

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

2  
3           LAS VEGAS REVIEW-JOURNAL,

4                   Appellant,  
5           vs.

6           CITY OF HENDERSON,  
7                   Respondent.

Electronically Filed  
Sep 30 2020 04:14 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 81758

8                   **DOCKETING STATEMENT**  
9                   **CIVIL APPEALS**

10                   **GENERAL INFORMATION**

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

18                   **WARNING**

19           This statement must be completed fully, accurately and on time. NRAP  
20           14(c). The Supreme Court may impose sanctions on counsel or appellant if it  
21           appears that the information provided is incomplete or inaccurate. *Id.* Failure  
22           to fill out the statement completely or to file it in a timely manner constitutes  
23           grounds for the imposition of sanctions, including a fine and/or dismissal of  
24           the appeal. A complete list of the documents that must be attached appears as  
25           Question 27 on this docketing statement. Failure to attach all required  
26           documents will result in the delay of your appeal and may result in the  
27           imposition of sanctions. This court has noted that when attorneys do not take  
28           seriously their obligations under NRAP 14 to complete the docketing  
29           statement properly and conscientiously, they waste the valuable judicial  
30           resources of this court, making the imposition of sanctions appropriate. *See*  
31           *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 344, 810 P.2d 1217, 1220  
32           (1991). Please use tab dividers to separate any attached documents.

1. Judicial District: Eighth Department: VIII  
County: Clark Judge: Hon. Trevor L. Atkin  
District Ct. Case No.: A-16-747289-W

2. **Attorney(s) filing this docketing statement:**

Attorney(s): Margaret A. McLetchie Telephone: (702) 728-5300

Alina M. Shell

Firm: McLetchie Law

Address: 701 East Bridger Avenue, Suite 520  
Las Vegas, Nevada 89101

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 respondent(s):**

Attorney(s): Dennis L. Kennedy Telephone: (702) 562-8820

Sarah E. Harmon

Andrea M. Champion

Firm: Bailey Kennedy

Address: 8984 Spanish Ridge Avenue  
Las Vegas, NV 89148

Client(s): City of Henderson

and

Attorney(s): Nicholas G. Vaskov Telephone: (702) 267-1231

Brandon P. Kemble

Brian R. Reeve

Firm: City of Henderson – City Attorney’s Office

Address: 240 Water Street, MSC 144  
Henderson, NV 89015

Client(s): City of Henderson

///

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

- 2 ☐ Judgment after bench trial ☐ Dismissal:  
3 ☐ Judgment after jury verdict ☐ Lack of jurisdiction  
4 ☐ Summary judgment ☐ Failure of state claim  
5 ☐ Default judgment ☐ Failure to prosecute  
6 ☐ Grant/Denial of NRCP 60(b) relief ☐ Other (specify)  
7 ☐ Grant/Denial of injunction ☐ Divorce Decree:  
8 ☐ Grant/Denial of declaratory relief ☐ Original ☐ Modification  
9 ☐ Review of agency determination ☒ Other disposition (specify):  
10 Order denying fees

11 **5. Does this appeal raise issues concerning any of the following?**

- 12 ☐ Child Custody  
13 ☐ Venue  
14 ☐ Termination of parental rights

15 **n/a**

16 **6. Pending and prior proceedings in this court.**

17 *Las Vegas Review-Journal v. City of Henderson*, Supreme Court Case No.  
18 73287 and *City of Henderson v. Las Vegas Review-Journal*, Supreme Court  
19 Case No. 75407.

20 **7. Pending and prior proceedings in other courts.**

21 **n/a**

22 **8. Nature of the action.**

23 This appeal seeks review of an order entered by the district court  
24 denying the Review-Journal's motion for attorney fees and costs in a petition  
25 brought pursuant to the Nevada Public Records Act ("NPRA"), Nev. Rev.  
26 Stat. § 239.011.

27 **///**

1       The underlying action in this appeal involved the Nevada Public  
2 Records Act. In that action, the Review-Journal sought judicial intervention  
3 after the City of Henderson refused to disclose public records pertaining to  
4 its retention of a public relations/communications unless the Review-Journal  
5 pay it \$5,787.89 for the “extraordinary use” of Henderson personnel and  
6 resources. After the Review-Journal filed its public records petition,  
7 Henderson permitted the Review-Journal to conduct an in-person inspection  
8 of the records while litigation was pending. Subsequently, during a hearing  
9 on the Review-Journal’s public records petition, Henderson unilaterally  
10 agreed to provide the Review-Journal a USB drive containing most of the  
11 requested records, while still withholding records it asserted were privileged.  
12 The district court then entered an order on May 15, 2017, denying the  
13 Review-Journal’s petition as moot.  
14

15       The Review-Journal appealed the district court’s denial of its public  
16 records petition. *See Review-Journal v. City of Henderson*, 441 P.3d 546,  
17 2019 WL 2252868 (Nev. 2019) (unpublished)<sup>1</sup>. In its unpublished  
18 disposition, this Court reversed the district court’s denial of the petition in  
19 part, holding that the district court had failed to consider whether Henderson  
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23       <sup>1</sup> In a related appeal, *City of Henderson v. Las Vegas Review-Journal*, Nevada  
24 Supreme Court Case No. 75407, this Court vacated a prior award of fees and  
25 costs to the Review-Journal on the grounds that, because it had reversed in  
26 part the district court’s order denying the Review-Journal’s petition, and thus  
27 the matter had “not yet proceeded to a final judgment.” *City of Henderson v.*  
28 *Las Vegas Review-Journal*, 450 P.3d 387 (Nev. 2019).

1 had proved by a preponderance of the evidence that several documents it had  
2 withheld were subject to the deliberative process privilege. *See id.*, 2019 WL  
3 2252868 at \*4. On July 24, 2019, after this Court entered its unpublished  
4 disposition, Henderson disclosed the documents it had withheld pursuant to  
5 the deliberative process privilege to the Review-Journal.  
6

7 The Review-Journal then moved the district court for an award of its  
8 reasonable attorney's fees and costs pursuant to Nev. Rev. Stat. § 239.011(2)  
9 and the "catalyst theory" this Court adopted in *Las Vegas Metro. Police*  
10 *Dep't v. Ctr. for Investigative Reporting, Inc.*, 136 Nev. Adv. Op. 15, 460  
11 P.3d 952 (2020), asserting that although the district court had denied its  
12 petition as moot, it had prevailed for the purposes of a fee award pursuant to  
13 Nev. Rev. Stat. § 239.011(2) because its petition had caused Henderson to  
14 substantially change its behavior in the manner sought; i.e., Henderson had  
15 disclosed the requested records to the Review-Journal without charging it an  
16 usurious fee for "extraordinary use."  
17

18 The district court conducted a hearing on the Review-Journal's motion  
19 for attorney's fees and costs on June 18, 2020. On August 8, 2020, the  
20 district court entered a Decision and Order denying the Review-Journal's  
21 motion for attorney's fees and costs.  
22

### 23 **9. Issues on appeal.**

24

25 Whether the district court erred in denying the Review-Journal's motion for  
26 reasonable attorney's fees and costs in a public records matter in which, even  
27  
28

absent a district court order compelling production, the Review-Journal established a causal nexus between the litigation and the City of Henderson's voluntary change of position and production of the requested records

**10. Pending proceedings in this court raising the same or similar issues.**

**n/a**

**11. Constitutional issues.**

■ N/A

□ No

□ Yes

If not, explain: n/a

**12. Other issues.**

**n/a**

**13. Assignment to the Court of Appeals or retention in the Supreme Court.**

This case is presumptively retained by the Supreme Court because it is not a matter that would be presumptively assigned to the Court of Appeals under NRAP 17(b). Moreover, this Court should retain jurisdiction pursuant to NRAP 17(a)(12) because it raises a question of statewide public importance about a prevailing requester's entitlement to reasonable attorney's fees and costs under the Nevada Public Records Act.

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1 **14. Trial.**

2 **n/a**

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5 **15. Judicial Disqualification.**

6 Do you intend to file a motion to disqualify or have a justice recuse  
7 him/herself from participation in this appeal? If so, which Justice?

8 **No.**

9  
10 **TIMELINESS OF NOTICE OF CROSS-APPEAL**

11 **16. Date of entry of written judgment or order appealed from:** August 4,  
12 2020.

13  
14 **17. Date written notice of entry of judgment or order was served:** August  
15 5, 2020.

16 Was service by:

17 ☐ Delivery

18 ☒ Mail/electronic/fax

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

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

23 ☐ NRCP 50(b)

Date of filing:

24 ☐ NRCP 52(b)

Date of filing:

25 ☐ NRCP 59

Date of filing:

26 **NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or**  
27 **reconsideration may toll the time for filing a notice of appeal. See AA**

1 ***Primo Builders v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010).**

2 (b) Date of entry of written order resolving tolling motion:

3 (c) Date written notice of entry of order resolving tolling motion was served:

4 Was service by:

5 ☐ Delivery

6 ☒ Mail

7

8 **19. Date notice of appeal filed:** September 3, 2020.

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

12 The Las Vegas Review-Journal filed a timely notice of appeal on  
13 September 3, 2020.

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

16 NRAP 4(a)(1).

17 **SUBSTANTIVE APPEALABILITY**

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

20 (a)

21 ☒ NRAP 3A(b)(1)

☐ NRS 38.205

22 ☐ NRAP 3A(b)(2)

☐ NRS 233B.150

23 ☐ NRAP 3A(b)(3)

☐ NRS 703.376 (b)

24 ☐ Other (specify)

25 Explain how each authority provides a basis for appeal from the judgment or  
26 order:

27 The district court's order denying the Las Vegas Review-Journal's  
28 motion for attorney fees and costs is a final order in the underlying action.



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

3 (a) Parties:

4 Plaintiff/Petitioner (now Appellant):

5 The Las Vegas Review-Journal

6 Defendant/Respondent (now Respondent):

7 City of Henderson

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

11 **n/a**

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

15 Public Records petition under Nev. Rev. Stat. § 239.011. The date of  
16 the final disposition was May 15, 2017.

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

20 ☒ Yes

21 ☐ No

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

23 **n/a**

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

27 **n/a.**

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

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

10 Attached hereto are the following: (A) Amended Petition for Writ of  
11 Mandamus; (B) Notice of Entry of Order (Writ); and (C) Notice of Entry of  
12 Decision (Fees).  
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### 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

September 30, 2020

Date

  
Signature of counsel of record

State of Nevada, County of Clark

State and County where signed

12  
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### CERTIFICATE OF SERVICE

I certify that on the 30<sup>th</sup> day of September, 2020, 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):**

Dennis L. Kennedy, Sarah E. Harmon, and Andrea M. Champion

*Bailey Kennedy*

8984 Spanish Ridge Avenue

Las Vegas, NV 89148

Nicholas G. Vaskov, Brandon P. Kemble, and Brian R. Reeve

*City of Henderson – City Attorney’s Office*

240 Water Street, MSC 144

Henderson, NV 89015

Israel (“Ishi”) Kunin, Settlement Judge

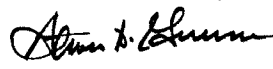
10161 Park Run Drive, Suite 150

Las Vegas, NV 89145

DATED this 30<sup>th</sup> day of September, 2020.

  
Signature

# ADDENDUM A

  
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,

Case No.: A-16-747289-W

Dept. No.: XVIII

vs.

CITY OF HENDERSON,  
Respondent.

**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).

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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 Trospen Communications and its principal, Elizabeth Trospen (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. Trospen 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 its 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 writ of mandamus is the appropriate procedural remedy to compel compliance with the  
2 NPRA); *see also* Nev. Rev. Stat. § 34.160, § 34.170.

3  
4 WHEREFORE, the Petitioner prays for the following relief:

5 1. That the court handle this matter on an expedited basis as mandated  
6 by NRS 239.011;

7 2. That this court issue a writ of mandamus requiring that Defendant  
8 City of Henderson immediately make available complete copies of all records requested but  
9 previously withheld and/or redacted (other than documents that were redacted to protect  
10 personal identifiers);

11 3. Injunctive relief prohibiting Defendant City of Henderson from  
12 applying the provisions contained in Henderson Municipal Code 2.47.085 and the Policy to  
13 demand or charge fees in excess of those permitted by the NPRA;

14 4. Declaratory relief stating that Henderson Municipal Code 2.47.085  
15 and the Policy are invalid to the extent they provide for fees in excess of those permitted by  
16 the NPRA;

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

6. Reasonable costs and attorney’s fees; and

7. Any further relief the Court deems appropriate.

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

Respectfully submitted,

By: 

Margaret A. McLetchie, Nevada Bar No. 10931  
Alina M. Shell, Nevada Bar No. 11711  
MCLEITCHIE SHELL LLC  
701 East Bridger Ave., Suite 520  
Las Vegas, Nevada 89101  
(702) 728-5300  
maggie@nvlitigation.com  
*Counsel for Petitioner*

**MCLEITCH SHELL**  
ATTORNEYS AT LAW  
701 EAST BRIDGER AVE., SUITE 520  
LAS VEGAS, NV 89101  
(702)728-5500 (T) / (702)425-9220 (F)  
WWW.INLITIGATION.COM

**CERTIFICATE OF SERVICE**

Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on this 8<sup>th</sup> day of February, 2017, I did cause a true copy of the foregoing 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 in *Las Vegas Review-Journal. v. City of Henderson.*, Clark County District Court Case No. A-16-747289-W, to be served electronically using the Wiznet Electronic Service system, to all parties with an email address on record.

Pursuant to NRCP 5(b)(2)(B) I hereby further certify that on the 8<sup>th</sup> day of February, 2017, I mailed a true and correct copy of the foregoing 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 by depositing the same in the United States mail, first-class postage pre-paid, to the following:

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

  
An Employee of MCLEITCH SHELL LLC

# 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 "Trosper Communications," "Elizabeth Trosper," or "crisis communications;"
- All emails pertaining to or discussing work performed by Elizabeth Trosper or Trosper Communications on behalf of the City of Henderson;
- All documents pertaining to or discussing contracts, agreements, or possible contracts, with Elizabeth Trosper or Trosper Communication; and
- All documents pertaining to or discussing the terms under which Elizabeth Trosper or Trosper 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



11/28/2016

Las Vegas Review-Journal, Inc Mail - Public Records Request regarding Troster Communications



Natalie Bruzda <nbruzda@reviewjournal.com>

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## Public Records Request regarding Troster Communications

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Brian Reeve <Brian.Reeve@cityofhenderson.com>

Tue, Oct 11, 2016 at 5:10 PM

To: "nbruzda@reviewjournal.com" <nbruzda@reviewjournal.com>, "tspousta@reviewjournal.com" <tspousta@reviewjournal.com>

Cc: Javier Trujillo <Javier.Trujillo@cityofhenderson.com>, David Cherry <David.Cherry@cityofhenderson.com>, Kristina Gilmore <Kristina.Gilmore@cityofhenderson.com>

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 Troster and Troster 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	Redaction
184	Attorney Client Privilege	NRS 49.095	Redaction
191	Attorney Client Privilege	NRS 49.095	Redaction
193	Attorney Client Privilege	NRS 49.095	Redaction
195	Attorney Client Privilege	NRS 49.095	Redaction
199	Attorney Client Privilege	NRS 49.095	Redaction
226	Attorney Client Privilege	NRS 49.095	Redaction
227	Attorney Client Privilege	NRS 49.095	Redaction
233	Attorney Client Privilege	NRS 49.095	Redaction
234	Attorney Client Privilege	NRS 49.095	Redaction
237	Attorney Client Privilege	NRS 49.095	Redaction
238	Attorney Client Privilege	NRS 49.095	Redaction
244	Attorney Client Privilege	NRS 49.095	Redaction
245	Attorney Client Privilege	NRS 49.095	Redaction
246	Attorney Client Privilege	NRS 49.095	Redaction
249	Attorney Client Privilege	NRS 49.095	Redaction
251	Attorney Client Privilege	NRS 49.095	Redaction
252	Attorney Client Privilege	NRS 49.095	Redaction
267	Attorney Client Privilege	NRS 49.095	Redaction
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'ts of Clark County, 116 Nev. 616	Redaction
1363	Deliberative Process Privilege	DR Partners v. Board of County Com'ts of Clark County, 116 Nev. 616	Redaction
1364	Deliberative Process Privilege	DR Partners v. Board of County Com'ts of Clark County, 116 Nev. 616	Redaction
1365	Deliberative Process Privilege	DR Partners v. Board of County Com'ts of Clark County, 116 Nev. 616	Redaction
1366	Deliberative Process Privilege	DR Partners v. Board of County Com'ts of Clark County, 116 Nev. 616	Redaction
1367	Deliberative Process Privilege	DR Partners v. Board of County Com'ts of Clark County, 116 Nev. 616	Redaction
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'ts of Clark County, 116 Nev. 616	Redaction
3864	Deliberative Process Privilege	DR Partners v. Board of County Com'ts of Clark County, 116 Nev. 616	Redaction
3866	Deliberative Process Privilege	DR Partners v. Board of County Com'ts of Clark County, 116 Nev. 616	Redaction
4016	Attorney Client Privilege	NRS 49.095	Redaction
4056	Attorney Client Privilege	NRS 49.095	Redaction
4057	Attorney Client Privilege	NRS 49.095	Redaction
4058	Attorney Client Privilege	NRS 49.095	Redaction
4078	Attorney Client Privilege	NRS 49.095	Redaction

Doc #	Basis for Redaction/Non-Production	Authority	Redaction
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	Redaction
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	
7189	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	Donney of Nevada, Inc. v. Bradshaw, 106 Nev. 630 (1990)	
7678	Confidential personal information	Donney 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)	

Doc #	Basis for Redaction/Non-Production	Authority	Redaction
9218	Deliberative Process Privilege	DR Partners v. Board of County Comrs 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	
228	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 Trosper 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 Trosper 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 Trosper 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 Trosper 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 Trosper 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 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 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)	
1363	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)	
1364	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)	
1365	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)	
1366	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)	
1367	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)	
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	
12164	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	

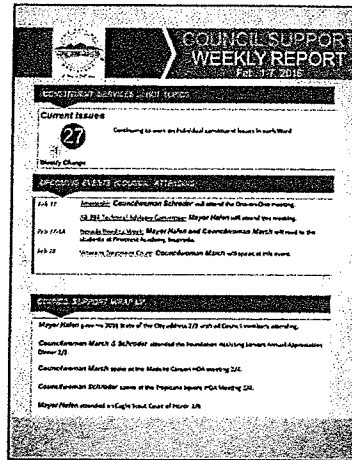
Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
7009	Kristina Gilmore (attorney), Laura Kopanski (paralegal) and/or Luke Fritz (Finance)	Electronic correspondence containing communication between attorney and staff made for the purpose of facilitating 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'ts of Clark County, 116 Nev. 616 (2000)	

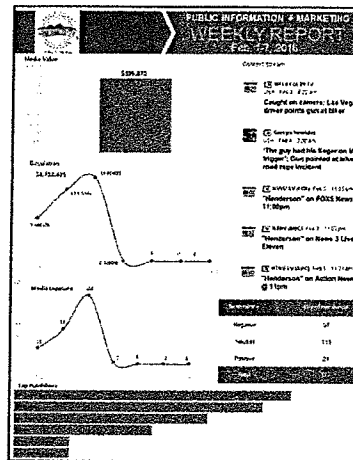


Doc #	Email senders and recipients	Description	Basis for Redaction/Non-Production	Authority	Redaction
7718		Draft document reflecting deliberations, thoughts, and impressions concerning changes to organizational structure within the City Manager's Office	Deliberative Process Privilege	DR Partners v. Board of County Com'ts 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





### Current Records Requests

4

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Thursday, Dec. 17, 2015, LAURENCE, of 1414 Knight, requested various information surrounding cause files and forms. Mr. Knight was explained to and informed the information is being gathered. On Dec. 22, 2015, questions were sent to Mr. Knight asking for the Plaintiff's birthdate of the record. On Jan. 12, 2016 a letter stated Jan. 4 was the only remaining different information. Mr. Knight has been asked to bring back. Combined the information requested by record unit. He expects a response has not been received.

☐ 866361101

**Redaction**

On Jan. 13, 2016, Elizabeth Thompson, on behalf of the Duluth March campaign, requested photos of Duluth March.

REPORTED BY: [REDACTED]

Redaction

A request from *Sublimis Ours*, NCI was received asking for public health and business science information from Jan. 1, 2000, to present. Request

Redaction

On Feb. 4, Robert Toller of RNR requested copies of all internal audits from Jan. 1, 2014 to the present. All audits are available online; we are awaiting her final approval to release as such.

**Ascher, D. Bruce, friend.**

After the state of America's Rising requested all female members of the women's player He'ona and Qindara to leave on August 1, 2015. On Feb. 1 he was advised there were no more and the case was resolved.

On Oct. 27, 2015, Curt Reed, Ontario's second largest police resort on Chelsoe Ave., hiring manager of the Recreation Dept. He was asked that he would have 30 minutes to meet with the Ontario Police Department since the accident did not occur in the Recreation Dept. and was reported Oct. 27, 2015. On Oct. 2, 2016, Mr. Reed submitted a Consent to Release statement regarding the same information. He was advised that the information occurred in the last 30 days of the accident and was not to be used to contact them for police reports.



PUBLIC INFORMATION • MARKETING  
WEEKLY REPORT  
Feb. 17, 2016

Current Marketing Campaigns

Heart & Soul

A Celebration of African and Black History


Saturday, February 27  
11am-3pm  
Independence Mall (1000 Locust St.)  
Philadelphia, PA 19106  
Admission: Free  
Sponsored by the City of Philadelphia  
Co-sponsored by the Philadelphia Office of the Mayor  
Co-sponsored by the Philadelphia Office of the Mayor

Heart & Soul

A Celebration of African and Black History

ENTERTAINMENT

African Rhythms  
African Drum Ensemble  
African Dance Ensemble  
African Music Ensemble  
African Poetry Ensemble  
African Story Ensemble  
African Theater Ensemble  
African Visual Arts Ensemble  
African Film Ensemble  
African Literature Ensemble  
African Music Ensemble  
African Dance Ensemble  
African Poetry Ensemble  
African Story Ensemble  
African Theater Ensemble  
African Visual Arts Ensemble  
African Film Ensemble  
African Literature Ensemble



PUBLIC INFORMATION • MARKETING

WEEKLY REPORT

Feb. 1-7, 2016

Current Marketing Campaigns

### Guitar

The Maryland Department of Health and Human Services is proud to announce the launch of the "Guitar" campaign, a new initiative to promote healthy living and active lifestyles. The campaign features a variety of activities, including guitar lessons, music therapy, and more.

**Event Dates:**

- Monday, Feb. 1: 10:00 a.m. - 12:00 p.m.
- Tuesday, Feb. 2: 10:00 a.m. - 12:00 p.m.
- Wednesday, Feb. 3: 10:00 a.m. - 12:00 p.m.
- Thursday, Feb. 4: 10:00 a.m. - 12:00 p.m.
- Friday, Feb. 5: 10:00 a.m. - 12:00 p.m.
- Saturday, Feb. 6: 10:00 a.m. - 12:00 p.m.
- Sunday, Feb. 7: 10:00 a.m. - 12:00 p.m.

**Event Location:**

- 1000 E. North Ave. Suite 100
- Baltimore, MD 21202
- Phone: (410) 333-1234
- Website: [www.maryland.gov](http://www.maryland.gov)

### ABSOLUTELY ABS & CORE

Join a workout and nutrition class designed to help you lose weight and improve your overall health. The class is led by a certified personal trainer and is suitable for all fitness levels.

**Monday and Wednesday:**

- Time: 7:00 a.m. - 8:00 a.m.
- Location: 1000 E. North Ave. Suite 100, Baltimore, MD 21202


**February 15th:**

- Time: 7:00 a.m. - 8:00 a.m.
- Location: 1000 E. North Ave. Suite 100, Baltimore, MD 21202

**February 16th:**

- Time: 7:00 a.m. - 8:00 a.m.
- Location: 1000 E. North Ave. Suite 100, Baltimore, MD 21202





PUBLIC INFORMATION & MARKETING

WEEKLY REPORT

FEB 17, 2016

Marketing Report

Marketing Campaigns

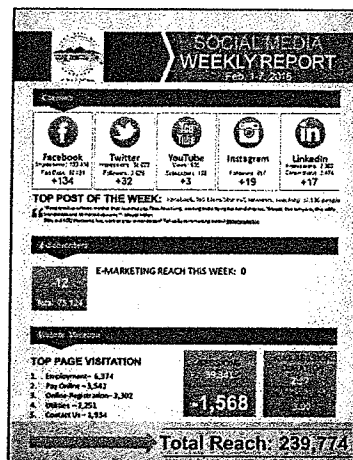
Campaigns This Week	11
Campaigns YTD 2016	129

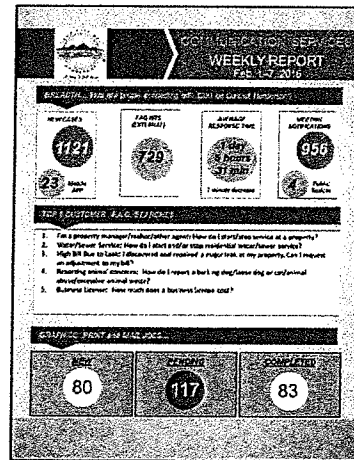
Marketing Collateral Produced

Collateral Projects This Week	96
Collateral Produced This Week	14,303

Highlights:

A media advisory was distributed for "Where Only Wolves Roar: A Historic State of the City Address" on 2, 3, 8 and 11 were contacted to place their advertisement and provide them with highlights. Received 2016 from Portland Business Press, The Oregonian, The Oregonian Live, and the Oregonian Business. Four reporters with "Where Only Wolves Roar" were contacted along with one reporter with The Oregonian at the event.





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)

Office Hours: Monday - Thursday 7:30 a.m. to 5:30 p.m.

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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)  
Office Hours: Monday - Thursday 7:30 a.m. to 5:30 p.m.

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---

**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#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: Trospen 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

DOC\_0000028

Redaction

Javier Trujillo  
Director of Public  
Affairs  
City Manager's Office  
City of Henderson  
(702) 267-2060  
[Javier.Truiillo@cityofhenderson.com](mailto:Javier.Truiillo@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 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)>, Stu Hitchen <[stuhitchen8@gmail.com](mailto:stuhitchen8@gmail.com)>, "Tim Brooks" <[timb@emeraldislandcasino.com](mailto:timb@emeraldislandcasino.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@nvenegy.com](mailto:alopez@nvenegy.com)>; Barbra Coffee <[Barbra.Coffee@cityofhenderson.com](mailto:Barbra.Coffee@cityofhenderson.com)>; Brad Miller <[brad.miller@rcwilley.com](mailto:brad.miller@rcwilley.com)>; Chet Ophelkens <[chet@randoco.com](mailto:chet@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)>; 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)> <[Gerick@cox.net](mailto:Gerick@cox.net)>; Robert Anderson <[rcanderson@swlaw.com](mailto:rcanderson@swlaw.com)> <[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)> <[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)>

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\*\***



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

<!--[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

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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@nvenegy.com](mailto:alopez@nvenegy.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 <[chet@randoco.com](mailto:chet@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)> <[elizabeth@trospencommunications.com](mailto:elizabeth@trospencommunications.com)>, "George Garcia" <[ggarcia@gcgarciainc.com](mailto:ggarcia@gcgarciainc.com)> <[ggarcia@gcgarciainc.com](mailto:ggarcia@gcgarciainc.com)>, "Gerri Schroder" <[Gerri.Schroder@cityofhenderson.com](mailto:Gerri.Schroder@cityofhenderson.com)> <[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)> <[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)> <[Gerick@cox.net](mailto:Gerick@cox.net)>, "Robert Anderson" <[rcanderson@swlaw.com](mailto:rcanderson@swlaw.com)> <[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)"  
<timb@emeraldlandcasino.com>, "Tony Dazzio (tonydazzio@gmail.com)"  
<tonydazzio@gmail.com>, Windom Kimsey <Wkimsey@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@rcwillev.com](mailto:brad.miller@rcwillev.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@julietaasvegas.com](mailto:jstewart@julietaasvegas.com)>; Leslie Hoyt <[lhoyt@swlaw.com](mailto:lhoyt@swlaw.com)>; Rick Smith <[Gerick@cox.net](mailto:Gerick@cox.net)> <[Gerick@cox.net](mailto:Gerick@cox.net)>; Robert Anderson <[rcanderson@swlaw.com](mailto:rcanderson@swlaw.com)> <[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)> <[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@citvofhenderson.com](mailto:Gerri.schroder@citvofhenderson.com)  
[www.citvofhenderson.com](http://www.citvofhenderson.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,  
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final authorization.

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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/Trospen 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

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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#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.  
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**From:** Kathy Blaha  
**Sent:** Wednesday, March 16, 2016 1:01 PM  
**To:** Joanne Wershba; Ray Everhart  
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Redaction

Redaction

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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





### Current Records Requests

5

Top student's name  
 \_\_\_\_\_

Thursday, Dec. 17, 2015, Lakeside sought to obtain requested records information surrounding court fines and fees. Mr. Knight was responded to and referred the information to being gathered. On Dec. 18, 2015, questions were sent to Mr. Knight asking for clarification of portions of the request. On Jan. 23, 2016 a letter dated Jan. 22 was received requesting all court information. Mr. Knight has been advised to respond to certain membership in regard to questions. To date no response has not been received. On Feb. 4, 2016 the COA advised no log or table to be sent 30 days after the last attempt to contact Mr. Knight.

On Jan. 12, 2006, Elizabeth Treaster (as agent of Betsy March's copyright) requested  
 return of Betsy March's **Redaction**


states of Texas March  
**Redaction**  
 A request for all smalls exchanged between Mayor Hufsch and @illegalsites from Nov. 1, 2015 was returned by Alex Chav of America Rising. We advised him there were no smalls and the case was resolved.

A request from Adalinda Chen, DVM was received asking for mobile healthcare business license information from Jan. 2, 2008, to present.

Redaction	Redaction
On Feb. 4, Robert F. Ivner of NPS requested copies of all internal notices from Jan. 1, 2012 to the present. All of these notices are available online and we waiting for final	

On Oct. 27, 2015, Carl Reed, Orlando, FL, wrote requesting a officer request on the Cruzans Air, regarding for the involving of a Broomfield man. He was provide that he would have to contact Las Vegas Air National Police Department, since the incident did not occur in Henderson. This request was received on Oct. 27, 2015. On Feb. 2, 2016 no were contacted through Contact Henderson. Mr. Reed was advised that the incident occurred in Las Vegas Metropolitan Police Department's jurisdiction and to contact them for aid or reports.





PUBLIC INFORMATION & MARKETING

WEEKLY REPORT

February 1-7, 2016

Current Marketing Campaigns

### Guitar

Great music starts with the guitar. It's the heart of the sound, the soul of the melody. It's the instrument that brings us all together, one note at a time.

**Monday and Wednesday, 7pm-7:00pm**  
**Thursday 8:30**  
**Friday 8:30**  
**Saturday 10:00-11:00**  
**Sunday 11:00-12:00**

**February 1-8**  
**March 1-8**  
**March 15-22**  
**March 29-30**

**February 1-8**  
**March 1-8**  
**March 15-22**  
**March 29-30**

### ABSOLUTELY ABS & CORE

Only one workout can give you the results you want. It's the only workout that combines the best of both worlds: a heart-pounding cardio workout and a core-strengthening workout.

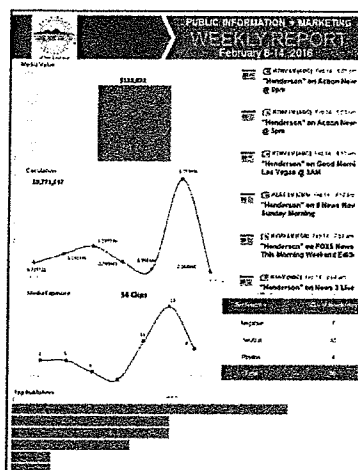
**Monday and Wednesday, 7pm-7:00pm**  
**Thursday 8:30**  
**Friday 8:30**  
**Saturday 10:00-11:00**  
**Sunday 11:00-12:00**

**February 1-8**  
**March 1-8**  
**March 15-22**  
**March 29-30**

**February 1-8**  
**March 1-8**  
**March 15-22**  
**March 29-30**

PUBLIC INFORMATION • MARKETING WEEKLY REPORT February 1-7, 2016	
<b>Marketing Report</b>	
<b>Marketing Campaigns</b>	
Campaigns This Week	18
Campaigns YTD 2015	215
<b>Marketing Collateral Produced</b>	
Collateral Projects This Week	16
Collateral Produced This Week	16,342
<b>Highlights:</b> A small advisory vote scheduled for "Shopper Study" before the start of the City Address. C&S & S&S were scheduled to take their interviews and provide them with highlights. Received 17th. From Nevada Business Press, Las Vegas Sun, News, Nevada Reporter News, Four interviews with Mayor. Interviews conducted and 1 interview with Sandy Carter at the event.	

Henderson Privilege Log Doc#5253





### Current Records Requests

The following are the responses to the requests for information received from the public:

Red

## Redaction

On Jan. 13, 2015, Elizabeth Breuer (on behalf of Debra March's caregiver) requested photos of Debra March.

Redaction

Requests from Adelaide Otago RVU were received asking for mobile food truck business license information from Jan. 1, 2008 to present.

Redaction

Redaction

On Feb. 4, Robert DeWitt of NARA requested copies of all internal audits from Jan. 1, 2018, to the present. All of these audits are available online and are waiting for BSA approval to respond as such.

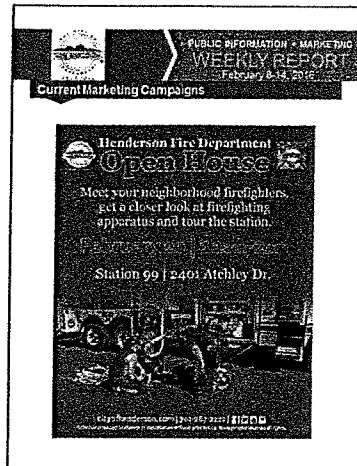
Redaction


## Redaction

Cohen (lastname) CPCL requested PM and the information for Asha Rindani Cheri Mandala from Jan 2, 2015 thru Feb 15, 2016. Purchasing is gathering all of the information. The report is received it today.

PPH submitted their annual salary request for the 2011 salaries for all City employees. Finance is gathering the information.







PUBLIC INFORMATION & MARKETING

WEEKLY REPORT

February 9-14, 2016

Marketing Report

Marketing Campaigns

Campaigns This Week	20
Campaigns YTD 2016	146

Marketing Collateral Produced

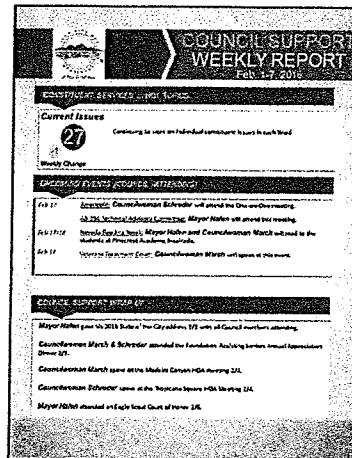
Collateral Projects This Week	12
Collateral Produced This Week	1,218

Highlights:


We launched the Henderson Police Department on Facebook, a free process could support where neighbors don't want to be running in their neighborhoods. There are 193 users for neighborhoods in Henderson, along with over 11,000 residents using Facebook. We now can send out messages, events, and information to the entire city in this format or target certain neighborhoods, if needed.

We launched the February 11th Talk Shop with Capt. David on Facebook which resulted in 120 participants, which are scheduled for February 11th. We hope and intend to have attendance at the event.

Henderson Privilege Log Doc#5695







PUBLIC INFORMATION & MARKETING

WEEKLY REPORT

FEB. 17, 2016

Current Records Requests

4

The number of new records requests.

Thursday, Dec. 17, 2015. Lisa Wright of Michigan requested various information surrounding court fees and fees. Mr. Wright was requested to and informed the information is being gathered. On Dec. 20, 2015, questions were sent to Mr. Wright asking for clarification of portions of the records. On Jan. 13, 2016 a letter about him. It was received requesting different information. Mr. Wright has been asked to log into Court Records to request the records. To date a response has not been received. On Feb. 3, 2016, the C422 advised us log a note to the case 11 days after our last attempt to contact Mr. Wright.

On Jan. 22, 2016, Elizabeth Wagner, on behalf of the State Health Campaign, requested photos of Cheryl Marley.

Redaction

Redaction

A request from Adellela Chen, 1941 was received asking for public health information from Jan. 3, 2004, to present.

Redaction

Redaction


On Feb. 4, Arnet Fuller of MPR requested copies of all record books from Jan. 1, 2014, to the present. All records are available online we are waiting for final approval to proceed as such.

Escrow: The Boston Record

Miss Margaretta Antonio, 1040 requested all court records regarding Thomas Major Poirer and @Oleale to include beginning from 1, 2014. On Feb. 4 he was advised there were no records to and the case was resolved.


On Oct. 27, 2015, Curt Reed Orlando, Esq. used a requested a public report on Chelise Ann, managing director of the Executive Dept. He was advised that he would have to contact the Michigan Department of Public Safety. From this request, all records are in compliance. This request was resolved Oct. 11, 2015. On Feb. 12, 2016, Mr. Reed submitted a request regarding the same information. He was advised that the records were not in the Law Web 2.0 system of the Public Information Department and he was asked to contact them for public reports.






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


**Current Marketing Campaigns**



**Heart & Soul**  
*A Celebration of Spirit and Soul*  
**Saturday, February 27**  
**11am-2pm**  
**Madison (North Branch) High School**  
**Free Admission**  
 A special event for the community featuring a variety of performances, including a live band, and a special presentation by the Chicago Police Department.



**Heart & Soul**  
*A Celebration of Spirit and Soul*  
**ENTERTAINMENT**  
 A special event for the community featuring a variety of performances, including a live band, and a special presentation by the Chicago Police Department.



PUBLIC INFORMATION & MARKETING

WEEKLY REPORT

Feb. 3-7, 2016

Current Marketing Campaigns

### Guitar

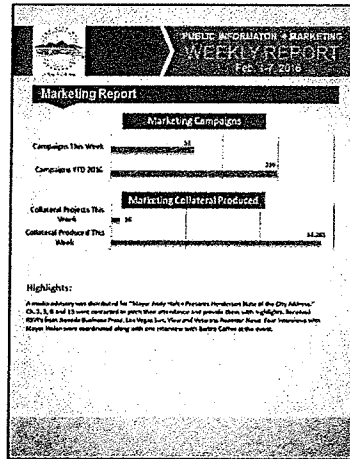
The South County Chamber of Commerce will present a free guitar-making workshop on Wednesday, February 3, 2016, from 10:00 a.m. to 12:00 p.m. at the San Diego Community Center, 1000 La Jolla Village Drive, San Diego, CA 92037. The workshop is open to all ages and is a great way to learn about the guitar and its history. The cost is \$10 per person. For more information, please call (619) 451-1234 or visit [www.southcountycc.org](http://www.southcountycc.org).

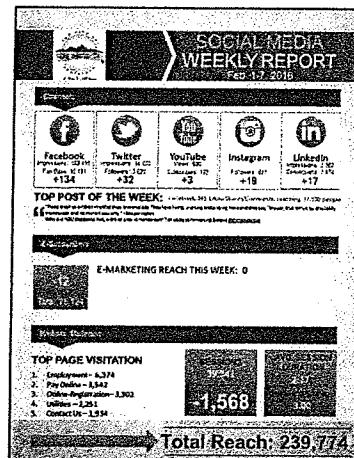
**Registration:** 10:00 a.m. - 11:00 a.m.  
**Workshop:** 11:00 a.m. - 12:00 p.m.  
**Location:** San Diego Community Center, 1000 La Jolla Village Drive, San Diego, CA 92037  
**Cost:** \$10 per person  
**Contact:** (619) 451-1234

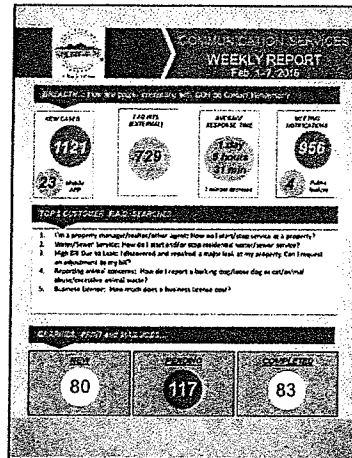
### ABSOLUTELY ABS & CORE

Let a brand new class take your fitness to the next level. This class is designed for women who want to lose weight and tone their bodies. The class is held on Monday and Wednesday evenings from 6:00 p.m. to 7:30 p.m. at the San Diego Community Center, 1000 La Jolla Village Drive, San Diego, CA 92037. The cost is \$10 per person. For more information, please call (619) 451-1234 or visit [www.southcountycc.org](http://www.southcountycc.org).

**Monday and Wednesday, 6:00 p.m. - 7:30 p.m.**  
**Location:** San Diego Community Center, 1000 La Jolla Village Drive, San Diego, CA 92037  
**Cost:** \$10 per person  
**Contact:** (619) 451-1234







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.



**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.



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 48, 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 – Trospen Communications contract**

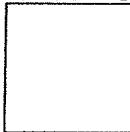
Natalie Bruzda with the R-J called seeking a copy of the city's contract with Trospen Communications. She also spoke with the Mayor and Councilman Marz. City Manager provided Natalie with a written quote in response to her inquiry. Natalie originally said she was going to request budget information for 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 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



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

DOC\_0000075

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
-----------	-----------

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#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: 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#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).

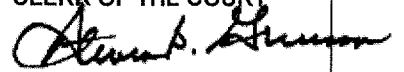
Thank you,  
Kim

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

# ADDENDUM B





**NEOJ**

JOSH M. REID, City Attorney  
Nevada Bar No. 7497

**CITY OF HENDERSON**

240 Water Street, MSC 144  
Henderson, Nevada 89015  
Telephone: 702.267.1200  
Facsimile: 702.267.1201  
Josh.Reid@cityofhenderson.com

DENNIS L. KENNEDY  
Nevada Bar No. 1462

**BAILEY ♦ KENNEDY**

8984 Spanish Ridge Avenue  
Las Vegas, Nevada 89148-1302  
Telephone: 702.562.8820  
Facsimile: 702.562.8821  
DKennedy@BaileyKennedy.com

*Attorneys for Respondent*

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.

///

///

///

///

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  
12 Henderson, NV 89015

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:

MARGARET A. MCLETCHE  
ALINA M. SHELL  
**MCLETCHE SHELL LLC**  
701 East Bridger Avenue, Suite 520  
Las Vegas, Nevada 89101

Email: Alina@nvlitigation.com  
Maggie@nvlitigation.com  
*Attorneys for Petitioner*  
LAS VEGAS REVIEW-JOURNAL

/s/ Josephine Baltazar  
Employee of BAILEY ♦ KENNEDY

ORIGINAL

Electronically Filed  
5/12/2017 2:54 PM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

1 **ORDR**  
2 JOSH M. REID, City Attorney  
3 Nevada Bar No. 7497  
4 **CITY OF HENDERSON**  
5 240 Water Street, MSC 144  
6 Henderson, Nevada 89015  
7 Telephone: 702.267.1200  
8 Facsimile: 702.267.1201  
9 Josh.Reid@cityofhenderson.com

6 DENNIS L. KENNEDY  
7 Nevada Bar No. 1462  
8 **BAILEY ♦ KENNEDY**  
9 8984 Spanish Ridge Avenue  
10 Las Vegas, Nevada 89148-1302  
11 Telephone: 702.562.8820  
12 Facsimile: 702.562.8821  
13 DKennedy@BaileyKennedy.com

10 *Attorneys for Respondent*  
11 CITY OF HENDERSON

12 DISTRICT COURT  
13 CLARK COUNTY, NEVADA

14 LAS VEGAS REVIEW-JOURNAL,

15 Petitioner,

16 vs.

17 CITY OF HENDERSON,

18 Respondent.

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

**ORDER**

20  
21 The Amended Public Records Act Application/Petition for Writ of Mandamus/Application  
22 for Declaratory Relief (the "Petition") of Petitioner Las Vegas Review Journal (the 'LVRJ') came  
23 on for hearing at 9:00 a.m. on March 30, 2017 on expedited basis pursuant to NRS 239.011; the  
24 LVRJ was represented by Alina Shell and Margaret A. McLetchie; Respondent City of Henderson  
25 (the "City") was represented by Dennis L. Kennedy of Bailey ♦ Kennedy, City Attorney Josh M.  
26 Reid and Assistant City Attorney Brian R. Reeve; the Court having read the pleadings and  
27 memoranda filed by the parties, having considered the evidence presented and having heard the  
28 argument of counsel, hereby ORDERS AS FOLLOWS:

Page 1 of 3

BAILEY ♦ KENNEDY  
8984 SPANISH RIDGE AVENUE  
LAS VEGAS, NEVADA 89148-1302  
702.562.8820

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.

22     ///

23     ///

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25     ///

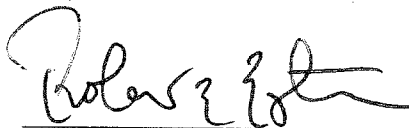
26     ///

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1  
2 5. CONCLUSION. Based on the foregoing, LVRJ's request for a writ of mandamus,  
3 injunctive relief, and declaratory relief, and any remaining request for relief in the Amended Petition  
4 is hereby DENIED.

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



6  
7  
8  
9 Submitted by:

10 BAILEY ♦ KENNEDY

11  
12  
13 By: 

DENNIS L. KENNEDY

14 and

15 JOSH M. REID, City Attorney  
16 CITY OF HENDERSON

17 *Attorneys for Respondent*  
18 CITY OF HENDERSON  
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Approved as to Form and Content:

MCLETCHIE SHELL LLC

By: \_\_\_\_\_

ALINA SHELL  
MARGARET A. MCLETCHIE

*Attorneys for Petitioner*  
LAS VEGAS REVIEW JOURNAL

# ADDENDUM C



1 **NEO**  
2 **NICHOLAS G. VASKOV**  
3 City Attorney  
4 Nevada Bar No. 8298  
5 **BRIAN R. REEVE**  
6 Assistant City Attorney  
7 Nevada Bar No. 10197  
8 240 Water Street, MSC 144  
9 Henderson, NV 89015  
10 (702) 267-1231  
11 (702) 267-1201 Facsimile  
12 brian.reeve@cityofhenderson.com

8 **DENNIS L. KENNEDY**  
9 Nevada Bar No. 1462  
10 **BAILEY ♦ KENNEDY**  
11 8984 Spanish Ridge Avenue  
12 Las Vegas, Nevada 89148-1302  
13 Telephone: 702.562.8820  
14 Facsimile: 702.562.8821  
15 DKennedy@BaileyKennedy.com

12 *Attorneys for Respondent*  
13 CITY OF HENDERSON

14 **DISTRICT COURT**  
15 **CLARK COUNTY, NEVADA**

16 LAS VEGAS REVIEW-JOURNAL,  
17  
18

Petitioner,

19 vs.  
20

CITY OF HENDERSON,  
21

Respondent.

Case No. A-16-747289-W

Dept. No. VIII

22 **NOTICE OF ENTRY OF ORDER**

23 On August 4, 2020, an Order was entered in the above-captioned matter. A true and  
24 correct copy is attached.  
25

26 ///

27 ///

28 ///





1 DATED this August 5, 2020.

2 CITY OF HENDERSON

3 By: /s/ Brian R. Reeve  
4 Brian R. Reeve  
5 Assistant City Attorney  
6 City of Henderson  
7 Nevada Bar No. 10197  
8 240 Water Street, MSC 144  
9 Henderson, NV 89015

10 BAILEY ♦ KENNEDY

11 Dennis L. Kennedy  
12 Nevada Bar No. 1462  
13 BAILEY ♦ KENNEDY  
14 8984 Spanish Ridge Avenue  
15 Las Vegas, Nevada 89148-1302

16 *Attorneys for Respondent*  
17 CITY OF HENDERSON

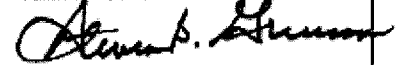
18 **CERTIFICATE OF SERVICE**

19 I certify that I am an employee of the City of Henderson and that on August 5, 2020,  
20 the foregoing Notice of Entry of Order was made by electronic service through the Eighth  
21 Judicial District Court's electronic filing system (Odyssey) as follows:

22 Margaret A. McLetchie (maggie@nvlitigation.com)  
23 Alina M. Shell (alina@nvlitigation.com)  
24 **MCLETCHIE LAW**  
25 701 East Bridger Avenue, Suite 520  
26 Las Vegas, Nevada 89101

27 *Attorneys for Petitioner*  
28 LAS VEGAS REVIEW-JOURNAL

/s/ Cheryl Boyd  
An Employee of the  
Henderson City Attorney's Office



1 DAO

2  
3 EIGHTH JUDICIAL DISTRICT COURT  
4 CLARK COUNTY, NEVADA  
5

6  
7 LAS VEGAS REVIEW-JOURNAL

8 Petitioner,

9 vs.

10 CITY OF HENDERSON

11 Respondent.  
12

DIST. CT. CASE NO.: A-16-747289-W

DEPT NO.: VIII

13  
14 This matter having come on for hearing on June 18, 2020, upon Petitioner Las Vegas  
15 Review-Journal's ("LVRJ") Amended Motion for Attorney's Fees and Costs before  
16 District Court Judge Trevor Atkin, and all named parties appearing through their  
17 identified counsel of record, and the Court having reviewed all papers and pleading on  
18 file, including Respondent City of Henderson's ("HENDERSON") Opposition thereto, and  
entertaining the argument of counsel and being fully advised in the premises, and good  
cause appearing, this Court issues the following Decision and Order.

19 **DECISION AND ORDER**

20  
21 **I.**

22 **Factual Background & Procedural History**

23 The origin of this matter, and relatedly the subject motion, is the "Public Records Act  
24 Application Pursuant to NRS § 239.001/Petition for Writ of Mandamus" filed by the LVRJ  
on November 29, 2016. Since that time, there have been two substantive orders issued  
by two different district court judges<sup>1</sup>, two appeals taken from those orders<sup>2</sup>, and two

25  
26 <sup>1</sup> The first Order of May 12, 2017 was signed by District Court Judge Robert Estes, the substantive ruling however  
27 been rendered by Senior District Court Judge Charles Thompson on March 30, 2017. The second Order of February  
15, 2018 was made and signed by District Court Judge Mark Bailus.

28 <sup>2</sup> The first appeal (Nev. S.Ct. Case No. 73287) was filed by Appellant LVRJ, challenging Judge Thompson's order  
denying its petition for writ of mandamus and application for injunctive and declaratory relief. The second appeal  
(Nev. S.Ct. Case No. 75407) was an appeal and cross-appeal from Judge Bailus' order awarding LVRJ attorney fees.

1 orders issued by the Nevada Supreme Court.<sup>3</sup>

2 This Court refrains for the most part in discussing the facts and procedural trek this case  
3 has endured the past 3 ½ years prior to its consideration of the instant amended motion  
4 for attorneys fees, as the Nevada Supreme Court has methodically summarized what it  
5 considered to be the critical facts and events upon which its two orders were premised.  
6 Importantly though, subsequent to the two Nevada Supreme Court orders,  
7 HENDERSON voluntarily disclosed the final 11 files which it had originally withheld  
8 under the claimed deliberative process privilege ("DPP") in July of 2019.<sup>4</sup>

9 The LVRJ acknowledges in the instant motion that HENDERSON ultimately produced  
10 the additional 11 records or files it had initially withheld on the basis of the claimed  
11 deliberative process privilege, but not without it [LVRJ] waiting nearly three years to  
12 receive - incurring \$127,419.00 in attorneys' fess and costs in so doing.<sup>5</sup> Having  
13 ultimately achieved its goal of receiving all of the documents it had originally requested,  
14 the LVRJ asserts that under Nevada's recently adopted "catalyst theory", it is the  
15 "prevailing party", and thus under the Nevada Public Records Act, NRS Chapter 239,  
16 entitled to recover its costs and reasonable attorney's fees.

13 <sup>3</sup> The Nevada Supreme Court in Case No. 73287 ("Petiton Appeal"), *Las Vegas Review-Journal v. City of Henderson*,  
14 441 P.3d 546, 2019 WL 2252868 (Nev. 2019)(unpublished), affirmed in part, reversed in part, and remanded to the  
15 district court with instructions to: (1) consider whether HENDERSON proved by a preponderance of the evidence  
16 that its interest in nondisclosure clearly outweighed the public's interest in access, and (2) consider the difference  
17 between documents redacted or withheld pursuant to the statutory-based attorney/client privilege and those  
18 redacted or withheld pursuant to the common-law-based deliberative process privilege. *Las Vegas Review-Journal*,  
19 2019 WL 2252868 at \*4.

20 The Nevada Supreme Court in Case No. 75407 ("Fees Appeal"), *City of Henderson v. Las Vegas Review-Journal*, 450  
21 P.3d 387, 2019 WL 5290874 (Nev. 2019) (unpublished), reversed Judge Bailus' award of fees, "[b]ecause the sole  
22 remaining issue that the LVRJ raised in its underlying action has not yet proceeded to a final judgment..."  
23 *Henderson*, 2019 WL 5290874 \*2.

24 <sup>4</sup> For context, the LVRJ's initial public records request consisted of approximately 9,000 electronic files (70,000  
25 pages). Prior to the first substantive hearing conducted on March 30, 2017 by Senior Judge Charles Thompson,  
26 HENDERSON agreed to provide the LVRJ copies of the requested documents on a USB drive, save and except for 91  
27 documents which it identified in a privilege log. Of the 91 withheld documents, 78 were withheld because of  
28 attorney-client privilege; two (2) were withheld because they contained confidential health information; and 11  
were withheld under the deliberative process privilege ("DPP"). It is these 11 files or documents which were  
voluntarily disclosed and provided to the LVRJ in July 2019.

<sup>5</sup> It was these 11 DPP documents or files which were the subject of the Nevada Supreme Court's remand order of  
May 24, 2019, *Las Vegas Review-Journal v. City of Henderson*, 441 P.3d 546, 2019 WL 2252868. As to these DPP  
documents, the Nevada Supreme Court held as follows:

"However, we agree with LVRJ's argument in relation to those documents withheld or redacted pursuant  
to the deliberative process privilege...(citations omitted). Therefore, the district court was required to  
consider whether Henderson proved by a preponderance of the evidence 'that its interest in nondisclosure  
clearly outweighs the public's interest in access.' *PERS*, 129 Nev. at 837, 313 P.3d at 224 (internal quotation  
omitted). Below, the district court did not make this consideration, or consider the difference between  
documents redacted or withheld pursuant to the statute-based attorney-client privilege and those  
redacted or withheld pursuant to the common-law-based deliverative process privilege. Accordingly, we  
conclude that the district court abused its discretion in failing to consider the balancing test for these  
documents, and we reverse and remand for the district court to do so." *Las Vegas Review-Journal*, 2019  
WL 2252868 at \*4.

1 The thrust of HENDERSON's opposition filed on February 27, 2020 was two-fold: First,  
2 the LVRJ cannot be considered the "prevailing party" because not only has this Court not  
3 entered a final judgment in favor of LVRJ, but also, because the Nevada Supreme Court  
4 has held that the LVRJ did not prevail on any other issue in the case. Secondly,  
Nevada law, and the law of this case has rejected the LVRJ's "catalyst theory".

5 Subsequent to the parties filing their initial moving papers, yet prior to this Court  
6 entertaining oral argument on the LVRJ's motion for attorney's fees and costs, the  
7 Nevada Supreme Court in the case of *Las Vegas Metropolitan Police Department v.*  
8 *Center for Investigative Reporting, Inc.*, 460 P.3d 952, 136 Nev. Adv. Op. 15 (April 02,  
9 2020), ("*CIR*") adopted "catalyst theory" advanced by the LVRJ. LVRJ thereafter filed an  
amended motion for fees and costs on May 11, 2020 which in turn caused  
HENDERSON to file an opposition thereto on June 01, 2020.

10 The LVRJ in its amended motion argues that it is entitled to all of its incurred costs and  
11 attorney's fees, as its has proven a causal nexus between its Amended Petition for Writ  
12 of Mandamus and HENDERSON's voluntary disclosure of records – asserting that the  
facts in the underlying litigation satisfy the five (5) factors laid out by Nevada Supreme  
Court in *CIR*, *Id.*

13 HENDERSON in its opposition to LVRJ's amended motion argues that notwithstanding  
14 the *CIR* decision, LVRJ's motion is improper because no judgment has ever been  
15 entered. Additionally, *CIR* is not the law of this case. And finally, even if the catalyst  
16 theory of *CIR* is considered to be the law of the State and this case, the facts of this case  
17 are sufficiently unique from those present in *CIR* that the LVRJ cannot be considered the  
"prevailing" party such that it should be awarded its attorneys' fees and costs pursuant to  
NRS § 239.011(2).

## 18 II. 19 Discussion

20 The Nevada Public Records Act (NPRA) requires governmental entities to make  
21 nonconfidential public records within their legal custody or control available to the public.  
22 NRS § 239.010. If a governmental entity denies a public records request, the requester  
23 may seek a court order compelling production. NRS § 239.011(1). If the requesting party  
24 prevails, the requester is entitled to attorney fees and costs. NRS § 239.011(2). When  
25 determining whether a requesting party "prevailed" and is therefore eligible for fees and  
26 costs, the Nevada Supreme Court has outlined five factors for district courts to consider.  
27 *Las Vegas Metro. Police Dep't v. Ctr. for Investigative Reporting, Inc.*, 136 Nev. Adv. Op.  
28 15, 460 P.3d 952, 957 (2020). (1) "[W]hen the documents were released," (2) what  
actually triggered the documents' release", (3) "whether [the requester] was entitled to  
the documents at an earlier time", (4) "whether the litigation was frivolous, unreasonable,  
or groundless", and (5) "whether the requester reasonably attempted to settle the matter  
short of litigation by notifying the governmental agency of its grievances and giving the  
agency an opportunity to supply the records within a reasonable time." *Id.*

1 The LVRJ argues in its moving papers that the facts of the subject case are akin to those  
2 in *CIR* and thus when considering the five (5) *CIR* factors, it is the prevailing party for  
3 purposes of NRS § 239.011(2). Conversely, HENDERSON in its opposing papers  
4 contends its conduct and responses to the LVRJ's request for documents was entirely  
5 distinguishable from those of the Las Vegas Metropolitan Police Department in *CIR*, and  
6 thus even utilizing the catalyst theory, the LVRJ is not entitled to its prayed for fees and  
7 costs.

8 Rather uniquely, and as prefaced above, this case has already had two district court  
9 judges enter orders outlining the basis of their decisions relative to not only the LVRJ's  
10 records request and HENDERSON's response thereto, but also, whether an award of  
11 fees and costs was proper under NRS Chapter 239. Moreover, there are also two  
12 Nevada Supreme Court orders regarding these district court rulings. Thus for the most  
13 part, the law of this case has already been established as it pertains to the LVRJ's NPRA  
14 records request and HENDERSON's response thereto. *Hsu v. County of Clark*, 123 Nev.  
625, 173 P.3d 724 (2007). Specifically, that with exception of the 11 documents withheld  
by HENDERSON on its asserted deliberative process privilege, the "...the LVRJ has not  
succeeded on any of the issues that it raised in filing the underlying action." *City of  
Henderson v. Las Vegas Review-Journal*, 450 P.3d 387, 2019 WL 5290874, \*2 (Nev.  
2019). And as to these 11 documents, "[w]e instructed the district court to conduct further  
analysis and determine whether, and to what extent, those records were properly  
withheld." *Id.* at \*2. Accordingly, this Court limits its *CIR* analysis to the 11 documents  
which ultimately were voluntarily produced.

15 1. *When the Documents were Released.*

16 HENDERSON did not release the DPP documents to the LVRJ until July 2019 – two-  
17 and-a-half years after the LVRJ filed suit. Conversely, these documents were voluntarily  
18 produced by HENDERSON after having prevailed at the district court and appellate  
19 court levels – save and except for the remaining 11 DPP documents.

20 2. *What Triggered the Documents Release.*

21 HENDERSON argues that it was the desire to avoid any further costly litigation over 11  
22 documents that triggered its voluntary production. LVRJ argues that this lawsuit already  
23 forced HENDERSON to provide nearly 70,000 documents and it was litigation that forced  
24 HENDERSON to provide the 11 DPP documents..

25 3. *Whether the Requester was Entitled to Documents at an Earlier Time.*

26 HENDERSON argues that LVRJ was never entitled to either disclosure of the public  
27 records and any delay was a product of LVRJ's doing. Moreover, Judge Thompson  
28 determined that as to the 11 DPP documents, HENDERSON's privilege log was timely,  
sufficient and in compliance with the NRPA. The Nevada Supreme Court did not  
necessarily disagree, but instructed that the district court needed to perform a balancing  
test and thus remanded. It was before this balancing test could be performed that  
HENDERSON produced the 11 documents. LVRJ argues that the NPRA is clear; LVRJ

1 was entitled to all the public and DPP records when they first made their request. LVRJ  
2 could not have received the 11 DPP documents any sooner, but for its own actions. In  
3 pursuing the records it ultimately was successful in securing.

4 *4. Whether the Litigation was Frivolous, Unreasonable, or Groundless*

5 NRS Chapter 239 makes clear that nonconfidential records must be made available to  
6 the public. However, that does not mean the documents must be disclosed on the  
7 requester's terms. The Nevada Supreme Court in this case had two opportunities to  
8 declare whether either the LVRJ's request or HENDERSON's reason for non-disclosure  
9 was frivolous, unreasonable, or groundless. It chose not to do so, declaring only that the  
10 LVRJ has not succeeded on any of the issues it raised, but that there remained a  
11 balancing test to be performed on the 11 DPP documents. Again, this test was never  
12 performed; thus, never a determination relative to the 11 DPP documents.

13 *5. Whether the Requester Reasonably Attempted to Settle the Matter Short of*  
14 *Litigation by Notifying the Government Agency of its Grievances and Giving the*  
15 *Agency an Opportunity to Supply the Records within a Reasonable Time.*

16 This Court defers to the record created by the two prior district court and appellate court  
17 rulings relative to the parties' attempts to settle or resolve. Moreover, there is an  
18 incomplete record as to the 11 remaining DPP documents in this regard. Regardless, it  
19 appears in this case that HENDERSON made more efforts to settle than the Las Vegas  
20 Metropolitan Police Department did in *CIR*.

21 **III.**  
22 **Order**

23 This Court having reviewed all the moving papers filed on behalf of the parties and  
24 entertaining oral argument of the parties on June 18, 2020, hereby finds that  
25 HENDERSON's response to the LVRJ's NPRA request was considerably different and  
26 distinguishable from that of the Las Vegas Metropolitan Police Department in *CIR*. It is  
27 the determination of this Court that Petitioner LVRJ is not the prevailing party for  
28 purposes of being awarded its requested attorneys' fees and costs pursuant to NRS §  
239.011(2) and thus DENIES Petitioner's motion for attorneys' fees and costs.

Dated: August 3, 2020.




Trevor L. Atkin  
District Court Judge, Department 8

1 Certificate of Service

2 I hereby certify that on the date filed, a copy of this  
3 Order was electronically served on all parties registered  
4 through the Eighth Judicial District Court EFP system or mailed  
to any party or attorney not registered with the EFT system.

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6 ALAN PAUL CASTLE, SR.

AUG - 3 2020

7  Lynne Lerner  
8 Judicial Executive Assistant  
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