

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

LAS VEGAS REVIEW-JOURNAL,  
Appellant,

v.

CITY OF HENDERSON,  
Appellee.

No. 73287

DOCKETING STATEMENT  
CIVIL APPEALS

Electronically Filed  
Jul 11 2017 09:16 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

Revised December 2015

1. Judicial District Eighth Department XVIII  
County Clark Judge Honorable Charles Thompson  
District Ct. Case No. A-16-747289-W

**2. Attorney filing this docketing statement:**

Attorneys Margaret A. McLetchie and Alina M. Shell Telephone 702-728-5300

Firm McLetchie Shell, LLC; 701 E. Bridger Ave., Suite 520; Las Vegas, Nevada 89101

Address

Client(s) Las Vegas Review-Journal

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney Josh Reid Telephone 702-267-1200

Firm City of Henderson; 240 Water Street, MSC 144; Henderson, Nevada 89015

Address

Client(s) City of Henderson

Attorney Dennis Kennedy Telephone 702-562-8820

Firm Bailey Kennedy; 8984 Spanish Ridge Ave.; Las Vegas, Nevada 89148-1302

Address

Client(s) City of Henderson

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |                                                             |                                                                                        |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <input type="checkbox"/> Judgment after bench trial         | <input type="checkbox"/> Dismissal:                                                    |
| <input type="checkbox"/> Judgment after jury verdict        | <input type="checkbox"/> Lack of jurisdiction                                          |
| <input type="checkbox"/> Summary judgment                   | <input type="checkbox"/> Failure to state a claim                                      |
| <input type="checkbox"/> Default judgment                   | <input type="checkbox"/> Failure to prosecute                                          |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief  | <input type="checkbox"/> Other (specify): _____                                        |
| <input type="checkbox"/> Grant/Denial of injunction         | <input type="checkbox"/> Divorce Decree:                                               |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification                |
| <input type="checkbox"/> Review of agency determination     | <input checked="" type="checkbox"/> Other disposition (specify): <u>Denial of Writ</u> |

**5. Does this appeal raise issues concerning any of the following?** n/a.

- ☐ Child Custody  
☐ Venue  
☐ Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Counsel is not aware of any pending or prior proceedings.

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

An application for fees in the district court in this matter is still pending.

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

This appeal seeks review of the district court's denial of Appellant the Las Vegas Review-Journal's ("Review Journal") petition for a writ of mandamus submitted pursuant to Nev. Rev. Stat. § 239.011(2) after Respondent City of Henderson ("Henderson") declined to produce certain public records unless the Review-Journal paid Henderson \$5,787.89 just to perform a privilege review of the records to determine whether the requested records could be released.

On or about October 4, 2016, the Review-Journal submitted a public records request to Henderson pursuant to the Nevada Public Records Act ("NPRA"), Nev. Rev. Stat. § 239.001 et seq., seeking certain documents pertaining to the public relations/communications firm Trooper Communications and its principal, Elizabeth Trooper. At the time of the request, Trooper Communications had a contract with Henderson, and had also assisted with the campaigns of elected officials in Henderson.

In response to the Review-Journal's request, on October 11, 2016, Henderson indicated it required additional time to search for responsive documents but that, due to the time required to review the documents for privilege and confidentiality, it intended to charge the Review-Journal \$5,787.89 for extraordinary use of Henderson personnel, citing Nev. Rev. Stat. § 239.052, Henderson Municipal Code 2.47.085, and Henderson's public records policy. Henderson demanded a deposit of \$2,893.94 to continue its search for responsive documents. NPRA does not allow for fees to be charged for a governmental entity's privilege review. The only fees permitted are set forth in Nev. Rev. Stat. §§ 239.052 and 239.055(1). Moreover, Nev. Rev. Stat. § 239.055(1) dictates that a governmental entity may not charge in excess of 50 cents per page for extraordinary use of personnel, and it was unclear Henderson would ever produce the records.

On November 29, 2016, the Review-Journal filed a petition for writ of mandamus pursuant to Nev. Rev. Stat. § 239.011. The Review-Journal also sought declaratory and injunctive relief to address the rights of the parties and applicability of Henderson Municipal Code 2.47.085 and Henderson's Public Records Policy. As an interim solution to allow access while the matter was being litigated, the parties agreed that Henderson would allow a reporter to review the records pursuant to Nev. Rev. Stat. § 239.011, but Henderson continued to refuse to provide copies pursuant to Nev. Rev. Stat. § 239.055. Subsequently, Henderson produced a log of records it would not make available for inspection or copying. The Review-Journal subsequently amended its petition to address the log, which failed to provide sufficient legal or factual bases for withholding or redacting other records.

After briefing, and upon request from the court at the hearing on the Review-Journal's amended petition, Henderson finally agreed to provide copies of some of the requested records in electronic form. The district court subsequently entered an order denying the petition and the Review-Journal's request for injunctive and declaratory relief.

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. Whether the Nevada Public Records Act ("NPRA") prohibits a governmental entity from charging a fee for conducting a privilege review of public records.
2. Whether a request for copies under the NPRA can be deemed moot where the parties agree to inspection of the records as a temporary solution while litigation regarding access to the copies is ongoing.
3. Whether the district court erred in denying the Las Vegas Review-Journal's petition requesting copies of records pursuant to Nev. Rev. Stat. § 239.011 where Henderson only agreed to provide copies upon request from the district court at hearing on the matter.
4. Whether Henderson Municipal Code 2.47.085 and Henderson's public records policy violate the Nevada Public Records Act by permitting Henderson to charge a fee for the extraordinary use of personnel or technological resources in responding to public records requests that exceeds the 50 cents per page limit set by Nev. Rev. Stat. § 239.055.

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

Counsel is not aware of any related proceedings.

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

This appeal presents important questions of public policy and a substantial issue of first impression regarding access to public records and the City of Henderson's practice of charging requestors a fee for conducting a privilege review of public records, as well as its code and policy of charging requestors a fee for the extraordinary use of personnel or technological resources in responding to public records requests that exceeds the 50 cents per page limit set by Nev. Rev. Stat. § 239.055.

**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This case is presumptively retained by the Supreme Court pursuant to NRAP 17(a)(14) because it raises as a principal issue a question of statewide public importance regarding the district court's interpretation of the Nevada Public Records Act ("NPRA"), NRS 239.001 et seq. This case also raises questions of statewide public importance about the City of Henderson's code policy, and, practice requiring a fee for its privilege review of public records requested under the NPRA, as well of its policy of charging a fee for the extraordinary use of personnel or technological resources in responding to public records requests that exceeds the 50 cents per page limit set by Nev. Rev. Stat. § 239.055.

Additionally, this matter is not one that would be presumptively assigned to the Court of Appeals under NRAP 17(b).

**14. Trial.** If this action proceeded to trial, how many days did the trial last? n/a

Was it a bench or jury trial? n/a

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

n/a.

## TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from May 15, 2017

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served May 15, 2017

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59) n/a.

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b)      Date of filing \_\_\_\_\_

☐ NRCP 52(b)      Date of filing \_\_\_\_\_

☐ NRCP 59      Date of filing \_\_\_\_\_

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

☐ Delivery

☐ Mail

**19. Date notice of appeal filed** May 9, 2017

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a)(1)

### **SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

☒ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☐ Other (specify) \_\_\_\_\_

(b) Explain how each authority provides a basis for appeal from the judgment or order:

The district court's Order denying the Las Vegas Review-Journal's petition for writ of mandamus was a final judgment under NRAP 3A(b)(1) because it disposed of all claims in this case.

**22. List all parties involved in the action or consolidated actions in the district court:**

**(a) Parties:**

Las Vegas Review-Journal  
Petitioner

City of Henderson  
Respondent

**(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g., formally dismissed, not served, or other:**

n/a

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

Public records request under Nev. Rev. Stat. § 239.011. The date of the final disposition was May 15, 2017.

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

☐ Yes

☒ No

**25. If you answered "No" to question 24, complete the following:**

**(a) Specify the claims remaining pending below:**

Attorney fee application.

(b) Specify the parties remaining below:

n/a.

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

n/a.

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

n/a.

☐ Yes

☐ No

**26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

n/a.

**27. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

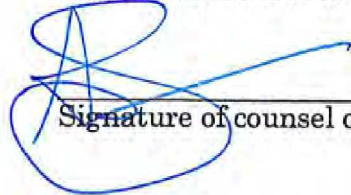
## VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Las Vegas Review-Journal  
Name of appellant

Alina M. Shell  
Name of counsel of record

July 10, 2017  
Date

  
Signature of counsel of record

State of Nevada; County of Clark  
State and county where signed

## CERTIFICATE OF SERVICE

I certify that on the 10th day of July, 2017, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

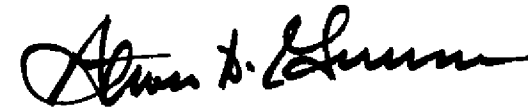
Josh Reid, City Attorney  
City of Henderson  
240 Water Street, MSC 144  
Henderson, NV 89015

James J. Jimmerson, Settlement Judge  
415 S. Sixth St. #100  
Las Vegas, NV 89101

Dennis Kennedy  
Bailey Kennedy  
8984 Spanish Ridge Ave.  
Las Vegas, NV 89148-1302

Dated this 10th day of July, 2017.

  
Signature



CLERK OF THE COURT

PET

MARGARET A. MCLEITCHIE, Nevada Bar No. 10931

ALINA M. SHELL, Nevada Bar No. 11711

MCLEITCHIE SHELL LLC

701 East Bridger Avenue, Suite. 520

Las Vegas, NV 89101

Telephone: (702)-728-5300

Email: alina@nvlitigation.com

*Counsel for Petitioner*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

LAS VEGAS REVIEW-JOURNAL,

Petitioner,

vs.

CITY OF HENDERSON,

Respondent.

Case No.: A-16-747289-W

Dept. No.: XVIII

**AMENDED PUBLIC RECORDS  
ACT APPLICATION PURSUANT  
TO NRS § 239.001/ PETITION FOR  
WRIT OF MANDAMUS/  
APPLICATION FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

**EXPEDITED MATTER PURSUANT  
TO NEV. REV. STAT. § 239.011**

COMES NOW Petitioner the Las Vegas Review-Journal (the "Review-Journal"), by and through its undersigned counsel, and hereby brings this Amended Application Pursuant to Nev. Rev. Stat. § 239.011, Petition for Writ of Mandamus, and Application for Declaratory and Injunctive Relief ("Amended Petition"), ordering the City of Henderson to provide Petitioner access to public records, and providing for declaratory and injunctive relief. Petitioner also requests an award for all fees and costs associated with its efforts to obtain withheld and/or improperly redacted public records as provided for by Nev. Rev. Stat. § 239.011(2). Further, the Review-Journal respectfully asks that this matter be expedited pursuant to Nev. Rev. Stat. § 239.011(2).

///

///

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Petitioner hereby alleges as follows:

**NATURE OF ACTION**

1. Petitioner brings this application for relief with regards to Henderson’s failure to comply with Nevada’s Public Records Act pursuant to Nev. Rev. Stat. § 239.011. *See also Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 884, 266 P.3d 623, 630, n.4 (2011).

2. Petitioner also brings this application for declaratory relief pursuant to Nev. Rev. Stat. § 30.30, § 30.070, and § 30.100.

3. Petitioner also requests injunctive relief pursuant to Nev. Rev. Stat. § 33.010.

4. The Review Journal’s application to this court is the proper means to secure Henderson’s compliance with the Nevada Public Records Act. *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 884, 266 P.3d 623, 630 n.4 (2011); *see also DR Partners v. Bd. Of Cty. Comm’rs of Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) (citing *Donrey of Nevada v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990)) (a writ of mandamus is the appropriate procedural mechanism through which to compel compliance with a request issued pursuant to the NPRA); *see also* Nev. Rev. Stat. § 34.160, § 34.170.

5. Petitioner is entitled to an expedited hearing on this matter pursuant to Nev. Rev. Stat. § 239.011, which mandates that “the court shall give this matter priority over other civil matters to which priority is not given by other statutes.”

**PARTIES**

6. Petitioner, the Review-Journal, a daily newspaper, is the largest newspaper in Nevada. It is based at 1111 W. Bonanza Road, Las Vegas, Nevada 89125.

7. Respondent City of Henderson (“Henderson”) is an incorporated city in the County of Clark, Nevada. Henderson is subject to the Nevada State Public Records Act pursuant to Nev. Rev. Stat. § 239.005(b).

///  
///

## JURISDICTION AND VENUE

**ATTORNEYS AT LAW**  
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## JURISDICTION AND VENUE

8. This Court has jurisdiction pursuant to Nev. Rev. Stat. § 239.011, as the court of Clark County where all relevant public records sought are held.

9. Venue is proper in the Eighth Judicial District Court of Nevada pursuant to Nev. Rev. Stat. § 239.011. All parties and all relevant actions to this matter were and are in Clark County, Nevada.

10. This court also has jurisdiction and the power to issue declaratory relief pursuant to Nev. Rev. Stat. § 30.030, which provides in pertinent part that “[c]ourts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed...”

## STANDING

11. Petitioner has standing to pursue this expedited action pursuant to Nev. Rev. Stat. § 239.010 because public records it has requested from Henderson have been unjustifiably withheld and Henderson is improperly attempting to charge fees for the collection and review of potentially responsive documents, which is not permitted by law.

## FACTS

12. On or around October 4, 2016, the Las Vegas Review-Journal sent Henderson a request pursuant to the Nevada Public Records Act, Nev. Rev. Stat. § 239.001 *et seq.* (the “NPRA”) seeking certain documents dated from January 1, 2016 pertaining to Trosper Communications and its principal, Elizabeth Trosper (the “Request”). A true and correct copy of the Request is attached as Exhibit 1. The request was directed to Henderson’s Chief Information Officer and the Director of Intergovernmental Relations. (*See* Exh. 1.)

13. Trosper Communications is a communications firm that has a contract with the City of Henderson and also has assisted with the campaigns of elected officials in Henderson.

14. On October 11, 2016, Henderson provided a partial response (“Response”), a true and correct copy of which is attached as Exhibit 2.

15. This Response fails to provide timely notice regarding any specific

1 confidentiality or privilege claim that would limit Henderson in producing (or otherwise  
2 making available) all responsive documents.

3 16. Instead, in its Response, Henderson indicated that it was “in  
4 process of searching for and gathering responsive e-mails and other documents,” but that  
5 “[d]ue to the high number of potentially responsive documents that meet your search criteria  
6 (we have approximately 5,566 emails alone) and the time required to review them for  
7 privilege and confidentiality, we estimate that your request will be completed in three weeks  
8 from the date we commence our review.” (Exh. 2.)

9 17. In addition to stating that it would need additional time, Henderson  
10 demanded payment of almost \$6,000.00 to continue its review. It explained the basis of the  
11 demand as follows:

12 The documents you have requested will require extraordinary research and  
13 use of City personnel. Accordingly, pursuant to NRS 239.052, NRS  
14 239.055, and Henderson Municipal Code 2.47.085, **we estimate that the**  
15 **total fee to complete your request will be \$5,787.89.** This is calculated  
16 by averaging the actual **hourly rate of the two Assistant City Attorneys**  
17 who will be undertaking the review of potentially responsive documents  
18 (\$77.99) and multiplying that rate by the total number of hours it is  
estimated it will take to **review the emails and other documents**  
(approximately 5,566 emails divided by 75 emails per hour equals 74.21  
hours).

19 (Exh. 2 (emphasis added).)

20 18. Thus, Henderson has improperly demanded that the Review-  
21 Journal pay its assistant city attorneys to review documents to determine whether they could  
22 even be released. The Response made clear that Henderson would not continue searching  
23 for responsive documents and reviewing them for privilege without payment, and demanded  
24 a “deposit” of \$2,893.94, explaining that this was its policy:

25 Under the City’s Public Records Policy, a fifty percent deposit of fees is  
26 required before we can start our review. Therefore, please submit a check  
27 payable to the City of Henderson in the amount of \$2,893.94. **Once the City**  
**receives the deposit, we will begin processing your request.**

28 (*Id.* (emphasis added).)

1                   19.     A copy of Henderson’s Public Records Policy (the “Policy”),  
2 available online through Henderson’s official city website, is attached as Exhibit 3. Part V  
3 of that policy, Henderson charges fees for any time spent in excess of thirty minutes “by  
4 City staff or any City contractor” to review the requested records “in order to determine  
5 whether any requested records are exempt from disclosure, to segregate exempt records, to  
6 supervise the requestor’s inspection of original documents, to copy records, to certify  
7 records as true copies and to send records by special or overnight methods such as express  
8 mail or overnight delivery.” (Exh. 3 at p. 3.)

9                   20.     Henderson informed the Review-Journal that it would not release  
10 any records until the total final fee was paid. The Response also states:

11                   When your request is completed, we will notify you and, once the remained  
12 [sic] of the fee is received, the records and any privilege log will be released  
13 to you.

14 (*Id.*)

15                   21.     Even if the NPRA allowed for fees in this case, which it does not,  
16 the fee calculation used by Henderson is inconsistent with the statute on which it relies, which  
17 caps fees at fifty (50) cents a page. *See Nev. Rev. Stat. § 239.055(1).*

18                   22.     The Review-Journal is in an untenable position. Henderson has  
19 demanded a huge sum just to meaningfully respond to the Request, and has made clear that  
20 it may not even provide the Review-Journal with the documents it was seeking. Thus,  
21 Henderson has demanded Review-Journal to pay for review of documents it may never  
22 receive, without even knowing the extent to which Henderson would fulfill its request and  
23 actually comply with the NPRA.

24                   23.     Henderson’s practice of charging impermissible fees deters NPRA  
25 requests from Review-Journal reporters.

26                   24.     On November 29, 2016, after an informal effort to resolve this  
27 dispute with Henderson failed, the Review-Journal initiated this action and filed a Petition  
28 for Writ of Mandamus with this Court.

1                   25. Subsequently, counsel for the Review-Journal and attorneys from  
2 the City Attorneys' Office conferred extensively regarding the Review-Journal's NPRA  
3 request.

4                   26. On December 20, 2016, Henderson provided the Review-Journal  
5 with an initial log of documents it was redacting or withholding. (A true and correct copy  
6 attached as Exh. 4.)

7                   27. Henderson also agreed to make the requested documents available  
8 for inspection free of charge. The subsequent inspection by Review-Journal reporter Natalie  
9 Bruzda took place on over the course of several days.

10                  28. After requests from the undersigned, Henderson provided an  
11 additional privilege log on January 9, 2017. (A true and correct copy attached as Exh. 5) In  
12 that log, Henderson provided a description of the documents being withheld or redacted,  
13 and the putative basis authority for withholding or redaction. (*Id.*) The log also indicated  
14 who sent and received the emails responsive to the NPRA request, but in instances where  
15 the sender or recipient was a city attorney or legal staff, the log did not identify the attorney  
16 or staff person. (*Id.*)

17                  29. Undersigned counsel for the Review-Journal, after reviewing the  
18 privilege log provided on January 9, 2017, asked Henderson to revise its log to include the  
19 names of the attorneys and legal staff, and to also include the identities of all recipients of  
20 the communications.

21                  30. On January 10, 2017, Henderson provided the Review-Journal with  
22 a revised privilege log (the "Revised Log", a true and correct copy attached as Exh. 6), as  
23 well as a number of redacted documents corresponding to the log (True and correct copies  
24 attached as Exh. 7). In the Revised Log, Henderson included a description of the senders  
25 and recipients of withheld or redacted documents. As discussed below, however,  
26 Henderson's stated reasons for withholding or redacting the documents requested by the  
27 Review-Journal are insufficient or inappropriate.

28                  ///

## LEGAL AUTHORITY

### General

31. The NPRA reflects that records of governmental entities belong to the public in Nevada. Nev. Rev. Stat. § 239.010(1) mandates that, unless a record is confidential, “all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied...” The NPRA reflects specific legislative findings and declarations that “[its purpose is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law” and that it provisions “must be construed liberally to carry out this important purpose.”

### Fees

32. The NPRA does not allow for fees to be charged for a governmental entity’s privilege review.

33. The only fees permitted are set forth in Nev. Rev. Stat. § 239.052 and Nev. Rev. Stat. § 239.055(1).

34. Nev. Rev. Stat. § 239.052(1) provides that “a governmental entity may charge a fee for providing a **copy** of a public record.” (Emphasis added.)

35. Nev. Rev. Stat. § 239.055(1), the provision Henderson is relying on for its demand for fees, does allow for fees for “extraordinary use, but it limits its application to extraordinary circumstances and caps fees at 50 cents per page.” It provides that “... if a request for a copy of a public record would require a governmental entity to make extraordinary use of its personnel or technological resources, the governmental entity may, in addition to any other fee authorized pursuant to this chapter, **charge a fee not to exceed 50 cents per page** for such extraordinary use....”

36. Interpreting Nev. Rev. Stat. § 239.055 to limit public access by requiring requesters to pay public entities for undertaking a review for responsive documents and confidentiality would be inconsistent with the plain terms of the statute and with the mandate to interpret the NPRA broadly.

1           37. Further, allowing a public entity to charge a requester for legal fees  
2 associated with reviewing for confidentiality is impermissible because “[t]he public official  
3 or agency bears the burden of establishing the existence of privilege based upon  
4 confidentiality.” *DR Partners v. Bd. of Cty. Comm’rs of Clark Cty.*, 116 Nev. 616, 621, 6  
5 P.3d 465, 468 (2000).

6           38. Even if Respondent could, as it has asserted, charge for its privilege  
7 review as “extraordinary use,” such fees would be capped at 50 cents per page. Nev. Rev.  
8 Stat. § 239.055(1).

9           39. Henderson Municipal Code 2.47.085 indicates that if a public  
10 records request requires “extraordinary use of personnel or technology,” Henderson charges  
11 \$19.38 to \$83.15 per hour (charged at the actual hourly rate of the position(s) required to  
12 conduct research. *See* HMC § 2.47.085. This conflicts with the NPRA’s provision that a  
13 governmental entity may only “charge a fee not to exceed 50 cents per page” for  
14 “extraordinary use of its personnel or technological resources.” Nev. Rev. Stat. §  
15 239.055(1)).

16 **Claims of Confidentiality; Burden to Establish Confidentiality**

17           40. The Supreme Court of Nevada has repeatedly held that a court  
18 considering a claim of confidentiality regarding a public records request starts from “...the  
19 presumption that all government-generated records are open to disclosure.” *Reno*  
20 *Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 880, 266 P.3d 623, 628 (2011); *see also Reno*  
21 *Newspapers, Inc. v. Haley*, 126 Nev. 211, 234 P.3d 922 (2010); *DR Partners v. Board of*  
22 *County Comm’rs*, 116 Nev. 616, 6 P.3d 465 (2000). The Supreme Court of Nevada has  
23 further held that when refusing access to public records on the basis of claimed  
24 confidentiality, a government entity bears the burden of proving “...that its interest in  
25 nondisclosure clearly outweighs the public’s interest in access,” and that the “...state entity  
26 cannot meet this burden with a non-particularized showing, or by expressing a hypothetical  
27 concern.” *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 880 266 P.3d 623, 628.

28           41. The NPRA provides that a governmental entity must provide timely

1 and specific notice if it is denying a request because the entity determines the documents  
2 sought are confidential. Nev. Rev. Stat. § 239.0107(1)(d) states that, within five (5) business  
3 days of receiving a request,

4 [i]f the governmental entity must deny the person's request because the  
5 public book or record, or a part thereof, is confidential, provide to the  
6 person, in writing: (1) Notice of that fact; and (2) A citation to the specific  
7 statute or other legal authority that makes the public book or record, or a  
part thereof, confidential.

8 42. In *Reno Newspapers, Inc. v. Gibbons*, the Nevada Supreme Court  
9 held that a *Vaughn* index is not required when the party that requested the documents has  
10 enough information to fully argue for the inclusion of documents. 127 Nev. 873, 881-82  
11 (Nev. 2011). The Nevada Supreme Court has also held that if a party has enough facts to  
12 present "a full legal argument," a *Vaughn* index is not needed. *Reno Newspapers*, 127 Nev.  
13 at 882. It is important to note that a *Vaughn* index is not required in every NPRA case. *Id.*  
14 However, the Nevada Supreme Court held that a party requesting documents under NPRA  
15 is entitled to a log, unless the state entity demonstrates that the requesting party has enough  
16 facts to argue the claims of confidentiality. *Id.* at 883. A log provided by a state entity should  
17 contain a general factual description of each record and a specific explanation for  
18 nondisclosure. *Id.* In a footnote, the Nevada Supreme Court notes that a log should provide  
19 as much detail as possible, without compromising the alleged secrecy of the documents. *Id.*  
20 at n. 3. Finally, attaching a string cite to a boilerplate denial is not sufficient under the NPRA.  
21 *Id.* at 885.

22 **CLAIM FOR RELIEF: DECLARATORY AND INJUNCTIVE RELIEF**

23 43. Petitioner re-alleges and incorporates by reference each and every  
24 allegation contained in paragraphs 1-42 with the same force and effect as if fully set forth  
25 herein.

26 44. Respondent has violated the letter and the spirit of Nev. Rev. Stat.  
27 § 239.010 by refusing to even determine whether responsive documents exist and whether  
28 they are confidential unless the Las Vegas Review-Journal tenders an exorbitant sum.

1                   45.     The NPRA does not permit the fees Henderson is demanding.

2                   46.     The NPRA permits governmental entities to charge a fee of up to  
3 50 cents per page for “extraordinary use” of personnel or technology to produce copies of  
4 records responsive to a public records request. Nev. Rev. Stat. § 239.055(1). Henderson’s  
5 Public Records Policy, however, requires requesters to pay a fee of up to \$83.15 per hour  
6 just to find responsive records and review them for privilege.

7                   47.     Henderson either does not understand its obligations to comply  
8 with the law or it is intentionally disregarding the plain terms of the NPRA to discourage  
9 reporters from accessing public records.

10                  48.     Henderson is legally obligated to undertake a search and review of  
11 responsive —free of charge—when it receives an NPRA request. It also has the burden of  
12 establishing confidentiality, and is required to provide specific notice of any confidentiality  
13 claims within five days. Yet it has demanded payment for staff time and attempted to  
14 condition its compliance with NPRA on payment of an exorbitant sum.

15                  49.     Henderson demands payment not for providing copies, but simply  
16 for locating documents responsive to a request—*and then for having its attorneys determine*  
17 *whether documents should be withheld*. Not only is this interpretation belied by the plain  
18 terms of the NPRA<sup>1</sup>, requiring a requester to pay a public entity’s attorneys to withhold  
19 documents would be an absurd result. *See S. Nevada Homebuilders Ass’n v. Clark Cty.*, 121  
20 Nev. 446, 449, 117 P.3d 171, 173 (2005) (noting that courts must “interpret provisions  
21 within a common statutory scheme harmoniously with one another in accordance with the  
22 general purpose of those statutes and to avoid unreasonable or absurd results, thereby giving  
23 effect to the Legislature’s intent”) (quotation omitted); *see also Cal. Commercial Enters. v.*  
24 *Amedeo Vegas I, Inc.*, 119 Nev. 143, 145, 67 P.3d 328, 330 (2003) (“When a statute is not  
25 ambiguous, this court has consistently held that we are not empowered to construe the  
26 statute beyond its plain meaning, unless the law as stated would yield an absurd result.”)

27                   <sup>1</sup> *See Sandifer v. U.S. Steel Corp.*, 134 S. Ct. 870, 876 (2014) (“It is a fundamental canon of  
28 statutory construction” that, “unless otherwise defined, words will be interpreted as taking  
their ordinary, contemporary, common meaning.”) (quotation omitted).

1                   50.     Declaratory relief is appropriate to address, *inter alia*, the rights of  
2 the parties and the validity of Henderson Municipal Code 2.47.085 and the Policy. Nev.  
3 Rev. Stat. § 30.030.; *see also* Nev. Rev. Stat. § 30.040; Nev. Rev. Stat. § 30.070, and Nev.  
4 Rev. Stat. § 30.100.

5                   51.     Nev. Rev. Stat. § 33.010 also authorizes this Court to grant  
6 injunctive relief under the following circumstances, which are present in this case:

7                   When it shall appear by the complaint that the plaintiff is entitled to the  
8 relief demanded, and such relief or any part thereof consists in restraining  
9 the commission or continuance of the act complained of, either for a  
10 limited period or perpetually; 2. When it shall appear by the complaint or  
11 affidavit that the commission or continuance of some act, during the  
12 litigation, would produce great or irreparable injury to the plaintiff, and 3.  
13 When it shall appear, during the litigation, that the defendant is doing or  
14 threatens, or is about to do, or is procuring or suffering to be done, some  
15 act in violation of the plaintiff's rights respecting the subject of the action,  
16 and tending to render the judgment ineffectual.

17                   **CLAIM FOR RELIEF: WRIT OF MANDAMUS**

18                   52.     Petitioner re-alleges and incorporates by reference each and every  
19 allegation contained in paragraphs 1-51 with the same force and effect as if fully set forth  
20 herein.

21                   53.     A writ of mandamus is necessary to compel Respondent's  
22 compliance with the NPRA. Henderson is continuing to refuse to make documents available  
23 for either inspection or copying without having met its burden under the NPRA. The  
24 Review-Journal should be provided with the records it has requested regarding Trospen  
25 Communications pursuant to the NPRA. The records sought are subject to disclosure, and  
26 Respondent has not met its burden of establishing otherwise. The Revised Log does not  
27 satisfy Respondent's burden

28                   54.     Thus, a writ of mandate should issue requiring Henderson to make  
the documents available in their entirety and without redactions (other than documents  
which have been redacted to protect personal information, which the Review-Journal does  
not object to). *See Donrey of Nevada v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990)) (a



1           5.       Declaratory relief limiting Henderson to charging fees for  
2 “extraordinary fees, in those circumstances that permit it, to fifty cents per page and limiting  
3 Henderson from demanding fees for attorney review.

4           6.       Reasonable costs and attorney’s fees; and

5           7.       Any further relief the Court deems appropriate.

6  
7           DATED this the 8<sup>th</sup> day of February, 2017.

8  
9                   Respectfully submitted,

10  
11           By: 

12                   Margaret A. McLetchie, Nevada Bar No. 10931

13                   Alina M. Shell, Nevada Bar No. 11711

14                   MCLEATCHIE SHELL LLC

15                   701 East Bridger Ave., Suite 520

16                   Las Vegas, Nevada 89101

17                   (702) 728-5300

18                   maggie@nvlitigation.com

19                   Counsel for Petitioner  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

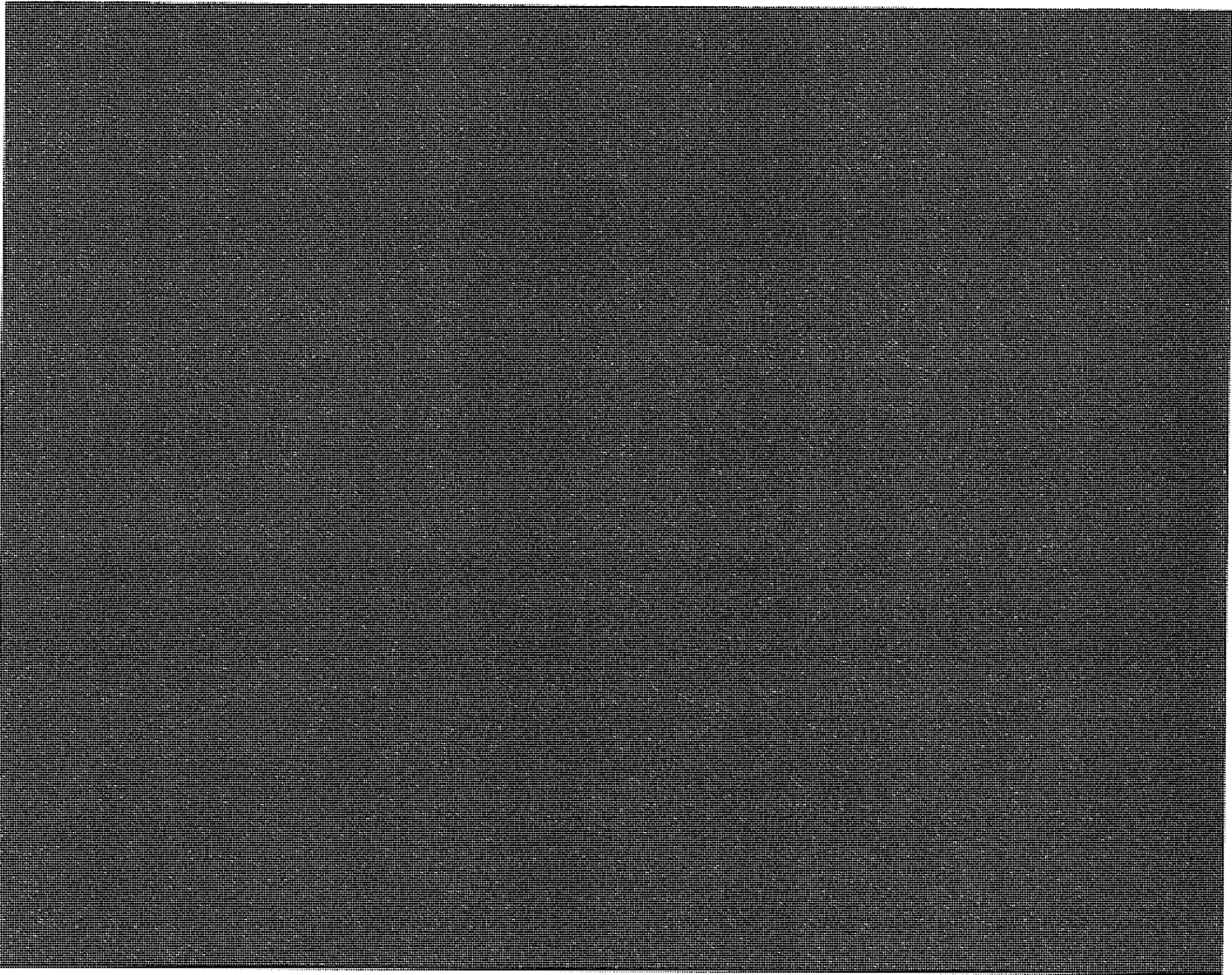
2 Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on  
3 this 8<sup>th</sup> day of February, 2017, I did cause a true copy of the foregoing AMENDED PUBLIC  
4 RECORDS ACT APPLICATION PURSUANT TO NRS § 239.001/ PETITION FOR WRIT  
5 OF MANDAMUS/ APPLICATION FOR DECLARATORY AND INJUNCTIVE RELIEF  
6 EXPEDITED MATTER PURSUANT TO NEV. REV. STAT. § 239.011 in *Las Vegas*  
7 *Review-Journal. v. City of Henderson.*, Clark County District Court Case No. A-16-747289-  
8 W, to be served electronically using the Wiznet Electronic Service system, to all parties with  
9 an email address on record.

10 Pursuant to NRCP 5(b)(2)(B) I hereby further certify that on the 8<sup>th</sup> day of February,  
11 2017, I mailed a true and correct copy of the foregoing AMENDED PUBLIC RECORDS  
12 ACT APPLICATION PURSUANT TO NRS § 239.001/ PETITION FOR WRIT OF  
13 MANDAMUS/ APPLICATION FOR DECLARATORY AND INJUNCTIVE RELIEF  
14 EXPEDITED MATTER PURSUANT TO NEV. REV. STAT. § 239.011 by depositing the  
15 same in the United States mail, first-class postage pre-paid, to the following:

16 Josh M. Reid, City Attorney  
17 Brandon P. Kemble, Asst. City Attorney  
18 Brian R. Reeve, Asst. City Attorney  
19 **CITY OF HENDERSON'S ATTORNEY OFFICE**  
20 240 Water Street, MSC 144  
Henderson, NV 89015  
*Counsel for Respondent, City of Henderson*

21   
22 \_\_\_\_\_  
23 An Employee of MCLETCHE SHELL LLC  
24  
25  
26  
27  
28

# EXHIBIT 1



----- Forwarded message -----

From: **Natalie Bruzda** <[nbruzda@reviewjournal.com](mailto:nbruzda@reviewjournal.com)>

Date: Tue, Oct 4, 2016 at 11:06 AM

Subject: Communications Department public records request

To: Laura Fucci <[Laura.Fucci@cityofhenderson.com](mailto:Laura.Fucci@cityofhenderson.com)>, [Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

Dear Ms. Fucci and Mr. Trujillo,

Attached to this email is a public records request. I also submitted the request through the Contact Henderson feature on the city's website.

Thank you.

Sincerely,

--

Natalie Bruzda  
Las Vegas Review-Journal  
[702-477-3897](tel:702-477-3897)  
[@nataliebruzda](mailto:@nataliebruzda)

---  
Natalie Bruzda  
Las Vegas Review-Journal  
702-477-3897  
@nataliebruzda

Via Email

Oct. 4, 2016

Laura Fucci, Chief Information Officer  
Henderson City Hall  
240 Water St. MSC 123  
P.O. Box 95050  
Henderson, NV 89009-5050  
Office Fax: 702-267-4301  
E-Mail: [Laura.Fucci@cityofhenderson.com](mailto:Laura.Fucci@cityofhenderson.com)

Javier Trujillo, Director of Intergovernmental Relations  
Henderson City Hall  
P.O. Box 95050  
Henderson, NV 89009-5050  
Office Fax: 702-267-2081  
E-Mail: [Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

Dear Ms. Fucci and Mr. Trujillo,

Pursuant to Nevada's Public Records Act (Nevada Revised Statutes § 239.010 et. seq.) and on behalf of the Las Vegas Review-Journal, we hereby request the Communications Department documents listed below.

**Documents requested:**

- All emails to or from City of Henderson Communications Department personnel, Council members, or the Mayor that contain the words "Trospen Communications," "Elizabeth Trospen," or "crisis communications;"
- All emails pertaining to or discussing work performed by Elizabeth Trospen or Trospen Communications on behalf of the City of Henderson;
- All documents pertaining to or discussing contracts, agreements, or possible contracts, with Elizabeth Trospen or Trospen Communication; and
- All documents pertaining to or discussing the terms under which Elizabeth Trospen or Trospen Communications provided, provide, or will provide services to the City of Henderson.

**Date limitations:**

For all documents requested, please limit your searches for responsive documents from January 1, 2016 to the present.

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**Further instructions:**

Please provide copies of all responsive records. For electronic records, please provide the records in their original electronic form attached to an email, or downloaded to an electronic medium. We are happy to provide the electronic medium and to pick up the records. For hard copy records, please feel free to attach copies to an email as a .pdf, or we are happy to pick up copies. We will also gladly take information as it becomes available; please do not wait to fill the entire request, but send each part or contact us as it becomes available.

If you intend to charge any fees for obtaining copies of these records, please contact us immediately (no later than 5 days from today) if the cost will exceed \$50. In any case, we would like to request a waiver of any fees for copies because this is a media request, and the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the operation of the Communications Department and Intergovernmental Relations.

If you deny access to any of the records requested in whole or in part, please explain your basis for doing so in writing within five (5) days, citing the specific statutory provision or other legal authority you rely upon to deny access. NRS § 239.011(1)(d). Please err on the side of fully providing records. Nevada's Public Records Act requires that its terms be construed liberally and mandates that any exception be construed narrowly. NRS § 239.001(2), (3). Please also redact or separate out the information that you contend is confidential rather than withholding records in their entirety, as required by Nev. Rev. Stat. § 239.010(3).

Again, please cite the statutory provision you rely upon to redact or withhold part of a record. Please also keep in mind that the responding governmental entity has the burden of showing that the record is confidential. NRS § 239.0113; *see also DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) ("The public official or agency bears the burden of establishing the existence of privilege based upon confidentiality. It is well settled that privileges, whether creatures of statute or the common law, should be interpreted and applied narrowly.")

Please provide the records or a response within five (5) business days pursuant to Nev. Rev. Stat. §239.0107. Again, please email your response to [nbruzda@reviewjournal.com](mailto:nbruzda@reviewjournal.com) and [tspousta@reviewjournal.com](mailto:tspousta@reviewjournal.com) rather than U.S. Mail so we can review as quickly as possible.

Thank you in advance for your cooperation with my request. Please contact us with any questions whatsoever. In addition to email, you can reach Natalie by phone at 702-477-3897.

Sincerely,

Natalie Bruzda  
Reporter

Tom Spousta  
Assistant City Editor

# EXHIBIT 2



Natalie Bruzda &lt;nbruzda@reviewjournal.com&gt;

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## Public Records Request regarding Troser Communications

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Brian Reeve &lt;Brian.Reeve@cityofhenderson.com&gt;

Tue, Oct 11, 2016 at 5:10 PM

To: "nbruzda@reviewjournal.com" &lt;nbruzda@reviewjournal.com&gt;, "tspousta@reviewjournal.com" &lt;tspousta@reviewjournal.com&gt;

Cc: Javier Trujillo &lt;Javier.Trujillo@cityofhenderson.com&gt;, David Cherry &lt;David.Cherry@cityofhenderson.com&gt;, Kristina Gilmore &lt;Kristina.Gilmore@cityofhenderson.com&gt;

Dear Ms. Bruzda and Mr. Spousta,

I'm writing in response to your public records request to the City of Henderson dated October 4, 2016 regarding Elizabeth Troser and Troser Communications. We are in the process of searching for and gathering responsive e-mails and other documents. Due to the high number of potentially responsive documents that meet your search criteria (we have approximately 5,566 emails alone) and the time required to review them for privilege and confidentiality, we estimate that your request will be completed in three weeks from the date we commence our review.

The documents you have requested will require extraordinary research and use of City personnel. Accordingly, pursuant to NRS 239.052, NRS 239.055, and Henderson Municipal Code 2.47.085, we estimate that the total fee to complete your request will be \$5,787.89. This is calculated by averaging the actual hourly rate of the two Assistant City Attorneys who will be undertaking the review of potentially responsive documents (\$77.99) and multiplying that rate by the total number of hours it is estimated it will take to review the emails and other documents (approximately 5,566 emails divided by 75 emails per hour equals 74.21 hours). Under the City's Public Records Policy, a fifty percent deposit of fees is required before we can start our review. Therefore, please submit a check payable to the City of Henderson in the amount of \$2,893.94. Once the City receives the deposit, we will begin processing your request. When your request is completed, we will notify you and, once the remainder of the fee is received, the records and any privilege log will be released to you.

Please let me know if you have any questions or would like to discuss your request further.

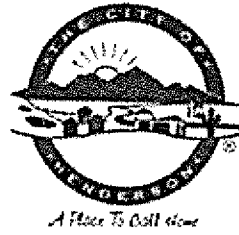
Regards,

Brian R. Reeve

Assistant City Attorney

702.267.1385

# EXHIBIT 3



## City of Henderson Public Records Policy

### I. Purpose.

The City of Henderson recognizes that Nevada Public Records Law (NRS 239.010-239.055) gives members of the public and media the right to inspect and copy certain public records maintained by the City.<sup>1</sup> The City also recognizes that certain records maintained by the City are exempt from public disclosure, or that disclosure may require balancing the right of the public to access the records against individual privacy rights, governmental interests, confidentiality issues and attorney/client privilege. Additionally, when the City receives a request to inspect or copy public records, costs are incurred by the City in responding to the request. The purpose of this Public Records Policy is (a) to establish an orderly and consistent procedure for receiving and responding to public records requests from the public and media; (b) to establish the basis for a fee schedule designed to reimburse the City for the actual costs incurred in responding to public records requests; and (c) to inform citizens and members of the media of the procedures and guidelines that apply to public records requests.

<sup>1</sup> The City is required to respond to public requests by Nevada Public Records Law. The Federal "Freedom of Information Act" (FOIA) does not apply to requests for the City's public records. FOIA only applies to requests for public records maintained by the federal government.

### II. Definitions.

Nevada Public Records law defines a public record as:

"A record of a local governmental entity that is created, received or kept in the performance of a duty and paid for with public money." (NAC 239.091)

A record may be handwritten, typed, photocopied, printed, or microfilmed, and exist in an electronic form such as e-mail or a word processing document, or other types of electronic recordings.

### III. Policy.

It is the policy of the City to respond in an orderly, consistent and reasonable manner in accordance with the Nevada Public Records Law to requests to inspect or receive copies of public records maintained by the City. The City must respond to the request within five (5) business days. This response must be one of the following: (a) providing the record for inspection or copying; (b) provide in writing the name and address of the government entity, if known, should the City not have legal custody of the record; (c) the date at which time the record will be available for inspection or copying; or (d) reason for denial of the request. Factors that may delay production of records include: the size and complexity of the request, available staff time and resources, and whether legal counsel needs to be consulted prior to disclosing the requested records.

Some public records requests are requests for information that would actually require the creation of a new public record. Public bodies are not obligated under Nevada's Public Records Law to create new public records where none exists in order to respond to requests for information. Although a public body may, if it chooses, create a new record to provide information, the public body does not have to create a new record and only has a duty to allow the inspection and copying of an existing public record.

A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of the City who has legal custody or control of a public record shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

#### IV. Procedure.

With the exception of records listed in section VI, the following procedures must be followed in submitting and responding to requests to inspect or receive copies of public records maintained by the City:

- A. Records Requests by general public. Public records requests may be made via Contact Henderson. Click on Contact Henderson via the City of Henderson webpage ([www.cityofhenderson.com](http://www.cityofhenderson.com)) then select "Records Requests" and the appropriate category; then click "Next". Follow the subsequent steps to submit your case. If you are unsure which category to select, please choose "Other." Submitting your request in writing helps to reduce confusion about the information being requested and effectively communicating your request will help ensure a timely response. Requests should identify as specifically as possible the type of record(s), subject matter, approximate date(s), and the desired method of delivery (email, hardcopies, etc.). Additionally, public records requests may be made by calling the City Clerk's Office at (702) 267-1419, or by writing or visiting the City Clerk's Office at City Hall, 240 Water St., Henderson, Nevada.

Records Requests by media. Public records requests from members of the media may be made via Contact Henderson. Click on Contact Henderson via the City of Henderson webpage ([www.cityofhenderson.com](http://www.cityofhenderson.com)) then select "Records Requests" and click on the "Media" category; then click "Next". Follow the subsequent steps to submit your case. Submitting your request in writing helps to reduce confusion about the information being requested and effectively communicating your request will help ensure a timely response. Requests should identify as specifically as possible the type of record(s), subject matter, approximate date(s), and the desired method of delivery (email, hardcopies, etc.). Additionally, public records requests may be made by calling the office of Communications and Council Support at (702) 267-2020.

- B. Processing a Public Records Request. Upon receipt of a public records request:
- a. Staff shall determine resources required to provide all requested records and prepare an estimate of fees if applicable. Staff shall contact the requestor through the Contact Henderson system prior to five (5) business days. If applicable, the estimate of fees must be provided to the requestor at this time. Depending on the scope and magnitude of the records request, a 50 percent deposit of fees prior to the start of research may be required. If a deposit is required or an estimate of fees is provided, staff shall wait for

requestor approval of the fee estimate prior to continuing work. The remainder of fees must be paid before records are delivered. Throughout the process of completing the request and prior to resolving the case, staff shall note all relevant communications with the requestor in the Contact Henderson case.

- b. If staff are unable to provide the records within five days, staff shall provide the requestor with notice of one of the following:
  - i. If the department does not have legal custody or control of the requested record, staff shall communicate to the requestor the name and address of the governmental entity that has legal custody or control of the record, if known.
  - ii. If the record has been destroyed, staff shall communicate so to the requestor and cite approved records retention schedule.
  - iii. If the department is unable to make the record available by the end of the fifth business day after receiving the request, staff shall specify to the requestor a date and time the record will be available.
  - iv. If the record is confidential, and access is denied, staff shall communicate this to the requestor and cite the specific statute or other legal authority that declares the record to be confidential.

V. Fees (HMC 2.47.0825).

The fees for responding to a public records request will be those established in the fee schedule adopted by the City which is in effect at the time the request is submitted. The fees will be reasonably calculated to reimburse the City for its actual costs in making the records available and may include:

- A. Charges for the time spent, in excess of thirty (30) minutes, by City staff or any City contractor to locate the requested public records, to review the records in order to determine whether any requested records are exempt from disclosure, to segregate exempt records, to supervise the requestor's inspection of original documents, to copy records, to certify records as true copies and to send records by special or overnight methods such as express mail or overnight delivery.
- B. A per page charge for photocopies of requested records.
- C. A per item charge for providing CDs, audiotapes, or other electronic copies of requested records.

The current fee schedule is located on the City's website at <http://www.cityofhenderson.com/docs/default-source/city-clerk-docs/city-wide-public-records-and-document-services-general-fee-table08-14.pdf?sfvrsn=2>

Staff will prepare an estimate of the charges that will be incurred to respond to a public records request. Prepayment of the estimated charges or a 50 percent deposit may be required. Unless otherwise prohibited by law, the City may, at the City's discretion, furnish copies of requested records without charge or at a reduced fee if the City determines that the waiver or reduction of fees is in the public interest.

VI. Public Records Exempt from Disclosure.

There are types of public records that are exempt from disclosure. A few specific exemptions worth special notice are as follows:

- A. **Personal Identifying Information – NRS 239B.030(5a).** Each governmental agency shall ensure that any personal information contained in a document that has been recorded, filed or otherwise submitted to the governmental agency, which the governmental agency continues to hold, is maintained in a confidential manner if the personal information is required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.
- B. **Bids and Proposals under Negotiation or Evaluation – NRS 332.061(2).** Bids which contain a provision that requires negotiation or evaluation may not be disclosed until the bid is recommended for award of a contract. Upon award of the contract, all of the bids, successful or not, with the exception of proprietary/confidential information, are public record and copies shall be made available upon request.
- C. **Bids and Proposals Containing Proprietary Information – NRS 332.061(1).** Proprietary information does not constitute public information and is confidential.
- D. **Recreation Program Registration – NRS 239.0105.** Records of recreational facility/activity registration where the name, address, and telephone number of the applicant are collected are confidential.
- E. **Emergency Action Plans and Infrastructure Records – NRS 239C.210(2).** Records detailing the City's Emergency Response Plans and critical infrastructure are confidential.
- F. **Employee Personnel and Medical Records – HIPAA 45 CFR Part 160 and Part 164.** All employee personnel and medical records are confidential.
- G. **Databases Containing Electronic Mail Addresses or Telephone Numbers – NRS 239B.040.** Electronic mail addresses and/or telephone numbers collected for the purpose of or in the course of communicating with the city may be maintained in a database. This database is confidential in its entirety, is not public record, and it must not be disclosed in its entirety as a single unit; however, the individual electronic mail address or telephone number of a person is not confidential and may be disclosed individually.
- H. **Medical Records – Health Insurance Portability and Accountability Act (HIPAA 45 CFR Part 160 and Part 164).** Medical records collected during medical transports may only be disclosed to the patient or as authorized by the patient.
- I. **Attorney/Client Privileged Records – RPC 1.6.** A lawyer shall not reveal information relating to representation of a client.
- J. **Restricted Documents – NRS 239C.220.** Blueprints or plans of schools, places of worship, airports other than an international airport, gaming establishments, governmental buildings or any other building or facility which is likely to be targeted for a terrorist attack are considered

"Restricted Documents." The City also classifies Civil Improvement Plans as restricted documents. These plans can only be inspected after supplying: (a) name; (b) a copy of a driver's license or other photographic identification that is issued by a governmental entity; (c) the name of employer, if any; (d) citizenship; and (e) a statement of the purpose for the inspection.

Individuals must meet one of the following criteria to receive a copy of a restricted document: upon the lawful order of a court of competent jurisdiction; as is reasonably necessary in the case of an act of terrorism or other related emergency; to protect the rights and obligations of a governmental entity or the public; upon the request of a reporter or editorial employee who is employed by or affiliated with a newspaper, press association or commercially operated and federally licensed radio or television station and who uses the restricted document in the course of such employment or affiliation; or upon the request of a registered architect, licensed contractor or a designated employee of any such architect or contractor who uses the restricted document in his or her professional capacity.

- K. **Records Detailing Investigations or Relating to Litigation or Potential Litigation –Donrey v. Bradshaw.** Records involving criminal investigations, litigation or potential litigation are considered confidential.
- L. **Local Ethics Committee Opinions – NRS 281A.350.** Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:
  - a. The public officer or employee acts in contravention of the opinion; or
  - b. The requester discloses the content of the opinion.
- M. **Economic Development Initial Contact and Research Records (NRS 268.910)** An organization for economic development formed by one or more cities shall, at the request of a client, keep confidential any record or other document in its possession concerning the initial contact with and research and planning for that client. If such a request is made, the executive head of the organization shall attach to the file containing the record or document a certificate signed by the executive head stating that a request for confidentiality was made by the client and showing the date of the request.

Except as otherwise provided in NRS 239.0115, records and documents that are confidential pursuant to the above 1 remain confidential until the client:

  - a. Initiates any process regarding the location of his or her business in a city that formed the organization for economic development which is within the jurisdiction of a governmental entity other than the organization for economic development; or
  - b. Decides to locate his or her business in a city that formed the organization for economic development.

## VII. Copyrighted Material.

If the City maintains public records containing copyrighted material, the City will permit the person making the request to inspect the copyrighted material, and may allow limited copying of such material if allowed under Federal copyright law. The City may require written consent from the copyright holder or an opinion from the person's legal counsel before allowing copying of such materials.

# EXHIBIT 4

Doc #	Basis for Redaction/Non-Production	Authority	Redaction
3	Attorney Client Privilege	NRS 49.095	Redaction
181	Attorney Client Privilege	NRS 49.095	
184	Attorney Client Privilege	NRS 49.095	Redaction
191	Attorney Client Privilege	NRS 49.095	
193	Attorney Client Privilege	NRS 49.095	
195	Attorney Client Privilege	NRS 49.095	Redaction
199	Attorney Client Privilege	NRS 49.095	
226	Attorney Client Privilege	NRS 49.095	
227	Attorney Client Privilege	NRS 49.095	
233	Attorney Client Privilege	NRS 49.095	
234	Attorney Client Privilege	NRS 49.095	
237	Attorney Client Privilege	NRS 49.095	
238	Attorney Client Privilege	NRS 49.095	
244	Attorney Client Privilege	NRS 49.095	
245	Attorney Client Privilege	NRS 49.095	
246	Attorney Client Privilege	NRS 49.095	
249	Attorney Client Privilege	NRS 49.095	
251	Attorney Client Privilege	NRS 49.095	
252	Attorney Client Privilege	NRS 49.095	
267	Attorney Client Privilege	NRS 49.095	
647	Confidential personal information	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	Redaction
669	Confidential personal information	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	Redaction
1362	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616	
1363	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616	
1364	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616	
1365	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616	
1366	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616	
1367	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616	
1807	Attorney Client Privilege	NRS 49.095	Redaction
1808	Attorney Client Privilege	NRS 49.095	Redaction
1809	Attorney Client Privilege	NRS 49.095	Redaction
2485	Attorney Client Privilege	NRS 49.095	Redaction
2487	Attorney Client Privilege	NRS 49.095	Redaction
2491	Attorney Client Privilege	NRS 49.095	Redaction
3352	Attorney Client Privilege	NRS 49.095	Redaction
3862	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616	
3864	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616	
3866	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616	
4016	Attorney Client Privilege	NRS 49.095	
4056	Attorney Client Privilege	NRS 49.095	
4057	Attorney Client Privilege	NRS 49.095	
4058	Attorney Client Privilege	NRS 49.095	
4078	Attorney Client Privilege	NRS 49.095	

<b>Doc #</b>	<b>Basis for Redaction/Non-Production</b>	<b>Authority</b>	<b>Redaction</b>
4083	Attorney Client Privilege	NRS 49.095	
4084	Attorney Client Privilege	NRS 49.095	
4090	Attorney Client Privilege	NRS 49.095	
4091	Attorney Client Privilege	NRS 49.095	
4092	Attorney Client Privilege	NRS 49.095	
4093	Attorney Client Privilege	NRS 49.095	
4094	Attorney Client Privilege	NRS 49.095	
4095	Attorney Client Privilege	NRS 49.095	
4944	Attorney Client Privilege	NRS 49.095	Redaction
4954	Attorney Client Privilege	NRS 49.095	Redaction
4955	Attorney Client Privilege	NRS 49.095	Redaction
5249	Attorney Client Privilege	NRS 49.095	Redaction
5253	Attorney Client Privilege	NRS 49.095	Redaction
5695	Attorney Client Privilege	NRS 49.095	Redaction
6535	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616	
6759	Attorney Client Privilege	NRS 49.095	
6882	Attorney Client Privilege	NRS 49.095	
6883	Attorney Client Privilege	NRS 49.095	
6958	Attorney Client Privilege	NRS 49.095	
6959	Attorney Client Privilege	NRS 49.095	
6978	Attorney Client Privilege	NRS 49.095	
7009	Attorney Client Privilege	NRS 49.095	Redaction
7019	Attorney Client Privilege	NRS 49.095	
7059	Attorney Client Privilege	NRS 49.095	
7127	Attorney Client Privilege	NRS 49.095	
7199	Attorney Client Privilege	NRS 49.095	
7406	Attorney Client Privilege	NRS 49.095	
7496	Attorney Client Privilege	NRS 49.095	
7507	Attorney Client Privilege	NRS 49.095	
7509	Attorney Client Privilege	NRS 49.095	
7631	Attorney Client Privilege	NRS 49.095	
7636	Attorney Client Privilege	NRS 49.095	
7676	Confidential personal information	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	
7678	Confidential personal information	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	Redaction
7698	Attorney Client Privilege	NRS 49.095	
7703	Attorney Client Privilege	NRS 49.095	
7717	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
7718	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	

<b>Doc #</b>	<b>Basis for Redaction/Non-Production</b>	<b>Authority</b>	<b>Redaction</b>
9218	Deliberative Process Privilege	DR Partners v. Board of County Com'r's of Clark County, 116 Nev. 616 (2000)	
12153	Attorney Client Privilege	NRS 49.095	
12154	Attorney Client Privilege	NRS 49.095	
12156	Attorney Client Privilege	NRS 49.095	
12184	Attorney Client Privilege	NRS 49.095	
12185	Attorney Client Privilege	NRS 49.095	
12189	Attorney Client Privilege	NRS 49.095	
12328	Attorney Client Privilege	NRS 49.095	Redaction
13422	Attorney Client Privilege	NRS 49.095	Redaction
13423	Attorney Client Privilege	NRS 49.095	Redaction
13425	Attorney Client Privilege	NRS 49.095	Redaction
13428	Attorney Client Privilege	NRS 49.095	Redaction

# EXHIBIT 5

Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
3		Internal report containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services and/or containing legal advice	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
181	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
184	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
191	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
193		Draft Trosper contract containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
195	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
199	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
226	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
227	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
233	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
234	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
237	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
238	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
244	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	

Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
245	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trospen contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
246	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trospen contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
249	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trospen contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
251	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trospen contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
252	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trospen contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
267	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trospen contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
647		Employer Identification Number for tax return, possible SS#	Confidential personal information - Employer Identification Number	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	Redaction
669		Employer Identification Number for tax return, possible SS#	Confidential personal information - Employer Identification Number	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	Redaction
1362	David Cherry (PIO) Liz Trospen (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
1363	David Cherry (PIO) Liz Trospen (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
1364	David Cherry (PIO) Liz Trospen (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
1365	David Cherry (PIO) Liz Trospen (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
1366	David Cherry (PIO) Liz Trospen (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
1367	David Cherry (PIO) Liz Trospen (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
1807	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction

Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
1808	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
1809	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
2485	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
2487	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
2491	attorney and Gerri Schroeder (Council)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re HAD	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
3352		Internal report containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
3862	David Cherry (PIO) Liz Trosper (agent), Robert Mumane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
3864	David Cherry (PIO) Liz Trosper (agent), Robert Mumane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
3866	David Cherry (PIO) Liz Trosper (agent), Robert Mumane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
4016	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4056	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4057	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4058	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4078	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4083	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4084	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4090	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	

Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
4091	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4092	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4093	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4094	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4095	attorney, David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4944	Kathy Blaha (PIO), Joanne Wershba (City staff), Ray Everhart (City staff)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
4954	Kathy Blaha (PIO), Joanne Wershba (City staff), Ray Everhart (City staff)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
4955	Kathy Blaha (PIO), Joanne Wershba (City staff), Ray Everhart (City staff)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
5249		Internal report containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
5253		Internal report containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
5695		Internal report containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
6759		Internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
6882	attorneys within the City Attorney's Office	Electronic correspondence containing internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
6883		Internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
6958		Electronic correspondence containing internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
6959		Internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
6978	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7009	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction

Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
7019	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7059	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7127	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7199	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7406		Internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7496	Karina Milana (Public relations) and attorney	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7507	attorney and paralegal and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7509	Karina Milana (Public relations) and attorney	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7631	Karina Milana (Public relations) and attorney	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7636	Karina Milana (Public relations) and attorney	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7676		Correspondence between employee and supervisor relating to personal medical information of employee	Confidential personal medical information	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	
7678		Correspondence between employee and supervisor relating to personal medical information of employee	Confidential personal medical information	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	Redaction
7698	Karina Milana (Public relations) and attorney	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7703	Karina Milana (Public relations) and attorney	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7717	Laura Shearin (City Manager's Office), Jennifer Fennema (Human Resources)	Electronic correspondence containing mental impressions and strategy of City management regarding changes to organizational structure within the City Manager's Office	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
7718		Draft document reflecting deliberations, thoughts, and impressions concerning changes to organizational structure within the City Manager's Office	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	

Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
12153	City attorney staff and attorney(s)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12154	City attorney staff and attorney(s)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12156	City attorney staff and attorney(s)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12184	City attorney staff and attorney(s)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re LVRJ Trosper records request	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12185	City attorney staff and attorney(s)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re LVRJ Trosper records request	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12189	City attorney staff and attorney(s)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re LVRJ Trosper records request	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12328	City attorney staff and attorney(s)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
13422	Kim Becker (PIO ), David Cherry (PIO), Javier Trujillo (Public Relations), Coery Clark (Parks and Recreation)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re presentation on fuel indexing	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
13423	Kim Becker (PIO ), David Cherry (PIO), Javier Trujillo (Public Relations), Coery Clark (Parks and Recreation)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re presentation on fuel indexing	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
13425	Kim Becker (PIO ), David Cherry (PIO), Javier Trujillo (Public Relations), Coery Clark (Parks and Recreation)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re presentation on fuel indexing	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
13428	Kim Becker (PIO ), David Cherry (PIO), Javier Trujillo (Public Relations), Coery Clark (Parks and Recreation)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re presentation on fuel indexing	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction

# EXHIBIT 6

Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
3		Internal report containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services and/or containing legal advice	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
181	Kristina Gilmore (attorney) and Laura Kopanski (paralegal) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
184	Kristina Gilmore (attorney) and Laura Kopanski (paralegal) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
191	Kristina Gilmore (attorney) and Laura Kopanski (paralegal) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
193		Draft Trosper contract containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
195	Kristina Gilmore (attorney) and Laura Kopanski (paralegal) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
199	Kristina Gilmore (attorney) and Laura Kopanski (paralegal) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
226	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
227	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
233	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
234	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
237	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
238	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	

Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
244	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
245	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
246	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
249	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
251	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
252	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
267	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
647		Employer Identification Number for tax return, possible SS#	Confidential personal information - Employer Identification Number	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	Redaction
669		Employer Identification Number for tax return, possible SS#	Confidential personal information - Employer Identification Number	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	Redaction
1362	David Cherry (PIO) Liz Trosper (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
1363	David Cherry (PIO) Liz Trosper (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
1364	David Cherry (PIO) Liz Trosper (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
1365	David Cherry (PIO) Liz Trosper (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
1366	David Cherry (PIO) Liz Trosper (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
1367	David Cherry (PIO) Liz Trosper (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	

Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
1807	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
1808	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
1809	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
2485	Josh Reid (attorney) and Gerri Schroeder (Council)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
2487	Josh Reid (attorney) and Gerri Schroeder (Council)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
2491	Josh Reid (attorney) and Gerri Schroeder (Council)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re HAD	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
3352		Internal report containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
3862	David Cherry (PIO) Liz Trosper (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
3864	David Cherry (PIO) Liz Trosper (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
3866	David Cherry (PIO) Liz Trosper (agent), Robert Murnane (City Manager, Javier Trujillo (Public Affairs)	Electronic correspondence containing mental impressions and strategy of City management regarding preparation of public statement and comments on draft statement	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
4016	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4056	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4057	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4058	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4078	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4083	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4084	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	


Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
4090	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4091	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4092	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4093	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4094	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4095	Kristina Gilmore (attorney), Brian Reeve (attorney) David Cherry (PIO), Javier Trujillo (Public Affairs)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
4944	Kathy Blaha (PIO), Joanne Wershba (City staff), Ray Everhart (City staff)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
4954	Kathy Blaha (PIO), Joanne Wershba (City staff), Ray Everhart (City staff)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
4955	Kathy Blaha (PIO), Joanne Wershba (City staff), Ray Everhart (City staff)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
5249		Internal report containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
5253		Internal report containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
5695		Internal report containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
6759		Internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
6882	Kristina Gilmore (attorney), Josh Reid (attorney), Cheryl Navitskis (City Attorney Staff)	Electronic correspondence containing internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
6883		Internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
6958	Kristina Gilmore (attorney), Josh Reid (attorney), Cheryl Navitskis (City Attorney Staff)	Electronic correspondence containing internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
6959		Internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
6978	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	

Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
7009	Kristina Gilmore (attorney), Laura Kopanski (paralegal) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
7019	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7059	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7127	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7199	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7406		Internal status report prepared by attorney containing legal thoughts, impressions, and advice concerning legal matters	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7496	Karina Milana (Public relations) and Kristina Gilmore (attorney)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7507	Kristina Gilmore (attorney) and/or Bud Cranor (PIO/Council Support Services) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract terms	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7509	Karina Milana (Public relations) and Kristina Gilmore (attorney)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7631	Karina Milana (Public relations) and attorney	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7636	Karina Milana (Public relations), Kristina Gilmore (attorney) and Laura Kopanski (paralegal)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7676		Correspondence between employee and supervisor relating to personal medical information of employee	Confidential personal medical information	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	
7678		Correspondence between employee and supervisor relating to personal medical information of employee	Confidential personal medical information	Donrey of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	Redaction
7698	Karina Milana (Public relations) and Kristina Gilmore (attorney)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7703	Karina Milana (Public relations) and Kristina Gilmore (attorney)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
7717	Laura Shearin (City Manager's Office), Jennifer Fennema (Human Resources)	Electronic correspondence containing mental impressions and strategy of City management regarding changes to organizational structure within the City Manager's Office	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	

Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
7718		Draft document reflecting deliberations, thoughts, and impressions concerning changes to organizational structure within the City Manager's Office	Deliberative Process Privilege	DR Partners v. Board of County Com'rs of Clark County, 116 Nev. 616 (2000)	
12153	Cheryl Navitskis (City Attorney staff) and Josh Reid (attorney)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12154	Cheryl Navitskis (City Attorney staff) and Josh Reid (attorney)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12156	Cheryl Navitskis (City Attorney staff) and Josh Reid (attorney)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re Trosper contract	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12184	Michael Naseem (City Attorney staff) and Josh Reid (attorney)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re LVRJ Trosper records request	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12185	Michael Naseem (City Attorney staff) and Josh Reid (attorney)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re LVRJ Trosper records request	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12189	Michael Naseem (City Attorney staff) and Josh Reid (attorney)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re LVRJ Trosper records request	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	
12328	Sally Galati (attorney) and Rory Robinson (attorney)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
13422	Kim Becker (PIO ), David Cherry (PIO), Javier Trujillo (Public Relations), Coery Clark (Parks and Recreation)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re presentation on fuel indexing	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
13423	Kim Becker (PIO ), David Cherry (PIO), Javier Trujillo (Public Relations), Coery Clark (Parks and Recreation), Shari Ferguson (Parks and Recreation), Adam Blackmore (Parks and Recreation)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re presentation on fuel indexing	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
13425	Kim Becker (PIO ), David Cherry (PIO), Javier Trujillo (Public Relations), Coery Clark (Parks and Recreation)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re presentation on fuel indexing	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction
13428	Kim Becker (PIO ), David Cherry (PIO), Javier Trujillo (Public Relations), Coery Clark (Parks and Recreation), Shari Ferguson (Parks and Recreation), Adam Blackmore (Parks and Recreation)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating the rendition of professional legal services re presentation on fuel indexing	Attorney Client Privilege/Work Product Doctrine	NRS 49.095	Redaction

# EXHIBIT 7

# Henderson Privilege Log Doc#3



# COUNCIL SUPPORT WEEKLY REPORT

Feb 17, 2016

## CONSTITUENT SERVICES - HOT TOPICS

### Current Issues

27

Continuing to work on individual constituent issues in each Ward

### Weekly Change

## UPCOMING EVENTS (Council Attendance)

Feb 17

**Item 11:** Councilwoman Schroder will attend the One-on-One meeting.

**Item 12:** Councilwoman Schroder will attend the meeting.

Feb 17-18

**Item 13:** Mayor Haden and Councilwoman March will meet to the students at Phoenix Academy, Tempe.

Feb 18

**Item 14:** Councilwoman March will speak at this event.

## COUNCIL SUPPORT BREAK UP

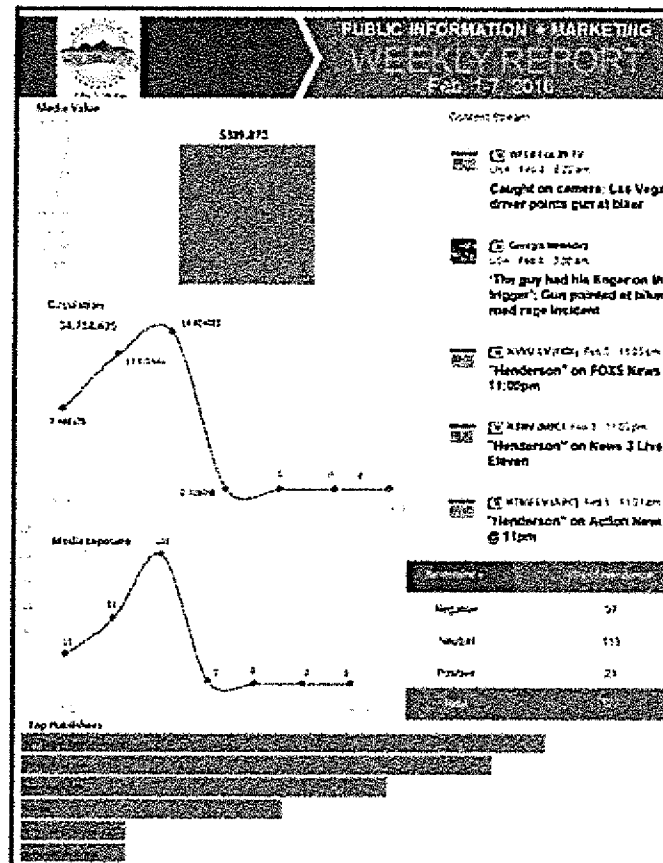
Mayor Haden gave his 2016 State of the City address 2/3 with all Council members attending.


Councilwoman March & Schroder attended the Foundation Assisting Veterans Annual Appreciation Dinner 2/3.

Councilwoman March spoke at the Mesa to Canyon HOA meeting 2/4.

Councilwoman Schroder spoke at the Popocatepec Square HOA Meeting 2/4.

Mayor Haden attended a Eagle Scout Court of Honor 2/4.





PUBLIC INFORMATION & MARKETING

WEEKLY REPORT

Feb. 1-7, 2016

Current Records Requests

4

The number of made records requests

Thursday, Dec. 17, 2015, Lukas Knight of NBC4 requested various information surrounding court fines and fees. Mr. Knight was responded to and informed the information is being gathered. On Dec. 30, 2015, questions were sent to Mr. Knight asking for clarification/purpose of the request. On Jan. 13, 2016 a letter dated Jan. 4 was received requesting different information. Mr. Knight has been asked to log into Contact Henderson to respond to questions. To date a response has not been received. On Feb. 4, 2016,

Redaction

Redaction

On Jan. 13, 2016, Elizabeth Trepper, on behalf of the Debbie Welch campaign, requested photos of Debra Welch.

Redaction

Redaction

A request from Adela de Chen, IVU was received asking for mobile feed track business license information from Jan. 1, 2008, to present.

Redaction

Redaction

On Feb. 4, Robert Faltner of NPD requested copies of all internal audits from Jan. 1, 2014, to the present. All audits are available online; we are waiting for final approval to respond as such.

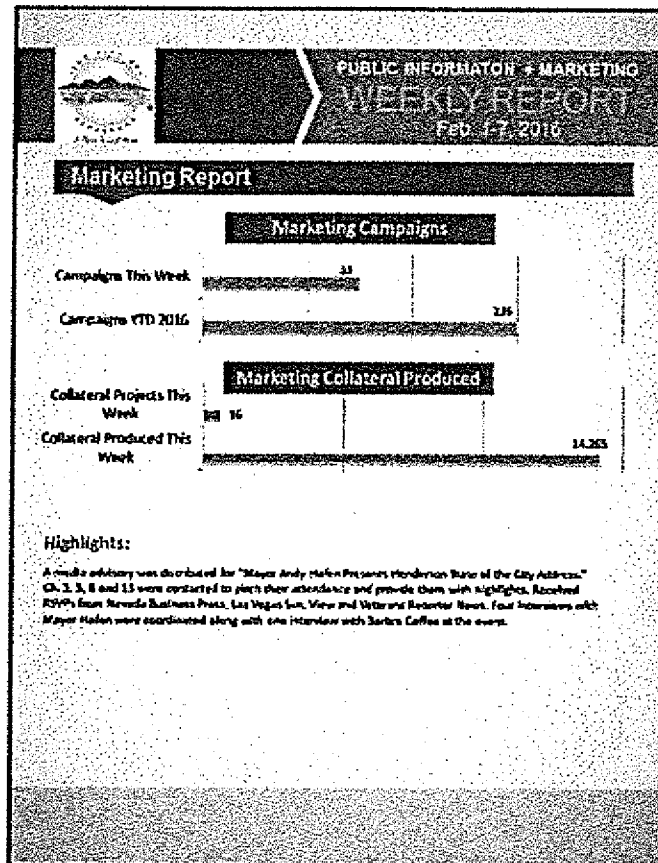
Resolved This Report Period:

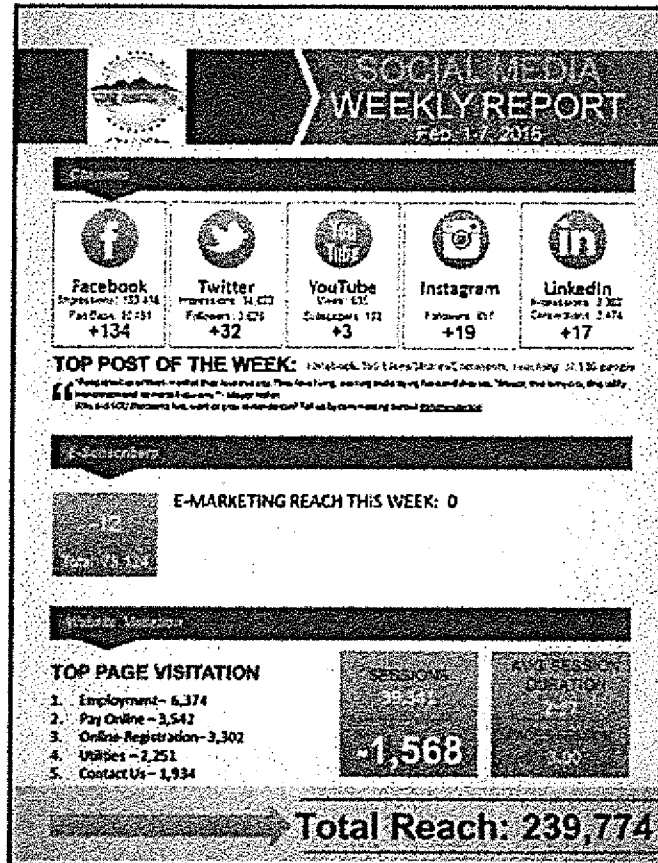
Allan Weinstein of America 24 King requested email records regarding former Mayor Neilson and *Quilliam* for business beginning Nov. 1, 2015. On Feb. 4 he was advised there were no results and the case was resolved.

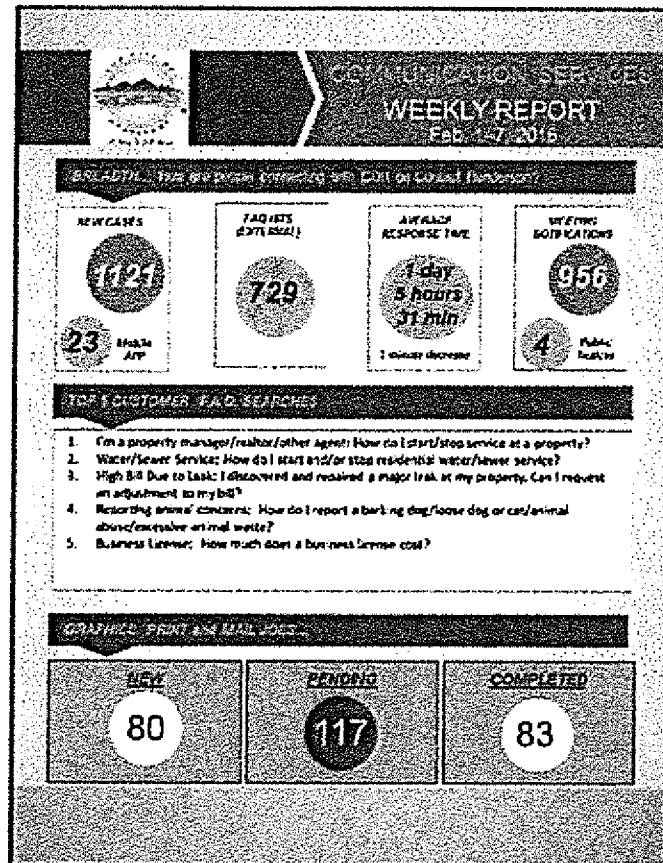
On Oct. 27, 2015, Curt Reed, Orlando, Fla. made a request a police report on Chelsea Mc, evening manager of the Renaissance Spa. He was advised that he would have to contact Las Vegas Metropolitan Police Department since the incident did not occur in Henderson. THIS REQUEST WAS RESOLVED OCT. 27, 2015. On Feb. 2, 2016, Mr. Reed advised a Contact Henderson case requesting the same information. He was advised that the incident occurred in the Las Vegas Metropolitan Police Department jurisdiction and to contact them for police reports.











Henderson Privilege Log Doc#184

**From:** Bud Cranor [Bud.Cranor@cityofhenderson.com]  
**Sent:** Tuesday, February 16, 2016 7:32 PM  
**To:** Tim DSouza  
**Subject:** FW: Trosper Communications  
**Attachments:** Contract Amendment Request Form.pdf

Tim, can we discuss tomorrow? Thanks.

**Redaction**

240 Water Street, MSC 144  
Henderson, Nevada 89015  
Phone: (702) 267-1239 | Fax: (702) 267-1201  
[Laura.Kopanski@cityofhenderson.com](mailto:Laura.Kopanski@cityofhenderson.com)  
Office Hours: Monday - Thursday 7:30 a.m. to 5:30 p.m.

**Confidentiality Notice:** This electronic communication and any accompanying document contain information belonging to the sender which may be confidential and legally privileged. This information is intended only for the use of the individual or entity to whom this electronic transmission was sent as indicated above. If you are not the intended recipient, any disclosure, distribution or action taken in reliance on the contents of the information contained in this electronic transmission is strictly prohibited. If you have received this transmission in error, please notify me immediately by e-mail and delete the original message. Thank you.



---

**From:** Luke Fritz  
**Sent:** Tuesday, February 16, 2016 9:30 AM  
**To:** Laura Kopanski  
**Subject:** RE: Trosper Communications

Hi Laura,  
I can get started, but I will need you to please return the attached form to me as well.

Thank you,

Luke Fritz | Sr. Purchasing Specialist  
City of Henderson | Finance Department  
240 Water Street, Henderson, NV 89015  
Phone: (702) 267-1717

---

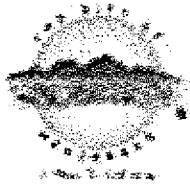
**From:** Laura Kopanski  
**Sent:** Thursday, February 11, 2016 5:00 PM  
**To:** Luke Fritz  
**Subject:** Trosper Communications

Luke,  
Please place this in our standard purchasing agreement. Thank you.

Laura Kopanski | Senior Legal Assistant  
Henderson City Attorney's Office - Civil Division  
240 Water Street, MSC 144  
Henderson, Nevada 89015  
Phone: (702) 267-1239 | Fax: (702) 267-1201  
[Laura.Kopanski@cityofhenderson.com](mailto:Laura.Kopanski@cityofhenderson.com)

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Henderson Privilege Log Doc#195

**From:** Tim DSouza [Tim.DSouza@cityofhenderson.com]  
**Sent:** Thursday, February 18, 2016 9:05 AM  
**To:** Bud Cranor  
**Subject:** RE: Trosper Communications

Just confirming that the CMTS number will be provided by Purchasing.

Tim

---

**From:** Bud Cranor  
**Sent:** Tuesday, February 16, 2016 7:32 PM  
**To:** Tim DSouza  
**Subject:** FW: Trosper Communications

Tim, can we discuss tomorrow? Thanks.

---

**From:** Kristina Gilmore  
**Sent:** Tuesday, February 16, 2016 9:54 AM  
**To:** Bud Cranor  
**Cc:** Laura Kopanski  
**Subject:** FW: Trosper Communications

Redaction

**Kristina E. Gilmore**  
Assistant City Attorney  
240 Water Street, PO Box 95050, MSC 144, Henderson NV 89009-5050  
702-267-1219 | Fax: 702-267-1201 | [Kristina.Gilmore@cityofhenderson.com](mailto:Kristina.Gilmore@cityofhenderson.com)  
Assistant: 702-267-1239 or Laura Kopanski at [Laura.Kopanski@cityofhenderson.com](mailto:Laura.Kopanski@cityofhenderson.com)  
Office Hours: Monday - Thursday 7:30a.m. to 5:30p.m.

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---

**From:** Laura Kopanski  
**Sent:** Tuesday, February 16, 2016 9:46 AM  
**To:** Kristina Gilmore  
**Subject:** FW: Trosper Communications

Redaction

Laura Kopanski | Senior Legal Assistant  
Henderson City Attorney's Office - Civil Division  
240 Water Street, MSC 144  
Henderson, Nevada 89015  
Phone: (702) 267-1239 | Fax: (702) 267-1201  
[Laura.Kopanski@cityofhenderson.com](mailto:Laura.Kopanski@cityofhenderson.com)  
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---

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Thank you,

Luke Fritz | Sr. Purchasing Specialist  
City of Henderson | Finance Department  
240 Water Street, Henderson, NV 89015  
Phone: (702) 267-1717

---

**From:** Laura Kopanski  
**Sent:** Thursday, February 11, 2016 5:00 PM  
**To:** Luke Fritz  
**Subject:** Trosper Communications

Luke,  
Please place this in our standard purchasing agreement. Thank you.

**Laura Kopanski | Senior Legal Assistant**  
Henderson City Attorney's Office - Civil Division  
240 Water Street, MSC 144  
Henderson, Nevada 89015  
Phone: (702) 267-1239 | Fax: (702) 267-1201  
[Laura.Kopanski@cityofhenderson.com](mailto:Laura.Kopanski@cityofhenderson.com)  
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Henderson Privilege Log Doc#1807

**From:** Javier Trujillo [Javier.Trujillo@cityofhenderson.com]  
**Sent:** Saturday, October 08, 2016 8:38 AM  
**To:** David Cherry  
**Subject:** Fwd: Trosper Communications public records request - attorney-client privileged communication

FYI.

Javier Trujillo  
Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

Begin forwarded message:

**From:** Javier Trujillo <[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)>  
**Date:** October 7, 2016 at 8:14:02 PM PDT  
**To:** Kristina Gilmore <[Kristina.Gilmore@cityofhenderson.com](mailto:Kristina.Gilmore@cityofhenderson.com)>  
**Cc:** Brian Reeve <[Brian.Reeve@cityofhenderson.com](mailto:Brian.Reeve@cityofhenderson.com)>, Javier Trujillo <[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)>  
**Subject:** RE: Trosper Communications public records request - attorney-client privileged communication

Redaction

Redaction

**Javier Trujillo**  
Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

---

**From:** Javier Trujillo  
**Sent:** Wednesday, October 05, 2016 8:53 PM  
**To:** Kristina Gilmore  
**Cc:** Brian Reeve  
**Subject:** Re: Trosper Communications public records request - attorney-client privileged communication

Redaction

Javier Trujillo  
Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

On Oct 5, 2016, at 8:44 PM, Kristina Gilmore <[Kristina.Gilmore@cityofhenderson.com](mailto:Kristina.Gilmore@cityofhenderson.com)> wrote:

Redaction

Redaction

Kristina

Sent from my iPhone

On Oct 5, 2016, at 8:33 PM, Javier Trujillo  
<[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)> wrote:

Redaction

Javier Trujillo  
Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

On Oct 5, 2016, at 3:45 PM, Brian Reeve  
<[Brian.Reeve@cityofhenderson.com](mailto:Brian.Reeve@cityofhenderson.com)> wrote:

Redaction

**Redaction**

Henderson Privilege Log Doc#1808

**From:** David Cherry [David.Cherry@cityofhenderson.com]  
**Sent:** Saturday, October 08, 2016 9:51 AM  
**To:** Javier Trujillo  
**Subject:** Re: Trosper Communications public records request - attorney-client privileged communication

Thanks Javi

Hope you are enjoying your Saturday.

Best,

David

On Oct 8, 2016, at 8:37 AM, Javier Trujillo <[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)> wrote:

FYI.

Javier Trujillo  
Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

Begin forwarded message:

**From:** Javier Trujillo <[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)>  
**Date:** October 7, 2016 at 8:14:02 PM PDT  
**To:** Kristina Gilmore <[Kristina.Gilmore@cityofhenderson.com](mailto:Kristina.Gilmore@cityofhenderson.com)>  
**Cc:** Brian Reeve <[Brian.Reeve@cityofhenderson.com](mailto:Brian.Reeve@cityofhenderson.com)>, Javier Trujillo <[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)>  
**Subject:** RE: Trosper Communications public records request - attorney-client privileged communication

Redaction

**Redaction**

**Javier Trujillo**  
Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

---

**From:** Javier Trujillo  
**Sent:** Wednesday, October 05, 2016 8:53 PM  
**To:** Kristina Gilmore  
**Cc:** Brian Reeve  
**Subject:** Re: Trosper Communications public records request - attorney-client privileged communication

**Redaction**

Javier Trujillo

Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

On Oct 5, 2016, at 8:44 PM, Kristina Gilmore  
<[Kristina.Gilmore@cityofhenderson.com](mailto:Kristina.Gilmore@cityofhenderson.com)> wrote:

Redaction

Kristina

Sent from my iPhone

On Oct 5, 2016, at 8:33 PM, Javier Trujillo  
<[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)> wrote:

Redaction

Javier Trujillo  
Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

On Oct 5, 2016, at 3:45 PM, Brian Reeve  
<[Brian.Reeve@cityofhenderson.com](mailto:Brian.Reeve@cityofhenderson.com)>  
wrote:

**Redaction**

**Redaction**

Henderson Privilege Log Doc#1809

**From:** Javier Trujillo [Javier.Trujillo@cityofhenderson.com]  
**Sent:** Saturday, October 08, 2016 9:54 AM  
**To:** David Cherry  
**Subject:** Re: Trosper Communications public records request - attorney-client privileged communication

You too, Brother. Have a wonderful weekend! See you in Carson City! :)

Javier Trujillo  
Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

On Oct 8, 2016, at 9:51 AM, David Cherry <[David.Cherry@cityofhenderson.com](mailto:David.Cherry@cityofhenderson.com)> wrote:

Thanks Javi

Hope you are enjoying your Saturday.

Best,

David

On Oct 8, 2016, at 8:37 AM, Javier Trujillo <[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)> wrote:

FYI.

Javier Trujillo  
Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

Begin forwarded message:

**From:** Javier Trujillo  
<[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)>  
**Date:** October 7, 2016 at 8:14:02 PM PDT  
**To:** Kristina Gilmore  
<[Kristina.Gilmore@cityofhenderson.com](mailto:Kristina.Gilmore@cityofhenderson.com)>  
**Cc:** Brian Reeve <[Brian.Reeve@cityofhenderson.com](mailto:Brian.Reeve@cityofhenderson.com)>, Javier Trujillo <[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)>

**Subject: RE: Trosper Communications public records  
request - attorney-client privileged communication**

Kristina/Brian,

**Redaction**

**Javier Trujillo**  
Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

---

**From:** Javier Trujillo  
**Sent:** Wednesday, October 05, 2016 8:53 PM  
**To:** Kristina Gilmore  
**Cc:** Brian Reeve  
**Subject:** Re: Trosper Communications public records request - attorney-client privileged communication

Redaction

Javier Trujillo  
Director of Public Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

On Oct 5, 2016, at 8:44 PM, Kristina Gilmore  
<[Kristina.Gilmore@cityofhenderson.com](mailto:Kristina.Gilmore@cityofhenderson.com)> wrote:

Redaction

Sent from my iPhone

On Oct 5, 2016, at 8:33 PM, Javier Trujillo  
<[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)>  
wrote:

Redaction

**Redaction**

Javier Trujillo  
Director of Public  
Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Trujillo@cityofhenderson.com](mailto:Javier.Trujillo@cityofhenderson.com)

On Oct 5, 2016, at 3:45  
PM, Brian Reeve  
<[Brian.Reeve@cityofhenderson.com](mailto:Brian.Reeve@cityofhenderson.com)> wrote:

**Redaction**

**Redaction**

**Redaction**

**Redaction**

**Redaction**

Henderson Privilege Log Doc#2485

**From:** Gerri Schroder [Gerri.Schroder@cityofhenderson.com]  
**Sent:** Thursday, January 14, 2016 4:39 PM  
**To:** Josh Reid  
**Subject:** Fwd: [Action Needed] - HDA position letter: West Henderson project rezoning item

Redaction

Gerri Schroder  
Councilwoman Ward 1  
City of Henderson  
240 Water Street, 4th Floor  
Henderson, Nevada 89015  
702-267-2403  
[Gerri.schroder@cityofhenderson.com](mailto:Gerri.schroder@cityofhenderson.com)  
[www.cityofhenderson.com](http://www.cityofhenderson.com)  
Sent from my iPhone

Begin forwarded message:

**From:** Scott Muelrath <[smuelrath@hendersonchamber.com](mailto:smuelrath@hendersonchamber.com)>  
**Date:** January 14, 2016 at 3:48:53 PM PST  
**To:** Amber Stidham <[astidham@hendersonchamber.com](mailto:astidham@hendersonchamber.com)>, Amy Palmeri <[apalmeri@hendersonchamber.com](mailto:apalmeri@hendersonchamber.com)>, Andrea Cole <[acole@gcgarciainc.com](mailto:acole@gcgarciainc.com)>, "Arnold Lopez" <[alopez@nvenergv.com](mailto:alopez@nvenergv.com)>, Barbra Coffee <[Barbra.Coffee@cityofhenderson.com](mailto:Barbra.Coffee@cityofhenderson.com)>, Brad Miller <[brad.miller@rcwilley.com](mailto:brad.miller@rcwilley.com)>, Chet Opheikens <[cheto@randoco.com](mailto:cheto@randoco.com)>, Diana Saviano <[Diana.Saviano@cityofhenderson.com](mailto:Diana.Saviano@cityofhenderson.com)>, Elizabeth Muse <[ekmuse@olin.com](mailto:ekmuse@olin.com)>, "Elizabeth Trospen" <[elizabeth@trospencommunications.com](mailto:elizabeth@trospencommunications.com)>, "George Garcia" <[ggarcia@gcgarciainc.com](mailto:ggarcia@gcgarciainc.com)>, "Gerri Schroder" <[Gerri.Schroder@cityofhenderson.com](mailto:Gerri.Schroder@cityofhenderson.com)>, James Stein <[james.stein@swgas.com](mailto:james.stein@swgas.com)>, Jeff Leake <[Jeff.Leake@cityofhenderson.com](mailto:Jeff.Leake@cityofhenderson.com)>, "John Ramous" <[johnr@harsch.com](mailto:johnr@harsch.com)>, John Stewart <[jstewart@julietlasvegas.com](mailto:jstewart@julietlasvegas.com)>, Leslie Hoyt <[lhoyt@swlaw.com](mailto:lhoyt@swlaw.com)>, "Rick Smith" <[Gerick@cox.net](mailto:Gerick@cox.net)>, "Robert Anderson" <[rcanderson@swlaw.com](mailto:rcanderson@swlaw.com)>, Stu Hitchen <[stuhitchen@gmail.com](mailto:stuhitchen@gmail.com)>, "Tim Brooks" <[timb@emeraldlandcasino.com](mailto:timb@emeraldlandcasino.com)>, "Tony Dazzio" <[tonydazzio@gmail.com](mailto:tonydazzio@gmail.com)>, Windom Kimsey <[Wkimsey@tska.com](mailto:Wkimsey@tska.com)>  
**Cc:** Amy Palmeri <[apalmeri@hendersonchamber.com](mailto:apalmeri@hendersonchamber.com)>

**Subject: RE: [Action Needed] - HDA position letter: West Henderson project rezoning item**

Hello all – thank you Amber for sending this out. HCC staff followed the recommendation from the last HDA meeting of preparing a position letter, vetted by the Executive Committee, then sent to the balance of the Trustees for consideration. Responses cover the full spectrum, and with so many different answers, it is clear further discussion is needed. This issue has been continued until March with the City Council, so we have time.

I suggest at the next HDA meeting we be prepared to discuss further as well as formalizing (or not) the concept of a West Henderson Sub-Committee that can knowledgeably vet these topics before presenting to the balance of the Trustees, and in turn the Board of Directors. These issues are highly relevant to the economic development of Henderson, and believe part of being relevant is to be involved in the dialogue – whether or not that ends up with position letter is probably a case-by-case situation.

Thank you for all the responses – a healthy exchange and part of the process. Please attend the next HDA meeting for further discussion.

Scott

---

**From:** Amber Stidham  
**Sent:** Thursday, January 14, 2016 11:35 AM  
**To:** Amber Stidham <[astidham@hendersonchamber.com](mailto:astidham@hendersonchamber.com)>; Amy Palmeri <[apalmeri@hendersonchamber.com](mailto:apalmeri@hendersonchamber.com)>; Andrea Cole <[acole@gcgarciainc.com](mailto:acole@gcgarciainc.com)>; Arnold Lopez <[alopez@nvenergy.com](mailto:alopez@nvenergy.com)>; Barbra Coffee <[Barbra.Coffee@cityofhenderson.com](mailto:Barbra.Coffee@cityofhenderson.com)>; Brad Miller <[brad.miller@rcwilley.com](mailto:brad.miller@rcwilley.com)>; Chet Opheikens <[cheto@randoco.com](mailto:cheto@randoco.com)>; Diana Saviano <[Diana.Saviano@cityofhenderson.com](mailto:Diana.Saviano@cityofhenderson.com)>; Elizabeth Muse <[ekmuse@olin.com](mailto:ekmuse@olin.com)>; Elizabeth Trosper <[elizabeth@trospercommunications.com](mailto:elizabeth@trospercommunications.com)>; George Garcia <[ggarcia@gcgarciainc.com](mailto:ggarcia@gcgarciainc.com)>; Gerri Schroder <[Gerri.Schroder@cityofhenderson.com](mailto:Gerri.Schroder@cityofhenderson.com)>; James Stein <[james.stein@swgas.com](mailto:james.stein@swgas.com)>; Jeff Leake <[Jeff.Leake@cityofhenderson.com](mailto:Jeff.Leake@cityofhenderson.com)>; John Ramous <[johnr@harsch.com](mailto:johnr@harsch.com)>; John Stewart <[jstewart@julietlasvegas.com](mailto:jstewart@julietlasvegas.com)>; Leslie Hoyt <[lhoyt@swlaw.com](mailto:lhoyt@swlaw.com)>; Rick Smith <[Gerick@cox.net](mailto:Gerick@cox.net)>; Robert Anderson <[rcanderson@swlaw.com](mailto:rcanderson@swlaw.com)>; Scott Muelrath <[smuelrath@hendersonchamber.com](mailto:smuelrath@hendersonchamber.com)>; Stu Hitchen <[stuhitchen8@gmail.com](mailto:stuhitchen8@gmail.com)>; Tim Brooks <[timb@emeraldlandcasino.com](mailto:timb@emeraldlandcasino.com)>; Tony Dazzio <[tonydazzio@gmail.com](mailto:tonydazzio@gmail.com)>; Windom Kimsey <[Wkimsey@tska.com](mailto:Wkimsey@tska.com)>  
**Cc:** Scott Muelrath <[smuelrath@hendersonchamber.com](mailto:smuelrath@hendersonchamber.com)>; Amy Palmeri <[apalmeri@hendersonchamber.com](mailto:apalmeri@hendersonchamber.com)>  
**Subject:** [Action Needed] - HDA position letter: West Henderson project rezoning item

Good morning Trustees,

During the last HDA meeting several trustees discussed concern over possible rezoning of a West Henderson project to accommodate residential development. This issue that will be heard as an item during this coming Council meeting.

Attached is a position letter opposing the rezoning request. **We seek your input and/or vote (“yay” or “nay”) by no later than 6 p.m. today (Thursday, Jan. 13).** Per our bylaws, a simple majority vote is needed to approve this measure. Once approved, this letter will be circulated to HCC Executive Board members for final authorization.

If you have questions or would like to discuss this item further, please call me at 702-565-8951 (office) or, if after 1 p.m. today, call 702-499-2114 (cell).

Thank you,  
Amber

***\*PLEASE NOTE CONFIDENTIALITY UNTIL FORMALLY VOTED UPON\*\****



<!--[if !vml]--><!--[endif]-->Amber Stidham – Director of  
Government Affairs  
Henderson Chamber of Commerce  
Office 702.565.8951 | Direct 702.499.2114  
[astidham@hendersonchamber.com](mailto:astidham@hendersonchamber.com)  
590 South Boulder Highway  
Henderson, Nevada 89015

[www.HendersonChamber.com](http://www.HendersonChamber.com)

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Henderson Privilege Log Doc#2487

**From:** Gerri Schroder [Gerri.Schroder@cityofhenderson.com]  
**Sent:** Thursday, January 14, 2016 4:40 PM  
**To:** Josh Reid  
**Subject:** Fwd: [Action Needed] - HDA position letter: West Henderson project rezoning item  
**Attachments:** ATT00001.htm; HDA.CityofHenderson.RezoneOpposition.1.11.2016.pdf; ATT00002.htm

Redaction

Gerri Schroder  
Councilwoman Ward 1  
City of Henderson  
240 Water Street, 4th Floor  
Henderson, Nevada 89015  
702-267-2403  
[Gerri.schroder@cityofhenderson.com](mailto:Gerri.schroder@cityofhenderson.com)  
[www.cityofhenderson.com](http://www.cityofhenderson.com)  
Sent from my iPhone

Begin forwarded message:

**From:** Amber Stidham <[astidham@hendersonchamber.com](mailto:astidham@hendersonchamber.com)>  
**Date:** January 14, 2016 at 11:34:48 AM PST  
**To:** Amber Stidham <[astidham@hendersonchamber.com](mailto:astidham@hendersonchamber.com)>, Amy Palmeri <[apalmeri@hendersonchamber.com](mailto:apalmeri@hendersonchamber.com)>, Andrea Cole <[acole@gcgarciainc.com](mailto:acole@gcgarciainc.com)>, "Arnold Lopez" <[alopez@nvenergy.com](mailto:alopez@nvenergy.com)>, Barbra Coffee <[Barbra.Coffee@cityofhenderson.com](mailto:Barbra.Coffee@cityofhenderson.com)>, Brad Miller <[brad.miller@rcwilley.com](mailto:brad.miller@rcwilley.com)>, Chet Opheikens <[cheto@randoco.com](mailto:cheto@randoco.com)>, Diana Saviano <[Diana.Saviano@cityofhenderson.com](mailto:Diana.Saviano@cityofhenderson.com)>, Elizabeth Muse <[ekmuse@olin.com](mailto:ekmuse@olin.com)>, "Elizabeth Trospen" <[elizabeth@trospencommunications.com](mailto:elizabeth@trospencommunications.com)>, "George Garcia" <[ggarcia@gcgarciainc.com](mailto:ggarcia@gcgarciainc.com)>, "Gerri Schroder" <[Gerri.Schroder@cityofhenderson.com](mailto:Gerri.Schroder@cityofhenderson.com)>, "James Stein" <[james.stein@swgas.com](mailto:james.stein@swgas.com)>, Jeff Leake <[Jeff.Leake@cityofhenderson.com](mailto:Jeff.Leake@cityofhenderson.com)>, "John Ramous" <[johnr@harsch.com](mailto:johnr@harsch.com)>, John Stewart <[jstewart@julietlasvegas.com](mailto:jstewart@julietlasvegas.com)>, Leslie Hoyt <[lhoyt@swlaw.com](mailto:lhoyt@swlaw.com)>, "Rick Smith" <[Gerick@cox.net](mailto:Gerick@cox.net)>, "Robert Anderson" <[rcanderson@swlaw.com](mailto:rcanderson@swlaw.com)>, Scott Muelrath <[smuelrath@hendersonchamber.com](mailto:smuelrath@hendersonchamber.com)>, Stu Hitchen <[stuhitchen8@gmail.com](mailto:stuhitchen8@gmail.com)>.

"Tim Brooks (timb@emeraldislandcasino.com)"  
<timb@emeraldislandcasino.com>, "Tony Dazzio (tonydazzio@gmail.com)"  
<tonydazzio@gmail.com>, Windom Kimsey <Wkimsev@tska.com>  
Cc: Scott Muelrath <smuelrath@hendersonchamber.com>, Amy Palmeri  
<apalmeri@hendersonchamber.com>  
Subject: [Action Needed] - HDA position letter: West Henderson project  
rezoning item

Good morning Trustees,

During the last HDA meeting several trustees discussed concern over possible rezoning of a West Henderson project to accommodate residential development. This issue that will be heard as an item during this coming Council meeting.

Attached is a position letter opposing the rezoning request. We seek your input and/or vote ("yay" or "nay") by no later than 6 p.m. today (Thursday, Jan. 13). Per our bylaws, a simple majority vote is needed to approve this measure. Once approved, this letter will be circulated to HCC Executive Board members for final authorization.

If you have questions or would like to discuss this item further, please call me at 702-565-8951 (office) or, if after 1 p.m. today, call 702-499-2114 (cell).

Thank you,  
Amber

*\*PLEASE NOTE CONFIDENTIALITY UNTIL FORMALLY VOTED UPON\*\**

<!--[if !vml]-->

Henderson Privilege Log Doc#2491

**From:** Gerri Schroder [Gerri.Schroder@cityofhenderson.com]  
**Sent:** Thursday, January 14, 2016 4:42 PM  
**To:** Josh Reid  
**Subject:** Fwd: [Action Needed] - HDA position letter: West Henderson project rezoning item

Redaction

Gerri Schroder  
Councilwoman Ward 1  
City of Henderson  
240 Water Street, 4th Floor  
Henderson, Nevada 89015  
702-267-2403  
[Gerri.schroder@cityofhenderson.com](mailto:Gerri.schroder@cityofhenderson.com)  
[www.cityofhenderson.com](http://www.cityofhenderson.com)  
Sent from my iPhone

Begin forwarded message:

**From:** Amber Stidham <[astidham@hendersonchamber.com](mailto:astidham@hendersonchamber.com)>  
**Date:** January 14, 2016 at 12:07:48 PM PST  
**To:** Gerri Schroder <[Gerri.Schroder@cityofhenderson.com](mailto:Gerri.Schroder@cityofhenderson.com)>  
**Subject:** RE: [Action Needed] - HDA position letter: West Henderson project rezoning item

Noted.  
Thank you.

---

**From:** Gerri Schroder [<mailto:Gerri.Schroder@cityofhenderson.com>]  
**Sent:** Thursday, January 14, 2016 12:01 PM  
**To:** Amber Stidham <[astidham@hendersonchamber.com](mailto:astidham@hendersonchamber.com)>  
**Cc:** Amy Palmeri <[apalmeri@hendersonchamber.com](mailto:apalmeri@hendersonchamber.com)>; Andrea Cole <[acole@gcgarciainc.com](mailto:acole@gcgarciainc.com)>; Arnold Lopez <[alopez@nvenergy.com](mailto:alopez@nvenergy.com)>; Barbra Coffee <[Barbra.Coffee@cityofhenderson.com](mailto:Barbra.Coffee@cityofhenderson.com)>; Brad Miller <[brad.miller@rcwilley.com](mailto:brad.miller@rcwilley.com)>; Chet Opheikens <[cheto@randoco.com](mailto:cheto@randoco.com)>; Diana Saviano <[Diana.Saviano@cityofhenderson.com](mailto:Diana.Saviano@cityofhenderson.com)>; Elizabeth Muse <[ekmuse@olin.com](mailto:ekmuse@olin.com)>; Elizabeth Trospen <[elizabeth@trospencommunications.com](mailto:elizabeth@trospencommunications.com)>; George Garcia <[ggarcia@gcgarciainc.com](mailto:ggarcia@gcgarciainc.com)>; James Stein <[james.stein@swgas.com](mailto:james.stein@swgas.com)>; Jeff Leake <[Jeff.Leake@cityofhenderson.com](mailto:Jeff.Leake@cityofhenderson.com)>; John Ramous <[johnr@harsch.com](mailto:johnr@harsch.com)>; John Stewart <[jstewart@julietlasvegas.com](mailto:jstewart@julietlasvegas.com)>; Leslie Hoyt <[lhoyt@swlaw.com](mailto:lhoyt@swlaw.com)>; Rick Smith (Gerick@cox.net) <[Gerick@cox.net](mailto:Gerick@cox.net)>; Robert Anderson <[rcanderson@swlaw.com](mailto:rcanderson@swlaw.com)>; Scott Muelrath <[smuelrath@hendersonchamber.com](mailto:smuelrath@hendersonchamber.com)>; Stu Hitchen <[stuhitchen8@gmail.com](mailto:stuhitchen8@gmail.com)>; Tim Brooks <[timb@emeraldlandcasino.com](mailto:timb@emeraldlandcasino.com)>; Tony

Dazzio ([tonydazzio@gmail.com](mailto:tonydazzio@gmail.com)) <[tonydazzio@gmail.com](mailto:tonydazzio@gmail.com)>; Windom Kimsey  
<[Wkimsey@tska.com](mailto:Wkimsey@tska.com)>  
**Subject:** Re: [Action Needed] - HDA position letter: West Henderson project rezoning  
item

Hi everyone,

I will abstain from this conversation with HDA. I'm sure you understand the  
obvious reason.

Thanks,

Gerri Schroder  
Councilwoman Ward 1  
City of Henderson  
240 Water Street, 4th Floor  
Henderson, Nevada 89015  
702-267-2403  
[Gerri.schroder@cityofhenderson.com](mailto:Gerri.schroder@cityofhenderson.com)  
[www.cityofhenderson.com](http://www.cityofhenderson.com)  
Sent from my iPhone

On Jan 14, 2016, at 11:34 AM, Amber Stidham  
<[astidham@hendersonchamber.com](mailto:astidham@hendersonchamber.com)> wrote:

Good morning Trustees,

During the last HDA meeting several trustees discussed concern  
over possible rezoning of a West Henderson project to  
accommodate residential development. This issue that will be  
heard as an item during this coming Council meeting.

Attached is a position letter opposing the rezoning request. **We  
seek your input and/or vote ("yay" or "nay") by no later than 6  
p.m. today (Thursday, Jan. 13).** Per our bylaws, a simple  
majority vote is needed to approve this measure. Once approved,  
this letter will be circulated to HCC Executive Board members for  
final authorization.

If you have questions or would like to discuss this item further,  
please call me at 702-565-8951 (office) or, if after 1 p.m. today,  
call 702-499-2114 (cell).

Thank you,  
Amber

***\*PLEASE NOTE CONFIDENTIALITY UNTIL FORMALLY VOTED UPON\*\****

<image002.jpg> **Amber Stidham – Director of Government Affairs**  
Henderson Chamber of Commerce  
Office 702.565.8951 | Direct 702.499.2114  
[astidham@hendersonchamber.com](mailto:astidham@hendersonchamber.com)  
590 South Boulder Highway  
Henderson, Nevada 89015  
[www.HendersonChamber.com](http://www.HendersonChamber.com)

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<HDA.CityofHenderson.RezoneOpposition.1.11.2016.pdf>

Henderson Privilege Log Doc#4944

**From:** Kathy Blaha [Kathy.Blaha@cityofhenderson.com]  
**Sent:** Wednesday, March 16, 2016 1:01 PM  
**To:** Joanne Wershba; Ray Everhart  
**Subject:** Arbor Day Calendar

I mentioned to you guys that I was concerned about the process for the Arbor Day calendar.

Redaction

Redaction

Joanne, when is judging taking place and when will the images be available to give to Tronox/Trosper Communications?

**Kathy Blaha**  
Public Information Officer  
City of Henderson | Communications and Council Support  
702-267-2052 | [Kathy.Blaha@cityofhenderson.com](mailto:Kathy.Blaha@cityofhenderson.com)

Henderson Privilege Log Doc#4954

**From:** Joanne Wershba [Joanne.Wershba@cityofhenderson.com]  
**Sent:** Wednesday, March 16, 2016 1:10 PM  
**To:** Kathy Blaha  
**Subject:** RE: Arbor Day Calendar

Kathy,  
I have the judging scheduled for Tuesday, March 29. The CBC members are supposed to come in and help. We will have over 1,000 posters to view. After the top 13 are chosen, I will bring them over to the Council office for the council members to choose the top 3. After that, we still have to scan the top 3 (we usually go to Kinko's and they do the artwork for us) for the framed posters. I estimate the posters will not be available until at least the second week of April.  
Joanne

---

**From:** Kathy Blaha  
**Sent:** Wednesday, March 16, 2016 1:01 PM  
**To:** Joanne Wershba; Ray Everhart  
**Subject:** Arbor Day Calendar

I mentioned to you guys that I was concerned about the process for the Arbor Day calendar.

Redaction

Redacti  
on

Joanne, when is judging taking place and when will the images be available to give to Tronox/Trosper Communications?

**Kathy Blaha**  
Public Information Officer  
City of Henderson | Communications and Council Support  
702-267-2052 | [Kathy.Blaha@cityofhenderson.com](mailto:Kathy.Blaha@cityofhenderson.com)

Henderson Privilege Log Doc#4955

**From:** Kathy Blaha [Kathy.Blaha@cityofhenderson.com]  
**Sent:** Wednesday, March 16, 2016 1:36 PM  
**To:** Joanne Wershba  
**Subject:** RE: Arbor Day Calendar

Great – thanks Joanne!

**Kathy Blaha**  
Public Information Officer  
City of Henderson

---

**From:** Joanne Wershba  
**Sent:** Wednesday, March 16, 2016 1:10 PM  
**To:** Kathy Blaha  
**Subject:** RE: Arbor Day Calendar

Kathy,  
I have the judging scheduled for Tuesday, March 29. The CBC members are supposed to come in and help. We will have over 1,000 posters to view. After the top 13 are chosen, I will bring them over to the Council office for the council members to choose the top 3. After that, we still have to scan the top 3 (we usually go to Kinko's and they do the artwork for us) for the framed posters. I estimate the posters will not be available until at least the second week of April.  
Joanne

---

**From:** Kathy Blaha  
**Sent:** Wednesday, March 16, 2016 1:01 PM  
**To:** Joanne Wershba; Ray Everhart  
**Subject:** Arbor Day Calendar

I mentioned to you guys that I was concerned about the process for the Arbor Day calendar.

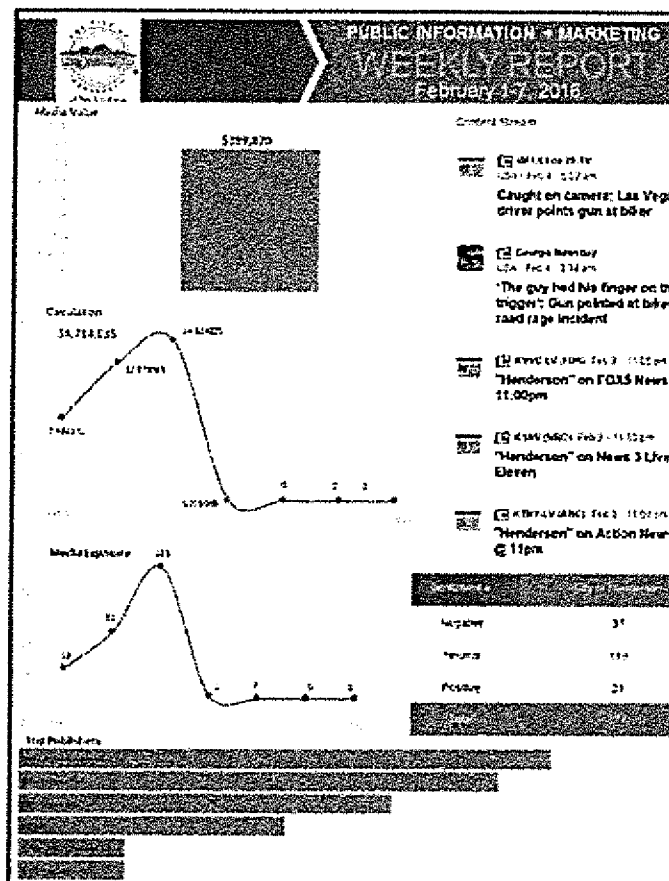
Redaction


Redaction

Joanne, when is judging taking place and when will the images be available to give to Tronox/Trosper Communications?

**Kathy Blaha**  
Public Information Officer  
City of Henderson | Communications and Council Support  
702-267-2052 | [Kathy.Blaha@cityofhenderson.com](mailto:Kathy.Blaha@cityofhenderson.com)

Henderson Privilege Log Doc#5249





PUBLIC INFORMATION + MARKETING  
 WEEKLY REPORT  
 February 1-7, 2016

Current Records Requests

5  
Five records were requested.

Thursday, Dec. 17, 2015, Luke Knight of MacBout requested various information surrounding court fines and fees. Mr. Knight was responded to and informed the information is being gathered. On Dec. 31, 2015, questions were sent to Mr. Knight asking for clarification of portions of the request. On Jan. 13, 2016 a letter dated Jan. 4 was received requesting different information. Mr. Knight has been asked to tag into Contact Henderson to respond to questions. To date a response has not been received. On Feb. 4, 2016 the COA advised we try a call to the case 99 days after our last attempt to contact Mr. Knight.

On Jan. 13, 2016, Elizabeth Treasurer (on behalf of Debra March's campaign) requested copies of Debra March's

Redaction
 Redaction

A request for all email's exchanged between Mayor Hulse and Philarycinion from Nov. 1, 2015 was requested by Allan Chen of America Rising. We advised him there were no email's and the case was removed.


A request from Adelaide Chen, (NY) was received asking for mobile load track business license information from Jan. 1, 2008, to present.

Redaction
 Redaction

On Feb. 4, Robert Fether of NPD requested copies of all internal emails from Jan. 1, 2014, to the present. All of these emails are available online and are waiting for final approval to respond as such.

On Oct. 27, 2015, Carl Read, Orlando, FL, made requested a police report on the Chelsea Ann, Manager for the evening, of the Regenerative Spa. He was advised that he would have to contact, Las Vegas Metropolitan Police Department, since the incident did not occur in Henderson. This request was resolved on Oct. 27, 2016. On Feb. 2, 2016 we were contacted through Contact Henderson. Mr. Read was advised that the incident occurred in Las Vegas Metropolitan Police Department's jurisdiction and to contact them for police reports.





PUBLIC INFORMATION & MARKETING  
**WEEKLY REPORT**  
 February 1-7, 2016

**Current Marketing Campaigns**

### Guitar

From the heart of the Pacific Northwest, the Seattle Guitar Society is proud to present a series of workshops and masterclasses for guitarists of all levels. The series will be held at the Seattle Public Library, and will feature some of the region's most talented guitarists. The series will be held on Monday and Wednesday evenings, from 7pm to 9pm. The series will be held at the Seattle Public Library, and will feature some of the region's most talented guitarists. The series will be held on Monday and Wednesday evenings, from 7pm to 9pm.

**January 4-7**  
 8:15 PM - 9:15 PM

**February 1-4**  
 8:15 PM - 9:15 PM

**February 22-March 30**  
 8:15 PM - 9:15 PM

### ABSOLUTELY ABS & CORE

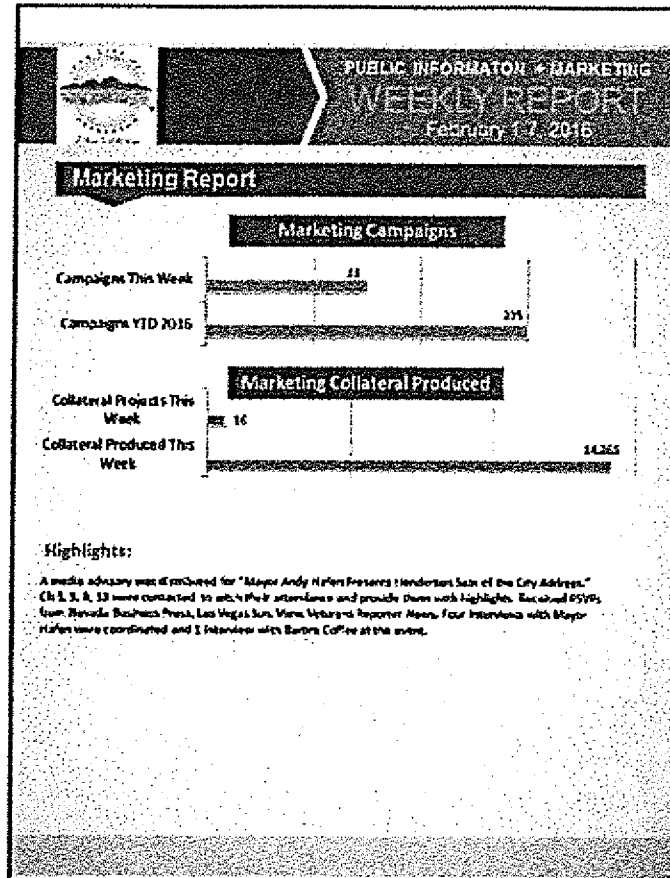
One of the most important parts of your fitness routine is your core. A strong core is essential for good posture, balance, and overall health. The Seattle Public Library is proud to present a series of workshops and masterclasses for people of all ages and fitness levels. The series will be held on Monday and Wednesday evenings, from 7pm to 9pm. The series will be held at the Seattle Public Library, and will feature some of the region's most talented fitness instructors. The series will be held on Monday and Wednesday evenings, from 7pm to 9pm.

**Monday and Wednesday, 7pm-9pm**  
 8:15 PM - 9:15 PM

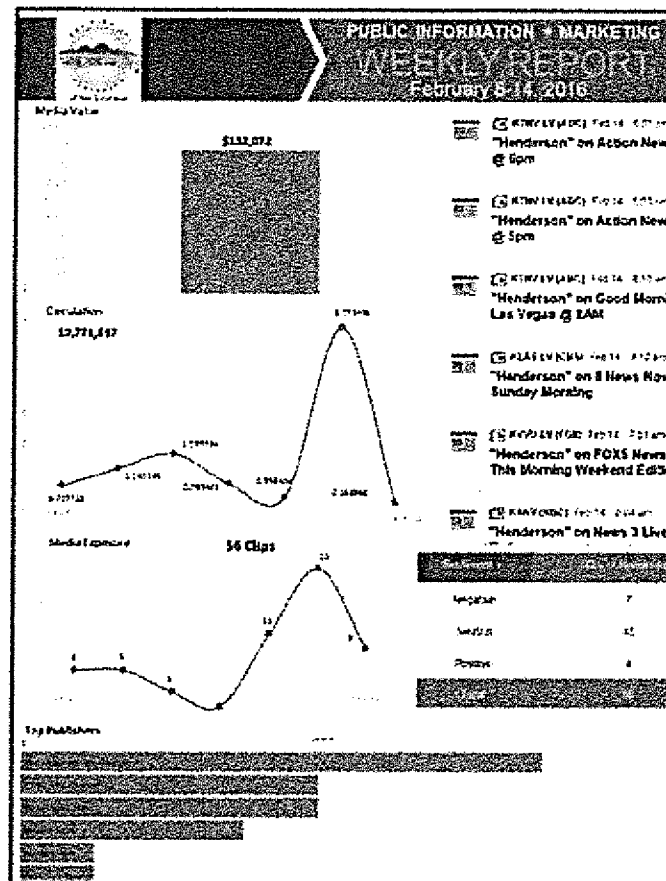
**January 4-7**  
 8:15 PM - 9:15 PM


**February 1-4**  
 8:15 PM - 9:15 PM

**February 22-March 30**  
 8:15 PM - 9:15 PM



Henderson Privilege Log Doc#5253





PUBLIC INFORMATION + MARKETING  
**WEEKLY REPORT**  
 February 2-14, 2016

**Current Records Requests**

4

Four hundred or more records requested

Thursday, Dec. 17, 2015, Luke Knight of MuckRock requested various information surrounding court fines and fees. Mr. Knight was responded to and informed the information is being gathered. On Dec. 20, 2015, questions were sent to Mr. Knight asking for clarification of portions of the request. On Jan. 13, 2016 a letter dated Jan. 4 was received requesting different information. Mr. Knight has been asked to log into CONTACT Henderson to respond to questions. To date a response has not been received.

Redacted

Redaction

On Jan. 13, 2016, Elizabeth Trempier (on behalf of Debra March) requested photos of Debra March.

Redacted

Redaction

A request from Adelaide Chen (VU) was received asking for mobile food truck business license information from Jan. 1, 2008, to present.

Redacted

Redaction

On Feb. 4, Robert Felner of NPRM requested copies of all internal audits from Jan. 1, 2014, to the present. All of these audits are available online and we are waiting for final approval to respond as such.

Redacted

Redaction

Culture (w/Mineral) (VU) requested MCARD use information for Apple Field and Cheryl Nadeau/He from Jan. 1, 2015 thru Feb. 16, 2016. Purchasing is gathering all of the information. We expect to receive it today.

NPRM submitted their annual salary request for the 2015 salaries for all City employees. Finance is gathering the information.



PUBLIC INFORMATION + MARKETING  
**WEEKLY REPORT**  
 February 6-14, 2016

**Current Marketing Campaigns**




**100% ESPAÑOL**  
**INTERMEDIATE SPANISH**

Students continue to learn Spanish grammar, vocabulary and for use in more detailed communication. Expect 90 percent Spanish and 10 percent English speakers in class.

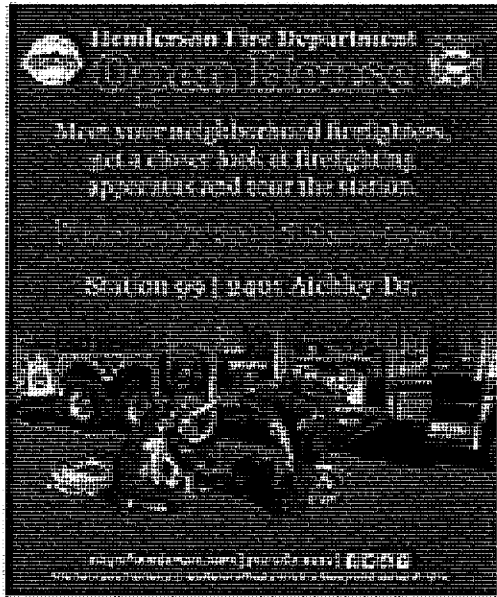
ETS for Spanish is done the first day after 90%.

**Wednesday, 6:30PM-8PM**  
 January 19-21 | 6:30-8PM | 6:30-8PM  
 February 9-11 | 6:30-8PM | 6:30-8PM  
 March 2-4 | 6:30-8PM | 6:30-8PM

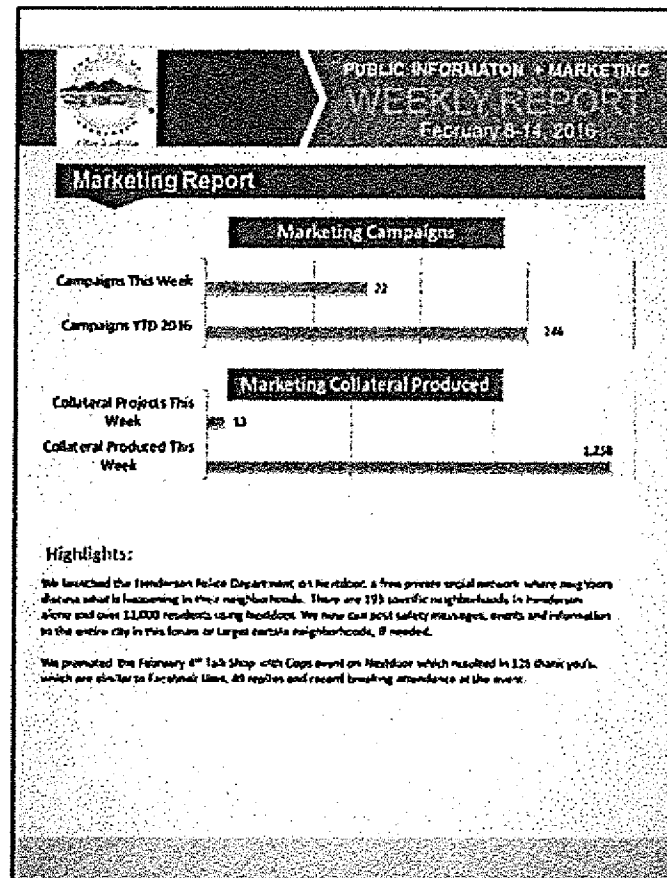


PUBLIC INFORMATION • MARKETING  
**WEEKLY REPORT**  
 February 8-14, 2016


**Current Marketing Campaigns**



**Henderson Fire Department**  
**Open House**  
 Meet your neighborhood firefighters,  
 get a closer look at firefighting  
 operations and tour the station.  
 Thursday, February 11, 6:00pm - 8:00pm  
 Station 99 | 1401 Alchey Dr.  
 Free admission, donations appreciated. **RSVP**  
Station 99 is located at 1401 Alchey Dr. in Henderson, NV. Station 99 is a 2014 Ford F-350.



Henderson Privilege Log Doc#5695



# COUNCIL SUPPORT WEEKLY REPORT

Feb. 1-7, 2016

## CONSTITUENT SERVICES - HOT TOPICS

### Current Issues

27

Continuing to work on individual constituent issues in each Ward

### Weekly Change

## UPCOMING EVENTS (COUNCIL ATTENDING)

Feb 17

Tempeville: Councilwoman Schröder will attend the One-on-One meeting.

ASPE Technical Advisory Committee: Mayor Haden will attend this meeting.

Feb 17/18

Herzliya Jewish Youth: Mayor Haden and Councilwoman March will read to the students at Herzliya Jewish Academy, Tempeville.

Feb 18

Tempeville Treatment Center: Councilwoman March will speak at this event.

## COUNCIL SUPPORT IN BRIEF

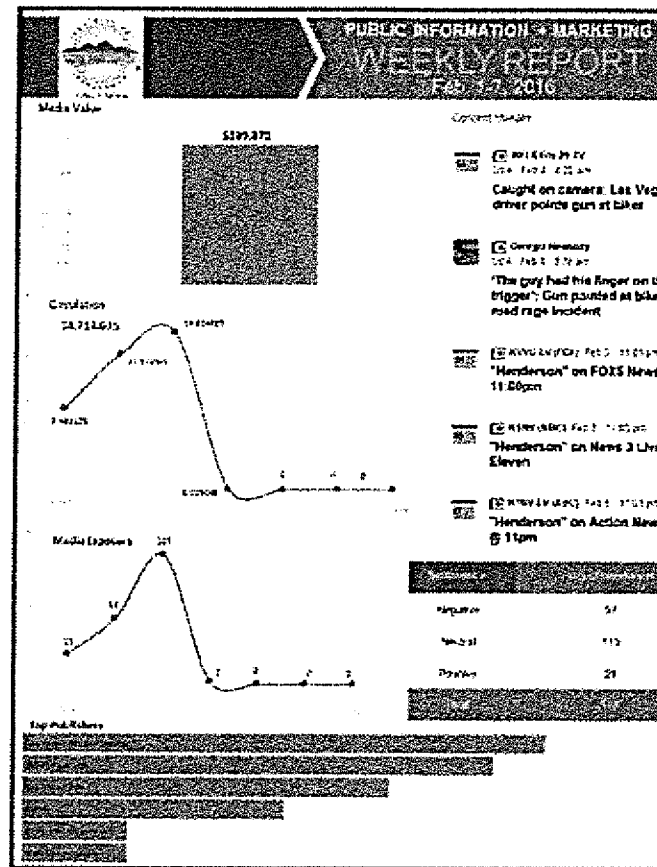
Mayor Haden gave his 2016 State of the City address 2/1 with all Council members attending.


Councilwoman March & Schröder attended the Foundation Assisting Seniors Annual Appreciation Dinner 2/1.

Councilwoman March spoke at the Madris Canyon HOA meeting 2/1.

Councilwoman Schröder spoke at the Tempeville Square HOA Meeting 2/1.

Mayor Haden attended an Eagle Scout Court of Honor 2/1.





PUBLIC INFORMATION + MARKETING

WEEKLY REPORT

FEB. 1-7, 2016

Current Records Requests

4

THIS CURRENT PAGE MEETS REQUEST

Thursday, Dec. 17, 2015, Lukas Knight of Mt. Rock requested various information surrounding town fines and fees. Mr. Knight was responded to and informed the information is being gathered. On Dec. 30, 2015, questions were sent to Mr. Knight asking for the location of portions of the records. On Jan. 13, 2016 a letter stated that it was received requesting different information. Mr. Knight has been asked to let the Contact Provider know he responded to questions. To date a response has not been received. On Feb. 4, 2016, the CAO advised we had a note to the case 23 days after our last attempt to contact Mr. Knight.

On Jan. 13, 2016, Elizabeth Tressor, on behalf of the Debra March campaign, requested photos of Debra March.

Redaction

Redaction

A request from Adelaida Chen, IVRI was received asking for mobile food truck business license information from Jan. 1, 2009, to present.

Redaction

Redaction

On Feb. 4, Robert Feltner of APRA requested copies of all internal audits from Jan. 1, 2014, to the present. All audits are available online; we are waiting for final approval to respond as such.


Examine This Report Being:

Allan H. Brown of America Rising requested all email correspondence between Mayor Foltz and @Gillanville between August 1, 2015, to Feb. 4, 2016. On Feb. 4 we was advised there were no emails and the case was marked.

On Oct. 27, 2015, Curt Reed of Orlando, Fla. made a request of a police report on Chelsea Aye, leasing manager of the Republic Spa. He was advised that he would have to contact Las Vegas Metropolitan Police Department since the incident did not occur in Henderson. This request was resolved Oct. 27, 2015. On Feb. 2, 2016, Mr. Reed submitted a Contact Henderson case requesting the same information. He was advised that the incident occurred in the Las Vegas Metropolitan Police Department jurisdiction and to contact them for police reports.

3

DOC\_0000062



PUBLIC INFORMATION + MARKETING

WEEKLY REPORT

Feb. 1-7, 2016

Current Marketing Campaigns

Heart & Soul

A Celebration of Gospel and Black History

Saturday, February 27

11:00am - 3:00pm


The event will feature a variety of performances and activities, including a gospel choir, a live band, and a silent auction. The proceeds from the event will be used to support the City of Henderson's efforts to promote and preserve its rich cultural heritage.

Heart & Soul

A Celebration of Gospel and Black History

ENTERTAINMENT

The event will feature a variety of performances and activities, including a gospel choir, a live band, and a silent auction. The proceeds from the event will be used to support the City of Henderson's efforts to promote and preserve its rich cultural heritage.



PUBLIC INFORMATION + MARKETING  
**WEEKLY REPORT**  
 Feb. 1-7, 2015

**Current Marketing Campaigns**

### Guitar

The University of San Diego's music program is seeking students for the upcoming Spring semester. The program is a four-year degree program that prepares students for careers in music education, performance, and management. The program is located in the San Diego campus and is a part of the School of Arts and Sciences.

**Application Deadline:** February 1, 2015

**For more information, visit:** [www.usd.edu/music](http://www.usd.edu/music)

### ABSOLUTELY ABS & CORE

Get a targeted and fun core workout. This class is designed for women and is a perfect addition to any workout routine. The class is held at the San Diego campus and is a part of the School of Arts and Sciences.

**Monday and Wednesday, 7pm-7:30pm**

**Drop-in \$4**

**Artistry 4-37**


**\$15.00 | 251.80.24**

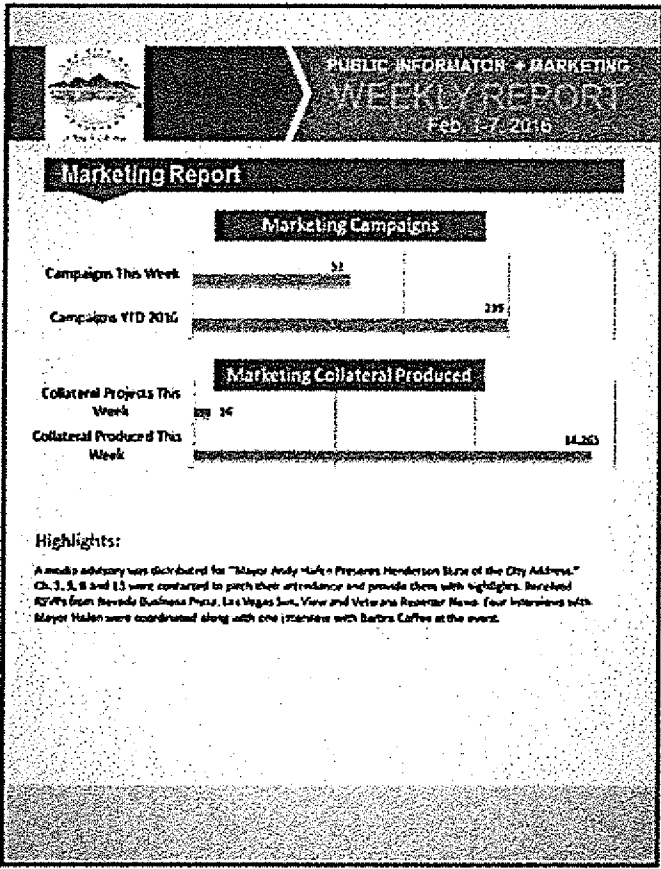
**February 1-31**

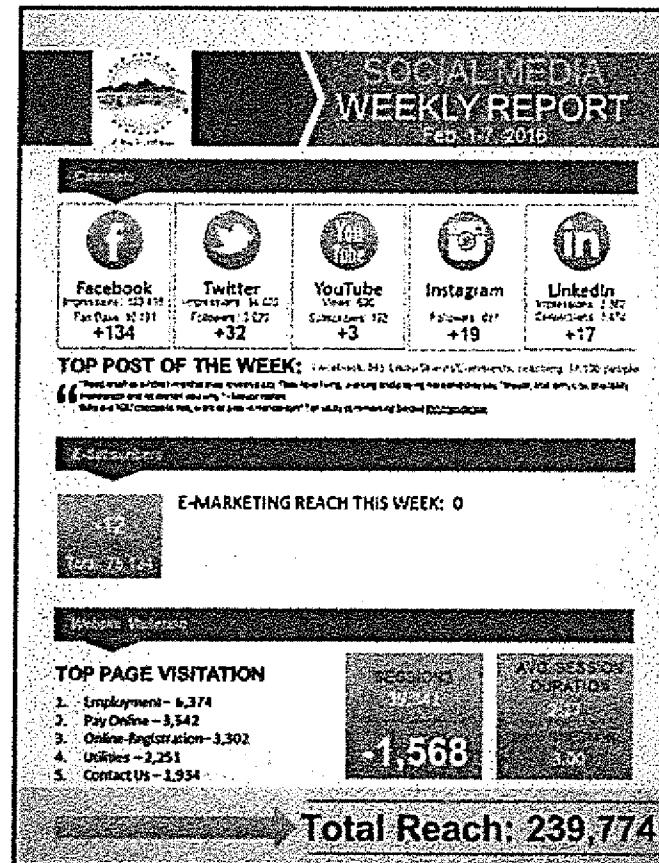
**\$15.00 | 251.80.24**

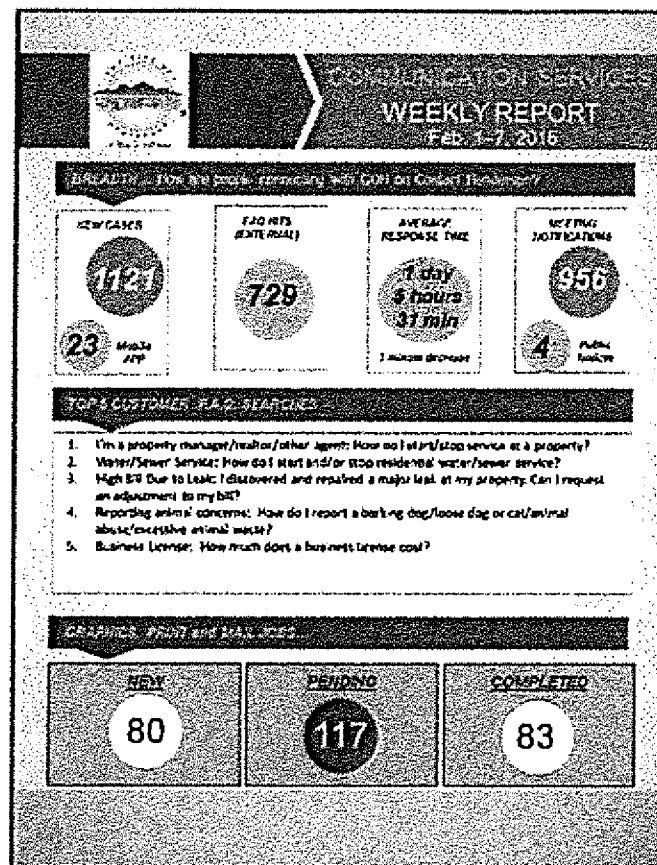
**February 20 March 30**

**\$25.00 | 251.80.24**









Henderson Privilege Log Doc#7009

**From:** Luke Fritz [Luke.Fritz@cityofhenderson.com]  
**Sent:** Monday, February 22, 2016 9:56 AM  
**To:** Kristina Gilmore  
**CC:** Laura Kopanski  
**Subject:** FW: Trosper Communications  
**Attachments:** Trosper Communications Agreement.docx

Redaction

Luke Fritz | Sr. Purchasing Specialist  
City of Henderson | Finance Department  
240 Water Street, Henderson, NV 89015  
Phone: (702) 267-1717

---

**From:** Laura Kopanski  
**Sent:** Thursday, February 18, 2016 4:00 PM  
**To:** Luke Fritz  
**Subject:** RE: Trosper Communications

See attached from Kristina Gilmore.

**Laura Kopanski | Senior Legal Assistant**  
Henderson City Attorney's Office - Civil Division  
240 Water Street, MSC 144  
Henderson, Nevada 89015  
Phone: (702) 267-1239 | Fax: (702) 267-1201  
[Laura.Kopanski@cityofhenderson.com](mailto:Laura.Kopanski@cityofhenderson.com)  
Office Hours: Monday - Thursday 7:30 a.m. to 5:30 p.m.

**Confidentiality Notice:** This electronic communication and any accompanying document contain information belonging to the sender which may be confidential and legally privileged. This information is intended only for the use of the individual or entity to whom this electronic transmission was sent as indicated above. If you are not the intended recipient, any disclosure, distribution or action taken in reliance on the contents of the information contained in this electronic transmission is strictly prohibited. If you have received this transmission in error, please notify me immediately by e-mail and delete the original message. Thank you.



---

**From:** Luke Fritz  
**Sent:** Thursday, February 18, 2016 3:44 PM  
**To:** Laura Kopanski  
**Subject:** FW: Trosper Communications

Hi Laura,  
I just wanted to check the status of the form I had sent you? I can't finish the Agreement without it.

Thank you,

Luke Fritz | Sr. Purchasing Specialist  
City of Henderson | Finance Department  
240 Water Street, Henderson, NV 89015  
Phone: (702) 267-1717

---

**From:** Luke Fritz  
**Sent:** Tuesday, February 16, 2016 9:30 AM  
**To:** Laura Kopanski  
**Subject:** RE: Trosper Communications

Hi Laura,  
I can get started, but I will need you to please return the attached form to me as well.

Thank you,

Luke Fritz | Sr. Purchasing Specialist  
City of Henderson | Finance Department  
240 Water Street, Henderson, NV 89015  
Phone: (702) 267-1717

---

**From:** Laura Kopanski  
**Sent:** Thursday, February 11, 2016 5:00 PM  
**To:** Luke Fritz  
**Subject:** Trosper Communications

Luke,  
Please place this in our standard purchasing agreement. Thank you.

Laura Kopanski | Senior Legal Assistant  
Henderson City Attorney's Office - Civil Division  
240 Water Street, MSC 144  
Henderson, Nevada 89015  
Phone: (702) 267-1239 | Fax: (702) 267-1201  
[Laura.Kopanski@cityofhenderson.com](mailto:Laura.Kopanski@cityofhenderson.com)  
Office Hours: Monday - Thursday 7:30 a.m. to 5:30 p.m.

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Henderson Privilege Log Doc#12328

**From:** Sally Galati [Sally.Galati@cityofhenderson.com]  
**Sent:** Thursday, September 15, 2016 7:26 PM  
**To:** Rory Robinson  
**Subject:** FW: Media Communications for September 15, 2016

Redaction

**LVRJ – Upcoming agenda items**

Natalie Bruzda with the Review-Journal called seeking information on two upcoming agenda items. The first was NB 46, the item on the agreement between the City and Marnell Properties that would provide funding for a feasibility study for development on 55 acres located at St. Rose and Executive Airport Drive. I worked with Assistant City Manager Greg Blackburn to develop responses to Natalie's questions about the City's vision for what type of development it was seeking at that location, the specific provisions of the agreement and how it would be executed if approved. The second agenda item discussed was PH 40 on the City's 2015-2016 CAPER and approval for the report to be sent to the Department of Housing and Urban Development (HUD). Information was provided on the agenda item satisfying the HUD requirement for annual reporting related to Community Development Block Grant funding. Both stories are contingent on Council action at the September 20 meeting.

David Cherry

---

**From:** Office of Public Affairs [mailto:Keith.Paul@cityofhenderson.com@mail234.suw14.mcdlv.net] **On**  
**Behalf Of** Office of Public Affairs  
**Sent:** Thursday, September 15, 2016 6:49 PM  
**To:** Sally Galati  
**Subject:** Media Communications for September 15, 2016

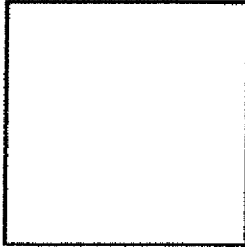
**September 15, 2016**

**KXNT – Young Entrepreneurs Alliance**

Fred Halstied, a reporter with KXNT radio, contacted the PIO Thursday following up on the press release send out regarding the City of Henderson's Young Entrepreneurs Alliance. I did an interview with Fred explaining that high school students are invited to the launch of this year's Young Entrepreneurs Alliance on Monday at the Convention Center. The aim of the program is to foster the students' business initiatives and inspire other teens to develop their

own ideas. The story is expected to run during newsbreaks on Friday.

Keith Paul



**Ch 5 – Missing teen**

Matt from the news desk called for a status check in the case of a 16-year-old girl reported missing on Sept. 14, 2015. Ch 5 ran a story based on information from the National Center for Missing Children and a person claiming to be her responded on social media that she wasn't missing. I confirmed that she is still listed as missing and detectives continue to work the case. Matt asked whether we've attempted to contact the person on social media; I told him that I could not discuss details about an open investigation. It is unclear whether a story will run.

Kathleen Richards

**LVRJ – Trosper Communications contract**

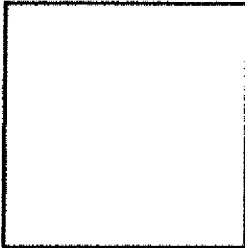
Natalie Bruzda with the R-J called seeking a copy of the city's contract with Trosper Communications. She also spoke with the Mayor and Councilman Marz. City Manager provided Natalie with a written quote in response to her inquiry. Natalie originally said she was going to request budget information for the communications department and staff, but withdrew the request. The story is likely to appear as early as Friday.

David Cherry

**LVRJ – Upcoming agenda items**

Natalie Bruzda with the Review-Journal called seeking information on two upcoming agenda items. The first was NB 46, the item on the agreement between the City and Mamell Properties that would provide funding for a feasibility study for development on 55 acres located at St. Rose and Executive Airport Drive. I worked with Assistant City Manager Greg Blackburn to develop responses to Natalie's questions about the City's vision for what type of development it was seeking at that location, the specific provisions of the agreement and how it would be executed if approved. The second agenda item discussed was PH 40 on the City's 2015-2016 CAPER and approval for the report to be sent to the Department of Housing and Urban Development (HUD). Information was provided on the agenda item satisfying the HUD requirement for annual reporting related to Community Development Block Grant funding. Both stories are contingent on Council action at the September 20 meeting.

David Cherry



This email was sent to [sally.galati@cityofhenderson.com](mailto:sally.galati@cityofhenderson.com)  
[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)  
City of Henderson Office of Public Affairs · 240 S. Water Street · Henderson, NV 89015 · USA

Henderson Privilege Log Doc#13422

**From:** Kim Becker [Kim.Becker@cityofhenderson.com]  
**Sent:** Monday, October 10, 2016 1:33 PM  
**To:** David Cherry; Javier Trujillo  
**CC:** Corey Clark  
**Subject:** Senior Transportation Forum: Trosper/FRI

**Importance:** High

Hi David and Javier-

Liz Trosper has been in touch with Corey Clark regarding the Oct. 13 senior transportation forum. Initially a group was going to be there to talk about FRI and its benefits,

Redaction	Redaction
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Redaction
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. However, Liz Trosper told Corey that David gave permission for her to copy the FRI article that's in the summer issue of Henderson Happenings, that she could put the city logo on it and distribute copies at the forum.

Can you confirm that permission has been given for this? Normally we would not do something like that, but I'll leave it up to you. My department cannot advocate for or against FRI, so if permission has been granted for Liz to do this please respond ASAP and let us know. We just want to confirm that you gave permission for this (or not).

Thank you,  
Kim

Kim Becker  
Public Information Officer  
City of Henderson  
Public Works, Parks and Recreation Department  
240 Water St. P.O. Box 95050  
Henderson, NV 89009-5050  
702-267-4033

Henderson Privilege Log Doc#13423

**From:** Kim Becker [Kim.Becker@cityofhenderson.com]  
**Sent:** Monday, October 10, 2016 1:34 PM  
**To:** Shari Ferguson; Adam Blackmore  
**Subject:** FW: Senior Transportation Forum: Trospers/FRI

**Importance:** High

FYI

---

**From:** Kim Becker  
**Sent:** Monday, October 10, 2016 1:33 PM  
**To:** David Cherry; Javier Trujillo  
**Cc:** Corey Clark  
**Subject:** Senior Transportation Forum: Trospers/FRI  
**Importance:** High

Hi David and Javier-

Liz Trospers has been in touch with Corey Clark regarding the Oct. 13 senior transportation forum. Initially a group was going to be there to talk about FRI and its benefits,

Redaction	Redaction
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Redaction	However, Liz Trospers told Corey that David gave permission for her to copy the FRI article that's in the summer issue of Henderson Happenings, that she could put the city logo on it and distribute copies at the forum.
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Can you confirm that permission has been given for this? Normally we would not do something like that, but I'll leave it up to you. My department cannot advocate for or against FRI, so if permission has been granted for Liz to do this please respond ASAP and let us know. We just want to confirm that you gave permission for this (or not).

Thank you,  
Kim

Kim Becker  
Public Information Officer  
City of Henderson  
Public Works, Parks and Recreation Department  
240 Water St. P.O. Box 95050  
Henderson, NV 89009-5050  
702-267-4033

Henderson Privilege Log Doc#13425

**From:** Adam Blackmore [Adam.Blackmore@cityofhenderson.com]  
**Sent:** Monday, October 10, 2016 1:35 PM  
**To:** Corey Clark  
**Subject:** RE: Senior Transportation Forum: Trosper/FRI

interesting

**Adam Blackmore, CPRP**  
Recreation Superintendent  
Public Works, Parks and Recreation  
240 Water Street  
P.O. Box 95050 MSC 131  
Henderson, NV 89009  
702-267-4018

---

**From:** Corey Clark  
**Sent:** Monday, October 10, 2016 1:35 PM  
**To:** Adam Blackmore  
**Subject:** FW: Senior Transportation Forum: Trosper/FRI  
**Importance:** High

FYI.

---

**From:** Kim Becker  
**Sent:** Monday, October 10, 2016 1:33 PM  
**To:** David Cherry; Javier Trujillo  
**Cc:** Corey Clark  
**Subject:** Senior Transportation Forum: Trosper/FRI  
**Importance:** High

Hi David and Javier-

Liz Trosper has been in touch with Corey Clark regarding the Oct. 13 senior transportation forum.  
~~Initially a group was going to be there to talk about FRI and its benefits.~~

Redaction

Redaction

Redaction

However, Liz Trosper told Corey that David gave permission for her to copy the FRI article that's in the summer issue of Henderson Happenings, that she could put the city logo on it and distribute copies at the forum.

Can you confirm that permission has been given for this? Normally we would not do something like that, but I'll leave it up to you. My department cannot advocate for or against FRI, so if permission has been granted for Liz to do this please respond ASAP and let us know. We just want to confirm that you gave permission for this (or not).

Thank you,  
Kim

Kim Becker  
Public Information Officer  
City of Henderson  
Public Works, Parks and Recreation Department  
240 Water St. P.O. Box 95050  
Henderson, NV 89009-5050  
702-267-4033

Henderson Privilege Log Doc#13428

**From:** Corey Clark [Corey.Clark@cityofhenderson.com]  
**Sent:** Monday, October 10, 2016 1:41 PM  
**To:** Kim Becker  
**Subject:** RE: Senior Transportation Forum: Trosper/FRI

Thank You.

---

**From:** Kim Becker  
**Sent:** Monday, October 10, 2016 1:41 PM  
**To:** Corey Clark  
**Cc:** Adam Blackmore; Shari Ferguson  
**Subject:** FW: Senior Transportation Forum: Trosper/FRI  
**Importance:** High

Javier just called. He said since the article had already been published it's okay. So....okay per Javier.

---

**From:** Kim Becker  
**Sent:** Monday, October 10, 2016 1:33 PM  
**To:** David Cherry; Javier Trujillo  
**Cc:** Corey Clark  
**Subject:** Senior Transportation Forum: Trosper/FRI  
**Importance:** High

Hi David and Javier-

Liz Trosper has been in touch with Corey Clark regarding the Oct. 13 senior transportation forum. Initially a group was going to be there to talk about FRI and its benefits,

	Redaction
Redaction	.

So neither group will be advocating at the event. However, Liz Trosper told Corey that David gave permission for her to copy the FRI article that's in the summer issue of Henderson Happenings, that she could put the city logo on it and distribute copies at the forum.

Can you confirm that permission has been given for this? Normally we would not do something like that, but I'll leave it up to you. My department cannot advocate for or against FRI, so if permission has been granted for Liz to do this please respond ASAP and let us know. We just want to confirm that you gave permission for this (or not).

Thank you,  
Kim

Kim Becker  
Public Information Officer  
City of Henderson  
Public Works, Parks and Recreation Department

240 Water St. P.O. Box 95050  
Henderson, NV 89009-5050  
702-267-4033

  
CLERK OF THE COURT

MARGARET A. MCLETCHIE, Nevada Bar No. 10931  
ALINA M. SHELL, Nevada Bar No. 11711  
**MCLETCHIE SHELL LLC**  
701 East Bridger Avenue, Suite 520  
Las Vegas, NV 89101  
Telephone: (702)-728-5300  
Email: [alina@nvlitigation.com](mailto:alina@nvlitigation.com)  
*Counsel for Petitioner*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

LAS VEGAS REVIEW-JOURNAL,

Case No.: A-16-747289-W

Petitioner,

Dept. No.: XVIII

vs.

CITY OF HENDERSON,

**MEMORANDUM IN SUPPORT  
OF APPLICATION PURSUANT  
TO NEV. REV. STAT. § 239.001/  
PETITION FOR WRIT OF  
MANDAMUS/ APPLICATION  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

Respondent.

COMES NOW Petitioner the Las Vegas Review-Journal (the "Review-Journal"),  
by and through its undersigned counsel, and hereby submits this Memorandum in support  
of its Public Records Act Application/Petition.<sup>1</sup> This Memorandum is based upon the points  
and authorities below, any attached exhibits, and the pleadings on file with this Court.

Respectfully submitted this 8<sup>th</sup> day of February, 2017.

By: 

Margaret A. McLetchie, Nevada Bar No. 10931  
Alina M. Shell, Nevada Bar No. 11711  
**MCLETCHIE SHELL LLC**  
*Counsel for Petitioner*

<sup>1</sup> The Petition on file is being amended contemporaneously. References herein to the  
"Petition" are to the Amended Petition.

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

The Nevada Public Records Act (“NPRA”), Nev. Rev. Stat. § 239.001 et seq., is intended to “foster democratic principles by providing members of the public with access to inspect and copy public books and records[.]” Henderson violated the NPRA by demanding an exorbitant sum—one not provided for in the NPRA—to just review documents that might be responsive to NPRA requests by the Review-Journal. After the Review-Journal filed this action, Henderson and the Review-Journal agreed that the Review-Journal be allowed to inspect records responsive to its requests. However, this matter is capable of repetition yet evading review, and declaratory relief is needed so that Henderson changes its policy and practice of charging impermissible fees. Further, Henderson continues to withhold documents that it claims are privileged. However, in many instances, it has failed to meet its burden of establishing both: (1) the existence of an applicable privilege; and (2) that its interests in withholding documents (or portions thereof) outweighs the presumption that they should be produced.

**II. FACTS AND PROCEDURAL HISTORY**

**A. Review-Journal’s Request**

As detailed in the Petition, on or around October 4, 2016, Review-Journal reporter Natalie Bruzda sent Henderson a request pursuant to the NPRA seeking certain documents dated from January 1, 2016 pertaining to Trospen Communications and its principal, Elizabeth Trospen (the “Request”). Trospen Communications is a communications firm that had a contract with the City of Henderson and also has assisted with the campaigns of elected officials in Henderson.<sup>2</sup> The request was directed to Henderson’s Chief Information Officer and the Director of Intergovernmental Relations. (See Exhibit (“Exh.”) 1 to Amended Petition and attached Declaration of Margaret A. McLetchie at ¶ 4.)

<sup>2</sup> Following the filing of the Review-Journal’s Petition for Writ of Mandamus, Ms. Trospen resigned from the contract Trospen Communications had with Henderson. See: <http://www.reviewjournal.com/local/henderson/publicist-resigns-contract-city-henderson-after-public-records-lawsuit> (last accessed February 8, 2017).

**B. Henderson's Delayed Response and Demand for Exorbitant Sums.**

On October 11, 2016, Henderson provided a partial response ("Response"), a true and correct copy of which is attached to the Amended Petition as **Exhibit 2**. This Response fails to provide timely notice regarding any specific confidentiality or privilege claim that would limit Henderson in producing (or otherwise making available) all responsive documents. Instead, in its Response, Henderson indicated that it was "in process of searching for and gathering responsive e-mails and other documents" but that "[d]ue to the high number of potentially responsive documents that meet your search criteria (we have approximately 5,566 emails alone) and the time required to review them for privilege and confidentiality, we estimate that your request will be completed in three weeks from the date we commence our review." (Exh. 2 to Amended Petition.)

In addition to stating that it would need additional time, Henderson demanded payment of almost \$6,000.00 to continue its review. It explained the basis of the demand as follows:

The documents you have requested will require extraordinary research and use of City personnel. Accordingly, pursuant to NRS 239.052, NRS 239.055, and Henderson Municipal Code 2.47.085, **we estimate that the total fee to complete your request will be \$5,787.89**. This is calculated by averaging the actual hourly rate of the two Assistant City Attorneys who will be undertaking the review of potentially responsive documents (\$77.99) and multiplying that rate by the total number of hours it is estimated it will take to **review the emails and other documents** (approximately 5,566 emails divided by 75 emails per hour equals 74.21 hours).

(Exh. 2 to Amended Petition (emphasis added).)

Thus, Henderson improperly demanded that the Review-Journal pay its assistant city attorneys to review documents to determine whether they could even be released. The Response made clear that Henderson would not continue searching for responsive documents and reviewing them for privilege without payment, and demanded a "deposit" of \$2,893.94, explaining that this was its policy:

Under the City's Public Records Policy, a fifty percent deposit of fees is required before we can start our review. Therefore, please submit a check

payable to the City of Henderson in the amount of \$2,893.94. **Once the City receives the deposit, we will begin processing your request.**

(*Id.*)

Henderson informed the Review-Journal that it would not release any records until the total final fee was paid. The Response also stated:

When your request is completed, we will notify you and, once the remained [sic] of the fee is received, the records and any privilege log will be released to you.

(*Id.*) Henderson's pertinent policy is Exhibit 4 to the Amended Petition.

### C. The Review-Journal Files Suit.

On November 29, 2016, after an informal effort to resolve this dispute failed, the Review-Journal filed a Petition for Writ of Mandamus with this Court on November 29, 2016.

### D. The Review-Journal and Henderson Partially Resolve Some Issues.

Subsequently, counsel for the Review-Journal and attorneys from the City Attorneys' Office conferred extensively regarding the Review-Journal's NPRA request. ("McLetchie Decl." at ¶ 7.) On December 20, 2016, Henderson provided the Review-Journal with an initial list of documents it was redacting or withholding. (*See* Exh. 4 to Amended Petition.)

Henderson also agreed to make the requested documents available for inspection. (McLetchie Decl. at ¶ 9.) It did so free of charge. (*Id.*) That inspection took place on over the course of several days. (McLetchie Decl. at ¶ 10.)

After requests from the undersigned, Henderson provided an additional privilege log on January 9, 2017. (Exh.5 to Amended Petition.) In that log, Henderson provided a description of the documents being withheld or redacted, and the putative basis authority for withholding or redaction. (*Id.*) The log also indicated who sent and received the emails responsive to the NPRA request, but in instances where the sender or recipient was a city attorney or legal staff, the log did not identify the attorney or staff person. (*Id.*)

///

1 That same day, counsel for the Review-Journal, after reviewing the privilege log,  
2 asked Henderson to revise its log to include the names of the attorneys and legal staff, and to  
3 also include the identities of all recipients of the communications. (McLetchie Decl. at ¶¶ 11,  
4 12.)

5 On January 10, 2017, Henderson provided the Review-Journal with a revised  
6 privilege log (“Revised Log;” Exh. 6 to Amended Petition), as well as a number of redacted  
7 documents corresponding to the log (Exh. 7 to Amended Petition.) In the Revised Log,  
8 Henderson included a description of the senders and recipients of withheld or redacted  
9 documents. As discussed below, however, Henderson’s stated reasons for withholding or  
10 redacting the documents requested by the Review-Journal are insufficient or inappropriate.

### 11 III. ARGUMENT

12 In addition, the Review-Journal asserts that Henderson has unnecessarily withheld  
13 or redacted documents that are subject to the NPRA. Subject to limited exceptions, “all  
14 public books and public records of a governmental entity [...] may be fully copied[.]” Nev.  
15 Rev. Stat. § 239.010. The Review-Journal may apply to this Court for an order requiring the  
16 District Attorney to provide copies of the public records at issue to the Review-Journal  
17 because this is the District Court in the county where the requested public records are held.  
18 Nev. Rev. Stat. § 239.011.

19 The log Henderson provided to explain its redactions and withholdings is  
20 inadequate because it does not provide sufficient legal or factual bases to support the  
21 approximately 91 instances of withholding or redacting public records requested by the  
22 Review-Journal. Accordingly, as discussed in detail below, mandamus relief is appropriate.

#### 23 A. Henderson’s Attempt to Charge the Review-Journal for a Privilege 24 Review of the Requested Documents Violates the NPRA.

25 Even if the NPRA allowed for fees in this case—which it does not—the fee calculation  
26 used by Henderson is inconsistent with the statute on which it relies, which caps fees at fifty  
27 (50) cents a page. Nev. Rev. Stat. § 239.055(1). Moreover, Henderson’s practice of charging  
28 impermissible fees improperly deters NPRA requests from Review-Journal reporters.

1           **1.       The NPRA Limits the Fees a Governmental Entity May Charge for**  
2           **Document Review.**

3           The NPRA does not allow for fees to be charged for a governmental entity's  
4 privilege review. The only fees permitted are set forth in Nev. Rev. Stat. § 239.052 and Nev.  
5 Rev. Stat. § 239.055(1). Nev. Rev. Stat. § 239.052(1) provides that "a governmental entity  
6 may charge a fee for providing a copy of a public record." Nev. Rev. Stat. § 239.055(1), the  
7 provision Henderson is relying on for its demand for fees, allows for fees for "extraordinary  
8 use." It provides that "... if a request for a copy of a public record would require a  
9 governmental entity to make extraordinary use of its personnel or technological resources,  
10 the governmental entity may, in addition to any other fee authorized pursuant to this chapter,  
11 **charge a fee not to exceed 50 cents per page** for such extraordinary use...." (Emphasis  
12 added.)

13           Interpreting Nev. Rev. Stat. § 239.055 to limit public access by requiring  
14 requesters to pay public entities to charge for undertaking a review for responsive  
15 documents and confidentiality would be inconsistent with the plain terms of the statute and  
16 with the mandate to interpret the NPRA broadly. Further, allowing a public entity to charge  
17 a requester for legal fees associated with reviewing for confidentiality is impermissible  
18 because "[t]he public official or agency bears the burden of establishing the existence of  
19 privilege based upon confidentiality." *DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.*,  
20 116 Nev. 616, 621, 6 P.3d 465, 468 (2000). Even if Henderson could, as it has asserted,  
21 charge for its privilege review as "extraordinary use," such fees would be capped at 50 cents  
22 a page. Nev. Rev. Stat. § 239.055(1).

23           Even if Henderson could, as it has asserted, charge for its privilege review as  
24 "extraordinary use," such fees would be capped at 50 cents per page. Nev. Rev. Stat. §  
25 239.055(1). Henderson Municipal Code 2.47.085, however, indicates that if a public records  
26 request requires "extraordinary use of personnel or technology," Henderson charges \$19.38  
27 to \$83.15 per hour (charged at the actual hourly rate of the position(s) required to conduct  
28 research. *See* HMC § 2.47.085. This conflicts with the NPRA's provision that a

governmental entity may only “charge a fee not to exceed 50 cents per page” for “extraordinary use of its personnel or technological resources.” Nev. Rev. Stat. § 239.055(1).

Henderson’s Code and Policy not only violate the plain terms of the NPRA, it violates the spirit of the NPRA because it discourage reporters from accessing public records. Henderson is legally obligated to undertake a search and review of responsive — free of charge—when it receives an NPRA request. It also has the burden of establishing confidentiality, and is required to provide specific notice of any confidentiality claims within five days. Yet it has demanded payment for staff time and attempted to condition its compliance with NPRA on payment of an exorbitant sum.

Henderson is demanding payment not for providing copies, but simply for locating documents responsive to a request—and then for having its attorneys determine whether documents should be withheld. Not only is this interpretation belied by the plain terms of the NPRA<sup>3</sup>, requiring a requester to pay a public entity’s attorneys to withhold documents would be an absurd result. *See S. Nevada Homebuilders Ass’n v. Clark Cty.*, 121 Nev. 446, 449, 117 P.3d 171, 173 (2005) (noting that courts must “interpret provisions within a common statutory scheme harmoniously with one another in accordance with the general purpose of those statutes and to avoid unreasonable or absurd results, thereby giving effect to the Legislature’s intent”) (quotation omitted); *see also Cal. Commercial Enters. v. Amedeo Vegas I, Inc.*, 119 Nev. 143, 145, 67 P.3d 328, 330 (2003) (“When a statute is not ambiguous, this court has consistently held that we are not empowered to construe the statute beyond its plain meaning, unless the law as stated would yield an absurd result.”)

**2. The Review-Journal’s Petition Is Proper, and This Court Should Grant Declaratory and Injunctive Relief.**

Although Henderson made documents available for inspection to the Review-Journal without charging the usurious \$5,787.89 it initially requested, the Court should still

<sup>3</sup> *See Sandifer v. U.S. Steel Corp.*, 134 S. Ct. 870, 876 (2014) (“It is a fundamental canon of statutory construction” that, “unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning.”) (quotation omitted).

1 exercise its discretion to assess the legality of Henderson Municipal Code 2.47.085 and  
2 Henderson's Policy, which both provide for charging more than is permitted under Nev.  
3 Rev. Stat. § 239.052 and Nev. Rev. Stat. § 239.055(1).

4 As a preliminary matter, the Review-Journal has pursued the correct procedural  
5 mechanism to resolve the dispute. The NPRA provides for an "[a]pplication to court for  
6 order allowing inspection or copying, or requiring that copy be provided, of public book or  
7 record in legal custody or control of governmental entity. Nev. Rev. Stat. § 239.011. It states

8 1. If a request for inspection, copying or copies of a public book or  
9 record open to inspection and copying is denied, the requester may apply  
10 to the district court in the county in which the book or record is located for  
an order:

- 11 (a) Permitting the requester to inspect or copy the book or record; or  
12 (b) Requiring the person who has legal custody or control of the public  
book or record to provide a copy to the requester,  
13 As applicable.

14 *Id.* The Nevada Supreme Court has provided further guidance on the applicable procedure,  
15 having explained that "[m]andamus is the appropriate procedural remedy to compel  
16 production of the public records sought in this case. *DR Partners v. Bd. of Cty. Comm'rs of*  
17 *Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) (citing *Donrey of Nevada v.*  
18 *Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990). More generally speaking, a party may seek  
19 a writ of mandamus in the District Court, either to compel or prevent a government entity  
20 from either taking an action or refusing to take an action contrary to law. Nev. Rev. Stat. §  
21 34.160. The Nevada Supreme Court has also explained that:

22 A writ of mandamus is available to compel the performance of an act that  
23 the law requires as a duty resulting from an office, trust, or station or to  
24 control an arbitrary or capricious exercise of discretion. Writ relief is not  
available, however, when an adequate and speedy legal remedy exists.

25 *Int'l Game Tech., Inc. v. Second Judicial Dist. Court ex rel. Cty. of Washoe*, 124 Nev. 193,  
26 197, 179 P.3d 556, 558 (2008) (footnotes omitted).

27 Further, the Petition specifically requests declaratory relief, and this Court of course  
28 has the discretion to grant declaratory relief. Nev. Rev. Stat. § 30.030 provides that:

Courts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

Reflecting the breadth of declaratory relief, Nev. Rev. Stat. § 30.030 (“Supplemental relief”) provides that:

Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

The scope of declaratory relief this Court can grant of course extends to the validity of Henderson’s Code. Nev. Rev. Stat. § 30.040(1) provides in pertinent part that “[a]ny person ... whose rights, status or other legal relations are affected by a ..., municipal ordinance... may have determined any question of construction or validity arising under the ... ordinance... and obtain a declaration of rights, status or other legal relations thereunder.”

Nev. Rev. Stat. § 33.010 also authorizes this Court to grant injunctive relief under the following circumstances, which are present in this case:

When it shall appear by the complaint that the plaintiff is entitled to the relief demanded, and such relief or any part thereof consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually; 2. When it shall appear by the complaint or affidavit that the commission or continuance of some act, during the litigation, would produce great or irreparable injury to the plaintiff, and 3. When it shall appear, during the litigation, that the defendant is doing or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff’s rights respecting the subject of the action, and tending to render the judgment ineffectual.

**3. The Controversy Between the Review-Journal and Henderson Is Justiciable.**

Here, while Henderson has made documents available for inspection, there is a live controversy because it has not complied with the Review-Journal’s request for copies.

1 Further, as its municipal code and Policy reflect, Henderson has been failing to comply with  
2 the NPRA and been acting arbitrarily and capriciously with regard to assessing fees to NPRA  
3 requesters. The Review-Journal does not have an adequate and speedy legal remedy, and a  
4 writ of mandamus and/or declaratory relief is necessary so that Henderson: (a) ceases  
5 charging for fees in excess of the statutory cap of the NPRA; (b) properly limits fees to  
6 circumstances permitted by the NPRA; and (c) ceases charging for fees for attorney review.

7 Even if there were not a live controversy, this court should consider it because this  
8 is an issue that is “capable of repetition, yet evading review.” *Traffic Control Servs. v. United*  
9 *Rentals*, 120 Nev. 168, 171–72, 87 P.3d 1054, 1057 (2004) (recognizing that the “capable of  
10 repetition, yet evading review” exception to the mootness doctrine applies when the duration  
11 of the challenged action is “relatively short,” and there is a “likelihood that a similar issue  
12 will arise in the future”).

13 In short, both extraordinary relief and declaratory relief are warranted here, and the  
14 Review-Journal has met its burden. *See, e.g., Pan v. Eighth Judicial Dist. Court*, 120 Nev.  
15 222, 228, 88 P.3d 840, 844 (2004).

16 Further, the Review-Journal is already the “prevailing party” (Henderson made  
17 documents available as a result of this litigation) and, in addition to further relief from this  
18 Court, is entitled to fees and costs pursuant to Nev. Rev. Stat. § 239.011(2), subject to  
19 subsequent application to this Court for fees.

20 **B. Henderson Is Continuing to Withhold Documents Responsive to the Review-**  
21 **Journal’s NPRA Request Without a Sufficient Legal Basis.**

22 The NPRA reflects that records of governmental entities belong to the public in  
23 Nevada. Nev. Rev. Stat. § 239.010 (1) mandates that, unless a record is confidential, “all  
24 public books and public records of a governmental entity must be open at all times during  
25 office hours to inspection by any person, and may be fully copied...” The NPRA reflects  
26 specific legislative findings and declarations that “[its purpose is to foster democratic  
27 principles by providing members of the public with access to inspect and copy public books  
28

1 and records to the extent permitted by law” and that it provisions “must be construed liberally  
2 to carry out this important purpose.”

3 Unless declared to be confidential by another statute, under Nev. Rev. Stat. §  
4 239.010, all documents and records generated by government entities are public records, and  
5 as such are to be made available for inspection and copying to whoever seeks access. If a  
6 governmental entity seeks to withhold or redact a public record in its control, it must prove,  
7 by a preponderance of evidence, that the record or portion thereof that it seeks to redact is  
8 confidential. Nev. Rev. Stat. § 239.0113. Thus, all governmental records are presumed to be  
9 public records and a governmental entity who withholds documents bears a high burden to  
10 justify that decision. The governmental entity must prove, not only that a privilege applies  
11 but that their interest in nondisclosure “clearly outweighs the public’s interest in access.”  
12 *Reno Newspapers, Inc. v. Gibbons*, 266 P.3d 623, 628, (Nev. 2011) (citing *Reno Newspapers*,  
13 *Inc. v. Haley*, 234 P.3d 922, 927 (Nev. 2010))/

14 The NPRA provides that a governmental entity must provide timely and specific  
15 notice if it is denying a request because the entity determines the documents sought are  
16 confidential. Nev. Rev. Stat. § 239.0107(1)(d) states that, within five (5) business days of  
17 receiving a request,

18 [i]f the governmental entity must deny the person’s request because the  
19 public book or record, or a part thereof, is confidential, provide to the  
20 person, in writing: (1) Notice of that fact; and (2) A citation to the specific  
21 statute or other legal authority that makes the public book or record, or a  
part thereof, confidential.”

22 The Review-Journal made requests for copies of public records pursuant to Nev.  
23 Rev. Stat. § 239.010. With regard to some documents, Henderson has refused to provide  
24 access altogether, and in other instances Henderson has provided copies of documents that  
25 have been redacted pursuant to an invalid privilege claim or claims. The Nevada Supreme  
26 Court has made clear that a governmental entity seeking to justify a claim of confidentiality  
27 cannot do so by offering hypothetical scenarios in which disclosure of the document could  
28 present some harm, either to the entity or to another: “it is insufficient [for the public entity]

1 to hypothesize cases where secrecy might prevail and then contend that the hypothetical  
2 controls all cases[.]’” *DR Partners v. Board of County Comm’rs*, 116 Nev. at 628) (quoting  
3 *Star Pub. Co. v. Parks*, 875 P.2d 837, 838 (Ariz. Ct. App. 1993)).

4 In *Reno Newspapers, Inc. v. Gibbons*, the Nevada Supreme Court held that a  
5 *Vaughn* index is not required when the party that requested the documents has enough  
6 information to fully argue for the inclusion of documents. 127 Nev. 873, 881-82 (Nev. 2011).  
7 The Nevada Supreme Court has also held that if a party has enough facts to present “a full  
8 legal argument,” a *Vaughn* index is not needed. *Reno Newspapers*, 127 Nev. at 882. It is  
9 important to note that a *Vaughn* index is not required in every NPRA case. *Id.* However, the  
10 Nevada Supreme Court held that a party requesting documents under NPRA is entitled to a  
11 log, unless the state entity demonstrates that the requesting party has enough facts to argue  
12 the claims of confidentiality. *Id.* at 883. A log provided by a state entity should contain a  
13 general factual description of each record and a specific explanation for nondisclosure. *Id.* In  
14 a footnote, the Nevada Supreme Court notes that a log should provide as much detail as  
15 possible, without compromising the alleged secrecy of the documents. *Id.* at n. 3. Finally,  
16 attaching a string cite to a boilerplate denial is not sufficient under the NPRA. *Id.* at 885.

17 The Revised Log Henderson provided to explain its redactions and withholdings  
18 (Exh. 6 to Amended Petition) generally cites three different bases for redaction or  
19 withholding: attorney-client privilege/attorney work product, deliberative process  
20 documents, and confidential personal information. (*Id.*) After review of the documents  
21 provided by Henderson, the Review-Journal does not contest the redaction of the documents  
22 which are redacted to protect personal identifying information—specifically, the documents  
23 identified by Henderson’s log as Doc. #s 647, 669, 7676, and 7678. (*See id.*) However, the  
24 Review-Journal asserts that Henderson has failed to provide sufficient legal and factual bases  
25 for withholding or redacting the remaining documents listed on the Revised Log for the  
26 reasons set forth below.

27 **1. Henderson Has Waived Its Ability to Assert Any Privilege By Failing**  
28 **to Respond to the Review-Journal’s Records Request Within Five Days**

1                   **as Mandated By Nev. Rev. Stat. § 239.0107(1)(d).**

2                   As a preliminary matter, the Review-Journal asserts that, as noted above, by failing  
3 to assert any claim of confidentiality within five days as required by Nev. Rev. Stat. §  
4 239.0107(1)(d), Henderson has waived its right to assert that privilege attaches to any of the  
5 requested documents based on a statute or other legal authority. However, even if Henderson  
6 has not waived its ability to assert privileges, the Review-Journal argues that the legal and  
7 statutory bases cited by Henderson are insufficient to justify withholding or redacting any of  
8 the documents set forth in its log.

9                   **2. Henderson's Revised Log is Not Sufficient**

10                  The Revised Log does not satisfy Henderson's obligations under Nev. Rev. Stat. §  
11 239.0107(1)(d) by providing the Review-Journal with the Log. When a government agency  
12 either redacts, or refuses to provide public records subject to a request made under the NPRA,  
13 it must provide an explanation to the requesting party as to why the records have been  
14 withheld or redacted, including "citation to legal authority that justifies nondisclosure." *Reno*  
15 *Newspapers, Inc. v. Gibbons*, 266 P.3d 623, 625 (Nev. 2011). Although the explanation does  
16 not have to take the form of a Vaughn Index<sup>4</sup>, generally, the explanation provided must cite  
17 to specific legal authority, and be detailed enough to allow the requesting party to evaluate  
18 the claim of confidentiality and argue the issue without being reduced to "a nebulous position  
19 where it is powerless to contest a claim of confidentiality." *Id.*, at 629. "[M]erely pinning a  
20 string of citations to a boilerplate declaration of confidentiality [does not] satisf[y] the State's  
21 prelitigation obligation under Nev. Rev. Stat. § 239.0107(1)(d)(2) to cite to 'specific'  
22 authority 'that makes the public book or record, or a part thereof, confidential.'" *Id.* at 631.

23                  Although the Nevada Supreme Court, in *Reno Newspapers, Inc. v. Gibbons*, 266  
24 P.3d 623, 629 (Nev. 2011), declined to require government agencies to produce a Vaughn

25 \_\_\_\_\_  
26 <sup>4</sup>"A Vaughn index is a submission commonly utilized in cases involving the Freedom of  
27 Information Act (FOIA), the federal analog of the NPRA. This submission typically contains  
28 'detailed public affidavits identifying the documents withheld, the FOIA exemptions  
claimed, and a particularized explanation of why each document falls within the claimed  
exemption.'" *Reno Newspapers, Inc. v. Gibbons*, 266 P.3d 623, 628 (Nev. 2011).

1 Index whenever withholding public records prior to litigation, the Court made clear that a  
2 government agency seeking to withhold records must nonetheless provide the requesting  
3 party with at least enough information to allow a meaningful opportunity to contest the claim  
4 of confidentiality. The Court explained that “‘it is anomalous’ and inequitable to deny the  
5 requesting party basic information about the withheld records, thereby relegating it to  
6 advocating from a nebulous position where it is powerless to contest a claim of  
7 confidentiality.” *Id.*

8 Thus, although Nevada case law makes clear that Nev. Rev. Stat. § 239.0107 does  
9 not require a government entity to provide a Vaughn Index to a requesting party to justify its  
10 claims of confidentiality, it is equally clear that the type of boilerplate response Henderson  
11 has offered the Review-Journal in this case does not discharge its burden. Henderson is  
12 obligated to provide the Review-Journal with specific factual and legal bases to support  
13 claimed privileges that allow the Review-Journal to determine whether those privileges are  
14 in fact legitimate.

15 **3. Henderson Fails to Establish that the “Attorney Client Privilege/Work**  
16 **Product” Shields Documents From Disclosure.**

17 Nevada has a statutory attorney/client privilege. Nev. Rev. Stat. § 49.095 provides  
18 that

19 A client has a privilege to refuse to disclose, and to prevent any other person  
20 from disclosing, confidential communications:

21 1. Between the client or the client’s representative and the client’s  
22 lawyer or the representative of the client’s lawyer.

23 2. Between the client’s lawyer and the lawyer’s representative.

24 3. Made for the purpose of facilitating the rendition of professional  
25 legal services to the client, by the client or the client’s lawyer to a lawyer  
26 representing another in a matter of common interest.

27 This Nevada attorney/client privilege is similar to the federal common law attorney/client  
28 privilege, which exists where: 1) legal advice of any kind is sought, 2) Given these narrow  
29 definitions of attorney client and work product privilege, 3) the communications relating to  
30 that purpose, 4) made in confidence, 5) by the client, 6) are at his instance permanently  
31 protected, 7) from disclosure by himself or by the legal adviser, 8) unless the protection is

1 waived. *Id.* (quoting *U.S. v. Graf*, 610 F.3d 1148, 1156 (9th Cir. 2010).) The party that asserts  
2 attorney/client privilege has the burden of establishing the relationship. *U.S. v. Richey*, 632  
3 F.3d 559, 566 (9th Cir. 2011). Additionally, the District of Nevada has held that  
4 attorney/client privilege protects only communications that are necessary to obtain legal  
5 advice. *Ideal Elec. Co. v. Flowserve Corp.*, 230 F.R.D. 603, 607 (D. Nev. 2005) (citing  
6 *Fisher v. United States*, 425 U.S. 391, 403 (1976); *United States v. Hirsch*, 803 F.2d 493,  
7 496 (9th Cir. 1986).

8 Nevada Rule of Civil Procedure (“NRCP”) 26(b)(3) protects work created in  
9 anticipation of trial. The Nevada Supreme Court relies in federal law in interpreting the scope  
10 of the work product privilege. *See Means v. State*, 120 Nev. 1001, 1009, 103 P.3d 25, 30  
11 (2004) (citing Fed. R. Civ. P. 26(b)(3) and interpreting federal case law). In *U.S. v. Richey*,  
12 the Ninth Circuit held that work-product doctrine is only protected if made in anticipation of  
13 litigation. 632 F.3d 559, 567-568 (9th Cir. 2011). A court will determine if a document is  
14 work-product by analyzing whether 1) the document is prepared in anticipation of litigation,  
15 and 2) the document was prepared “by or for another party or by or for that other party’s  
16 representative.” *Id.* at 568. If there is a dual purpose, meaning that the document was not  
17 prepared exclusively for litigation, then the court will use a “because of” test, which looks to  
18 the totality of circumstances. *Id.* Additionally, the court will look to whether the document  
19 would have been created in the same or substantially similar form, but for the anticipation of  
20 litigation. *Id.* Thus, a document is work-product only if it is prepared in anticipation of  
21 litigation and was prepared for another party or that party’s representative.

22 The documents redacted or withheld by Henderson do not these narrow definitions  
23 of attorney client and work product privilege, and are often so redacted that it is impossible  
24 to determine whether they indeed fall within either privilege. For example, several  
25 documents identified in Henderson’s log—including Doc. #’s 181, 184, 191, and 193—  
26 putatively “[e]lectronic correspondence containing communication between attorney and  
27 staff made for the purposes of facilitating the rendition of professional legal services re  
28 Trosper contract terms.” (Exh. 6 at p. 1.) This description is too conclusory for the Review-

Journal to determine if the attorney client or work product privilege applies. Further, with regard to Doc. # 184 (one of the documents provided to the Review-Journal with heavy redactions), on its face it appears that the privilege does not apply because the communication is between two non-attorneys. (See Exh. 7 at Doc. #184.) As noted above, it is a basic requirement that the communication must be from a professional legal adviser. *Richey*, 632 F.3d at 566. Moreover, based on the descriptions provided by Henderson's log, there is no indication that the documents that have been withheld or redacted were created in anticipation of litigation. *Richey*, 632 F.3d at 567-68.

Other documents produced by Henderson in redacted form also appear to fall outside the scope of either the attorney client or work product privilege. For example, in its log, Henderson asserts that Doc. # 5249 is an "internal report containing communication between attorney and stand made for the purposes of facilitating the rendition of professional legal services." (Exh. 6 at p. 4.) However, Doc. #5249 is a document entitled "Public Information & Market Weekly Report" containing information pertaining to marketing campaigns, marketing reports, and public information requests. (Exh. 7 at Doc. #5249.) This sort of document is not subject to confidentiality under either the attorney client or work product privilege doctrine. Instead, it appears to be a weekly briefing prepared for Henderson employees. In other words, it is a quintessential example of a public record.

As another example, documents Henderson produced as Doc. #'s 13425 and 13428 are redacted. (See Exh. 7 at Docs. #13425 and 13428.) The purported reason for redaction is that the documents contain communications between "attorney and staff" for the purposes of "facilitating the rendition of professional legal services re presentation on fuel indexing." (Exh. 6 at p. 6.) However, in both documents, none of the recipients or senders of the redacted emails are attorneys.

**4. Henderson Fails to Establish That the Deliberative Process Privilege Outweighs the Interests In Disclosure.**

On the Revised Log, Henderson cites to five documents it is withholding pursuant to the deliberative process privilege, including emails that contain "mental impressions of

City management” regarding the preparation of a public statement or “document[s] reflecting deliberations, thoughts, and impressions” regarding changes to organizational changes. (*See* Exh. 7 to Amended Petition at Doc. #'s 3862, 3864, 3866, 7717, and 7718.) As the “legal authority” for this refusal to comply with Nev. Rev. Stat. § 239.010, Henderson simply cites: “*DR Partners v. Board of County Commissioners of Clark County*, 116 Nev. 616, 6 P.3d 465 (2000).”

However, the deliberative process privilege does not apply to these e-mails. In *DR Partners v. Board of County Comm'rs*, the Nevada Supreme Court analyzed a claim of deliberative process privilege asserted by the Clark County Commission with regards to a public records request. It explained that the deliberative process privilege allows governmental entities to conceal public records if the entity can prove that the relevant public records were part of a predecisional and deliberative process that led to a specific decision or policy. 116 Nev. 616, 623 (Nev. 2000). This ruling was elaborated upon by the Nevada Supreme Court in *Reno Newspapers, Inc. v. Gibbons*, in which the Court held that a claim of the deliberative process privilege must be accompanied by a particularized showing on the part of the entity claiming the privilege to justify the privilege claimed. 266 P.3d 623, 628 (Nev. 2011). Henderson bears the burden of showing that its interest in withholding and redacting public records clearly outweighs the public interest in disclosure. *Id.*

Here, Henderson has made no such particularized showing, and cannot meet the heavy burden imposed by the NPRA and explained by the Nevada Supreme Court. In *Gibbons*, the Nevada Supreme Court held that to justify a claim of deliberative process privilege, the governmental entity claiming the privilege must be able to point to a specific decision or policy that was made as a result of the privileged material. However, Henderson's references are incredibly, and point to no decision or policy, and therefore cannot claim that the deliberative process privilege applies.

///  
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///

1     **IV.     CONCLUSION**

2             For all the reasons set forth above, the Review-Journal respectfully requests that  
3     this Court grants the relief requested in the Amended Petition.

4  
5             Respectfully submitted this 8<sup>th</sup> day of February, 2017.

6  
7             By: 

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1 **DEC**

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10 **EIGHTH JUDICIAL DISTRICT COURT**  
11 **CLARK COUNTY, NEVADA**

12 LAS VEGAS REVIEW-JOURNAL,

Case No.: A-16-747289-W

13 Petitioner,

Dept. No.: XVIII

14 vs.

15 **DECLARATION OF**  
16 **MARGARET A. MCLEATCHIE IN**  
17 **SUPPORT OF AMENDED**  
18 **PETITION/APPLICATION**

19 CITY OF HENDERSON,

20 Respondent.

21 MARGARET A. MCLEATCHIE, attorney for Petitioner Las Vegas Review-Journal,  
22 hereby declares that the following is true and correct under the penalties of perjury:

23 1. I have personal knowledge of the facts set forth herein, except where stated upon  
24 information and belief, and where so stated, I believe them to be true.

25 2. I am over the age of eighteen years and am mentally competent.

26 3. I am making this Declaration to authenticate the documents attached as Exhibits to  
27 the Amended Petition for Writ of Mandamus.

28 4. Exhibit 1 is a true and correct copy of the October 4, 2016 request the Las Vegas  
Review-Journal sent the City of Henderson pursuant to the Nevada Public Records Act, Nev.  
Rev. Stat. § 239.001 *et seq.* (the "NPRA") seeking certain documents dated from January 1,  
2016 pertaining to Trosper Communications and its principal, Elizabeth Trosper, directed to  
Henderson's Chief Information Officer and the Director of Intergovernmental Relations.

5. Exhibit 2 is a true and correct copy of the October 11, 2016 email in which the City  
of Henderson provided a partial response to the October 4, 2016 request.

1       6. Exhibit 3 is a true and correct copy of the City of Henderson's Public Records  
2 Policy, also available online through Henderson's official city website.

3       7. After filing the Petition in this matter, I met and conferred extensively with  
4 attorneys from the Henderson City Attorney's office.

5       8. On December 20, 2016, Henderson provided me with an initial list of documents it  
6 was redacting or withholding. A true and correct copy of that initial list is attached to the  
7 Amended Petition as Exhibit 4.

8       9. Henderson also agreed to make the documents the Review-Journal had requested  
9 available for inspection, and did so free of charge.

10      10. The inspection took place over the course of a number of days.

11      11. On January 9, 2017, Henderson provided a privilege log. A true and correct copy  
12 of that privilege log is attached to the Amended Petition as Exhibit 5. That log provided a  
13 description of the documents being withheld or redacted, and the bases for withholding or  
14 redacting those documents.

15      12. I reviewed the log attached as Exhibit 5 on January 9, 2017. In reviewing the log, I  
16 determined that, among other things, the log did not include the identities of the senders or  
17 recipients of the communications.

18      13. Accordingly, that same day I asked Henderson to revise the log to include the names  
19 of the attorneys and legal staff who were included in the communications.

20      14. Henderson provided a revised privilege log on January 10, 2017. A true and correct  
21 copy of the revised privilege log is attached to the Amended Petition as Exhibit 6.

22      15. In addition to the revised privilege log, Henderson also provided a number of  
23 redacted documents corresponding to the log. A true and correct copy of portions of those  
24 documents are attached hereto as Exhibit 7.

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1        16. I declare under penalty of perjury that the foregoing is true and correct.  
2  
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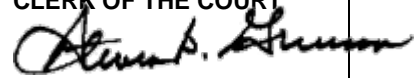
4 Executed on: February 8, 2017

  
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CITY OF HENDERSON

DISTRICT COURT  
CLARK COUNTY, NEVADA

LAS VEGAS REVIEW-JOURNAL,

Petitioner,

vs.

CITY OF HENDERSON,

Respondent.

Case No. A-16-747289-W  
Dept. No. XVIII

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an Order denying Petitioner's request for a writ of mandamus, injunctive relief, and declaratory relief, and any remaining request for relief in the Amended Petition was entered on May 12, 2017.

///

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///

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1 A true and correct copy is attached.

2 DATED this 15th day of May, 2017.

3 BAILEY❖KENNEDY

4  
5 By: /s/ Dennis L. Kennedy  
6 DENNIS L. KENNEDY

7 and

8 JOSH M. REID, City Attorney  
9 Nevada Bar No. 7497  
10 **CITY OF HENDERSON**  
11 240 Water Street, MSC 144  
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13 *Attorneys for Respondent*  
14 **CITY OF HENDERSON**  
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**CERTIFICATE OF SERVICE**

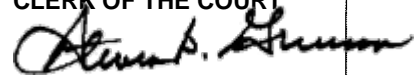
I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 15th day of May, 2017, service of the foregoing **NOTICE OF ENTRY OF ORDER** was made by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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Las Vegas, Nevada 89101	<b>LAS VEGAS REVIEW-JOURNAL</b>

/s/ Josephine Baltazar  
Employee of BAILEY ♦ KENNEDY

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Steven D. Grierson  
CLERK OF THE COURT



**ORDR**

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**CITY OF HENDERSON**

DISTRICT COURT  
CLARK COUNTY, NEVADA

LAS VEGAS REVIEW-JOURNAL,  
  
Petitioner,  
  
vs.  
  
CITY OF HENDERSON,  
  
Respondent.

Case No. A-16-747289-W  
Dept. No. XVIII

**ORDER**

The Amended Public Records Act Application/Petition for Writ of Mandamus/Application for Declaratory Relief (the "Petition") of Petitioner Las Vegas Review Journal (the "LVRJ") came on for hearing at 9:00 a.m. on March 30, 2017 on expedited basis pursuant to NRS 239.011; the LVRJ was represented by Alina Shell and Margaret A. McLetchie; Respondent City of Henderson (the "City") was represented by Dennis L. Kennedy of Bailey ♦ Kennedy, City Attorney Josh M. Reid and Assistant City Attorney Brian R. Reeve; the Court having read the pleadings and memoranda filed by the parties, having considered the evidence presented and having heard the argument of counsel, hereby ORDERS AS FOLLOWS:

1           1.     The Petition presents three principal issues: (i) preparation and access to public  
2 records; (ii) assessing costs and charging fees for copying and preparing public records; and (iii)  
3 withholding and redacting certain records.

4           2.     Preparation and Access to Records. In response to the LVRJ's public record request,  
5 the City performed a search that returned 9,621 electronic files consisting of 69,979 pages of  
6 documents. Except for the items identified on the City's withholding log (discussed in paragraph 4,  
7 below), all such files and documents (the "Prepared Documents") were prepared by the City, and  
8 LVRJ had access to and inspected the Prepared Documents prior to the hearing. Following its  
9 inspection, LVRJ made no request for copies of the Prepared Documents; however, following  
10 LVRJ's counsel's representations at the hearing that it also wanted electronic copies of the Prepared  
11 Documents, the City agreed to provide electronic copies of the Prepared Documents. The City has  
12 complied with its obligations under the Nevada Public Records Act (the "NPRA").

13           3.     Costs and Fees. The City has provided the Prepared Documents without charging  
14 costs or fees to the LVRJ. Therefore, LVRJ's claims regarding the propriety of charging such costs  
15 and fees are moot, and the Court does not decide them.

16           4.     Withheld Documents. The sole issue decided by the Court concerns certain  
17 documents the City withheld and/or redacted (the "Withheld Documents") on the grounds of  
18 attorney-client or deliberative process privilege. The operative privilege log (the "Privilege Log")  
19 was attached as Exhibit "H" to the City's Response to the Petition. The Court finds the Privilege  
20 Log to be timely, sufficient and in compliance with the requirements of the NPRA, and therefore  
21 DENIES the LVRJ's Amended Petition concerning the Withheld Documents.

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5. CONCLUSION. Based on the foregoing, LVRJ's request for a writ of mandamus, injunctive relief, and declaratory relief, and any remaining request for relief in the Amended Petition is hereby DENIED.

DATED this \_\_\_\_ day of April, 2017.



Submitted by:

Approved as to Form and Content:

BAILEY ♦ KENNEDY

MCLETCHIE SHELL LLC

By:   
DENNIS L. KENNEDY

By: \_\_\_\_\_  
ALINA SHELL  
MARGARET A. MCLETCHIE

and

JOSH M. REID, City Attorney  
CITY OF HENDERSON

*Attorneys for Petitioner*  
LAS VEGAS REVIEW JOURNAL

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CITY OF HENDERSON