

ROBERT BEADLES  
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*Plaintiff, Pro Se*

**IN THE SECOND JUDICIAL COURT OF THE STATE OF NEVADA IN  
AND FOR THE COUNTY OF WASHOE**

MR ROBERT BEADLES, an individual,

Plaintiff,

vs.

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, Nevada a political subdivision of the State of Nevada, and DOES I-X; and ROE CORPORATIONS I-X.

Defendants.

Case No.: CV23-01341

Dept. No.: 1

**PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS**

Plaintiff Robert Beadles (Beadles), hereby moves to deny the Motion to Dismiss. This Opposition will show fatal flaws in the Points and Authorities presented by the Defense in their Motion to Dismiss based on NRCP 12(B)(5) and other authorities.

**I. BACKGROUND**

On 7/25/23 Plaintiff filed a lawsuit CV23-01283 against defendants in Washoe County, District 2 Civil Court. On 8/3/23 Defendants moved the initial lawsuit to Federal Court. On 8/4/23 Plaintiff filed a new lawsuit in District 2 Court again, CV23-01341, without any Federal Causes of Action.

On 8/8/23, Plaintiff received the proposed Motion for Sanctions from Defendants [Exhibits 124 and 125]. On 8/9/23 Plaintiff dismissed the Federal Lawsuit, leaving this case to move forward with.

## **II. INTRODUCTION**

Prior to this honorable court ruling on the defendant's motion to dismiss, Plaintiff respectfully demands the court first rule on the Plaintiffs Response in Support of Change of Venue. Additionally, when Plaintiff prevails, the court must strike the Defendants Motion For Sanctions as moot and discard it.

"It is not only of some importance but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done." - Sir William Blackstone

An impartial judge is like a balance beam. It must be level in order to weigh the evidence fairly." - Earl Warren, Chief Justice of the Supreme Court of the United States

This case is about county corruption and broken elections. The plaintiff has, for the past 2 years, tried to work with the defendants to get them to look over and take action on many issues and crimes occurring within the Washoe County Election System. Instead of the defendants working with the plaintiff, they have actively worked against him. They have used their positions, the press, and the defense to libel and slander him, rather than addressing the many issues and crimes he has presented to them.

The plaintiff is here in this honorable courtroom as he has run out of remedies. He has tried working with the Secretary of State and local law enforcement, all to no avail. The plaintiff has issued \$80,000 challenges and rewards to disprove his findings. All those who have tried have found that he

is right in his allegations. The common practice of the defense, defendants, media, etc., is to say the plaintiff has wild numbers, and they are wrong. What's funny is they are right. Why are they right? Because he is simply sharing the county's own certified election results. Those numbers and results are mathematically impossible, as will be touched on in this filing.

What's truly revealing is when the plaintiff simply inserts the county's own certified election results into Google Bard, their AI platform, it says: "This suggests that there was some kind of fraud or manipulation involved in the election results." "This suggests that someone was able to manipulate the vote counts after the election was over." "I would recommend that you notify the authorities about your concerns." "It is important to hold those responsible for election fraud accountable, so that our democracy can remain strong."

This is one more reason the Plaintiff is in this honorable courtroom; even Google's AI Platform called Bard told him to.

One must remember these are the defendants' numbers, not the plaintiff's, and yes, they are wild and unaddressed by any of the defendants. This honorable court needs to know that there are two causes of action in this case. Cause one pertains to violations of the NV Constitution and the Voter Bill of Rights. The second cause of action involves using NRS 283.440, which pertains to the removal of officers for malfeasance, malpractice, or nonfeasance. This case is about accountability. The plaintiff believes he has an absolute right and a case to seek the removal of these officers. He believes that they are duty-bound to answer his past petitions. Yet, even if this honorable court decides that citizens have no recourse against officers via NRS 283.440 or answering legitimate grievances and petitions, cause one must still go forward.

It's imperative that this honorable court hold wrongdoers accountable. Right is right, wrong is wrong. It's that simple. The evidence will show that the defendants broke numerous laws, NRS, policies and procedures, and even court orders. There must be accountability. If there is no accountability for public officers breaking the law, we have slid into tyranny. "No one is above the law, and no one should be able to use their position in government to escape accountability for wrongdoing." - Preet Bharara

The evidence will show that the defendants, defense, and media have all worked in concert to libel and slander the plaintiff. Simply reading the defense's Motion For Sanctions will shock this honorable court. It is a sanctionable event and not becoming of a public servant. The defense will say the defendants have no duty to respond, that the county can't be sued, that NRS 283.440 doesn't apply to these defendants; all of which are false.

If the three highest-ranking county officials for our elections have no duty to respond and can't be sued, then this is no longer America. A simple look at the case logs will show people sue the state and county all the time. Even if this honorable court says the plaintiff can't sue the county or state, he named the defendants individually as well. Even if this court states that the defendants can't be removed via NRS 283.440, surely this honorable court can hold them accountable for counting all of our votes in the 2022 primary and 2022 recounts in secret. That is a direct violation of the court orders, countless NRS, and destroys public faith in our right to suffrage.

This honorable court could hold these offenses accountable as well: If a county manager can use his position to get his wife out of a DUI, or the chairwoman for the county commissioners can steal the county's property and use it to enrich herself, and libel and slander the reputation of the plaintiff. Or if all these NRS's are allowed to be broken by the defendants:

NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277( 3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b);

Surely if this honorable court says the petitions don't have to be answered, that the county can't be sued, that the defendants have no duty to respond to the public, or that our constitutional rights don't apply in this County, surely this honorable court can proceed forward with this case against the defendants in their individual capacities and hold them accountable for the allegations against them.

The plaintiff requests this honorable court to weigh the evidence on its merits and allow this case to proceed, even if the court fails to hold the defendants accountable to the public in cause 2. Clearly, cause 1 must move forward. This case is about far more than just firing three people or answering petitions; it's about ensuring our servants are held accountable and that our elections are conducted lawfully.

Time is of the essence. According to Defendant Brown, the 2024 election processes start this October. In the current condition, in his own words, they are not prepared for the election. What's worse, the election system in its current condition, run by these defendants, can be trusted about as much as walking across a cotton thread for a tightrope 2,024 feet in the air with 500,000 ballots on your back. There's no way that Tightright can be a Trustrope, right? The Washoe County election

system is broken. The plaintiff merely asks this honorable court to examine all the evidence, weigh it on its merits, and rule accordingly.

In the following, the Plaintiff will address numerous allegations the Defense stated in their *Motion to Dismiss* and numerous claims-causes of action and remedies the Plaintiff has stated. The Plaintiff will additionally demonstrate in this voluminous Opposition why the Defense's motion to dismiss is littered with false allegations and show why the Plaintiff's case must move forward, and the *Motion to Dismiss* should not be granted.

Nevada is a notice pleading state; the plaintiff has met the requirements in his opposition and respectfully demands this honorable court to deny the defense's motion to dismiss and allow this case to move forward.

### **Elements Required To Be Met For Cause 1**

To bring a complaint against a violation of the Nevada Constitution articles 1, 2, or 15, a plaintiff must generally establish standing, justiciability, and the specific constitutional provision(s) that were violated.

Plaintiff clearly in submitted pleadings, exhibits and forthcoming testimony exceeds this requirement.

### **Elements To Be Met For Cause 2**

To bring a complaint against a violation of NRS 283.440, a plaintiff must generally establish

standing, demonstrate malpractice, malfeasance or nonfeasance by a public officer.

Plaintiff clearly in submitted pleadings, exhibits and forthcoming testimony exceeds this requirement.

Legally Actionable Claims and Grounds Presented by the Plaintiff:

**III. THE PLAINTIFF IS ENTITLED TO BRING FORWARD HIS ALLEGATIONS, CAUSES OF ACTIONS, AND CLAIMS SET FORTH BY THE FOLLOWING AUTHORITIES**

The plaintiff was robbed of his additional rights as set forth by his Court Orders. Defendants violated Plaintiff's Court orders [Exhibit 72] which clearly states:

*"The Plaintiffs will be permitted to observe during the processing and counting of ballots and in accordance with Nevada law and regulations and Washoe county's existing procedures, to the same extent as other eligible observers."*

*"If Washoe County is processing and/or counting ballots, observations shall be Allowed."*

Defendants counted all votes in secret thus violating numerous laws and Plaintiffs court orders [Exhibit 23-24, 72].

The Plaintiff filed 3 unanswered petitions, in which the plaintiff clearly laid out numerous violations of election laws and statutes. The defendants failed to respond or act upon the violations as required by the NV Constitution and NRS.

The plaintiff's right to have his Petitions of elections resolved "fairly, accurately, and efficiently" is enshrined in Nev. Const. Art. 2 Sec. 1A § 11 and NRS 293.2546 (11).

Defendants have thus deprived Plaintiff's right to have his grievances heard as enshrined in Nev. Const. Art. 1 § 10: "to petition the Legislature for redress of Grievances."

Defendants have violated NRS 281A.020 "A public office is a public trust and shall be held for the sole benefit of the people" and thus plaintiff can hold them accountable.

Defendants have violated Nev. Const. Art. 15 Sec. 2 that provides in part: ". . . *I will well and faithfully perform all the duties of the office of ....., on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury*" and thus plaintiff can hold them accountable.

NRS 283.440 allows for removal of "**any person who is now holding or who shall hereafter hold any office in this State and who refuses or neglects to perform any official act in the manner and form prescribed by law, or who is guilty of any malpractice or malfeasance in office, may be removed therefrom as hereinafter prescribed in this section, except that this section does not apply to:**

*(a) A justice or judge of the court system;*

*(b) A state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution; or*

*(c) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.*



Which clearly shows the defendants are any person, in any office, and NOT an office listed as not subject to removal.

NRS 357.040 Liability for damages and civil penalty for certain acts.

1. Except as otherwise provided in NRS 357.050, a person who, with or without specific intent to defraud, does any of the following listed acts is liable to the State or a political subdivision, whichever is affected, for the amounts set forth in subsection 2:

(a) Knowingly presents or causes to be presented a false or fraudulent claim for payment or approval.

(b) Knowingly makes or uses, or causes to be made or used, a false record or statement that is material.

NRS 357.080 Action by private plaintiff; venue of actions.

1. Except as otherwise provided in this section and NRS 357.100, a private plaintiff may bring an action pursuant to this chapter for a violation of NRS 357.040 on his or her own account and that of the State or a political subdivision, or both the State and a political subdivision. The action must be brought in the name of the State or the political subdivision, or both.

Also additional Statutes listed below in the sections labeled, Plaintiff Can Receive Punitive Damages, Monetary Damages and Equitable relief are Available for Removal Actions, and additional statutes shown throughout this Opposition.

Under case law below, Plaintiff additionally believes he can bring forth these claims and causes of action:

Removal of Defendants from office: In *Schumacher v. Furlong*, 78 Nev. 167, 370 P.2d 209 (1962), the Opinion of the Nevada Attorney General states, “Under this statutory procedure any complainant can, for specifically enumerated grounds, e.g., malfeasance or nonfeasance, initiate district court proceedings to remove any person holding any nonjudicial office in this state. This statutory procedure has previously been used against a county officer.”

Several cases show that a voter has standing to bring claims against public officers or the county for election crimes. For example, in *Am. Civil Liberties Union of Nev. v. The Cnty. of Nye*, No. 85507 (Nev. Oct. 21, 2022), the court held that the ACLU had standing to challenge voting procedures in Nevada, and the court's analysis touched on the rights of voters to challenge election processes.

*"Establishing clear rules, prior to election day, as to how such validity is to be established is of equal, if not greater, importance."*), as well as a constitutional right "[t]o have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law," *Nev. Const. art. 2, § 1A(11)*. Further, the votes in Nye County will count toward statewide election contests and ballot matters, and petitioners assert concerns that threaten the validity of that election process, thus impacting the citizens of this state in general."

Additionally, it states, *"For these reasons, and because Baldonado v. Wynn Las Vegas, LLC*, 124 Nev. 951, 961, 194 P.3d 96, 102 (2008), is distinguishable, we disagree with respondents' argument that only the Nevada Secretary of State may enforce election laws such that petitioners lack standing to seek relief in this instance."

*Nev. Policy Research Inst. v. Cannizzaro*, 138 Nev. Adv. Op. 28 (Nev. 2022)

Discusses the public-importance exception to standing, while not discussing election crimes, it should allow a voter to bring claims against public officers for election crimes. *"OPINION*

*HARDESTY, J.: Appellant Nevada Policy Research Institute, Inc. (NPRI) filed a complaint against respondents, alleging that their dual service as members of the state Legislature and as employees of the state or local government violates the Nevada Constitution's separation-of-powers clause."*

*"In Schwartz v. Lopez, 132 Nev. 732, 382 P.3d 886 (2016), we recognized that a public-importance exception applies when an appropriate party sues to protect public funds by raising a constitutional challenge to a legislative expenditure or appropriation in a case involving an issue of significant public importance."*

*"We thus take this opportunity to limitedly expand the public-importance exception in Nevada to cases such as this-specifically, we hold that traditional standing requirements may not apply when an appropriate party seeks to enforce a public official's compliance with Nevada's separation-of-powers clause (even if it does not involve an expenditure or appropriation), provided that the issue is likely to recur and there is a need for future guidance. The constitutional separation-of-powers challenge at issue here meets those requirements."*

*"We elect to apply the public-importance exception here and confer standing on NPRI because it is an appropriate party and the issue in this case implicates separation of powers under our state constitution, is likely to recur, and is of such significant public importance as to require resolution for future guidance."*

Mack v. Williams, 522 P.3d 434 (Nev. 2022)

Discusses the framework for determining whether a damages action exists to enforce self-executing provisions of the Nevada Constitution, which should allow a citizen to bring claims against public officers.

Plaintiff undeniably possesses standing to present the claims, causes of action, and seek remedy, as evidenced throughout this Opposition and his numerous other filed pleadings.

#### IV. Original Pleadings Contained Claims for Relief

The defense would like this honorable court to believe that Plaintiff included no claims upon which relief can be granted. This is simply untrue. As shown in [Exhibits 1-145] there are numerous examples of claims upon which relief can be granted. In the first exhibit to the court [Exhibit 109] it gave a supplemental break down for the court and defense to grab the at a glance issues the Plaintiff has brought before this court. Just simply looking to the supplemental statements in [Exhibits 16-22] list dozens of claims upon which relief can be granted. In the original complaint, in addition to the supplemental exhibits it clearly stated claims upon which relief can be granted to Plaintiff. To further show the defense is misleading this honorable court, simply look to their Motion To Dismiss. It will quickly be evident that they did an 11 page analysis on their attempt to say the defendants have no duty to respond to wrong doing nor accountability to the public whatsoever. The defense then provides a one sentence admission proving the Plaintiff does indeed have claims upon which relief can be granted. On page 12 lines 16-21, "*Beadles also states, "Defendants have additionally failed to address, correct, or rectify the issues raised in the underlying Petitions, including but not limited to, (1) updating and resolving the voter registration lists; (2) providing proper vote counting mechanisms; (3) counting votes in secret; (4) inadequate signature verification; (5) illegal function within the election system; (6) violations of election procedures as required under Nevada law. [Exhibit 109]."* Compl. at ¶91; see also Compl. at ¶¶46-51."

For cause of action 1, Plaintiff lists numerous remedies sought, just a quick glance to the remedies section of the original complaint shows:

i. An adequate and proper response by Defendant(s) to Plaintiff's petition of November 18, 2022, through the discovery processes, under court supervision and seeks an injunction regarding the same;

ii. An adequate and proper response by Defendant(s) to Plaintiff's petition of December 1, 2022, through the discovery processes, under court supervision and seeks an injunction regarding the same;

iii. Defendants must take into account and redress all elections issues that Plaintiff puts on the table, no shying away;

iv. Award Plaintiff their cost of suit;

v. Award monetary damages in excess of \$15,000;

vi. Award punitive damages;

vii. Defendants that are found in violation of laws shall be fined, fired, and/or removed from office; [NRS 283.440, NRS 266.430]

viii. Enjoin Defendants from their continued violations of the following NRSs and strictly comply with NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277( 3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b);

ix. Enjoin Defendants from using any voting and tabulation machines for elections in Washoe County; and

x. Enjoin Defendants to use paper ballots at all polling locations and in every election;

- xi. Enjoin Defendants to disclose ACB applicant's names and credentials publicly prior to appointment;
- xii. Enjoin the defendants and halt the expenditure of \$12.6M of taxpayer dollars for unapproved and unsafe equipment and software;
- xiii. Enjoin the Defendants and make the digitized vote tally database (Microsoft SQL) open for public inspection;
- xiv. Honorable court to strike down NRS 293.269935(2) and 293.3606(4) to allow public inspection of ballots;
- xv. Enjoin the Defendants to prohibit QR codes from use in recounts;
- xvi. Grant or impose any remedy, and further relief at law or equity, that this Court deems just and proper in these circumstances;
- xvii. Removal of Defendants from office; and
- xviii. For such further relief as the Court deems just and necessary in the premises.

Further examples are in numerous exhibits, one example of which contained within supplemental statements on the deficiency of Signature Verification [Exhibit 18] in where it clearly states:

Remedies:

1. Before, during, and after the 2024 elections:
2. Order that all recorded signatures be made with a black ballpoint pen on 24 lbs. paper and then scanned at no less than 300 dpi before being entered into the signature database.
3. Order the defendants to adhere to American Bankers Association's (ABA) Signature Verification Guide standards,
4. Order to prohibit disabled civilians from using nvease to register to vote and vote, except as provided for in UOCAVA, and

5. Require county to pursue greater outreach to disabled and needy voters, provide more field teams to register disabled and needy voters; [Note: all public agencies to register voters starting in 2024 per statute],
6. See Statement on Election system issues for remedies related to equipment/software [exhibit 16],
7. See Statement on Unprepared for 2024 [exhibit 22] for remedies to labor and training,
8. Order audit of voter signatures in 2024 primary and general elections, starting with UOCAVA and civilian early voting; invalidate a voter's record with a bad signature and related ballot, refer the violation to the district attorney.

Secondary Remedies:

9. Order the creation of a voter's assistant database to keep track of authorized assistants,
10. Order that voter's assistants be registered and authorized and assigned to the individual voter(s).
11. Plaintiff demands Defendant(s) and DOES be punished as per N.R.S. 283.440 and any other remedies this honorable court deems fit.

As this honorable court can see, the defense is clearly trying to hide the truth, the defendants' duties are alleged, claims are made, all which relief can be granted upon.

For cause of action 2, Plaintiff clearly seeks the basic relief in the 3 defendants joining the unemployment line. There must be accountability with those who hold office, and those in office who are responsible for our most precious voice, our vote. It is truly the only peaceful say we have in our Country to voice the change we wish to see in our County and Country. We cannot allow our so-called public servants to steal it without consequence.

Nevada is a notice pleading state, Plaintiff has met the requirements and respectfully demands this honorable court to deny the defenses motion to dismiss and allow this case forward.

**V. Plaintiff Does State Claims and Does State Claims In Which Relief Can Be Granted**

To expand further on Section IIII above, Plaintiff clearly states claims that relief can be granted in the original complaint, as well as in various documents in [Exhibits 1-145]. Examples of claims stated and relief that can be granted are in [Exhibits 16-22] and throughout the original complaint. A few examples in the complaint are: Failing to answer plaintiff's petitions, which is a violation of NRS 293.2546 (11) and the Nevada Constitution Art. 2, Sec. 1A, S11. In the petitions [Exhibits 1, 2, 3], it clearly states numerous NRS violations that the defendants have failed to remedy or even respond to. The defense falsely states the defendants have no duty to respond to the plaintiff. Plaintiff strongly disagrees, as NRS 293.2546 (11) clearly states that the Plaintiff has the right to have his Petitions of elections resolved "fairly, accurately, and efficiently." That never happened.

The [Exhibits 1-145] clearly show dozens if not hundreds of claims. In [Exhibits 16-22] alone, it states hundreds of claims and dozens of requests for relief.

Another glaring example is on pages 15-16 in the original complaint. These NRS have mostly, if not all, been violated by defendants: NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS



293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4),  
NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2, Sec. 1A, § 1(b);

Additionally, the complaint literally says Defendants that are found in violation of laws shall be fined, fired, and/or removed from office; [NRS 283.440, NRS 266.430]. The Plaintiff clearly states a grantable remedy for both causes of action. Additionally, Plaintiff asks this Honorable Judge to *“enjoin Defendants from their continued violations of the following NRSs and strictly comply with the NRS listed above”*.

Defendants have violated the NRS and other laws by violating the below NRS. Plaintiff is allowed to bring these claims and causes of action against the defendants as shown throughout this document and in “Section III” of this opposition. Nevada is a notice pleading state and thus at this stage of the complaint, this honorable court must deem all allegations as true.

Below is a brief overview of the claims and causes of action stemming from the NRS violations outlined above, also documented on pages 15 and 16 of the initial complaint, as well as referenced throughout [Exhibits 16-22].

NRS 293.530 discusses the defendants’ duties in maintaining the voter rolls, which they have horribly violated. See [Exhibits 1-22] for examples.

NRS 293.2546(11), the defendants have violated the Plaintiffs rights to “To have complaints about elections and election contests resolved fairly, accurately and efficiently.”

NRS 293B.033, NRS 293B.063, NRS 293B.065, NRS 293B.100, NRS 293B.104, NRS 293B.104, NRS 293B.1045(1), NRS 293B.130, and NAC 293B.110(1)(b). These violations encompass a wide range of rules and regulations that the defendants are required to adhere to when utilizing voting machines. Notably, these include the obligation to meet or surpass federal standards through the System, ensuring privacy and independence, guaranteeing accurate registration or recording of votes, and verifying that the mechanical recording device correctly registers or records all votes cast for individuals and measures on the voter's ballot.

Furthermore, the Secretary of State is prohibited from approving any system that fails to meet or exceed federal standards. The standards and procedures for approval of systems or devices by the Secretary of State, along with the corresponding regulations, were not complied with. Additionally, the software and operating systems must undergo specific certification prior to use, a requirement that was not fulfilled. It is evident that the defendants violated most, if not all, of these NRS provisions in varying degrees. See [Exhibits 1-3, 16-22, 58, 60-70, 94, 104, 105, 110, 112, 129, 146] for further proof of violations.

NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293.403(2), NRS 293.404(2), NRS 293.423, and NAC 293.311(4). These violations are deeply interconnected, as they collectively underscore the defendants' duty to ensure transparency and openness throughout the voting process, a duty that they have blatantly neglected.

One central aspect of these statutes is the explicit requirement for the defendants to conduct various stages of the voting process in full public view. For instance, defendants are mandated to allow members of the general public to observe the counting of ballots at central counting locations, encompassing the period when ballots are being processed. This fundamental aspect ensures accountability and trust in the electoral process.

Moreover, the statutes dictate that the counting of mail ballots, early voting returns, and ballots after the polls are closed must be conducted openly in the presence of the public. This transparency ensures the integrity of the election outcomes and instills confidence in the democratic process.

The requirement for allowing recount procedures, in which any eligible voter can demand a recount within a specified timeframe, is also deeply tied to this overarching theme of transparency. The presence of authorized representatives, candidates, and other relevant parties during the recount emphasizes the need for openness and accountability.

Additionally, the obligation for the county clerk to permit members of the general public to observe the handling of absent ballots underlines the defendants' duty to uphold transparency at all stages of the election process.

In failing to adhere to these statutes, the defendants have not only violated their legal responsibilities but have also undermined the fundamental principles of transparency and openness that are essential for a fair and credible democratic process. These interconnected violations serve as a stark reminder of the defendants' neglect of their duty to ensure that every step of the electoral process is conducted in a manner that maintains public trust and confidence. See [Exhibits 17, 23, 24, 72, and 126] for damning proof of defendants violations and further proof of claims and causes of actions that must be brought forward by this honorable court.

NRS 293.269927 underscores the defendant's solemn duty to safeguard the integrity of the mail ballot process, a responsibility the defendants have disregarded. This statute emphasizes meticulous signature verification as an essential step, either electronically or manually, to ensure the authenticity of returned mail ballots.

Vital to this process is the statute's insistence on addressing any doubts about signature consistency, signaling a "reasonable question of fact." In these instances, the defendant's is mandated to contact the voter promptly to seek confirmation.

Signature verification, a linchpin of transparency, upholds the sanctity of elections by ensuring that each ballot is validly submitted. NRS 293.269927 underscores this crucial role and the obligation to rectify signature-related concerns, a responsibility the defendants have neglected.

By sidestepping this pivotal responsibility, the defendants have eroded the only real safeguard the citizens have against fraudulent ballots being accepted. There are ballots sent to basically everyone, unlimited ballot harvesting is legal due to AB 321, so signature verification is the only real safeguard we have to ensure fraudulent ballots don't make their way into being counted. This violation destroys public trust in the democratic process and undermines the integrity of the vote.

See [Exhibits 1-3, and 18] for examples and eyewitness testimony from election workers who were told by the defendants to violate the NRS and not check signatures required by law.

NRS 293.277(3), NRS 293.285(1)(b)(4), NRS 293.3075(4), and NRS 293.3585(1)(d), [See Exhibits 16-22] collectively underscore the defendants' duty to implement an approved procedure to confirm that a registered voter has not already cast a vote within the current election cycle. These statutes mandate that the defendants must devise and follow a verification process, sanctioned by the Secretary of State, to ensure that no voter is allowed to vote more than once within the same election in the same county.

By adhering to these NRS regulations, the defendants safeguard the electoral process from potential instances of double voting, which could lead to compromised election outcomes. The importance of

this obligation cannot be overstated, as it upholds the fundamental principle of one-person-one-vote, essential for the integrity and legitimacy of democratic elections. Consequently, the defendants' failure to rigorously apply these NRS provisions undermines the very essence of fair and transparent elections, eroding public trust and potentially tainting the outcomes.

NRS 293.3604 outlines the responsibilities entrusted to the defendants regarding mechanical recording devices. It underscores the duties of the election board at the close of each voting day, the obligations of the ballot board during early voting, and the role of the county clerk at the conclusion of the final voting day.

NRS 293.740 addresses the obligations of the defendants in enforcing the prohibition of soliciting votes and engaging in electioneering within the polling place or within a specified proximity to the polling place, along with the corresponding penalty.

Nev. Const. Art. 2, Sec. 1A, § 1(b) explicitly outlines the defendants' duty to precisely record the voter's preference in selecting candidates, a duty they have demonstrably failed to fulfill.

As shown throughout this opposition document, the original complaint, the exhibits and responses, the Plaintiff does have the ability to bring forth claims and causes of action against the defendants. In these few examples alone, Plaintiff clearly shows the defense is trying to mislead this honorable court. Most if not all examples shown above are claims that a remedy can be granted. This honorable court could remove the defendants from office, enjoin them from further NRS violations, fine them, etc. Public officials must not be given a pass when they break the law. There must be consequences, not cover-ups.

**VI. The DA's Office Confirms Much Of What Plaintiff Requests for Remedy CAN BE granted**

In [Exhibit 111], the DA's office has provided its opinions on certain aspects of the relief sought by the Plaintiff, addressing whether the county commissioners possess the authority to grant them. Upon review, it becomes evident that even the DA's office acknowledges the feasibility of many remedies sought by the Plaintiff.

The DA's office's assessment encompasses a range of responsibilities falling within the Defendants' purview, including ensuring the accuracy of voter rolls, verifying election employees' residency within Washoe County while maintaining equitable representation from different political parties, conducting vote counting transparently in public view, establishing dual shifts for all positions, guaranteeing uninterrupted vote counting until completion, accommodating hand counting alongside machine counting, issuing paper provisional ballots for same-day voter registrations, and withholding ballot counts until all processing is finalized. Remarkably, these are precisely the measures the Plaintiff has emphasized in his pleadings, and notably, even the defense concedes their viability.

Nevertheless, the Plaintiff respectfully disagrees with the DA's office interpretation of Dillon's Rule, as he elaborates in his detailed discussion found here:

[<https://operationsunlight.com/2023/08/03/your-lesson-on-dillons-rule>].

Considering the Defense's findings and their claims regarding the actions the Defendants could take, along with the potential interventions that this honorable court could order, a significant portion, if not the entirety, of the remedies sought by the Plaintiff for his causes of action and claims could and

should be granted.

## **VII. Defendants Can Be Sued, and Have No Immunity**

The defense is attempting to mislead the court and make this all about the defendants having no duty to answer to Plaintiffs' grievances, regardless of what the constitution, the NRS, and their own office descriptions state. The defense states that the defendants are not guilty of malpractice, malfeasance, or nonfeasance because they have no duty to engage in "discretionary acts," making them immune. This could not be further from the truth.

Let's start by defining what the Merriam-Webster dictionary defines "discretionary" as: "Individual choice or judgment left the decision to his discretion, the power of free decision or latitude of choice within certain legal bounds." (source: <http://www.merriam-webster.com/dictionary/discretionary>).

Since when did the Defendants' oath of office say to support and defend election fraud or look the other way? When did that become a "discretionary act"?

It's clear that the defendants, as the three highest-ranking election officers in Washoe County, are duty-bound not only according to the NV Constitution to support and defend it but also to redress grievances. Even if this honorable court states that looking the other way with these petitions [Exhibits 1-3] is discretionary, this honorable court must surely find that the defendants are found knowingly and through malpractice, malfeasance, or nonfeasance of covering up election fraud and/or committing numerous NRS violations on purpose. These acts are clearly not discretionary and would be criminal.

The evidence will show that this is exactly what happened.

If one simply looks to the NRS, it clearly states that the State, County offices, and officers can be sued. They have no immunity in certain instances. Simply reading through NRS 41.031 through 41.039, the NRS states numerous ways these officers and offices can be sued and held accountable.

Here are a few examples:

**NRS 41.031 Waiver applies to State and its political subdivisions; naming State as defendant; service of process; State does not waive immunity conferred by Eleventh Amendment.**

1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, 485.318, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.010 or the limitations of NRS 41.032 to 41.036, inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part



**thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:**

**(a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and**

**(b) The person serving in the office of administrative head of the named agency.**

**3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.**

As outlined in the above NRS, the Plaintiff brought this complaint against the office and officer as it states to do. It's abundantly clear immunity only applies when an office or officer is actually performing their duty correctly. Immunity does not apply when they are knowingly breaking the law, as the evidence will prove. For proof of crimes, look to this document, [Exhibits 1-145], the Plaintiff's response via [Exhibit 142], and further testimony from eyewitnesses, and additional evidence to be submitted at trial.

#### **VIII. Plaintiff Requested Remedy From SOS Numerous Times**

The defense says that the defendants have no duty to respond to the Plaintiffs' petitions, grievances, or proof of election fraud and, according to NAC 293.025, to attempt to alleviate the Defendants from the various claims made by the Plaintiff. The code used is inferior to the Plaintiff's rights and is misapplied to the facts.

As will be proven, the Plaintiff's ability to exercise his right and obligation to lodge an

administrative complaint when he knows elections are inaccurate is encumbered and violated by the intrusion of the Secretary of State in local administrative matters that fall outside their authority as enumerated in Title 24 of NRS and NAC. Additionally, the SOS was made aware of the petitions [Exhibit 1-3], and hundreds of violations were submitted to the SOS, all of which went unremedied. What's worse is as shown in [Exhibits 17, 23, 24, 72, 120, 126, and 127], defendants were caught breaking court orders, the NRS, the NAC, and numerous other election laws, and then lied to the Secretary of State as to what happened to cover it up. The video, the transcript, the SOS response, the court orders, and supplemental statements in the exhibits above clearly show this occurred.

The defendants must be held accountable; there is no immunity to election fraud. This is just one of dozens of examples where the defendants clearly broke the law and are subject to removal via 283.440 and to be prosecuted. The defense is misleading this honorable court. Justice must be granted to Washoe voters.

#### **IX. Defense Fails To Understand NRS 266.430 Reference in Complaint**

The Defense has misinterpreted Plaintiff's complaint relative to NRS 266.430.

The Defense posits that "No private citizen "may institute criminal proceedings independently."

At no time does the Plaintiff claim relief or demand of the Court that NRS 266.430 be applied to the Defendants.

The Plaintiff merely offers NRS 266.430 in the context of severity of the penalties should the Defendants be found negligent pursuant to NRS 283.440, not to prosecute them in this civil proceeding.

This is a gross misinterpretation intended to impugn Plaintiff's character so the DA can go to the Reno Gazette-Journal and say, "Ah-ha!" look at what a fool is Beadles. Beadles is harassing his clients. Beadles is bad. The actions of the Defense that misstate and misinterpret the Plaintiff verge on egregious conduct.

Plaintiff's complaint cannot be dismissed for deficiency of form and NRS 266.430 has not been applied as asserted by the Defense. Thus, the Defense's arguments to dismiss the instant complaint based on NRS 266.430 are without merit.

**X. The Complaint States Claims For Removal Under NRS 283.440**

The defense clearly tries to hide the facts from this honorable court. NRS 283.440 is very clear the only offices it **does not apply** to are:

**....except that this section does not apply to:**

(a) A justice or judge of the court system;

(b) A state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution; or

(c) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

It additionally states: *Any person* who is now holding or who shall hereafter hold *any office* in this State.

It additionally states what offices this statute does NOT apply to. The defendants offices are NOT listed as safe from NRS 283.440.

**Clearly, the highest-ranking Election Official (ROV), The Highest Ranking Administrative Official (County Manager), and the Chairwoman of the Washoe County Board of County Commissioners are subject to removal via NRS 283.440 as they are not excluded as the other positions are.**

**XI. Plaintiff States Multiple Claims For Defendants Removal**

There are numerous claims made by the Plaintiff in [Exhibits 1-145] that clearly show removal is warranted, as well as prosecution and all other remedies stated in Plaintiff's complaints and exhibits, as well as any other remedy this court sees fit to administer. All of these are claims stated by the Plaintiff for which he can be granted remedy. A few examples of which are in the original complaint, [Exhibits 1-15, 16-24, 104, 105, 126, 129, 134-140, 142, and 143].

The Plaintiff shows that the defendants broke numerous NRS, some stated in [Exhibits 16-22], and all the below stated in the original complaint:

NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b).

Its resounding clear the defenses argument has no merit and the Plaintiff stated numerous claims for the defendants removal in addition to failing to answer his properly served grievances in [Exhibits 1-

3].

## **XII. The ROV Can and Is Being Sued**

As stated above in “IV. **Defendants Can Be Sued, and Have No Immunity**” the NRS in NRS 41.031 through 41.039, the NRS states numerous ways these officers and offices can be sued and held accountable.

**Reference to Past Interpretations:** While past cases have primarily dealt with elected officials, the law clearly states it must apply to *“any person, in any office.”* And clearly states who is NOT able to be removed from office. The ROV, County Manager nor County Commissioner are in the list of who cannot be removed. One must remember, the defendants do not hold some low-level job in the county; defendant Rodriguez is the acting ROV for all of Washoe County. The NRS states her position interchangeable with that of an elected County Clerk. Her duties in short consist of: *Under general direction of the County Manager, plans, organizes, directs, and manages the operations of the Registrar of Voters Department; and performs related work as required.*

[https://www.washoecounty.gov/humanresources/files/hrfiles/60009314\\_1.pdf](https://www.washoecounty.gov/humanresources/files/hrfiles/60009314_1.pdf) [Exhibit 117]

Defendant Brown is the furthest from a low-level county employee. He is in direct control of the duties of the ROV, defendant Rodriguez. He additionally has appointed her, the deputy ROV, and has contracted with numerous election services companies as well. His duties as defined by the county additionally include: *Under the administrative direction of the Board of County Commissioners, serves as the Chief Administrative Officer of Washoe County; exercises administrative direction over the appointed County department heads and staff; represents the County on a variety of matters at the State and County level; and performs related work as required.*

[https://www.washoecounty.gov/humanresources/files/hrfiles/60009303\\_1.pdf](https://www.washoecounty.gov/humanresources/files/hrfiles/60009303_1.pdf) [Exhibit 133].

It is clear these two defendants are the furthest from just county employees as the defense tries to downplay. These two defendants control the county election systems and more. If they cannot be held accountable under NRS 283.440, it would be a clear travesty of justice. The third defendant, County Commissioner Alexis Hill, has been sworn in as a seated county commissioner, and this law without any further explanation clearly applies to her.

Furthermore, the defense's attempt to ignore and obfuscate the truth of what the law clearly says to the court is reprehensible. The application of NRS 283.440 in the removal of "any person, in any office," for malfeasance or nonfeasance of high-ranking employees must be allowed per law. Failure to do so would open the door to systemic issues, undermining public trust, and clear violations of law that would then be permissible.

Furthermore, beyond NRS 283.440, this honorable court has numerous remedies at its disposal to hold the defendants accountable for the malpractice, malfeasance, or nonfeasance they have all committed as shown in these pleadings and exhibits. It's the road to tyranny when public officials or offices have no accountability to we the people.

Defenses claims the ROV cannot be sued is meritless.

### **XIII. Damages and Relief are Available For Plaintiff**

There are numerous examples of damages to Plaintiff and all Washoe Voters listed in pleadings, [Exhibits 1-145], and the above sections. To restrain from tremendous redundancy in stating them all in this section as well, just a simple reference to the original complaint shows damages due to defendants violations of NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b),

NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b)

Most if not all of these are punishable as shown in the following NRS’:

**NRS 193.130 Categories and punishment of felonies.**

1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of NRS 176A.100 or paragraph (a) of subsection 2 of NRS 453.336, upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute.

**NRS 193.140 Punishment of gross misdemeanors.** Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

[1911 C&P § 19; RL § 6284; NCL § 9968]—(NRS A 1967, 459; 1981, 652; 2013, 977)

**NRS 193.150 Punishment of misdemeanors.**

1. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such misdemeanor prescribed a different penalty.

**NRS 193.153 Punishment for attempts.**

1. An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime. A person who attempts to commit a crime, unless a different penalty is prescribed by statute, shall be punished as follows:

(a) If the person is convicted of:

(1) Attempt to commit a category A felony, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

(2) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is greater than 10 years, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.

(3) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is 10 years or less, for a category C felony as provided in NRS 193.130.

(4) Attempt to commit a category C felony, for a category D felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(5) Attempt to commit a category D felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(6) Attempt to commit a category E felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(b) If the person is convicted of attempt to commit a misdemeanor, a gross misdemeanor or a felony for which a category is not designated by statute, by imprisonment for not more than one-half the longest term authorized by statute, or by a fine of not more than one-half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both fine and imprisonment.

2. Nothing in this section protects a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed. A person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion discharges the jury and directs the defendant to be tried for the crime itself.

There are numerous penalties for officers who commit malfeasance in office. A condensed list of potential examples for this Honorable Court include:

Nev. Rev. Stat. § 658.155 provides that officers who commit malfeasance or corruption in office are guilty of a category D felony.

Nev. Rev. Stat. § 252.190 provides that a district attorney who commits malfeasance in office may be punished with a gross misdemeanor.

Nev. Rev. Stat. § 197.130: Public officers knowingly making false or misleading statements in official reports or statements are guilty of a gross misdemeanor.

Nev. Rev. Stat. § 197.140: Public officers making false certificates or writings, containing knowingly false statements, are guilty of a gross misdemeanor.

Nev. Rev. Stat. § 197.110: Public officers engaging in misconduct by soliciting compensation for neglecting duties or using public resources for private gain are guilty of a category E felony and subject to punishment as provided in NRS 193.130.

Nev. Rev. Stat. § 42.005 allows for the award of punitive damages in cases where the defendant has been found guilty of fraud, among other things.

Schumacher v. Furlong discusses NRS 283.440, which provides for the removal of an office holder for malfeasance.

The acts alleged against the defendants were outside the scope of faithfully performing their duties and employment.

As shown above, there are numerous remedies that are available for victims of public officers who commit the violations Plaintiff alleges.



Plaintiff further states numerous remedies he seeks that this court can grant as shown in exhibits, responses, pleadings, and the original complaint. One example, in the original complaint, that the court can grant with ease is to:

*i. **Enjoin Defendants from their continued violations of the following NRSs and strictly comply with** NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277( 3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec. 1A § 1(b):*

Additionally, this honorable court can enjoin the defendants Hill and Brown to force a vote at the County Commission Board on numerous remedies he seeks.

For example:

*Enjoin Defendants from using any voting and tabulation machines for elections in Washoe County; and Enjoin Defendants to use paper ballots at all polling locations and in every election:*

As per [Exhibit 16, line 60-61]

60. Pursuant to N.R.S. 293B.105 General authority. “The board of county commissioners of any county or the city council or other governing body of any city may purchase and adopt for use at elections any mechanical voting system and mechanical recording device. The system or device may be used at any or all elections held in the county or city, for voting, registering and counting votes cast.”

61. County has discretion in the selection of election systems, hiring practices, and numbers of precinct polls and locations:

a. County may choose not to use any election system. (N.R.S. 293.269925, 293.3075(6), 293.506, and 293B.110, exception N.R.S. 293.2955(1, 4))

b. 94 was the number of poll workers in the 2022 general in Washoe County aged 41-60; 180 aged 61-70; 148 aged 71+, which equals 422 workers or 89% out of a total 472 poll workers hired, according to the 2022 Washoe EAV Survey. [Exh. 106 2022 Washoe EAV Survey v1\_workers.xlsx]

c. County may choose to hire more local workers (N.R.S. 293.217 to 293.243 inclusive, and 293.258, and 293B.360 to 293B.390 inclusive) to process and count mail ballots and such, along with allowing 6-hour shifts and double shifts for workers to accommodate seniors and pregnant women (N.R.S. 613.4354 to 613.4383).

d. N.A.C. 293.015: “As used in NRS 293.361 and 293.740, the Secretary of State will interpret the term “polling place” to mean any place that is designated by the county clerk for voting by personal appearance.”

e. County may provide as many polling locations as necessary to serve precincts and clusters of seniors and/or disabled persons to enable voting and lessen wait times (N.R.S. 293.205, 293.2731 to 293.2738 inclusive, 293.3072, 293.3561 to 293.361 inclusive, and 293.437).

f. Out-of-precinct polling on Election Day ruled against by U.S. Supreme in 2021 (Brnovich v. DNC, No.19-1257 and Arizona Republican Party v. DNC, No. 19-1258) [Exh. 29]

(<https://www.cnbc.com/2021/07/01/supreme-court-upholds-arizona-voting-rules-d>)

emocrats-called-discriminatory.html).

As shown above in this one example, the commissioners have the ability, by vote, to use or not use voting machines, vote tabulators, paper ballots, vote within a voter's own precinct, and more.

One of the reasons the County of Washoe itself is named in this case is because Defendants Hill and Brown, according to “Washoe County Board Of Commissioners Rules Of Procedure” (<https://www.washoecounty.gov/bcc/WC%20BCC%20Rules%20of%20Procedure%202022.pdf>), section 5.5, clearly states that the two defendants Brown and Hill, alone, can put these items on the agenda for all commissioners to vote on. By a vote of 3 in the affirmative, all of their abilities shown in [Exhibit 16] could be immediately implemented.

This honorable court has the ability to enjoin Defendants Hill and Brown to add these items to the agenda for a vote. What happens from there is up to them. This is just another example of how the court and the defendants have the ability to grant remedy to the plaintiff.

As shown, this honorable court does have the ability to grant damages and remedies.

Once again, the defenses claims are without merit.

### **XIII. NAC 293.025**

#### **The NRS Is Superior To the NAC. The Nevada Constitution Is Superior To Both.**

The defense's claim that citizens must use NAC 293.025 for election-based grievances and that the defendants have no duty to respond is false. As numerous NRS cited by the Plaintiff in this document and in the exhibits show, the defendants are duty-bound to conduct elections and fulfill their duties according to the law. However, they have failed in that duty.

The Plaintiff has submitted numerous complaints under NAC 293.025, as evident in just a few of 100s of examples in [Exhibits 126 and 127], all of which have gone without remedy. Moreover, in cases where the SOS did respond to one of Plaintiff's grievances, the defendants either lied to the SOS or the SOS was complicit in the act of counting votes in secret, as demonstrated in [Exhibits 23, 24, 72, and 126]. It is baseless for the defense to assert that NAC 293.025 is the sole means for a voter to seek redress for election issues. The Nevada Voters Bill of Rights and the NV Constitution take precedence over the NAC. The NRS holds supremacy over the NAC, a principle commonly understood in the legal community and also referenced in:

In *State, Div. of Insurance v. State Farm*, 116 Nev. 290 (Nev. 2000), the court found that a regulation was invalid because it conflicted with a statute, suggesting that the NRS takes precedence over the NAC in this instance.

*"NRS 679B.130 provides in relevant part that '[a] regulation shall not extend, modify or conflict with any law of this state or the reasonable implications thereof.' NAC 690B.230(2) forbids insurers to take any underwriting action against an insured that is fifty percent at fault."*

Similarly, in *Horizons at Seven Hills Homeowners Ass'n v. Ikon Holdings, LLC*, 132 Nev. Adv. Op. 35 (Nev. 2016), the court held that a regulation could not contradict the statute it was designed to implement, stating: *"Nev. Attorney for Injured Workers v. Nev. Self-Insurers Ass'n*, 126 Nev. 74, 84, 225 P.3d 1265, 1271 (2010) (internal quotations omitted). 'Administrative regulations cannot contradict the statute they are designed to implement.' *Id.* at 83, 225 P.3d at 1271 (internal quotations omitted)," further demonstrating that the NRS is superior to NAC.

These violated NRS alone: NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b); and the punishments listed in the above NRS' in **"Damages and Relief are Available For Plaintiff"** as well as the removal of immunity shown in NRS 41.031 through 41.039 clearly supersede some NAC that the SOS and defendants alike fail to adhere to.

The defense's claims that all election issues must be through NAC 293.025 are clearly meritless, and if they were fact, no Nevada voter would ever receive remedy, further showing why Plaintiff is here in this honorable court.

#### **XIV. TRIAL BY JURY**

A jury trial cannot be denied to the Plaintiff. Plaintiff's First Cause of Action states many claims and remedies as set forth in this document, exhibits, initial complaint, and pleadings.

The Plaintiff's Second Cause of Action asks for the removal of officers from office. Case law is settled that even if one cause of action is dismissed or handled outside of trial, the other cause(s) of action can still move forward. Plaintiff believes that both causes of action, due to the damning consequences on the public at large, must be heard in an open trial. Evidence weighed on its merit, and an unbiased ruling granted for all parties.

Plaintiff's right to a jury trial: "Nevada's constitution provides that "[t]he right of trial by jury shall be secured to all and remain inviolate forever." Nev. Const. Art 1 § 3." *Taylor v. Colon*, 468 P.3d 820 (2020).

*See Aftercare of Clark County v. Just. Ct. of Las Vegas Twp. ex rel Cnty. of Clark*, 120 Nv. 1 (2004), and *Harris Assocs. V. Clark County Sch. Dist.*, 119 Nev. 639 (2003), and *Blanton v. North Las Vegas Mun. Ct.*, 103 Nev. 623 (1987), and *Castillo v. Pons-Diaz*, No. 82267-COA (Nev App. Aug. 17, 2022). (short list)

NRS 40.310 – Issues of fact to be tried by jury if proper demand made.

NRS 40.453 does not preclude waiver of the right a trial by jury. *Lowe Enterprises v. Dist. Ct.*, 118 Nev. 92 (2002)

Pursuant to NRS 41A.056(2), a plaintiff is free to bring a complaint and present his/her case to a jury despite the panel's decision. *Barret v. Baird*, 111 Nev. 1496 (1995)

NRS 41.0348 – "In every action or proceeding in any court of this state in which both the State or political subdivision and any present or former officer, employee, immune contractor or member of a board or commission thereof. . . the court or jury in rendering any final judgment, verdict, or other disposition shall return a special verdict"

NRS 174.135 – Hearing on motion, "An issue of fact shall be tried by a jury if a jury trial is required under the Constitution of the United States or of the State of Nevada or by statute 3."

Plaintiff's Second Cause of Action seeks removal of the Defendants pursuant to NRS 283.440.

If removal is the relief granted in summary hearing, Plaintiff's other demands for relief still move forward.

However, if the Petitions are to be considered as underlying the actions and motivations of the Defendants—as they should—issues of fact may be presented thus requiring a jury trial.

To put it another way, this Court becomes the fact checker in a summary hearing. If this Court is

willing to accept all of Plaintiff's evidence as true and correct then Plaintiff will gladly go down that path with the Court.

Should any evidence thus be questioned by this Court or by the Defendants, a jury trial is warranted. Hence, the Plaintiff cannot be denied his right to a trial by jury when such right is invoked, which he has done.

If this esteemed court remains unconvinced that the plaintiff's case warrants progression and that the plaintiff has adhered to Nevada's notice pleading state rules, the motion to dismiss presented by the defense should rightfully be declined. In the forthcoming sections, the plaintiff will additionally refute the defense's claims and furnish further evidence substantiating the necessity to hold the defendants responsible for their grievous actions. Failing to do so would undeniably signify a lack of justice for the citizens of Washoe.

## **XVI. PROOF OF TRUTH**

### **THERE IS AN ILLEGAL FUNCTION WITHIN WASHOE COUNTY DEPRIVING EVERY VOTER OF THEIR RIGHT TO LAWFUL SUFFRAGE**

**Here is a brief explanation of how anyone reading this reply can verify that the Plaintiff is telling the truth:**

Washoe County published what is called the CVR, which stands for Cast Vote Record. It's published on their website for the public. It is what they certify under penalty of perjury, stating these are the election results we must all believe. By simply using the COUNTY's own certified election results,

someone with a 4th-grade education can, in about a minute, verify if an election in a precinct was legitimate or fraudulent.

This is what we call the layman's calculation.

It's extremely accurate at a precinct level, with the exception of the occasional precinct outliers. It's meant to spot-check elections, to determine at a glance if they are legitimate or fraudulent, by people with a 4th-grade math understanding. Once the precinct(s) are proven fraudulent from the layman's calculation, one can use the "academic calculation," which requires a high school-level understanding of geometry and algebra to use [Exhibits 104-105]. The "academic calculation" will get the user to within a FEW VOTES of accuracy; it takes longer to do and is more complicated, but Plaintiff urges the reader to find the smartest mathematician they can find to try it for themselves and they too will see like the hundreds, potentially thousands of others, the Plaintiff is right.

The proof-of-truth formula the Plaintiff will demonstrate typically requires around a 4th-grade understanding of math, in the first 3 examples, making it very user-friendly. The 4th example will typically require a 7<sup>th</sup> to 9<sup>th</sup> grade level of math understanding, In the 4th example, Plaintiff will demonstrate using a "layman's calculation that solves the unknown" In this example, Plaintiff will again do the impossible and predict with impossible accuracy the percentage of votes Marsha Berkgigler received in her mail-in and early vote ballots per precinct. Meaning the reader will be able to predict what percentage of votes Berkgigler will receive in a precinct.

What makes this particularly impossible is the reader will be able to do this only knowing 2 variables when the user MUST know all 3 variables to solve. Plaintiff calls this the box analogy. In grade school, we were taught to find the volume of a box by knowing the length, the width, and the height; if you didn't know one of these variables, you could not solve for the volume of the box.



However, Plaintiff will show you how to proverbially solve for the volume of the box only knowing the height and width, which would be impossible.

Similarly, in the 4th example, Plaintiff will prove to the reader that Hill vs Berkbigler is completely fraudulent as we can solve for the percentage of Berkbigler votes cast percentage only knowing 2 of the three variables. Plaintiff will now demonstrate for the reader how our Washoe elections are completely and utterly untrustworthy and these elections are completely rigged. In these 4 examples, Plaintiff will only use the Washoe County Certified Election Results to show that **Biden lost to Trump, Angie Taylor lost to Montognese, Devon Reese lost to Eddie Lorton, and Alexis Hill lost to Marsha Berkbigler in the 2020 elections.**

Using the County's cast Vote Records (CVR data), if you pick a precinct in Washoe County for the 2020 General Election and use ONLY the County's certified election results, randomly pick a precinct in the Eddie Lorton vs Devon Reese race you want to check on. For this demonstration, the Plaintiff will use the City Council Race and randomly select Precinct 1033. Using ONLY the county's certified election results, we do the following:

#### **Eddie Lorton vs. Devon Reese 2020 City Council Race**

Find these 4 vote totals

Reese Mail-In Vote Total of 355

Reese Early Vote Total of 172

Lorton Mail-In Vote Total of 132

Lorton Early Vote Total of 143

Now then simply add together all the votes for both candidates which equals 802

Now then multiply 802 by 50% which equals 401

Now then take Reeses 355 mail-in votes and multiply them by 73% which equals 259.15

Now then take 401 and minus the 259.15 from it which equals 141.85

Now simply add 2.42 to 141.85 which equals 144.27

Why does this matter?

Because the Washoe County Certified Vote Total for Lorton's Early Vote Total in Precinct 1033 is... **143!**

**We just did and solved the impossible;** this layman's calculation predicted Lorton would receive **144 votes!** The County reported Lorton received 143! **We were off by one vote!**

If the reader is skeptical, fear not. The plaintiff will give three more examples and then explain how this is not a trick. This means the election was predetermined. Someone or something set the boundaries of these elections, and no matter how many votes come in, the hacked or programmed software will never allow Lorton, Berkbigler, Trump, or Montognese to win, regardless of how many more votes they receive than their opponent as shown in [Exhibits 60-68, 95, 104, 105, 110, 112, 129, 146]

### **Next let's move onto Angela Taylor vs Mathew Montognese Disctriect E 2020 School Board Race.**

Similar to the Reese Lorton Race, Plaintiff again proves that using the layman's calculation, one can predict the unpredictable with mathematical impossibility.

Plaintiff will randomly select Precinct 3019.

Find these 4 vote totals

Taylor Mail-In Vote Total of 196

Taylor Early Vote Total of 74

Montognese Mail-In Vote Total of 93

Montognese Early Vote Total of 42

Now then simply add together all the votes for both candidates which equals 405

Now then multiply 405 by .579% which equals 234.49

Now then take Montognese Early Vote of 42 multiply it by .989 which equals 41.53

Now minus 41.53 from 234.49 which equals 192.95

Now add 6.11 to 192.95 which equals 199.06

We just predicted Taylors Mail In Vote at 199.06

The County Certified results swear under penalty of perjury Taylor received 196 votes!

**The layman's calculation here again impossibly predicts the fraudulent certification by 3 votes!**

For the readers wondering, is he just adding numbers together? Fear not, if you want to make sense of this impossible prediction calculator, read [Exhibits 104 and 105] for a detailed academic explanation of how these calculations are created, which make the impossible vote total predictions possible.

**Next, we will randomly examine a precinct in the Biden VS Trump 2020 General Presidential race in Washoe County.**

We will randomly select precinct 6413 and use only the Washoe County Certified Vote Totals once again.

Find these 4 vote totals

Biden Mail-In Vote Total of 357

Biden Early Vote Total of 147

Trump Mail-In Vote Total of 283

Trump Early Vote Total of 423

Now then simply add together all the votes for both candidates which equals 1210

Now then multiply 1210 by 63.5% which equals 768.35

Now then take 786.35 and minus Trumps Early Vote of 423 which equals 363.35

The County's Certified Voter Results state Biden received 357 votes. The layman's calculation predicted 363 Mail-In Votes for Biden. **The layman's calculation was only off by 6 votes!**

**Once again, another mathematical impossibility in a fair election. This further demonstrates that the race was predetermined before the results were ever certified.**

Plaintiff can repeat this process for most election races in the 2020 and 2022 Washoe Certified Election results [Exhibit 104,105], showing that every Washoe voter has been robbed of their right to suffrage. For the last example, Plaintiff will demonstrate using the layman's calculation that Alexis Hill vs Marsha Berkbigler was rigged as well. In this example, Plaintiff will achieve the impossible by using only 2 out of 3 essential variables to solve the equation. This layman's calculation is a bit more complex than the three previous examples. Exhibits 104 and 105 show the reader how these races were predetermined and how to predict most, if not all, precincts in many Washoe County election races. The academic formula will guide the user in most instances to predict precinct after precinct to the nearest few votes! In other words, the academic formula will enable the user in most, if not all, precincts to predict the race in that precinct to the nearest vote or so! Let's begin.

**Alexis Hill vs Marsha Berkbigler Washoe County Commissioners District 1 2020 General Race**

Plaintiff will randomly select Precinct 1007.

Find these 4 vote totals

Hill Mail-In Vote Total of 156

Hill Early Vote Total of 65

Berkbigler Mail-In Vote Total of 92

Berkbigler Early Vote Total of 62

Here is the legend for the reader's usage:

**G**= Berkbigler's Early Vote divided by the sum of Berkbigler's Early Vote and Hills Mail-In Vote  
**H**= Berkbigler's Mail-In vote divided by the sum of Berkbigler's Mail-In vote and Hills Early Vote  
**Alpha**=The Sum of Berkbigler's Early Vote and Berkbigler's Mail-In Vote divided by the sum of all 4 categories.

**Lambda**=The Sum of Berkbigler's Early Vote and Hills Mail-In Vote divided by sum of all 4 categories.

For the sake of condensing the notation, we are going to assign the four letters, A,B,C and D to each precinct's Early and Mail-in Vote totals for Berkbigler and Hill.

Let A = Berkbigler's Early Vote at a precinct.

Let B = Hill's Early Vote at the same precinct.

Let C = Berkbigler's Mail Vote at a precinct.

Let D = Hill's Mail Vote at a precinct.

Let **K**=A+B+C+D, which is the sum of all four above votes.

Let  $G = A/(A+D)$ , which is the percentage of votes that belong to Berkbigler amongst the sum of Berkbigler's Early Vote and Hill's Mail-in Vote at the same precinct.

Let  $H = C/(C+B)$ , which is the percentage of votes that belong to Berkbigler amongst the sum of Berkbigler's Mail Vote and Hill's Early Vote at the same precinct.

Let  $\text{Alpha} = (A+C)/(A+B+C+D)$ , which is the percentage of all voters that voted for Berkbigler Early or for Berkbigler Mail.

Let  $\text{Lambda} = (A+D)/(A+B+C+D)$ , which is the percentage of all voters that either voted for Berkbigler Early or for Hill by Mail. Observe that  $(1 - \text{Lambda}) = (C+B)/(A+B+C+D)$

There is a universal tautology concerning those four numbers, A,B,C and D, and those four ratios, G,H, Alpha and Lambda. This tautology says:

$$\text{Alpha} = G(\text{Lambda}) + (1 - \text{Lambda})H; \quad \alpha = g\lambda + (1 - \lambda)h$$

$$\text{Proof: } \frac{A+C}{A+B+C+D} = \left(\frac{A}{A+D}\right)\left(\frac{A+D}{A+B+C+D}\right) + \left(\frac{C+B}{A+B+C+D}\right)\left(\frac{C}{C+B}\right) = \frac{A+C}{A+B+C+D} \quad \text{Q.E.D}$$

So why is this tautology important? Because it tells us that we cannot solve for Alpha, which is Berkbigler's total share of the vote, knowing only g and h. In a fair election, we need to know all

three variables g,h AND Lambda in order to solve for Alpha.

However, in Washoe County, we can solve for Alpha with no knowledge of Lambda at any precinct, using only g and h and the same formula with an  $R^2=0.994$  (essentially no error, with the most significant source of error being whether you round up or down to the nearest integer).

$$\text{Alpha}=0.059785+0.422213h+1.535061g^2-1.211691g^3$$

Suppose you are blindfolded. You don't know A,B,C or D in a precinct, but I do. However, I provide to you the g and h percentage and the total sum of ballots cast, **K**.

So, if I tell you that  $g=30\%$ , this means that A and (A+D) are in a 3 to 10 ratio. There is no way for you to resolve the individual value of A or D from this information. It could be 3 to 10, or 21 to 70 or 300 to 1000, etc.

Knowledge of g does not impart knowledge of A, D or A+D, therefore you remain blindfolded to the values of A and D, even after I tell you g.

Now I tell you  $h=54\%$ , this means that C and C+B are in a 54:100 ratio. Again, there is no way to determine the individual values of C, B or C+B from this information.

And without Lambda, you cannot know Alpha (remember that Alpha is Berkbigly's total percentage of the ballots at the precinct, thus a formula that predicts Alpha across all of the precincts, predicts the entire election!)

Allow me to give you an example.

In Precinct One:

$$g=A/(A+D) = 30\%=30/100, \text{ from which we know } D=70, \text{ since } 100-30=70.$$

$$h=C/(C+B) = 54\%=54/100, \text{ from which we know } B=46, \text{ since } 100-54=46.$$

$$\text{Lambda}=(A+D)/(A+B+C+D)=50\%=(30+70)/200.$$

$$\text{Alpha}=(A+C)/(A+B+C+D)=42\%=(30+54)/200=g\text{Lambda}+(1-\text{Lambda})h=(30\%)(50\%)+(50\%)(54\%)$$

In Precinct Two:

$$g=A/(A+D) = 30\%=300/1000, \text{ from which we know } D=700, \text{ since } 1000-300=700.$$

$$h=C/(C+B) = 54\%=216/400, \text{ from which we know } B=184, \text{ since } 400-216=184.$$

$$\text{Lambda}=(A+D)/(A+B+C+D)=71.4\%=1000/1400.$$

$$\text{Alpha}=(A+C)/(A+B+C+D)=36.8\%=516/1400=g\text{Lambda}+(1-\text{Lambda})h=(0.3)(0.714)+(0.286)(0.54)$$

Notice that in both precincts,  $g=30\%$  and  $h=54\%$ ; however both precincts have a different value for Alpha. In Precinct One Alpha=42% and in Precinct Two Alpha=36.85%. Hence, you cannot solve for Alpha knowing only g and h, you must also know the third variable, Lambda, in a fair election.

Thus, the fact that we can solve for Alpha, without Lambda, knowing only g and h, in every precinct, with the equation...  $\text{Alpha}=0.059785+0.422213h+1.535061g^2-1.211691g^3$  ...means that the election is rigged by definition, since it violates the universal tautology of...

$$\text{Alpha} = G(\text{Lambda}) + (1 - \text{Lambda})H; \quad \alpha = g\lambda + (1 - \lambda)h$$

$$\text{Proof: } \frac{A+C}{A+B+C+D} \neq \left(\frac{A}{A+D}\right)\left(\frac{A+D}{A+B+C+D}\right) + \left(\frac{C+B}{A+B+C+D}\right)\left(\frac{C}{C+B}\right) = \frac{A+C}{A+B+C+D} \quad \text{Q.E.D.}$$

which says that the fractions  $A/(A+D)$  and  $C/(C+B)$  alone ( $g$  and  $h$  alone), cannot solve for the fraction  $(A+C)/(A+B+C+D)$ , which is Alpha. If the Defense wishes to argue this, then tell us how to solve for Alpha knowing only  $g$  and  $h$  with no knowledge of  $\lambda$ .

Q.E.D.

**Here is an example using Precinct Reno-Verdi 1033. Remember that this is blindfold. I have all the information in the table below; however, I will only provide  $g, h$  and  $K$ , where  $K$  is the total ballots cast.**

$$g = 180 / (180 + 382) = 0.32028; \quad h = 150 / (150 + 164) = 0.47770 \quad \text{and} \quad K = (180 + 164 + 150 + 382) = 876$$

$$\text{Lambda} = (180 + 382) / 876 = 0.64155$$

| R_0 | Precinct        | R          | A                | B          | C              | D        |
|-----|-----------------|------------|------------------|------------|----------------|----------|
| P#  | Precinct        | Registered | Berkbigler Early | Hill Early | Berkbigler MiV | Hill MiV |
| 30  | RENO-VERDI 1033 | 1085       | 180              | 164        | 150            | 382      |

Now I provide those the values  $g = 0.32028$ ;  $h = 0.47770$  and  $K = 876$

We first calculate  $= 0.059785 + 0.422213h + 1.535061g^2 - 1.211691g^3$

$$g^2 = (0.32028)(0.32028) = 0.102579$$

$$g^3 = (0.32028)(0.32028)(0.32028) = 0.032854$$

$$\text{Alpha} = 0.059785 + (0.422213)(0.4777) + (1.535061)(0.10258) - (1.211691)(0.032854)$$

$$\text{Alpha} = 0.059785 + 0.20169 + 0.15746 - 0.039809$$

$$\text{Alpha} = 0.379126$$

We now multiply Alpha and  $K$  to get Berkbigler's Total Vote.

$$(0.379126)(876) = 332.11, \text{ rounded to the nearest integer is } 332.$$

Observer that  $A+C = 180+150 = 330$ , which was the actual total vote for Berkbigler, a residual difference of only two votes.

You just predicted Berkbigler's total vote with a blindfold, knowing only g, h and K. Notice that you did this without knowing  $\Lambda=0.64155$  !!!

Remember **Alpha** is the Sum of Berkbigler's Early Vote and Berkbigler's Mail-In Vote divided by the sum of all 4 categories, which determines the winner of the precinct!

**Here is an example using Precinct Incline Village 8105. Remember that this is blindfold. I have all the information in the table below; however, I will only provide g,h and K, where K is the total ballots cast.**

$$g=154/(154+188)=0.45029; \quad h=160/(160+128)=0.55555 \quad \text{and} \quad K=(154+128+160+188)=630$$

$$\Lambda=(154+188)/630=0.54285$$

| R_0 | Pname                | R          | A                | B          | C              | D        |
|-----|----------------------|------------|------------------|------------|----------------|----------|
| P#  | Precinct             | Registered | Berkbigler Early | Hill Early | Berkbigler MIV | Hill MIV |
| 2   | INCLINE VILLAGE 8105 | 817        | 154              | 128        | 160            | 188      |

Now I provide those the values  $g=0.45029$ ;  $h=0.55555$  and  $K=630$

We first calculate  $=0.059785+0.422213h+1.535061g^2-1.211691g^3$

$$g^2=(0.45029)(0.45029)=0.202761$$

$$g^3=(0.45029)(0.45029)(0.45029)=0.0913$$

$$\text{Alpha}=0.059785+(0.422213)(0.55555)+(1.535061)(0.202761)-(1.211691)(0.0913)$$

$$\text{Alpha}=0.059785+0.23456+0.31125-0.110629$$

$$\text{Alpha}=0.494966$$

We now multiply Alpha and **K** to get Berkbigler's Total Vote.

$$(0.494966)(630)=311.82, \text{ rounded to the nearest integer is } 312.$$

Observer that  $A+C=154+160=314$ , which was the actual total vote for Berkbigler, a residual difference of only two votes.

You just predicted Berkbigler's total vote with a blindfold, knowing only g,h and K. Notice that you did this without knowing  $=0.54285$ , which is 10% less than the lambda value of the previous precinct example. Amazing right!

To make a long short, instead of being equal to the weighted average of g and h (where is the weight) in a fair election, is now equal to the sum of the area of a rectangle sides with sides h,0.42;



the volume of a rectangular prism with sides g,g,1.53; subtracted by the hypervolume of a rectangular tesseract with sides g,g,g,1.21; plus the length of a line of length=0.059785.

That, ladies and gentlemen, is the surest sign of a rigged election.

**Q.E.D.**

Using this calculation that a 9th grader should be able to perform, like magic, the reader can predict how all precincts in the Washoe 2020 Berkbigler vs. Hill voted!

Using the 4th grade Layman's calculation, you are able to again predict the impossible in each precinct in the Lorton vs. Reese, Taylor vs. Montognese, Trump vs. Biden races!

This is not a trick; this is not the Collatz conjecture or a Hailstone sequence. Plaintiff can show you precinct by precinct in election race after election race where this occurred. However, the Plaintiff can only show you this happened in the 2020 and 2022 Washoe County elections, as it never happened before the implementation of AB 321 or the pandemic. Almost anyone can verify what Plaintiff is proving with the layman's calculations. This simple formula is impossibly accurate. If you use the actual academic formula, you can predict it down to the closest vote or so!

For skeptics who say it's a trick because we know the certified data, they're mistaken. A simple test would be to find someone with a 4th-grade understanding of the math used above, randomly provide the person with the County's certified CVR data for ONLY 5 precincts in a Washoe County election race listed above they want to check, and they'll be able to predict how each precinct voted in that race with a very low margin of error, with a few exceptions for outliers. Again, the academic calculation is close to a handful of votes margin of error. The damning truth of the proof is that every precinct in the 2 largest counties of Nevada, on separate sides of the state, voted nearly identically the same, and the other 15 counties and Carson City did not! Not even close! Additionally, prior to 2020, this had never happened before. Dozens of PhDs have concurred with Plaintiff's findings. Furthermore, Plaintiff ran the Certified Election Results and findings through Google's Bard, which

is described as a "large language model with the ability to solve complex mathematical problems, write and execute code, and manipulate strings."

**Google's Bard, when given the data, responded with:**

*"This suggests that there was some kind of fraud or manipulation involved in the election results." "This suggests that someone was able to manipulate the vote counts after the election was over." "I would recommend that you notify the authorities about your concerns." "It is important to hold those responsible for election fraud accountable, so that our democracy can remain strong." <https://bard.google.com/share/64002ac15e3b>*

What citizens and officials alike fail to realize is that it doesn't take 1,286 people to rig an election; it could only take 1-5 people see [Exhibits 23, 24, and 72]. No human ever counts the ballot or the bubbles. In a recount or audit, no human ever counts the bubbles or the ballots; it's all machines. Machines can be programmed or hacked to do whatever their user decides. Machines do not have a conscience; machines have no stake in the outcome. Machines do what they are told to do. Machines are great at getting us around the world, surfing the web, and expanding our knowledge and reach, but when it comes to our vote, it makes it way too easy for a bad actor(s) to steal our vote and our county-country without anyone ever being able to prove what the Plaintiff just did for you.

It's critical for this honorable court and all readers of this document to understand this example of a stolen election via an illegal function within the election system is not a singular event, with Defendant Hill fraudulently taking victory over the true winner, Marsha Berkbigler. Plaintiff can show this exact fraud occurring numerous times in the 2020 election. A few examples of which are Eddie Lorton vs. Devon Reese in the City Council Race of 2020. Devon Reese claimed victory through this exact same fraudulent outcome. The same with Angie Taylor in the Washoe School

Board race against Montongnese. Taylor won by the same fraudulent function. Additionally, Hartung vs. Baker in the District 4 county commissioner race. Hartung achieved victory through the same fraud. Biden achieved victory over Trump using this same illegal function. These are just a few examples of the 2020 election fraud in Washoe County  
(<https://docs.google.com/spreadsheets/d/1yqzGhTkMq1GkIbNjiu-JmKJFFtQN-Q569ec6LwZVaRc/edit#gid=686729976>).

In 2022, Plaintiff can prove that the same illegal function, with a few changes from its hacker or programmer from it's 2020 counterpart coding, fraudulently claimed victory for Cisco Aguilar, Aaron Ford, Catherine Cortez Mastro, Hillary Schieve, and numerous other candidates [Exhibits 104, 105].

**This is not hyperbole; this is not the rantings of a conspiracy theorist, as defense states. This is Paul Revere velling throughout the streets of Washoe County to this honorable court that election fraud isn't coming; it's already here. This is the County certified data, the state certified data, their numbers, not the Plaintiffs, proving that the elections are the furthest thing from trustworthy. Every Nevadan voter is being disenfranchised by this illegal system and functions within it.**

**This is an epidemic of election fraud from the school board level all the way to the Presidential level. It is incumbent on this court to do what is just and strike down the use of machines for voting and counting, as they did in Arizona [Exhibit 69], and strike down the unconstitutional parts of AB 321 in mailing ballots to voters who do not request them.**

This proof of truth has an **undefeated \$80,000 challenge to prove it wrong**. Dozens of PhDs from everywhere have tried and all have failed to prove it wrong. You read what Google's Bard said, yet

all the defendants are aware of this crime, have never responded, have never addressed the plaintiff except to use the media and their channels to libel and slander plaintiff.

This glaring example of election fraud has been covered up by the defendants; there must be accountability for their malfeasance, nonfeasance, and/or malpractice. The defendants must be tried under NRS 283.440 as well as all other applicable statutes this honorable court deems fit.

Furthermore under no circumstances should voting machines, or tabulation machines be used in Washoe County.

Again, this happened in 2022 Elections too.

"Accountability is the glue that binds the State together." - Mario Cuomo

Therefore, the plaintiff respectfully requests this honorable court to uphold its oath of office, consider the evidence impartially, and rule in favor of the Plaintiff when the preponderance of evidence against the defendants tips the scales.

### **Edward Solomon**

The defense will attack the brilliant mathematician Edward Solomon. They will say he is not an academic, nor an expert in the field of mathematics. It's true he does not have a PhD from Harvard or a similar institution; however, he has written numerous papers and is the first to have solved The General Solution to Multivariate Quaternionic Least Squares, with any mixture of left-handed, right-handed, or middle-handed constants. He was invited to the JMM2023 conference in Boston in January 2023, in front of hundreds of the world's smartest mathematicians, where he gave a keynote

speech. What Solomon did was take the Washoe County election and, instead of discussing votes, he substituted the word "votes" with "stocks." He conclusively demonstrated to the world's smartest mathematicians that he could DETERMINE the prices of stocks in the future! When he finished his presentation, he received a standing ovation and numerous business requests. What they didn't know was that he had shown the Washoe County 2020 election, not the stock market. You see, as soon as people mention votes and elections, the defense and media attack the individual. However, by simply changing the words from "elections" and "votes" to "stocks" and "market," he was the sensation of the conference, see [Exhibits 130 and 131]. Additionally, what the defense doesn't want this honorable court to know is that to prove what the Plaintiff just demonstrated above doesn't require a world-class mathematician; or even a PhD, an average math teacher or a graduate student at most should be able to confirm what was just demonstrated to this honorable court. Solomon is a witness; he simply observed what happened in the Nevada elections, and every legitimate PhD or similar has found what he observed and what he can demonstrate is true: the Washoe County elections are rigged.

## **XVII. Another Example of Defendants Patterns of Malfeasance, Malpractice or Nonfeasance**

### **3/3/21 [Exhibit 145] and [Exhibit 3]**

Tracey Hilton Thomas served the ROV as a polling place manager under 3 ROVs since 2000. In an email addressed to the County Commissioners, including Chairwoman Hill, that was forwarded to Defendants Rodriguez and Brown, she stated a litany of issues she observed during the 2020 election. These issues were clear violations of policies and law. In her email, she asked for:

- Protection at polls
- Reasonable hours to work, not 10-plus hours a day and 14 days straight.
- Signatures didn't match; laws and processes weren't being followed.
- Using bipartisan management teams from different parties who weren't married, etc.
- also asked for forensic audits of the electronic equipment,

- Protection of the personal data of voters
- Cleaning up the rolls as they are ripe for fraud.
- 7,661 same-day registered voters that made no sense at all
- Unconstitutional registering of out-of-state voters; multiple ballots being cast by the same voters
- The need for forensic audits of the ballot
- Registering of election observers with the state.

However, she never received an answer and was never called back into work. This email was sent to Chairwoman Hill, the Commissioners and later to County Manager Brown, and now-active ROV Rodriguez.

No action has ever been taken, no response has ever been given, except that she is no longer welcome to work for the ROV.

There is an immense pattern of the defendants refusing to respond, refusing to act, and refusing to address these grievous election violations that have been sent to them.

Instead, they libel, slander, or simply never use the employees again who bring these violations of the law to their attention.

This pattern of covering up crimes and attacking the concerned voters and workers must be addressed by this court. These are clear violations of cause one and cause two. The plaintiff respectfully demands the honorable court to rule accordingly.

### **XVIII. STANDARD OF REVIEW**

#### **Draw All Reasonable Inferences in Favor of the Plaintiff:**

When the facts in the instant complaint are viewed in the light most favorable to the Plaintiff, they

state a plausible claim for relief contrary to the assertion made by the Defense that plaintiff's allegations fail to rise to the occasion.

The Defense does not question the facts outlined in the Petition nor the Supplemental Statements [Exhibits 1-3, 15-22]. Instead, they deny the facts exist in order to invoke NRCP 12(b)(5) for dismissal. That is a patently false assumption and a crooked application of NRCP 12(b)(5) because anyone with eyes can read the evidence, which is thorough and incontrovertible.

The Plaintiff will herein prove that the Defense has failed to bring an adequate claim for dismissal based on NRCP Rule 12(b)(5).

The Plaintiff will herein prove that the counsel for the Defendants has committed acts unbecoming of an officer of the court and thusly should be sanctioned and this honorable court should turn her over to the BAR for ethical violations.

### **XVIII. The Goal Of The Defense**

The goal of the Defense is to bury Beadles' instant complaint and related petitions and evidence in furtherance of a suppression of his rights. Doing so serves to obfuscate and subvert the integrity and purity of elections, a concept enumerated in the Nevada Constitution as follows:

Nev. Const. Art. 2 Sec 6: "for the ascertainment by proper proofs of the persons who shall be entitled to the right of suffrage, as hereby established, to preserve the purity of elections, and to regulate the manner of holding and making returns of the same;"

"Proper proofs" of those entitled to the right of suffrage is very much on the forefront of Plaintiff's Petitions in support of the instant complaint. For example, when voter rolls are unclean and election workers do not verify signatures then "proper proofs" are questionable at best and as it is in Washoe

County.

Nevada is a notice pleading state, which means that plaintiffs need only set forth the facts which support a legal theory, rather than correctly identifying the legal theory itself.

Several cases explicitly state that Nevada is a “notice pleading” state or jurisdiction. For example, *Liston v. Las Vegas Metro. Police Dep’t*, *The Estate of Cronin v. G4 Dental Enters.*, and *Russo v. Shac, LLC* all state this explicitly.

These cases also explain that this means plaintiffs need only “set forth the facts which support a legal theory” rather than correctly identifying the legal theory itself.

Other cases, such as *Iliescu v. The Reg’l Transp. Comm’n of Washoe Cnty.*, and *Nutton v. Sunset Station, Inc.*, similarly state that Nevada is a “notice-pleading” jurisdiction and explain that this means a complaint need only set forth sufficient facts to demonstrate the necessary elements of a claim for relief.

The case *Jacobsen v. Ducommun, Inc.* mentions NRCP 8(a), which requires only a “short and plain statement of the claim” in pleadings. This rule is consistent with notice pleading.

*Droge v. AAAA Two Star Towing, Inc.*, and *Smith v. District Court* both explicitly state that Nevada is a notice-pleading jurisdiction and explain that this means courts in Nevada “liberally construe pleadings to place into issue matters which are fairly noticed to the adverse party.”

Finally, *Hay v. Hay* directly answers the research request by stating that “Nevada is a notice-pleading jurisdiction” and explaining that this means “our courts liberally construe pleadings to place into issue matters which are fairly noticed to the adverse party.”



The Defense alleges that Beadles' lawsuit is frivolous and without legal basis. This is incorrect. The claims presented in the lawsuit are based on credible evidence and legal precedent. Proof of such are in the pleadings, thousands of pages of exhibits and video evidence served on the defendants and defense. If that wasn't enough, even more proof of the legitimacy of allegations alleged will come from discovery and trial. Therefore, contrary to the Defense's assertion, this lawsuit has a legitimate legal basis and is not frivolous.

However, the Defense, in essence, claims that whatever rights Plaintiff has have been met and the rights he does not have do not obligate the Defendants and thus, the instant complaint is erroneous, along with claims of deficiency of form and more.

In large part, the Defense relies on NAC 293.025 to attempt to alleviate the Defendants from the various claims made by Plaintiff. The code used is inferior to Plaintiff's rights and is misapplied to the facts.

As will be proven, the Plaintiff's ability to exercise his right and obligation to lodge an administrative complaint, when he knows elections are inaccurate, is encumbered and violated by the intrusion of the Secretary of State in local administrative matters that fall outside their authority as enumerated in Title 24 of NRS and NAC.

The Defense parses words such as "resolve," "rectify," and "respond" throughout their argument in a conflagration of Defendants' duties and obligations to Plaintiff's rights.

The Defense claims the Registrar of Voters and the County manager are not public officials and are immune from Plaintiff's claims. The Defense asserts a claim under NRS 283.440 is a summary

matter for the court and that a trial by jury is not possible.

Plaintiff disagrees:

The County and related municipalities are the fabric of local governance to which the Plaintiff has an unfettered right to make inquiries, redress grievances, and to obtain a reply or resolution—not the Secretary of State.

The definition of an unconstitutional act is: that, “referring to a statute, governmental conduct, court decision or private contract. . . which violate one or more provisions of the [Nevada] Constitution.”<sup>1</sup>

Unconstitutional acts are extremely serious compared to the average misdemeanor, or act of nonfeasance, malfeasance, etc. They cannot be summarily resolved as the Defense contends.

Overall, the facts in the instant complaint must be viewed in the light most favorable to the Plaintiff; doing so, the complaint states claims for relief, and Plaintiff’s rights remain intact to the benefit of every elector and citizen in the county and state.

Throughout the Motion to Dismiss, the Defense makes various claims against Plaintiff including, but not limited to: incorrect application of law; failure to notify the Secretary of State; failure to lodge a complaint with the Ethics Commission; incorrect remedies; lack of evidence; false statements; false arguments; and, failure to state a claim upon which relief can be granted. The Defense relies on NRCPC 12(b)(5) to demand this Court approve their Motion to Dismiss. Plaintiff addresses these claims and NRCPC 12(b)(5) throughout this document.

The Defense has created a classic situation where there is no adequate remedy in law for the average elector with a grievance, which is the motivation behind the Plaintiff’s filing of the instant

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<sup>1</sup> <https://dictionary.law.com/Default.aspx?selected=2184>

complaint. The spirit of the law has been twisted by the Defense as will be proven.

For Plaintiff's rights, voter's rights, and our democracy, Plaintiff must be allowed to have his case heard in open court. This Court is hereby asked to deny the Motion to Dismiss.

## XX. What NRS 283.440 Actually Says

**NRS 283.440 Removal of certain public officers for malfeasance or nonfeasance:  
Procedure; appeal.**

1. **Any person** who is now holding or who shall hereafter hold **any office** in this State and who refuses or neglects to perform any official act in the manner and form prescribed by law, or who is guilty of any malpractice or malfeasance in office, may be removed therefrom as hereinafter prescribed in this section, except that this section does not apply to:

(a) A justice or judge of the court system;

(b) A state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution; or

(c) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

2. Whenever a complaint in writing, duly verified by the oath of any complainant, is presented to the district court alleging that any officer within the jurisdiction of the court:

(a) Has been guilty of charging and collecting any illegal fees for services rendered or to be rendered in the officer's office;

(b) Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; or

(c) Has been guilty of any malpractice or malfeasance in office,

Ê the court shall cite the party charged to appear before it on a certain day, not more than 10 days or less than 5 days from the day when the complaint was presented. On that day, or some subsequent day not more than 20 days from that on which the complaint was presented, the court, in a summary manner, shall proceed to hear the complaint and evidence offered by the party complained of. If, on the hearing, it appears that the charge or charges of the complaint are sustained, the court shall enter a decree that the party complained of shall be deprived of the party's office.

3. The clerk of the court in which the proceedings are had, shall, within 3 days thereafter, transmit to the Governor or the board of county commissioners of the proper county, as the case may be, a copy of any decree or judgment declaring any officer deprived of any office under this section. The Governor or the board of county commissioners, as the case may be, shall appoint some person to fill the office until a successor shall be elected or appointed and qualified. The person so appointed shall give such bond as security as is prescribed by law and pertaining to the office.

4. If the judgment of the district court is against the officer complained of and an appeal is taken from the judgment so rendered, the officer so appealing shall not hold the office during the pendency of the appeal, but the office shall be filled as in case of a vacancy.

5. As used in this section, "malfeasance in office" includes, without limitation:

(a) Engaging in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 that is severe or pervasive such that removal from office is an appropriate remedy.

(b) Willfully failing to comply with any other sanction imposed upon a local elected officer pursuant to NRS 233.175.

[21:200:1909; A 1949, 113; 1943 NCL § 4860] + [22:200:1909; A 1949, 113; 1943 NCL § 4861] + [23:200:1909; RL § 2853; NCL § 4862] + [24:200:1909; RL § 2854; NCL § 4863]—(NRS A 1973, 417; 1977, 937; 2009, 1072; 2019, 1946)

## **XXI. Defendants Are Duty Bound To Respond To Plaintiff**

The Defense is attempting to mislead this court in numerous ways. A few examples: in regards to the Defendant's duty to respond to the Defense, the Defense says Defendants have no duty to respond to the Plaintiff; therefore, the case should be dismissed. This couldn't be further from the truth. The defense omits damning evidence against the defendants that clearly show they broke numerous laws, as well as committed nonfeasance, malfeasance, or malpractice. The defense purposely does not address the below claims that the evidence clearly supports the defendant's guilt. Instead, the defense tries to say there's no duty to respond, so who cares if they break nearly every election law? The plaintiff has no right to complain, let alone have his grievances, petitions addressed, and God forbid grant him remedy. This is a blatant cover-up by the defense. Plaintiff addresses these acts in this document. In the unlikely event this court sides with the defense on this matter, the honorable court is duty-bound to rule on all the Plaintiff's claims against the Defendants and the evidence provided in support of his claims. It would be a travesty of justice and breach of this honorable Judge's oath of office to allow crimes before her to go unpunished. Plaintiff will now address how all three defendants are duty-bound to respond to the Plaintiff's properly served petitions and grievances.

### **A. Jaimie Rodriguez, Registrar Of Voters is DUTY BOUND to respond.**

Defendants Office, Mission Statement:

*The Mission of the Washoe County Registrar of Voters Department is to ensure that each citizen of Washoe County who is eligible to register and voter is able to do so; that Washoe County's Elections are operated with the utmost integrity, transparency, and accountability; and that the department is known for excellence in customer service and the administration of elections.*

Clearly her own mission statement says it will be operated with the utmost integrity, transparency, and ACCOUNTABILITY. If she is not accountable to Plaintiff and all voters, then there is no integrity, or transparency.

The NRS defines her role as:

**NRS 244.164 Registrar of voters: Creation of office; appointment, qualifications, powers and duties.**

1. In each county having a population of 100,000 or more, the board of county commissioners may create the office of registrar of voters, prescribe the qualifications, duties and compensation of that office and make appointments to that office.
2. The registrar of voters, upon appointment as provided in subsection 1, shall assume all of the powers and duties vested in and imposed upon the county clerk of the county with respect to elections, except the duties imposed by virtue of NRS 293.393 to make out and deliver certificates of election.

(Added to NRS by 1965, 669; A 1969, 1533; 1973, 1079; 1979, 510)

Notice she has “all the powers and duties vested in the and imposed upon the county clerk of the county with respect to elections”

**The NRS clearly states:**

**NRS 293.044 “County clerk” defined; synonymous with “registrar of voters” in certain counties.** Except as the term is used in NRS 293.393, whenever the term “county clerk” is used in this title it means “registrar of voters” in those counties where such office has been created pursuant to the provisions of NRS 244.164.

So, the Defendant is the same as an Elected County Clerk with all the powers and duties over the elections. The defendant is the highest-ranking election official in Washoe County, duty bound to administer all aspects of the County's election processes and ensure the laws are followed.

The Washoe County Code demonstrates this as well:

5.451 - Registrar of voters: Creation of office; registrar's appointment, qualifications, term, compensation, powers and duties.

1. There is hereby created the office of Washoe County registrar of voters, which office shall be filled by appointment made by the board of county commissioners.
2. The qualifications for the office of registrar of voters shall be as prescribed and determined by the board of county commissioners. The person appointed to such office shall serve in such office solely at the pleasure of the board of county commissioners.
3. The compensation to be paid to the registrar of voters shall be determined and fixed by the board of county commissioners.
4. The registrar of voters shall assume all of the powers and duties vested in and imposed upon the county clerk with respect to elections, except the duties prescribed by NRS 293.393, relating to the preparation and delivery of certificates of election.

On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently (<https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>).

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.



The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293.2546, which emphasizes a similar commitment to the voters.

Defendant Jamie Rodriguez, as the highest-ranking election official in Washoe County, is duty-bound to respond to the Plaintiff. There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states she does NOT have to answer the Plaintiff's petitions, even if just to tell him to pound sand.

Plaintiff is Duty Bound To Respond To Plaintiff.

**B. Eric Brown, County Manager is DUTY BOUND to respond.**

The NRS clearly states:

**NRS 281A.182** Persons serving in certain positions designated as public officers or employees; applicability.

1. Any person who serves in one of the following positions is designated as a public officer solely and exclusively for the purposes of this chapter:

(c) A county manager or a city manager.

**NRS 244.125** Appointment; compensation; removal.

1. The county commissioners of any county are authorized to appoint a county manager and to fix the compensation for such county manager.
2. The county manager shall hold office at the pleasure of the board of county commissioners, and may be removed from office by the board at any time.

[Part 1:221:1951]—(NRS A 1957, 279; 1963, 518, 1296)

**NRS 244.135** Duties; employees and assistants.

1. The county manager shall perform such administrative functions of the county government as may be required by the board of county commissioners.
2. The county manager may, with the approval of the board of county commissioners, appoint such assistants and other employees as are necessary to the proper functioning of his or her office. The salaries of such assistants and employees and other expenses of conducting the office of the county manager shall be fixed and determined by the county manager with the consent and approval of the board of county commissioners.

Washoe County Code States:

5.0215 - County manager: Powers and duties

1. The county manager shall perform such administrative functions of the county government as may be required by the board of county commissioners. The county manager shall oversee the functions and activities of various programs or divisions within the office of county manager and the county, which may include legislative affairs, strategic planning, emergency management, grants administration, communications, special projects, security of county facilities, the

administrative hearing office, and others as are necessary to the proper functioning of the county.

*The county manager may also oversee various appointed department heads as proscribed by the board of county commissioners.*

[https://library.municode.com/nv/washoe\\_county/codes/code\\_of\\_ordinances?nodeId=CH5ADPE\\_OF\\_COMA](https://library.municode.com/nv/washoe_county/codes/code_of_ordinances?nodeId=CH5ADPE_OF_COMA)

Clearly the NRS states he is designated as a public officer, that he is to serve at the pleasure of the board of county commissioners, that with the approval of the board of county commissioners, appoint such assistants and other employees as are necessary to the proper functioning of his or her office, that he shall oversee the functions and activities of various programs or divisions, and that he may also oversee various appointed department heads as proscribed by the board of county commissioners.

Did you notice what it didn't say? It didn't say he would direct the Registrar of Voters office. It said he could "oversee" offices like the ROV.

Overseer, Blacks Law 2nd Edition:

"A superintendent or supervisor ; a public officer whose duties involve general superintendence of routine affairs."

Simply looking to the RGJ, [Exhibit 101] you will see Defendant Brown, in his own words directing the tear down of the Registrar Of Voters office down to the "studs and start over".

By observing any of the Board of County Commissioners meetings where Eric Brown hired an outside firm to assess the ROV operations, one can find examples in [Exhibits 118 and 119]. Listen to his words as he describes how he conducted the vetting process to bring in this out-of-state group.

Their condemning report is available in [Exhibit 97], where it unequivocally states that the ROV's office is entirely unsuitable for overseeing our county's elections. This provides further evidence that Defendant Brown and Rodriguez consistently ignored the Plaintiff's warnings over the years, leading to the deterioration of the ROV. Furthermore, this honorable court can refer to [Exhibit 144], which states, "County Manager Eric Brown also made a plea for the approval of the recommended sample-ballot vendor. He mentioned that efforts to connect with local printers— as requested by the commissioners following the 2020 and 2022 elections—were unsuccessful. 'We continually faced situations where they either lacked the necessary equipment or capability,' Brown stated. 'We don't have much time left to continue issuing RFPs, so my sincere recommendation to you is: Let's proceed with this vendor.'"

Another instance is highlighted in [Exhibits 115 and 116], where Brown allegedly libels and slanders Beadles by making inaccurate statements about the meeting on 3/11/22 [Exhibit 94]. The transcript of this meeting is in [Exhibit 110]. During this session, the Plaintiff presented evidence of election issues to Brown and several other county officers. Eric Brown presided over the meeting, receiving all information directly, not the acting ROV, Spikula, at the time. The Plaintiff had to submit evidence to Brown and await his response. Defendant Rodriguez was also present during the meeting, serving in the capacity of the Government Affairs Officer, not as the current ROV. The Plaintiff emphasizes these details to clearly illustrate, using just the handful of aforementioned examples, that Brown effectively functions as the Registrar of Voters. He appointed Rodriguez, and subsequently, the Deputy ROV. Neither of these individuals possessed or possess the requisite experience to manage our elections. When qualified individuals applied for the ROV or Assistant ROV positions, they were overlooked, and less qualified candidates were placed in pivotal roles within the Washoe County elections.

On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently (<https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>).

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.

The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293.2546, which emphasizes a similar commitment to the voters.

Defendant Brown is acting as the De facto Registrar of Voters. In his job descriptions above, he is clearly to oversee, not direct and run departments. Brown is totally unsuitable to run our elections, as his own admission shows in [Exhibit 101].

Brown in the highest-ranking administrative officer of Washoe County and is absolutely duty bound to respond to the Plaintiff. He is duty bound in his role as County Manager and surly duty bound by his De facto role as acting ROV. There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states he does NOT have to answer the Plaintiff's petitions, even if just to tell him he has no rights in Washoe County to go cry somewhere else and to get lost.

**C. Alexis Hill, Chairwoman of Washoe County Commissioners is DUTY BOUND to respond.**

**NRS 244.035 County commissioners required to take oath of office; effect of failure to take oath.**

1. On entering upon the discharge of the duties of the office of county commissioner, each county commissioner, whether elected or appointed, shall take and subscribe to the oath of office as prescribed by law.

2. If a county commissioner shall neglect or refuse, during the period of 15 days from and after the first Monday of January succeeding his or her election, to take the oath of office as herein

directed, his or her office shall be deemed vacant, and such vacancy shall be filled by appointment.

**NRS 244.070 Election and terms of chair and vice chair of board of county commissioners; clerk of board.**

1. The county commissioners shall:

(a) Elect one of their number as chair of the board and another of their number as vice chair of the board; and

(b) Fix the terms of office of the chair and vice chair of the board.

2. The county clerk shall be clerk of the board.

Defendants state Rodriguez and Hill didn't take office until 2021. That is true, but the Plaintiffs' petitions are dated in 2022. They both had the ability and duty to respond. Commissioner Herman responded; she is supportive of the Plaintiffs' efforts to address the issues raised but is constantly stifled by Brown and Hill. Commissioner Lucey is no longer in office. Commissioner Hartung is no longer in office. Commissioner Jung is no longer in office. Commissioner Clark was not a Commissioner at the time either, yet has been supportive of all efforts to address the issues Plaintiff has presented. Hill, Brown, and Rodriguez are the only ones who remain who have been unresponsive. Commissioner Andriola and Garcia were not in office until this year and did not receive 2022 petitions. Clark and Herman have both been supportive of finding the truth. The previous ROV is no longer in office either.

The county board as a whole has the ability to grant most, if not all, of the demanded remedies. It would need to be put for a vote by Hill and Brown. If 3 votes by the commissioners are in the affirmative, the ROV would then be able to fashion all remedies that apply to the county's power to control their elections per the NRS. It is another reason why Plaintiff sued the county as the county

board of commissioners as a body it has the ability to adopt the demanded remedies. A few examples of how the commission as a whole can grant remedies sought are: N.R.S. 293.269925, 293.3075(6), 293.506, 293B.110, except N.R.S. 293.2955(1, 4), N.R.S. 293.217 to 293.243 inclusive, 293.258, 293B.360 to 293B.390 inclusive, N.R.S. 293.205, 293.2731 to 293.2738 inclusive, 293.3072, 293.3561 to 293.361 inclusive, and 293.437 just to name a few.

Additionally, Rodriguez and Hill have the ability to look into Plaintiffs' 2020 election claims even though they weren't involved in the election at that time. The excuse that because they already happened, nothing can be done is ridiculous. Try saying that to an IRS agent or likewise. Because they weren't an IRS agent when you filed your taxes last year, they can't audit you. Do you see the absurdity of their claim? They were, of course, seated for the 2022 Elections and the petitions that they were served, they failed to respond to as well.

The Plaintiff has repeatedly reached out to Chairwoman Commissioner Hill, presenting his grievances both in documented form [Exhibits 1-15] and in person. Despite these efforts, she has consistently failed to address them. Instead of constructively engaging with the Plaintiff's concerns, Commissioner Hill has embarked on a series of campaigns, to libel and slander the Plaintiff for both her financial enrichment and to cause reputational damage to Plaintiff [Exhibits 134-135]. As the head of The County Commission, Commissioner Hill possesses the necessary authority to introduce these grievances into the County Commission Board's agenda and initiate an investigation. Yet, she has refused to. Not only has she declined to take these matters to the board for potential discussion and resolution, but she has also failed to provide any direct response to the Plaintiff. Her attempts to label him as a "right-wing extremist" seem to serve as a tactic to galvanize support and fundraising for her campaign. Given just these actions and omissions, there is a compelling argument for her



potential malfeasance, nonfeasance, and breach of her oath to office. The provisions of NRS 283.440 necessitate her examination in this regard.

On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently (<https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>).

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.

The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293.2546, which emphasizes a similar commitment to the voters.

Chairwoman Alexis Hill is the highest-ranking Commissioner in Washoe County. She and Brown alone have the power to add items to the agenda for consideration as 5.5 In the Washoe County Board of County Commissioners Rules of Procedure Handbook clearly states (<https://www.washocounty.gov/bcc/WC%20BCC%20Rules%20of%20Procedure%202022.pdf>)

Hill has neglected her duties and has failed to provide her duty-bound response to plaintiff.

There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states she does NOT have to answer the Plaintiff's petitions, even if just to tell him she hates his face and voice.

#### **D. All Defendants Are Duty Bound To Respond**

For above mentioned reasons alone, defendants are duty bound to answer Plaintiffs Petitions.

Here is additional proof for this honorable court to consider.

NRS 281A.500 Notice and acknowledgment of statutory ethical standards: Distribution of information regarding standards; duty to file acknowledgment; contents; form; retention; penalty for willful refusal to file.

1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

9. Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

10. The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

11. Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.785 and 281A.790; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

**NRS 244.137 Legislative findings and declarations.** The Legislature hereby finds and declares that:

6. To provide a board of county commissioners with the appropriate authority to address matters of local concern for the effective operation of county government, the provisions of NRS 244.137 to 244.146, inclusive:

(a) Expressly grant and delegate to the board of county commissioners all powers necessary or proper to address matters of local concern so that the board may adopt county ordinances and implement and carry out county programs and functions for the effective operation of county government; and

(b) Modify Dillon’s Rule as applied to the board of county commissioners so that if there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

**NRS 244.143 “Matter of local concern” defined.**

1. “Matter of local concern” means any matter that:

(a) Primarily affects or impacts areas located in the county, or persons who reside, work, visit or are otherwise present in areas located in the county, and does not have a significant effect or impact on areas located in other counties;

(b) Is not within the exclusive jurisdiction of another governmental entity; and

(c) **Does not concern:**

(1) A state interest that requires statewide uniformity of regulation;

(2) The regulation of business activities that are subject to substantial regulation by a

federal or state agency; or

(3) Any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

2. The term includes, without limitation, any of the following matters of local concern:

(a) Public health, safety and welfare in the county.

(b) Planning, zoning, development and redevelopment in the county.

(c) Nuisances and graffiti in the county.

(d) Outdoor assemblies in the county.

(e) Contracts and purchasing by county government.

(f) Operation, management and control of county jails and prisoners by county government.

(g) Any public property, buildings, lands, utilities and other public works owned, leased, operated, managed or controlled by county government, including, without limitation:

(1) Roads, highways and bridges.

(2) Parks, recreational centers, cultural centers, libraries and museums.

3. The provisions of subsection 2:

(a) Are intended to be illustrative;

(b) **Are not intended to be exhaustive or exclusive;** and

(c) Must not be interpreted as either limiting or expanding the meaning of the term “matter of local concern” as provided in subsection 1.

(Added to NRS by 2015, 2418)

**NRS 244.146 Powers of board of county commissioners; exercise of powers; prohibitions.**

- 1 (c) All other powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board. If there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern pursuant to this paragraph, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

**NRS 244.165 Prosecution and defense of suits.** The boards of county commissioners shall have power and jurisdiction in their respective counties to control the prosecution or defense of all suits to which the county is a party.

**NRS 244.194 Voting or counting devices: Rental, lease or other acquisition.** Boards of county commissioners may rent, lease or otherwise acquire voting or counting devices in whatever manner will best serve local interests.

**NRS 244.195 Other powers.** Except as otherwise provided in NRS 244.137 to 244.146, inclusive, the boards of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and necessary to the full discharge of the powers and jurisdiction conferred on the board.

The above law shows a sworn oath of office and ethical standards. If they didn't uphold these, they must be removed. It further states defendants can be removed for nonfeasance via NRS 283.440. The board of county commissioners has the appropriate authority to address matters of local concern. It clarifies what local concerns are not and asserts that the board has all other powers necessary or proper to address matters of local concern. It does not state elections or addressing petitions are not

local concerns. In fact, it would appear they are and should be addressed by the entire board. The board has the power and jurisdiction in their respective counties to control the prosecution or defense of all suits to which the county is a party. The board can choose to use or not use voting machines. The board of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and necessary to the full discharge of the powers and jurisdiction conferred on the board.

These are additional reasons why the County was named in the lawsuit and why Hill and Brown have the power to add items to the agenda so the board can wield its power to answer petitions, grant remedies, etc. as a whole versus a sole commissioner.

## **XXII. Plaintiff Stated Claims for Cause of Action 1 and 2, Which Relief Can Be Granted**

The defense conveniently omits the thousands of pages of exhibits, and video in where numerous claims are stated in supplement to the pleadings. To further show some of the claims stated, for both causes of actions, Plaintiff will provide a partial list below, and looks forward to presenting all claims at trial.

### **A. Claims against County Chairwoman Alexis Hill**

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, and NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

Plaintiff to the best of his knowledge alleges the following against Defendant Hill.

- Failed her duties to respond to Plaintiffs' petitions and grievances (Shown in Duty Bound Section Above).
- She has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office.
- Defendant has been presented evidence of election fraud numerous times, in email, in petitions, in person. She has allowed these election issues to continue and rob every voter of their right to suffrage
- Stole county property via the county email list to enrich herself and libel and slander Beadles.
- Did not disclose boards she sits on publicly.
- Voted on items that enrich her board positions and organizations she is connected to.
- Uses-used her position to lobby activists to protest other commissioners' agenda items.
- Used her position to lobby activists where harm could have occurred to the public.
- Helped cover up election crimes.
- Uses her position to keep other commissioners' items off the Commission agenda.

Another reason to advocate for Hill's removal under NRS 283.440 is evident in [exhibit 138], which pertains to an ethics complaint. This document highlights her misuse of position, potentially endangering the public. Additionally, it brings to light undisclosed board positions she holds outside the public's knowledge, on which she casts votes that could lead to personal enrichment.



Another alleged violation includes allegations of Hill using County property for personal enrichment. Hill solicited money for her campaign and libeled and slandered Beadles, as clearly shown in [Exhibits 134, 135, 139, and 140]. Plaintiff received her emails, as did Berkbigler. Neither Plaintiff nor Berkbigler, nor potentially hundreds of thousands of other Washoe residents, signed up for her emailers. However, we are signed up for Washoe County updates with our emails she solicited.

This alleged act, if found guilty, could constitute a litany of charges including Misuse of Public Funds, Property, or Manpower (NRS 281.230), Campaign and Election Violations, Federal Mail and Wire Fraud, and the Federal Electronic Communications Privacy Act (ECPA), just to name a few. All of which should additionally constitute removal via NRS 283.440.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Hill to be weighed at trial.

## **B. Claims against County ROV Rodriguez**

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

Plaintiff to the best of his knowledge alleges the following against Defendant Rodriguez.

- Failed her duties to respond to Plaintiffs' petitions and grievances. (Shown in Duty Bound Section Above)

- Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office.
- Broke election laws and deprived every Washoe Voter of their right to suffrage.

Rodriguez has breached nearly every election law and the court orders granted to the Plaintiff.

This is a clear violation of numerous laws, court orders and NRS which could include: Contempt of Court, Civil Penalties, Criminal Penalties including felonies, Removal from Office, Barriers to Future Office, Civil Litigation causes of action just to name a few.

One damning example of the crime and cover up is:

**Counting votes in secret:** People generally think that hundreds or thousands of people would have to work in unison to steal a county or state election. This is not true. All of the votes, whether digital or paper, are ALL counted by machines. The defendant and four people behind closed doors are the ones who tell us what the machines say the outcome of the elections is. These five people tell us who wins or loses. We, the people, have no way to audit their reporting. We are not allowed to count the bubbles or the ballots at any time due to NRS 293.269935(2) and 293.3606(4). Therefore, we are forced to trust but never verify. Plaintiff clearly shows in [Exhibits 23-24] that defendant Rodriguez violated court orders [Exhibit 72], "If Washoe County is processing and/or counting ballots, observations shall be allowed" and Nevada Revised Statutes and Nevada Administrative Code: N.R.S. 293.269931 § 1, 293.3606 § 1, 293.363 § 1, and N.R.S. 293B.353, 293B.354, 293B.380 § 2(a), and N.A.C. 293.311 § 4. Further evidence is shown in [Exhibit 17].

There is the crime, here is proof the defendants covered it up.

## **Proof They Covered It Up**

As illustrated above, the defendant has violated the law. The Plaintiff and associates utilized the Secretary of State's Election Violation Forms to submit complaints concerning these violations. Referencing [Exhibit 126], the Secretary of State defends the Defendants, stating, "Our office has reached out to Washoe County for comment. We learned that because you arrived significantly later with a request to see the room, you were informed that the day's activities within the tally room had concluded. The tally room was accessible when the USB sticks were loaded for the recount, and Washoe County staff informed everyone in the observation room about these ongoing activities." Additionally, "Washoe County staff noted that they were unaware you represented the candidate requesting the recount." However, by examining the incident transcript [Exhibit 23] or the related video footage [Exhibit 24], it's evident that the defendants are in violation of court orders [Exhibit 72] and have committed several breaches of the NRS, as detailed in [Exhibit 17]. This instance, one among many presented by the Plaintiff, unequivocally indicates that the Secretary of State either received false information from the defendants, leading to inaction, or chose to overlook the defendants' legal transgressions.

Reviewing snippets from the crime transcript [Exhibit 23], it becomes evident that the Defendants misrepresented events to the Secretary of State.

### **Example:**

ASSISTANT ROV HEATHER CARMEN: I've spoken

to Jamie, and she also concurs with my decision.

VALERIE WHITE: And can you explain why you

were --

ASSISTANT ROV HEATHER CARMEN: Because we

did not have this open during the regular election when

we were doing the tabulation. So we're doing

consistently what we did previously.

VALERIE WHITE: But this is not a consistent

situation because this is a recount being paid for --

ASSISTANT ROV HEATHER CARMEN: And we're

doing the --

VALERIE WHITE: -- by the candidate --

ASSISTANT ROV HEATHER CARMEN: And we're

actually doing the exact same thing --

VALERIE WHITE: I am a --

ASSISTANT ROV HEATHER CARMEN: -- that we

did in the election. We're not going to do --

VALERIE WHITE: I am a representative of the

candidate.

ASSISTANT ROV HEATHER CARMEN: We're not

going to deviate from what we did before.

VALERIE WHITE: I am a representative --

ASSISTANT ROV HEATHER CARMEN: Okay.

This blatant admission by the defendant clearly shows they broke nearly every election law, the Constitution, court orders, etc., by depriving not only a paid representative of the candidate of observation but also denying every voter their right to suffrage in the 2022 Primary Election. This is beyond appalling. Watch the video [Exhibit 23] and see for yourself. These people, behind closed

doors, counted all the votes in violation of the law and then told us who wins. We have zero ability to audit their reportings. The defendants are all aware of and involved in this grievous rights violation of all Washoe voters and the cover-up in their reportings as to what happened to the Secretary of State. The defendants must be tried under 283.440, and the other statutes listed above.

Such actions, deprive every Washoe voter of a fair election, solidify the immediate DUTY of this honorable court for her removal under NRS 283.440 and be tried under the non all-encompassing statutes listed above.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Rodriguez to be weighed at trial.

### **C. Claims against County Manager Brown**

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, and NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

Plaintiff to the best of his knowledge alleges the following against Defendant Brown.

- Failed his duties to respond to Plaintiffs' petitions and grievances (Shown in Duty Bound Section Above).

- Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office.
- Has appointed unqualified puppets to do his bidding in the ROV office.
- Has kept qualified people from receiving employment at the ROV office.
- Is actively covering up election crimes.
- Used his county position to enrich himself and or family.

An instance of Brown leveraging his county position to favor his wife can be seen in [Exhibit 136-137]. Melody Brown, his wife, was found to be nearly four times over the legal limit for driving under the influence at the time of a vehicular incident. However, after invoking her husband's name multiple times—as shown more than a dozen times in the video [exhibit 136]—she was unexpectedly retrieved by her husband from the holding facility without facing jail time or a DUI charge.

If allegations are true, Defendant Brown, could be facing Obstruction of Justice, Official Misconduct, Bribery or Corruption, Conspiracy, Violation of Ethics Codes, Civil Liability, removal from office and ban from holding future office just to name a few penalties for this one act alone.

These acts if proven true further underscores the necessity of Brown's removal under NRS 283.440.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Brown to be weighed at trial.

#### **D. Additional Claims against all Defendants**

All three defendants were duty-bound by the Constitution and NRS 293.2546 to "resolve complaints about elections and election contests fairly, accurately, and efficiently." However, they refused to uphold their duty. Instead, they conspired to libel, slander, and oppress the Plaintiff, thereby disenfranchising every voter in Washoe, Nevada. All three defendants are unequivocally subject to removal under NRS 283.440

All three defendants are aware of counting Washoe County's 2022 Primary Election votes in secret, as well as Candidate Gilbert's recount contest, in secret. All three are aware of, or took part in, the cover-up with the secretary of state, as shown above. Additionally, all three defendants were made aware of, and have covered up, the fact that the Washoe County Elections in 2020 and 2022 have a damningly evident fraudulent function flipping every Washoe County voter's vote. Thus, depriving every Washoe voter of their right to suffrage.

### **Impossible Results In A Fair Election, Proof Of Crime**

Washoe County is one of 17 counties in Nevada, and it is where only one other county had a mathematical impossibility occur. In a fair election, one expects to see different precincts vote differently. For example, if a precinct is heavy Democrat, you would expect the votes to favor certain Democrats; if it were a heavy Republican precinct, you would expect the votes to favor certain Republicans. Additionally, depending on the size of the precincts, you would expect the vote percentages to differ from one precinct to another. Yet, in both Washoe and Clark County, every precinct voted nearly identically the same. This is impossible. In fact, the other 15 counties didn't vote anything like Washoe or Clark County, nor did Carson City. At no time in the history of our State has this occurred, yet it did in Washoe and Clark County in the 2020 and 2022 elections. This is mathematically impossible. The court must understand this is not the Plaintiff's data or math or



numbers; it is simply the Certified Election Results from Washoe and Clark County. Meaning the ROV and SOS signed off on these impossible results and then certified the election.

Plaintiff has brought this issue to the attention of the defendant's numerous times, always being dismissed, never addressed. And then, they collaborate with the media to libel and slander Plaintiff instead of addressing this glaring issue. What's important to understand is this isn't a guess, this is proof of election rigging on the largest scale, see [Exhibits 104, and 105] in where the user can DETERMINE the results of each election. This is impossible in a fair election, period. It is mathematically impossible in a fair election across 1,286 precincts, in the 2 largest countys of Nevada, on opposite ends of the state to vote idenetically the same, while no other county or Carson City did. This would require every voter in Washoe and Clark County to meet and conspire together to vote exactly as they tell each other to with no deviation. Plaintiff urges this honorable court to verify Plaintiffs findings with UNR and UNLV math professors, ask them how we can solve the impossible, if the election wasn't predetermined. Show them exhibits 104, and 105 and tell them to solve for alpha without knowing lambda, if they are honest they will tell you Plaintiff is right, the elections are rigged. Many math professors have concluded our findings were correct, many are scared to come forward for fear of losing their jobs. Many have told me that they fled their countries due to Marxism, communism and stolen elections just to come to America, for me to show them through exhibits 104-105 they are right back into what they tried to escape, stolen elections and loss of the peoples voices. Justice must be administered by this honorable court or we will lose our country.

**E. Duty To Conduct Lawful Elections & If One Cause Of Action Is Dismissed, The Others Can Move Forward**

Plaintiff believes the laws show the Defendants have a duty to respond to his original petitions. But, for the sake of argument, let's say this honorable court believes they don't need to be accountable to the public and can ignore legitimate complaints and petitions brought before them. Well, then, Plaintiff would beg the question: are they accountable for breaking any laws? It is well-established that there are numerous penalties and potential prison time for election fraud. Clearly, the defendants have broken numerous laws and violated various statutes, as the evidence shows and testimony will prove. Examples of additional statutes being broken are as follows:

NRS 293 NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277( 3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b)

The penalties for these offenses, when specified in the statutes, range from civil penalties to misdemeanors and felonies. Some of the more severe offenses can carry heavy fines and imprisonment.

Does this honorable court not agree that there must be accountability? So, even if this honorable court rules against cause 2, surely cause 1 must move forward.

In *Jones v. Eighth Jud. Dist. Ct. of State*, 67 Nev. 404, 418, 219 P.2d 1055, 1062 (1950) that the defense cited: Petition in prohibition by Robert E. Jones, as District Attorney of Clark County, Nevada, against the Eighth Judicial District Court of the State of Nevada, in and for the County of

Clark, and the Honorable Taylor H. Wines, Judge thereof, presiding in Department No. 1, to test the sufficiency of a complaint seeking to remove petitioner from the office of District Attorney for alleged neglect of duty and malfeasance in office. The Supreme Court, Badt, J., held that the complaint was insufficient as to the first, third, and fourth counts but was sufficient as to the second count.

Even in the case the defense cited, it clearly shows each cause of action was weighed; some were removed, but one moved forward. That one claim removed Jones from office.

Plaintiff requests this honorable court to weigh the evidence on its merits and allow this case to proceed even if the court fails to hold the defendants accountable to the public in cause 2. Clearly, cause 1 must move forward. This case is about far more than just firing three people; it's to ensure our servants are held accountable and that our elections are conducted lawfully.

### **XXIII. The SOS has a conflict of interest**

The SOS has a reputation to uphold and is failing. This document proves the current Secretary of State, Cisco Aguilar, is a fraud. He did not win his election, as exhibits 104-105 prove. Jim Marchant should be our Secretary of State, not Cisco Aguilar. It's possible Aguilar doesn't know this, but the statements he's made in the press about no proof of election violations is absurd [Exhibit 120]. The bill he's passed to silence election debate and accountability via SB 406 is in stark resemblance to the Hitler regime. SB 406, on the surface, sounds reasonable until one actually reads it. It is so ambiguous it could potentially apply to anyone for anything. A citizen could simply disagree with an election official or even a poll watcher and end up in jail for 4 years! There are countless laws to

keep election workers safe; this bill is about silencing opposition, such as what the Plaintiff brings forward. That's why the Plaintiff is suing to remove SB 406 as well.

As seen over the past 3 years, the public's confidence in the SOS and Nevada's elections in general are on the line in many respects and in regards to Plaintiff's instant complaint and related petitions and complaints.

The SOS is an elected official with a vested interest in the outcome of elections. Naturally, any dispersions of the accuracy of an election could prove deleterious to the reputation of the SOS should it be realized that their race was encumbered by results that were inaccurate.

Such a revelation could result in a contest of the election of the SOS. Any impediment to an elector's or candidate's right to contest an election is repugnant. So, when the SOS fails to act to correct ills because it is convenient or politically advantageous it is an abuse of their office.

Plaintiff's petitions contain facts and makes points which support needed changes in elections that must be considered and adopted in hopes of achieving accuracy of results and propping of the public's trust.

On information and belief, the SOS has adopted a Top-Down election management policy that seeks to undermine county rights of any level of autonomy in the conduct of elections.

Stripping Plaintiff of his rights to redress grievances with the county is consistent with the Top-Down policy exhibited by the SOS.

The SOS exhibited their conflict of interest when it suppressed Plaintiff's petitions and complaints. Now, by their upcoming efforts to control every county's election processes, they will be the one-stop-shop for all election complaints. The county will point to them, the SOS will point to the county, and we the people will lose our voices. It's Venezuela 2.0; one doesn't need to be a psychic to see what's happening. Key positions are being stolen across the state, then processes are put in

place to ensure they and their buddies never lose their stolen power and influence. This is not a conspiracy; it's truth, as the evidence and actions of these selected servants show us. This honorable court can do what's right and stop this abuse and takeover. See above, NAC is inferior to NRS, and NRS is inferior to the NV Constitution.

### **XXIII. Mandamus and Equitable Relief are Attainable**

The Defense acknowledges correctly that the Plaintiff wishes this Court to compel one or more defendants to respond to his grievances, even if to say Plaintiff is wrong, and to “rectify” the issues alleged in those grievances to the extent possible or practical.

The Defense claims that Plaintiff is incorrect in his assertions that discretionary acts of the Defendants make them liable, citing *Mineral Cnty. V. State, Dep’t of Conserv.*, “an extraordinary remedy which will not lie to control discretionary actions, unless discretion is manifestly abused or is exercised arbitrarily or capriciously.” And citing, *State Office of the Atty. Gen. v. Justice Ct. of Las Vegas Twp.*, “A manifest abuse of discretions is a clearly erroneous interpretation of the law or a clearly erroneous application of a law or rule.”

The Plaintiff refutes such arguments below in “Discretionary Act Immunity.”

Non-discretionary Duty: The Defense claims because of NAC 293.025, the Defendants are not subject to liability of their non-discretionary acts to “respond,” or “rectify,” or “resolve” Plaintiff’s Petitions or any other concern he has posed to the Defendants. As previously discussed, NAC 293.025 is not an immunity shield. Nev. Const. Art 2 Sec 1A (11) and NRS 293.2546 (11) state Voter’s Rights and to “resolve” complaints. An implied duty exists.

Moreover, Defendants have a non-discretionary duty to uphold the law, respect Plaintiff’s rights, and

to fulfill their oaths of office. The Plaintiff has the constitutional rights to the relief requested.

No Adequate Remedy at Law: The Defense claims that Plaintiff “has an adequate remedy at law.” And that “Beadles ignored his available legal remedies.” Plaintiff disagrees and as discussed in “The Requested Relief is Unobtainable” .

Lack of Other Remedies: Upon information and belief, the Plaintiff has filed complaints with the SOS that have gone unnoticed. Certainly, there has been no reply.

As such, the Plaintiff pursued his secondary avenue which was to petition his local government.

When that proved fruitless, he filed the instant complaint that is before this Court.

The Defendants have abused their roles and Plaintiff’s rights and as such, Plaintiff has no other remedy but to seek accountability, which in this instance requires removal from office and other relief requested.

**XXV. Plaintiffs Miscellaneous Relief is Appropriate and Obtainable.**

[Note: The following is an abridged list of misc. remedies]

Plaintiff’s Complaint contains a demand for specific relief as follows:

- i. Defendants must take into account and redress all elections issues that Plaintiff puts on the table, no shying away;
- ii. Enjoin Defendants to disclose ACB applicant's names and credentials publicly prior to appointment;
- iii. Enjoin the defendants and halt the expenditure of \$12.6M of taxpayer dollars for unapproved and unsafe equipment and software;
- iv. Defendants that are found in violation of laws shall be fined, fired, and/or removed from office;

The Defense, on p. 19, ln 6-8, argues, “There is no legally tenable avenue for Beadles to obtain the relief requested above. The Court should dismiss Beadles’s miscellaneous requests for relief.”

The Plaintiff wholeheartedly disagrees. The Plaintiff has proven the merits of his argument and the facts. The relief sought is not inappropriate. In fact, the relief sought is critical to the safety and security of our elections and nothing less. Plaintiff respectfully demands all [Exhibits 1-145] be weighed in this honorable Court’s decision and included in his response, the facts, evidence and data clearly show the defendants motion to dismiss is the furthest thing from allowable.

The Motion to Dismiss must be denied.

**Specific torts, violations of law: reckless, willful disregard, misappropriation, subversion.**

The Defense claims, “Beadles fails to identify a specific act of malfeasance or nonfeasance directly connected to a specific legal duty tied to each Defendant.”

The Plaintiff wholeheartedly disagrees.

First, NRS 281A.020(1)(a), is “A public office is a public trust.”

Defendants have ALL breached that trust as shown throughout this document, exhibits, original complaint and pleadings.

A shortlist of items includes, unlawful voter rolls, failure to uphold oath of office, failure to redress grievances, using uncertified election equipment, outsourcing to questionable and uncertified vendors, waste and abuse of millions of tax payer dollars, using their office to enrich themselves or families, refusing to address damning election violations and frauds, working with media. and defense to slander and libel Plaintiff who simply wanted the defendants to do their job and address

the issues. Continued violations of: NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277( 3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b): in addition clear violations shown in [Exhibits 15-22, 139,-142]. This is but a small list of claims against the defendants that too breached the trust stated in NRS 281A.020(1)(a).

By ignoring the Petitions, the Defendants did not apprise the Plaintiff of his rights, which are acts of malpractice and nonfeasance.

By ignoring the Petitions, the Defendants allegedly did not forward the Petitions to the District Attorney's office or to the Secretary of State as is customary and consistent with the county's handling of such petitions, which are acts of malpractice and nonfeasance.

Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address gross inaccuracies and improper maintenance of voter rolls, which are acts of malpractice, malfeasance, and nonfeasance. [Exhibit 21 Supplemental Statement "Unclean voter rolls"] [Exhibit 107 Excel spreadsheet "Ballot Waste"]

Inaccurate voter rolls and/or incompetence allowed 37,722 mail ballots to be sent to voters over and above the number of active registered voters in the 2022 general election in Washoe County [Exhibit 107 Mail ballot waste spreadsheet].

The amount is enough to have swayed the presidential race and any other. And it is a form of wasted paper and energy that should have been avoided. In fact, 70% of mail ballots in Washoe County were undeliverable, not returned, or voided. At an estimated cost of \$4 per ballot package, the 235,714 wasted mail ballots came at a cost of \$942,856 which constitutes acts of malpractice.



malfeasance, and nonfeasance. This does not include the wasteful reprinting of ballots that cost tax payers \$178,000 more dollars as well

(<https://www.rgj.com/story/news/politics/elections/2023/03/08/ballot-mistakes-cost-washoe-county-taxpayers-178000-for-reprint/69982416007/>).

Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address illegal functions within the election system that alter intended votes, which are acts of malpractice, malfeasance, and nonfeasance. [Exhibit 16 Supplemental Statement “Election System Issues”] [Illegal function in election system Exhibits 60-68, 79, 94, 104, 105, 110, 112, 129, 130, 131, 142, 146] [Exhibit 31 Halderman].

Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address the counting of votes in secret and without adequate verification, which are acts of malpractice, malfeasance, and nonfeasance. [Exhibit 17 Supplemental Statement “Counting Votes in Secret” additionally 23, 24, 72, 117, 142 and where the ROV lied to the SOS about violating the law and court orders in exhibit 126].

Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address instructions to Washoe County election workers to disregard signature verification, in violation of the law, which are acts of malpractice, malfeasance, and nonfeasance. [Exhibit 118 Supplemental Statement “Deficiency of Signature Verification Methods”]

Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address the violations of the election processes the Plaintiff has provided to them and as required by Nevada statutes, Nevada administrative codes, and the Nevada Constitution, which are enumerated

throughout the Petitions, this Complaint, and the Supplemental Statements as referenced in Exhibit 109, as evidence of further acts of malpractice, malfeasance, and/or nonfeasance.

Defendants through their acts of malpractice, malfeasance, and or nonfeasance have failed to perform their duties and have harmed and will continue to harm plaintiff.

Granting the requested relief will serve public interests.

Because of the violations alleged herein, Defendants have not and are not able to conduct elections fairly, accurately, and securely as required by law. Defendants' actions or inaction going forward may impact state and national security because of the critical flaws and vulnerabilities in many of the systems and procedures related to voter registration, handling of signatures and voter data, voting, signature curing, and recording and reporting votes as mentioned in the underlying Petitions and Exhibit 109 and related documents.

The Motion to Dismiss must be denied. Argument for the accuracy of elections and increase in voter confidence must move forward. Argument in the exercise of Plaintiff's rights and the efforts by the Defense to thwart such rights deserves to be heard by this Court.

**XXVI. Plaintiff has Right to Complain.**

Inclusive with the above, Nevadans have a right to complain covered by the Nev. Const. Art 1 Sec 9, "Every citizen may freely speak, write and publish his sentiments on all subjects being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech;" And, a right to pose grievances by the Nev. Const. Art 1 Sec 10, "to instruct their representatives..."

for redress of Grievances.” Also, “to petition the Legislature...,” meaning a County Commission or City Council.

And an added right regarding elections complaints per Nev. Const. Art 2 Sec 1A § 11, “To have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law.”

The distinction on Nev. Const. Art 2 Sec 1A § 11 is that Exhibits 1 and 3 are administrative complaints and petitions, seeking to shed light on critical issues for the benefit of all; which go to the spirit of the law and the rights of voters and of the Plaintiff. The Plaintiff’s invocation of Nev. Const. Art 2 Sec 1A § 11 does not confer an obligation onto the Defendants, rather, Plaintiff contends that Sec 1A § 11 is silent as to the responsive agency or department. Nothing in the Nevada Constitution dictates how a grievance should be posed, just that a person’s grievances cannot be simply ignored.

At issue is, this Court must determine where the responsibility falls within local government when a citizen poses an inquiry or complaint and petition, particularly in regard to the service of a public employee, or appointed official, or elected official, or in regards to inquiries, complaints and petitions regarding election abnormalities, errors, and improper procedures on behalf of the ROV. Plaintiff contends that nothing in the NRS nor NAC prohibit the Defendants from acknowledging, responding, or resolving his petitions. Or to advise him of his rights. Or to forward his Petitions to another agency or department for resolution if need be.

Plaintiff also contends that responding to his petition will not harm the Defendants. It is not responding that will harm them. Plaintiff contends that the Nevada Constitution provides that he may “instruct [his] representatives... for redress of Grievances” and, “to petition the Legislature.” Meaning, the very defendants that are named. The Defense’s attempts to put up arguments to

circumvent and curtail such rights do not hold water.

The Plaintiff is attempting to protect his liberty bourn from his perceived and actual rights to engage local government in the democratic process. Nev. Const. Art 1 Sec 1, “All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty.”

The Defense claims, “there are no facts alleged that, if true, demonstrate that Defendants impeded Plaintiff’s right to assemble, to instruct his representatives, or to petition the Legislature.”

According to the Defense, the Plaintiff filed his grievances as was his right and that is the end of it. No one is obligated to answer the Plaintiff. That is a false assumption as proven throughout this document of Opposition.

## **XXVII. Plaintiff Can Receive Punitive Damages**

The issues Plaintiff raises fall within the liability and responsibility of Washoe County to ultimately pay restitution. See “Punitive” below.

NRS 41.031(1), “The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.”

Clearly, the state has limited the immunity it affords local government.

NRS 41.032, “Except as provided in NRS 278.0233 no action may be brought under NRS 41.031 or against an immune contractor or an officer or employee of the State or any of its agencies or political subdivisions which is: 1. Based upon an act or omission of an officer, employee or immune contractor, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, if the statute or regulation has not been declared invalid by a court of competent jurisdiction; or 2. Based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the State or any of its agencies or political subdivisions or of any officer, employee or immune contractor of any of these, whether or not the discretion involved is abused.

Plaintiff alleges that, in accordance with NRS 41.032, one or more Defendants: 1) did not exercise due care in the execution of a statute of regulation, 2) committed non-discretionary acts that harmed Plaintiff, which acts are not immune.

NRS 41.0349, based on any act or omission relating to the person’s public duty or employment, the State or political subdivision shall indemnify the person unless: (4) The act or omission of the person was wanton or malicious.”

NRS 42.005 states, “Except as otherwise provided in NRS 42.007, in an action for the breach of an obligation not arising from contract, where it is

proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud or malice, express or implied, the plaintiff, in addition to the compensatory damages, may recover damages for the sake of example and by way of punishing the defendant.”

NRS 42.005 provides that, “the plaintiff, in addition to the compensatory damages, may recover damages.”

*Scheuer v. Rhodes*, 416 U.S. 238, 241-242, 94 S. Ct. 1683, 1687 (1974)] states, in part *at* 238: “damages against individual defendants are a permissible remedy in some circumstances notwithstanding the fact that they hold public office. *Myers v. Anderson*, 238 U. S. 368 (1915). *See generally Monroe v. Pape*, 365 U. S. 167 (1961); *Moor v. County of Alameda*, 411 U. S. 693 (1973). In some situations, a damage remedy can be as effective a redress for the infringement of a constitutional right as injunctive relief might be in another.” *Scheuer at 241-242*: “Public officials, whether governors, mayors or police, legislators or judges, who fail to make decisions when they are needed or who do not act to implement decisions when they are made do not fully and faithfully perform the duties of their offices.”

*Smith v. Wade*, 461 U.S. 32 (1983), states in part:

“In addition to actual damages, the law permits the jury, under certain circumstances, to award the injured person punitive and exemplary damages, in order to punish the wrongdoer for some extraordinary misconduct, and to serve as an example or warning to others not to engage in such conduct.” “If you find the issues in favor of the plaintiff, and if the conduct of one or more of the defendants is shown to be a reckless or callous disregard

of, or indifference to, the rights or safety of others, then you may assess punitive or exemplary damages in addition to any award of actual damages.”

“. . . The amount of punitive or exemplary damages assessed against any defendant may be such sum as you believe will serve to punish that defendant and to deter him and others from like conduct.” *see Procunier v. Navarette*, 434 U. S. 555 (1978) at 643 (emphasis added).

Hence, the Supreme Court ruled that punitive damages are allowed in this honorable court and as it pertains to this litigation.

Additionally, in Nevada:

*Bongiovi v. Sullivan*, 122 Nev. 556 (Nev. 2006), “The punitive damages award was not error. Punitive damages are designed not to compensate the plaintiff for harm suffered but, instead, to punish and deter the defendant’s culpable conduct.”

Should the court dismiss this claim, the Plaintiff hereby respectfully demands it not be with prejudice, or that a new election or election cycle shall warrant new complaints and challenges.

Additionally, Plaintiff’s invocation of vicarious liability rests in the doctrine of *respondeat superior*: *Respondeat superior* is a legal doctrine, most used in tort, that holds an employer or principal legally responsible for the wrongful acts of an employee or agent, if such acts occur within the scope of the employment or agency. Typically, when *respondeat superior* is invoked, a plaintiff will look to hold both the employer and the employee liable.

Washoe County can be sued under the doctrine of *respondeat superior* when their employees commit acts to deprive the plaintiff of his constitutional rights and break laws as enumerated throughout this Opposition.

In the present case, should this honorable court determine that the plaintiff is not eligible for punitive damages from the State or its offices, it is crucial to note that the plaintiff retains the right to seek punitive damages directly from the individual defendants. Notably, the plaintiff has initiated legal action against both the State, encompassing its offices, and the defendants in their individual capacities. While it is imperative that the plaintiff's claims against Washoe County are not summarily dismissed, even if this esteemed Court adjudges that the County holds immunity from being sued, the plaintiff respectfully petitions for the progression of the case against each defendant, irrespective of their official or personal roles.

**a. Monetary Damages and Equitable relief are Available for Removal Actions**

The Defense, citing *Armstrong v. Reynolds*, “[t]he remedy is removal from office Nothing in the statutes allows for recovery of damages by the complainant against the officer.” And, claiming, “There is no private claim for malfeasance.” And, “Removal is the only available remedy.”

The Defense’s argument is consistent with a summary proceeding pursuant to NRS 283.440 for cause 2, not for cause 1 in the complaint CV23-01341. As previously discussed, NRS 283.440 does not offer immunity. *Id. Mack v. Williams*. The Plaintiff’s remedies specifically demand: “Award monetary damages in excess of \$15,000” as well as punitive damages.

The Plaintiff is entitled to a jury trial and does not waive that right. *See* “TRIAL BY JURY” above.

A jury may award punitive damages in this situation. Fines are appropriate to force compliance. Equitable relief is available to the Plaintiff when his legal claims and equitable ones are considered together. Plaintiff hereby seeks a just ruling on his legal and equitable claims so his rights can be



enforced as provided by law.

**XXVIII. Sanctions and BAR Referral for Acts Unbecoming an Officer of the Court**

In this critical legal matter, the Defense's actions, led by Ms. Liddell, have not only shown a blatant disregard for ethical norms but have also shaken the very foundation of justice and impartiality that the legal system is built upon. The Defense's consistent pattern of behavior, as demonstrated through both public statements and private communications, unequivocally demands sanctions and referral to the BAR for acts unbecoming an officer of the court.

A. Manipulation of Public Opinion:

The Defense's calculated attempt to sway the Court of Public Opinion is an affront to the principles of fairness and objectivity that underpin the judicial process. This is no more evident than in the audacious assertion by the Washoe County District Attorney's office that the Plaintiff's claims were nothing more than the "inaccurate rantings of a conspiracy theorist", "The Beadles' Complaint is disconnected from the law and from reality," the letter said. "The Complaint and its frivolous and unfounded claims should be dismissed, Beadles should be sanctioned, and Defendants should likewise be awarded attorneys' fees." [Exhibit 132]. By casting such prejudiced aspersions, the Defense, in collusion with the DA's office, not only breaches Rule 3.6 (a) but also impairs the Plaintiff's ability to receive a fair trial. This calculated strategy to manipulate public perception constitutes an act unbecoming of an officer of the court.

B. Coordinated Media Collusion:

The Defense's unholy alliance with both the Reno Gazette-Journal and the District Attorney's office

paints a damning picture of their commitment to disrupting the integrity of the legal process. Their coordinated statements, strategically placed within media coverage, serve as a double-edged sword aimed at both poisoning the well of public opinion and prejudicing potential jurors. These extrajudicial utterances, as vividly demonstrated in the press, flout Rule 3.6 (a), undermining the court's authority and furthering the spectacle-fueled narrative that is anathema to justice.

### 3. Premature Revelation of Confidential Information:

Adding to this distressing saga is the Defense's cavalier approach to the confidentiality of court proceedings. In reading the text messages between Mark Robison and Beadles [exhibit 132], you can see the defense sent the Motion For Sanctions directly to him, without Robison doing an NRS information request. The defense said the Motion to Change Venue is a public document: that is again untrue, as Beadles had 21 days to weigh whether he wanted to move forward with the Federal Lawsuit. Instead, he was informed about it by the press 21 days early, before it became public record. By improperly disseminating the Motion for Sanctions to an external party, the Defense has trampled on the sanctity of the litigation process [Exhibit 132]. This premature sharing of confidential information not only signals a disregard for professional standards but also poses a grave risk to the fairness of the proceedings.

### 4. Manipulating the Honorable Court: Distortion and Concealment of Facts

It is irrefutable that Ms. Liddell's submissions to this esteemed court have been marred by a consistent pattern of deliberate omission, distortion, and deception, undermining the very essence of justice and the integrity of this honorable legal process. An egregious illustration of this practice is her Motion To Dismiss, which starkly exposes the Defense's attempt to evade accountability and obfuscate the truth.

#### Strategic Misdirection:

An unmistakable characteristic of Ms. Liddell's submissions is her orchestrated attempt to divert attention from the crux of the matter. Her Motion To Dismiss employs an 11-page analysis to assert that the defendants bear no obligation to address wrongdoing or be held accountable to the public [Exhibit 109]. Yet, within this intricate web of legalese, she begrudgingly concedes the plaintiff's valid claims for relief in a mere sentence. On page 12, lines 16-21, Ms. Liddell acknowledges the plaintiff's meticulous enumeration of issues, such as inadequate signature verification and illegal functions within the election system [Exhibit 109]. This conscious manipulation of the truth encapsulates the Defense's disregard for transparent discourse.

#### Deceptive Assertions:

A recurrent theme throughout the Defense's motions for sanctions and dismissal is the repeated and misleading claim that the plaintiff fails to present claims for relief or causes of action. Paradoxically, within the same context, Ms. Liddell inadvertently acknowledges the existence of compelling evidence that demonstrates the defendants' violations. This duplicitous approach serves only to perpetuate confusion and hinder the pursuit of justice.

#### Unacceptable Collusion:

Additionally, the disconcerting alignment between Ms. Liddell and the County District Attorney raises alarm. This alliance, manifest in shielding county officers from accountability, raises concerns about impartiality and the fair administration of justice. Such a partnership, cloaked in the guise of legal defense, subverts the principles that this court stands for.

The evident practice of manipulating, distorting, and concealing facts within Ms. Liddell's

submissions casts a shadow on the Defense's approach to this case. The disservice rendered to this honorable court and to the pursuit of justice through such tactics is deeply concerning. To uphold the sanctity of this legal process and ensure a just outcome, the plaintiff beseeches this court to scrutinize these unethical actions, impose fitting sanctions, and consider referral to the BAR for Ms. Liddell. Transparency, truth, and accountability must prevail over any strategy that erodes the foundations of justice. Furthermore, the plaintiff fervently urges the court to deny the Motion to Dismiss in light of the Defense's manipulative conduct. The importance of maintaining the integrity of the legal profession and the pursuit of truth cannot be overstated, especially when faced with actions as egregious as those undertaken by the Defense.

Its appalling to have the County DA cover for County officers all at the expense of the citizens and voters of Washoe County.

The Defense's cumulative actions form a deeply troubling tableau that speaks volumes about their commitment to a fair and just legal process. Their extrajudicial statements, media entanglement, and premature disclosure of confidential documents are not merely isolated missteps, but a systematic attempt to warp the legal landscape to their advantage. The Plaintiff, in seeking sanctions against the Defense and a BAR referral for Ms. Liddell, implores the Court to reaffirm its role as a bastion of justice. It is imperative that those who bear the title of officer of the court adhere to the highest ethical standards. The Defense's actions have eroded trust in the legal system, and only by taking firm action can we begin to restore faith in the pursuit of truth and justice. Additionally, the Plaintiff vehemently urges the Court to deny the Motion to Dismiss, as any ruling should not be swayed by the Defense's unethical conduct. The gravity of their actions cannot be overstated; their deeds are a stain on the legal profession and warrant swift and resolute condemnation.

Plaintiff hereby respectfully demands this honorable court to sanction the defense, namely Ms. Liddell, and refer these gross violations to the BAR.

### **XXVIII. Leave To Amend**

Due to the numerous violations exposed by the Defendants in this case, if the Defendants' motion to dismiss is granted, the Plaintiff respectfully demands that leave to amend be granted under NRCF 15(a), which states that it should be "freely given when justice so requires.

7963 Laurena Ave. Trust v. Bank of N.Y. Mellon, No. 69052 (Nev. Oct. 17, 2016)

*"(quoting NRCF 15(a)); see also Nutton v. Sunset Station, Inc., 131 Nev., Adv. Op. 34, 357 P.3d 966, 973, 975 (Ct. App. 2015) ("[R]ule 15's policy of favoring amendments to pleadings should be applied with extreme liberality and amendment is to be liberally granted where . . . the plaintiff may be able to state a claim" sufficient to survive NRCF 12(b)(5) dismissal (quotation omitted))"*

### **XXX. CONCLUSION**

I stand before this court, not as a mere litigant, but as a representative of every disenfranchised voter of Washoe County, as an embodiment of the constitutional values that define our great nation. I am one, yet I speak for many, for the very spirit of democracy that's been trampled upon.

The evidence I've presented is unambiguous and compelling, (in regard to the precinct formulas used to determine the candidates vote total with less variables than are required in a fair election the evidence is absolute, unless the defense can show us how to solve for alpha without lambda). I have shown, unequivocally, that I have legitimate claims and causes of action, and that I am entitled to

remedies and damages. The Defendants, who swore an oath to protect the rights of every citizen, have instead engaged in a pattern of malfeasance, nonfeasance, and malpractice, violating that very oath.

This isn't a matter of mere negligence. This is about a systematic violation of our rights as voters. Their claim to immunity is unfounded. The State, its officers, and the very institutions meant to safeguard our democracy are not above the law. They can, and should, be held accountable when they transgress.

The defense, defendants, and media, are aligned not in the pursuit of truth, but in suppressing it. Yet, truth, as I have always believed, has a resilient way of emerging. The rigged mechanism I've exposed, which grotesquely predicts voter outcomes with chilling accuracy, is a blatant assault on our right to suffrage. Each voter in Washoe has been stripped of their voice, handed a mirage of democracy rather than its vibrant reality.

It's a sobering reflection of our times when even an AI platform, Google's Bard, aligns with the contention that our elections have been manipulated. Instead of addressing these revelations with the gravity they deserve, the Defendants have chosen concealment over correction, evasion over accountability.

While the defense seeks refuge in a motion to dismiss, it's vital to remember that Nevada, a notice pleading state, requires me only to show the potential merit in my claims. And I have not just shown potential, Your Honor, I have presented overwhelming evidence. As such, their motion to dismiss is baseless, and their motion for sanctions, consequently, becomes moot.

It's concerning that amidst this, we witness violations of the Code of Conduct by the Defense's attorney, Liddell. While they shield their wrongs, I stand here, unshielded, demanding justice.

Your Honor, you wield immense power – the power to restore faith, to rectify wrongs, to remove those from office who betray public trust. I am not merely seeking remedies for myself; I am fighting for the sanctity of every vote, for the promise of genuine Constitutional Republic my great Uncle Ben Franklin left us.

Each officer involved is not only professionally, but personally liable. To act against the very constitution they swore to uphold is a betrayal not just of office, but of personal integrity and the public's trust.

Your Honor, your courtroom has always been a sanctuary of justice, a place where the Constitution isn't just a document but a living testament to our nation's values. You have the opportunity, no, the duty, to ensure it remains so.

History is watching. You can be the beacon that guides Washoe County, and indeed our country, back to the principles we hold dear. Or, you could choose inaction, leaving a legacy of indifference.

This isn't just about one motion, one case, or one plaintiff. It's about the soul of our Constitutional Republic. The choice, while clear, weighs heavy with consequence.

The Court must accept the allegations in the Complaint as true. As set forth above, I clearly bring multiple causes of action that were properly pled and supported by statute, the Nevada Constitution, and case law. In the event the Court is inclined to grant Defendants' motion to dismiss, which

should not be granted, I request leave to amend which must be freely given. Based on the foregoing, I humbly request that this court deny defense's motion, uphold the integrity of our systems, and proceed to trial. Only then can the voices of Washoe County truly be heard.

Right is right, wrong is wrong.

Thank you, Your Honor.

Dated: 8/29/23

Respectfully submitted,  
By: \_\_\_\_\_

ROBERT BEADLES, Plaintiff Pro Se

**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: August 29th, 2023.

\_\_\_\_\_

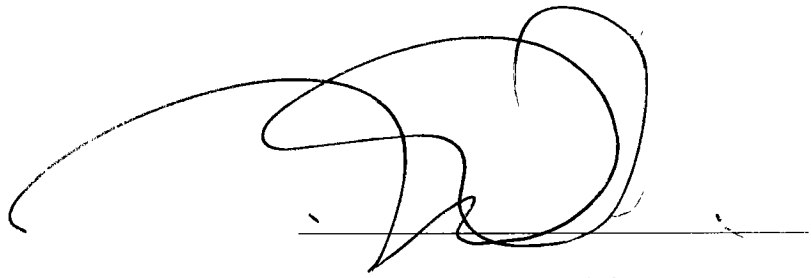
Robert Beadles, Plaintiff

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that on August 29th 2023, I electronically filed the foregoing with the Clerk of the Court by using the e-flex filing system which served all parties of



record electronically.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left. The signature is positioned above a solid horizontal line.

Robert Beadles, Plaintiff

## **Exhibit Glossary**

Exhibit 146 Updated Google Bard Analysis 4 pg.