

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,

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.

Case No.: 23 OC 00105 1B

Dept. No.: 1

[Oral Argument Requested]

23 **OPPOSITION TO DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS**

24 **I. INTRODUCTION**

25 On 11/20/23, Judge Russell ruled in favor of the defendants, denying my request for a change of
26 venue location and granting their motion to dismiss my case with prejudice. I filed an appeal
27 with the Supreme Court of Nevada on 11/30/23, and case #87683 has been assigned to my
appeal. Additionally, I have filed a Motion to Stay Enforcement of Judgment Pending Appeal in
this court. The law indicates that my case should not have been dismissed, especially with

1 prejudice, so I filed the motion to stay until the Supreme Court rules on my appeal. In this
2 opposition, I will argue that the defense is not entitled to the attorney fees and costs they are
3 requesting and the court should not rule on this until the appeal to the Supreme Court has
4 completed. This court granted the defense a ruling on their motion to dismiss in the name of
5 judicial economy, rather than waiting for the appeal process to conclude. I request the same
6 deference be given to me that you gave to them.

7
8 **II. HOURLY RATE REQUESTED BY THE COUNTY IS NOT BASED IN REALITY**

9 The defense, throughout their motion, argues that the county should be paid \$375 per hour for a
10 supposed 263.7 hours of work that DDA Liddell and Hickman allegedly did in defense of my
11 case. The defense comes to this hourly wage based on three main arguments. They first state
12 what they claim are reasonable attorney fees at the current market rate, but then give examples
13 that are not based in reality. For instance, they state on page 8, line 17 in their motion for fees,
14 that one of the top law firms in the State charges \$650 per hour, yet they show the same firm
15 charges only \$375 per hour when they work for the City of Sparks on page 8, line 8. So, if the
16 top law firm in the City and one of the top law firms in the state only charge \$375 per hour, how
17 in the world is a county attorney entitled to the same rate of pay? It's worth mentioning that the
18 defense is trying to compare their skills and accomplishments (pages 5-7 in their motion and
19 exhibits 1-2) to that of a Partner at McDonald Carano, Matt Addison, whose resume is attached
20 (Exhibit 167). Placing the defense's resume next to his shows a night and day difference. If he
21 only charges \$375 to the City of Sparks, it would be robbery for Liddell or Hickman to charge
22 over \$82 per hour for their work, based on apple-to-apple comparisons of experience, accolades,
23 awards, etc. The defense then shows the Laffey Matrix, an attorney scale used in at least one
24 federal case. Yet, in their own document shown in the defense exhibit 7, it clearly states at the
25 bottom of page 2: "The methodology of calculation and benchmarking for this Updated Laffey
26 Matrix has been approved in a number of cases. See, e.g., DL v. District of Columbia, 267

1 F.Supp.3d 55, 69 (D.D.C. 2017)."

2 The case they cite, in which approval was supposedly granted, was actually reversed!

3 REVERSED BY DL v. Dist. of Columbia, 924 F.3d 585 (D.C. Cir. 2019).

4 Already, we see the defense is basing their rates off of people who are best in class, not their
5 class, using a scale that was supposedly approved by a case that was reversed! This then brings
6 us to NRS 18.025(2), in which the court shall award reasonable attorney fees and costs. Indeed,
7 the court should award reasonable fees, not fees charged by the top law firms in the State, to far
8 less qualified County employees. Then the defense uses the Brunzell factors to further try to
9 rationalize their fees, not based on reality.

10
11 **III. BRUNZELL FACTORS EVEN IF TRUE DOESN'T SUPPORT \$375 PER HOUR**
12 **FOR COUNTY WORKERS**

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

19 In regards to factor 1: The defense's degrees and experience shown in their declarations are, at
20 best, 25% of the attorneys they cite for hourly billing rates on page 8 of their motion. In regards
21 to factor 2: it is a highly important case. This case shows the world that the defendants have no
22 duty to follow the law, no consequences for breaking it, and the court will just throw out the
23 case. So, I'll concede they have merit in factor 2. In regards to factor 3: the work performed was
24 never held to the proper scrutiny by this court; we should be in trial right now, not an appeal. My
25 case clearly overcomes an NRCP Rule 12(b)(5) motion, so we need to see what the Supreme
26

1 Court rules to find if the defense was adequate. In regards to factor 4: The results are yet to be
2 determined. If the Supreme Court rules in favor of the defense, we will then also ascertain
3 whether their efforts were adequate. Regarding the Brunzell Factors, at present, I can only
4 concede one out of the four factors to the defense. This means, as of now, they have successfully
5 addressed only one of the four factors they claim to have surmounted. The final determination of
6 whether they have met all four factors will be clearer once the Supreme Court delivers its ruling.
7 Currently, they have not fulfilled these criteria.

8 9 **IV. AMOUNT OF HOURS WORKED APPEARS HIGHLY INFLATED**

10 The defense provides Exhibit 3, which states the description of work done, how long it took, and
11 by whom. The hours being charged simply don't appear legitimate. Examples are shown in
12 Exhibit 165, which shows Liddell corresponded with fellow county workers for 13.6 hours at
13 \$375.00 per hour, who are already paid using my tax dollars. What was discussed? If she's so
14 competent and wants top dollar like McDonald Carano, what could there possibly be to confer
15 with other county employees about? Hickman charged zero hours for this. Then, if you look
16 again at the exhibits, you will see Liddell charged 2.9 hours for corresponding with me. I can tell
17 you right now, I only spoke to her in court, and emails I've sent her on average took 10 to 60
18 seconds. I don't see how she can justify nearly 3 hours corresponding with me. Additionally,
19 there are 27.7 hours of identical billing, both Liddell and Hickman are charging for the Motion to
20 Dismiss, Motion For Sanctions, and NRS 283. It doesn't make sense both these attorneys were
21 drafting the same documents, or parts of the documents; it just looks like overbilling as shown in
22 Exhibit 165. On page 2 of their Exhibit 3, Liddell charges "travel to county complex to obtain
23 the boxes Beadles delivered and transport to D" there is no reason it takes 1.4 hours to pick up a
24 few boxes of pleadings and exhibits, nor for Liddell to do it herself when people there could
25 bring them to her, additionally, Liddell charges 30 minutes on top of the 1.4 hours while she's
26 there to confer with county workers. So, 1.9 hours to drive 5 minutes or 1.6 miles, and to talk to

1 her fellow county workers. Then, the defense on page 1 of their Exhibit 3 shows 51.40 hours that
2 were attributed to case CV23-01283, not this case. The work shown on page 1 is also shown on
3 pages 3 and 7 in their Exhibit 3. These hours from CV23-01283 should not be allowed to be
4 charged in this case, which is an entirely different case. If the defense would like to seek attorney
5 fees and costs in that case, they are free to do so. At a minimum, I contest the 13.6, 2.9, 27.7, 1.4,
6 .5, and 51.90 hours of billing shown above, for a total of 97 hours contested.

7 Moving on, the defense shows on page 8, lines 1-5, the method they allegedly used to calculate
8 their hours is: “The lodestar approach to calculating attorneys' fees involves multiplying the
9 number of hours reasonably spent on the case by a reasonable hourly rate. University of Nevada
10 v. Tarkanian, 110 Nev. 581, 591, 879 P.2d 1180, 1188 n.4 (1994).

11 The problem with the defense’s approach here too is they cite University of Nevada v.
12 Tarkanian, which was OVERRULED BY Executive Mgmt. v. Ticor Title Ins. Co., 114 Nev. 823
13 (Nev. 1998). The defense appears to be exploiting the situation and overcharging for hours not
14 worked, using a method that the case in which they cited was overruled. This is yet another
15 example of how the fees are not based in reality.

16 17 **V. DEFENSES ACTUAL PAY RATE VS WHAT IS BILLED IS PRICE GOUGING**

18 Exhibit 166 shows that DDA Hickman makes \$69.29 and DDA Liddell makes \$80.86 per hour.
19 How does making \$80.86 to \$69.29 justify a \$375 per hour fee, when the entire \$375 fee is based
20 on best-in-class rates by top attorneys in the State and Country? Liddell is trying to compare
21 herself and match her rates to Addison (Exhibit 167), who won The Best Lawyers in America –
22 Commercial Litigation Awards in 2008-2024 and has decades more experience, numerous
23 accolades, awards, etc. The county is entitled to reasonable fees; there is nothing reasonable
24 about a county employee, paid for by my tax dollars, making less than \$81 an hour and then
25 turning around and charging me \$375 per hour for the same work. Additionally, it's appalling
26 that I would have to pay anything further than I already have; as the defense is already using my
27

1 tax dollars to pay their salaries, then using my tax dollars further to defend the very people who
2 are harming myself and the citizens of Nevada. This not what America was founded on, and the
3 additional fees sought are not reasonable per NRS 18. Even if the total hours Liddell presents
4 were actually real and justifiable, and I contest they are not, it's important to recognize she
5 makes \$80.86 per hour, and she says she worked 203.90 hours; that would be an actual cost of
6 \$16,487.354. Hickman makes \$69.29 and stated she worked 60 hours, which would be an
7 additional \$4,157.40 for a total of \$20,644.75 in actual wage costs. How can these tax-paid
8 county employees justify charging nearly 5 times more than their actual costs, if the hours are
9 deemed truthful, which I contest they are not? How in this or any world would this billing be
10 justified under NRS 18.025(2) where the court shall award reasonable attorney's fees and costs?
11 There is nothing reasonable about inflating the hours and charging 5 times more than the
12 county's actual costs. The defense is using the attorney fees as a method of sanctions, to unfairly
13 punish me. This must not be allowed.

14
15 **VI. NRS 18.025(1)(B) THE COURT ISN'T REDUCING THE AMOUNT OWED, IT'S**
16 **SETTING REASONABLE RATES THAT WOULD BE OWED IF THE APPEAL**
17 **IS LOST**

18 NRS 18.025(1)(b) states: "A court shall not reduce the amount of attorney's fees to a local
19 government, a public officer, or a public employee solely because the party is a local
20 government, a public officer, or a public employee." I am not asking the court to reduce the
21 reasonable amount of fees that would be owed if I lose my appeal. I'm asking the court to award
22 reasonable attorney's fees and costs per NRS 18.025(2) IF I lose my appeal. What the defense is
23 trying to charge is not reasonable for numerous reasons listed above in this opposition.

24 I request the court does not enforce any order forcing me to pay the attorney fees and costs until
25 after the Supreme Court has ruled on my appeal. It's only fair this court stay all orders regarding
26

1 the fees and costs as you stated in the name of Judicial economy you were ruling in the defenses
2 favor. Therefore, in the same vein of reasoning, it makes no sense to enforce orders forcing me to
3 pay, if the Supreme Court just rules in my favor, then the defense would have to pay me back.
4 Staying the order to pay attorney's fees and costs causes no harm nor prejudice to the defense to
5 simply wait until the Supreme Court rules on my appeal. I ask you to Stay all enforcements of
6 fees and costs until the Supreme Court rules.

7
8 **VII. MY CASE WAS AND IS BROUGHT FORTH ON LEGITIMATE GROUNDS,**
9 **NOT UNREASONABLE GROUNDS, AS THE DEFENSE MISSTATES PER NRS**
10 **18.010(B)**

11 The defense, throughout their Motion for fees, continues to state that I brought claims in bad
12 faith and they are not based on reasonable grounds. This is patently false. That's why I'm
13 appealing the case to the Supreme Court. In Exhibit 163, the 11/20/23 hearing transcript, Judge
14 Russell stated, for judicial economy, he was dismissing my case with prejudice - see page 31,
15 line 2 in the transcripts. He further states that I did a very good job, page 30, line 13, and that I
16 believe what I've done is right, page 35, line 16. It is clear to most attorneys and pundits who
17 have read the transcripts and watched the 11/20/23 hearing that the case never should have been
18 dismissed, let alone with prejudice. One simple example of this is Exhibit 72, which are court
19 orders guaranteeing my and all Nevadans' rights to observe the vote-counting process. Exhibits
20 23-24 show the defendants breaking the court orders and numerous NRS, then in Exhibit 126,
21 they lie to the Secretary of State about their actions, and in Exhibit 149, they lie to the courts
22 about their actions. The court can grant me remedy by enjoining the defendants to follow the
23 laws and court orders. This one example is in complete conformance with NRCP Rule 8(a)(2)
24 and without any doubt overcomes the NRCP Rule 12(b)(5) motion to dismiss. This instance, one
25 among over a hundred I can demonstrate, clearly refutes every allegation of my initiating
26

1 baseless claims against the defense. Such accusations are unequivocally false and should not be
2 permitted to negatively impact my standing or be used to justify the exorbitant legal fees the
3 defense is seeking.

4
5 **VIII. IT'S ALL PHANTOM MONEY BEING CHARGED**

6 These costs the defense is trying to collect against me are not based on real costs they incurred.
7 It's phantom money. In challenging the defense's claim for exorbitant attorney fees, it's clear that
8 the requested rate of \$375 per hour does not reflect the reality of their actual compensation and
9 the actual cost to the county, as evidenced by Exhibit 166, and fundamentally misunderstands the
10 role of county attorneys who are not operating as a private law firm. This excessive rate is
11 unjustifiable, especially considering that the defense is not in the business of profit-driven legal
12 practice but rather public service. Furthermore, their attempt to charge such inflated rates appears
13 as an indirect form of punishment for exercising my lawful right to bring forward valid, well
14 founded claims, a tactic that is neither ethically nor legally sound, particularly in the absence of
15 any formal sanctions awarded against me. This situation represents an inappropriate and punitive
16 use of fee structuring, effectively turning legal costs into a tool for unjust financial retribution,
17 which is contrary to the principles of fair and reasonable legal practice.

18
19 **IX. IF MY APPEAL IS LOST THE 263.9 HOURS AT \$375 PER HOUR IS NOT**
20 **REASONABLE**

21 As demonstrated for numerous reasons above, I contest the \$375 per hour charge, and I contest
22 97 of the 263.9 hours the defense states they worked. If I lose the appeal at the Supreme Court,
23 according to NRS 18.025(2), reasonable fees would be 166.9 hours at \$82 per hour, totaling
24 \$13,685.80. That is what the court should find reasonable under NRS 18.025(2) and charge me if
25 I lose my Supreme Court appeal.
26

1 **AFFIRMATION PURSUANT TO NRS 239B.030**

2 The undersigned does hereby affirm that the preceding document does not contain the Social
3 Security Number of any person.

4 DATED: December 19th, 2023.

5 _____
6 Robert Beadles, Plaintiff
7
8

9 **CERTIFICATE OF SERVICE**

10 Pursuant to NRCp 5(b), I hereby certify that on December 19th, 2023, I served all parties by
11 electronically emailing the defense counsel and by sending via first-class mail with sufficient
12 postage prepaid to Lindsay Liddell, the respondents' defense attorney.

13
14 Haldeman, Suzanne shaldeman@da.washoecounty.gov

15 Hickman, Elizabeth ehickman@da.washoecounty.gov

16 Liddell, Lindsay L liddell@da.washoecounty.gov

17 And mailed to:

18 One South Sierra Street Reno, Nevada 89501

19 _____
20 Robert Beadles, Plaintiff
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