are award attorneys' fees in the amount ninety-eight thousand eight hundred eighty-seven dollars and fifty cents (\$98,887.50), and awarded of costs in the amount of three hundred seventy-eight dollars and ninety-four cents (\$378.94).

IT IS HEREBY FURTHER ORDERED that there being no just reason for delay, the Court hereby determined and directs that final judgment is entered in favor of Defendants pursuant to NRCPP 54(b).

Dated: January 11, 2024


JAMES T. RUSSELL
DISTRICT JUDGE

Submitted on _____ by:

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(775) 337-5700

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

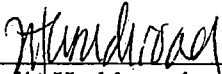
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 12th day of January, 2024, I deposited for mailing, postage paid, at Carson City, Nevada, or otherwise noted, a true and correct copy of the foregoing Order addressed as follows:

Robert Beadles
10580 N McCarran Blvd. #115, Apt. 386
Reno, NV 89503

Lindsay L. Liddell, Deputy District Attorney
Elizabeth Hickman Deputy District Attorney
One South Sierra Street
Reno, NV 89501



Julie Harkleroad
Judicial Assistant, Dept. 1