

1 ROBERT BEADLES
2 10580 N. McCarran Blvd. #115, Apt. 386
3 Reno, NV 89503
4 *Plaintiff, Pro Se*

5 **FIRST JUDICIAL DISTRICT COURT OF NEVADA**
6 **CARSON CITY**

7 MR ROBERT BEADLES, an individual,
8 Plaintiff,

Case No.: 23 OC 00105 1B

Dept. No.: 1

9 vs.

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

22 Defendants.

23 **ORDER DENYING MOTION TO DISMISS**

24 **BACKGROUND:**

25 Plaintiff Robert Beadles filed a complaint and exhibits in the Second District Court of Nevada on
26 8/4/23 seeking equitable relief, injunctive relief, punitive damages, and petitions for the removal
27 of public officials from office by jury trial. He alleges numerous violations of law against
28 Washoe County and defendants Commissioner Alexis Hill, Registrar of Voters Jaime Rodriguez,
and County Manager Eric Brown, both in their personal and official capacities. The plaintiff has
brought forward two causes of action against the defendants:

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Cause 1: VIOLATION OF NEVADA CONSTITUTION ARTICLES 1, 2, 15, and THE VOTER’S BILL OF RIGHTS.

Cause 2: PETITION FOR REMOVAL OF OFFICERS FROM OFFICE.

The plaintiff filed a motion to change the venue to Lyon County, arguing that he would be unlikely to receive an unbiased trial in Washoe County. The Honorable Judge Drakulich granted the plaintiff's motion for a change of venue, confirming the plaintiff's case was entitled to a jury trial. Judge Drakulich designated District 1, Carson City as the new venue instead of District 3, citing convenience for all involved parties.

However, the plaintiff has since filed another motion to change the venue in Carson District 1, demonstrating again that he is unlikely to receive an unbiased trial in Carson City. He has once again requested the case to be transferred to District 3, Lyon County. In response, the defense has filed several motions, including a Motion for Sanctions and a Motion to Dismiss. The plaintiff has countered with oppositions to all. He has effectively demonstrated that the defense's motions for Dismissal and Sanctions are to be denied.

1 **FINDINGS OF FACT**

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3 Plaintiff Robert Beadles filed his complaint on 8/4/23 against Washoe County and defendants
4 Commissioner Alexis Hill, Registrar of Voters Jaime Rodriguez, and County Manager Eric
5 Brown, both in their personal and official capacities. As it relates to the Defendants, Plaintiff has
6 asserted claims for violating numerous NRS and laws in regards to conducting elections in
7 Washoe County and using their office for personal gain.

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9 **CONCLUSIONS OF LAW**

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11 The plaintiff has standing in both causes of action. A few indicators of his standing include his
12 status as a registered voter. Furthermore, the Nevada Voter Bill of Rights (NRS 293.2546 (11))
13 ensures his right to petition officials for redress of grievances. Additionally, the defendants
14 violated both the Nevada Constitution Art. 2 Sec. 1A § 11 and his court orders (Exhibit 72).

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17 The Plaintiff has properly pleaded in his previous pleadings that this Honorable Court has
18 jurisdiction and the ability to grant a remedy for all relief sought.

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20 **Cause 1, Defendants Violation of Nevada Constitution Articles 1, 2, 15**

21 Defendants have a duty to adhere to the Nevada Constitution. The Plaintiff has properly pled that
22 the defendants have violated their oath of office as per the Nev. Const. Art. 15 Sec. 2, which
23 provides in part: ". . . I will well and faithfully perform all the duties of the office of,
24 on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and
25 penalties of perjury."
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1 The Plaintiff has properly pled that the defendants have violated Nev. Const. Art. 1 § 10: "to
2 petition the Legislature for redress of Grievances."
3

4 The Plaintiff has properly pled that the defendants have violated his right to have his Petitions of
5 elections resolved "fairly, accurately, and efficiently," as enshrined in Nev. Const. Art. 2 Sec. 1A
6 § 11.
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8 Plaintiff has successfully pled numerous violations of law stemming under both causes of action
9 including:
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12 *Disallowing the public their right to observation is a violation of the Washoe County court's*
13 *orders in [Exhibit 72] and the Nevada Revised Statutes and Nevada Administrative Code: N.R.S.*
14 *293.269931 § 1, 293.3606 § 1, 293.363 § 1, and N.R.S. 293B.353, 293B.354, 293B.380 § 2(a),*
15 *and N.A.C. 293.311 § 4.*
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17 Additionally, lines 90, 91, 92, and 93 on pages 13-14 of his original complaint, the Plaintiff
18 successfully pleads, 'Defendants, and each of them, have failed to fulfill the duties of their
19 respective offices as alleged herein.
20

21 Additionally, line 80, and 91 on pages 12 and 13 of his original complaint, the Plaintiff
22 successfully pleads:

23 *"Defendants have additionally failed to address, correct, or rectify the issues raised in the*
24 *underlying Petitions, including but not limited to, (1) updating and resolving the voter registration*
25 *lists; (2) providing proper vote counting mechanisms; (3) counting votes in secret; (4) inadequate*
26 *signature verification; (5) illegal function within the election system; (6) violations of election*
27

1 *procedures as required under Nevada law. [Exhibit 109]. Plaintiff seeks an injunction regarding*
2 *the foregoing.”*

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4
5 *“Defendants through their acts of malpractice, malfeasance, and or nonfeasance have failed to*
6 *perform their duties and have harmed and will continue to harm plaintiff.”*

7
8 *“Granting the requested relief will serve public interest. “*

9
10 *{Exhibit 109} that was filed with the original complaint, which shows an abbreviated summary*
11 *of [Exhibits 16-22] and sets the table for [Exhibits 1-135]*

12
13 Plaintiff additionally pled on line viii on pages 15 and 16 in his original complaint that the
14 defendants have violated NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927,
15 NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS
16 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS
17 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927(4)(b), NRS 293.277(3), NRS
18 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2),
19 Nev. Const. Art. 2 Sec.1A § 1(b)

20
21 These claims center upon questions of fact that will be determined by evidence and the
22 credibility of witnesses.

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25 **Cause 1, Defendants Violation of the Nevada Voters Bill Of Rights**

26 The Nevada Voter Bill of Rights was codified into law based on the ballot measure "Question 4,"
27 which passed on 11/3/2020. The plaintiff filed three petitions against the defendants as shown in

1 Exhibits 1-3; all of which went unaddressed by the defendants. The defense inaccurately
2 contends that the plaintiff must seek remedy solely from the Secretary of State. This is
3 erroneous, as every provision of the Nevada Bill of Rights, NRS 293.2546 1-11, indicates the
4 defendants are directly responsible for these duties related to the elections, as evidenced on page
5 5 of the Plaintiff's Opposition to Motion for Sanctions. This establishes that the defendants are
6 appropriately sued, and the plaintiff possesses standing.
7

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9 **Cause 1 and 2, Plaintiff's Court Orders were violated by Defendants**

10 Case CV22-00661 and the Court Order dated on June 3, 2022, in the Second Judicial Court of
11 Nevada state that the defendants must comply as follows:
12

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

16 *2. If Washoe County is processing and/or counting ballots, observations shall be*
17 *allowed.*
18

19 The Plaintiff has properly pled that the defendants have violated the Plaintiff's court orders as
20 evidenced in Exhibits 17, 23-24, and 109. This was also articulated on page 6, item 33; page 8,
21 item 49; page 12, item 80; and page 14, item 91 of the plaintiff's original complaint.
22

23
24 **Cause 2, NRS 283.440 Removal Of Officers From Office**

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

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

4 (b) A state officer removable from office only through impeachment pursuant to Article 7 of the
5 Nevada Constitution; or
6

7 (c) A State Legislator removable from office only through expulsion by the State Legislator's
8 own House pursuant to Section 6 of Article 4 of the Nevada Constitution.
9

10 Therefore, the defendants qualify as "any person" in "any office" and are not exempted from
11 removal. The only offices exempted from removal are those of a judge, a state officer, or a state
12 legislator.
13

14
15 The defense states a private citizen can not bring NRS 283.440 against a public officer. This is in
16 error, a private citizen can bring action against a public officer using NRS 283.440.
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19 The defense references Madsen v. Brown, 701 P.2d 1086, 1093 (Utah 1985), a case in which
20 private citizens successfully removed a mayor from office using a process similar to that in
21 Nevada. This further substantiates that the plaintiff has standing to remove the defendants from
22 office if they are found "guilty of any malpractice or malfeasance in office."
23

24
25 Mason v. Gammick, No. 71691 (Nev. App. June 26, 2017), is an example of a private citizen
26 using NRS 283.440 against a public officer.
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1 Charles A. Muth v. Robert Loux, No. 2008 WL 6498697 (Nev. Dist. Ct., First Judicial Dist.,
2 Carson City County, Trial Order), is another instance of a private citizen using NRS 283.440.

3
4 In both of those cases, it demonstrates that a private citizen can utilize NRS 283.440. It is
5 irrelevant that in both of those cases they were dismissed. In the Mason case, he failed to state a
6 claim, and in Muth's case, he used it against a committee member, not a public officer. These
7 cases illustrate that NRS 283.440 can be employed by a private citizen.
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10 This is further supported by legal precedent, as established in cases such as Gay v. District Court
11 of Tenth Judicial Dist., 41 Nev. 330, 171 P. 156 (1918), and Robison v. First Judicial Dist. Court,
12 73 Nev. 169, 313 P.2d 436 (1957). NRS 283.440 specifically permits the summary removal of
13 district, county, township, and municipal officers. As the defendants hold the position of
14 "County" officers, they are unequivocally subject to potential removal under NRS 283.440.
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17
18 The Plaintiff has aptly pled in his complaint and demonstrated in the exhibits attached thereto
19 that a private citizen may initiate legal action against a county officer under NRS 283.440,
20 provided they assert valid claims, as the plaintiff has aptly demonstrated in this case.
21

22 **Malfeasance or Malpractice Allegations**

23
24 The Plaintiff alleges multiple violations of law against the defendants in his Opposition for
25 Motion for Sanctions on pages 7 through 13 and in his original complaint on pages 2-16. Since
26 Nevada is a notice pleading state, all allegations must be considered at this stage, further entitling
27 the Plaintiff to overcome the defense's motion for dismissal.
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2 **Time Is Of The Essence**

3 The Plaintiff alleges that the defendants have created a national security incident wherein the
4 Washoe County Election System is in violation of the law as per Exhibits 16-22 and 109, and as
5 stated in the original complaint on page 5, item 33, and page 8, item 53. Due to the fast-
6 approaching elections, addressing this matter is paramount to ensure the rights of every voter are
7 upheld and the safety and integrity of the Washoe County election process is ensured.
8

9
10 **The Registrar of Voters can be sued**

11 The plaintiff successfully pled that Defendant Jaimie Rodriguez is a public officer and an
12 employee of Washoe County. This is demonstrated through the Washoe County Human
13 Resources website listing the Registrar of Voters position with the class code 60009314.
14 Furthermore, as per NRS 293.044, NRS 293.503, NRS 244.164 the ROV position is
15 interchangeable with that of an elected County Clerk. This serves to demonstrate further the
16 plaintiff's successful assertion that Defendant Jaimie Rodriguez is both an employee, an officer,
17 and equivalent to an elected County Clerk, substantiating his right to bring a legal action against
18 her.
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22 **Discovery**

23 The Plaintiff is entitled to due process; thus, the case must also proceed to allow both parties to
24 conduct discovery to either refute or substantiate the allegations presented within the Plaintiff's
25 complaint.
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1 **N.R.C.P. 12(b)(5)**

2 The Defense has filed a motion to dismiss under N.R.C.P. 12(b)(5), citing "failure to state a
3 claim upon which relief can be granted." However, as demonstrated above, the Plaintiff has
4 effectively asserted multiple valid claims, making the Defense's motion to dismiss irrelevant.
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7 **Nevada is a notice pleading state**

8 The Plaintiff has satisfied Nevada's notice pleading requirements. This court is obligated to
9 accept all factual allegations in the complaint as true. This Court cannot dismiss the case on the
10 premise of disbelief regarding the allegations in the complaint. The court must interpret the
11 complaint in a light most favorable to the plaintiff, granting the plaintiff the advantage of every
12 reasonable doubt concerning the complaint's allegations.
13

14
15 The plaintiff has adhered to the stipulations as delineated in NRCP 8. Furthermore, at this
16 juncture, this court should consider all allegations as truth, as supported by *Nutton v. Sunset*
17 *Station, Inc.*, 131 Nev. Adv. Op. 34 (Nev. App. 2015). The aforementioned case emphasizes:
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20 "Furthermore, Nevada is a "notice pleading" state, and the ultimate facts outlined in the
21 pleadings need not be detailed explicitly (except when mandated by NRCP 9, which isn't
22 applicable in this appeal), nor must they be bolstered by citations to evidence and testimony
23 within the pleading. As cited in *Hall v. SSF, Inc.*, 112 Nev. 1384, 1391, 930 P.2d 94, 98 (1996),
24 a complaint merely needs to present sufficient facts that illustrate the requisite elements of a
25 claim for relief, ensuring the defending party receives adequate notice of the claim nature and the
26 sought relief."
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Moreover, as indicated in *Sutherland v. State Farm Mut. Auto. Ins. Co.*, No. 71389 (Nev. App. Oct. 31, 2017), Nevada adheres to the "notice pleading" paradigm, necessitating plaintiffs to simply enumerate facts that substantiate a legal theory, as echoed in *Liston v. Las Vegas Metro.*

In light of the aforementioned case law and rules, the plaintiff rightly deserves to have his case advance, having successfully met the evidentiary threshold to oppose the motion for dismissal.

It is in the public's best interest that this case proceeds.

1 **Order**

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3 Therefore, based on the aforementioned Findings of Fact and Conclusions of Law determined by
4 this Court, and with just cause being evident, the Court hereby enters the following Order:
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7 **IT IS HEREBY ORDERED THAT:**

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9 Defendant's Motion to Dismiss is **DENIED**.

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12 Defendants see Rule 3.13 for reconsideration of orders.

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14 **Dated** _____

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18 _____
19 JAMES T. RUSSELL
20 DISTRICT JUDGE

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22 Submitted on October 20th by:

23
24
25 _____
26 ROBERT BEADLES
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916-573-7133