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7 ATTORNEYS FOR DEFENDANTS

8
9 **IN THE SECOND JUDICIAL DISTRICT COURT**
10 **OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE**

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12 * * *

13 ROBERT BEADLES, an individual,

14 Plaintiff,

Case No. CV23-01341

15 vs.

Dept No. D1

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

24 Defendants.

25 **OPPOSITION OF MOTION IN REQUEST OF SUR-REPLY**

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1 Defendants, by and through counsel, Deputy District Attorney Lindsay Liddell,
2 hereby file¹ their Opposition to the Motion in Request of Sur-Reply filed by Plaintiff Robert
3 Beadles (“Beadles”) on September 7, 2023. This Opposition is based on the following
4 Memorandum of Points and Authorities and all papers and pleadings on file.

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I. INTRODUCTION**

7 Beadles filed a Motion in Request of Sur-Reply seeking leave to file a sur-reply to
8 Defendants’ Motion to Dismiss. A sur-reply is not contemplated by the procedural rules of
9 the Court, and is not appropriate in this case. *See* WDCR 12; FJDCR 3.7–3.9. Much of the
10 Motion argues matters that have no bearing on whether the Complaint states a claim upon
11 which relief can be granted. The Motion otherwise seeks to provide redundant argument
12 on issues briefed in the Motion to Dismiss, Opposition, and Reply.

13 Beadles argues a sur-reply is appropriate to “correct several inaccuracies asserted by
14 the defense that appear to be new or expounded upon arguments from their initial Motion
15 to Dismiss.” *Mot.* at p. 1. Though he claims new arguments were raised in Defendants’
16 Reply, he does not explain or cite to any arguments that were raised for the first time in the
17 Reply. *See Mot.* He includes over two pages in support of Edward Soloman’s election fraud
18 claims. *Mot.* at pp. 2–4. He argues Defendants are “morally” and “legally obligated to obey
19 the law.” *Mot.* at p. 6. He states that through a sur-reply, he “will rip apart their reply and
20 demonstrate example by example how the defense is misleading this court and how every
21 Washoe voter is being damaged by the defenses unethical and disgraceful treatment of this
22 most serious atrocity of our right to suffrage.” *Mot.* at p. 14.

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25 ¹ The Court issued an Order granting Beadles’s Motion to Change Venue, transferring venue to the First
26 Judicial District Court. However, as of the date of this filing, the First Judicial District Court has not yet
opened its case. As such, Defendants file the instant Opposition in the Second Judicial District Court.

1 The Motion should be denied. This is nothing more than a nonmoving party’s
2 attempt to have the last word on a motion. The Court may order additional briefing on the
3 Motion to Dismiss if necessary. However, endless sur-replies attempting to readdress fully
4 briefed issues or irrelevant issues is inappropriate and wastes judicial and party resources.

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

6 The rules of this Court allow a party to file a motion, the nonmoving party to file an
7 opposition to that motion, and the moving party to file a reply in support of the motion.
8 WCDR 12(1)–(4). “[A] party seeking to file a sur-reply should generally seek permission to
9 do so though a properly filed motion.” *In re Estate of Klein*, 127 Nev. 1146, 2011 WL
10 1599633 (Apr. 26, 2011)(unpublished disposition)(granting motion to strike sur-reply).
11 “Surreplies, and any other filing that serves the purpose or has the effect of a surreply, are
12 highly disfavored, as they are usually a strategic effort by the nonmovant to have the last
13 word on a matter.” *Lacher v. West*, 147 F.Supp.2d 538, 539 (N.D. Tex. 2001).

14 Here, a sur-reply is inappropriate and unnecessary. Additional briefing beyond what
15 is statutorily permitted is not warranted here and not permitted by Court rules. Though
16 Beadles states he “never intended to fully argue the case solely through the original
17 complaint,” the rules contemplate a motion to dismiss that tests the sufficiency of a
18 complaint. *See Edgar v. Wagner*, 101 Nev. 226, 227, 699 P.2d 110, 111 (1985). The Motion at
19 hand raises no issues that would warrant additional briefing on the Motion to Dismiss.

20 There is no basis or utility in briefing issues that have no bearing on the Motion to
21 Dismiss. Beadles’s claims of widespread election fraud and Edward Soloman’s “math” to
22 support his claim do not relate to whether the Complaint states a claim to redress elections
23 grievances or to remove certain Defendants from their positions. *See Reply in Support of Mot.*
24 *to Dismiss*, at pp. 3–4. Erroneous allegations of counsel’s unethical conduct, criminal
25 statutes, and allegations outside the Complaint likewise have no bearing on the Motion to
26 Dismiss.

