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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

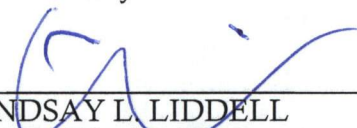
2 PLEASE TAKE NOTICE that on November 20, 2023, the Court in the above
3 entitled matter filed its Order Denying Plaintiffs Motion to Change Venue. A copy of the
4 Order is attached hereto.

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 21st day of November, 2023.

9 CHRISTOPHER J. HICKS
District Attorney

10 By 
11 LINDSAY L. LIDDELL
12 Deputy District Attorney
13 One South Sierra Street
14 Reno, NV 89501
liddell@da.washoecounty.gov
(775) 337-5700

15 ATTORNEY FOR DEFENDANTS

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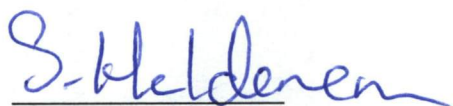
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CERTIFICATE OF SERVICE

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' Notice of Entry of Order- Order Denying Plaintiffs Motion to Change Venue at the following electronic mail address:

Robert Beadles
beadlesmail@gmail.com

Dated this 21st day of November, 2023.


S. Haldeman

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WILLIAM SCOTT HOEN
CLERK
BY _____ DEPUTY

**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.

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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 not 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. Carson City is far more convenient for all witnesses than
13 Lyon County.

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

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

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

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

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CONCLUSIONS OF LAW

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

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

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

14. In evaluating a pre-voir dire change of venue motion, the Court considers 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:

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

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17 Dated: November 20, 2023

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20 JAMES T. RUSSELL
DISTRICT JUDGE

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