

FILED

MAY 28 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Mickna Stiles*
DEPUTY CLERK

1
2 ROBERT BEADLES
3 10580 N. McCarran Blvd. #115, Apt. 386
4 Reno, NV 89503
5 Appellant, In Pro Per

6 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

7 MR ROBERT BEADLES, an individual,
8 Appellant,

9 vs.

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

24 Respondents.

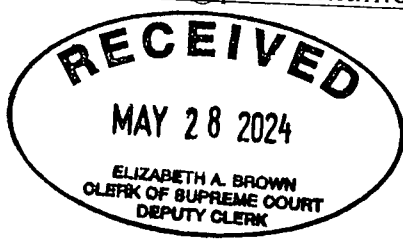
NVSC Case No.: 87683

District 1 Case No: 23-OC-00105 1B

District 2 Case No: CV23-01341

25 **NRAP RULE 40 Petition For Rehearing**

26 Robert Beadles, in Proper Person
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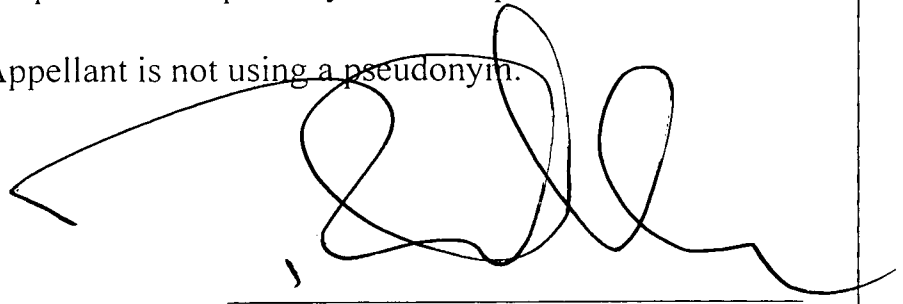


24-18547

NRAP 26.1 DISCLOSURE

The undersigned in proper person appellant certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal. There are no parent corporations or publicly-held companies that own 10% or more of the Appellant. The Appellant is not using a pseudonym.

DATED: 5/28/24

A handwritten signature in black ink, appearing to read 'R. Beadles', is written over a horizontal line. The signature is fluid and cursive.

Robert Beadles, Appellant In Pro Per

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7 1956 351 U.S. 18376 S.Ct. 758.....2
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Exhibit Glossary

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- 2 Exhibit A Original Complaint Filed On 8/4/23 in D2. 19 pg.
- 3 Exhibit 1 ROV 11-17-22- Petition. 40 pg.
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- 5 Exhibit 2 11-23-22 Contest 12 pg.
- 6 Exhibit 3 Unanswered Petition served upon defendants 12/1/22. 19 pg.
- 7 Exhibit 4 Email exchange between the plaintiff and defendants. 5 pg.
- 8 Exhibit 5 Email exchange between the plaintiff and defendants. 5 pg.
- 9 Exhibit 6 Email exchange between the plaintiff and defendants. 7 pg.
- 10 Exhibit 7 Email exchange between the plaintiff and defendants. 1 pg.
- 11 Exhibit 8 Email exchange between the plaintiff and defendants. 2 pg.
- 12 Exhibit 9 Email exchange between the plaintiff and defendants. 16 pg.
- 13 Exhibit 10 Addresses from tax records appearing in conflict to vote. 6 pg.
- 14 Exhibit 11 Addresses from tax records appearing in conflict to vote. 56 pg.
- 15 Exhibit 12 Addresses from tax records appearing in conflict to vote. 51 pg.
- 16 Exhibit 13 Addresses from tax records appearing in conflict to vote. 22 pg.
- 17 Exhibit 14 Addresses from tax records appearing in conflict to vote. 99 pg.
- 18 Exhibit 15 Detailed report showing tax record vs voter record concerns. 15 pg.
- 19 Exhibit 33 Petition proof 1 pg.
- 20 Exhibit 34 Petition proof 20 pg.
- 21 Exhibit 72 Washoe Observation Court Orders 6 pg.
- 22 Exhibit 109 Highlights of Supplemental Statements 4 pg.
- 23
- 24
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1 Exhibit 120 NV SOS 700 Complaints RGJ Article.pdf 4 pg.

2 Exhibit 127 Small Sample Of Violation Complaints sent to the SOS 33 pg.

3 Exhibit 163 11_20_23 Hearing Transcript-Court Reporter 37 pg.

4
5 **NRAP RULE 2 and NRCR RULE 61:**

6 I ask this Honorable Court to adhere to NRAP Rule 2:

7 "On the court's own or a party's motion, the court may—to expedite its decision or for
8 other good cause—suspend any provision of these Rules in a particular case and order
9 proceedings as the court directs, except as otherwise provided in NRAP Rule 26(b),"
10 if it applies. I additionally ask this Honorable Court to adhere to NRAP Rule 26(d),
11 which grants the authority to: "Shorten Time. Except as otherwise provided in these
12 Rules, or when not otherwise controlled by statute, the time prescribed by these Rules
13 to perform any act may be shortened by stipulation of the parties, or by order of the
14 court or a justice or judge."
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18 If I made any errors in the procedures or structure of this brief or prior filings with this
19 Honorable Court, I ask, in the pursuit of justice, to allow this appeal and brief to
20 proceed as per NRCR Rule 61, which states, "Unless justice requires otherwise, no
21 error in admitting or excluding evidence—or any other error by the court or a party—
22 is ground for granting a new trial, for setting aside a verdict, or for vacating,
23 modifying, or otherwise disturbing a judgment or order. At every stage of the
24 proceeding, the court must disregard all errors and defects that do not affect any
25 party's substantial rights."
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1 **1. Introduction**

2
3 On 5/15/95, this Court affirmed the lower D1 Court's ruling to dismiss my case,
4 with prejudice. I am now appealing this Court's decision seeking a rehearing. Three
5 Justices in this Court made several egregious errors in siding with the lower Court's
6 ruling, which requires a rehearing so my Constitutionally enshrined rights are not
7 further harmed. Of paramount importance too is that even if I somehow failed to
8 state a claim in which I could be granted relief, I must be granted leave to amend
9 as it is to be freely given, and I requested it numerous times.
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12
13 **2. Statement of the Case**

14
15 On 8/4/23, I filed my complaint with the 2nd District Court in Washoe County.
16 Judge Drakulich granted my motion to change venue; however, she granted it to
17 D1 under Judge Russell, rather than the unbiased courts I had requested she send it
18 to. According to statute, Judge Russell in D1 is required to accept all assertions in
19 my complaint as true. However, Judge Russell overlooked the explicit language of
20 my complaint and the supporting evidence provided, as well as what *NRCP Rule*
21 *12(b)(5)* and *Rule 8(a)(2)* require to successfully defeat a motion to dismiss. Judge
22 Russell dismissed my complaint with prejudice, despite my request for leave to
23 amend, which should be freely given. I filed an appeal with this Court. Three
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1 Justices within this Court either ignored or mistakenly missed the very things I
2 included within my appeal that would have overcome their reasons for affirming
3 the lower court's ruling. It is now paramount that this court shows the world it has
4 not been politicized and will actually follow the law, and apply it equally for all.
5 Key points this court used to affirm Russell's ruling are below. You will see I
6 overcame the reasons this court affirmed Russell's ruling. It's paramount that this
7 court realize that even if I somehow failed to state a claim as per *NRCP Rule*
8 *8(a)(2)*, it is this court's duty to allow me leave to amend my complaint.

11 **3. Reasons for Granting Rehearing**

12 As per NRAP Rule 40, this court has overlooked or misapprehended a material
13 fact, that if it stands, deprives me of my due process, and creates case law in
14 Nevada that now completely undermines what NRCP Rule 12(b)(5), and Rule
15 8(a)(2) mean, and how valid court orders are no longer enforceable in Nevada.
16 This court additionally has a duty to reverse its decision as implied in *Cahill v.*
17 *New York, N.H. & H.R. Co., 351 U.S. 183, 76 S.Ct. 758, 100 L.Ed. 1075 (1956).*

18 **4. NVSC Error: Early Engagement With The Secretary of State via NAC** 19 **293.025 Was Adhered To**

1 NAC 293.025 *Submission of complaint concerning violation of provision of title*
2 *24 of NRS. (NRS 293.124) A person who wishes to file a complaint concerning*
3 *an alleged violation of any provision of title 24 of NRS must:*

- 5 1. *Submit the complaint in writing to the Secretary of State; and*
- 7 2. *Sign the complaint.*

8
9 *-The complaint may include proof of the alleged violation.*

10
11 Pursuant to *NAC 293.025*, I diligently filed a written complaint to the Secretary of
12 State about alleged violations under *NRS 293.124*, concerning Title 24 of the NRS.
13 Exhibit 1 and 3 show my grievances were first filed per *NAC 293.025* with the
14 Secretary of State, Exhibit 33-34 shows proof the SOS received my grievances,
15 Exhibit 120 shows the Secretary of State received over 700 complaints via *NAC*
16 *293.025*, Exhibit 127 shows several examples of me following *NAC 293.025* as
17
18 well. All without any remedy from the Secretary of State, or Respondents. I
19 exhausted all administrative processes with the Secretary of State with no remedy
20 nor redress of my grievances. Despite this thorough adherence to prescribed
21 administrative procedures, no adequate remedy or acknowledgment was
22 forthcoming. This neglect persisted through subsequent interactions, documented
23 in Exhibits 1-15, involving the respondents and Secretary of State, signaling a
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1 systemic refusal to address election grievances as mandated by Nevada law, even
2 after they said they would, but failed to.

3
4 The silence from the Secretary of State and Respondents contravenes the due
5 process and equal protection clauses stipulated in the *Nev Const.* and *Nev. Const.*
6 *Art. 2 Sec. 1A § 11* and *NRS 293.2546*. Such inaction transforms *NAC 293.025* into
7 an unconstitutional barrier that hinders public redress against official misconduct, a
8 concern notably underscored by *James Madison in the Federalist Papers #10*
9 regarding the impartiality required of those in positions of adjudication when he
10 warned us, "*No man is allowed to be a judge in his own cause, because his interest*
11 *would certainly bias his judgment, and, not improbably, corrupt his*
12 *integrity.*" Allowing the Secretary of State to police itself, or the Respondents to
13 police themselves is appalling; it is this court's duty to step in and enjoin them to
14 do what is lawful

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19 Further, the Supreme Court's stance in *Darby v. Cisneros, 509 U.S. 137 (1993)*,
20 reinforces the principle that judiciary intervention is necessary when all
21 administrative avenues have been exhausted without resolution—precisely the
22 scenario presented in my case. This precedent underpins the necessity for this
23 Court to acknowledge the procedural diligence exercised in compliance with *NAC*
24 *293.025* and to correct the lower court's oversight.

1 Moreover, referencing cases like *Law v. Whitmer* (136 Nev. 840, 2020) and
2 *Anthony v. Miller* (137 Nev. 276, 2021), though dismissed on different grounds,
3 emphasize the essential judicial consideration of election-related complaints
4 irrespective of their initial outcomes. This illustrates that even if my adherence to
5 *NAC 293.025* was in question—which it is not—precedent supports the argument
6 that my case warrants judicial review.
7

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9 This Court’s duty extends beyond mere procedural review to ensuring that
10 substantial justice is served through the fair application of law, especially in cases
11 impacting electoral integrity and public trust.
12

13 14 **5. Error NVSC, My Exhibits Were Not Rogue**

15
16 The Respondents Council was allowed to write the lower court's ruling that Judge
17 Russell then just signed. They state that my exhibits were rogue, simply because
18 they are so damning to their case. The Exhibits can not be rogue as I filed them at
19 the same time as my **8/4/23 Original Complaint**. Additional exhibits were filed at
20 the same time as the additional pleadings were filed. In my original complaint, this
21 Court can clearly see from the docket that I filed 4 exhibits on 8/4/23 the date of
22 my original complaint. Those exhibits, 1-3, 109 show all the proof in the world to
23 overcome a *NRCP 12(b)(5)* ruling. They clearly show the numerous allegations,
24 proof of the allegations, affidavits, petitions, etc. destroying the narrative that I
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1 failed to meet the *NRCP Rule 12 (B)(5)* standard and that the exhibits were rogue. I
2 then filed 112 more supplemental exhibits to the original 4 exhibits 5 days later, as
3 exhibit 109 that was filed on 8/4/23 showed, and have filed 54 more exhibits with
4 the various responses and motions since 8/9/23. As the docket will show, and as
5 the exhibits show, they are not rogue, 116 were filed with the original complaint,
6 and 54 more with the additional pleadings. Further, these exhibits show that I have
7 gone above and beyond to obliterate the erroneous ruling stating I failed to state a
8 claim in which I could be granted remedy. This is a ridiculous ruling as just the
9 **first 4 exhibits and complaint filed on 8/4/23** do this. Additionally, the court
10 orders I was granted Exhibit 72, clearly overcome a *Rule 12(B)(5)* as the
11 Respondents are on video breaking the court orders (Exhibit 23-24), and NRS
12 laws, the **Original Complaint filed on 8/4/23, on pages 15-16, viii**, show with
13 zero doubt that court or this court could have, and can, simply enjoin the
14 respondents to follow the law going forward. Again this one fact, easily overcomes
15 the erroneous *Rule 12(b)(5)* dismissal. The Exhibits are not rogue, exhibits 1-3, and
16 109 were filed with the original complaint on 8/4/23, on 8/9/23 the rest of the 116
17 exhibits were filed, that were shown on exhibit 109, filed with the original
18 complaint on 8/4/23. Many of these 1-116 exhibits easily overcome a *Rule*
19 *12(B)(5)* dismissal and the dates of filings and what were filed show to anyone
20 who looks they were not and are not rogue exhibits.
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1 **6. Error NVSC, The Respondents Do Have A Duty To Respond**

2 As stated in section 1 above, I went through and followed *NAC 293.025* and *NRS*
3 *293.407*. I exhausted all administrative avenues prior to filing my complaint in
4 Washoe D2 Court. So, if the Secretary of State, the Washoe County ROV, the
5 Respondents who run our elections have no duty to respond to my election
6 grievances, who does? If this Court refuses to enjoin them to respond, who will? If
7 this court fails to read the plain language of the US Constitution and of our Nevada
8 Constitution and interpret the duty of these people to redress my grievances in
9 favor of the people it is to protect, like myself, versus the people who are hiding
10 from the crimes they may be committing, like the Respondents, there is no justice
11 in this Court. *Cases Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009, Ex*
12 *parte McCardle, 74 U.S. 506 (1868), Logan v. Zimmerman Brush Co., 455 U.S.*
13 *422 (1982), Herrera v. Collins, 506 U.S. 390 (1993)* all demonstrate this to a large
14 degree.

15 *NRS 293.2546(11)* states, "To have complaints about elections and election
16 contests resolved fairly, accurately, and efficiently." That has never happened;
17 there has been nothing fair, accurate, or efficient in this process, and I certainly
18 was never granted resolution. I jumped through the administrative hoops via *NAC*
19 *293.025* with again no remedy. I brought forth my complaints to the lower court

1 just to have it thrown out erroneously, to then have this court throw out my
2 complaint, all of this is clearly a violation of my NV Constitutional Rights under
3 *Article 1 Section 8* and my 14th Amendment rights via the US Constitution: “*nor*
4 *shall any State deprive any person of life, liberty, or property, without due process*
5 *of law; nor deny to any person within its jurisdiction the equal protection of the*
6 *laws.*”
7

8
9 In the landmark case of *Myers v. Reno Cab Co., Inc.*, 137 Nev. Adv. Op. 36 (July
10 29 2021), the Supreme Court of Nevada emphasized the critical importance of
11 applying precise legal standards to assess employment status, firmly establishing
12 that mere contractual labels are insufficient to bypass statutory and constitutional
13 safeguards. This principle is directly applicable to my situation, where despite the
14 respondents’ attempt to characterize our relationship through contractual terms, the
15 actual dynamics of our interaction and my reliance on their statutory obligations
16 call for a substantive judicial examination. Much like Myers, who pursued all
17 required administrative remedies before approaching the courts, I too methodically
18 fulfilled every procedural requirement, engaging thoroughly with both the
19 Secretary of State and the respondents before seeking judicial recourse. This
20 conscientious adherence underscores the necessity for judicial intervention to
21 uphold accountability. The Nevada Supreme Court's role transcends simple
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1 procedural reviews; it acts as a stalwart guardian of justice, charged with
2 preserving the integrity of both administrative and legal processes, ensuring that
3 public trust is not breached and that individuals like myself are afforded the justice
4 they seek. The court's decisions in *Zgombic v. State* 798 P.2d 548 (1990) and *Clem*
5 *v. State*, 104 Nev. 351, 760 P.2d 103, among others, illustrate its pivotal
6 responsibility to interpret statutory language fairly and judiciously, protecting all
7 citizens from disproportionate or unjust outcomes. In my case, the premature
8 dismissal of my complaint, disregarding my exhaustive pursuit of all available
9 administrative remedies, risks setting a dangerous precedent where public officials
10 can evade accountability, thus undermining the rule of law and contradicting the
11 judiciary's duty to prevent the misapplication of administrative powers. It is
12 therefore crucial for the Supreme Court of Nevada to correct this oversight,
13 reaffirming that no one, especially those in public service, is above the law. The
14 court must assert where administrative mechanisms and self-regulation fail,
15 reinforcing its dedication to equal justice and the strict enforcement of legal
16 standards. This is not merely a procedural necessity but a fundamental imperative
17 to maintain public confidence in the judicial system's capacity to dispense
18 unbiased justice.
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1 **7. Error NVSC, There are Numerous Claims Remedy Can Be Granted On**

2 There are multiple claims in the **original complaint** as drafted that do not warrant
3 dismissal, pursuant to NRCP Rule 12(b)(5). I will highlight a few examples of
4 specific claims that survive.
5

6
7 **The Original Complaint filed on 8/4/23**, as drafted, and the exhibits that
8 accompanied and were referenced therein should not have been dismissed on their
9 face pursuant to *NRCP Rule 12(b)(5)* for the reasons set forth below, and in this
10 petition. The plain language of the **complaint** and accompanying exhibits starting
11 with Exhibit 109 submitted with the **Original Complaint on 8/4/23**, are in
12 accordance with *NRCP Rule 8(a)(2)*. Exhibit 109 lists dozens of allegations
13 corroborated by the **8/4/23 submitted Exhibits 1-3** and further evidenced by the
14 116 additional exhibits also referenced in Exhibit 109. Example, Exhibit 3 contains
15 affidavits from Washoe County Election Workers and observers, stating that the
16 Respondents failed to perform signature verification required by law. These
17 witnesses, under penalty of perjury, declared they were either instructed by the
18 ROV to disregard lawful signature verification procedures or observed others
19 doing so. All witnesses have agreed to be cross-examined in court in addition to
20 their affidavits. Another simple example is Exhibit 72 which are valid court orders
21 that the defendants broke, on video, shown in exhibits 23-24, all of which was
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1 originally plead in the **original filing on 8/4/23** in Exhibit 109. In my Original
2 Complaint it very clearly lists 2 causes of action, on page 12 paragraph 80 it states:

3 *“In addition, Defendants have failed to address, correct, or rectify the issues*
4 *raised in the underlying Petitions, including but not limited to, (1) updating and*
5 *resolving the voter registration lists; (2) providing proper vote counting*
6 *mechanisms; (3) counting votes in secret; (4) inadequate signature verification;*
7 *(5) illegal function within the election system; (6) violations of election*
8 *procedures as required under Nevada law. [Exhibit 109]. Plaintiff seeks an*

9 *injunction regarding the foregoing.”* Further, the 8/4/23 Original Complaint states
10 on page 11, paragraph 70, *“Defendants, and each of them, have a duty to uphold*
11 *Plaintiff’s constitutional rights.”* The respondents, each of them swore an oath to
12 defend and uphold our constitution, by breaking the law, not redressing my
13 grievances, they have harmed me in which this court can grant me remedy as **per**
14 **pages 15-16 of the Original Complaint vii**, where it states, *“Enjoin Defendants*

15 *from their continued violations of the following NRSs and strictly comply with NRS*
16 *293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.740, NRS*
17 *293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS*
18 *293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354,*
19 *NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927(4)(b), NRS*
20 *293.277(3), NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS*

1 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec. 1A § 1(b)” 8/4/23 filed

2 **Exhibit 109** states they broke my court orders and counted our votes in secret. A
3 complete disregard of my court orders Exhibit 72. In these clear examples, this
4 court has the duty to reverse its ruling and the ruling of the lower court as
5 numerous remedies are available to me. At a minimum, all this court or lower court
6 had to do was simply Enjoin the Respondents to follow the law!
7

8
9 NRCP Rule 12(b)(5) states, “failure to state a claim upon which relief can be
10 granted.”
11

12 NRCP Rule 8(a)(2) states, “a short and plain statement of the claim showing that
13 the pleader is entitled to relief.”
14

15 In just these quick examples shown in my **Original Complaint**, and its attached
16 exhibits, I overcome the *NRCP Rule 12(b)(5)* dismissal and adhered to *Rule*
17 *8(a)(2)*.
18

19
20 There is no legitimate reason why my **Original Complaint** does not overcome a
21 *NRCP Rule 12(b)(5)* motion based on the examples above. If this court says the
22 respondents have no duty to answer me, I urge you to read section six above. If the
23 respondents, who are conducting the elections, have no duty to follow the law or
24 face consequences for breaking it, then what is the use of having courts in Nevada
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1 if they won't distribute law and justice equally amongst all who live under it? An
2 example of the necessity of this court's role to grant my petition is *Oregon v.*
3 *Mitchell*, 400 U.S. 112 1970, the Supreme Court upheld key provisions of the 1970
4 Voting Rights Act amendments, emphasizing the judiciary's vital role in enforcing
5 laws that ensure fair electoral processes. This case underscores the necessity of
6 judicial oversight in maintaining the integrity of elections and adherence to
7 constitutional standards. Our case similarly requires such judicial intervention to
8 uphold the legality and fairness of election administration.
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12 In the case of *Jason A. Crowe v. McCarthy & Holthus, LLP et al*, the United States
13 District Court for the District of Nevada meticulously outlined the legal standards
14 for amending complaints and the dismissal of cases that fail to state a claim under
15 *Rule 12(b)(6)* or do not meet the pleading requirements of Rule 8. This framework
16 is crucial when comparing it to my case, where numerous well-documented
17 allegations conform to the requirements of *NRCP Rule 12(b)(5)* for stating a claim
18 upon which relief can be granted, and *Rule 8(a)(2)*, which demands a clear and
19 concise statement of claims showing entitlement to relief. My **Original**
20 **Complaint**, backed by a wealth of evidence and detailed in multiple exhibits,
21 points to systematic violations of legal procedures and rights, each potentially
22 grounding separate claims for relief.
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1 In Crowe's scenario, failure to procedurally conform to court rules resulted in
2 dismissal; however, his opportunity to amend was also curtailed by these failures.

3 In contrast, my complaint presents a situation where, even if some claims might be
4 dismissed as in Crowe's case, the multitude of other claims—each substantiated by
5 specific allegations and evidence—provides an absolute need for the case to
6 proceed. This not only underscores the necessity of the court's oversight in
7 ensuring that each claim is individually assessed for its merit but also illustrates
8 that even a single viable claim can suffice to sustain an action. Therefore, the
9 principles laid out in Crowe's dismissal should justify a reevaluation of my case,
10 emphasizing that the presence of multiple claims, if even one is actionable,
11 mandates the continuation of legal proceedings to ensure justice and the proper
12 application of the law. This is integral to uphold the judicial responsibility to
13 distribute law and justice equitably, adhering to the established legal standards and
14 principles, thereby safeguarding the procedural rights of individuals against
15 arbitrary dismissals.

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21 **8. Error NVSC, NRS 283.440 Does Apply**

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23 In **Cause Two** of my **Original Complaint**, I state the Respondents need to be
24 removed from office under *NRS 283.440*. *NRS 266.430* was listed as another
25 option; however, *NRS 283.440* does apply, and the entire cause of action must not
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1 be thrown out simply because I listed two means by which removal can be granted,
2 even if only one means is available to me as a citizen. The Respondents at the time
3 of my **Original Complaint** all held public office. *NRS 283.440(1)* states, “*Any*
4 *person who is now holding or who shall hereafter hold any office in this State and*
5 *who refuses or neglects to perform any official act in the manner and form*
6 *prescribed by law, or who is guilty of any malpractice or malfeasance in office,*
7 *may be removed therefrom as hereinafter prescribed in this section.”* That means
8
9 ANY PERSON holding office can be removed from it; the Respondents all fit the
10 positions from which they can be removed. This is demonstrated in *Mason v.*
11 *Gammick, No. 71691 (Nev. App. June 26, 2017), Charles A. Muth v. Robert Loux,*
12 *No. 2008 WL 6498697 (Nev. Dist. Ct., First Judicial Dist., Carson City County,*
13 *Trial Order).* The defense acknowledges I have the authority to remove the
14 respondents from office via *NRS 283.440*, citing *Madsen v. Brown, 701 P.2d 1086,*
15 *1093 (Utah 1985)* in their *Motion to Dismiss, page 11, lines 5-15.*
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20 Exhibit 109, originally filed on 8/4/23, with my Original Complaint shows
21 numerous allegations in which the respondents committed malpractice or
22 malfeasance, further backed by proof Exhibit 109 points to. Breaking election
23 laws, court orders, etc. as shown in the exhibits filed at the same time as the
24 original complaint, all justify removal from office. It's insane to allow public
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1 officials to break laws at will, with no potential for legal repercussions or removal
2 from office. The *NRCP Rule 12(b)(5)* dismissal must be overturned for this second
3 cause of action in my **Original Complaint**, and a trial must be held to weigh the
4 evidence of the respondents' guilt and potential for removal from office. At a
5 minimum, leave to amend must be granted.
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7 8 **9. Error NVSC, Change Of Venue VS Jury Trial**

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10 I won't rehash all the reasons in which I should be granted a change of venue; the
11 evidence is and was clear and convincing. Simply reading my motions, and
12 pleadings to change venue paints a clear picture as to how I wouldn't receive a fair
13 hearing in Russell's courtroom, and as Judge Russell's ruling proved me right. The
14 laughable metric Judge Russell used to deny my motion to change venue was he
15 stated he didn't know who I was, so he would not change the venue. See *Official*
16 *Transcript, Exhibit 163, page 13, lines 12-24, and page 14, lines 1-6*. I don't
17 believe he was telling the truth, as several people have come forward and told me
18 he absolutely knew who I was prior to his erroneous ruling. If he wouldn't, and
19 you won't change the venue to an unbiased court, then you must uphold my
20 constitutionally enshrined rights and grant me a jury trial in District 1, Carson City
21 court for the citizens themselves to weigh the evidence. Per *NRCP Rules 38-*
22 *39*, additionally the constitution grants me these rights under *The NV Constitution*
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1 Article 1 Section 3: “The right of trial by Jury shall be secured to all and remain
2 inviolate forever; but a Jury trial may be waived by the parties in all civil cases in
3 the manner to be prescribed by law; and in civil cases, if three-fourths of the
4 Jurors agree upon a verdict it shall stand and have the same force and effect as a
5 verdict by the whole Jury...” I did not waive my right to a Jury Trial, my
6 complaint, evidence and exhibits overcome a *Rule 12(b)(5)* dismissal, if I am not
7 granted a change of venue, then I demand my right to a Jury Trial be granted in
8 Carson City D1 Court as per the Constitution entitles me. Additionally,
9 *Roethlisberger v. McNulty, 127 Nev. Adv. Op. No. 48, 54774 (2011), 256 P.3d 955,*
10 *127 Nev. Adv. Op. 48 (Nev. 2011)* shows that even if a motion to change venue is
11 denied, the case still goes forward in the original court where the motion to change
12 venue was filed.
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17 **10. Error NVSC, Leave to Amend or Errors Not Granted**

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19 “In the absence of any apparent or declared reason—such as undue delay, bad
20 faith, or dilatory motive on the part of the movant—the leave sought should be
21 freely given.” This is demonstrated in *Stephens v. S. Nev. Music Co. in the Nevada*
22 *Supreme Court, in DeSoto v. Yellow Freight Sys., Inc., 957 F.2d 655, 658 (9th Cir.*
23 *1992)*, as well as *Nutton v. Sunset Station, Inc., Court of Appeals of Nevada, June*
24 *11, 2015, 131 Nev. 279, 357 P.3d 966,* and *NRCP Rule 15.*
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1 Further, if I made any errors, the law states, “*at every stage of the proceeding, the*
2 *court must disregard all errors and defects that do not affect any party’s*
3 *substantial rights.*” This is demonstrated in:

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5 NRCP Rule 61, *Paterson v. Condos*, 30 P.2d 283 (Nev. 1934), *Sweeney v. Schultes*,

6
7 NRCP 8(e) and *S. Nev. Adult Mental Health Servs. v. Brown*.

8
9 Lastly, the NRCP, like the FRCP, requires the district court to construe pleadings
10 in favor of, not against, the person pleading them. See *Charles Alan Wright &*
11 *Arthur R. Miller, Federal Practice and Procedure: Civil § 1286, at 747-48 (3d ed.*
12 *2004).*

13
14
15 I drafted and filed all of these pleadings myself. If I made a mistake, or needed to
16 amend a pleading for it to survive, it should have been granted, not dismissed with
17 prejudice. Additionally, my case and pleadings should be construed in my favor,
18 not the defense's. What's seriously saddening is the defense is paid for by my tax
19 dollars, and my dollars are used to protect the very people I allege are harming
20 myself and citizens. It is incumbent upon this Court to overturn Russell's ruling.
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1 **11. Conclusion**

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3 The request for a rehearing is driven by a critical need for justice and adherence to
4 legal integrity, both egregiously overlooked in the prior rulings. This isn't merely
5 procedural; it's about ensuring justice, equity, and the proper application of law as
6 mandated by our constitutions.
7

8 I've provided substantial evidence, including affidavits and statutory references,
9 proving breaches of duty and malfeasance by the Respondents that directly violate
10 *NRS 283.440*. Notably, I fully exhausted all administrative remedies under *NAC*
11 *293.025*, firmly adhering to *NRCP Rule 8(a)(2)*, and easily overcoming an *NRCP*
12 *Rule 12(b)(5)* dismissal. This court and the lower court's dismissal on procedural
13 grounds unjustly ignored these merits, depriving me of my fundamental right to a
14 fair trial and undermining judicial integrity. Even if for the sake of argument I still
15 didn't plea my complaint properly it is the duty of this court to grant me leave to
16 amend my complaint.
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21 This procedural oversight sets a dangerous precedent that threatens the due process
22 rights guaranteed by our constitutions. Judicial responsibility demands that claims,
23 especially those involving public officials and electoral integrity, are thoroughly
24 examined and impartially adjudicated. The requested rehearing must be granted;
25 it's imperative this court corrects these overt errors by overturning the dismissal
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27

1 for a comprehensive reevaluation of my claims and to remedy the procedural errors
2 that led to the initial dismissal, thus granting me justice and preventing future
3 judicial failures.

4
5 Granting this rehearing is essential to uphold the judiciary's role in enforcing the
6 law impartially, ensuring no individual, particularly those in public service, can
7 sidestep legal accountability. This Court must affirm its commitment to justice and
8 the meticulous application of the law, restoring public trust in the judicial process.

9
10 My case must go forward as implied in *New York Times Co. v. United States*
11 (*1971*) for the benefit of the public. This is a demand for justice and accountability
12 at the highest echelons of our legal system.

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14
15 You now have a chance to show Nevada, other lawyers, and the people, that the
16 Nevada Supreme Court is not a political machine that has been corrupted but is a
17 legitimate failsafe to prevent the perversion of our laws and courts and ensure
18 equal due process and justice for all. **We will now wait and see which this court**
19 **is or has become, the Supreme Court of Justice or the Supreme Court of**
20 **Injustice.**

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24 Respectfully submitted,

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26 By: _____