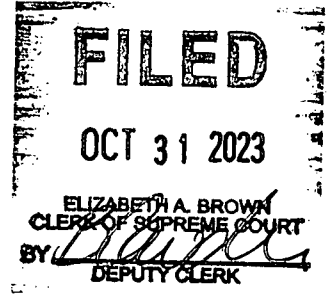
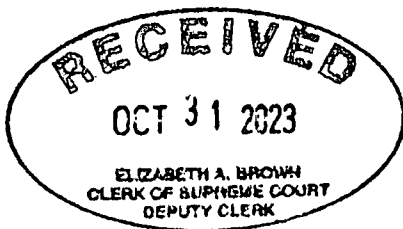


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# APPENDIX



23-35331

1 Code: \$2580  
2 Rochelle Mezzano  
3 105 Yellowstone Dr.  
4 Reno, Nevada 89512  
5 Phone: 775-622-5262  
6 Email: rochellemezzano@yahoo.com  
7 Self-Represented Litigant

8  
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
10  
11 IN AND FOR THE COUNTY OF WASHOE  
12

13 JOHN TOWNLEY,

Case No.: DV19-01564

14 Plaintiff,

Dept. No.: 13

15 vs.

16 ROCHELLE MEZZANO,

17 Defendant.  
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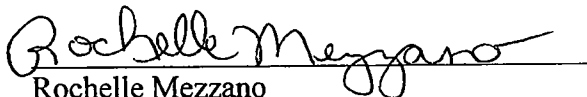
**NOTICE OF FILING OF FEDERAL COMPLAINT  
AND NOTICE OF REMOVAL TO FEDERAL COURT**

COMES NOW, Defendant, Rochelle Mezzano, In Pro Per, and hereby presents this  
Notice of Filing of Federal Complaint and a copy of the Complaint.

The defendant is without equal access to this court.

Respectfully submitted this 5<sup>th</sup> day of July,

*This document does not contain the personal information of any person as defined by NRS 603A.040.*

  
Rochelle Mezzano  
Self-Represented Litigant

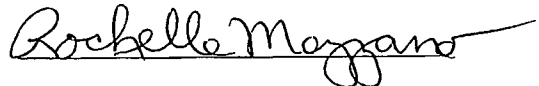
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 5, 2023. I electronically filed the foregoing Request for Submission for Notice of Intent with the Clerk of the Court by using the ECF system which served the following parties electronically:

Alexander C. Morey, Attorney at Law for Plaintiff, John Townley  
500 Damonte Ranch Parkway Suite 675  
Reno, Nevada 89521  
775.322.3223

Dated this 5<sup>th</sup> day of July, 2023.

  
Rochelle Mezzano, In Pro Per

DISTRICT COURT FOR THE UNITED STATES OF AMERICA  
FOR THE  
DISTRICT OF NEVADA

ROCHELLE MEZZANO,

JAY V. SHORE, INDIVIDUALLY, AND AS  
NEXT FRIEND FOR ROCHELLE  
MEZZANO;

Plaintiffs,

vs.

SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA, AS A COVERED  
ENTITY UNDER THE AMERICANS WITH  
DISABILITIES ACT;

THE STATE OF NEVADA;

BRIDGET E. ROBB, INDIVIDUALLY, AND  
IN HER PROFESSIONAL CAPACITY AS  
JUDGE;

ALICIA LERUD, INDIVIDUALLY, AND AS  
TRIAL COURT ADMINISTRATOR AND  
CLERK FOR THE SECOND JUDICIAL  
DISTRICT COURT OF THE STATE OF  
NEVADA;

EMILY REED, INDIVIDUALLY, AND AS  
ADA COORDINATOR AND ASSISTANT  
COURT ADMINISTRATOR FOR THE  
SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA;

WILLIAM M. WRIGHT, JR.,  
INDIVIDUALLY, AND AS ASSISTANT  
COURT ADMINISTRATOR FOR THE  
SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA,

Defendants

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JUL 05 2023	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

COMPLAINT 3:23-cv-00324

Paid Amt \$ 402<sup>00</sup> Date JUL 05 2023  
Receipt # 3-0261 Initials QPH

We, ROCHELLE MEZZANO, and JAY V. SHORE, (“Plaintiffs”) as Plaintiffs, claim harm by way of trespass upon our substantive due process rights. This Court has jurisdiction pursuant to 28 U.S.C. §1331 (Federal Question).

### **JURISDICTION**

In addition to the jurisdiction stated above, this Court has further jurisdiction pursuant with 42 U. S. C. §12132 “[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation or denied the benefits of the services, programs or activities of a public entity,” and 42 U.S.C. §12101(a)(3) “discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;” and 42 U.S.C. §12101(b)(3) “It is the purpose of this chapter—to ensure that the Federal Government plays a central role in enforcing the standards established in this chapter on behalf of individuals with disabilities;”.

In addition to the jurisdiction stated above, this Court has further jurisdiction pursuant with 42 U.S.C. §1983, which concerns deprivation of rights under color of law.

Venue is proper because the events discussed hereon happened in Washoe County, Reno Nevada, in the Jurisdiction of this US Judicial District.

Title II covered entities are without immunity concerning ADA claims, per 42

U.S.C. §12202, 28 C.F.R. §35.178, and Tennessee v. Lane, 541 US 509. Also see <https://archive.ada.gov/briefs/badillbr.pdf> , specifically Page 10 “Judge Berrios is not Immune from Suit”.

## **INTRODUCTION**

Upon deciding to do this, Plaintiff Shore contacted Richard Lory, Pro Se Case Administrator, and did not receive effective communication, however did receive posturing and general unprofessional, intimidating speech by Mr. Lory. As Plaintiff Shore is with communication disabilities, request is made for the Court to place someone who is trauma-informed in the position Mr. Lory now holds, for auxiliary aid and service for Plaintiff Shore, and this request is made per Guide to Judiciary Policy, Vol. 5.

Since this is an attempt to prevent further abuses of civil rights under the color of law, and since the undersigned is not an attorney, but acting as aid and encouragement for the enjoyment of rights under the Americans with Disabilities Act (“ADA”) (42 U.S.C. 12101, et seq.), as amended, and per Haines v. Kerner, 404 US 519 (1972), should not be held to the same standards as an attorney at law.

## **PARTIES**

1. Plaintiff ROCHELLE MEZZANO (“Mezzano”), is a qualified individual with one or more disabilities. Plaintiff Mezzano’s address is 105 Yellowstone Dr. Reno NV 89512; and

2. Plaintiff JAY V. SHORE (“Shore”) is a qualified individual with several disabilities, and will need auxiliary aids under the Guide to Judiciary Policy, Volume 5. *(Request is hereby made for the protocol for requesting auxiliary aid for communication disability.)* Plaintiff Shore is acting in a capacity as aid and encouragement and/or, if necessary, under Rule 17(c)(2), as Next Friend for Plaintiff Mezzano. All parties are exercising and enjoying rights under the ADA (42 U.S.C. §12203(b)), even though it is understood that this Court is not a covered entity under the ADA, it is the adjudicator of claims under the ADA. Plaintiff Shore, due to disability, is permanently transient, and is currently receiving mail through Texas at the address below; and
3. Defendant SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA (“2nd District”) is a covered entity under Title II of the ADA, and is located in Nevada, Washoe County, at 75 Court Street, Reno, NV 89501; and
4. Defendant STATE OF NEVADA (“State”) is a covered entity under Title II of the ADA. Service will be upon the Attorney General for the State of Nevada, 100 North Carson Street Carson City, NV 89701.
5. Defendant BRIDGET E. ROBB (“Robb”) is a Judge for the 2nd District, and works at 75 Court Street, Reno, NV 89501. Her residence is unknown to the Plaintiffs.
6. Defendant ALICIA LERUD (“Lerud”) is the Trial Court Administrator and Clerk of Court for the 2nd District, and works at 75 Court Street, Reno, NV 89501. Her residence is unknown to the Plaintiffs.
7. Defendant EMILY REED (“Reed”) is an Assistant Trial Court Administrator and Assistant Clerk of Court for the 2nd District, and

works at 75 Court Street, Reno, NV 89501. Her residence is unknown to the Plaintiffs.

8. Defendant WILLIAM M. WRIGHT, JR, (“Wright”) is an Assistant Trial Court Administrator for the 2nd District, and works at 75 Court Street, Reno, NV 89501. His residence is unknown to the Plaintiffs.

### **FACTUAL ALLEGATIONS**

Plaintiffs allege as follows to the best of their information, knowledge, and belief:

1. Plaintiff Mezzano is a defendant in case number D19-01564 (Townley v. Mezzano) in “Department 13” of the 2nd District.
2. Plaintiff Mezzano is diagnosed with Complex Post Traumatic Stress Disorder (“CPTSD”).
3. Plaintiff Mezzano’s CPTSD substantially limits her major life activities of working, interacting with others, communicating, thinking, concentrating, sleeping, caring for herself, learning, and more. As such, she is a qualified individual with a disability as defined by the ADA, Prong 1, actual disability.
4. Plaintiff Mezzano is entitled to receive reasonable modifications of the 2nd District’s services, programs and activities.
5. Plaintiff Mezzano, through a Certified ADA Advocate, Plaintiff Shore, called the 2nd District on January 11, 2023, and spoke with Defendant Lerud. A recording of this conversation was announced to Defendant Lerud during the recording, and will be introduced as evidence in this case (“1-11-23 Recording”).

6. Plaintiff Shore is diagnosed with numerous disabilities, and CPTSD and Social (Pragmatic) Communication Disorder are two of the disabilities that Plaintiff Shore endures.
7. Plaintiff Shore's CPTSD and Social Communication Disorder substantially limits his major life activities of working, interacting with others, communicating, thinking, concentrating, sleeping, caring for himself, learning, and more. As such, he is a qualified individual with a disability as defined by the ADA, Prong 1, actual disability.

**2nd District/Defendant Lerud Admits Being Non-Compliant With The  
ADA (1-11-23)**

8. In the 1-11-23 Recording, Plaintiff Shore recorded himself telling Defendant Lerud "I'm just trying to find out who the ADA Coordinator is there, and get their email address and fax number."
9. In the 1-11-23 Recording, Plaintiff Shore recorded Defendant Lerud saying: "Sir, we do not have an official ADA Coordinator, but you can send it to me"
10. Title II entities, of which the 2nd Circuit Court is, are required by 28 C.F.R. §35.107(a) to have a "designated responsible employee" "to coordinate its efforts to comply with and carry out its responsibilities under this part" if the entity has 50 or more employees.
11. Plaintiff Shore, in the 1-11-23 Recording, recorded himself asking Defendant Lerud, "Does the court have more than 50 employees?"
12. Plaintiff Shore, in the 1-11-23 Recording, recorded Defendant Lerud answer "Yes." to the question of the court having more than 50 employees.

13. At the time of the 1-11-23 Recording, the Defendant 2nd District Court was in active discrimination against Plaintiff Shore, because by being in non-compliance with the ADA requirement of having a “designated responsible employee” (commonly referred to as an “ADA Coordinator”), the Defendant 2nd District unlawfully interfered with Plaintiff Shore’s exercise and enjoyment of the right to “aid” and “encourage” Plaintiff Mezzano in her exercise and enjoyment of rights afforded by the ADA (42 U.S.C. §12203(b).
14. At the time of the 1-11-23 Recording, the Defendant Lerud was in active discrimination against Plaintiff Shore, because by being in non-compliance with the ADA requirement of having a “designated responsible employee”, the Defendant Lerud knowingly & unlawfully interfered with Plaintiff Shore’s exercise and enjoyment of the right to “aid” and “encourage” Plaintiff Mezzano in her exercise and enjoyment of rights afforded by the ADA (42 U.S.C. §12203(b).
15. At the time of the 1-11-23 Recording, the Defendant 2nd District Court was in active discrimination against Plaintiff Mezzano, because by being in non-compliance with the ADA requirement of having a “designated responsible employee” (commonly referred to as an “ADA Coordinator”), the Defendant 2nd District unlawfully interfered with Plaintiff Mezzano in her exercise and enjoyment of rights afforded by the ADA (42 U.S.C. §12203(b).
16. At the time of the 1-11-23 Recording, the Defendant Lerud was in active discrimination against Plaintiff Mezzano, because by being in non-compliance with the ADA requirement of having a “designated responsible employee”, the Defendant Lerud knowingly & unlawfully

interfered with Plaintiff Mezzano in her exercise and enjoyment of rights afforded by the ADA (42 U.S.C. §12203(b)).

17. The ADA has been enacted for over 30 years, and the 2nd District, and Defendant Lerud, as Trial Court Administrator, is tasked with knowing her responsibilities and fulfilling them, so that rights are not dishonored or denied under color of law.

18. On January 12, 2023, Plaintiff Shore sent Defendant Lerud, in her capacity as Trial Court Administrator, a letter outlining his capacity, Ms. Mezzano's position and needs, and a list of reasonable ADA modification requests ("ADA invocation") A true copy of this ADA invocation letter is attached hereto, and made fully a part by reference hereon, and marked as **Exhibit A**.

19. The ADA invocation letter listed the following requests for modification, and subsequent requests have issued:

- "Ms. Mezzano needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely from her home; and
- The undersigned Advocate needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely; and
- Ms. Mezzano needs the ability to record any and all hearings, proceedings, calls, or other interactions with the Court, to mitigate communication disability; and
- Ms. Mezzano needs the undersigned to assist (aid and encourage - 42 U.S.C. §12203(b)) her in the exercise and enjoyment of her rights under the ADA. This includes, without limitation, the ability to calm her, or help her refocus on the matters at hand, the ability to converse with her about what symptomatic presentations are arising, and how to

mitigate these responses, commonly referred to as triggers, and the ability to ask the Court for a break to allow refocus or discussion of disability mitigation to allow Ms. Mezzano to maintain as high a level of executive function/cognitive presence as possible. The ADA Advocate also needs to be able to ask the Court, on behalf of Ms. Mezzano, to give the static, complete, full, and permanent meaning to any words or terms that are unclear to Ms. Mezzano. or the Advocate; and

- Ms. Mezzano needs to be able to ask the Court for, and receive from the Court, the static, complete, full, and perm.anent[sic] meaning to any words or terms that are unclear to Ms. Mezzano; and
- Ms. Mezzano needs the Court to use only plain English, and refrain from using legalese or terms that are unclear, without first providing a glossary of said terms that contain the static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano; and
- Ms. Mezzano needs the Court to order that the opposing counsel or opposing party only use plain English, and refrain from using legalese or terms that are unclear to Ms. Mezzano, without first providing a glossary of said terms that contain the static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano; and
- Ms. Mezzano demands that the Court refrain from the unlawful acts of coercion, intimidation, threats, and interference, as per 42 U.S.C. §12203(b), in any act or deed of the Court. Ms. Mezzano will, at all times henceforth, be exercising her rights under the ADA while Case No DV19-01564 in the Family Division of the Second Judicial District

Court of the State of Nevada in and for the County of Washoe continues, or in any other Court proceeding or ancillary proceeding related with any Court matter; and

- Ms. Mezzano needs the Court to allow extra time to process and complete tasks for the purpose of disability mitigation; and

- As a qualified individual who is authorized under 42 U.S.C.

§12203(b) and 28 C.F.R. §35.134(b) to aid and encourage Ms.

Mezzano in the exercise and enjoyment of her rights under the ADA, the undersigned will also need the reasonable modification of being allowed to record any and all interactions with the Court, including without limitations hearings, proceedings, calls or other communications or interactions for disability mitigation.”

20. On January 12, 2023, Defendant Lerud replied by email and acknowledged receipt of the ADA invocation. Defendant Lerud also asserted that by including Defendant Robb, this was considered ex-parte communication.

#### **Defendant Wright's Involvement/Interference (1-13-23)**

21. On January 13, 2023, a response email from Defendant Wright claimed that he was “the primary point of contact”, and did not assume, or admit that he was the “designated responsible employee” under ADA requirements. Defendant Wright also claimed that the inclusion of Defendant Robb in the ADA invocation email, was ex-parte communication. This email is attached hereto, included by reference, and marked as **Exhibit B**.

22. Defendant Wright, by appearing as “the primary point of contact” injected confusion into the communication, by inference that there would be more than one point of contact for ADA matters.
23. In fact, there have been several points of contact, including Defendant Lerud, Defendant Wright, and Defendant Reed have intermittently entered the picture of ADA compliance, so that there is a moving goalpost of “who’s answering today?”
24. Defendant Wright, on January 13, 2023, again responded and said “I would also like to reiterate that if you or Ms. Mezzano would like to make any official filings before the Court, that you should certainly feel free to make those filings. That is often the easiest and most appropriate way to get a matter heard and addressed by the Court.” This response is attached hereto, incorporated by reference and marked as **Exhibit C**.
25. Since Defendant Wright was issuing this advice in his official capacity as Assistant Trial Court Administrator, Plaintiff Shore and Plaintiff Mezzano took this at face value as legal advice, and also as interference with their right of equal access under the ADA.
26. There is no provision in the ADA that one must apply to a judge to get ADA accommodations, or that the judge is presumed as the “designated responsible employee”
27. On January 30, 2023, Defendant Wright issued an email that said “Mr. Shore and Ms. Mezzano, Good morning. Your requests cannot be accommodated by Court Administration. Since they request to alter court proceedings, they need to be brought before the Court for this specific case. My understanding is that Ms. Mezzano is currently represented by counsel in this matter. The requests that you have made

should be made by her counsel and filed with the Court to make any appropriate rulings and determinations.”

28. It is noticed upon this Court that Defendant Wright did not claim “fundamental” alteration, only alteration. Title II sets up the right to request reasonable modifications, and all modifications “alter”.
29. Defendant Wright’s statements in the January 30, 2023 email were a direct interference with Plaintiff Shore’s right to aid and encourage Plaintiff Mezzano in the exercise and enjoyment of her rights under the ADA, by stating that the “requests that you have made should be made by her counsel and filed with the Court to make any appropriate rulings and determinations.” There is no provision in the ADA for this.
30. Defendant Wright’s statements in the January 30, 2023 email were a direct interference with Plaintiff Mezzano’s right to exercise and enjoy the provisions of the ADA, by stating that the “requests that you have made should be made by her counsel and filed with the Court to make any appropriate rulings and determinations.” There is no provision in the ADA for this.
31. Plaintiff Mezzano’s counsel (at that time - who was already in the process of withdrawing) was not interested in, and the record bears out that they made no attempt to protect Plaintiff Mezzano’s ADA rights.
32. Without listing every single email exchange that occurred, and to save a Judge from reading volumes at once, Plaintiffs reserve the right to produce these during any future proceedings.
33. On February 20, 2023, Defendant Wright wrote to Plaintiff Mezzano with Plaintiff Shore copied, and said: “Ms. Mezzano. Good morning. I am going to resend this to you because I am not sure that you received my earlier email. I am going to reiterate the fact that I will not be

responding to any additional inquiries on this current request. Further, as I have previously indicated, I encourage you to file a motion in your case, and I would like to remind you that in accordance with the ADA Complaint Procedure, dismissal of this complaint does not preclude you from filing a grievance with us or a complaint with other local, state, or federal agencies or the courts.”

34. Suffice it to say that Defendant Wright, speaking for the administrative office of the 2nd District, was quite certain that he wasn't going to budge, and wasn't going to enter an interactive process where Plaintiffs could even discuss this with the Administrative office in reasoning, which denied Plaintiffs due process rights of equal access and ADA rights, all under color of law.
35. One key thing that Plaintiff Mezzano requested as a mitigator for disability, and that Plaintiff Shore insisted upon, since it is his “learned behavioral modification” for Social Communication Disorder, is to record the proceedings during Court.
36. The 2nd District has never once denied the right to record with a defense of (a) disqualification of the Plaintiffs, (b) Undue burden, (c) Fundamental alteration, or (d) Direct threat.
37. As the ADA invocation letter will show, one of the modifications requested for Plaintiff Mezzano was to have Plaintiff Shore present as her ADA Advocate.

**March 13, 2023 Transcript And Defendant Robb's Blatant  
Discrimination (3-13-23)**

38. On March 13, 2023, a hearing occurred which demonstrates Defendant Robb's intimidating and threatening demeanor as well as her interference concerning Plaintiff Mezzano's ADA rights and Plaintiff Shore's ADA rights.

39. A transcript of the March 13, 2023 hearing is attached hereto and made fully a part by reference hereon and labeled as **Exhibit D**, ("3-13-23 Transcript")

40. In the 3-13-23 Transcript, the following exchange occurs starting at Page 3, Line 15 "THE COURT: All right. Ms. Mezzano, you didn't file a Settlement Conference Statement, why not?

MS. MEZZANO: I didn't have A D A access to this court.

THE COURT: I'm sorry, I don't understand that statement, can you elaborate?

MS. MEZZANO: I would like to exercise my right to have my A D A advocate present. THE COURT: **Is he here?** [Emphasis Added]

MS. MEZZANO: No.

THE COURT: Then how were you going to exercise that right?

Today is the date and time set for this. If you wanted an advocate, you could have brought him but he's not here. Your failure to act is not going to vitiate this hearing today. We are going to have a hearing."

41. In the above exchange, Plaintiff Robb admits the inability to understand the simple statement "I don't have ADA access to this court." As a sitting judge, this is not only reprehensible, it is offensive and a threat to every litigant that has stood in front of Plaintiff Robb.

42. Beginning on Page 4, Line 14 of the 3-13-23 the abuse continues:

"THE COURT: Ma'am, you've not made a request of this court for any type of accommodation, and there is no accommodation necessary for

the filing of the document in this case. So I ask one final time why did you not file a Settlement Conference Statement? Pro se litigants, self-represented litigants file these documents all the time. There are forms to assist you in filing, why didn't you do so?

MS. MEZZANO: Your Honor, my request was made to your office directly in January.

THE COURT: No, ma'am, it was not filed. It was not made to me. **It was an ex-parte communication which I did not review.** So again, that doesn't count. Unless you file it with the court, it is not an official allowed. document. [Emphasis added]

MS. MEZZANO: May I speak?

THE COURT: Go ahead.

MS. MEZZANO: Administrative requests are allowed.

THE COURT: Ma'am, that doesn't mean that it came to me. I don't act on ex-parte communications that are not filed with this court. That is improper and it is also -- that would be me violating my obligation. I can't do that nor will I. So my next question is have you met at all with Mr. Morey about this matter?

MS. MEZZANO: I do not have equal access to this court without my A D A access request being honored.

THE COURT: Ma'am, I don't know what you're [sic] request is. It's not been filed. So at this point, we are going forward. So once again, have you met with Mr. Morey?

MS. MEZZANO: I do not have A D A access.

43. It should be noted that Mr. Townley's lawyer, Mr. Alexander Morey, as representing a Title III public accommodation, office of a lawyer, also has yet to make his "goods and services" accessible to Ms. Mezzano,

and upon recent request for accommodation, Mr. Morey remained silent. While he is not yet named in this complaint, the claims against him are not waived.

- 44.If, as Defendant Robb claims, “It was an ex-parte communication which I did not review”, then how did she know Plaintiff Shore was a “he”? An astute adjudicator would see this as self-contradictory by Defendant Robb.
- 45.The argument between Defendant Robb and Plaintiff Mezzano equates to denial of equal access, coercion, intimidation, threat, and interference with the ADA rights of Plaintiff Mezzano and Plaintiff Shore.
- 46.What really cements that Defendant Robb has no interest in providing ADA access for Plaintiff Mezzano and/or Plaintiff Shore, is the statement by Defendant Robb on Page 5, Line 20 of the 3-13-23 Transcript: “Ma’am, I don’t know what you’re request is. It’s not been filed. So at this point, we are going forward.”
- 47.It is an embarrassment, and impugns the integrity of the 2nd District for Defendant Robb to (a) acknowledge that she knows that Plaintiff Mezzano is in want of ADA access, and (b) then saying that because some magic formula wasn’t followed, Defendant Robb is “going forward” without even addressing the ADA access. That this is blatant discrimination is something any reasonable person could observe.
- 48.Defendant Robb doesn’t stop there, however. On page 6 of the 3-13-23 Transcript, starting at Line 20, the following exchange occurs:  
“MS. MEZZANO: Your Honor, I don't have equal access to this court.  
THE COURT: Once again, ma'am, I don't know what that refers to.

There has been no communication filed with this court upon which this court can act and so we are going forward today.”

49. The above exchange is akin to punishing an infant for soiling a diaper.

Plaintiff Mezzano, with communication disabilities and PTSD, has been not only shut down, but told by Defendant Robb that she didn't communicate correctly, and then punished, with “we are going forward”. If anything, this VERIFIES that Plaintiff Mezzano has a communication disability and Defendant Robb is her chief witness on this matter.

50. To add insult to injury, Defendant Robb rubs her power in Plaintiff Mezzano's face with this exchange, starting on Page 7, Line 14 of the 3-13-23 Transcript:

“MS. MEZZANO: I object to not having A D A access, your Honor.

THE COURT: Do you have any objection to the court's intern, who is a college student studying criminal justice, reviewing and observing this particular settlement conference? MS. MEZZANO: I object.

THE COURT: On what basis, ma'am?

MS. MEZZANO: I don't have A D A access. THE COURT: If that is your objection, the court is overruling that objection and Ms. Latham will be able to appear.”

51. Not only did Defendant Robb effectively stomp and spit on Plaintiff Mezzano's rights to have ADA access, Defendant Robb, over Plaintiff Mezzano's objection, brought in a non-party to the litigation, to watch this circuit in which Defendant Robb was Ringmaster.

52. Plaintiffs allege that Defendant Robb, bringing in a non-party intern (Ms. Latham) to watch this proceeding is coercive, intimidating, and

interfered with Plaintiff Mezzano's rights of privacy and independence under 28 C.F.R. §35.160(b)(2).

53. Without going through the entirety of the 3-13-23 Transcript on this Complaint, the culmination of Defendant Robb's malicious denial of rights under color of law culminated with her saying (On page 13, Line 13) "The court is ordering that the defendant be precluded from offering any evidence with regard to damages in this matter as no damages model or any discovery with regard to damages has been offered by the defendant. The court is also entering sanctions precluding the defendant from offering any evidence that would support Claims 2 through 6 in the counterclaim as no such evidence has been submitted today either as required by NRCP 16.1, 16.2 or through the discovery process. It is clear that this recalcitrance is willful. Ms. Mezzano has been represented by various counsel who are experienced practitioners before the court and who understand their obligations under the rules and in many, many previous cases, aside from this case, have accomplished those obligations without any problem."

54. If Defendant Robb can call Plaintiff Mezzano's seeking of equal rights under the ADA "recalcitrance", and preclude her from offering evidence because of her inability to access the 2nd District court, then let us plainly state that Defendant Robb is absent honor, integrity, impartiality, and indeed has become an undeniable adverse party in the 2nd District case of Townley v. Mezzano.

**Defendant Robb Communicates Ex-Parte While Denying That She Does  
This (4-4-23)**

55. On April 4, 2023, Defendant Robb sent an email addressed to adarights@protonmail.com (Plaintiff Shore), emily.Reed@washoecourts.us (Defendant Reed), alicia.Lerud@washoecourts.us (Defendant Lerud), rochellemezzano@icloud.com (Plaintiff Mezzano), and CC to william.Wright@washoecourts.us (Defendant Wright), and a copy of this email is attached hereto, incorporated by reference, and labeled as **Exhibit E. Hereon** (“Ex-Parte Email”)
56. Defendant Robb writes: “As I have said, multiple times, Ms. Mezzano needs to make a formal filing with the Court in order for me to take action. The filing can be sealed, and subject to in camera review, but I cannot act in a substantive way without a formal request. Moreover, Ms. Mezzano requested, and I GRANTED her request to have her ADA advocate present with her in Court. He was not present, despite her request, at the last hearing.”
57. First, this communication appears to be only to the addressees shown. IF Defendant Robb blind copied Mr. Alexander Morey (Mr. Townley’s attorney), and didn’t disclose that by including him as a displayed addressee, that is at the very least, the appearance of impropriety on the part of Defendant Robb.
58. If Defendant Robb blind copied Mr. Morey, without disclosing that, the act of blind copying Mr. Morey would have been ex-parte communication to Mr. Morey, without Plaintiff Mezzano being made aware. Either way, Defendant Robb is vehemently professing to NOT participate in ex-parte communication, and evidence shows she clearly does participate in it. This is not just impropriety, this is a hijacking.

59. This email also demonstrates, that, when she wants to, Defendant Robb CAN communicate with her Administrative court staff about ADA accommodations, she just selectively chooses when to do that, depending on which way north is, on her broken compass.
60. This email evidences that Defendant Robb is incompetent to provide ADA access to any litigant, because she is demanding that requests for accommodation be pursued through a “formal filing with the Court”, when the ADA, Title II, does not remotely require this. Quite the contrary, it provides that the ADA Coordinator be the “designated responsible employee” for ADA compliance.
61. When Plaintiffs first asked for the “designated responsible employee,” Defendant Lerud admitted that the 2nd District did not have one.
62. It appears that Defendant Reed was subsequently appointed as ADA Coordinator, and if so, her job was to make sure ADA compliance was effected, even if she has to communicate the needs to the Judge in a case. The goal of the ADA was to make it easier, not harder. The goal of the 2nd District is the opposite.

**Obfuscation and Contradictory Behavior By Defendant Robb (4-14-23)**  
**& (4-17-23)**

63. The 2nd District has, carte blanche, said things like “No other recordings of the proceedings will be permitted.” (Order Regarding TRIAL PROCEDURE, dated April 14, included hereon by reference, and attached as **Exhibit F**) (Hereon “TP Order”)
64. This denial of equal access, without support from the ADA, is discriminatory, denies equal access, and interferes with Plaintiff

Mezzano's exercise and enjoyment, and Plaintiff Shore's aid and encouragement of Plaintiff Mezzano.

65. In the TP Order, Defendant Robb states on Page 1, Line 20: "Ms. Mezzano may have a support person of her choosing as broadly contemplated by NRS 125.080. This support person may attend the proceedings by Zoom. In order to reduce disruption, the support person's camera and microphone shall remain off."
66. Plaintiff Shore is not a "support person", nor claiming any rights under NRS 125.080. This attempt by Defendant Robb to re-characterize Plaintiff Shore's capacity is injurious to Plaintiff Shore because it places his capacity in speech that is confusing and unclear, and Plaintiff Shore is also with communication disabilities. Any modifications requested for Plaintiff Mezzano would also help mitigate Plaintiff Shore's communication disability. Since Plaintiff Mezzano is not accommodated, Plaintiff Shore is also not accommodated.
67. Per the TP Order, Ms. Mezzano did show up on April 17, 2023 with a "support person" in the person of Alex Falconi, and Defendant Robb promptly ejected him from the proceeding. Ordering, and then ejecting the support person is classified hereon as a lie by Defendant Robb.
68. Plaintiff Mezzano objected that Plaintiff Shore was not invited, and as the TP order shows, Plaintiff Shore was not invited to attend the proceedings on April 17, 2023 and was not accommodated, so Plaintiff Shore was denied access from attending.
69. The TP Order containing Defendant Robb's Statement that "No other recordings of the proceedings will be permitted" without using an ADA defense to deny this requested modification, is discriminatory, and interferes with Plaintiff Shore's and Plaintiff Mezzano's ADA rights.

70. The offense of Defendant Robb attempting to make a ham-handed listing of only part of the requested accommodations, when she has skipped from not knowing what was meant by Plaintiff Mezzano's proclamations of not having ADA access, to saying that she hasn't seen any requests, is again, embarrassing for the 2nd District, and injurious to both Plaintiffs.
71. At "Trial" on April 17, 2023, after Defendant Robb realized that she had ORDERED on the TP Order that Plaintiff "Mezzano may have a support person of her choosing present at trial", and then kicking out the support person Ms. Mezzano chose, and realizing that Ms. Mezzano was not ORDERED that she could bring her ADA Advocate, Plaintiff Robb aborted the trial.
72. Unfortunately, this Complaint was prepared under pressure, and without a full law firm or court staff as the Defendants have. There is much in between the lines that an amended complaint can add to the narrative, and Plaintiffs intend to amend before responsive pleadings are filed.
73. Suffice it to say that every time Defendant Robb set up some new proceeding without inviting Plaintiff Shore specifically, then Plaintiff Shore was excluded from the proceedings. Despite the claims by Defendant Robb during the 3-13-23 Transcript that "If you wanted an advocate, you could have brought him but he's not here." (spoken by Defendant Robb to Plaintiff Mezzano), There is still the total shutdown of administrative access for Plaintiff Shore by Defendant Wright saying: "Mr. Shore and Ms. Mezzano, Good morning. Your requests cannot be accommodated by Court Administration." This leaves all

requests for accommodation unresolved, and erects a barrier for the Plaintiffs.

74. On April 17, 2023, Defendant Reed sent Plaintiff Shore an email that stated: “Hello Mr. Shore, Last week, Judge Robb approved your virtual appearance as Ms. Mezzano’s advocate. The trial is currently on hold and my understanding is that Ms. Mezzano has been trying to reach you. I am reaching out to confirm your availability for this afternoon and Wednesday all day. Please let me know at your earliest convenience.” This email is attached hereto, incorporated by reference and marked as “**Exhibit G**”.
75. It seems obvious that IF Plaintiff Shore had been made aware by Judge Robb, that he, by name, was invited to attend and was accommodated, then his role was to do exactly that.
76. Plaintiff Shore had never knowingly received a direct “approval” with his name on it, as of April 17, 2023. Further, Plaintiff Shore has never been given a direct invitation to be present with Ms. Mezzano, with accommodations allowing him access.
77. For clarity, during court, an ADA Advocate helps a qualified individual with disabilities, stay centered, helps them take breaks when dissociation occurs, may ask the court for breaks, and as such, would need to have facial and microphone connection to have full communication with the court and the disabled individual, in this case, Ms. Mezzano. There is a myriad of things that an ADA Advocate can do. See <https://equalaccessadvocates.com/ada-advocate-responsibilities/> for more information.

78. Defendant Robb's "In order to reduce disruption, the support person's camera and microphone shall remain off." is demonstrative of her insensitivity and bias against individuals with disabilities.

79. It should be noted that Defendant Robb, according to her bio on the website <https://www.washoecourts.com/Judges/Biography/D13>, was "admitted to practice in Nevada in 1987, before the ADA came into effect. It is axiomatic that she wasn't trained on the ADA in law school.

80. This entire fiasco has been a ping-pong ball match of Defendant Robb saying one thing, and the administrative side of the 2nd District, Defendant Lerud, Defendant Wright, and Defendant Reed, saying something that does not align with what Defendant Robb is saying. For someone with a life-long communication disability, I (Plaintiff Shore) would posit that the 2nd District's communication disability could plausibly be worse than mine.

81. On April 17, 2023, Plaintiff Shore sent Defendant Lerud and Defendant Reed an email ("4-17-23 Email") which is attached hereto as a true copy, incorporated by reference hereon, and labeled as "Exhibit H". In this email, Plaintiff Shore stated:

"Ms. Reed, Judge Robb, on 4-14-23, issued a "TRIAL PROCEDURE" order. If any reasonable person reads this order, they would reasonably observe that there is no grant of right for me, as Ms. Mezzano's ADA advocate, to attend this trial. I am not under Nevada Revised Statutes 125.080. I am in capacity under 42 USC §12203(b) and 28 CFR §35.134(b).

Judge Robb did not copy me on the order, nor did Ms. Reed or Ms. Lerud. I saw the order because Ms. Mezzano provided me a copy.

Since I was without constructive or actual notice that I was able to appear administratively in this matter, and seeing that the requested accommodations **are not in place**, I attended another hearing today in California, where I had accommodations and was given access.

I just received an email from Ms. Reed claiming:

*"Hello Mr. Shore,*

*Last week, Judge Robb approved your virtual appearance as Ms.*

*Mezzano's advocate. The trial is currently on hold and my*

*understanding is that Ms. Mezzano has been trying to reach you. I am reaching out to confirm your availability for this afternoon and Wednesday all day. Please let me know at your earliest convenience.*

*Thank you,*

*Emily B. Reed, Esq."*

This email from Ms. Reed is false. I categorically deny receiving any notice that Judge Robb has "approved my virtual appearance."

I will add that I have personal knowledge now that Ms. Mezzano had a support person, as approved by the TRIAL PROCEDURE order, and this person was removed from the hearing, even though he created no disruption.

Judge Robb is violating her own TRIAL PROCEDURE order, as it was written. Claims by Judge Robb of *that's not what I meant* and *I'm trying to be sensitive* (This is on a video, and will be presented, when Plaintiffs can figure out how to submit video evidence.) are patently

insulting, and coercive, threatening, and intimidating, and this interferes with Ms. Mezzano receiving equal access. Ms. Mezzano has not had ADA access at any point of this proceeding, and these events display this poignantly.

This is a systematic problem with the elimination of effective communication, and compliant ADA policy with the Court there. This is a systematic problem with the lack of policies of the Court, rather than an isolated employee negligence. This has become malicious. **A reasonable person would observe that this Court has ceased being a third-party neutral adjudicator, and has become an adverse party in this matter.**

Because of the false claims that Judge Robb has repeatedly made that she has "GRANTED" me access, when in fact she has not, I will require that Judge Robb give Ms. Mezzano and I an in-camera, ex-parte hearing to discuss the matter of ADA access for myself and Ms. Mezzano.

To clear my calendar would be an unreasonable expectation and disservice to my other clients whose covered entities have properly allowed my capacity as a federally protected "aid and encouragement" to my other clients.

What do you have available for an ex-parte hearing in 2 weeks concerning ADA access?

Regards,

**P.D., JAY V SHORE, As Certified ADA Advocate (2017), and as a qualified individual with a disability, and as Victim/Survivor Rights Advocate through SVAA training with NCVLI Portland, OR (2018)”**

82.The 4-17-23 Email lays out the crux of the difficulty spoken of in Tennessee v. Lane, 541 US 509. “The unequal treatment of disabled persons in the administration of judicial services has a long history, and has persisted despite several legislative efforts to remedy the problem of disability discrimination.”

**NOTICE OF EX PARTE HEARING (4-28-23)**

83.On 4-28-23, Defendant Robb issued a NOTICE OF EX PARTE HEARING in the 2nd District Case, which is incorporated fully hereon by reference and attached hereto as “**Exhibit I**”. In addition to omitting who was invited, Defendant Robb made sure to say “No other recording will be permitted.”

84.Because Defendant Robb did not name who was allowed to attend the ex-parte hearing, and because she specifically made sure to deny the one modification that both Plaintiffs needed, the ex-parte hearing was inaccessible for both Plaintiffs, and to any reasonable person, the ONLY reason that Defendant Robb would keep repeating on several instances that recording is not permitted, is that she is aware that she is

outside of the lawful bounds of her authority, and does not want to be held accountable. Too bad. Here we are.

**ORDER REGARDING TRIAL (6-28-23)**

85. On June 28, 2023, Defendant Robb issued an “ORDER REGARDING TRIAL” (“ORT”) which is attached hereto, included by reference hereon, and labeled as **Exhibit J**.
86. In the ORT, Defendant Robb goes as far as to admit that she feels challenged by the recording modification request by Plaintiffs: “No other informal recording, not recorded by appropriate court personnel, will be permitted to avoid any potential of contradictory or competing transcripts of the hearing.” (Page 1, Line 18 of the ORT.)
87. Instead of fundamental alteration, or undue burden or disqualification or direct threat (the 4 available defenses for denial of a requested modification), Defendant Robb uses “potential of contradictory or competing transcripts”.
88. Defendant Robb, in the ORT blatantly lies, and says: “Failure of an ADA Advocate to appear will NOT be good cause for this matter to be continued as this matter has been continued once based upon the ADA Advocate’s refusal to be present.”
89. Plaintiff Shore categorically denies refusing to be present. Plaintiff Shore has been willing to be present, and is barred from access by the refusal of Defendant Robb to reasonably modify for Plaintiff Shore. Defendant Robb is “victim blaming”. While she blatantly denies him access, she claims that Plaintiff Shore is refusing be present. This same behavior is like telling a double leg amputee to “walk it off”.

90. Defendant Robb, on Page 2, Line 1 of the ORT: “Defendant has requested an ex parte hearing regarding ADA issues. It is noted that this is the second such request. The first request was granted, and a hearing was set at Ms. Mezzano’s and Mr. Shore’s convenience and at a date available on both of their calendars. Both Ms. Mezzano and Mr. Shore were assured by the Court employee designated to communicate with Mr. Shore that Mr. Shore was expected to attend. Both Ms. Mezzano and Mr. Shore were supplied the Zoom credentials to permit them to attend. Neither Ms. Mezzano nor Mr. Shore appeared for the hearing. The Court finds there is no good cause to set a second hearing.”
91. Defendant Robb with this statement, again shows that she relies on deceit, misinformation, and omission of her own denial of access. Remember, Defendant Robb has communicated ex-parte with Plaintiff Mezzano and included Plaintiff Shore on the ex-parte email.
92. Page 2, Line 15 through Line 20 is totally confusing and unclear as to what Defendant Robb is saying, and it pertains to captioning, so this is another example of ineffective communication.
93. Plaintiff Mezzano has asked for breaks when she needs them. Although this request has never been met squarely, Defendant Robb sets breaks at “10 minutes” on Line 23 of Page 2 of the ORT. This may or may not meet Plaintiff Mezzano’s needs, but it “shall remain in effect” nonetheless.
94. Page 3, Line 2, again denies Plaintiff Shore access to the hearing. “The ADA Advocate’s camera and microphone shall remain off.” This destroys any communication that may be available, so removes ADA

access for Plaintiff Shore and Plaintiff Mezzano, who will not be able to see, or communicate with Plaintiff Shore for disability mitigation.

### Argument

Inclusive of the foregoing allegations, Plaintiffs posit that the 2nd District and all other Defendants are knowingly and willfully outside of the scope of the ADA, and blatantly denying equal access on the basis of disability, and toying with the Plaintiffs in a malicious way to perpetuate that denial of access. If a Judge can don a robe and call themselves honorable while simultaneously abusing litigants who are asking, begging for ADA rights, then there is no justice system in the United States.

The Defendants have, jointly and severally, acted in perpetuation of denial of the (joint and several) Plaintiffs' exercise and enjoyment of ADA rights under color of law, on the basis of disability.

The ADA is an unfunded mandate. There are no punitive damages for Title II violations, but there are compensatory damages, and in this case, both Plaintiffs have suffered severe emotional anguish and mental anguish and injury from the Defendant's actions. Plaintiffs have also suffered active denial of due process rights under color of law at the hands of all of the Defendants, and due to not being able (mentally or physically) to complete those portions of this complaint, Plaintiffs announce that they plan to add claims for 42 U.S.C. §1983 denial of civil rights under color of law claims to this complaint, and other remedies, including civil RICO if applicable. Monell claims are also a possibility.

Now is the perfect time to address the elephant in the room. Other than for jury trials, or DV/SV matters where victims have rights to be protected, or matters where children need to be protected from being on film while in court, or where a witness in the Witness Protection program, or undercover law enforcement may need protection from being on a video recording, the request to record in a court by Plaintiff Shore, or by Plaintiff Mezzano in this instance, is met every time by an ego response of “Because we said so”. “Because we said so” is NOT in the ADA.

In fact, “recordings” and “other similar services and actions” are listed in 28 C.F.R. §35.104, and the ADA purpose statement encourages the terms to be “construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA” 28 C.F.R. §35.101(b).

The real reason courts don’t want litigants recording, is that courts have become a place of injustice, and when injustice is done in secret, and no one has a record, or only the court has a record, which must be purchased, there is tyranny. Courts that do record, usually use proprietary software that is extremely difficult to navigate, and for those with communication or other mental disabilities, this is a further barrier erected by the courts to keep out the disabled. TRUE justice does not mind accountability. TRUE justice doesn’t demand accountability while simultaneously running from accountability. TRUE justice doesn’t claim to be “honorable” while blatantly acting dishonorably and daring anyone to say a damn word about it. Recording of public officials in the performance of their duties is also a first amendment right, and the Plaintiffs are already substantially limited by their communication disabilities, and the 2nd District, and in fact any Court,

including this one, that says one cannot record to mitigate their communication disability, is (a) exacerbating the disability, and (b) not dispensing justice, but only a pretense of justice. Judges have become bullies, and no one dares say a word, **least of all those who cannot**. Repeating the words of Tennessee v. Lane, **“The unequal treatment of disabled persons in the administration of judicial services has a long history, and has persisted despite several legislative efforts to remedy the problem of disability discrimination.”** IT STILL PERSISTS. The Emperor, in this case the Courts, have no clothes.

Plaintiffs also remind the court that they are disabled, not lawyers, and form was followed to the best of Plaintiffs' abilities.

### **CLAIMS FOR RELIEF – FEDERAL QUESTION**

Inclusive of the foregoing allegations and information, and because Defendants have trespassed upon Plaintiffs' substantive due process rights, Plaintiffs request this Court to remove the 2nd District of Nevada case D19-01564 Townley v. Mezzano to this venue for the answers to the following federal questions which are pertinent to the due process rights of the Plaintiffs, and possible declaratory and injunctive relief for which irreparable harm to Plaintiffs will occur if not entertained by this Court:

1. Can a State/local court administer substantive due process if it is simultaneously denying qualified individuals with disabilities from receiving equal access under the ADA?

2. Does the ADA require a qualified individual or their counsel, or their “aid and encouragement” (Advocate) to make a “formal filing” with a court to get ADA access; or
3. Is it ex-parte communication to communicate with a state or local judge over matters that concern administrative ADA accessibility to their court?
4. Nevada Judicial Canons, Supreme Court Rule 2.9 says: “(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter, except as follows: (1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided: (a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and (b) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and gives the parties an opportunity to respond.”

Federal Questions exist as such:

- (A) Is it a procedural, substantive, or tactical advantage, for a qualified individual with disabilities to gain equal access through ADA receiving of auxiliary aids and services from Title II covered entities, specifically the 2nd District?
- (B) Is it a procedural, substantive, or tactical advantage, for a qualified individual with disabilities to gain equal access through ADA application of reasonable modification to services, programs, and activities of Title II covered entities, specifically the 2nd District?

(C) Should opposing parties or their lawyers have an opportunity to respond to ex-parte communication that exclusively addresses ADA access to court, and if so, where is the provision for this in the ADA?

(D) If opposing parties or their counsel have a right (under Nevada Supreme Court Rules - Judicial Canons) to “respond” to the ex-parte, does this right supersede, or is it subjugated to the “privacy and independence” requirement of 28 C.F.R. §35.160(b)(2)?

- 5.If the Nevada Supreme Court Rules - Judicial Canons are subject to the ADA, is it a violation of substantive due process for a judge to give an opposing party an “opportunity to respond” to a request for ADA access by a qualified individual with disabilities?
- 6.If it is a violation of due process for an opposing party to be able to respond to a request by a qualified individual with disabilities, **then can this court issue a declaratory ruling to the effect of stating that the “opportunity to respond” to ex-parte requests for ADA access by a qualified individual violates the due process rights of such individual?**
- 7.Has the Defendant 2nd Circuit acted in disregard of either or both Plaintiff’s rights of equal access under the ADA?
- 8.Has the Defendant Lerud acted in disregard of either or both Plaintiff’s substantive due process rights of equal access under the ADA?
- 9.Has the Defendant Reed acted in disregard of either or both Plaintiff’s substantive due process rights of equal access under the ADA?
10. Has the Defendant Wright acted in disregard of either or both Plaintiff’s substantive due process rights of equal access under the ADA?
- 11.Has the Defendant Robb acted in disregard of either or both Plaintiff’s substantive due process rights of equal access under the ADA?

- 12.If Defendant Robb has acted in disregard of either or both Plaintiff's substantive due process rights of equal access under the ADA, is it the opinion of this Court that a reasonable person would, or would not expect an impartial adjudicator in the person of Defendant Robb?
- 13.If a Title II covered entity has no ADA coordinator, and meets the criteria (50 employees - 28 C.F.R. §35.107(a)) , does this deny qualified individuals with disabilities substantive due process rights?
- 14.How does a court protect the privacy and independence of a qualified individual with disabilities, as to reasonable accommodations/auxiliary aids and services, as required by 28 C.F.R. §35.160(b)(2)?
- 15.If the law requires a "designated responsible employee" for ADA compliance (28 C.F.R. §35.107(a)), then isn't it the responsibility of the designated responsible employee to liaise with the Court or Judge on establishing accommodations or access pieces?
- 16.Is there any authority in the ADA for the administrative arm of a State/ local court - covered entity under title II, to instruct or direct a litigant, or their "aid and encouragement" to file formally with a court for ADA access/ modifications?
- 17.For a litigant who cannot get their counsel to assert their ADA rights, what remedy in law exists, because the maxim is that "the law must provide a remedy".
- 18.Considering the foregoing allegations, did Defendant Robb act, in any way to deny Plaintiff Mezzano's substantive due process rights under ADA?
- 19.Considering the foregoing allegations, did Defendant Robb act, in any way, to deny Plaintiff Shore's substantive due process rights under ADA

20. Should a reasonable person expect an impartial adjudicator to deny ADA access rights that are being plainly noticed as missing?
21. Did Plaintiff Mezzano plainly notice Defendant Robb that ADA rights were needed?
22. Did Plaintiff Mezzano plainly notice Defendant Robb that Plaintiff Mezzano did not have equal access under the ADA?
23. Did Defendant Robb have a duty to act to correct any equal access issues made known to Defendant Robb?
24. Did Defendant Robb fail or refuse her duty to act to correct any equal access issues that were made known to her in this case?
25. Did Defendant Lerud violate the ADA in her professional capacity as Trial Court Administrator of the 2nd District by not having a “designated responsible employee” as required by 28 C.F.R. §35.107(a)?
26. Did Defendant Lerud violate the Plaintiff’s rights under ADA by appointing Defendant Wright, who has never been the “designated responsible employee” to address ADA issues?
27. Did Defendant Lerud interfere with the Plaintiff’s exercise or enjoyment of ADA rights as per 42 U.S.C. §12203(b)?
28. Did Defendant Wright interfere with the Plaintiff’s exercise or enjoyment of ADA rights as per 42 U.S.C. §12203(b)?
29. Did Defendant Reed interfere with the Plaintiff’s exercise or enjoyment of ADA rights as per 42 U.S.C. §12203(b)?
30. Did Defendant Robb interfere with the Plaintiff’s exercise or enjoyment of ADA rights as per 42 U.S.C. §12203(b)?
31. Did Defendant Robb coerce Plaintiff Mezzano to submit to services, programs, and/or activities that were not ADA compliant?

32. Did Defendant Robb intimidate Plaintiff Mezzano to submit to services, programs, and/or activities that were not ADA compliant?

33. Did Defendant Robb threaten Plaintiff Mezzano to gain Plaintiff Mezzano's submission to services, programs, and/or activities that were not ADA compliant?

34. Are the acts of the Defendants, jointly or severally, discrimination on the basis of disability against either Plaintiff Mezzano or Plaintiff Shore?

35. Is the ADA clearly established law?

36. If Defendant Robb claims to not know what is meant by a litigant claiming to not have ADA access, should Defendant Robb be remediated with proper training?

### **CLAIMS FOR DECLARATORY RELIEF**

Inclusive of the foregoing, Plaintiffs request the Court to grant declaratory relief of judgment or decree to the effect of establishing that the Defendants, jointly and severally, have violated the due process rights of the Plaintiffs, jointly and severally; and/or

including other provisions from the Federal Questions presented, in a way that preserves the Plaintiff's rights, instructs the Defendants on how to act and behave in accord with the ADA, that the plaintiff's substantive due process rights have been deprived under color of law, that Defendant Robb has impugned the integrity of the SECOND JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA, and any other relief that this Court deems appropriate

**CLAIMS FOR INUNCTIVE RELIEF**

Inclusive of the foregoing, Plaintiffs request the Court to immediately enjoin and remove the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA case D19-01564 Townley v. Mezzano to this venue for the answers and other remedies stated hereon; and

To enjoin Defendants, jointly and severally, from proceeding against Plaintiffs further without first fully addressing the current, and any additional requests for reasonable modification, in a way that complies with the ADA and the orders of this Court; and

Enjoining the Defendants, jointly and severally, from applying or using coercion, threat, intimidation, and interference concerning Plaintiff's clearly established exercise and enjoyment of rights under the ADA.

Enjoining Defendant Robb from further acting or adjudicating on the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA case D19-01564 Townley v. Mezzano, due to (a) denying the substantive due process rights of the Plaintiffs, and/or (b) interfering with the exercise and enjoyment of ADA rights of the Plaintiffs, and/or (c) being incompetent to administer the rights firmly established in the ADA.

Wherefore the Plaintiffs request these remedies from this Court and any other remedy that the Court deems prudent or necessary in the interest of justice.

### **Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to the address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

**I, JAY V SHORE, request the ability to use CM/ECF for communication disability mitigation.**

3:23-cv-00324

Signature conformable with UCC-1-201(37).



Date: 7-5-23

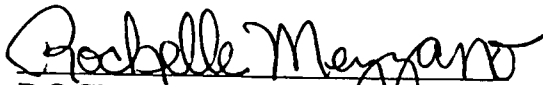
JAY V SHORE, individually, as a qualified individual with disabilities, and as next friend for ROCHELLE MEZZANO, who is an individual with communication disabilities

c/o 3521 50<sup>th</sup> St. #51

Lubbock, TX 79413

234-386-3363

adarights@pm.me



Date: 7-5-23

ROCHELLE MEZZANO, Plaintiff, and a qualified individual with communication disabilities



125 Yellowstone Dr, Reno NV 89512

775-662-5262

rochellemezzano@yahoo.com

JAY V. SHORE, Certified ADA Advocate  
c/o 3521 50th St. #51  
Lubbock, TX, 79413  
[adarights@protonmail.com](mailto:adarights@protonmail.com)

Alicia Lerud  
Judge Bridgette Robb

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
<b>CERTIFIED ADA ADVOCATE</b>   John Jay College Criminal Justice - CCJNY 2017	<b>JUL 05 2023</b> CLERK US DISTRICT COURT DISTRICT OF NEVADA DEPUTY

Re: Rochelle Mezzano

January 12, 2023

Dear Ms. Lerud and Judge Robb,

I am operating in the capacity of aid and encouragement for Rochelle Mezzano ("Ms. Mezzano") who, as a qualified individual with disabilities, is exercising her rights under the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, and Final Rule implementation ("ADA").

I have been asked to assess parts of the record in a certain case in the Family Division of the Second Judicial District Court of the State of Nevada in and for the county of Washoe, to wit, John Townley, Plaintiff v. Rochelle Mezzano, Defendant, (Case No. DV19-01564) for discrimination, denial of equal access, and or prohibited acts under the ADA. This letter is absent intent or authority as legal advice.

My training and certification is from John Jay College of Criminal Justice, which is an accredited institution, and my certification was issued in 2017, and is for ADA Advocacy for litigants with invisible disabilities. I also have training under National Crime Victim Law Institute (also accredited, and in association with Lewis and Clark Law School) in Portland Oregon as an DV/ SV Survivor Rights Advocate, under their SVAA Certificate program (2018).

To specify my role, I regularly deal with the administrative issues of ADA access. There is a line between the "at-law" and administrative pieces that make up a Court setting, but administrative access can be denied at any time, even in "at-law" settings.

For someone with PTSD, or a history of PTSD, there are many factors to consider on the effective communication obligations imposed by the ADA, Title II.

28 C.F.R. §35.160(a)(1) "A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others."

In my 5 years of dealing with Court settings, I have observed that Courts almost never "take appropriate steps to ensure" effective communication, even though their duty is written in black and white. The worst cases include when courts actually create more disability in litigants, and this is one of those cases.

There is no screening process, and should someone dare to mention that they have a disability, the Court and Court personnel almost always refuse to preserve the “**privacy** and independence” that 28 C.F.R. §35.160(b)(2) says “**must** be provided.” (emphasis added)

When disability matters are brought out into open Court, and worse, when they are used to discriminate, this nullifies, and immediately stops the equal access of the litigant with invisible disabilities. Someone can be sitting in the Courtroom, even at the table with their attorney, and can be removed from access, administratively, because their disability is not accommodated, and the programs, services, and activities of the Court do not include *taking appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.*

Asking a lawyer to stand up to this denial of access is akin to asking a lawyer to put a razor blade to their own throat. Corpus Juris Secundum 7 §4 says of the attorney: *“His first duty is to the Courts and the public, not to the client, and wherever the duties of his client conflict with those he owes as an officer of the Court in the administration of justice, the former must yield to the latter.”*

In other words, asking an attorney to stand up to a judge that is actively (or passively) using disability against a litigant, is expecting the impossible, or at least asking an attorney to commit a career-ending move.

William D. Goren, Esq., the author of the book for the American Bar Association called “Understanding the ADA” (his 4th Edition), had the following exchange with the undersigned:

Me: “Who do I go to to hold these judges accountable so that they have to give accommodations?”

Goren: So you’re looking for someone who’s not afraid, you’re looking for a litigator that’s willing to go in and take on state Court systems?”

Me: “There you go.”

Goren: “The problem that attorneys have is a lot of attorneys won’t take this on, because the Court will fight back hard and threaten disbarment and other kinds of proceedings. So a lot of attorneys are scared to take this stuff on.”

This conversation presents the disturbing truth that individuals with disabilities are without equal access, if they cannot either challenge the judge themselves regarding discrimination and denial of access, or have an attorney do it for them.

When the author/expert of the ABA book on the subject readily admits that Courts threaten lawyers for holding Courts accountable to the ADA, and I have experienced Courts threatening me with UPL predictably, for exerting that the litigant is without administrative ADA access, then the result is that the Court is without intent to provide equal access to disabled litigants, and the pretense of justice is removed.

In Ms. Mezzano’s case, I have not spoken with her attorneys yet, but I would expect that they are unwilling to threaten his career by directly exerting what I am about to report on. In fact, they

are already attempting to abandon ship and have her represent herself, by offering her a "Substitution of Attorney" to sign and file into the case.

Before I begin my written assessment of Ms. Mezzano's situation, I must point out three things. (1) 42 U.S.C. §12203(b) makes it unlawful to coerce, intimidate, threaten, or interfere with one who is aiding and encouraging another in the exercise or enjoyment of rights under the ADA. I still expect that the Court, or some third party will accuse me of "practicing law" without a license, even though I am giving notice of my protected capacity and unambiguously state that it relates only to administrative ADA access (or rights held under a Chose in Action). (2) The prohibited acts listed in 42 U.S.C. §12203(b) will plausibly continue against Ms. Mezzano, even though this is being pointed out as unlawful. (3) This communication is opposition to unlawful acts, as per 42 U.S.C. §12203(a).

I will also point out that during a phone call with Ms. Lerud, she disclosed that there is no actual appointment for an ADA coordinator for the Washoe Courts that she is the administrator of. I also asked if the Washoe Courts have more than 50 employees, and her answer was "yes". 28 C.F.R. §35.107 dictates that, to be ADA compliant, you must have a designated responsible employee, but no such designation has occurred. This court is definitely denying access to disabled individuals, even before I entered the picture.

#### **Disability Discrimination Assessment**

1. Ms. Mezzano has given her attorneys, Mr. Richard P. Davies, Sarah T. Hunter, and The Law Offices of Richard P. Davies, Esq. notice that she is with one or more disabilities and needs equal access as to representation.
2. Mr. Richard P. Davies, Sarah T. Hunter, and/or The Law Offices of Richard P. Davies, Esq. have responded with a "Substitution of Attorney" as a Hobson's Choice of coercion that appears to indicate that Mr. Richard P. Davies, Sarah T. Hunter, and The Law Offices of Richard P. Davies, Esq. will not provide goods and services to Ms. Mezzano for the purposes of having equal access as a qualified individual with a disability.
3. The offer of Mr. Richard P. Davies, Sarah T. Hunter, and The Law Offices of Richard P. Davies, Esq. for Ms. Mezzano to substitute herself as attorney in this matter is in want of good faith and honesty. There simply cannot be any belief (of Mr. Richard P. Davies, Sarah T. Hunter, and The Law Offices of Richard P. Davies, Esq.) that Ms. Mezzano can represent herself in this matter on her own.
4. Mr. Richard P. Davies, Sarah T. Hunter, and/or The Law Offices of Richard P. Davies, Esq. have admitted "communication has broken down between Ms. Mezzano an Counsel" (Amended Motion To Be Relieved As Counsel Of Record). This is due to Mr. Richard P. Davies, Sarah T. Hunter, and/or The Law Offices of Richard P. Davies, Esq. being unwilling, or impotent to accommodate Ms. Mezzano on the basis of disability.
5. According to reports by Ms. Mezzano, Mr. Richard P. Davies, Sarah T. Hunter, and/or The Law Offices of Richard P. Davies, Esq. will not speak with Ms. Mezzano by phone, and will only communicate through email, and won't answer specific questions as to legal process and procedure. Ms. Mezzano has specific legal questions about discovery attempts by Mr. Townley that Ms. Mezzano's attorney are unwilling to directly address, thus leaving her without equal access to representation on the basis of disability, and without equal access to the courts on the basis of disability.

6. The Court, in the person of Judge Bridget E. Robb, Nevada State Bar #3143, has created a disability as a physiological condition that substantially limits Ms. Mezzano's major life activities of caring for herself, interacting with others, performing manual tasks, and other major life activities. The Supreme Court of the State of Nevada, on October 27, 2021 did file an ORDER OF REVERSAL AND REMAND ("Reversal") concerning the appealed (and now reversed) default judgment issued by Judge Robb on or about December 11, 2019. The Nevada Supreme Court, on the face of the Reversal, listed that "Hon. Bridget E. Robb, District Judge, Family Court Division" had been "cc" (Carbon Copied) on the Reversal.

Judge Robb, in extreme bias, artifice, and circumvention of the Reversal order from the Nevada Supreme Court, instead of reversing the default judgement, and the subsequent effects of the default judgment, such as the transfer of property on the public record, out of Ms. Mezzano's name, ordered, in a "ORDER AFTER THE CASE MANAGEMENT CONFERENCE" dated November 30, 2022, did order that "Mr. Townley shall execute deeds restoring title to the real properties previously held in the name of the Mezzano Townley Family Trust, dated September 28, 2007. Mr. Townley shall execute those deeds on or before September 8, 2022. Those deeds, once executed, shall be held in escrow at Mr. Morey's office pending agreement of the parties, or order of the Court."

Judge Robb's actions, in ordering the deeds to be held "in escrow" did fail to disclose any beneficiary of said escrow, and as such, this action has, at least since the Supreme Court ordered reversal, denied Ms. Mezzano the access to the property as a beneficial interest holder of the title that Judge Robb ordered would be restored. If the title is to be "restored" it would be returned to its former condition, which would be publicly recorded as deeded to the Mezzano Townley Family Trust. Judge Robb has acted in a way that denies Ms. Mezzano the benefit of the Reversal ordered by the Supreme Court, and has done so in a way that is causing a disability to Ms. Mezzano in substantial limitation to more than one major life activity. Judge Robb is absent immunity concerning claims brought under the ADA. See 42 U.S.C. 12202, and Tennessee v. Lane.

Mr. Townley has benefit of the property on public title, but Ms. Mezzano does not, and this is directly caused by Judge Robb's refusal to fully unwind the effects of the Default Judgment as ordered by the Reversal.

The undersigned is the holder of a Chose in Action concerning any and all claims against Judge Robb under item 4 of this section (and other rights of action), and is documenting events to pursue ADA claims combined with deprivation of rights under color of law, because Ms. Mezzano, and now the undersigned, as holder of a Chose in Action, is with rights to pursue the denial of access because of Judge Robb's performance/malfeasance/non-performance under the order of Reversal from the Supreme Court of Nevada. Any and all other claims that concerning this matter are perpetually without waiver.

To demonstrate the bias that Judge Robb has, also included in the Default Decree of Divorce was an Exhibit 1 that listed three real properties "TO HUSBAND, JOHN TOWNLEY", which are 145 Redstone Dr. Reno NV, APN 003-35-109; and 3120 Achilles Drive, & 855 Atlas Ct. Reno NV, APN 003-50-203; and 1532 F Street, Sparks NV APN 031-35-215. These are the properties that Judge Robb ordered, in the November 30, 2022 Order for Mr. Townley to execute deeds "restoring title" yet ordering those deeds to be held hostage, in "escrow" in Mr. Morey's office, pending agreement of the parties or order of the

court. This is NOT reversal, nor does it "restore title" nor give Ms. Mezzano the benefit she had previous to the Reversal by the Supreme Court of Nevada.

A non-lawyer would be able to see that property that was in Mr. Townley's name, and now is deeded and held in an office, instead of being publicly recorded, does nothing to change the public record, nor does it "restore title." This is not incompetence on the part of Judge Robb. It appears to be malicious retaliation for having her Default decree of divorce reversed and remanded.

To Further demonstrate the bias of Judge Robb, there are many assets listed in distribution to John Townley, that have no monetary valuation assigned, and Judge Robb dared to say in her 05-22-2020 "ORDER DENYING MOTION TO SET ASIDE DECREE OF DIVORCE AND FOR RELATED RELIEF" that "The Court notes that the property division appeared fair and equal and Ms. Mezzano was awarded income producing property and her business." This is a factually baseless comment coming from a judge that has demonstrated bias in this matter. There is no factual evidence to support Judge Robb's discriminatory opinion.

These acts by Judge Robb are discriminatory on the basis of disability because they create a disability (physiological condition) that substantially limits Ms. Mezzano's major life activities of caring for herself, interacting with others, performing manual tasks, and other major life activities. Further, these acts of Judge Robb deny Ms. Mezzano equal access on the basis of this same disability. Judge Robb is creating the disability and using it to discriminate against Ms. Mezzano.

7. There are numerous other matters that Judge Robb has not reversed concerning her initial default that was ordered reversed by the Nevada Supreme Court, and either Judge Robb is incompetent as a judge, or maliciously withholding performance under the Reversal from Ms. Mezzano.
8. Despite being notified numerous times, Ms. Mezzano's own attorneys are not using her current and long-standing mailing address of 105 Yellowstone Dr., Reno, NV 89512. This further exacerbates communication disability for Ms. Mezzano.
9. This Court was ordered to reverse the divorce, and Judge Robb has haphazardly and discriminatorily set up a disability for Ms. Mezzano by not completely doing her job and not fully reversing the default and the subsequent secondary matters resulting from the default judgement.

Ms. Mezzano (and her Advocate) needs and hereby requests the following modifications/ accommodations for disability access under Title II of the ADA.

1. Ms. Mezzano needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely from her home; and
2. The undersigned Advocate needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely; and
3. Ms. Mezzano needs the ability to record any and all hearings, proceedings, calls, or other interactions with the Court, to mitigate communication disability; and
4. Ms. Mezzano needs the undersigned to assist (aid and encourage - 42 U.S.C. §12203(b)) her in the exercise and enjoyment of her rights under the ADA. This includes, without limitation, the ability to calm her, or help her refocus on the matters at hand, the ability to

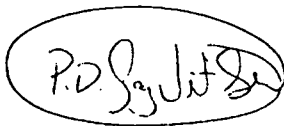
converse with her about what symptomatic presentations are arising, and how to mitigate these responses, commonly referred to as triggers, and the ability to ask the Court for a break to allow refocus or discussion of disability mitigation to allow Ms. Mezzano to maintain as high a level of executive function/cognitive presence as possible. The ADA Advocate also needs to be able to ask the Court, on behalf of Ms. Mezzano, to give the static, complete, full, and permanent meaning to any words or terms that are unclear to Ms. Mezzano. or the Advocate; and

5. Ms. Mezzano needs to be able to ask the Court for, and receive from the Court, the static, complete, full, and perm.anent meaning to any words or terms that are unclear to Ms. Mezzano; and
6. Ms. Mezzano needs the Court to use only plain English, and refrain from using legalese or terms that are unclear, without first providing a glossary of said terms that contain the static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano; and
7. Ms. Mezzano needs the Court to order that the opposing counsel or opposing party only use plain English, and refrain from using legalese or terms that are unclear to Ms. Mezzano, without first providing a glossary of said terms that contain the static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano; and
8. Ms. Mezzano demands that the Court refrain from the unlawful acts of coercion, intimidation, threats, and interference, as per 42 U.S.C. §12203(b), in any act or deed of the Court. Ms. Mezzano will, at all times henceforth, be exercising her rights under the ADA while Case No DV19-01564 in the Family Division of the Second Judicial District Court of the State of Nevada in and for the County of Washoe continues, or in any other Court proceeding or ancillary proceeding related with any Court matter; and
9. Ms. Mezzano needs the Court to allow extra time to process and complete tasks for the purpose of disability mitigation; and
10. As a qualified individual who is authorized under 42 U.S.C. §12203(b) and 28 C.F.R. §35.134(b) to aid and encourage Ms. Mezzano in the exercise and enjoyment of her rights under the ADA, the undersigned will also need the reasonable modification of being allowed to record any and all interactions with the Court, including without limitations hearings, proceedings, calls or other communications or interactions for disability mitigation.

**I am not an attorney, and I am explicitly involved in this matter to document, and pursue violations of the ADA. You are with notice.**

As Certified ADA Advocate, offering aid and encouragement for Ms. Mezzano under the protection of 42 U.S.C. §12203(b),

P.D., JAY V. SHORE



**RE: Townley v.Mezzano,DV19-01564 ADA INVOCATION AND REQUESTS**

---

**From** Wright, William <William.Wright@washoecourts.us>

**To** adarights<adarights@protonmail.com>

**CC** Lerud, Alicia<Alicia.Lerud@washoecourts.us>, Rochelle Mezzano<rochellemezzano@icloud.com>

**Date** Friday, January 13th, 2023 at 3:23 PM

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Mr. Shore,

Good afternoon. I have received your communication regarding the disability matters of Ms. Mezzano.

I will be the primary point of contact from the Second Judicial District Court's Administration team regarding this issue moving forward.

Without getting into whether your correspondence with one of our Judicial Officers constituted ex-parte communication, I would respectfully request that any future requests for accommodation or other appropriate relief made to the court's administration team be made to me and not include a judicial officer on the email.

I would further ask that any future requests for relief made by Ms. Mezzano be made through either her or her counsel and be electronically filed with our Court. Information on how to file with our Court can be found online at <https://www.washoecourts.com/EFiling/SignUp>.

Please let me know if you have any questions.

Thank you,

Will

William M. Wright, Jr.  
Assistant Court Administrator

Second Judicial District Court

75 Court Street

Reno, NV 89501

**RE: Townley v.Mezzano,DV19-01564 ADA INVOCATION AND REQUESTS**

---

**From** Wright, William <William.Wright@washoecourts.us>  
**To** adarights<adarights@protonmail.com>  
**CC** Lerud, Alicia<Alicia.Lerud@washoecourts.us>, Rochelle Mezzano<rochellemezzano@icloud.com>  
**Date** Friday, January 13th, 2023 at 4:19 PM

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Mr. Shore,

Thank you for the quick response. By "requests for relief" I just mean in the plain language sense of the phrase. My apologies – I certainly did not mean to make it overly complicated. If there is anything that I can do to help with and facilitate any accommodations, please just let me know.

I appreciate you saying that you will keep communications between us. I would also like to reiterate that if you or Ms. Mezzano would like to make any official filings before the Court that you certainly should feel free to make those filings. That is often the easiest and most appropriate way to get a matter heard and addressed by the Court.

I saw that you also sent out another email requesting whether I can confirm or deny that your previous communication was revealed to Mr. Townley's attorney. I have not had any communication with Mr. Townley or his attorney. I do not know if your email was otherwise revealed to Mr. Townley or his attorney. To my knowledge, it was not and was just coincidental. It also appears that there were several depositions noticed across 10 Jan and 12 Jan so those may also be a source of information although I do not have any additional information on them.

My earlier email was an attempt to hopefully minimize any ex-parte communications in this case. If you or Ms. Mezzano do have any additional requests to bring to the Court, I would encourage you to file them which will notice the parties and the Court can consider them as appropriate.

Thank you,

Will

William M. Wright, Jr.  
Assistant Court Administrator



Second Judicial District Court

75 Court Street

Reno, NV 89501

775-328-3467



**From:** ADA Rights <adarights@protonmail.com>

**Sent:** Friday, January 13, 2023 1:34 PM

**To:** Wright, William <William.Wright@washoecourts.us>

**Cc:** Lerud, Alicia <Alicia.Lerud@washoecourts.us>; Rochelle Mezzano <rochellemezzano@icloud.com>

**Subject:** RE: Townley v.Mezzano,DV19-01564 ADA INVOCATION AND REQUESTS

[NOTICE: This message originated outside of Second Judicial District Court, State of Nevada -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Mr. Wright,

I'm not clear on what your definition of "requests for relief" are (Please give full meaning to that term, so that I may understand). If that includes requests for administrative access through ADA, or requests for modification under ADA to accomplish that equal access on the basis of disability, I will be the point person for that, in my federally protected capacity under 42 USC §12203(b).

I will keep the communications between us, and yet inform that ADA access is administrative, and the determination of reasonable modification is an administrative, and not a judicial

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2  
3 IN THE FAMILY COURT  
4 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF  
5 NEVADA

6 IN AND FOR THE COUNTY OF WASHOE

7  
8 JOHN TOWNLEY, -o0o-

9  
10 Plaintiff,

11 vs.

12 ROCHELLE MEZZANO,

Defendant.

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:  
: Case No. DV19-01564  
: Dept No.  
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14 =====  
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16 TRANSCRIPT OF PROCEEDINGS

17 HEARING

18 MARCH 13, 2023

19 Reno, Nevada  
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21  
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23 SUNSHINE LITIGATION SERVICES  
TRANSCRIBED FROM JAVS CD

24 Transcribed By: GAIL R. WILLSEY, CSR #359, CA CSR  
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A P P E A R A N C E S

FOR THE PLAINTIFF:  
SILVERMAN, KATTLEMAN, SPRINGGATE, CHTD.  
By: Alexander Morey, Esq.  
500 Damonte Ranch Pkwy. Ste. 675  
Reno, Nevada 89521

FOR THE DEFENDANT:  
Rochelle Mezzano  
Pro Per

1                                   \*\*^.^\*\*

2                   RENO, NEVADA, MARCH 13, 2023, 9:00 A.M.

3                                   \*\*^.^\*\*

4  
5                   THE CLERK: We're on the record in Case  
6                   Number DV19-01564 in the matter of Townley versus  
7                   Mezzano.

12:58PM

8                   THE COURT: If I may have appearances?

9                   MR. MOREY: Good morning, your Honor,  
10                  Alexander Morey on behalf of John Townley who is  
11                  present and seated to my right.

12:58PM

12                  THE COURT: Ma'am?

13                  MS. MEZZANO: Good morning, your Honor. My  
14                  name is Rochelle Mezzano, I'm pro per.

15                  THE COURT: All right.

12:58PM

16                  Ms. Mezzano, you didn't file a Settlement  
17                  Conference Statement, why not?

18                  MS. MEZZANO: I didn't have A D A access to  
19                  this court.

20                  THE COURT: I'm sorry, I don't understand  
21                  that statement, can you elaborate?

12:59PM

22                  MS. MEZZANO: I would like to exercise my  
23                  right to have my A D A advocate present.

24                  THE COURT: Is he here?

1 MS. MEZZANO: No.

2 THE COURT: Then how were you going to  
3 exercise that right?

4 Today is the date and time set for this. If  
5 you wanted an advocate, you could have brought him but  
6 he's not here. Your failure to act is not going to  
7 vitiate this hearing today. We are going to have a  
8 hearing.

12:59PM

9 So once again, why didn't you file a  
10 Settlement Conference Statement?

12:59PM

11 MS. MEZZANO: Per 28 CFR-35.160 B-2, you must  
12 preserve my privacy and independence concerning my A D  
13 A accommodations.

14 THE COURT: Ma'am, you've not made a request  
15 of this court for any type of accommodation, and there  
16 is no accommodation necessary for the filing of the  
17 document in this case.

01:00PM

18 So I ask one final time why did you not file  
19 a Settlement Conference Statement? Pro se litigants,  
20 self-represented litigants file these documents all  
21 the time. There are forms to assist you in filing,  
22 why didn't you do so?

01:01PM

23 MS. MEZZANO: Your Honor, my request was made  
24 to your office directly in January.

1 THE COURT: No, ma'am, it was not filed. It  
2 was not made to me. It was an ex-parte communication  
3 which I did not review. So again, that doesn't count.  
4 Unless you file it with the court, it is not an  
5 official document.

01:01PM

6 MS. MEZZANO: May I speak?

7 THE COURT: Go ahead.

8 MS. MEZZANO: Administrative requests are  
9 allowed.

01:02PM

10 THE COURT: Ma'am, that doesn't mean that it  
11 came to me. I don't act on ex-parte communications  
12 that are not filed with this court. That is improper  
13 and it is also -- that would be me violating my  
14 obligation. I can't do that nor will I.

15 So my next question is have you met at all  
16 with Mr. Morey about this matter?

01:02PM

17 MS. MEZZANO: I do not have equal access to  
18 this court without my A D A access request being  
19 honored.

20 THE COURT: Ma'am, I don't know what you're  
21 request is. It's not been filed. So at this point,  
22 we are going forward.

01:02PM

23 So once again, have you met with Mr. Morey?

24 MS. MEZZANO: I do not have A D A access.

1 THE COURT: All right.

2 Mr. Morey, have you had any kind of meeting  
3 or communication with Ms. Mezzano in this matter?

4 MR. MOREY: Not in some considerable amount  
5 of time, your Honor. The phone call that Ms. Mezzano  
6 and I had in 2019 I believe was the last phone call we  
7 had. We did briefly talk at my office sometime ago  
8 when Ms. Mezzano came to pick up the scooter when I  
9 wasn't present. I don't know that there's been no  
10 settlement negotiations with Ms. Mezzano directly in  
11 this case.

01:03PM

01:03PM

12 THE COURT: Thank you very much, Mr. Morey.

13 Ms. Mezzano, would you like to, out of the  
14 presence of the court, speak to Mr. Morey about  
15 attempting to settle this matter?

01:04PM

16 MS. MEZZANO: I didn't hear you?

17 THE COURT: I said would you like to, without  
18 me being present, talk to Mr. Morey about attempting  
19 to settle this matter?

20 MS. MEZZANO: Your Honor, I don't have equal  
21 access to this court.

01:04PM

22 THE COURT: Once again, ma'am, I don't know  
23 what that refers to. There has been no communication  
24 filed with this court upon which this court can act

1 and so we are going forward today.

2 MS. MEZZANO: May I speak?

3 THE COURT: At this point, ma'am, no.

4 There's not a question pending.

5 Since we are at a standstill with regard to  
6 settlement in this matter, there are several matters  
7 pending -- oh, Ms. Latham would like to participate.

01:04PM

8 The court has an intern who has been briefed  
9 on confidentiality, and she would like to be able to  
10 observe this proceeding. Mr. Morey, do you have an  
11 objection?

01:05PM

12 MR. MOREY: No objection, your Honor.

13 THE COURT: Ms. Mezzano, any objection?

14 MS. MEZZANO: I object to not having A D A  
15 access, your Honor.

01:05PM

16 THE COURT: Do you have any objection to the  
17 court's intern, who is a college student studying  
18 criminal justice, reviewing and observing this  
19 particular settlement conference?

20 MS. MEZZANO: I object.

01:05PM

21 THE COURT: On what basis, ma'am?

22 MS. MEZZANO: I don't have A D A access.

23 THE COURT: If that is your objection, the  
24 court is overruling that objection and Ms. Latham will

1 be able to appear.

2 As the court noted, there are a number of  
3 outstanding motions and the court is going to proceed  
4 with regard to those motions. Just a moment, I am  
5 bringing up the docket.

01:06PM

6 The first motion is a motion with regard to  
7 summary judgment involving the characterization or  
8 character of items of property. The court has  
9 reviewed the motion. The court notes that there has  
10 been no opposition to the motion and no request for  
11 oral argument.

01:07PM

12 So at this point, based upon the fact that  
13 there's been no objection, pursuant to District Court  
14 Rule 13, it is deemed that the motion is admitted by  
15 the opposing party, to be meritorious and the court is  
16 granting that motion.

01:07PM

17 The next motion --

18 MS. MEZZANO: I object, your Honor.

19 THE COURT: Excuse me, ma'am?

20 MS. MEZZANO: I object, your Honor.

01:07PM

21 THE COURT: Thank you, ma'am.

22 Your time to object has passed and you did  
23 not object. You did not object in writing. The due  
24 process requirements of both the Nevada Constitution

1 and the United States Constitution require that if  
2 you're going to act in a lawsuit, that you do so in  
3 writing giving notice to the other side. Simply  
4 showing up today and saying you object is  
5 insufficient.

01:08PM

6 Moreover, this was a motion for summary  
7 judgment which means -- and it was a motion for  
8 summary judgment that was appropriately supported by  
9 affidavit and documentation. You would have to today,  
10 if you were going to object -- and again, your  
11 objection is untimely. You would have to do so under  
12 oath and with appropriate documentation.

01:08PM

13 The documentation relied on in this motion is  
14 a document I believe both sides have agreed to which  
15 is Prenuptial Agreement. So the motion is granted.

01:08PM

16 The next motion is a motion to dismiss and  
17 that motion to dismiss once again, is unopposed.  
18 There was no request for oral argument. And pursuant  
19 to that motion to dismiss -- just a moment, I want to  
20 pull this one up.

01:09PM

21 The motion to dismiss has also been reviewed  
22 by the court together with the affidavit and documents  
23 that underpin that motion. The motion is to dismiss  
24 Claims 2 through 6 of the Defendant's Answer and

1 Counterclaim and also to claim in the cross-claim Mr.  
2 Morey, did I understand that correctly that it's  
3 roughly the same claim?

4 MR. MOREY: Yes, it would apply, your Honor.

5 The other thing to note and I don't know if  
6 it was addressed directly in that motion is I  
7 rechecked this. Neither the trust nor Mr. Townley, as  
8 the trustee of the trust, have been effectively served  
9 in this action, and the time has long since passed to  
10 effect service of process.

11 THE COURT: Then the cross-claim will be  
12 dismissed for failure to meet the 120 day service  
13 obligation.

14 The motion to dismiss is a motion to dismiss  
15 or for I believe other sanctions having to do with the  
16 defendant's complete failure to conduct litigation in  
17 this case. Just a moment, I'll get to the motion to  
18 dismiss. The motion to dismiss outlines the failures  
19 to participate.

20 The court notes that the Nevada Supreme Court  
21 has cautioned courts, especially in the family arena,  
22 against using case-ending sanctions such as dismissal  
23 or discovery and litigation and instead, instructs the  
24 court to look at lesser forms of sanctions that can be

01:10PM

01:10PM

01:11PM

01:12PM

1 entered. So the court is going to address lesser  
2 forms of sanctions and I'm still trying to find the  
3 motion to dismiss.

4 MR. MOREY: That one was filed on February  
5 10th, your Honor.

01:13PM

6 THE COURT: Mr. Morey, thank you.

7 MR. MOREY: And the Request for Submission  
8 was filed on the 27th.

9 THE COURT: I just saw the Request for  
10 Submission, and I now have the motion to dismiss.  
11 Thank you.

01:13PM

12 In this particular case, the defendant was  
13 properly served. Service was conceded by defendant's  
14 counsel, Mr. O'Mara, at the Case Management  
15 Conference. In addition to that concession, the  
16 defendant has failed to comply with NRCP 16.2 in  
17 turning over information that is required by that rule  
18 to opposing counsel.

01:15PM

19 The defendant has failed, pursuant to NRCP  
20 16.1, to include any damage model or calculation which  
21 is required under that rule because the defendant has  
22 raised claims that are not purely claims regarding  
23 divorce but claims that are -- that occur outside of  
24 divorce actions and so would be regular civil claims.

01:15PM

1           The defendant was noticed for a deposition,  
2 properly noticed. There was no objection to that  
3 deposition. Defendant's counsel appeared for that  
4 deposition and the defendant did not appear. There  
5 was no explanation with regard to the non-appearance  
6 and it appears that defendant's counsel was unaware  
7 that there would be a non-appearance at that  
8 deposition.

01:16PM

9           The defendant has failed to respond in any  
10 way to the Plaintiff's First Set of Interrogatories,  
11 First Set of Request for Admissions and First Set of  
12 Request for Production of Documents and opinions.  
13 Those responses were due on or before February 8,  
14 2023. There has been no response. There has been no  
15 objection and the court, in reviewing the docket, has  
16 found no request for a protective order.

01:17PM

01:17PM

17           There has been no conference of meet and  
18 confer with regard to the outstanding discovery by Ms.  
19 Mezzano indicating that she has had any objection to  
20 the outstanding discovery, and there was no response  
21 to this motion filed.

01:17PM

22           The motion is therefore, by District Court  
23 Rule 13, deemed to be meritorious as there was no  
24 opposition, and the court is entering sanctions with

1 regard to Ms. Mezzano's proceeded failures and almost  
2 complete failures in this case to litigate any  
3 defenses or claims that she might have.

4 As the court noted, case-concluding sanctions  
5 are frowned upon by the Nevada Supreme Court in family  
6 actions, however, there are also claims in this case  
7 that aren't merely family claims. They are regular  
8 civil claims. For that basis and looking at the  
9 almost complete recalcitrance to do anything in this  
10 litigation by the defendant, the severity of the  
11 sanction that the court is going to enter is  
12 appropriate.

13 The court is ordering that the defendant be  
14 precluded from offering any evidence with regard to  
15 damages in this matter as no damages model or any  
16 discovery with regard to damages has been offered by  
17 the defendant.

18 The court is also entering sanctions  
19 precluding the defendant from offering any evidence  
20 that would support Claims 2 through 6 in the  
21 counterclaim as no such evidence has been submitted  
22 today either as required by NRCP 16.1, 16.2 or through  
23 the discovery process.

24 It is clear that this recalcitrance is

01:22PM

01:23PM

01:24PM

01:24PM

1 willful. Ms. Mezzano has been represented by various  
2 counsel who are experienced practitioners before the  
3 court and who understand their obligations under the  
4 rules and in many, many previous cases, aside from  
5 this case, have accomplished those obligations without  
6 any problem.

01:25PM

7 The court finds that Ms. Mezzano's actions  
8 have been calculated to frustrate this litigation, to  
9 delay this litigation in an absolutely inappropriate  
10 way and that that frustration and delay is an abusive  
11 litigation practice which cannot be condoned by this  
12 court.

01:26PM

13 In looking at Ms. Mezzano's counterclaim, the  
14 court also has the ability to go beyond, on a sua  
15 sponte level, the claims or the request for relief  
16 that was made by the plaintiff. In claim for relief  
17 number one -- and just a moment, I'm going to get to  
18 the counterclaim itself so that I can reference it.  
19 Somehow I don't have my bookmarks, I apologize.  
20 Bookmarks would make it easier.

01:26PM

01:27PM

21 MR. MOREY: I believe it was filed in August  
22 of 2022, your Honor.

23 THE COURT: Thank you, Mr. Morey.

24 MR. MOREY: Yes, August of 2022.

1 THE COURT: Thank you.

2 As I said for some reason, I don't have a  
3 bookmarks today and it's making things just a bit more  
4 difficult. Maybe I have found them. And it was  
5 August 23rd?

01:29PM

6 MR. MOREY: Yes, your Honor.

7 For some reason, my Eflex will not allow me  
8 to look at that document currently.

9 THE COURT: Just to make things easier, I  
10 apologize.

01:29PM

11 All right. In the Answer and Counterclaim,  
12 there are allegations made in the Claim No. 1 which is  
13 entitled "Divorce." There are claims, for example,  
14 Paragraph 11 that there's economic hardship that's  
15 been caused to the community estate. Again, there's  
16 been no damage model and so that particular  
17 allegation, there will be no evidence to support it.

01:30PM

18 Paragraph 13, that there has been economic  
19 harm caused to the defendant's separate property  
20 estate. Once again, there are no damage models or any  
21 information or discovery to support that paragraph.

01:30PM

22 So those two paragraphs also will be subject  
23 to the same ruling that the court had with regard to  
24 Claims 2 through 6. So the motion to dismiss is

1 denied in part and granted in part.

2 And finally with the final motion which is a  
3 separate motion for summary judgment, I do note that  
4 with regard to I believe this motion for summary  
5 judgment, there was a notice of communication filed by  
6 the defendant. The court deemed that notice to be an  
7 opposition and treated that notice as an opposition.  
8 That notice, however, does not respond in any real way  
9 to the motion for summary judgment filed by plaintiff  
10 on February 14th, 2023.

01:31PM

01:32PM

11 The responses which do in some way address  
12 the claims made in the motion for summary judgment are  
13 not supported by affidavit or any other evidence and  
14 also are made in a conclusory fashion which is  
15 inappropriate under NRCP 56.

01:32PM

16 On that basis, the motion for summary  
17 judgment, particularly in light of the ruling that the  
18 court has made with regard to the motion to dismiss,  
19 the court notes that the defendant has been precluded  
20 from bringing forth evidence.

01:33PM

21 So even at this time if there were a request  
22 for the ability to oppose the motion for summary  
23 judgment, the defendant would not have the sufficient  
24 evidence to be able to oppose the motion for summary

1 judgment based on the preclusions in the court's  
2 ruling with regard to the motion to dismiss.

3 The motion for summary judgment set forth  
4 again filed on February 14th, 2023 is granted in its  
5 entirety and that is a motion for summary judgment,  
6 Mr. Morey, as I understand it, with regard to Claims 2  
7 through 6 of the counterclaim?

01:33PM

8 MR. MOREY: Yes, your Honor.

9 THE COURT: The court is also, pursuant to  
10 NRCP 56, including paragraphs 11 and 13 of Claim No. 1  
11 in the motion for summary judgment as neither of those  
12 claims may be proven as well. I mean, may be proven  
13 by the defendant at this point.

01:34PM

14 Mr. Morey, I saw that you had submitted to  
15 the court proposed orders. The court is going to  
16 modify those orders, but appreciates the proposed  
17 orders.

01:34PM

18 Given the court's ruling with regard to  
19 Claims 2 through 6, there is nothing to be tried to a  
20 jury at this point and we will be trying simply the  
21 divorce case at the trial. So the court is voiding  
22 the jury demand and will notify the jury commissioner  
23 of the same.

01:35PM

24 This matter is in recess. Thank you.

(The proceedings were concluded.)

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1 STATE OF NEVADA )

2 ) Ss.

3 COUNTY OF WASHOE )

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6 I, GAIL R. WILLSEY, do hereby certify:

7 That I was provided a JAVS CD and that said  
8 CD was transcribed by me, a Certified Shorthand  
9 Reporter, in the matter entitled herein;

10 That said transcript which appears  
11 hereinbefore was taken in stenotype notes by me from  
12 the CD and thereafter transcribed into typewriting as  
13 herein appears to the best of my knowledge, skill and  
14 ability and is a true record thereof.

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20 GAIL R. WILLSEY, CSR #359  
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**RE: ADA Access for Ms. Mezzano**

---

**From** Robb, Judge <Judge.Robb@washoe courts.us>

**To** adarights<adarights@protonmail.com>, Reed, Emily<Emily.Reed@washoe courts.us>, Lerud, Alicia<Alicia.Lerud@washoe courts.us>, Rochelle Mezzano<rochellemezzano@icloud.com>

**CC** Wright, William<William.Wright@washoe courts.us>

**Date** Tuesday, April 4th, 2023 at 1:44 PM

---

As I have said, multiple times, Ms. Mezzano needs to make a formal filing with the Court in order for me to take action. The filing can be sealed, and subject to in camera review, but I cannot act in a substantive way without a formal request. Moreover, Ms. Mezzano requested, and I GRANTED her request to have her ADA advocate present with her in Court. He was not present, despite her request, at the last hearing.

**From:** ADA Rights <adarights@protonmail.com>

**Sent:** Tuesday, April 4, 2023 11:15 AM

**To:** Reed, Emily <Emily.Reed@washoe courts.us>; Lerud, Alicia <Alicia.Lerud@washoe courts.us>; Rochelle Mezzano <rochellemezzano@icloud.com>; Robb, Judge <Judge.Robb@washoe courts.us>; Robb, Judge <Judge.Robb@washoe courts.us>

**Subject:** ADA Access for Ms. Mezzano

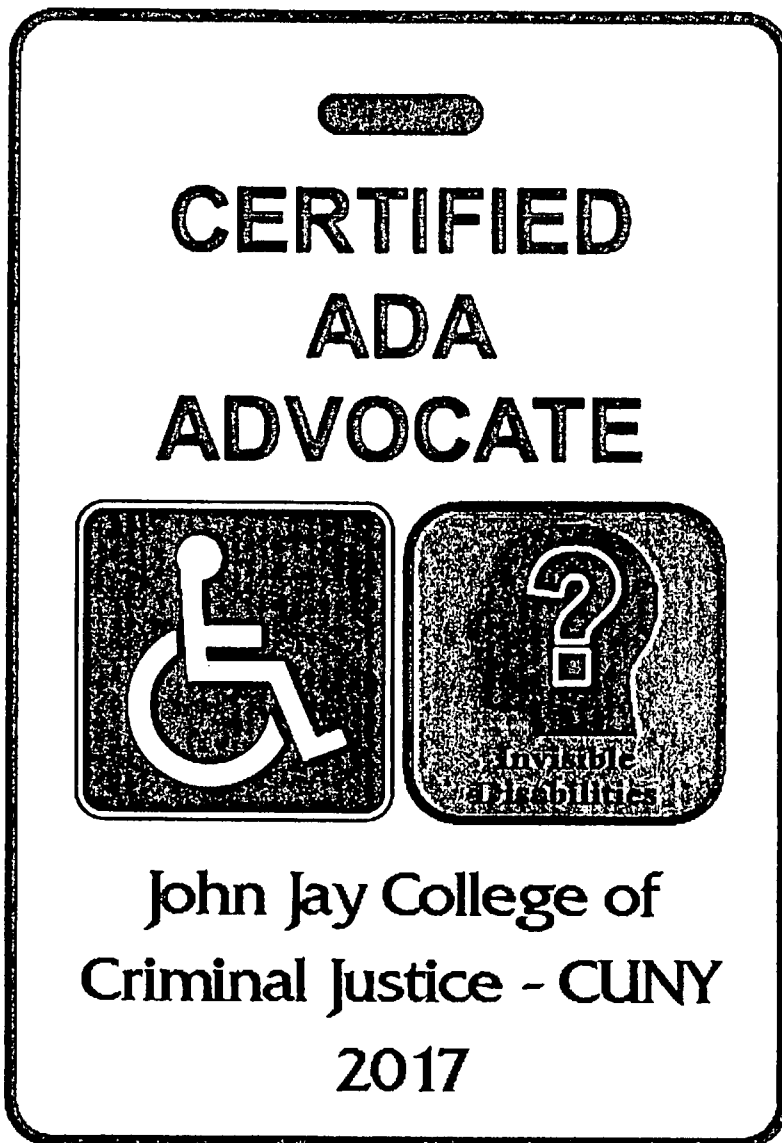
[NOTICE: This message originated outside of Second Judicial District Court, State of Nevada -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Ms. Reed,

Ms. Mezzano does not have ADA access to court. Judge Robb is denying her ADA access. This must be resolved. Please let us know what time we can call and speak with you. I have already left you a message today.

Regards,

P.D., JAY V SHORE, As Certified ADA Advocate (2017), and as a qualified individual with a disability, and as Victim/Survivor Rights Advocate through SVAA training with NCVLI Portland, OR (2018)



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Electronically  
DV19-01564  
2023-04-14 02:56:24 PM  
Alicia L. Lerud  
Clerk of the Court  
Transaction # 9614290

1 CODE:  
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4 IN THE FAMILY DIVISION  
5 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF WASHOE

7 JOHN TOWNLEY,

8 Plaintiff,

Case No. DV19-01564

9 vs.

Dept. No. 13

10 ROCHELLE MEZZANO,

11 Defendant.  
12 \_\_\_\_\_/

13  
14 TRIAL PROCEDURE

15 The trial set for April 17, 2023 shall proceed as follows:

16 1. Ms. Mezzano may proceed with the trial by Zoom attendance. To promote  
17 and ensure understanding of the court proceedings, Ms. Mezzano should have a copy of  
18 the Plaintiff's exhibits to reference during the proceedings. These exhibits shall also be  
19 screen-shared on Zoom during the trial once they are introduced and admitted as exhibits.

20 2. Ms. Mezzano may have a support person of her choosing present at trial as  
21 broadly contemplated by NRS 125.080. This support person may attend the proceedings  
22 by Zoom. In order to reduce disruption, the support person's camera and microphone shall  
23 remain off.

24 3. The trial is being reported by a certified court reporter. This recording shall  
25 be the official record of the Court. The court will also record the proceedings using the  
26 JAVS system for internal court usage only. No other recordings of the proceedings will be  
27 permitted. All interactions with the Court shall be on the record and subject to reporting  
28 by the court reporter.

1           4. To accommodate the court reporter and provide them periodic rest breaks,  
2 the Court will take one 10 minute break every hour. Additional comfort breaks may be  
3 requested as necessary.

4           5. The proceedings will be conducted using plain and simple English to the  
5 greatest extent possible. Any party may request a definition of a term, but should be on  
6 notice that the dictionary definition of terms will be the intended meaning of terms.

7           6. This matter shall start on Monday, April 17, 2023 at 9:00 a.m. The trial will  
8 break from 12:00 noon through 1:30 p.m. Should this matter require more than one day to  
9 be tried, it shall proceed for a second day on April 19, 2023, to permit the parties additional  
10 time to prepare. The daily schedule shall be the same as that set forth above.

11          7. The proceedings shall follow usual trial conduct –

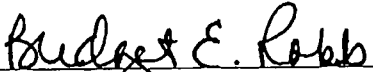
- 12           a) Both parties shall be placed under oath;
- 13           b) Each party will be given the ability to make a brief opening statement;
- 14           c) Plaintiff will be able to call any witness he has timely disclosed, and ask  
15           direct questions;
- 16           d) Defendant, Ms. Mezzano, will then have the opportunity to cross-examine  
17           these witnesses. This time is to be used for questions only, not to make  
18           argument;
- 19           e) Once Ms. Mezzano is done with cross-examination, Plaintiff will be  
20           permitted re-direct examination of the witnesses. If appropriate,  
21           additional cross-examination will be permitted;
- 22           f) Once Plaintiff has concluded his case-in-chief, Ms. Mezzano may testify  
23           on her own behalf. She may testify in narrative form. When she has  
24           finished, she will be subject to cross-examination. She may then provide  
25           additional testimony responsive to Plaintiff's cross-examination. Re-  
26           cross-examination will be permitted if necessary. Ms. Mezzano's  
27           testimony will be limited in scope by the Court's Order Granting  
28           Plaintiff's Motion to Dismiss;

1 g) After Ms. Mezzano's testimony is finished, Plaintiff will have the option  
2 to call rebuttal witnesses;

3 h) After all testimony is complete, the Parties will have the ability to make  
4 brief closing arguments and the trial will be concluded.

5 **IT IS SO ORDERED.**

6 Dated: April 14th, 2023.

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9 District Judge  
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## ADA Access for Ms. Mezzano

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From **adarights** <adarights@protonmail.com>

To **Lerud, Alicia** <Alicia.Lerud@washoecourts.us>, **Reed, Emily** <Emily.Reed@washoecourts.us>, **Rochelle Mezzano** <rochellemezzano@icloud.com>

Date **Monday, April 17th, 2023 at 2:17 PM**

---

Ms. Reed,

Judge Robb, on 4-14-23, issued a "TRIAL PROCEDURE" order. If any reasonable person reads this order, they would reasonably observe that there is no grant of right for me, as Ms. Mezzano's ADA advocate, to attend this trial. I am not under Nevada Revised Statutes 125.080. I am in capacity under 42 USC §12203(b) and 28 CFR §35.134(b).

Judge Robb did not copy me on the order, nor did Ms. Reed or Ms. Lerud. I saw the order because Ms. Mezzano provided me a copy.

Since I was without constructive or actual notice that I was able to appear administratively in this matter, and seeing that the requested accommodations **are not in place**, I attended another hearing today in California, where I had accommodations and was given access.

I just received an email from Ms. Reed claiming:

*"Hello Mr. Shore,*

*Last week, Judge Robb approved your virtual appearance as Ms. Mezzano's advocate. The trial is currently on hold and my understanding is that Ms. Mezzano has been trying to reach you. I am reaching out to confirm your availability for this afternoon and Wednesday all day. Please let me know at your earliest convenience.*

*Thank you,*

*Emily B. Reed, Esq."*

This email from Ms. Reed is false. I categorically deny receiving any notice that Judge Robb has "approved my virtual appearance."

I will add that I have personal knowledge now that Ms. Mezzano had a support person, as approved by the TRIAL PROCEDURE order, and this person was removed from the hearing, even though he created no disruption.

Judge Robb is violating her own TRIAL PROCEDURE order, as it was written. Claims by Judge Robb of *that's not what I*

*meant* and *I'm trying to be sensitive* are patently insulting, and coercive, threatening, and intimidating, and this interferes with Ms. Mezzano receiving equal access. Ms. Mezzano has not had ADA access at any point of this proceeding, and these events display this poignantly.

This is a systematic problem with the elimination of effective communication, and compliant ADA policy with the Court there. This is a systematic problem with the lack of policies of the Court, rather than an isolated employee negligence. This has become malicious. **A reasonable person would observe that this Court has ceased being a third-party neutral adjudicator, and has become an adverse party in this matter.**

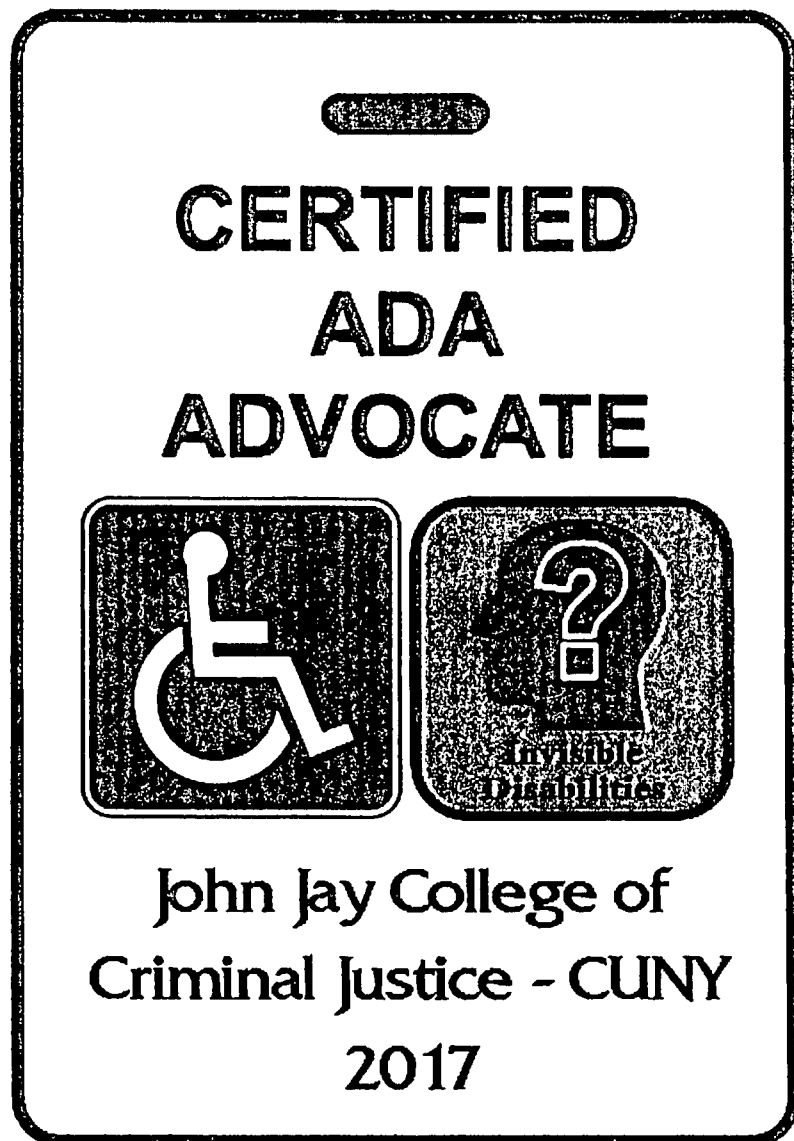
Because of the false claims that Judge Robb has repeatedly made that she has "GRANTED" me access, when in fact she has not, I will require that Judge Robb give Ms. Mezzano and I an in-camera, ex-parte hearing to discuss the matter of ADA access for myself and Ms. Mezzano.

To clear my calendar would be an unreasonable expectation and disservice to my other clients whose covered entities have properly allowed my capacity as a federally protected "aid and encouragement" to my other clients.

What do you have available for an ex-parte hearing in 2 weeks concerning ADA access?

Regards,

P.D., JAY V SHORE, As Certified ADA Advocate (2017), and as a qualified individual with a disability, and as Victim/Survivor Rights Advocate through SVAA training with NCVLI Portland, OR (2018)



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Absent individual capacity, absent intent or effect of agreement, absent joinder, right of interpretation retained perpetually concerning the words used hereon.

*No affiliation or claim of association is presented hereon, and is disclaimed between JAY V SHORE and John Jay College of Criminal Justice and/or NCVLI and/or Lewis and Clark Law School.*

All words hereon are absent waiver of rights, including without

limitation, the right of interpretation, and is the property of IC TRUST, and/or assigns.

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Electronically  
DV19-01564  
2023-04-28 10:57:27 AM  
Alicia L. Lerud  
Clerk of the Court  
Transaction # 9639560

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3 IN THE FAMILY DIVISION  
4 IN THE SECOND JUDICIAL DISTRICT COURT  
5 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE  
6

7 JOHN TOWNLEY,

8 Plaintiff/Petitioner,

CASE NO. DV19-01564

9 vs.

DEPT. NO. 13

10 ROCHELLE MEZZANO, et al,

11 Defendant/Respondent.  
12 \_\_\_\_\_/

13 NOTICE OF EX PARTE HEARING

14 An ex parte hearing regarding A.D.A. issues has been scheduled in this matter for  
15 May 4, 2023 at 4:00 p.m. This hearing will be recorded on the Courts' JAVS system,  
16 which will be the official record of the proceedings. No other recording will be permitted.

17 Ex parte participants may appear by Zoom, with the Zoom login information  
18 provided to the Parties shortly before the hearing.

19 Plaintiff has three (3) judicial days to object to the hearing by filing an objection.

20 IT IS SO ORDERED.

21 Dated: April 28, 2023.

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24 BRIDGET E. ROBB  
25 DISTRICT JUDGE  
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FILED  
Electronically  
DV19-01564  
2023-06-28 05:04:06 PM  
Alicia L. Lerud  
Clerk of the Court  
Transaction # 9747541

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3 **IN THE FAMILY DIVISION**  
4 **IN THE SECOND JUDICIAL DISTRICT COURT**  
5 **OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE**  
6

7 **JOHN TOWNLEY,**

8 **Plaintiff/Petitioner,**

**CASE NO. DV19-01564**

9 **vs.**

**DEPT. NO. 13**

10 **ROCHELLE MEZZANO, et al,**

11 **Defendant/Respondent.**  
12 \_\_\_\_\_ /

13 **ORDER REGARDING TRIAL**

14 PLEASE TAKE NOTICE that a trial has been scheduled in this matter for July 6,  
15 2023 from 9:00 a.m. to 5:00 p.m.; and July 7, 2023 from 9:00 a.m. to 12:00 p.m. All  
16 Parties have been previously informed of this trial date. The trial will be recorded by the  
17 Department 13 clerk on the Court's JAVS system, which will be the official record of the  
18 proceedings. No other informal recording, not recorded by appropriate court personnel,  
19 will be permitted to avoid any potential of contradictory or competing transcripts of the  
20 hearing.

21 Defendant and her ADA Advocate, currently Mr. Jay V. Shore, may appear by Zoom  
22 with the Zoom login information provided to the Parties below. Ms. Mezzano is not  
23 required to bring Mr. Shore and may have another ADA Advocate of her choosing present  
24 at trial. Failure of an ADA Advocate to appear will NOT be good cause for this matter to be  
25 continued as this matter has been continued once based upon the ADA Advocate's refusal  
26 to be present.

27 Plaintiff shall appear in person at the Family Court at 1 So. Sierra Street, Third  
28 Floor, Reno, Nevada.

1 Defendant has requested an ex parte hearing regarding ADA issues. It is noted that  
2 this is the second such request. The first request was granted, and a hearing was set at  
3 Ms. Mezzano's and Mr. Shore's convenience and at a date available on both of their  
4 calendars. Both Ms. Mezzano and Mr. Shore were assured by the Court employee  
5 designated to communicate with Mr. Shore that Mr. Shore was expected to attend. Both  
6 Ms. Mezzano and Mr. Shore were supplied the Zoom credentials to permit them to attend.  
7 Neither Ms. Mezzano nor Mr. Shore appeared for the hearing. The Court finds there is no  
8 good cause to set a second hearing.

9 The Order regarding TRIAL PROCEDURE entered April 14, 2023, ("Trial Procedure  
10 Order") shall remain in effect unless modified by this, or any other previously issued order.  
11 Specifically, paragraph 3 of the Trial Procedure Order contemplates the involvement of a  
12 certified court reporter. If such a certified court reporter is present in the courtroom, the  
13 Court will proceed as set forth in the Trial Procedure Order. If no such certified court  
14 reporter is present, the Court will proceed as set forth above.

15 The Zoom operation will include the closed captioning function. The Court has  
16 investigated the use of a certified court reporter to provide such closed captioning. Due to  
17 the necessity of the court reporter being in the same location as the party seeking to use  
18 the closed captioning, this option is not available. The Court will not require a court  
19 reporter to provide services in a private residence, which does not provide the safety  
20 measures of a court or business setting.

21 All other provisions set forth in paragraph 3 of the Trial Procedure Order shall  
22 remain in full force and effect.

23 The 10 minute breaks set forth in paragraph 4 of the Trial Procedure Order shall  
24 remain in effect even if there is no court reporter present.

25 Paragraph 6 of the Trial Procedure Order shall be amended to include the trial  
26 dates set forth above.

27 Defendant and her ADA Advocate shall appear for the hearing via Zoom by video,  
28 using the Zoom Website/App on a computer with a web camera and microphone.

1 Defendant's camera shall be on during all times the Court is in session, but may be turned  
2 off during recesses. The ADA Advocate's camera and microphone shall remain off.

3 If a web camera or smart phone with a working camera are not reasonably available,  
4 Parties have the following alternate options to participate in their hearing:

5 Please find below the Zoom invite information:

7 Topic: Department 13 Docket  
Time: This is a recurring meeting Meet anytime  
8  
Join Zoom Meeting  
9 <https://washoecourts.zoom.us/j/99126753726?pwd=UDNNNnJTFp4cnFyVG9vWDUrY3JpUT09>  
10 Meeting ID: 991 2675 3726  
Passcode: 748596  
11 One tap mobile  
+12532158782,,99126753726# US (Tacoma)  
12 +13462487799,,99126753726# US (Houston)  
13 Dial by your location  
+1 253 215 8782 US (Tacoma)  
14 +1 346 248 7799 US (Houston)  
+1 669 900 6833 US (San Jose)  
15 +1 301 715 8592 US (Washington DC)  
+1 312 626 6799 US (Chicago)  
16 +1 929 205 6099 US (New York)  
877 853 5247 US Toll-free  
888 788 0099 US Toll-free  
17 Meeting ID: 991 2675 3726  
Find your local number: <https://washoecourts.zoom.us/u/afie0yB8e>  
18

19 Once connected in Zoom, if you are not already placed into the Zoom conference  
20 and placed on hold in a virtual waiting room, please remain on hold until the Court adds  
21 you to the conference.  
22

23 Any additional requests or questions about the procedure of the trial made by either

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1 Party may be taken up at the time of trial.

2 IT IS SO ORDERED.

3 Dated: June 28, 2023.

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6 BRIDGET E. ROBB  
7 DISTRICT JUDGE  
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1 Code: \$2580  
2 Rochelle Mezzano  
3 105 Yellowstone Dr.  
4 Reno, Nevada 89512  
5 Phone: 775-622-5262  
6 Email: rochellemezzano@yahoo.com  
7 Self-Represented Litigant

8  
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
10  
11 IN AND FOR THE COUNTY OF WASHOE  
12

13 JOHN TOWNLEY, Case No.: DV19-01564  
14 Plaintiff, Dept. No.: 13  
15  
16 vs.  
17  
18 ROCHELLE MEZZANO,  
19 Defendant.  
20

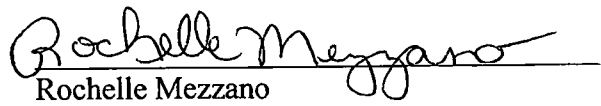
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23 **NOTICE OF FILING OF FEDERAL COMPLAINT**  
24 **AND NOTICE OF REMOVAL TO FEDERAL COURT**  
25

26 COMES NOW, Defendant, Rochelle Mezzano, In Pro Per, and hereby presents this  
27 Notice of Filing of Federal Complaint and a copy of the Complaint.  
28

The defendant is without equal access to this court.

Respectfully submitted this 5<sup>th</sup> day of July,

*This document does not contain the personal information of any person as defined by NRS 603A.040.*

26   
27 Rochelle Mezzano  
28 Self-Represented Litigant

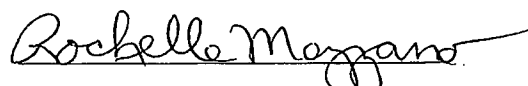
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 5, 2023. I electronically filed the foregoing Request for Submission for Notice of Intent with the Clerk of the Court by using the ECF system which served the following parties electronically:

Alexander C. Morey, Attorney at Law for Plaintiff, John Townley  
500 Damonte Ranch Parkway Suite 675  
Reno, Nevada 89521  
775.322.3223

Dated this 5<sup>th</sup> day of July, 2023.

  
Rochelle Mezzano, In Pro Per

**IN THE FAMILY DIVISION  
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE**

**JOHN TOWNLEY,**  
**Plaintiff**

**vs.**

**ROCHELLE MEZZANO,**  
**Defendant.**

**CASE NO.: DV19-01564  
DEPT NO.: 13**

**Notice of filing of Federal Complaint and  
Notice of Removal to Federal Court**

Defendant Rochelle Mezzano hereby notifies the court and the parties of the filing of a federal complaint in the United States District Court for the District of Nevada, Reno Division, which has been requested to remove this instant case to federal court for the answering of federal questions concerning the absence of ADA compliance and related matters. Attached hereto as Exhibit "A" is a copy of the federal complaint with all exhibits.

Submitted on this 5<sup>th</sup> day of July 2023 by:

ROCHELLE MEZZANO, as Defendant, and as a qualified individual with disabilities, and absent ADA access to this Court:

Rochelle Mezzano Dated: 7/5/2023  
ROCHELLE MEZZANO

DISTRICT COURT FOR THE UNITED STATES OF AMERICA  
FOR THE  
DISTRICT OF NEVADA

ROCHELLE MEZZANO,

JAY V. SHORE, INDIVIDUALLY, AND AS  
NEXT FRIEND FOR ROCHELLE  
MEZZANO;

Plaintiffs,

vs.

SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA, AS A COVERED  
ENTITY UNDER THE AMERICANS WITH  
DISABILITIES ACT;

THE STATE OF NEVADA;

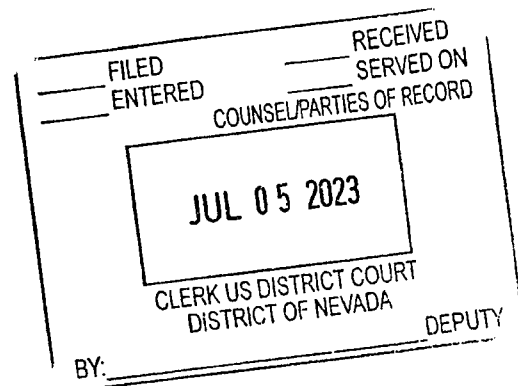
BRIDGET E. ROBB, INDIVIDUALLY, AND  
IN HER PROFESSIONAL CAPACITY AS  
JUDGE;

ALICIA LERUD, INDIVIDUALLY, AND AS  
TRIAL COURT ADMINISTRATOR AND  
CLERK FOR THE SECOND JUDICIAL  
DISTRICT COURT OF THE STATE OF  
NEVADA;

EMILY REED, INDIVIDUALLY, AND AS  
ADA COORDINATOR AND ASSISTANT  
COURT ADMINISTRATOR FOR THE  
SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA;

WILLIAM M. WRIGHT, JR,  
INDIVIDUALLY, AND AS ASSISTANT  
COURT ADMINISTRATOR FOR THE  
SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA,

Defendants



COMPLAINT

3:23-cv-00324

We, ROCHELLE MEZZANO, and JAY V. SHORE, (“Plaintiffs”) as Plaintiffs, claim harm by way of trespass upon our substantive due process rights. This Court has jurisdiction pursuant to 28 U.S.C. §1331 (Federal Question).

### **JURISDICTION**

In addition to the jurisdiction stated above, this Court has further jurisdiction pursuant with 42 U. S. C. §12132 “[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation or denied the benefits of the services, programs or activities of a public entity,” and 42 U.S.C. §12101(a)(3) “discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;” and 42 U.S.C. §12101(b)(3) “It is the purpose of this chapter—to ensure that the Federal Government plays a central role in enforcing the standards established in this chapter on behalf of individuals with disabilities;”.

In addition to the jurisdiction stated above, this Court has further jurisdiction pursuant with 42 U.S.C. §1983, which concerns deprivation of rights under color of law.

Venue is proper because the events discussed hereon happened in Washoe County, Reno Nevada, in the Jurisdiction of this US Judicial District.

Title II covered entities are without immunity concerning ADA claims, per 42

U.S.C. §12202, 28 C.F.R. §35.178, and Tennessee v. Lane, 541 US 509. Also see <https://archive.ada.gov/briefs/badillbr.pdf> , specifically Page 10 “Judge Berrios is not Immune from Suit”.

## **INTRODUCTION**

Upon deciding to do this, Plaintiff Shore contacted Richard Loury, Pro Se Case Administrator, and did not receive effective communication, however did receive posturing and general unprofessional, intimidating speech by Mr. Loury. As Plaintiff Shore is with communication disabilities, request is made for the Court to place someone who is trauma-informed in the position Mr. Loury now holds, for auxiliary aid and service for Plaintiff Shore, and this request is made per Guide to Judiciary Policy, Vol. 5.

Since this is an attempt to prevent further abuses of civil rights under the color of law, and since the undersigned is not an attorney, but acting as aid and encouragement for the enjoyment of rights under the Americans with Disabilities Act (“ADA”) (42 U.S.C. 12101, et seq.), as amended, and per Haines v. Kerner, 404 US 519 (1972), should not be held to the same standards as an attorney at law.

## **PARTIES**

1. Plaintiff ROCHELLE MEZZANO (“Mezzano”), is a qualified individual with one or more disabilities. Plaintiff Mezzano’s address is 105 Yellowstone Dr. Reno NV 89512; and

2. Plaintiff JAY V. SHORE (“Shore”) is a qualified individual with several disabilities, and will need auxiliary aids under the Guide to Judiciary Policy, Volume 5. *(Request is hereby made for the protocol for requesting auxiliary aid for communication disability.)* Plaintiff Shore is acting in a capacity as aid and encouragement and/or, if necessary, under Rule 17(c)(2), as Next Friend for Plaintiff Mezzano. All parties are exercising and enjoying rights under the ADA (42 U.S.C. §12203(b)), even though it is understood that this Court is not a covered entity under the ADA, it is the adjudicator of claims under the ADA. Plaintiff Shore, due to disability, is permanently transient, and is currently receiving mail through Texas at the address below; and
3. Defendant SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA (“2nd District”) is a covered entity under Title II of the ADA, and is located in Nevada, Washoe County, at 75 Court Street, Reno, NV 89501; and
4. Defendant STATE OF NEVADA (“State”) is a covered entity under Title II of the ADA. Service will be upon the Attorney General for the State of Nevada, 100 North Carson Street Carson City, NV 89701.
5. Defendant BRIDGET E. ROBB (“Robb”) is a Judge for the 2nd District, and works at 75 Court Street, Reno, NV 89501. Her residence is unknown to the Plaintiffs.
6. Defendant ALICIA LERUD (“Lerud”) is the Trial Court Administrator and Clerk of Court for the 2nd District, and works at 75 Court Street, Reno, NV 89501. Her residence is unknown to the Plaintiffs.
7. Defendant EMILY REED (“Reed”) is an Assistant Trial Court Administrator and Assistant Clerk of Court for the 2nd District, and

works at 75 Court Street, Reno, NV 89501. Her residence is unknown to the Plaintiffs.

8. Defendant WILLIAM M. WRIGHT, JR, (“Wright”) is an Assistant Trial Court Administrator for the 2nd District, and works at 75 Court Street, Reno, NV 89501. His residence is unknown to the Plaintiffs.

### **FACTUAL ALLEGATIONS**

Plaintiffs allege as follows to the best of their information, knowledge, and belief:

1. Plaintiff Mezzano is a defendant in case number D19-01564 (Townley v. Mezzano) in “Department 13” of the 2nd District.
2. Plaintiff Mezzano is diagnosed with Complex Post Traumatic Stress Disorder (“CPTSD”).
3. Plaintiff Mezzano’s CPTSD substantially limits her major life activities of working, interacting with others, communicating, thinking, concentrating, sleeping, caring for herself, learning, and more. As such, she is a qualified individual with a disability as defined by the ADA, Prong 1, actual disability.
4. Plaintiff Mezzano is entitled to receive reasonable modifications of the 2nd District’s services, programs and activities.
5. Plaintiff Mezzano, through a Certified ADA Advocate, Plaintiff Shore, called the 2nd District on January 11, 2023, and spoke with Defendant Lerud. A recording of this conversation was announced to Defendant Lerud during the recording, and will be introduced as evidence in this case (“1-11-23 Recording”).

6. Plaintiff Shore is diagnosed with numerous disabilities, and CPTSD and Social (Pragmatic) Communication Disorder are two of the disabilities that Plaintiff Shore endures.
7. Plaintiff Shore's CPTSD and Social Communication Disorder substantially limits his major life activities of working, interacting with others, communicating, thinking, concentrating, sleeping, caring for himself, learning, and more. As such, he is a qualified individual with a disability as defined by the ADA, Prong 1, actual disability.

**2nd District/Defendant Lerud Admits Being Non-Compliant With The  
ADA (1-11-23)**

8. In the 1-11-23 Recording, Plaintiff Shore recorded himself telling Defendant Lerud "I'm just trying to find out who the ADA Coordinator is there, and get their email address and fax number."
9. In the 1-11-23 Recording, Plaintiff Shore recorded Defendant Lerud saying: "Sir, we do not have an official ADA Coordinator, but you can send it to me"
10. Title II entities, of which the 2nd Circuit Court is, are required by 28 C.F.R. §35.107(a) to have a "designated responsible employee" "to coordinate its efforts to comply with and carry out its responsibilities under this part" if the entity has 50 or more employees.
11. Plaintiff Shore, in the 1-11-23 Recording, recorded himself asking Defendant Lerud, "Does the court have more than 50 employees?"
12. Plaintiff Shore, in the 1-11-23 Recording, recorded Defendant Lerud answer "Yes." to the question of the court having more than 50 employees.

13. At the time of the 1-11-23 Recording, the Defendant 2nd District Court was in active discrimination against Plaintiff Shore, because by being in non-compliance with the ADA requirement of having a “designated responsible employee” (commonly referred to as an “ADA Coordinator”), the Defendant 2nd District unlawfully interfered with Plaintiff Shore’s exercise and enjoyment of the right to “aid” and “encourage” Plaintiff Mezzano in her exercise and enjoyment of rights afforded by the ADA (42 U.S.C. §12203(b)).
14. At the time of the 1-11-23 Recording, the Defendant Lerud was in active discrimination against Plaintiff Shore, because by being in non-compliance with the ADA requirement of having a “designated responsible employee”, the Defendant Lerud knowingly & unlawfully interfered with Plaintiff Shore’s exercise and enjoyment of the right to “aid” and “encourage” Plaintiff Mezzano in her exercise and enjoyment of rights afforded by the ADA (42 U.S.C. §12203(b)).
15. At the time of the 1-11-23 Recording, the Defendant 2nd District Court was in active discrimination against Plaintiff Mezzano, because by being in non-compliance with the ADA requirement of having a “designated responsible employee” (commonly referred to as an “ADA Coordinator”), the Defendant 2nd District unlawfully interfered with Plaintiff Mezzano in her exercise and enjoyment of rights afforded by the ADA (42 U.S.C. §12203(b)).
16. At the time of the 1-11-23 Recording, the Defendant Lerud was in active discrimination against Plaintiff Mezzano, because by being in non-compliance with the ADA requirement of having a “designated responsible employee”, the Defendant Lerud knowingly & unlawfully

interfered with Plaintiff Mezzano in her exercise and enjoyment of rights afforded by the ADA (42 U.S.C. §12203(b)).

17. The ADA has been enacted for over 30 years, and the 2nd District, and Defendant Lerud, as Trial Court Administrator, is tasked with knowing her responsibilities and fulfilling them, so that rights are not dishonored or denied under color of law.

18. On January 12, 2023, Plaintiff Shore sent Defendant Lerud, in her capacity as Trial Court Administrator, a letter outlining his capacity, Ms. Mezzano's position and needs, and a list of reasonable ADA modification requests ("ADA invocation") A true copy of this ADA invocation letter is attached hereto, and made fully a part by reference hereon, and marked as **Exhibit A**.

19. The ADA invocation letter listed the following requests for modification, and subsequent requests have issued:

- "Ms. Mezzano needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely from her home; and
- The undersigned Advocate needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely; and
- Ms. Mezzano needs the ability to record any and all hearings, proceedings, calls, or other interactions with the Court, to mitigate communication disability; and
- Ms. Mezzano needs the undersigned to assist (aid and encourage - 42 U.S.C. §12203(b)) her in the exercise and enjoyment of her rights under the ADA. This includes, without limitation, the ability to calm her, or help her refocus on the matters at hand, the ability to converse with her about what symptomatic presentations are arising, and how to

mitigate these responses, commonly referred to as triggers, and the ability to ask the Court for a break to allow refocus or discussion of disability mitigation to allow Ms. Mezzano to maintain as high a level of executive function/cognitive presence as possible. The ADA Advocate also needs to be able to ask the Court, on behalf of Ms. Mezzano, to give the static, complete, full, and permanent meaning to any words or terms that are unclear to Ms. Mezzano. or the Advocate; and

- Ms. Mezzano needs to be able to ask the Court for, and receive from the Court, the static, complete, full, and perm.anent[sic] meaning to any words or terms that are unclear to Ms. Mezzano; and
- Ms. Mezzano needs the Court to use only plain English, and refrain from using legalese or terms that are unclear, without first providing a glossary of said terms that contain the static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano; and
- Ms. Mezzano needs the Court to order that the opposing counsel or opposing party only use plain English, and refrain from using legalese or terms that are unclear to Ms. Mezzano, without first providing a glossary of said terms that contain the static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano; and
- Ms. Mezzano demands that the Court refrain from the unlawful acts of coercion, intimidation, threats, and interference, as per 42 U.S.C. §12203(b), in any act or deed of the Court. Ms. Mezzano will, at all times henceforth, be exercising her rights under the ADA while Case No DV19-01564 in the Family Division of the Second Judicial District

Court of the State of Nevada in and for the County of Washoe continues, or in any other Court proceeding or ancillary proceeding related with any Court matter; and

- Ms. Mezzano needs the Court to allow extra time to process and complete tasks for the purpose of disability mitigation; and
- As a qualified individual who is authorized under 42 U.S.C. §12203(b) and 28 C.F.R. §35.134(b) to aid and encourage Ms. Mezzano in the exercise and enjoyment of her rights under the ADA, the undersigned will also need the reasonable modification of being allowed to record any and all interactions with the Court, including without limitations hearings, proceedings, calls or other communications or interactions for disability mitigation.”

20. On January 12, 2023, Defendant Lerud replied by email and acknowledged receipt of the ADA invocation. Defendant Lerud also asserted that by including Defendant Robb, this was considered ex-parte communication.

**Defendant Wright’s Involvement/Interference (1-13-23)**

21. On January 13, 2023, a response email from Defendant Wright claimed that he was “the primary point of contact”, and did not assume, or admit that he was the “designated responsible employee” under ADA requirements. Defendant Wright also claimed that the inclusion of Defendant Robb in the ADA invocation email, was ex-parte communication. This email is attached hereto, included by reference, and marked as **Exhibit B**.

22. Defendant Wright, by appearing as “the primary point of contact” injected confusion into the communication, by inference that there would be more than one point of contact for ADA matters.
23. In fact, there have been several points of contact, including Defendant Lerud, Defendant Wright, and Defendant Reed have intermittently entered the picture of ADA compliance, so that there is a moving goalpost of “who’s answering today?”
24. Defendant Wright, on January 13, 2023, again responded and said “I would also like to reiterate that if you or Ms. Mezzano would like to make any official filings before the Court, that you should certainly feel free to make those filings. That is often the easiest and most appropriate way to get a matter heard and addressed by the Court.” This response is attached hereto, incorporated by reference and marked as **Exhibit C**.
25. Since Defendant Wright was issuing this advice in his official capacity as Assistant Trial Court Administrator, Plaintiff Shore and Plaintiff Mezzano took this at face value as legal advice, and also as interference with their right of equal access under the ADA.
26. There is no provision in the ADA that one must apply to a judge to get ADA accommodations, or that the judge is presumed as the “designated responsible employee”
27. On January 30, 2023, Defendant Wright issued an email that said “Mr. Shore and Ms. Mezzano, Good morning. Your requests cannot be accommodated by Court Administration. Since they request to alter court proceedings, they need to be brought before the Court for this specific case. My understanding is that Ms. Mezzano is currently represented by counsel in this matter. The requests that you have made

should be made by her counsel and filed with the Court to make any appropriate rulings and determinations.”

28. It is noticed upon this Court that Defendant Wright did not claim “fundamental” alteration, only alteration. Title II sets up the right to request reasonable modifications, and all modifications “alter”.
29. Defendant Wright’s statements in the January 30, 2023 email were a direct interference with Plaintiff Shore’s right to aid and encourage Plaintiff Mezzano in the exercise and enjoyment of her rights under the ADA, by stating that the “requests that you have made should be made by her counsel and filed with the Court to make any appropriate rulings and determinations.” There is no provision in the ADA for this.
30. Defendant Wright’s statements in the January 30, 2023 email were a direct interference with Plaintiff Mezzano’s right to exercise and enjoy the provisions of the ADA, by stating that the “requests that you have made should be made by her counsel and filed with the Court to make any appropriate rulings and determinations.” There is no provision in the ADA for this.
31. Plaintiff Mezzano’s counsel (at that time - who was already in the process of withdrawing) was not interested in, and the record bears out that they made no attempt to protect Plaintiff Mezzano’s ADA rights.
32. Without listing every single email exchange that occurred, and to save a Judge from reading volumes at once, Plaintiffs reserve the right to produce these during any future proceedings.
33. On February 20, 2023, Defendant Wright wrote to Plaintiff Mezzano with Plaintiff Shore copied, and said: “Ms. Mezzano. Good morning. I am going to resend this to you because I am not sure that you received my earlier email. I am going to reiterate the fact that I will not be

responding to any additional inquiries on this current request. Further, as I have previously indicated, I encourage you to file a motion in your case, and I would like to remind you that in accordance with the ADA Complaint Procedure, dismissal of this complaint does not preclude you from filing a grievance with us or a complaint with other local, state, or federal agencies or the courts.”

34. Suffice it to say that Defendant Wright, speaking for the administrative office of the 2nd District, was quite certain that he wasn't going to budge, and wasn't going to enter an interactive process where Plaintiffs could even discuss this with the Administrative office in reasoning, which denied Plaintiffs due process rights of equal access and ADA rights, all under color of law.
35. One key thing that Plaintiff Mezzano requested as a mitigator for disability, and that Plaintiff Shore insisted upon, since it is his “learned behavioral modification” for Social Communication Disorder, is to record the proceedings during Court.
36. The 2nd District has never once denied the right to record with a defense of (a) disqualification of the Plaintiffs, (b) Undue burden, (c) Fundamental alteration, or (d) Direct threat.
37. As the ADA invocation letter will show, one of the modifications requested for Plaintiff Mezzano was to have Plaintiff Shore present as her ADA Advocate.

**March 13, 2023 Transcript And Defendant Robb's Blatant  
Discrimination (3-13-23)**

38. On March 13, 2023, a hearing occurred which demonstrates Defendant Robb's intimidating and threatening demeanor as well as her interference concerning Plaintiff Mezzano's ADA rights and Plaintiff Shore's ADA rights.

39. A transcript of the March 13, 2023 hearing is attached hereto and made fully a part by reference hereon and labeled as **Exhibit D**, ("3-13-23 Transcript")

40. In the 3-13-23 Transcript, the following exchange occurs starting at Page 3, Line 15 "THE COURT: All right. Ms. Mezzano, you didn't file a Settlement Conference Statement, why not?

MS. MEZZANO: I didn't have A D A access to this court.

THE COURT: I'm sorry, I don't understand that statement, can you elaborate?

MS. MEZZANO: I would like to exercise my right to have my A D A advocate present. THE COURT: **Is he here?** [Emphasis Added]

MS. MEZZANO: No.

THE COURT: Then how were you going to exercise that right?

Today is the date and time set for this. If you wanted an advocate, you could have brought him but he's not here. Your failure to act is not going to vitiate this hearing today. We are going to have a hearing."

41. In the above exchange, Plaintiff Robb admits the inability to understand the simple statement "I don't have ADA access to this court." As a sitting judge, this is not only reprehensible, it is offensive and a threat to every litigant that has stood in front of Plaintiff Robb.

42. Beginning on Page 4, Line 14 of the 3-13-23 the abuse continues:

"THE COURT: Ma'am, you've not made a request of this court for any type of accommodation, and there is no accommodation necessary for

the filing of the document in this case. So I ask one final time why did you not file a Settlement Conference Statement? Pro se litigants, self-represented litigants file these documents all the time. There are forms to assist you in filing, why didn't you do so?

MS. MEZZANO: Your Honor, my request was made to your office directly in January.

THE COURT: No, ma'am, it was not filed. It was not made to me. **It was an ex-parte communication which I did not review.** So again, that doesn't count. Unless you file it with the court, it is not an official allowed. document. [Emphasis added]

MS. MEZZANO: May I speak?

THE COURT: Go ahead.

MS. MEZZANO: Administrative requests are allowed.

THE COURT: Ma'am, that doesn't mean that it came to me. I don't act on ex-parte communications that are not filed with this court. That is improper and it is also -- that would be me violating my obligation. I can't do that nor will I. So my next question is have you met at all with Mr. Morey about this matter?

MS. MEZZANO: I do not have equal access to this court without my A D A access request being honored.

THE COURT: Ma'am, I don't know what you're [sic] request is. It's not been filed. So at this point, we are going forward. So once again, have you met with Mr. Morey?

MS. MEZZANO: I do not have A D A access.

43. It should be noted that Mr. Townley's lawyer, Mr. Alexander Morey, as representing a Title III public accommodation, office of a lawyer, also has yet to make his "goods and services" accessible to Ms. Mezzano,

and upon recent request for accommodation, Mr. Morey remained silent. While he is not yet named in this complaint, the claims against him are not waived.

- 44.If, as Defendant Robb claims, “It was an ex-parte communication which I did not review”, then how did she know Plaintiff Shore was a “he”? An astute adjudicator would see this as self-contradictory by Defendant Robb.
- 45.The argument between Defendant Robb and Plaintiff Mezzano equates to denial of equal access, coercion, intimidation, threat, and interference with the ADA rights of Plaintiff Mezzano and Plaintiff Shore.
- 46.What really cements that Defendant Robb has no interest in providing ADA access for Plaintiff Mezzano and/or Plaintiff Shore, is the statement by Defendant Robb on Page 5, Line 20 of the 3-13-23 Transcript: “Ma’am, I don’t know what you’re request is. It’s not been filed. So at this point, we are going forward.”
- 47.It is an embarrassment, and impugns the integrity of the 2nd District for Defendant Robb to (a) acknowledge that she knows that Plaintiff Mezzano is in want of ADA access, and (b) then saying that because some magic formula wasn’t followed, Defendant Robb is “going forward” without even addressing the ADA access. That this is blatant discrimination is something any reasonable person could observe.
- 48.Defendant Robb doesn’t stop there, however. On page 6 of the 3-13-23 Transcript, starting at Line 20, the following exchange occurs:  
“MS. MEZZANO: Your Honor, I don't have equal access to this court.  
THE COURT: Once again, ma'am, I don't know what that refers to.

There has been no communication filed with this court upon which this court can act and so we are going forward today.”

49. The above exchange is akin to punishing an infant for soiling a diaper.

Plaintiff Mezzano, with communication disabilities and PTSD, has been not only shut down, but told by Defendant Robb that she didn't communicate correctly, and then punished, with “we are going forward”. If anything, this VERIFIES that Plaintiff Mezzano has a communication disability and Defendant Robb is her chief witness on this matter.

50. To add insult to injury, Defendant Robb rubs her power in Plaintiff Mezzano's face with this exchange, starting on Page 7, Line 14 of the 3-13-23 Transcript:

“MS. MEZZANO: I object to not having A D A access, your Honor.

THE COURT: Do you have any objection to the court's intern, who is a college student studying criminal justice, reviewing and observing this particular settlement conference? MS. MEZZANO: I object.

THE COURT: On what basis, ma'am?

MS. MEZZANO: I don't have A D A access. THE COURT: If that is your objection, the court is overruling that objection and Ms. Latham will be able to appear.”

51. Not only did Defendant Robb effectively stomp and spit on Plaintiff Mezzano's rights to have ADA access, Defendant Robb, over Plaintiff Mezzano's objection, brought in a non-party to the litigation, to watch this circuit in which Defendant Robb was Ringmaster.

52. Plaintiffs allege that Defendant Robb, bringing in a non-party intern (Ms. Latham) to watch this proceeding is coercive, intimidating, and

interfered with Plaintiff Mezzano's rights of privacy and independence under 28 C.F.R. §35.160(b)(2).

53. Without going through the entirety of the 3-13-23 Transcript on this Complaint, the culmination of Defendant Robb's malicious denial of rights under color of law culminated with her saying (On page 13, Line 13) "The court is ordering that the defendant be precluded from offering any evidence with regard to damages in this matter as no damages model or any discovery with regard to damages has been offered by the defendant. The court is also entering sanctions precluding the defendant from offering any evidence that would support Claims 2 through 6 in the counterclaim as no such evidence has been submitted today either as required by NRCP 16.1, 16.2 or through the discovery process. It is clear that this recalcitrance is willful. Ms. Mezzano has been represented by various counsel who are experienced practitioners before the court and who understand their obligations under the rules and in many, many previous cases, aside from this case, have accomplished those obligations without any problem."

54. If Defendant Robb can call Plaintiff Mezzano's seeking of equal rights under the ADA "recalcitrance", and preclude her from offering evidence because of her inability to access the 2nd District court, then let us plainly state that Defendant Robb is absent honor, integrity, impartiality, and indeed has become an undeniable adverse party in the 2nd District case of Townley v. Mezzano.

**Defendant Robb Communicates Ex-Parte While Denying That She Does  
This (4-4-23)**

55. On April 4, 2023, Defendant Robb sent an email addressed to adarights@protonmail.com (Plaintiff Shore), emily.Reed@washoecourts.us (Defendant Reed), alicia.Lerud@washoecourts.us (Defendant Lerud), rochellemezzano@icloud.com (Plaintiff Mezzano), and CC to william.Wright@washoecourts.us (Defendant Wright), and a copy of this email is attached hereto, incorporated by reference, and labeled as **Exhibit E. Hereon** (“Ex-Parte Email”)
56. Defendant Robb writes: “As I have said, multiple times, Ms. Mezzano needs to make a formal filing with the Court in order for me to take action. The filing can be sealed, and subject to in camera review, but I cannot act in a substantive way without a formal request. Moreover, Ms. Mezzano requested, and I GRANTED her request to have her ADA advocate present with her in Court. He was not present, despite her request, at the last hearing.”
57. First, this communication appears to be only to the addressees shown. IF Defendant Robb blind copied Mr. Alexander Morey (Mr. Townley’s attorney), and didn’t disclose that by including him as a displayed addressee, that is at the very least, the appearance of impropriety on the part of Defendant Robb.
58. If Defendant Robb blind copied Mr. Morey, without disclosing that, the act of blind copying Mr. Morey would have been ex-parte communication to Mr. Morey, without Plaintiff Mezzano being made aware. Either way, Defendant Robb is vehemently professing to NOT participate in ex-parte communication, and evidence shows she clearly does participate in it. This is not just impropriety, this is a hijacking.

59. This email also demonstrates, that, when she wants to, Defendant Robb CAN communicate with her Administrative court staff about ADA accommodations, she just selectively chooses when to do that, depending on which way north is, on her broken compass.
60. This email evidences that Defendant Robb is incompetent to provide ADA access to any litigant, because she is demanding that requests for accommodation be pursued through a “formal filing with the Court”, when the ADA, Title II, does not remotely require this. Quite the contrary, it provides that the ADA Coordinator be the “designated responsible employee” for ADA compliance.
61. When Plaintiffs first asked for the “designated responsible employee,” Defendant Lerud admitted that the 2nd District did not have one.
62. It appears that Defendant Reed was subsequently appointed as ADA Coordinator, and if so, her job was to make sure ADA compliance was effected, even if she has to communicate the needs to the Judge in a case. The goal of the ADA was to make it easier, not harder. The goal of the 2nd District is the opposite.

**Obfuscation and Contradictory Behavior By Defendant Robb (4-14-23)**  
**& (4-17-23)**

63. The 2nd District has, carte blanche, said things like “No other recordings of the proceedings will be permitted.” (Order Regarding TRIAL PROCEDURE, dated April 14, included hereon by reference, and attached as **Exhibit F**) (Hereon “TP Order”)
64. This denial of equal access, without support from the ADA, is discriminatory, denies equal access, and interferes with Plaintiff

Mezzano's exercise and enjoyment, and Plaintiff Shore's aid and encouragement of Plaintiff Mezzano.

65. In the TP Order, Defendant Robb states on Page 1, Line 20: "Ms. Mezzano may have a support person of her choosing as broadly contemplated by NRS 125.080. This support person may attend the proceedings by Zoom. In order to reduce disruption, the support person's camera and microphone shall remain off."

66. Plaintiff Shore is not a "support person", nor claiming any rights under NRS 125.080. This attempt by Defendant Robb to re-characterize Plaintiff Shore's capacity is injurious to Plaintiff Shore because it places his capacity in speech that is confusing and unclear, and Plaintiff Shore is also with communication disabilities. Any modifications requested for Plaintiff Mezzano would also help mitigate Plaintiff Shore's communication disability. Since Plaintiff Mezzano is not accommodated, Plaintiff Shore is also not accommodated.

67. Per the TP Order, Ms. Mezzano did show up on April 17, 2023 with a "support person" in the person of Alex Falconi, and Defendant Robb promptly ejected him from the proceeding. Ordering, and then ejecting the support person is classified hereon as a lie by Defendant Robb.

68. Plaintiff Mezzano objected that Plaintiff Shore was not invited, and as the TP order shows, Plaintiff Shore was not invited to attend the proceedings on April 17, 2023 and was not accommodated, so Plaintiff Shore was denied access from attending.

69. The TP Order containing Defendant Robb's Statement that "No other recordings of the proceedings will be permitted" without using an ADA defense to deny this requested modification, is discriminatory, and interferes with Plaintiff Shore's and Plaintiff Mezzano's ADA rights.

70. The offense of Defendant Robb attempting to make a ham-handed listing of only part of the requested accommodations, when she has skipped from not knowing what was meant by Plaintiff Mezzano's proclamations of not having ADA access, to saying that she hasn't seen any requests, is again, embarrassing for the 2nd District, and injurious to both Plaintiffs.

71. At "Trial" on April 17, 2023, after Defendant Robb realized that she had ORDERED on the TP Order that Plaintiff "Mezzano may have a support person of her choosing present at trial", and then kicking out the support person Ms. Mezzano chose, and realizing that Ms. Mezzano was not ORDERED that she could bring her ADA Advocate, Plaintiff Robb aborted the trial.

72. Unfortunately, this Complaint was prepared under pressure, and without a full law firm or court staff as the Defendants have. There is much in between the lines that an amended complaint can add to the narrative, and Plaintiffs intend to amend before responsive pleadings are filed.

73. Suffice it to say that every time Defendant Robb set up some new proceeding without inviting Plaintiff Shore specifically, then Plaintiff Shore was excluded from the proceedings. Despite the claims by Defendant Robb during the 3-13-23 Transcript that "If you wanted an advocate, you could have brought him but he's not here." (spoken by Defendant Robb to Plaintiff Mezzano), There is still the total shutdown of administrative access for Plaintiff Shore by Defendant Wright saying: "Mr. Shore and Ms. Mezzano, Good morning. Your requests cannot be accommodated by Court Administration." This leaves all

requests for accommodation unresolved, and erects a barrier for the Plaintiffs.

74. On April 17, 2023, Defendant Reed sent Plaintiff Shore an email that stated: “Hello Mr. Shore, Last week, Judge Robb approved your virtual appearance as Ms. Mezzano’s advocate. The trial is currently on hold and my understanding is that Ms. Mezzano has been trying to reach you. I am reaching out to confirm your availability for this afternoon and Wednesday all day. Please let me know at your earliest convenience.” This email is attached hereto, incorporated by reference and marked as “**Exhibit G**”.

75. It seems obvious that IF Plaintiff Shore had been made aware by Judge Robb, that he, by name, was invited to attend and was accommodated, then his role was to do exactly that.

76. Plaintiff Shore had never knowingly received a direct “approval” with his name on it, as of April 17, 2023. Further, Plaintiff Shore has never been given a direct invitation to be present with Ms. Mezzano, with accommodations allowing him access.

77. For clarity, during court, an ADA Advocate helps a qualified individual with disabilities, stay centered, helps them take breaks when dissociation occurs, may ask the court for breaks, and as such, would need to have facial and microphone connection to have full communication with the court and the disabled individual, in this case, Ms. Mezzano. There is a myriad of things that an ADA Advocate can do. See <https://equalaccessadvocates.com/ada-advocate-responsibilities/> for more information.

78. Defendant Robb's "In order to reduce disruption, the support person's camera and microphone shall remain off." is demonstrative of her insensitivity and bias against individuals with disabilities.

79. It should be noted that Defendant Robb, according to her bio on the website <https://www.washoecourts.com/Judges/Biography/D13>, was "admitted to practice in Nevada in 1987, before the ADA came into effect. It is axiomatic that she wasn't trained on the ADA in law school.

80. This entire fiasco has been a ping-pong ball match of Defendant Robb saying one thing, and the administrative side of the 2nd District, Defendant Lerud, Defendant Wright, and Defendant Reed, saying something that does not align with what Defendant Robb is saying. For someone with a life-long communication disability, I (Plaintiff Shore) would posit that the 2nd District's communication disability could plausibly be worse than mine.

81. On April 17, 2023, Plaintiff Shore sent Defendant Lerud and Defendant Reed an email ("4-17-23 Email") which is attached hereto as a true copy, incorporated by reference hereon, and labeled as "**Exhibit H**". In this email, Plaintiff Shore stated:

"Ms. Reed, Judge Robb, on 4-14-23, issued a "TRIAL PROCEDURE" order. If any reasonable person reads this order, they would reasonably observe that there is no grant of right for me, as Ms. Mezzano's ADA advocate, to attend this trial. I am not under Nevada Revised Statutes 125.080. I am in capacity under 42 USC §12203(b) and 28 CFR §35.134(b).

Judge Robb did not copy me on the order, nor did Ms. Reed or Ms. Lerud. I saw the order because Ms. Mezzano provided me a copy.

Since I was without constructive or actual notice that I was able to appear administratively in this matter, and seeing that the requested accommodations **are not in place**, I attended another hearing today in California, where I had accommodations and was given access.

I just received an email from Ms. Reed claiming:

*"Hello Mr. Shore,*

*Last week, Judge Robb approved your virtual appearance as Ms.*

*Mezzano's advocate. The trial is currently on hold and my*

*understanding is that Ms. Mezzano has been trying to reach you. I am*

*reaching out to confirm your availability for this afternoon and*

*Wednesday all day. Please let me know at your earliest convenience.*

*Thank you,*

*Emily B. Reed, Esq."*

This email from Ms. Reed is false. I categorically deny receiving any notice that Judge Robb has "approved my virtual appearance."

I will add that I have personal knowledge now that Ms. Mezzano had a support person, as approved by the TRIAL PROCEDURE order, and this person was removed from the hearing, even though he created no disruption.

Judge Robb is violating her own TRIAL PROCEDURE order, as it was written. Claims by Judge Robb of *that's not what I meant* and *I'm trying to be sensitive* (This is on a video, and will be presented, when Plaintiffs can figure out how to submit video evidence.) are patently

insulting, and coercive, threatening, and intimidating, and this interferes with Ms. Mezzano receiving equal access. Ms. Mezzano has not had ADA access at any point of this proceeding, and these events display this poignantly.

This is a systematic problem with the elimination of effective communication, and compliant ADA policy with the Court there. This is a systematic problem with the lack of policies of the Court, rather than an isolated employee negligence. This has become malicious. **A reasonable person would observe that this Court has ceased being a third-party neutral adjudicator, and has become an adverse party in this matter.**

Because of the false claims that Judge Robb has repeatedly made that she has "GRANTED" me access, when in fact she has not, I will require that Judge Robb give Ms. Mezzano and I an in-camera, ex-parte hearing to discuss the matter of ADA access for myself and Ms. Mezzano.

To clear my calendar would be an unreasonable expectation and disservice to my other clients whose covered entities have properly allowed my capacity as a federally protected "aid and encouragement" to my other clients.

What do you have available for an ex-parte hearing in 2 weeks concerning ADA access?

Regards,

**P.D., JAY V SHORE, As Certified ADA Advocate (2017), and as a qualified individual with a disability, and as Victim/Survivor Rights Advocate through SVAA training with NCVLI Portland, OR (2018)”**

82.The 4-17-23 Email lays out the crux of the difficulty spoken of in Tennessee v. Lane, 541 US 509. “The unequal treatment of disabled persons in the administration of judicial services has a long history, and has persisted despite several legislative efforts to remedy the problem of disability discrimination.”

**NOTICE OF EX PARTE HEARING (4-28-23)**

83.On 4-28-23, Defendant Robb issued a NOTICE OF EX PARTE HEARING in the 2nd District Case, which is incorporated fully hereon by reference and attached hereto as “**Exhibit I**”. In addition to omitting who was invited, Defendant Robb made sure to say “No other recording will be permitted.”

84.Because Defendant Robb did not name who was allowed to attend the ex-parte hearing, and because she specifically made sure to deny the one modification that both Plaintiffs needed, the ex-parte hearing was inaccessible for both Plaintiffs, and to any reasonable person, the ONLY reason that Defendant Robb would keep repeating on several instances that recording is not permitted, is that she is aware that she is

outside of the lawful bounds of her authority, and does not want to be held accountable. Too bad. Here we are.

**ORDER REGARDING TRIAL (6-28-23)**

85. On June 28, 2023, Defendant Robb issued an “ORDER REGARDING TRIAL” (“ORT”) which is attached hereto, included by reference hereon, and labeled as **Exhibit J**.

86. In the ORT, Defendant Robb goes as far as to admit that she feels challenged by the recording modification request by Plaintiffs: “No other informal recording, not recorded by appropriate court personnel, will be permitted to avoid any potential of contradictory or competing transcripts of the hearing.” (Page 1, Line 18 of the ORT.)

87. Instead of fundamental alteration, or undue burden or disqualification or direct threat (the 4 available defenses for denial of a requested modification), Defendant Robb uses “potential of contradictory or competing transcripts”.

88. Defendant Robb, in the ORT blatantly lies, and says: “Failure of an ADA Advocate to appear will NOT be good cause for this matter to be continued as this matter has been continued once based upon the ADA Advocate’s refusal to be present.”

89. Plaintiff Shore categorically denies refusing to be present. Plaintiff Shore has been willing to be present, and is barred from access by the refusal of Defendant Robb to reasonably modify for Plaintiff Shore. Defendant Robb is “victim blaming”. While she blatantly denies him access, she claims that Plaintiff Shore is refusing be present. This same behavior is like telling a double leg amputee to “walk it off”.

90. Defendant Robb, on Page 2, Line 1 of the ORT: “Defendant has requested an ex parte hearing regarding ADA issues. It is noted that this is the second such request. The first request was granted, and a hearing was set at Ms. Mezzano’s and Mr. Shore’s convenience and at a date available on both of their calendars. Both Ms. Mezzano and Mr. Shore were assured by the Court employee designated to communicate with Mr. Shore that Mr. Shore was expected to attend. Both Ms. Mezzano and Mr. Shore were supplied the Zoom credentials to permit them to attend. Neither Ms. Mezzano nor Mr. Shore appeared for the hearing. The Court finds there is no good cause to set a second hearing.”
91. Defendant Robb with this statement, again shows that she relies on deceit, misinformation, and omission of her own denial of access. Remember, Defendant Robb has communicated ex-parte with Plaintiff Mezzano and included Plaintiff Shore on the ex-parte email.
92. Page 2, Line 15 through Line 20 is totally confusing and unclear as to what Defendant Robb is saying, and it pertains to captioning, so this is another example of ineffective communication.
93. Plaintiff Mezzano has asked for breaks when she needs them. Although this request has never been met squarely, Defendant Robb sets breaks at “10 minutes” on Line 23 of Page 2 of the ORT. This may or may not meet Plaintiff Mezzano’s needs, but it “shall remain in effect” nonetheless.
94. Page 3, Line 2, again denies Plaintiff Shore access to the hearing. “The ADA Advocate’s camera and microphone shall remain off.” This destroys any communication that may be available, so removes ADA

access for Plaintiff Shore and Plaintiff Mezzano, who will not be able to see, or communicate with Plaintiff Shore for disability mitigation.

### **Argument**

Inclusive of the foregoing allegations, Plaintiffs posit that the 2nd District and all other Defendants are knowingly and willfully outside of the scope of the ADA, and blatantly denying equal access on the basis of disability, and toying with the Plaintiffs in a malicious way to perpetuate that denial of access. If a Judge can don a robe and call themselves honorable while simultaneously abusing litigants who are asking, begging for ADA rights, then there is no justice system in the United States.

The Defendants have, jointly and severally, acted in perpetuation of denial of the (joint and several) Plaintiffs' exercise and enjoyment of ADA rights under color of law, on the basis of disability.

The ADA is an unfunded mandate. There are no punitive damages for Title II violations, but there are compensatory damages, and in this case, both Plaintiffs have suffered severe emotional anguish and mental anguish and injury from the Defendant's actions. Plaintiffs have also suffered active denial of due process rights under color of law at the hands of all of the Defendants, and due to not being able (mentally or physically) to complete those portions of this complaint, Plaintiffs announce that they plan to add claims for 42 U.S.C. §1983 denial of civil rights under color of law claims to this complaint, and other remedies, including civil RICO if applicable. Monell claims are also a possibility.

Now is the perfect time to address the elephant in the room. Other than for jury trials, or DV/SV matters where victims have rights to be protected, or matters where children need to be protected from being on film while in court, or where a witness in the Witness Protection program, or undercover law enforcement may need protection from being on a video recording, the request to record in a court by Plaintiff Shore, or by Plaintiff Mezzano in this instance, is met every time by an ego response of “Because we said so”. “Because we said so” is NOT in the ADA.

In fact, “recordings” and “other similar services and actions” are listed in 28 C.F.R. §35.104, and the ADA purpose statement encourages the terms to be “construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA” 28 C.F.R. §35.101(b).

The real reason courts don’t want litigants recording, is that courts have become a place of injustice, and when injustice is done in secret, and no one has a record, or only the court has a record, which must be purchased, there is tyranny. Courts that do record, usually use proprietary software that is extremely difficult to navigate, and for those with communication or other mental disabilities, this is a further barrier erected by the courts to keep out the disabled. TRUE justice does not mind accountability. TRUE justice doesn’t demand accountability while simultaneously running from accountability. TRUE justice doesn’t claim to be “honorable” while blatantly acting dishonorably and daring anyone to say a damn word about it. Recording of public officials in the performance of their duties is also a first amendment right, and the Plaintiffs are already substantially limited by their communication disabilities, and the 2nd District, and in fact any Court,

including this one, that says one cannot record to mitigate their communication disability, is (a) exacerbating the disability, and (b) not dispensing justice, but only a pretense of justice. Judges have become bullies, and no one dares say a word, **least of all those who cannot.** Repeating the words of Tennessee v. Lane, **“The unequal treatment of disabled persons in the administration of judicial services has a long history, and has persisted despite several legislative efforts to remedy the problem of disability discrimination.”** IT STILL PERSISTS. The Emperor, in this case the Courts, have no clothes.

Plaintiffs also remind the court that they are disabled, not lawyers, and form was followed to the best of Plaintiffs’ abilities.

### **CLAIMS FOR RELIEF – FEDERAL QUESTION**

Inclusive of the foregoing allegations and information, and because Defendants have trespassed upon Plaintiffs’ substantive due process rights, Plaintiffs request this Court to remove the 2nd District of Nevada case D19-01564 Townley v. Mezzano to this venue for the answers to the following federal questions which are pertinent to the due process rights of the Plaintiffs, and possible declaratory and injunctive relief for which irreparable harm to Plaintiffs will occur if not entertained by this Court:

1. Can a State/local court administer substantive due process if it is simultaneously denying qualified individuals with disabilities from receiving equal access under the ADA?

2. Does the ADA require a qualified individual or their counsel, or their “aid and encouragement” (Advocate) to make a “formal filing” with a court to get ADA access; or
3. Is it ex-parte communication to communicate with a state or local judge over matters that concern administrative ADA accessibility to their court?
4. Nevada Judicial Canons, Supreme Court Rule 2.9 says: “(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter, except as follows: (1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided: (a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and (b) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and gives the parties an opportunity to respond.”

Federal Questions exist as such:

(A) Is it a procedural, substantive, or tactical advantage, for a qualified individual with disabilities to gain equal access through ADA receiving of auxiliary aids and services from Title II covered entities, specifically the 2nd District?

(B) Is it a procedural, substantive, or tactical advantage, for a qualified individual with disabilities to gain equal access through ADA application of reasonable modification to services, programs, and activities of Title II covered entities, specifically the 2nd District?

(C) Should opposing parties or their lawyers have an opportunity to respond to ex-parte communication that exclusively addresses ADA access to court, and if so, where is the provision for this in the ADA?

(D) If opposing parties or their counsel have a right (under Nevada Supreme Court Rules - Judicial Canons) to “respond” to the ex-parte, does this right supersede, or is it subjugated to the “privacy and independence” requirement of 28 C.F.R. §35.160(b)(2)?

- 5.If the Nevada Supreme Court Rules - Judicial Canons are subject to the ADA, is it a violation of substantive due process for a judge to give an opposing party an “opportunity to respond” to a request for ADA access by a qualified individual with disabilities?
- 6.If it is a violation of due process for an opposing party to be able to respond to a request by a qualified individual with disabilities, **then can this court issue a declaratory ruling to the effect of stating that the “opportunity to respond” to ex-parte requests for ADA access by a qualified individual violates the due process rights of such individual?**
- 7.Has the Defendant 2nd Circuit acted in disregard of either or both Plaintiff’s rights of equal access under the ADA?
- 8.Has the Defendant Lerud acted in disregard of either or both Plaintiff’s substantive due process rights of equal access under the ADA?
- 9.Has the Defendant Reed acted in disregard of either or both Plaintiff’s substantive due process rights of equal access under the ADA?
10. Has the Defendant Wright acted in disregard of either or both Plaintiff’s substantive due process rights of equal access under the ADA?
- 11.Has the Defendant Robb acted in disregard of either or both Plaintiff’s substantive due process rights of equal access under the ADA?

- 12.If Defendant Robb has acted in disregard of either or both Plaintiff's substantive due process rights of equal access under the ADA, is it the opinion of this Court that a reasonable person would, or would not expect an impartial adjudicator in the person of Defendant Robb?
- 13.If a Title II covered entity has no ADA coordinator, and meets the criteria (50 employees - 28 C.F.R. §35.107(a)) , does this deny qualified individuals with disabilities substantive due process rights?
- 14.How does a court protect the privacy and independence of a qualified individual with disabilities, as to reasonable accommodations/auxiliary aids and services, as required by 28 C.F.R. §35.160(b)(2)?
- 15.If the law requires a "designated responsible employee" for ADA compliance (28 C.F.R. §35.107(a)), then isn't it the responsibility of the designated responsible employee to liaise with the Court or Judge on establishing accommodations or access pieces?
- 16.Is there any authority in the ADA for the administrative arm of a State/ local court - covered entity under title II, to instruct or direct a litigant, or their "aid and encouragement" to file formally with a court for ADA access/ modifications?
- 17.For a litigant who cannot get their counsel to assert their ADA rights, what remedy in law exists, because the maxim is that "the law must provide a remedy".
- 18.Considering the foregoing allegations, did Defendant Robb act, in any way to deny Plaintiff Mezzano's substantive due process rights under ADA?
- 19.Considering the foregoing allegations, did Defendant Robb act, in any way, to deny Plaintiff Shore's substantive due process rights under ADA

20. Should a reasonable person expect an impartial adjudicator to deny ADA access rights that are being plainly noticed as missing?
21. Did Plaintiff Mezzano plainly notice Defendant Robb that ADA rights were needed?
22. Did Plaintiff Mezzano plainly notice Defendant Robb that Plaintiff Mezzano did not have equal access under the ADA?
23. Did Defendant Robb have a duty to act to correct any equal access issues made known to Defendant Robb?
24. Did Defendant Robb fail or refuse her duty to act to correct any equal access issues that were made known to her in this case?
25. Did Defendant Lerud violate the ADA in her professional capacity as Trial Court Administrator of the 2nd District by not having a “designated responsible employee” as required by 28 C.F.R. §35.107(a)?
26. Did Defendant Lerud violate the Plaintiff’s rights under ADA by appointing Defendant Wright, who has never been the “designated responsible employee” to address ADA issues?
27. Did Defendant Lerud interfere with the Plaintiff’s exercise or enjoyment of ADA rights as per 42 U.S.C. §12203(b)?
28. Did Defendant Wright interfere with the Plaintiff’s exercise or enjoyment of ADA rights as per 42 U.S.C. §12203(b)?
29. Did Defendant Reed interfere with the Plaintiff’s exercise or enjoyment of ADA rights as per 42 U.S.C. §12203(b)?
30. Did Defendant Robb interfere with the Plaintiff’s exercise or enjoyment of ADA rights as per 42 U.S.C. §12203(b)?
31. Did Defendant Robb coerce Plaintiff Mezzano to submit to services, programs, and/or activities that were not ADA compliant?

32. Did Defendant Robb intimidate Plaintiff Mezzano to submit to services, programs, and/or activities that were not ADA compliant?
33. Did Defendant Robb threaten Plaintiff Mezzano to gain Plaintiff Mezzano's submission to services, programs, and/or activities that were not ADA compliant?
34. Are the acts of the Defendants, jointly or severally, discrimination on the basis of disability against either Plaintiff Mezzano or Plaintiff Shore?
35. Is the ADA clearly established law?
36. If Defendant Robb claims to not know what is meant by a litigant claiming to not have ADA access, should Defendant Robb be remediated with proper training?

### **CLAIMS FOR DECLARATORY RELIEF**

Inclusive of the foregoing, Plaintiffs request the Court to grant declaratory relief of judgment or decree to the effect of establishing that the Defendants, jointly and severally, have violated the due process rights of the Plaintiffs, jointly and severally; and/or including other provisions from the Federal Questions presented, in a way that preserves the Plaintiff's rights, instructs the Defendants on how to act and behave in accord with the ADA, that the plaintiff's substantive due process rights have been deprived under color of law, that Defendant Robb has impugned the integrity of the SECOND JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA, and any other relief that this Court deems appropriate

**CLAIMS FOR INUNCTIVE RELIEF**

Inclusive of the foregoing, Plaintiffs request the Court to immediately enjoin and remove the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA case D19-01564 Townley v. Mezzano to this venue for the answers and other remedies stated hereon; and

To enjoin Defendants, jointly and severally, from proceeding against Plaintiffs further without first fully addressing the current, and any additional requests for reasonable modification, in a way that complies with the ADA and the orders of this Court; and

Enjoining the Defendants, jointly and severally, from applying or using coercion, threat, intimidation, and interference concerning Plaintiff's clearly established exercise and enjoyment of rights under the ADA.

Enjoining Defendant Robb from further acting or adjudicating on the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA case D19-01564 Townley v. Mezzano, due to (a) denying the substantive due process rights of the Plaintiffs, and/or (b) interfering with the exercise and enjoyment of ADA rights of the Plaintiffs, and/or (c) being incompetent to administer the rights firmly established in the ADA.

Wherefore the Plaintiffs request these remedies from this Court and any other remedy that the Court deems prudent or necessary in the interest of justice.

### **Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to the address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

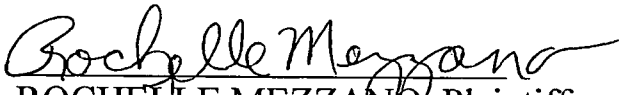
**I, JAY V SHORE, request the ability to use CM/ECF for communication disability mitigation.**

Signature conformable with UCC-1-201(37).

A handwritten signature in cursive, appearing to read "P.D. Jay V Shore", enclosed within a hand-drawn oval.

Date: 7-5-23

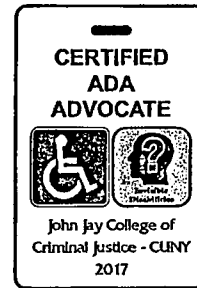
JAY V SHORE, individually, as a qualified individual with disabilities,  
and as next friend for ROCHELLE MEZZANO, who is an individual with  
communication disabilities  
c/o 3521 50<sup>th</sup> St. #51  
Lubbock, TX 79413  
234-386-3363  
adarights@pm.me

A handwritten signature in cursive, appearing to read "Rochelle Mezzano", written over a horizontal line.

Date: 7-5-23

ROCHELLE MEZZANO, Plaintiff, and a qualified individual with  
communication disabilities  
125 Yellowstone Dr, Reno NV 89512  
775-662-5262  
rochellemezzano@yahoo.com

JAY V. SHORE, Certified ADA Advocate  
c/o 3521 50th St. #51  
Lubbock, TX, 79413  
[adarights@protonmail.com](mailto:adarights@protonmail.com)



Alicia Lerud  
Judge Bridgette Robb

Re: Rochelle Mezzano

January 12, 2023

Dear Ms. Lerud and Judge Robb,

I am operating in the capacity of aid and encouragement for Rochelle Mezzano ("Ms. Mezzano") who, as a qualified individual with disabilities, is exercising her rights under the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, and Final Rule implementation ("ADA").

I have been asked to assess parts of the record in a certain case in the Family Division of the Second Judicial District Court of the State of Nevada in and for the county of Washoe, to wit, John Townley, Plaintiff v. Rochelle Mezzano, Defendant, (Case No. DV19-01564) for discrimination, denial of equal access, and or prohibited acts under the ADA. This letter is absent intent or authority as legal advice.

My training and certification is from John Jay College of Criminal Justice, which is an accredited institution, and my certification was issued in 2017, and is for ADA Advocacy for litigants with invisible disabilities. I also have training under National Crime Victim Law Institute (also accredited, and in association with Lewis and Clark Law School) in Portland Oregon as an DV/ SV Survivor Rights Advocate, under their SVAA Certificate program (2018).

To specify my role, I regularly deal with the administrative issues of ADA access. There is a line between the "at-law" and administrative pieces that make up a Court setting, but administrative access can be denied at any time, even in "at-law" settings.

For someone with PTSD, or a history of PTSD, there are many factors to consider on the effective communication obligations imposed by the ADA, Title II.

28 C.F.R. §35.160(a)(1) "A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others."

In my 5 years of dealing with Court settings, I have observed that Courts almost never "take appropriate steps to ensure" effective communication, even though their duty is written in black and white. The worst cases include when courts actually create more disability in litigants, and this is one of those cases.

There is no screening process, and should someone dare to mention that they have a disability, the Court and Court personnel almost always refuse to preserve the “**privacy** and independence” that 28 C.F.R. §35.160(b)(2) says “**must** be provided.” (emphasis added)

When disability matters are brought out into open Court, and worse, when they are used to discriminate, this nullifies, and immediately stops the equal access of the litigant with invisible disabilities. Someone can be sitting in the Courtroom, even at the table with their attorney, and can be removed from access, administratively, because their disability is not accommodated, and the programs, services, and activities of the Court do not include *taking appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.*

Asking a lawyer to stand up to this denial of access is akin to asking a lawyer to put a razor blade to their own throat. Corpus Juris Secundum 7 §4 says of the attorney: *“His first duty is to the Courts and the public, not to the client, and wherever the duties of his client conflict with those he owes as an officer of the Court in the administration of justice, the former must yield to the latter.”*

In other words, asking an attorney to stand up to a judge that is actively (or passively) using disability against a litigant, is expecting the impossible, or at least asking an attorney to commit a career-ending move.

William D. Goren, Esq., the author of the book for the American Bar Association called “Understanding the ADA” (his 4th Edition), had the following exchange with the undersigned:

Me: “Who do I go to to hold these judges accountable so that they have to give accommodations?”

Goren: So you’re looking for someone who’s not afraid, you’re looking for a litigator that’s willing to go in and take on state Court systems?”

Me: “There you go.”

Goren: “The problem that attorneys have is a lot of attorneys won’t take this on, because the Court will fight back hard and threaten disbarment and other kinds of proceedings. So a lot of attorneys are scared to take this stuff on.”

This conversation presents the disturbing truth that individuals with disabilities are without equal access, if they cannot either challenge the judge themselves regarding discrimination and denial of access, or have an attorney do it for them.

When the author/expert of the ABA book on the subject readily admits that Courts threaten lawyers for holding Courts accountable to the ADA, and I have experienced Courts threatening me with UPL predictably, for exerting that the litigant is without administrative ADA access, then the result is that the Court is without intent to provide equal access to disabled litigants, and the pretense of justice is removed.

In Ms. Mezzano’s case, I have not spoken with her attorneys yet, but I would expect that they are unwilling to threaten his career by directly exerting what I am about to report on. In fact, they

are already attempting to abandon ship and have her represent herself, by offering her a "Substitution of Attorney" to sign and file into the case.

Before I begin my written assessment of Ms. Mezzano's situation, I must point out three things. (1) 42 U.S.C. §12203(b) makes it unlawful to coerce, intimidate, threaten, or interfere with one who is aiding and encouraging another in the exercise or enjoyment of rights under the ADA. I still expect that the Court, or some third party will accuse me of "practicing law" without a license, even though I am giving notice of my protected capacity and unambiguously state that it relates only to administrative ADA access (or rights held under a Chose in Action). (2) The prohibited acts listed in 42 U.S.C. §12203(b) will plausibly continue against Ms. Mezzano, even though this is being pointed out as unlawful. (3) This communication is opposition to unlawful acts, as per 42 U.S.C. §12203(a).

I will also point out that during a phone call with Ms. Lerud, she disclosed that there is no actual appointment for an ADA coordinator for the Washoe Courts that she is the administrator of. I also asked if the Washoe Courts have more than 50 employees, and her answer was "yes". 28 C.F.R. §35.107 dictates that, to be ADA compliant, you must have a designated responsible employee, but no such designation has occurred. This court is definitely denying access to disabled individuals, even before I entered the picture.

#### **Disability Discrimination Assessment**

1. Ms. Mezzano has given her attorneys, Mr. Richard P. Davies, Sarah T. Hunter, and The Law Offices of Richard P. Davies, Esq. notice that she is with one or more disabilities and needs equal access as to representation.
2. Mr. Richard P. Davies, Sarah T. Hunter, and/or The Law Offices of Richard P. Davies, Esq. have responded with a "Substitution of Attorney" as a Hobson's Choice of coercion that appears to indicate that Mr. Richard P. Davies, Sarah T. Hunter, and The Law Offices of Richard P. Davies, Esq. will not provide goods and services to Ms. Mezzano for the purposes of having equal access as a qualified individual with a disability.
3. The offer of Mr. Richard P. Davies, Sarah T. Hunter, and The Law Offices of Richard P. Davies, Esq. for Ms. Mezzano to substitute herself as attorney in this matter is in want of good faith and honesty. There simply cannot be any belief (of Mr. Richard P. Davies, Sarah T. Hunter, and The Law Offices of Richard P. Davies, Esq.) that Ms. Mezzano can represent herself in this matter on her own.
4. Mr. Richard P. Davies, Sarah T. Hunter, and/or The Law Offices of Richard P. Davies, Esq. have admitted "communication has broken down between Ms. Mezzano an Counsel" (Amended Motion To Be Relieved As Counsel Of Record). This is due to Mr. Richard P. Davies, Sarah T. Hunter, and/or The Law Offices of Richard P. Davies, Esq. being unwilling, or impotent to accommodate Ms. Mezzano on the basis of disability.
5. According to reports by Ms. Mezzano, Mr. Richard P. Davies, Sarah T. Hunter, and/or The Law Offices of Richard P. Davies, Esq. will not speak with Ms. Mezzano by phone, and will only communicate through email, and won't answer specific questions as to legal process and procedure. Ms. Mezzano has specific legal questions about discovery attempts by Mr. Townley that Ms. Mezzano's attorney are unwilling to directly address, thus leaving her without equal access to representation on the basis of disability, and without equal access to the courts on the basis of disability.

6. The Court, in the person of Judge Bridget E. Robb, Nevada State Bar #3143, has created a disability as a physiological condition that substantially limits Ms. Mezzano's major life activities of caring for herself, interacting with others, performing manual tasks, and other major life activities. The Supreme Court of the State of Nevada, on October 27, 2021 did file an ORDER OF REVERSAL AND REMAND ("Reversal") concerning the appealed (and now reversed) default judgment issued by Judge Robb on or about December 11, 2019. The Nevada Supreme Court, on the face of the Reversal, listed that "Hon. Bridget E. Robb, District Judge, Family Court Division" had been "cc" (Carbon Copied) on the Reversal.

Judge Robb, in extreme bias, artifice, and circumvention of the Reversal order from the Nevada Supreme Court, instead of reversing the default judgement, and the subsequent effects of the default judgment, such as the transfer of property on the public record, out of Ms. Mezzano's name, ordered, in a "ORDER AFTER THE CASE MANAGEMENT CONFERENCE" dated November 30, 2022, did order that "Mr. Townley shall execute deeds restoring title to the real properties previously held in the name of the Mezzano Townley Family Trust, dated September 28, 2007. Mr. Townley shall execute those deeds on or before September 8, 2022. Those deeds, once executed, shall be held in escrow at Mr. Morey's office pending agreement of the parties, or order of the Court."

Judge Robb's actions, in ordering the deeds to be held "in escrow" did fail to disclose any beneficiary of said escrow, and as such, this action has, at least since the Supreme Court ordered reversal, denied Ms. Mezzano the access to the property as a beneficial interest holder of the title that Judge Robb ordered would be restored. If the title is to be "restored" it would be returned to its former condition, which would be publicly recorded as deeded to the Mezzano Townley Family Trust. Judge Robb has acted in a way that denies Ms. Mezzano the benefit of the Reversal ordered by the Supreme Court, and has done so in a way that is causing a disability to Ms. Mezzano in substantial limitation to more than one major life activity. Judge Robb is absent immunity concerning claims brought under the ADA. See 42 U.S.C. 12202, and Tennessee v. Lane.

Mr. Townley has benefit of the property on public title, but Ms. Mezzano does not, and this is directly caused by Judge Robb's refusal to fully unwind the effects of the Default Judgment as ordered by the Reversal.

The undersigned is the holder of a Chose in Action concerning any and all claims against Judge Robb under item 4 of this section (and other rights of action), and is documenting events to pursue ADA claims combined with deprivation of rights under color of law, because Ms. Mezzano, and now the undersigned, as holder of a Chose in Action, is with rights to pursue the denial of access because of Judge Robb's performance/malfeasance/non-performance under the order of Reversal from the Supreme Court of Nevada. Any and all other claims that concerning this matter are perpetually without waiver.

To demonstrate the bias that Judge Robb has, also included in the Default Decree of Divorce was an Exhibit 1 that listed three real properties "TO HUSBAND, JOHN TOWNLEY", which are 145 Redstone Dr. Reno NV, APN 003-35-109; and 3120 Achilles Drive, & 855 Atlas Ct. Reno NV, APN 003-50-203; and 1532 F Street, Sparks NV APN 031-35-215. These are the properties that Judge Robb ordered, in the November 30, 2022 Order for Mr. Townley to execute deeds "restoring title" yet ordering those deeds to be held hostage, in "escrow" in Mr. Morey's office, pending agreement of the parties or order of the

court. This is NOT reversal, nor does it “restore title” nor give Ms. Mezzano the benefit she had previous to the Reversal by the Supreme Court of Nevada.

A non-lawyer would be able to see that property that was in Mr. Townley’s name, and now is deeded and held in an office, instead of being publicly recorded, does nothing to change the public record, nor does it “restore title.” This is not incompetence on the part of Judge Robb. It appears to be malicious retaliation for having her Default decree of divorce reversed and remanded.

To Further demonstrate the bias of Judge Robb, there are many assets listed in distribution to John Townley, that have no monetary valuation assigned, and Judge Robb dared to say in her 05-22-2020 “ORDER DENYING MOTION TO SET ASIDE DECREE OF DIVORCE AND FOR RELATED RELIEF” that “The Court notes that the property division appeared fair and equal and Ms. Mezzano was awarded income producing property and her business.” This is a factually baseless comment coming from a judge that has demonstrated bias in this matter. There is no factual evidence to support Judge Robb’s discriminatory opinion.

These acts by Judge Robb are discriminatory on the basis of disability because they create a disability (physiological condition) that substantially limits Ms. Mezzano’s major life activities of caring for herself, interacting with others, performing manual tasks, and other major life activities. Further, these acts of Judge Robb deny Ms. Mezzano equal access on the basis of this same disability. Judge Robb is creating the disability and using it to discriminate against Ms. Mezzano.

7. There are numerous other matters that Judge Robb has not reversed concerning her initial default that was ordered reversed by the Nevada Supreme Court, and either Judge Robb is incompetent as a judge, or maliciously withholding performance under the Reversal from Ms. Mezzano.
8. Despite being notified numerous times, Ms. Mezzano’s own attorneys are not using her current and long-standing mailing address of 105 Yellowstone Dr., Reno, NV 89512. This further exacerbates communication disability for Ms. Mezzano.
9. This Court was ordered to reverse the divorce, and Judge Robb has haphazardly and discriminatorily set up a disability for Ms. Mezzano by not completely doing her job and not fully reversing the default and the subsequent secondary matters resulting from the default judgement.

Ms. Mezzano (and her Advocate) needs and hereby requests the following modifications/ accommodations for disability access under Title II of the ADA.

1. Ms. Mezzano needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely from her home; and
2. The undersigned Advocate needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely; and
3. Ms. Mezzano needs the ability to record any and all hearings, proceedings, calls, or other interactions with the Court, to mitigate communication disability; and
4. Ms. Mezzano needs the undersigned to assist (aid and encourage - 42 U.S.C. §12203(b)) her in the exercise and enjoyment of her rights under the ADA. This includes, without limitation, the ability to calm her, or help her refocus on the matters at hand, the ability to

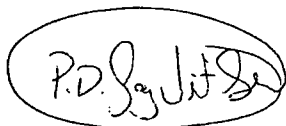
converse with her about what symptomatic presentations are arising, and how to mitigate these responses, commonly referred to as triggers, and the ability to ask the Court for a break to allow refocus or discussion of disability mitigation to allow Ms. Mezzano to maintain as high a level of executive function/cognitive presence as possible. The ADA Advocate also needs to be able to ask the Court, on behalf of Ms. Mezzano, to give the static, complete, full, and permanent meaning to any words or terms that are unclear to Ms. Mezzano. or the Advocate; and

5. Ms. Mezzano needs to be able to ask the Court for, and receive from the Court, the static, complete, full, and permanent meaning to any words or terms that are unclear to Ms. Mezzano; and
6. Ms. Mezzano needs the Court to use only plain English, and refrain from using legalese or terms that are unclear, without first providing a glossary of said terms that contain the static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano; and
7. Ms. Mezzano needs the Court to order that the opposing counsel or opposing party only use plain English, and refrain from using legalese or terms that are unclear to Ms. Mezzano, without first providing a glossary of said terms that contain the static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano; and
8. Ms. Mezzano demands that the Court refrain from the unlawful acts of coercion, intimidation, threats, and interference, as per 42 U.S.C. §12203(b), in any act or deed of the Court. Ms. Mezzano will, at all times henceforth, be exercising her rights under the ADA while Case No DV19-01564 in the Family Division of the Second Judicial District Court of the State of Nevada in and for the County of Washoe continues, or in any other Court proceeding or ancillary proceeding related with any Court matter; and
9. Ms. Mezzano needs the Court to allow extra time to process and complete tasks for the purpose of disability mitigation; and
10. As a qualified individual who is authorized under 42 U.S.C. §12203(b) and 28 C.F.R. §35.134(b) to aid and encourage Ms. Mezzano in the exercise and enjoyment of her rights under the ADA, the undersigned will also need the reasonable modification of being allowed to record any and all interactions with the Court, including without limitations hearings, proceedings, calls or other communications or interactions for disability mitigation.

**I am not an attorney, and I am explicitly involved in this matter to document, and pursue violations of the ADA. You are with notice.**

As Certified ADA Advocate, offering aid and encouragement for Ms. Mezzano under the protection of 42 U.S.C. §12203(b),

P.D., JAY V. SHORE



## RE: Townley v.Mezzano,DV19-01564 ADA INVOCATION AND REQUESTS

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From Wright, William <William.Wright@washoecourts.us>

To adarights<adarights@protonmail.com>

CC Lerud, Alicia<Alicia.Lerud@washoecourts.us>, Rochelle Mezzano<rochellemezzano@icloud.com>

Date Friday, January 13th, 2023 at 3:23 PM

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Mr. Shore,

Good afternoon. I have received your communication regarding the disability matters of Ms. Mezzano.

I will be the primary point of contact from the Second Judicial District Court's Administration team regarding this issue moving forward.

Without getting into whether your correspondence with one of our Judicial Officers constituted ex-parte communication, I would respectfully request that any future requests for accommodation or other appropriate relief made to the court's administration team be made to me and not include a judicial officer on the email.

I would further ask that any future requests for relief made my Ms. Mezzano be made through either her or her counsel and be electronically filed with our Court. Information on how to file with our Court can be found online at <https://www.washoecourts.com/EFiling/SignUp>.

Please let me know if you have any questions.

Thank you,

Will

William M. Wright, Jr.  
Assistant Court Administrator

Second Judicial District Court

75 Court Street

Reno, NV 89501

## RE: Townley v.Mezzano,DV19-01564 ADA INVOCATION AND REQUESTS

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From Wright, William <William.Wright@washoecourts.us>

To adarights<adarights@protonmail.com>

CC Lerud, Alicia<Alicia.Lerud@washoecourts.us>, Rochelle Mezzano<rochellemezzano@icloud.com>

Date Friday, January 13th, 2023 at 4:19 PM

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Mr. Shore,

Thank you for the quick response. By "requests for relief" I just mean in the plain language sense of the phrase. My apologies – I certainly did not mean to make it overly complicated. If there is anything that I can do to help with and facilitate any accommodations, please just let me know.

I appreciate you saying that you will keep communications between us. I would also like to reiterate that if you or Ms. Mezzano would like to make any official filings before the Court that you certainly should feel free to make those filings. That is often the easiest and most appropriate way to get a matter heard and addressed by the Court.

I saw that you also sent out another email requesting whether I can confirm or deny that your previous communication was revealed to Mr. Townley's attorney. I have not had any communication with Mr. Townley or his attorney. I do not know if your email was otherwise revealed to Mr. Townley or his attorney. To my knowledge, it was not and was just coincidental. It also appears that there were several depositions noticed across 10 Jan and 12 Jan so those may also be a source of information although I do not have any additional information on them.

My earlier email was an attempt to hopefully minimize any ex-parte communications in this case. If you or Ms. Mezzano do have any additional requests to bring to the Court, I would encourage you to file them which will notice the parties and the Court can consider them as appropriate.

Thank you,

Will

William M. Wright, Jr.  
Assistant Court Administrator



Second Judicial District Court

75 Court Street

Reno, NV 89501

775-328-3467



**From:** ADA Rights <adarights@protonmail.com>

**Sent:** Friday, January 13, 2023 1:34 PM

**To:** Wright, William <William.Wright@washoecourts.us>

**Cc:** Lerud, Alicia <Alicia.Lerud@washoecourts.us>; Rochelle Mezzano <rochellemezzano@icloud.com>

**Subject:** RE: Townley v.Mezzano,DV19-01564 ADA INVOCATION AND REQUESTS

[NOTICE: This message originated outside of Second Judicial District Court, State of Nevada -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Mr. Wright,

I'm not clear on what your definition of "requests for relief" are (Please give full meaning to that term, so that I may understand). If that includes requests for administrative access through ADA, or requests for modification under ADA to accomplish that equal access on the basis of disability, I will be the point person for that, in my federally protected capacity under 42 USC §12203(b).

I will keep the communications between us, and yet inform that ADA access is administrative, and the determination of reasonable modification is an administrative, and not a judicial

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3 IN THE FAMILY COURT  
4 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF  
5 NEVADA  
6 IN AND FOR THE COUNTY OF WASHOE  
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9 JOHN TOWNLEY, :  
10 Plaintiff, : Case No. DV19-01564  
11 vs. : Dept No.  
12 ROCHELLE MEZZANO, :  
Defendant. :

14 =====  
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16 TRANSCRIPT OF PROCEEDINGS

17 HEARING

18 MARCH 13, 2023

19 Reno, Nevada  
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23 SUNSHINE LITIGATION SERVICES

TRANSCRIBED FROM JAVS CD

24 Transcribed By: GAIL R. WILLSEY, CSR #359, CA CSR  
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A P P E A R A N C E S

FOR THE PLAINTIFF:  
SILVERMAN, KATTLEMAN, SPRINGGATE, CHTD.  
By: Alexander Morey, Esq.  
500 Damonte Ranch Pkwy. Ste. 675  
Reno, Nevada 89521

FOR THE DEFENDANT:  
Rochelle Mezzano  
Pro Per

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RENO, NEVADA, MARCH 13, 2023, 9:00 A.M.

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THE CLERK: We're on the record in Case  
Number DV19-01564 in the matter of Townley versus  
Mezzano.

12:58PM

THE COURT: If I may have appearances?

MR. MOREY: Good morning, your Honor,  
Alexander Morey on behalf of John Townley who is  
present and seated to my right.

12:58PM

THE COURT: Ma'am?

MS. MEZZANO: Good morning, your Honor. My  
name is Rochelle Mezzano, I'm pro per.

THE COURT: All right.

12:58PM

Ms. Mezzano, you didn't file a Settlement  
Conference Statement, why not?

MS. MEZZANO: I didn't have A D A access to  
this court.

THE COURT: I'm sorry, I don't understand  
that statement, can you elaborate?

12:59PM

MS. MEZZANO: I would like to exercise my  
right to have my A D A advocate present.

THE COURT: Is he here?

1 MS. MEZZANO: No.

2 THE COURT: Then how were you going to  
3 exercise that right?

4 Today is the date and time set for this. If  
5 you wanted an advocate, you could have brought him but  
6 he's not here. Your failure to act is not going to  
7 vitiate this hearing today. We are going to have a  
8 hearing.

12:59PM

9 So once again, why didn't you file a  
10 Settlement Conference Statement?

12:59PM

11 MS. MEZZANO: Per 28 CFR-35.160 B-2, you must  
12 preserve my privacy and independence concerning my A D  
13 A accommodations.

14 THE COURT: Ma'am, you've not made a request  
15 of this court for any type of accommodation, and there  
16 is no accommodation necessary for the filing of the  
17 document in this case.

01:00PM

18 So I ask one final time why did you not file  
19 a Settlement Conference Statement? Pro se litigants,  
20 self-represented litigants file these documents all  
21 the time. There are forms to assist you in filing,  
22 why didn't you do so?

01:01PM

23 MS. MEZZANO: Your Honor, my request was made  
24 to your office directly in January.

1 THE COURT: No, ma'am, it was not filed. It  
2 was not made to me. It was an ex-parte communication  
3 which I did not review. So again, that doesn't count.  
4 Unless you file it with the court, it is not an  
5 official document.

01:01PM

6 MS. MEZZANO: May I speak?

7 THE COURT: Go ahead.

8 MS. MEZZANO: Administrative requests are  
9 allowed.

10 THE COURT: Ma'am, that doesn't mean that it  
11 came to me. I don't act on ex-parte communications  
12 that are not filed with this court. That is improper  
13 and it is also -- that would be me violating my  
14 obligation. I can't do that nor will I.

01:02PM

15 So my next question is have you met at all  
16 with Mr. Morey about this matter?

01:02PM

17 MS. MEZZANO: I do not have equal access to  
18 this court without my A D A access request being  
19 honored.

20 THE COURT: Ma'am, I don't know what you're  
21 request is. It's not been filed. So at this point,  
22 we are going forward.

01:02PM

23 So once again, have you met with Mr. Morey?

24 MS. MEZZANO: I do not have A D A access.

1 THE COURT: All right.

2 Mr. Morey, have you had any kind of meeting  
3 or communication with Ms. Mezzano in this matter?

4 MR. MOREY: Not in some considerable amount  
5 of time, your Honor. The phone call that Ms. Mezzano  
6 and I had in 2019 I believe was the last phone call we  
7 had. We did briefly talk at my office sometime ago  
8 when Ms. Mezzano came to pick up the scooter when I  
9 wasn't present. I don't know that there's been no  
10 settlement negotiations with Ms. Mezzano directly in  
11 this case.

12 THE COURT: Thank you very much, Mr. Morey.

13 Ms. Mezzano, would you like to, out of the  
14 presence of the court, speak to Mr. Morey about  
15 attempting to settle this matter?

16 MS. MEZZANO: I didn't hear you?

17 THE COURT: I said would you like to, without  
18 me being present, talk to Mr. Morey about attempting  
19 to settle this matter?

20 MS. MEZZANO: Your Honor, I don't have equal  
21 access to this court.

22 THE COURT: Once again, ma'am, I don't know  
23 what that refers to. There has been no communication  
24 filed with this court upon which this court can act

01:03PM

01:03PM

01:04PM

01:04PM

1 and so we are going forward today.

2 MS. MEZZANO: May I speak?

3 THE COURT: At this point, ma'am, no.

4 There's not a question pending.

5 Since we are at a standstill with regard to  
6 settlement in this matter, there are several matters  
7 pending -- oh, Ms. Latham would like to participate.

01:04PM

8 The court has an intern who has been briefed  
9 on confidentiality, and she would like to be able to  
10 observe this proceeding. Mr. Morey, do you have an  
11 objection?

01:05PM

12 MR. MOREY: No objection, your Honor.

13 THE COURT: Ms. Mezzano, any objection?

14 MS. MEZZANO: I object to not having A D A  
15 access, your Honor.

01:05PM

16 THE COURT: Do you have any objection to the  
17 court's intern, who is a college student studying  
18 criminal justice, reviewing and observing this  
19 particular settlement conference?

20 MS. MEZZANO: I object.

01:05PM

21 THE COURT: On what basis, ma'am?

22 MS. MEZZANO: I don't have A D A access.

23 THE COURT: If that is your objection, the  
24 court is overruling that objection and Ms. Latham will

1 be able to appear.

2 As the court noted, there are a number of  
3 outstanding motions and the court is going to proceed  
4 with regard to those motions. Just a moment, I am  
5 bringing up the docket.

01:06PM

6 The first motion is a motion with regard to  
7 summary judgment involving the characterization or  
8 character of items of property. The court has  
9 reviewed the motion. The court notes that there has  
10 been no opposition to the motion and no request for  
11 oral argument.

01:07PM

12 So at this point, based upon the fact that  
13 there's been no objection, pursuant to District Court  
14 Rule 13, it is deemed that the motion is admitted by  
15 the opposing party, to be meritorious and the court is  
16 granting that motion.

01:07PM

17 The next motion --

18 MS. MEZZANO: I object, your Honor.

19 THE COURT: Excuse me, ma'am?

20 MS. MEZZANO: I object, your Honor.

01:07PM

21 THE COURT: Thank you, ma'am.

22 Your time to object has passed and you did  
23 not object. You did not object in writing. The due  
24 process requirements of both the Nevada Constitution

1 and the United States Constitution require that if  
2 you're going to act in a lawsuit, that you do so in  
3 writing giving notice to the other side. Simply  
4 showing up today and saying you object is  
5 insufficient.

01:08PM

6 Moreover, this was a motion for summary  
7 judgment which means -- and it was a motion for  
8 summary judgment that was appropriately supported by  
9 affidavit and documentation. You would have to today,  
10 if you were going to object -- and again, your  
11 objection is untimely. You would have to do so under  
12 oath and with appropriate documentation.

01:08PM

13 The documentation relied on in this motion is  
14 a document I believe both sides have agreed to which  
15 is Prenuptial Agreement. So the motion is granted.

01:08PM

16 The next motion is a motion to dismiss and  
17 that motion to dismiss once again, is unopposed.  
18 There was no request for oral argument. And pursuant  
19 to that motion to dismiss -- just a moment, I want to  
20 pull this one up.

01:09PM

21 The motion to dismiss has also been reviewed  
22 by the court together with the affidavit and documents  
23 that underpin that motion. The motion is to dismiss  
24 Claims 2 through 6 of the Defendant's Answer and

1 Counterclaim and also to claim in the cross-claim Mr.  
2 Morey, did I understand that correctly that it's  
3 roughly the same claim?

4 MR. MOREY: Yes, it would apply, your Honor.

5 The other thing to note and I don't know if  
6 it was addressed directly in that motion is I  
7 rechecked this. Neither the trust nor Mr. Townley, as  
8 the trustee of the trust, have been effectively served  
9 in this action, and the time has long since passed to  
10 effect service of process.

11 THE COURT: Then the cross-claim will be  
12 dismissed for failure to meet the 120 day service  
13 obligation.

14 The motion to dismiss is a motion to dismiss  
15 or for I believe other sanctions having to do with the  
16 defendant's complete failure to conduct litigation in  
17 this case. Just a moment, I'll get to the motion to  
18 dismiss. The motion to dismiss outlines the failures  
19 to participate.

20 The court notes that the Nevada Supreme Court  
21 has cautioned courts, especially in the family arena,  
22 against using case-ending sanctions such as dismissal  
23 or discovery and litigation and instead, instructs the  
24 court to look at lesser forms of sanctions that can be

01:10PM

01:10PM

01:11PM

01:12PM

1 entered. So the court is going to address lesser  
2 forms of sanctions and I'm still trying to find the  
3 motion to dismiss.

4 MR. MOREY: That one was filed on February  
5 10th, your Honor.

01:13PM

6 THE COURT: Mr. Morey, thank you.

7 MR. MOREY: And the Request for Submission  
8 was filed on the 27th.

9 THE COURT: I just saw the Request for  
10 Submission, and I now have the motion to dismiss.  
11 Thank you.

01:13PM

12 In this particular case, the defendant was  
13 properly served. Service was conceded by defendant's  
14 counsel, Mr. O'Mara, at the Case Management  
15 Conference. In addition to that concession, the  
16 defendant has failed to comply with NRCP 16.2 in  
17 turning over information that is required by that rule  
18 to opposing counsel.

01:15PM

19 The defendant has failed, pursuant to NRCP  
20 16.1, to include any damage model or calculation which  
21 is required under that rule because the defendant has  
22 raised claims that are not purely claims regarding  
23 divorce but claims that are -- that occur outside of  
24 divorce actions and so would be regular civil claims.

01:15PM

1           The defendant was noticed for a deposition,  
2 properly noticed. There was no objection to that  
3 deposition. Defendant's counsel appeared for that  
4 deposition and the defendant did not appear. There  
5 was no explanation with regard to the non-appearance  
6 and it appears that defendant's counsel was unaware  
7 that there would be a non-appearance at that  
8 deposition.

01:16PM

9           The defendant has failed to respond in any  
10 way to the Plaintiff's First Set of Interrogatories,  
11 First Set of Request for Admissions and First Set of  
12 Request for Production of Documents and opinions.  
13 Those responses were due on or before February 8,  
14 2023. There has been no response. There has been no  
15 objection and the court, in reviewing the docket, has  
16 found no request for a protective order.

01:17PM

01:17PM

17           There has been no conference of meet and  
18 confer with regard to the outstanding discovery by Ms.  
19 Mezzano indicating that she has had any objection to  
20 the outstanding discovery, and there was no response  
21 to this motion filed.

01:17PM

22           The motion is therefore, by District Court  
23 Rule 13, deemed to be meritorious as there was no  
24 opposition, and the court is entering sanctions with

1 regard to Ms. Mezzano's proceeded failures and almost  
2 complete failures in this case to litigate any  
3 defenses or claims that she might have.

4 As the court noted, case-concluding sanctions  
5 are frowned upon by the Nevada Supreme Court in family  
6 actions, however, there are also claims in this case  
7 that aren't merely family claims. They are regular  
8 civil claims. For that basis and looking at the  
9 almost complete recalcitrance to do anything in this  
10 litigation by the defendant, the severity of the  
11 sanction that the court is going to enter is  
12 appropriate.

01:22PM

01:23PM

13 The court is ordering that the defendant be  
14 precluded from offering any evidence with regard to  
15 damages in this matter as no damages model or any  
16 discovery with regard to damages has been offered by  
17 the defendant.

01:24PM

18 The court is also entering sanctions  
19 precluding the defendant from offering any evidence  
20 that would support Claims 2 through 6 in the  
21 counterclaim as no such evidence has been submitted  
22 today either as required by NRCP 16.1, 16.2 or through  
23 the discovery process.

01:24PM

24 It is clear that this recalcitrance is

1 willful. Ms. Mezzano has been represented by various  
2 counsel who are experienced practitioners before the  
3 court and who understand their obligations under the  
4 rules and in many, many previous cases, aside from  
5 this case, have accomplished those obligations without  
6 any problem.

01:25PM

7 The court finds that Ms. Mezzano's actions  
8 have been calculated to frustrate this litigation, to  
9 delay this litigation in an absolutely inappropriate  
10 way and that that frustration and delay is an abusive  
11 litigation practice which cannot be condoned by this  
12 court.

01:26PM

13 In looking at Ms. Mezzano's counterclaim, the  
14 court also has the ability to go beyond, on a sua  
15 sponte level, the claims or the request for relief  
16 that was made by the plaintiff. In claim for relief  
17 number one -- and just a moment, I'm going to get to  
18 the counterclaim itself so that I can reference it.  
19 Somehow I don't have my bookmarks, I apologize.  
20 Bookmarks would make it easier.

01:26PM

01:27PM

21 MR. MOREY: I believe it was filed in August  
22 of 2022, your Honor.

23 THE COURT: Thank you, Mr. Morey.

24 MR. MOREY: Yes, August of 2022.

1 THE COURT: Thank you.

2 As I said for some reason, I don't have a  
3 bookmarks today and it's making things just a bit more  
4 difficult. Maybe I have found them. And it was  
5 August 23rd?

01:29PM

6 MR. MOREY: Yes, your Honor.

7 For some reason, my Eflex will not allow me  
8 to look at that document currently.

9 THE COURT: Just to make things easier, I  
10 apologize.

01:29PM

11 All right. In the Answer and Counterclaim,  
12 there are allegations made in the Claim No. 1 which is  
13 entitled "Divorce." There are claims, for example,  
14 Paragraph 11 that there's economic hardship that's  
15 been caused to the community estate. Again, there's  
16 been no damage model and so that particular  
17 allegation, there will be no evidence to support it.

01:30PM

18 Paragraph 13, that there has been economic  
19 harm caused to the defendant's separate property  
20 estate. Once again, there are no damage models or any  
21 information or discovery to support that paragraph.

01:30PM

22 So those two paragraphs also will be subject  
23 to the same ruling that the court had with regard to  
24 Claims 2 through 6. So the motion to dismiss is

1 denied in part and granted in part.

2 And finally with the final motion which is a  
3 separate motion for summary judgment, I do note that  
4 with regard to I believe this motion for summary  
5 judgment, there was a notice of communication filed by  
6 the defendant. The court deemed that notice to be an  
7 opposition and treated that notice as an opposition.  
8 That notice, however, does not respond in any real way  
9 to the motion for summary judgment filed by plaintiff  
10 on February 14th, 2023.

01:31PM

01:32PM

11 The responses which do in some way address  
12 the claims made in the motion for summary judgment are  
13 not supported by affidavit or any other evidence and  
14 also are made in a conclusory fashion which is  
15 inappropriate under NRCP 56.

01:32PM

16 On that basis, the motion for summary  
17 judgment, particularly in light of the ruling that the  
18 court has made with regard to the motion to dismiss,  
19 the court notes that the defendant has been precluded  
20 from bringing forth evidence.

01:33PM

21 So even at this time if there were a request  
22 for the ability to oppose the motion for summary  
23 judgment, the defendant would not have the sufficient  
24 evidence to be able to oppose the motion for summary

1 judgment based on the preclusions in the court's  
2 ruling with regard to the motion to dismiss.

3 The motion for summary judgment set forth  
4 again filed on February 14th, 2023 is granted in its  
5 entirety and that is a motion for summary judgment,  
6 Mr. Morey, as I understand it, with regard to Claims 2  
7 through 6 of the counterclaim?

01:33PM

8 MR. MOREY: Yes, your Honor.

9 THE COURT: The court is also, pursuant to  
10 NRCP 56, including paragraphs 11 and 13 of Claim No. 1  
11 in the motion for summary judgment as neither of those  
12 claims may be proven as well. I mean, may be proven  
13 by the defendant at this point.

01:34PM

14 Mr. Morey, I saw that you had submitted to  
15 the court proposed orders. The court is going to  
16 modify those orders, but appreciates the proposed  
17 orders.

01:34PM

18 Given the court's ruling with regard to  
19 Claims 2 through 6, there is nothing to be tried to a  
20 jury at this point and we will be trying simply the  
21 divorce case at the trial. So the court is voiding  
22 the jury demand and will notify the jury commissioner  
23 of the same.

01:35PM

24 This matter is in recess. Thank you.

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(The proceedings were concluded.)

1 STATE OF NEVADA )  
2 )Ss.  
3 COUNTY OF WASHOE )  
4  
5

6 I, GAIL R. WILLSEY, do hereby certify:

7 That I was provided a JAVS CD and that said  
8 CD was transcribed by me, a Certified Shorthand  
9 Reporter, in the matter entitled herein;

10 That said transcript which appears  
11 hereinbefore was taken in stenotype notes by me from  
12 the CD and thereafter transcribed into typewriting as  
13 herein appears to the best of my knowledge, skill and  
14 ability and is a true record thereof.

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20 GAIL R. WILLSEY, CSR #359  
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22  
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24

**RE: ADA Access for Ms. Mezzano**

---

**From** Robb, Judge <Judge.Robb@washocourts.us>  
**To** adarights<adarights@protonmail.com>, Reed, Emily<Emily.Reed@washocourts.us>, Lerud, Alicia<Alicia.Lerud@washocourts.us>, Rochelle Mezzano<rochellemezzano@icloud.com>  
**CC** Wright, William<William.Wright@washocourts.us>  
**Date** Tuesday, April 4th, 2023 at 1:44 PM

---

As I have said, multiple times, Ms. Mezzano needs to make a formal filing with the Court in order for me to take action. The filing can be sealed, and subject to in camera review, but I cannot act in a substantive way without a formal request. Moreover, Ms. Mezzano requested, and I GRANTED her request to have her ADA advocate present with her in Court. He was not present, despite her request, at the last hearing.

**From:** ADA Rights <adarights@protonmail.com>  
**Sent:** Tuesday, April 4, 2023 11:15 AM  
**To:** Reed, Emily <Emily.Reed@washocourts.us>; Lerud, Alicia <Alicia.Lerud@washocourts.us>; Rochelle Mezzano <rochellemezzano@icloud.com>; Robb, Judge <Judge.Robb@washocourts.us>; Robb, Judge <Judge.Robb@washocourts.us>  
**Subject:** ADA Access for Ms. Mezzano

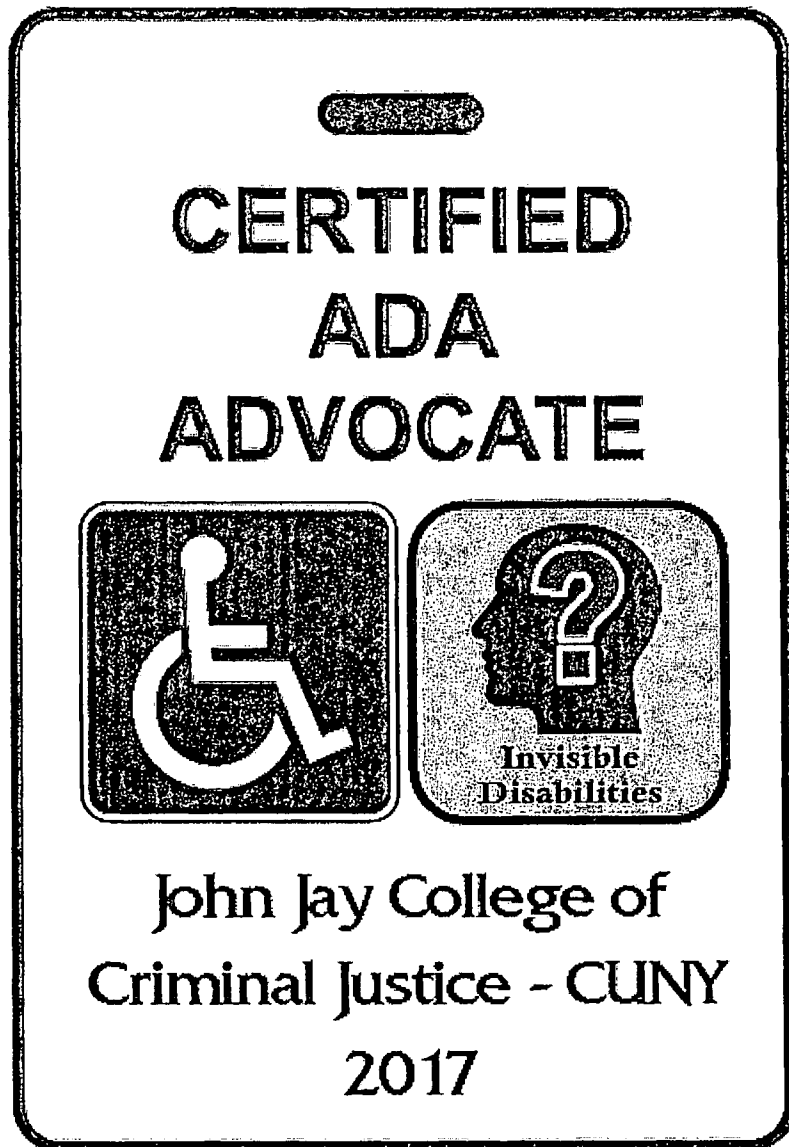
[NOTICE: This message originated outside of Second Judicial District Court, State of Nevada -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Ms. Reed,

Ms. Mezzano does not have ADA access to court. Judge Robb is denying her ADA access. This must be resolved. Please let us know what time we can call and speak with you. I have already left you a message today.

Regards,

P.D., JAY V SHORE, As Certified ADA Advocate (2017), and as a qualified individual with a disability, and as Victim/Survivor Rights Advocate through SVAA training with NCVLI Portland, OR (2018)



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1 CODE:  
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4 IN THE FAMILY DIVISION  
5 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF WASHOE

7 JOHN TOWNLEY,

8 Plaintiff,

Case No. DV19-01564

9 vs.

Dept. No. 13

10 ROCHELLE MEZZANO,

11 Defendant.  
12 \_\_\_\_\_/

13  
14 TRIAL PROCEDURE

15 The trial set for April 17, 2023 shall proceed as follows:

16 1. Ms. Mezzano may proceed with the trial by Zoom attendance. To promote  
17 and ensure understanding of the court proceedings, Ms. Mezzano should have a copy of  
18 the Plaintiff's exhibits to reference during the proceedings. These exhibits shall also be  
19 screen-shared on Zoom during the trial once they are introduced and admitted as exhibits.

20 2. Ms. Mezzano may have a support person of her choosing present at trial as  
21 broadly contemplated by NRS 125.080. This support person may attend the proceedings  
22 by Zoom. In order to reduce disruption, the support person's camera and microphone shall  
23 remain off.

24 3. The trial is being reported by a certified court reporter. This recording shall  
25 be the official record of the Court. The court will also record the proceedings using the  
26 JAVS system for internal court usage only. No other recordings of the proceedings will be  
27 permitted. All interactions with the Court shall be on the record and subject to reporting  
28 by the court reporter.

1           4.     To accommodate the court reporter and provide them periodic rest breaks,  
2 the Court will take one 10 minute break every hour. Additional comfort breaks may be  
3 requested as necessary.

4           5.     The proceedings will be conducted using plain and simple English to the  
5 greatest extent possible. Any party may request a definition of a term, but should be on  
6 notice that the dictionary definition of terms will be the intended meaning of terms.

7           6.     This matter shall start on Monday, April 17, 2023 at 9:00 a.m. The trial will  
8 break from 12:00 noon through 1:30 p.m. Should this matter require more than one day to  
9 be tried, it shall proceed for a second day on April 19, 2023, to permit the parties additional  
10 time to prepare. The daily schedule shall be the same as that set forth above.

11          7.     The proceedings shall follow usual trial conduct –

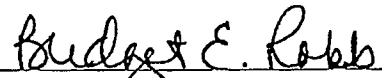
- 12           a) Both parties shall be placed under oath;
- 13           b) Each party will be given the ability to make a brief opening statement;
- 14           c) Plaintiff will be able to call any witness he has timely disclosed, and ask  
15           direct questions;
- 16           d) Defendant, Ms. Mezzano, will then have the opportunity to cross-examine  
17           these witnesses. This time is to be used for questions only, not to make  
18           argument;
- 19           e) Once Ms. Mezzano is done with cross-examination, Plaintiff will be  
20           permitted re-direct examination of the witnesses. If appropriate,  
21           additional cross-examination will be permitted;
- 22           f) Once Plaintiff has concluded his case-in-chief, Ms. Mezzano may testify  
23           on her own behalf. She may testify in narrative form. When she has  
24           finished, she will be subject to cross-examination. She may then provide  
25           additional testimony responsive to Plaintiff's cross-examination. Re-  
26           cross-examination will be permitted if necessary. Ms. Mezzano's  
27           testimony will be limited in scope by the Court's Order Granting  
28           Plaintiff's Motion to Dismiss;

1 g) After Ms. Mezzano's testimony is finished, Plaintiff will have the option  
2 to call rebuttal witnesses;

3 h) After all testimony is complete, the Parties will have the ability to make  
4 brief closing arguments and the trial will be concluded.

5 **IT IS SO ORDERED.**

6 Dated: April 14th, 2023.

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9 District Judge  
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## ADA Access for Ms. Mezzano

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From adarights <adarights@protonmail.com>

To Lerud, Alicia<Alicia.Lerud@washoecourts.us>, Reed, Emily<Emily.Reed@washoecourts.us>, Rochelle Mezzano<rochellemezzano@icloud.com>

Date Monday, April 17th, 2023 at 2:17 PM

---

Ms. Reed,

Judge Robb, on 4-14-23, issued a "TRIAL PROCEDURE" order. If any reasonable person reads this order, they would reasonably observe that there is no grant of right for me, as Ms. Mezzano's ADA advocate, to attend this trial. I am not under Nevada Revised Statutes 125.080. I am in capacity under 42 USC §12203(b) and 28 CFR §35.134(b).

Judge Robb did not copy me on the order, nor did Ms. Reed or Ms. Lerud. I saw the order because Ms. Mezzano provided me a copy.

Since I was without constructive or actual notice that I was able to appear administratively in this matter, and seeing that the requested accommodations **are not in place**, I attended another hearing today in California, where I had accommodations and was given access.

I just received an email from Ms. Reed claiming:

*"Hello Mr. Shore,*

*Last week, Judge Robb approved your virtual appearance as Ms. Mezzano's advocate. The trial is currently on hold and my understanding is that Ms. Mezzano has been trying to reach you. I am reaching out to confirm your availability for this afternoon and Wednesday all day. Please let me know at your earliest convenience.*

*Thank you,*

*Emily B. Reed, Esq."*

This email from Ms. Reed is false. I categorically deny receiving any notice that Judge Robb has "approved my virtual appearance."

I will add that I have personal knowledge now that Ms. Mezzano had a support person, as approved by the TRIAL PROCEDURE order, and this person was removed from the hearing, even though he created no disruption.

Judge Robb is violating her own TRIAL PROCEDURE order, as it was written. Claims by Judge Robb of *that's not what I*

*meant* and *I'm trying to be sensitive* are patently insulting, and coercive, threatening, and intimidating, and this interferes with Ms. Mezzano receiving equal access. Ms. Mezzano has not had ADA access at any point of this proceeding, and these events display this poignantly.

This is a systematic problem with the elimination of effective communication, and compliant ADA policy with the Court there. This is a systematic problem with the lack of policies of the Court, rather than an isolated employee negligence. This has become malicious. **A reasonable person would observe that this Court has ceased being a third-party neutral adjudicator, and has become an adverse party in this matter.**

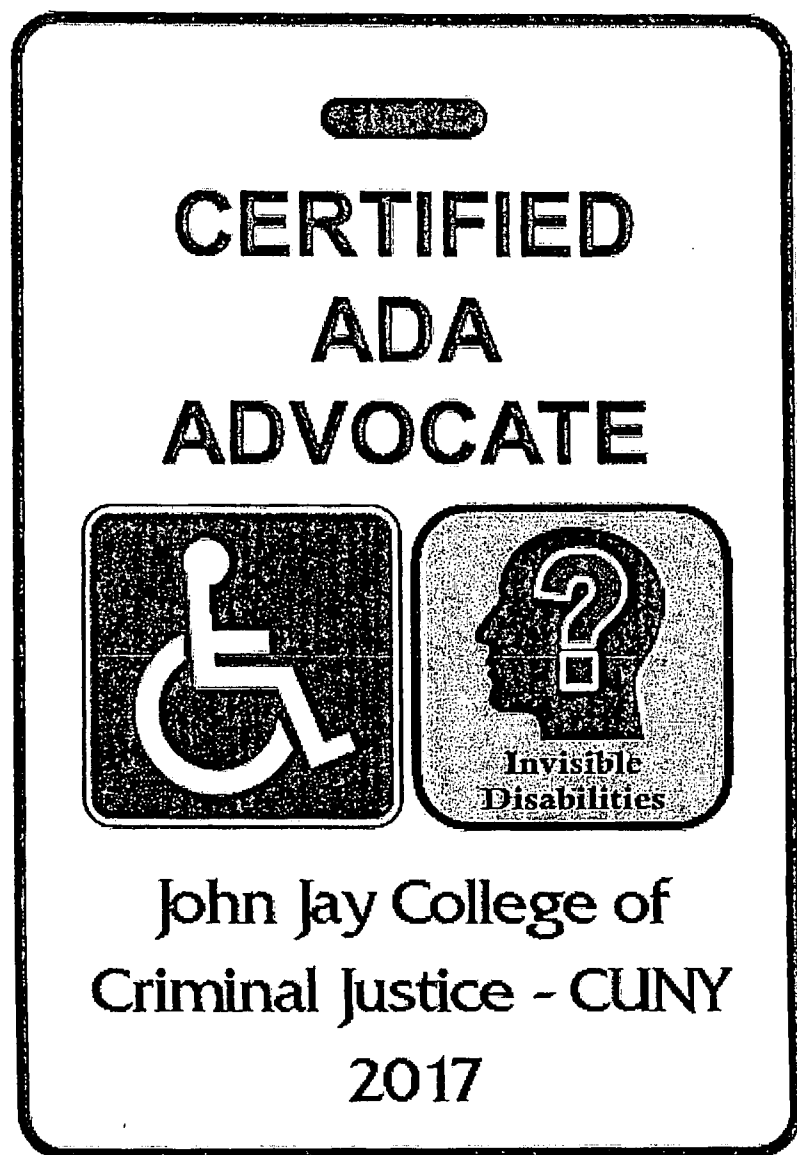
Because of the false claims that Judge Robb has repeatedly made that she has "GRANTED" me access, when in fact she has not, I will require that Judge Robb give Ms. Mezzano and I an in-camera, ex-parte hearing to discuss the matter of ADA access for myself and Ms. Mezzano.

To clear my calendar would be an unreasonable expectation and disservice to my other clients whose covered entities have properly allowed my capacity as a federally protected "aid and encouragement" to my other clients.

What do you have available for an ex-parte hearing in 2 weeks concerning ADA access?

Regards,

P.D., JAY V SHORE, As Certified ADA Advocate (2017), and as a qualified individual with a disability, and as Victim/Survivor Rights Advocate through SVAA training with NCVLI Portland, OR (2018)



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Absent individual capacity, absent intent or effect of agreement, absent joinder, right of interpretation retained perpetually concerning the words used hereon.

*No affiliation or claim of association is presented hereon, and is disclaimed between JAY V SHORE and John Jay College of Criminal Justice and/or NCVLI and/or Lewis and Clark Law School.*

All words hereon are absent waiver of rights, including without

limitation, the right of interpretation, and is the property of IC TRUST, and/or assigns.

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3 IN THE FAMILY DIVISION  
4 IN THE SECOND JUDICIAL DISTRICT COURT  
5 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE  
6

7 JOHN TOWNLEY,

8 Plaintiff/Petitioner,

CASE NO. DV19-01564

9 vs.

DEPT. NO. 13

10 ROCHELLE MEZZANO, et al,

11 Defendant/Respondent.  
12 \_\_\_\_\_ /

13 NOTICE OF EX PARTE HEARING


14 An ex parte hearing regarding A.D.A. issues has been scheduled in this matter for  
15 May 4, 2023 at 4:00 p.m. This hearing will be recorded on the Courts' JAVS system,  
16 which will be the official record of the proceedings. No other recording will be permitted.

17 Ex parte participants may appear by Zoom, with the Zoom login information  
18 provided to the Parties shortly before the hearing.

19 Plaintiff has three (3) judicial days to object to the hearing by filing an objection.

20 IT IS SO ORDERED.

21 Dated: April 28, 2023.

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24 BRIDGET E. ROBB  
25 DISTRICT JUDGE  
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3 IN THE FAMILY DIVISION  
4 IN THE SECOND JUDICIAL DISTRICT COURT  
5 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE  
6

7 JOHN TOWNLEY,

8 Plaintiff/Petitioner,

CASE NO. DV19-01564

9 vs.

DEPT. NO. 13

10 ROCHELLE MEZZANO, et al,

11 Defendant/Respondent.  
12 \_\_\_\_\_/

13 ORDER REGARDING TRIAL

14 PLEASE TAKE NOTICE that a trial has been scheduled in this matter for July 6,  
15 2023 from 9:00 a.m. to 5:00 p.m.; and July 7, 2023 from 9:00 a.m. to 12:00 p.m. All  
16 Parties have been previously informed of this trial date. The trial will be recorded by the  
17 Department 13 clerk on the Court's JAVS system, which will be the official record of the  
18 proceedings. No other informal recording, not recorded by appropriate court personnel,  
19 will be permitted to avoid any potential of contradictory or competing transcripts of the  
20 hearing.

21 Defendant and her ADA Advocate, currently Mr. Jay V. Shore, may appear by Zoom  
22 with the Zoom login information provided to the Parties below. Ms. Mezzano is not  
23 required to bring Mr. Shore and may have another ADA Advocate of her choosing present  
24 at trial. Failure of an ADA Advocate to appear will NOT be good cause for this matter to be  
25 continued as this matter has been continued once based upon the ADA Advocate's refusal  
26 to be present.

27 Plaintiff shall appear in person at the Family Court at 1 So. Sierra Street, Third  
28 Floor, Reno, Nevada.

1 Defendant has requested an ex parte hearing regarding ADA issues. It is noted that  
2 this is the second such request. The first request was granted, and a hearing was set at  
3 Ms. Mezzano's and Mr. Shore's convenience and at a date available on both of their  
4 calendars. Both Ms. Mezzano and Mr. Shore were assured by the Court employee  
5 designated to communicate with Mr. Shore that Mr. Shore was expected to attend. Both  
6 Ms. Mezzano and Mr. Shore were supplied the Zoom credentials to permit them to attend.  
7 Neither Ms. Mezzano nor Mr. Shore appeared for the hearing. The Court finds there is no  
8 good cause to set a second hearing.

9 The Order regarding TRIAL PROCEDURE entered April 14, 2023, ("Trial Procedure  
10 Order") shall remain in effect unless modified by this, or any other previously issued order.  
11 Specifically, paragraph 3 of the Trial Procedure Order contemplates the involvement of a  
12 certified court reporter. If such a certified court reporter is present in the courtroom, the  
13 Court will proceed as set forth in the Trial Procedure Order. If no such certified court  
14 reporter is present, the Court will proceed as set forth above.

15 The Zoom operation will include the closed captioning function. The Court has  
16 investigated the use of a certified court reporter to provide such closed captioning. Due to  
17 the necessity of the court reporter being in the same location as the party seeking to use  
18 the closed captioning, this option is not available. The Court will not require a court  
19 reporter to provide services in a private residence, which does not provide the safety  
20 measures of a court or business setting.

21 All other provisions set forth in paragraph 3 of the Trial Procedure Order shall  
22 remain in full force and effect.

23 The 10 minute breaks set forth in paragraph 4 of the Trial Procedure Order shall  
24 remain in effect even if there is no court reporter present.

25 Paragraph 6 of the Trial Procedure Order shall be amended to include the trial  
26 dates set forth above.

27 Defendant and her ADA Advocate shall appear for the hearing via Zoom by video,  
28 using the Zoom Website/App on a computer with a web camera and microphone.

1 Defendant's camera shall be on during all times the Court is in session, but may be turned  
2 off during recesses. The ADA Advocate's camera and microphone shall remain off.

3 If a web camera or smart phone with a working camera are not reasonably available,  
4 Parties have the following alternate options to participate in their hearing:

5 Please find below the Zoom invite information:

7 Topic: Department 13 Docket

8 Time: This is a recurring meeting Meet anytime

9 Join Zoom Meeting

<https://washoecourts.zoom.us/j/99126753726?pwd=UDNNNnJiTFp4cnFyVG9vWDUrY3JpUT09>

10 Meeting ID: 991 2675 3726

Passcode: 748596

11 One tap mobile

+12532158782,,99126753726# US (Tacoma)

+13462487799,,99126753726# US (Houston)

13 Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

877 853 5247 US Toll-free

888 788 0099 US Toll-free

17 Meeting ID: 991 2675 3726

Find your local number: <https://washoecourts.zoom.us/j/afie0yB8e>

19 Once connected in Zoom, if you are not already placed into the Zoom conference  
20 and placed on hold in a virtual waiting room, please remain on hold until the Court adds  
21 you to the conference.  
22

23 Any additional requests or questions about the procedure of the trial made by either

24 ///

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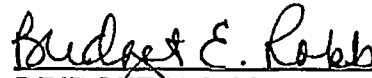
1 Party may be taken up at the time of trial.

2 IT IS SO ORDERED.

3 Dated: June 28, 2023.

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BRIDGET E. ROBB  
DISTRICT JUDGE

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6 IN THE FAMILY DIVISION  
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
8 IN AND FOR THE COUNTY OF WASHOE  
9

10 JOHN TOWNLEY,  
11

12 Plaintiff,

13 vs.

14 ROCHELLE MEZZANO,  
15

16 Defendant.  
17

Case No. DV19-01564

Dept. No. 13

18 **ORDER DENYING MOTION TO STAY PROCEEDINGS; ORDER SETTING**  
19 **STATUS HEARING AND TRIAL**

20 This Court reviewed Rochelle Mezzano's ("Ms. Mezzano") *Motion to Stay Proceedings*  
21 ("the Motion"), submitted on October 11, 2023. It now finds and orders as follows:

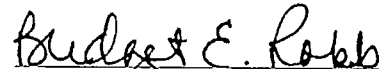
22 The Court finds Ms. Mezzano's Motion, improperly submitted on the same day it  
23 was filed,<sup>1</sup> does not prevent this Court from proceeding in this case. Ms. Mezzano failed  
24 to respond to the dates provided by the Court's Judicial Assistant for a status hearing and  
25 trial on or before October 12, 2023, at noon. Ms. Mezzano claims there is an appeal pending  
26 in the Ninth Circuit Court of Appeals concerning the U.S. District Court's dismissal of her  
27  
28

<sup>1</sup> Pursuant to WDCR 12, the responding party is permitted to file answering points and authorities to the moving party's motion within fourteen (14) days of service of the same.

1 case and therefore this Court must stay this divorce. However, the Federal Court already  
2 noted that Ms. Mezzano did not file a petition for removal, and based on this fundamental  
3 failure, jurisdiction remains with this Court. **Accordingly, the following dates are**  
4 **confirmed. The Parties shall appear for a status conference on October 18, 2023 at 9:00**  
5 **a.m. and for trial on November 2, 2023 at 1:30 p.m.**

6 **IT IS SO ORDERED.**

7 Dated: October 17th, 2023.

8   
9 District Judge

CLOSED, APPEAL

**Defendant****Bridget E. Robb***TERMINATED: 07/31/2023*

represented by **Michael Large**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Alicia Lerud***TERMINATED: 07/31/2023*

represented by **Michael Large**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Emily Reed***TERMINATED: 07/31/2023*

represented by **Michael Large**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****William M Wright, Jr***TERMINATED: 07/31/2023*

represented by **Michael Large**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Intervenor Defendant****John Townley***TERMINATED: 07/31/2023*

represented by **John P Springgate**  
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 Suite 675  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/05/2023		Case randomly assigned to Judge Robert C. Jones and Magistrate Judge Craig S. Denney. (GA) (Entered: 07/05/2023)
07/05/2023	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$402 Paid) by Jay V. Shore, Rochelle Mezzano. Certificate of Interested Parties due by 7/15/2023. Proof of service due by 10/3/2023. (DLS) (Entered: 07/05/2023)
07/05/2023	<u>2</u>	RECEIPT of Payment: \$402.00 for Civil Filing Fee, receipt number 3-0261. (DLS) (Entered: 07/05/2023)
07/05/2023	<u>3</u>	SUMMONS ISSUED as to Emily Reed, Bridget E. Robb, Second Judicial District Court of the State of Nevada, The State of Nevada, William M Wright, Jr. (DLS) (Entered: 07/05/2023)
07/05/2023	<u>4</u>	ADVISORY LETTER to litigant. (DLS) (Entered: 07/05/2023)

07/05/2023	<u>5</u>	AFFIDAVIT of Rochelle Mezzano, filed by Plaintiff Rochelle Mezzano.. (DRM) (Entered: 07/05/2023)
07/05/2023	<u>6</u>	AFFIDAVIT of Jay V. Shore, filed by Plaintiff Rochelle Mezzano. (DRM) (Entered: 07/05/2023)
07/05/2023	<u>7</u>	SUMMONS Returned Unexecuted as to William M Wright, Jr. (DRM) (Entered: 07/05/2023)
07/05/2023	<u>8</u>	SUMMONS Returned Executed as to <b>Emily Reed</b> , and <b>Bridget E. Robb</b> . (DRM) (Entered: 07/05/2023)
07/14/2023	<u>9</u>	MOTION for Pro Se Litigant to File Electronically by Plaintiff Rochelle Mezzano. Responses due by 7/28/2023. (DLS) (Entered: 07/17/2023)
07/14/2023	<u>10</u>	MOTION for Pro Se Litigant to File Electronically by Plaintiff Jay V. Shore. Responses due by 7/28/2023. (DLS) (Entered: 07/17/2023)
07/14/2023	<u>11</u>	CERTIFICATE of Interested Parties by Rochelle Mezzano, Jay V. Shore that identifies all parties that have an interest in the outcome of this case. <b>Plaintiffs request to add Ms. Taylor and Mr. Large as Defendants.</b> (DLS) (Entered: 07/17/2023)
07/17/2023	<u>12</u>	MOTION to Dismiss by Defendants Alicia Lerud, Emily Reed, Bridget E. Robb, Second Judicial District Court of the State of Nevada, William M Wright, Jr. Responses due by 7/31/2023. Certificate of Interested Parties due by 7/27/2023. Discovery Plan/Scheduling Order due by 8/31/2023. (Large, Michael)  NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/17/2023)
07/17/2023	<u>13</u>	CERTIFICATE of Interested Parties by Alicia Lerud, Emily Reed, Bridget E. Robb, Second Judicial District Court of the State of Nevada, William M Wright, Jr. There are no known interested parties other than those participating in the case. (Large, Michael) (Entered: 07/17/2023)
07/18/2023	<u>14</u>	CIVIL STANDING ORDER of U.S. Magistrate Judge Craig S. Denney. (Copies have been distributed pursuant to the NEF - HJ) (Entered: 07/18/2023)
07/19/2023	<u>15</u>	ORDER - IT IS HEREBY ORDERED that Plaintiff Rochelle Mezzano's Motion for ECF Access (ECF No. <u>9</u> ) is <b>GRANTED</b> on a limited basis. By <b>Friday, August 11, 2023</b> , Plaintiff must file a written certification that she is familiar with Electronic Filing Procedures, Best Practices, and the Civil & Criminal Events Menu that are available on the courts website, <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . Plaintiff is advised that she is not authorized to file electronically until this certification is filed with the court within the time frame specified. Signed by Magistrate Judge Craig S. Denney on 7/19/2023. (Copies have been distributed pursuant to the NEF - DLS) (Entered: 07/19/2023)
07/19/2023	<u>16</u>	ORDER - IT IS HEREBY ORDERED that Plaintiff Jay V. Shore's Motion for ECF Access (ECF No. <u>10</u> ) is <b>GRANTED</b> on a limited basis. By <b>Friday, August 11, 2023</b> , Plaintiff must file a written certification that he is familiar with Electronic Filing Procedures, Best Practices, and the Civil & Criminal Events Menu that are available on the courts website, <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . Plaintiff is advised that he is not authorized to file electronically until this certification is filed with the court within the time frame specified. Signed by Magistrate Judge Craig S. Denney on 7/19/2023. (Copies have been distributed pursuant to the NEF - DLS) (Entered: 07/19/2023)

07/19/2023	<u>17</u>	MOTION for Order to Show Cause <i>EMERGENCY MOTION TO REMAND AND/OR MOTION FOR ORDER TO SHOW CAUSE ON THE NOTICE OF REMOVAL (ORAL ARGUMENT REQUESTED)</i> by Defendants Alicia Lerud, Emily Reed, Bridget E. Robb, Second Judicial District Court of the State of Nevada, William M Wright, Jr. Responses due by 8/2/2023. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Large, Michael) (Entered: 07/19/2023)
07/20/2023	<u>18</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Robert C. Jones on 7/20/2023. Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to ECF No. <u>12</u> Motion to Dismiss. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF - DRM) (Entered: 07/20/2023)
07/21/2023	<u>19</u>	<b>AMENDED</b> MINUTE ORDER IN CHAMBERS of the Honorable Judge Robert C. Jones on 7/21/2023. IT IS ORDERED that Defendants' Emergency Motion (ECF No. <u>17</u> ) is <b>DENIED</b> . IT IS FURTHER ORDERED that oral argument on Defendants' Motion to Dismiss (ECF No. <u>12</u> ) is set for <b>Wednesday, July 26, 2023, at 10:00 a.m.</b> by video conference before Judge Robert C. Jones. IT IS FURTHER ORDERED that no later than <b>5:00 p.m. on Friday, July 21, 2023</b> , Defendants shall serve Plaintiffs with a copy of this Order, along with copies of the Emergency Motion (ECF No. <u>17</u> ) and the Motion to Dismiss (ECF No. <u>12</u> ). IT IS FURTHER ORDERED that Plaintiffs shall file a response to Motion to Dismiss on or before <b>5:00 p.m. on Tuesday, July 25, 2023</b> . IT IS FURTHER ORDERED that the parties are directed to contact the Courtroom Deputy, Ashlyn Bye at <del>Ashlyn_Bye@nvc.uscourts.gov</del> , <b>Ashlyn_Bye@nvd.uscourts.gov</b> , by <b>12:00 p.m. on Tuesday, July 25, 2023</b> , to provide her the names and email addresses of each counsel, party and/or representative attending the hearing. (Adhoc to rochellemezzano@yahoo.com and adarights@pm.me). (Copies have been distributed pursuant to the NEF - DLS) Modified on 7/25/2023 to correct the email address for Ashlyn. (LE). (Entered: 07/21/2023)
07/24/2023	<u>20</u>	CERTIFICATE OF SERVICE for <u>19</u> Order on Motion for Order to Show Cause,,,, Minute Order,,,, Set/Reset Deadlines & Hearings,,,, by Defendants Alicia Lerud, Emily Reed, Bridget E. Robb, Second Judicial District Court of the State of Nevada, William M Wright, Jr.. (Large, Michael) (Entered: 07/24/2023)
07/24/2023	<u>21</u>	MOTION to Intervene by Intervenor Defendant John Townley. Responses due by 8/7/2023. (Attachments: # <u>1</u> Exhibit Docket Entry, # <u>2</u> Declaration Townley Declaration, # <u>3</u> Exhibit Email, # <u>4</u> Exhibit NV Supreme Court docket, # <u>5</u> Exhibit NV Supreme Court docket, # <u>6</u> Exhibit Minute 8.9.2022)(Springgate, John) (Entered: 07/24/2023)
07/24/2023	<u>22</u>	NOTICE Of Appearance by John Townley.. (Springgate, John) (Entered: 07/24/2023)
07/24/2023	<u>23</u>	CERTIFICATE of Interested Parties by John Townley. There are no known interested parties other than those participating in the case (Springgate, John) (Entered: 07/24/2023)
07/24/2023	<u>24</u>	JOINDER to <u>12</u> Motion to Dismiss,, by Defendant The State of Nevada. (Quinn, Casey) (Entered: 07/24/2023)
07/25/2023	<u>25</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Robert C. Jones on 7/25/2023. By Deputy Clerk: AB.  IT IS ORDERED that the Motion Hearing set for 7/26/2023 at 10:00 a.m. (ECF No. <u>19</u> ) shall be conducted via Zoom video conference before Judge Robert C. Jones.

		<p>IT IS FURTHER ORDERED that the following video conference instructions be adhered to as follows:</p> <ol style="list-style-type: none"> <li>1. Log on to the call ten (10) minutes prior to the hearing time.</li> <li>2. Mute your sound prior to entering the hearing.</li> <li>3. Do not talk over one another.</li> <li>4. State your name prior to speaking for the record.</li> <li>5. Do not have others in the video screen or moving in the background.</li> <li>6. No recording of the hearing.</li> <li>7. No forwarding of any video conference invitations.</li> <li>8. Unauthorized users on the video conference will be removed.</li> </ol> <p>Reminder: Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court.</p> <p><b>(no image attached)</b> (Copies have been distributed pursuant to the NEF &amp; ad hoc electronic service to Plaintiff Rochelle Mezzano and Plaintiff Jay Shore - AB) (Entered: 07/25/2023)</p>
07/26/2023	<u>26</u>	NOTICE of Petition for Writ of Mandamus to 9th Circuit, by Rochelle Mezzano, Jay V. Shore. (DRM) (Entered: 07/26/2023)
07/26/2023	<u>27</u>	PETITION FOR WRIT OF MANDAMUS (Captioned for Ninth Circuit; no automatic email to 9th Circuit), by Rochelle Mezzano, Jay V. Shore. (DRM) (Entered: 07/26/2023)
07/26/2023	<u>28</u>	NOTICE: Copy of ECF No. <u>27</u> received via US Mail from Rochelle Mezzano, Jay V. Shore. (GA) (Entered: 07/26/2023)
07/26/2023	31	<p>MINUTES OF PROCEEDINGS - Video Motion Hearing held on 7/26/2023 before Judge Robert C. Jones. Crtrm Administrator: AB; Pla Counsel: <i>No Appearance</i>; Def Counsel: <i>Michael Large, Casey Quinn &amp; John Springgate</i>; Court Reporter: <i>Donna Prather</i>; Time of Hearing: <i>10:00 a.m.</i>; Courtroom: 3; Also Appearing by Video: <i>Alexander Morey (with John Springgate)</i>.</p> <p>Plaintiff Rochelle Mezzano and Plaintiff Jay Shore are not present.</p> <p>The Court recites findings and dismisses the cause of action filed by Plaintiff Jay Shore. The Court will refer this matter to the Nevada State Bar as to Plaintiff Jay Shore for attempting to practice illegally without a license.</p> <p>The Court hears arguments from counsel on the Motion to Dismiss (ECF No. <u>12</u>). For the reasons stated on the record, this case is dismissed. Therefore, the Motion to Intervene (ECF No. <u>21</u>) is denied as moot. A final written order will issue.</p> <p>The Court will reject any further pleadings submitted in this case. <b>THEREAFTER</b>, if any further pleadings are received, except for a Notice of Appeal, the Clerk's Office shall not file the pleadings and will return the pleadings to the submitting party.</p> <p><b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - AB) (Entered: 07/27/2023)</p>
07/27/2023	<u>29</u>	NOTICE - 9th Circuit Docketing Letter re Petition for Writ of Mandamus filed. USCA Case <b>23-70141</b> assigned. (DRM) (Entered: 07/27/2023)

07/27/2023	<u>30</u>	CERTIFICATION OF SERVICE re ECF No. <u>27</u> Petition for Writ of Mandamus, filed by Plaintiff Rochelle Mezzano. (DRM) (Entered: 07/27/2023)
07/28/2023	<u>32</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Robert C. Jones on 7/28/2023.  IT IS ORDERED that the Clerk's Office will reject any further pleadings from the Plaintiffs in this case, except for a Notice of Appeal. IT IS FURTHER ORDERED that, if any further pleadings are received by Plaintiffs, except for a Notice of Appeal, the Clerk's Office will not file the pleadings and return the pleadings to the submitting party. IT IS SO ORDERED.  (no image attached) (Copies have been distributed pursuant to the NEF - LE) (Entered: 07/28/2023)
07/31/2023	<u>33</u>	ORDER Granting <u>12</u> Motion to Dismiss. Accordingly, Plaintiffs Complaint is dismissed with prejudice pursuant to Fed.R.Civ.P. 12(b)(1), based on Younger abstention and/or Rooker-Feldman abstention doctrines and pursuant to Fed.R.Civ.P. 12(b)(6), based on judicial immunity and failure to state a claim against Defendants. Based on the dismissal of this action and Plaintiffs failure to appropriately remove the action pursuant to 28 U.S.C. § 1446, the Motion to Intervene (ECF No. <u>21</u> ) is Denied as Moot. This case is now closed. Signed by Judge Robert C. Jones on 7/31/2023. (Copies have been distributed pursuant to the NEF - AMMi) (Entered: 07/31/2023)
08/07/2023	<u>34</u>	MOTION for Attorney Fees by Defendants Alicia Lerud, Emily Reed, Bridget E. Robb, Second Judicial District Court of the State of Nevada, William M Wright, Jr. (Postjudgment) Responses due by 8/21/2023. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Large, Michael) (Entered: 08/07/2023)
08/07/2023	<u>35</u>	MOTION for Sanctions by Defendants Alicia Lerud, Emily Reed, Bridget E. Robb, Second Judicial District Court of the State of Nevada, William M Wright, Jr. (judgment) Responses due by 8/21/2023. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Large, Michael) (Entered: 08/07/2023)
08/16/2023	<u>36</u>	USCA Order, 9th Circuit : The petition for a writ of mandamus, as amended, is <b>DENIED</b> as moot. A review of the record indicates that on July 26, 2023, the district court dismissed the case. No further filings will be entertained in this closed case. USCA Case <b>23-70141</b> . (DRM) (Entered: 08/16/2023)
08/22/2023	<u>37</u>	REPLY to Response to <u>34</u> Motion for Attorney Fees, by Defendants Alicia Lerud, Emily Reed, Bridget E. Robb, Second Judicial District Court of the State of Nevada, William M Wright, Jr. (Large, Michael) (Entered: 08/22/2023)
08/22/2023	<u>38</u>	REPLY to <u>35</u> Motion for Sanctions, by Defendants Alicia Lerud, Emily Reed, Bridget E. Robb, Second Judicial District Court of the State of Nevada, William M Wright, Jr. (Large, Michael) (Entered: 08/22/2023)
08/23/2023	<u>39</u>	NOTICE OF APPEAL as to ECF No. <u>33</u> Order, by Plaintiffs Rochelle Mezzano, Jay V. Shore. Filing fee \$ 505 PAID; Receipt No. 3-0301. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (DRM) (Entered: 08/24/2023)

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DISTRICT COURT OF NEVADA,  
7 JUDGE BRIDGET E. ROBB, ALICIA LERUD,  
EMILY REED & WILLIAM WRIGHT  
8

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 \* \* \*

12 ROCHELLE MEZZANO, JAY V. SHORE,  
individually, and as next friend for Rochelle  
13 Mezzano,

Case No. 3:23-cv-00324-RCJ-CSD

14 Plaintiff,

MOTION TO DISMISS

15 vs.

16 SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA, as a covered entity  
17 under the Americans with Disabilities Act;  
THE STATE OF NEVADA; BRIDGET E.  
18 ROBB, individually, and in her professional  
capacity as Judge; ALICIA LERUD,  
19 individually, and as Trial Court Administrator  
and Clerk for the Second Judicial District  
20 Court of the State of Nevada; EMILY REED,  
Individually, and as ADA Coordinator and  
21 Assistant Court Administrator for the Second  
Judicial District Court of the State of Nevada;  
22 WILLIAM M. WRIGHT, JR. individually, and  
as Assistant Court Administrator for the  
23 Second Judicial District Court of the State of  
Nevada,

24 Defendants. /

Defendants Second Judicial District Court of Nevada, Judge Bridget E. Robb, Alicia Lerud, Emily Reed, and William Wright, through counsel, Michael W. Large, Deputy District Attorney, hereby file this motion to dismiss the Complaint. This motion is based upon FRCP 12(b)(1), 12(b)(6), the *Younger* abstention doctrine, the *Rooker-Feldman* doctrine, and the following Memorandum of Points and Authorities.

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. INTRODUCTION

This case has been brought in bad faith and for no other reason than harassment and delay of ongoing state court proceedings. Suing a presiding judge on the eve of trial to delay the trial would result in disbarment by a practicing attorney. And while pro se litigants are treated with more leniency, this Court should not countenance this behavior.

Plaintiff Rochelle Mezzano's divorce proceedings have been pending in the Second Judicial District Court of Nevada ("SJDC") for four years. See ECF No. 1 at pp. 5, 32 -39 incorporating by reference *Townley v. Mezzano*, DV19-01564. On July 5, 2023, the day before her divorce trial was to proceed, Plaintiff Mezzano and non-attorney Plaintiff Jay Shore, as next friend of Rochelle Mezzano, acting pro se filed this action against the presiding judge and court administration seeking federal intervention.

Plaintiffs' Complaint is a rambling recitation of events with an occasional *ad hominem* attack against Judge Robb and the court administrators. However, the crux of Plaintiffs' claims is that Judge Robb inappropriately denied Plaintiff Mezzano's accommodation requests under the ADA and therefore Plaintiffs have been denied substantive due process. Additionally, Plaintiff Shore asserts retaliation claims under the ADA because Judge Robb and court administration didn't allow him to dictate how the state court proceedings would be conducted. In the Complaint, Plaintiffs request that this Court "enjoin and remove" the divorce case and enjoin "Defendant Robb from further acting or adjudicating" the dispute. *Id.* at p. 38. Plaintiffs additionally request declaratory relief that "instructs the Defendants on how to act and behave

1 in accord with the ADA...” *Id.* at p. 37. Additionally, Plaintiffs seek the answers to at least 36  
2 separate questions about the ADA. *Id.* at pp. 32-37.

3 Pursuant FRCP 12(b)(1), this Court lacks jurisdiction over Plaintiffs claims under the  
4 *Younger* and *Rooker-Feldman* abstention doctrines. Pursuant to FRCP 12(b)(6), even under the  
5 most liberal pleadings standards, the Complaint fails to state a claim upon which relief can be  
6 granted against. Accordingly, dismissal is appropriate.

## 7 II. STANDARD OF REVIEW

8 Rule 12(b)(1) of the Federal Rules of Civil Procedure allows a defendant to seek dismissal  
9 of a claim or action for lack of subject matter jurisdiction. Dismissal under Rule 12(b)(1) is  
10 appropriate if the complaint, considered in its entirety, fails to allege facts on its face that are  
11 sufficient to establish subject matter jurisdiction. *In re Dynamic Random Access Memory (DRAM)*  
12 *Antitrust Litig.*, 546 F.3d 981, 984–85 (9th Cir. 2008).

13 Rule 12(b)(6) of the Federal Rules of Civil Procedure mandates that a court dismiss a  
14 cause of action that fails to state a claim upon which relief can be granted. *See North Star Int'l v.*  
15 *Ariz. Corp. Comm'n*, 720 F.2d 578, 581 (9th Cir. 1983). When considering a motion to dismiss under  
16 Rule 12(b)(6) for failure to state a claim, dismissal is appropriate only when the complaint does  
17 not give the defendant fair notice of a legally cognizable claim and the grounds on which it rests.  
18 *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007). In  
19 considering whether the complaint is sufficient to state a claim, the Court will take all material  
20 allegations as true and construe them in the light most favorable to the plaintiff. *See NL Indus., Inc.*  
21 *v. Kaplan*, 792 F.2d 896, 898 (9th Cir. 1986).

22 The Court, however, is not required to accept as true allegations that are merely  
23 conclusory, unwarranted deductions of fact, or unreasonable inferences. *See Sprewell v. Golden State*  
24 *Warriors*, 266 F.3d 979, 988 (9th Cir. 2001). A formulaic recitation of a cause of action with  
25 conclusory allegations is not sufficient; a plaintiff must plead facts showing that a violation is  
26 *plausible*, not just possible. *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009)

1 (citing *Twombly*, 550 U.S. at 555, 127 S.Ct. 1955) (emphasis added). In order to survive a motion  
2 to dismiss, a complaint must allege “sufficient factual matter, accepted as true, to state a claim to  
3 relief that is plausible on its face.” *Id.* “A claim has facial plausibility when the plaintiff pleads  
4 factual content that allows the court to draw the reasonable inference that the defendant is liable  
5 for the misconduct alleged.” *Id.*

6 “Generally, a district court may not consider any material beyond the pleadings in ruling  
7 on a Rule 12(b)(6) motion .... However, material which is properly submitted as part of the  
8 complaint may be considered on a motion to dismiss.” *Hal Roach Studios, Inc. v. Richard Feiner & Co.*,  
9 896 F.2d 1542, 1555 n.19 (9th Cir. 1990) (citations omitted).

### 10 III. LEGAL ANALYSIS

#### 11 A. PLAINTIFFS’ CLAIMS ARE SUBJECT TO DISMISSAL UNDER THE *YOUNGER* 12 ABSTENTION DOCTRINE

13 The Supreme Court’s decision in *Younger* and its progeny direct federal courts to abstain  
14 from granting injunctive or declaratory relief that would interfere with pending state judicial  
15 proceedings. *Younger v. Harris*, 401 U.S. 37, 40–41 (1971); *Samuels v. Mackell*, 401 U.S. 66, 73, (1971)  
16 (holding that “where an injunction would be impermissible under these principles, declaratory  
17 relief should ordinarily be denied as well”). The *Younger* doctrine “reflects a strong policy against  
18 federal intervention in state judicial processes in the absence of great and immediate injury to the  
19 federal plaintiff.” *Moore v. Sims*, 442 U.S. 415, 423 (1979). When federal courts disrupt a state  
20 court’s opportunity to “intelligently mediate federal constitutional concerns and state interests”  
21 and interject themselves into such disputes, “they prevent the informed evolution of state policy  
22 by state tribunals.” *Moore*, 442 U.S. at 429–30.

23 Under *Younger*, federal abstention is appropriate in civil cases where state proceedings:  
24 “(1) are ongoing, (2) are quasi-criminal enforcement actions *or* involve a state’s interest in  
25 enforcing the orders and judgments of its courts, (3) implicate an important state interest, and  
26 (4) allow litigants to raise federal challenges.” *ReadyLink Healthcare, Inc. v. State Compensation Ins.*

1 *Fund*, 754 F.3d 754, 759 (9th Cir. 2014) (citations omitted) (emphasis added); *see also Middlesex Cty.*  
2 *Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 432 (1982) (“Where vital state interests are  
3 involved, a federal court should abstain unless state law clearly bars the interposition of the  
4 constitutional claims.”) (internal quotation and citation omitted). “If [the] four threshold  
5 elements are established, the courts consider a fifth prong: (5) whether the federal action would  
6 have the practical effect of enjoining the state proceedings and whether an exception to *Younger*  
7 applies.” *Rynearson v. Ferguson*, 903 F.3d 920, 924–25 (9th Cir. 2018) (citation omitted).

8 As explained below, all elements for the application of *Younger* are met.

9 **1. The Action is Ongoing**

10 It is undisputable that this action concerns an ongoing state court proceeding in which  
11 John Townley is seeking a divorce from Plaintiff Mezzano. *See* ECF No. 1 at p. 5 (referencing  
12 *Townley v. Mezzano*, DV19-01564 in the Second Judicial District Court of Nevada). The entirety of  
13 the claims center around Plaintiffs’ allegations concerning how the divorce case is proceeding  
14 and seeking federal intervention into how it is conducted. *See id.* Accordingly, the first prong of  
15 *Younger* is met.

16 **2. This case “involve a state's interest in enforcing the orders and judgments**  
17 **of its courts.”**

18 The second factor under *Younger* is whether the state proceedings involve a state's interest  
19 in enforcing the orders and judgments of its courts. *ReadyLink*, 754 F.3d at 759. Divorce  
20 proceedings unquestionably involve a state’s interest in enforcing the orders and judgments of  
21 its courts. Article 6, Section 6 of the Nevada Constitution provides for the creation of the family  
22 court as a division of any district court. Family courts are conferred with the jurisdiction over  
23 actions involving the dissolution of marriages within the State of Nevada.

24 In the present case, Plaintiffs are challenging multiple interlocutory orders and decisions  
25 made by Judge Robb during the course of divorce proceedings. The issuance of court orders is a  
26 quintessential judicial function. *See Stump*, 435 U.S. at 362 (finding that a judge's issuance of an

order was a judicial act and “the type of act normally performed only by judges”). Nevada has an interest in enforcing the orders and judgment of its family courts in divorce proceedings; *Dawes v. McCarthy*, 2018 WL 6523191, at \*2 (D. Nev. Dec. 12, 2018)(“Nevada undoubtedly has *important* state interests in enforcing judgments and orders concerning termination of the parent-child relationship at issue.”)(emphasis in original).

Accordingly, the second factor is met.

### 3. The state proceedings implicate an important state interest.

Turning to the third threshold element, the state proceedings implicate an important state interest.

“[S]tates have an undeniable interest in family law.” See *Cook v. Harding*, 879 F.3d 1035, 1040 (9th Cir. 2018); see also *H.C. ex rel. Gordon v. Koppel*, 203 F.3d 610, 613 (9th Cir. 2000) (holding state court child custody proceedings implicated important state interests; finding *Younger* abstention appropriate); *Moore v. Sims*, 442 U.S. 415, 426 (1979) (“Family relations are a traditional area of state concern). In *Peterson v. Babbitt*, the Ninth Circuit held the following:

The strong state interest in domestic relation matters, the superior competence of state courts in settling family disputes because regulations and supervision of domestic relations within their borders is entrusted to the states, and the possibility of incompatible federal and state court decrees in cases of continuing judicial supervision by the state makes federal abstention in these cases appropriate.

708 F.2d 465, 466 (9th Cir. 1983): see also *Dawes*, 2018 WL 6523191, at \*2 (D. Nev. Dec. 12, 2018)(“Nevada undoubtedly has *important* state interests in enforcing judgments and orders concerning termination of the parent-child relationship at issue.”)(emphasis in original). Family law including divorce actions are uniquely suited to state courts. The domestic relations exception precludes the federal courts from exercising jurisdiction over “cases involving “divorce, alimony, or child custody decree.” *Ankenbrandt v. Richards*, 504 U.S. 689, 691 (1992).

Accordingly, the divorce proceeding in the Second Judicial District Court implicate an important state interest.

1                   4. The divorce proceeding allows Plaintiffs to raise their federal challenges.

2                   Turning to the fourth *Younger* factor, the divorce proceedings allow Plaintiffs to raise their  
3 federal challenges. As evidenced by the Complaint, Plaintiff *can and have* asserted their federal  
4 challenges in divorce proceedings. *See* ECF No. 1. Plaintiffs simply do not like that Judge Robb  
5 has not granted them every specific accommodation that they have requested under Title II of  
6 the ADA. Simply disagreeing with a state court's decision or orders does not eliminate potential  
7 redress of their federal claims in the state court action.

8                   In *H.C. ex rel. Gordon v. Koppel*, plaintiffs sought to invoke the power of the federal courts to  
9 alter the course of pending state custody proceedings. 203 F.3d 610 (9th Cir. 2000). Similar to  
10 the present case, the plaintiffs sought an order requiring procedural due process to be observed in  
11 the future course of the litigation. *Id.* at 613. The Ninth Circuit rejected the request holding that:

12                   Important state interests also are implicated. "Family relations are a traditional  
13 area of state concern." *Moore v. Sims*, 442 U.S. 415, 435, 99 S.Ct. 2371, 60 L.Ed.2d  
14 994 (1979); *see also Morrow v. Winslow*, 94 F.3d 1386, 1397 (10th Cir.1996). In  
15 addition, a state has a vital interest in protecting "the authority of the judicial  
16 system, so that its orders and judgments are not rendered nugatory." *Juidice v.*  
17 *Vail*, 430 U.S. 327, 336 n. 12, 97 S.Ct. 1211, 51 L.Ed.2d 376 (1977). This is a  
18 particularly appropriate admonition in the field of domestic relations, over  
which federal courts have no general jurisdiction, *see Ankenbrandt v. Richards*, 504  
U.S. 689, 697-701, 112 S.Ct. 2206, 119 L.Ed.2d 468 (1992), and in which the state  
courts have a special expertise and experience. *See Hisquierdo v. Hisquierdo*, 439  
U.S. 572, 581, 99 S.Ct. 802, 59 L.Ed.2d 1 (1979).

19                   The plaintiffs have an adequate state forum in which to pursue their federal  
20 claims. In fact, they have already raised some of the same due process issues in  
21 the California appellate courts. Plaintiffs may appeal through those courts after  
final judgment.

22                   This is precisely the type of case suited to *Younger* abstention. *See Mann v. Conlin*,  
23 22 F.3d 100, 106 (6th Cir.1994) (holding that *Younger* abstention was appropriate  
24 in § 1983 action alleging that a state court judge violated plaintiff's due process  
25 rights in custody battle). Plaintiffs desire wholesale federal intervention into an  
ongoing state domestic dispute. They seek vacation of existing interlocutory  
orders, and a federal injunction directing the future course of the state litigation.  
This is not the proper business of the federal judiciary.

26 *Id.*

1 Similarly in the present case, Plaintiffs seeks wholesale federal intervention into  
 2 Mezzano's divorce trial, seek to vacate Judge Robb's interlocutory pre-trial orders, and seek to  
 3 have this Court direct the future course of the state litigation. *See* ECF No. 1 at 38. As the Ninth  
 4 Circuit put it, this is "not the proper business of the federal judiciary." *H.C.*, 203 F.3d at 613.  
 5 Moreover, Plaintiffs can make their constitutional and ADA arguments on appeal through the  
 6 Nevada appellate courts after a final judgment in the divorce matter.

7 **5. Allowing this action to proceed would enjoin the state proceedings.**

8 Under the Ninth Circuit's precedent, the fifth *Younger* factor is whether the federal suit  
 9 would have the practical effect of enjoining the state proceedings. *See Rynearson v. Ferguson*, 903  
 10 F.3d at 927 *citing ReadyLink*, 754 F.3d at 759.

11 In the present case, Plaintiffs explicitly request to enjoin the state proceedings. ECF No.  
 12 1 at p. 38. Plaintiffs are requesting that this Court "enjoin and remove" the divorce case and enjoin  
 13 "Defendant Robb from further acting or adjudicating" the dispute. *Id.* Plaintiffs want this Court  
 14 to assign a new judge to the state court action and issue orders on each and every accommodation  
 15 request they make under the ADA. Accordingly, the fifth *Younger* factor is met.

16 This Court should dismiss Plaintiffs claim in their entirety under the *Younger* abstention  
 17 doctrine. Plaintiffs are dissatisfied with a state court judge's decisions and want her removed.  
 18 Federal courts are not the appropriate forum to bring these claims, moreover, the relief they seek,  
 19 which is an "order directing the state court how to conduct its ongoing proceeding" runs  
 20 "contrary to the principles of equity, comity, and federalism" underlying federal abstention  
 21 doctrines. *Krueger v. Kaul*, 805 Fed. Appx. 411, 413 (7th Cir. 2020)(affirming dismissal of plaintiff's  
 22 ADA claims without determining "what an ADA Advocate can and cannot do.").

23 **B. PLAINTIFFS' CLAIMS ARE SUBJECT TO DISMISSAL UNDER THE *ROOKER-FELDMAN***  
 24 **DOCTRINE.**

25 Plaintiffs' claims are barred by the *Rooker-Feldman* doctrine. This lawsuit is a direct  
 26 attempt by Plaintiffs to collaterally attack Judge Robb's orders that address Ms. Mezzano's

1 request for accommodations under the ADA and the behavior of Mr. Shore as Ms. Mezzano's  
2 "ADA advocate" during the divorce court proceedings.

3 In the Complaint, Plaintiffs specifically challenge several Orders issued by Judge Robb.  
4 Plaintiffs assert that:

- 5 • Judge Robb's Order Regarding Pre-Trial Procedure dated April 14, 2023 was in violation  
6 of the ADA because it stated "Ms. Mezzano may have a support person of her choosing  
7 present at trial...", rather than specifically inviting Mr. Shore by name to attend the  
8 proceedings as her "ADA Advocate." ECF No. 1 at pp. 20-26 & Ex. F
- 9 • Judge Robb's Order regarding Ex Parte Hearing was in violation of the ADA because it  
10 omitted who was invited and stating that "[t]his hearing will be recorded on the Courts'  
11 JAVS system, which will be the official record of the proceedings. No other recordings  
12 will be permitted." *Id.* at pp. 27-28 & Ex. I
- 13 • Judge Robb's Order Regarding Trial Procedure issued on June 28, 2023, was in violation  
14 of the ADA because it stated in relevant part that the:
  - 15 ○ trial will be recorded by the Department 13 clerk on the Court's JAVS system,  
16 which will be the official record of the proceedings. No other informal recording,  
17 not recorded by appropriate court personnel will be permitted to avoid any  
18 potential of contradictory or competing transcripts of the hearing.
  - 19 ○ Failure of an ADA Advocate to appear will NOT be good cause for this matter to  
20 be continued as this matter has been continued once based upon the ADA  
21 Advocate's refusal to be present.
  - 22 ○ The Zoom operation will include the closed captioning function. The Court has  
23 investigated the use of a certified court report to provide such closed captioning.  
24 Due to the necessity of the court reported being in the same location as the party  
25 seeking to use closed captioning, this option is not available. The Court will not

26 //

1 require a court reporter to provide services in a private residence, which does not  
2 provide the safety measures of a court or business setting.

3 *Id.* at pp. 28-30 & Ex. J. In the instant Complaint, Plaintiffs assert that Judge Robb's orders and  
4 actions are in violation of the ADA and substantive due process.

5 The *Rooker-Feldman* doctrine derives its name from two Supreme Court cases: *Rooker v.*  
6 *Fidelity Trust Company*, 263 U.S. 413 (1923), and *D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983).  
7 "Under *Rooker-Feldman*, a federal district court is without subject matter jurisdiction to hear an  
8 appeal from the judgment of a state court." *Bianchi v. Rylaarsdam*, 334 F.3d 895, 896 (9th Cir. 2003).  
9 The Ninth Circuit case law "makes clear that this doctrine applies even where the challenge to  
10 the state court decision involves federal constitutional issues," including section 1983 claims.  
11 *Napolitano*, 252 F.3d at 1029 (citing *Worldwide Church of God v. McNair*, 805 F.2d 888, 891 (9th Cir.  
12 1986)). The "doctrine applies to both final and interlocutory decisions from a state court."  
13 *Benavidez v. Cnty. of San Diego*, 993 F.3d 1134, 1142-43 (9th Cir. 2021)(emphasis added)(citing  
14 *Napolitano*, 252 F.3d at 1030. The doctrine does not depend on the availability of a forum; instead,  
15 it exists to protect state courts from collateral attack by a federal judgment. *Id.*

16 "To determine whether the *Rooker-Feldman* bar is applicable, a district court first must  
17 determine whether the action contains a forbidden de facto appeal of a state court decision." *Bell*  
18 *v. City of Boise*, 709 F.3d 890, 897 (9th Cir. 2013). "A de facto appeal exists when 'a federal plaintiff  
19 asserts as a legal wrong an allegedly erroneous decision by a state court, and seeks relief from a  
20 state court judgment based on that decision.' " *Id.* (quoting *Noel v. Hall*, 341 F.3d 1148, 1164 (9th  
21 Cir. 2003)); see also *Cooper v. Ramos*, 704 F.3d 772, 777-78 (9th Cir. 2012) ("To determine whether  
22 an action functions as a de facto appeal, we 'pay close attention to the relief sought by the federal-  
23 court plaintiff.'" (quoting *Bianchi v. Rylaarsdam*, 334 F.3d 895, 900 (9th Cir. 2003) (emphasis in  
24 original))).

25 In the present case, Plaintiffs are dissatisfied with a state court's addressing their requests  
26 for ADA accommodations. Based on the Complaint, Plaintiffs believe that Judge Robb's Orders

1 are in violation of ADA and substantive due process. Plaintiffs request that this Court “enjoin  
2 Defendants, jointly and severally, from proceeding against Plaintiffs further without fully  
3 addressing the current, and any additional requests for reasonable modification”, ECF No. 1 at  
4 38, and that the Court “instruct the Defendants on how to act and behave in accord with the  
5 ADA...”, *Id.* at 37.

6 The *Rooker-Feldman* doctrine prevents this Court from exercising subject matter  
7 jurisdiction over this action. Plaintiffs are attempting a de facto appeal of Judge Robb's Orders  
8 regarding reasonable accommodations. District courts throughout the Ninth Circuit have  
9 determined that the *Rooker-Feldman* doctrine bars similar de facto appeals of reasonable  
10 accommodation requests under the ADA. See *Farina v. Cnty. of Napa, California*, 2022 WL 1539518,  
11 at \*2 (N.D. Cal. May 16, 2022) (“This order need not entertain the merits of plaintiff's ADA claim  
12 to conclude that plaintiff raises a de facto appeal of a state-court order” and “*Rooker-Feldman*  
13 doctrine thwarts all claims); *Sidiakina v. Bertoli*, 2012 WL 12850130, at \*3–4 (N.D. Cal. Sept. 7,  
14 2012) (dismissing ADA claims against presiding judge based on *Rooker-Feldman*), *aff'd*, 612 Fed.  
15 Appx. 477 (9th Cir. 2015); *Bernstein v. United States Dept. of Hous. & Urb. Dev.*, 2021 WL 1530939, at  
16 \*4 (N.D. Cal. Apr. 19, 2021) (dismissing ADA reasonable accommodation claims against Alameda  
17 County Superior Court and presiding judges based on *Rooker-Feldman* and judicial immunity);  
18 *McDaniels v. Dingley*, 2021 WL 5564727, at \*5 (W.D. Wash. Nov. 29, 2021) (“Plaintiff's ADA  
19 accommodation claims are barred by *Rooker-Feldman* because they challenge state court decisions  
20 denying his requests for reasonable accommodations under Title II of the ADA.”).

21 In *Langworthy v. Whatcom Cty. Superior Ct.*, the district court held:

22 The *Rooker-Feldman* doctrine bars litigants from bringing claims against state  
23 courts based on denials of reasonable accommodations when the denial—in  
24 other words, the injury—is effected through a court order. See *Sykes*, 837 F.3d  
25 at 743 (dismissing an ADA claim based on a state judge's order banning  
26 plaintiff's service dog from the courtroom because the source of plaintiff's  
alleged injury was the state court judgment); *Sidiakina v. Bertoli*, 2012 WL  
12850130, slip op. at 4 (N.D. Cal. Sept. 7, 2012), *aff'd*, 612 F. App'x 477 (9th Cir.  
2015) (dismissing an ADA claim based on a state judge's denial of plaintiff's  
requests for reasonable accommodations, including appointed counsel,

disqualification of the assigned judge, and a change of venue); *Iceberg v. King Cnty. Super. Ct.*, 2021 WL 391615, slip op. at 4 (W.D. Wash. Feb. 4, 2021) (dismissing an ADA claim based on a state judge's denial of plaintiff's request for the appointment of counsel as an accommodation under GR 33); *Winchester v. Yakima Cnty. Super. Ct.*, 2011 WL 133017, slip op. at 1 (E.D. Wash. Jan. 14, 2011) (same)....

2021 WL 1788391, at \*3 (W.D. Wash. May 5, 2021).

Plaintiffs' claims are barred by *Rooker-Feldman* because they are seeking a de facto appeal of Judge Robb's orders on their reasonable accommodation requests under the ADA. Accordingly, this Court should dismiss this action based on FRCP 12(b)(1).

C. PLAINTIFFS' CLAIMS AGAINST JUDGE ROBB ARE BARRED BY JUDICIAL IMMUNITY.

Assuming *arguendo* that this Court exercises jurisdiction over the Complaint, dismissal under FRCP 12(b)(6) is appropriate.

Plaintiffs' claims against Judge Robb are subject to dismissal. "It is well settled that judges are generally immune from suit for money damages." *Lund v. Cowan*, 5 F.4th 964, 970 (9th Cir. 2021) (quoting *Duvall v. Cnty. of Kitsap*, 260 F.3d 1124, 1133 (9th Cir. 2001)); *see also Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986) (en banc). "This absolute immunity insulates judges from charges of erroneous acts or irregular action, even when it is alleged that such action was driven by malicious or corrupt motives, [citation], or when the exercise of judicial authority is 'flawed by the commission of grave procedural errors.'" *In re Castillo*, 297 F.3d 940, 947 (9th Cir. 2002) (quoting *Stump v. Sparkman*, 435 U.S. 349, 359 (1978)). "Judicial immunity applies however erroneous the act may have been, and however injurious in its consequences it may have proved to the plaintiff." *Ashelman*, 793 F.2d at 1075 (internal quotation marks omitted). "Disagreement with the action taken by [a] judge," even one resulting in "tragic consequences," "does not justify depriving that judge of his immunity." *Stump*, 435 U.S. at 363 (applying judicial immunity to judge who approved petition for sterilization even if approval was in error).

"Although unfairness and injustice to a litigant may result on occasion, 'it is a general principle of the highest importance to the proper administration of justice that a judicial officer,

1 in exercising the authority vested in him, shall be free to act upon his own convictions, without  
 2 apprehension of personal consequences to himself” *Mireles v. Waco*, 502 U.S. 9, 10 (1991), *superseded*  
 3 *by statute on other grounds* (quoting *Bradley v. Fisher*, 13 Wall. 335, 347 (1872)). Moreover, a judge's  
 4 errors should be corrected on appeal, not by subsequent civil litigation because civil liability  
 5 “would contribute not to principled and fearless decisionmaking but to intimidation.” *Pierson v.*  
 6 *Ray*, 386 U.S. 547, 554 (1967); *In re Thomas*, 508 F.3d 1225, 1227 (9th Cir. 2007) (per curiam).

7 It is well-settled that judicial immunity applies to actions brought under the ADA. *Lund*,  
 8 5 F.4th at 970-72 (applying judicial immunity in action alleging superior court judge's in-court  
 9 comments violated Title II of the ADA); *Duvall*, 260 F.3d at 1133 (finding ADA claim based on  
 10 judge's failure to accommodate hearing impairment during state court proceedings barred by  
 11 judicial immunity); *Updike v. City of Gresham*, 62 F. Supp. 3d 1205, 1212-13 (D. Or. 2014) (applying  
 12 judicial immunity to ADA claim arising from judge's failure to provide ASL interpreter); *see also*  
 13 *Phiffer v. Oregon*, 586 Fed. Appx. 425, 425 (9th Cir. 2014) (affirming dismissal of ADA claim  
 14 concerning scheduling of hearing based on judicial immunity); *Fuery v. Cherry*, No. 2:18-CV-00982-  
 15 KJM-CKD, 2018 WL 3993303, at \*2 (E.D. Cal. Aug. 21, 2018) (extending judicial immunity to  
 16 action alleging state court judges violated ADA during adjudication of criminal cases). It is also  
 17 well-established that judicial immunity extends to civil rights actions brought under 42 U.S.C.  
 18 § 1983. *Pierson*, 386 U.S. at 554; *see also Stump*, 435 U.S. at 355-56; *Ashelman*, 793 F.2d at 1075.

19 Judicial immunity is only overcome if the actions were “nonjudicial actions, i.e., actions  
 20 not taken in the judge's judicial capacity” or were “actions, though judicial in nature, taken in the  
 21 complete absence of all jurisdiction.” *Mireles*, 502 U.S. at 11-12. Regarding the former, “[a]n act is  
 22 considered ‘judicial’ when it is a function normally performed by a judge and the parties dealt  
 23 with the judge in his judicial capacity.” *Sidiakina*, 2012 WL 12850130, at \*4 (citing *Stump*, 435 U.S.  
 24 at 362). “To determine if an individual acted in an official judicial capacity, a court must analyze  
 25 whether: “(1) the precise act is a normal judicial function; (2) the events occurred in the judge's  
 26 chambers; (3) the controversy centered around a case then pending before the judge; and (4) the

1 events at issue arose directly and immediately out of a confrontation with the judge in his or her  
2 official capacity.” *Ibid.* (quoting *Stump*, 435 U.S. at 362). “These factors are to be construed  
3 generously in favor of the judge and in light of the policies underlying judicial immunity.”  
4 *Ashelman*, 793 F.2d at 1076.

5 Here, the action against Judge Robb arises out her multiple rulings addressing Plaintiff  
6 Mezzano’s disability accommodation requests and actions taken while on the bench or in  
7 chambers. See ECF No. 1 at ECF No. 1 at pp. 20--28 & Ex. F, I, & J.

8 A ruling rendered by a judge presiding over a case, as well as “exercising control over the  
9 courtroom while court is in session[,]” are both “normal judicial *function[s]*[.]” *Duvall*, 260 F.3d at  
10 1133; see also *Bernstein*, 2021 WL 1530939 at \* 5 (holding that judges’ denial of disability  
11 accommodations requests, including requests for live hearings (instead of telephonic hearings),  
12 continuances, appointment of counsel, morning hearings only, additional time for oral argument,  
13 and extensions of time for responses to multiple motions and discovery requests so as to spread  
14 out their due dates, were normal judicial functions).

15 Judge Robb’s actions occurred in her chambers or courtroom, and they centered around  
16 an action pending before her, i.e., the divorce action, and they arose directly and immediately out  
17 of Plaintiffs Mezzano and Shore’s interactions with Judge Robb in her official capacity. See  
18 *Sidiakina*, 2012 WL 12850130, at \*4 (rejecting argument that judge’s decisions to deny motions  
19 was administrative).

20 As noted above, the Supreme Court has confirmed that judicial immunity applies to civil  
21 rights actions brought under § 1983. *Pierson*, 386 U.S. at 554; see also *Stump*, 435 U.S. at 355-56;  
22 *Ashelman*, 793 F.2d at 1075. In *Pulliam v. Allen*, 466 U.S. 522 (1984), however, the Supreme Court  
23 held that judicial immunity does not extend to Section 1983 actions seeking prospective  
24 injunctive relief against state judicial officers. 466 U.S. at 541-42. Congress responded to *Pulliam*  
25 in 1996 by amending Section 1983 to abrogate its holding. *Moore v. Urquhart*, 899 F.3d 1094, 1104  
26 (9th Cir. 2018). Pursuant to the Federal Courts Improvement Act of 1996, Section 1983 now states

that “in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.” Declaratory relief has been deemed to be unavailable if the plaintiff demonstrates he or she lacks “the ability ... to ‘appeal[] the judge’s order[]’ [Citations].” *Owens v. Cowan*, Case No. CV 17-03674-FMO (JDE), 2018 WL 1002313, \*11 (C.D. Cal. Jan. 17, 2018), adopted by 2018 WL 1009268 (C.D. Cal. Feb. 16, 2018); see also *Weldon v. Kapetan*, Case No. 1:17-cv-01536-LJO-SKO, 2018 WL 2127060, at \*4 (E.D. Cal. May 9, 2018).

Based on the foregoing, judicial immunity bars actions for injunctive relief against a state court judge brought under Section 1983 where appellate relief is or was available to the plaintiff. Given Judge Robb’s rulings may be reviewed on appeal, and Plaintiffs do not and cannot allege otherwise, any injunctive relief sought against Judge Robb under Section 1983 is barred by judicial immunity.

In sum, Plaintiffs claims against Judge Robb under Title II of the ADA and substantive due process are barred by judicial immunity. Moreover, declaratory and injunctive relief are unavailable under Title II of the ADA and substantive due process, because Judge Robb’s rulings can be reviewed on appeal.

**D. PLAINTIFFS’ CLAIMS UNDER TITLE II OF THE ADA AGAINST THE DEFENDANTS ROBB, LERUD, REED, AND WRIGHT IN THEIR INDIVIDUAL CAPACITIES FAIL TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED.**

The Complaint is unclear as to what exact claims for relief are being brought. However, Plaintiffs have named Defendants Robb, Lerud, Reed, and Wright in their individual capacities based on “Title II of the ADA” and “substantive due process.” See ECF No. 1.

To the extent Plaintiffs attempt to bring ADA claims against defendants in their individual capacities, these claims must be dismissed. Title II of the ADA does not provide for individual capacity suits against state officials. See *Vinson v. Thomas*, 288 F.3d 1145, 1156 (9th Cir. 2002); *Stewart v. Unknown Parties*, 483 F. App’x 374, 374 (9th Cir. 2012) (citing *Lovell v. Chander*, 303 F.3d 1039, 1052 (9th Cir. 2002)); *Newsome v. Ariz. Dep’t of Corr.*, 2015 WL 437537, at \*5 (D. Ariz. Feb.

3, 2015) (collecting courts of appeals cases finding no individual liability under Title II of the ADA); *see also Garcia v. S.U.N.Y. Health Scis. Ctr. of Brooklyn*, 280 F.3d 98, 107 (2d Cir. 2001) (Title II of the ADA does not provide for individual capacity suits against state officials.).

To the extent Plaintiffs attempt to bring individual capacity ADA claims under Section 1983, they also fail to state a claim. *Vinson v. Thomas*, 288 F.3d 1145, 1156 (9th Cir. 2002) (“[A] plaintiff cannot bring an action under 42 U.S.C. § 1983 against a State official in her individual capacity to vindicate rights created by Title II of the ADA....”).

Accordingly, Plaintiffs’ individual capacity claims against Defendants Robb, Lerud, Wright, and Reed should be dismissed pursuant to FRCP 12(b)(6).

E. PLAINTIFFS FAIL TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED AGAINST DEFENDANT SECOND JUDICIAL DISTRICT COURT AND DEFENDANTS LERUD, WRIGHT, AND REED IN THEIR OFFICIAL CAPACITIES.

Plaintiffs failed to state a claim under Title II of the ADA against Defendant Second Judicial District Court of Nevada or Defendants Wright, Lerud, or Reed in their official capacities.

As an initial matter, Plaintiffs bring official capacity claims against Defendant Lerud, Reed, and Wright is redundant. Defendant Alicia Lerud serves as the Court Administrator & Clerk of Court for the SJDC. Defendant Emily Reed is the Assistant Court Administrator. Defendant William Wright is the former Assistant Court Administrator.

A suit against a state official in his or her official capacity is not a suit against the official but rather is a suit against the official's office. *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 71 (1989) (citations omitted); *Kentucky v. Graham*, 473 U.S. 159, 165-66 (1985); *Aguon v. Commw. Ports Auth.*, 316 F.3d 899, 901 (9th Cir. 2003); *see also Cortez v. Cnty. of Los Angeles*, 294 F.3d 1186, 1189-90 (9th Cir. 2002). Because the SJDC is already named as Defendant in this action, the inclusion of Lerud, Reed, and Wright is “redundant and warrant dismissal under Rule 12(b)(6).” *Underwood, et al., v. Oriol, et al.*, 2023 WL 4489632, at \*4 (D. Nev. July 12, 2023).

//

1 The only factual allegations in the Complaint to support the claims for a violation of Title  
 2 II of the ADA outside of those challenging Judge Robb's orders and court proceedings are that: (1)  
 3 Defendant Lerud discriminated and retaliated against Plaintiffs because the court did not have a  
 4 "designated responsible employee" under the ADA, ECF No. 1 at pp. 6-8; (2) Defendant Wright  
 5 discriminated and retaliated against Plaintiffs under the ADA because he told Plaintiffs that their  
 6 requests could not be accommodated by court administration because they altered the divorce  
 7 proceedings and needed to be brought before the judge, *Id.* at pp. 10-13; and (3) Defendant Reed  
 8 violated the ADA because she is works for the court, *See* ECF No. 1 at pp. 11, 19, 20, 24, 25.

9 To establish a prima facie case for discrimination under Title II, Plaintiffs must show that  
 10 (1) they are qualified individuals with a disability; (2) they were excluded from participation in  
 11 or otherwise discriminated against with regard to a public entity's services, programs, or  
 12 activities, and (3) such exclusion or discrimination was by reason of their disability." *Lovell v.*  
 13 *Chandler*, 303 F.3d 1039, 1052 (9th Cir. 2002) (citing *Weinreich v. Los Angeles County Metro. Transp.*  
 14 *Auth.*, 114 F.3d 976, 978 (9th Cir. 1997)). Plaintiffs utterly fail to support their assertions under  
 15 prongs two and three of the analysis.

16 Plaintiffs assert that the SJDC discriminated against Mezzano by failing to identify a  
 17 "designated responsible employee" pursuant to 28 C.F.R. §35.107(a). However, Plaintiffs  
 18 completely fail to allege how this failure caused them to be "excluded from participation in or  
 19 otherwise discriminated against" the services of the SJDC. Based on the allegations in the  
 20 Complaint, Plaintiffs were able to send a request for accommodations to Ms. Lerud on January  
 21 12, 2023. ECF No. 1 at p. 18. Additionally, under the third prong of the test, there is no allegation  
 22 that the Second JD's failure to have a designated responsible employee occurred because Ms.  
 23 Mezzano had a disability. The Sixth Circuit has held, a plaintiff "cannot bring a claim under Title  
 24 II of the ADA simply because the Juvenile Court lacked a designated coordinator or a grievance  
 25 procedure." *Bowie v. Hamilton Cnty. Juvenile Court*, 2021 WL 1567983, at \*2 (6th Cir. Jan. 20, 2021),  
 26 *cert. denied*, 141 S. Ct. 2831 (2021), *reh'g denied*, 142 S. Ct. 926 (2021) citing *Tucker v. Tennessee*, 539 F.3d

526, 532 (6th Cir. 2008); *Dillery v. City of Sandusky*, 398 F.3d 562, 568 (6th Cir. 2005). Accordingly, these allegations of discrimination under the ADA are without merit.<sup>1</sup>

Plaintiffs also assert that the SJDC discriminated against Ms. Mezzano because Defendant Wright told Plaintiffs that their requests could not be accommodated by court administration because they altered the divorce proceedings and needed to be brought before the judge. As alleged in the Complaint, on January 12, 2023, Mr. Shore sent a letter to Judge Robb and Alicia Lerud requesting the following accommodations:

- Ms. Mezzano needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely from her home; and
- The undersigned Advocate needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely; and
- Ms. Mezzano needs the ability to record any and all hearings, proceedings, calls, or other interactions with the Court, to mitigate communication disability; and
- Ms. Mezzano needs the undersigned to assist (aid and encourage – 42 U.S.C. §12203(b) her in the exercise and enjoyment of her rights under the ADA. This includes, without limitation, the ability to calm her, or help her refocus on the matters at hand, the ability to converse with her about what symptomatic presentations are arising, and how to mitigate these responses, commonly referred to as triggers, and the ability to ask the Court for a break to allow refocus or discussion of disability mitigation to allow Ms. Mezzano to maintain as high a level of executive function/cognitive presence as possible. The ADA Advocate also needs to be able to ask the Court on behalf of Ms. Mezzano, to give the static, complete, full, and permanent meaning to any words or terms that are unclear to Ms. Mezzano, or the Advocate; and

---

<sup>1</sup> Plaintiffs take exemption multiple points of contact being involved in Ms. Mezzano's ADA request. However, contrary to their assertions 28 C.F.R. § 35.107 allows for multiple points of contact to comply. Under the regulation, public entities "designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities..." (emphasis added). Moreover, as alleged in the Complaint, Ms. Reed has subsequently been designated as the responsible employee under the ADA, ECF No. 1 at p. 62, and therefore any claims for prospective equitable relief under this provision are moot. See *Adelman v. Dunmire*, 1997 WL 164240, at \*4 (E.D. Pa. Mar. 28, 1997), *aff'd*, 149 F.3d 1163 (3d Cir. 1998)(because state court had appointed an ADA coordinator, plaintiff had not demonstrated a need for injunctive relief to compel future compliance with ADA).

- 1 • Ms. Mezzano needs to be able to ask the Court for, and receive from the Court, the static,  
2 complete, full and permanent meaning to any words or terms that are unclear to Ms.  
3 Mezzano; and
- 4 • Ms. Mezzano needs the Court to use only plain English, and refrain from using legalese  
5 or terms that are unclear, without first providing a glossary of said terms that contain  
6 static, complete, full, and permanent meaning to any words or terms that are or may be  
7 unclear to Ms. Mezzano; and
- 8 • Ms. Mezzano needs the Court to order that the opposing counsel or opposing party only  
9 plain English, and refrain from using legalese or terms that are unclear to Ms. Mezzano,  
10 without first providing a glossary of said terms that contain static, complete, full, and  
11 permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano;  
12 and
- 13 • Ms. Mezzano demands that the Court refrain from the unlawful acts of coercion,  
14 intimidation, threats, and interference, as per 42 U.S.C. §12203(b), in any act or deed of  
15 the Court. Ms. Mezzano will, at all times henceforth, be exercising her rights under the  
16 ADA while Case No DV19-01564 in the Family Division of the Second Judicial District  
17 Court of the State of Nevada in and for the County of Washoe continues, or in any other  
18 Court proceeding or ancillary proceeding related with any Court matter; and
- 19 • Ms. Mezzano needs the Court to allow extra time to process and complete tasks for the  
20 purpose of disability mitigation; and
- 21 • As a qualified individual who is authorized under 42 U.S.C. §12203(b) and 28 C.F.R.  
22 §35.134(b) to aid and encourage Ms. Mezzano in the exercise and enjoyment of her rights  
23 under the ADA, the undersigned will also need the reasonable modification of being  
24 allowed to record and all interactions with the Court, including without limitations  
25 hearings, proceedings, calls, or other communications or interactions for disability  
26 mitigation.

ECF No. 1 at pp. 8-20.

On January 12, 2023, Defendant Lerud acknowledge receipt via and stated that including Judge Robb was an ex parte communication. *Id.* at 20. On January 13, 2023, William Wright responded to Mr. Shore and said that he was the primary point of contact for the accommodation requests and that communication be made to the court's administration team and "not include a judicial officer on the email." *Id.* at 47. The Complaint avers that, on January 30, 2023, Defendant Wright responded that "[y]our requests cannot be accommodated by Court Administration. Since they request to alter court proceedings, they need to be brought before the Court for this

1 specific case. My understanding is that Ms. Mezzano is currently represented by counsel in this  
2 matter. The requests that you made should be made by her counsel and filed with the Court to  
3 make any appropriate rulings.” ECF No. 1 at pp. 27-28.

4 Plaintiffs assert that Wright’s statements discriminated against Ms. Mezzano under the  
5 ADA because there is no provision in the ADA that requires court filings to seek  
6 accommodations. ECF No. 1 at 12. This allegation is meritless.

7 In *Tennessee v. Lane*, 541 U.S. 509 (2004), the U.S. Supreme Court held that Title II of the  
8 ADA “required the States to take reasonable measures to remove architectural and other barriers  
9 to accessibility” to state courthouses.” The Court explained that the ADA “does not require  
10 States to employ any and all means to make judicial services accessible to persons with  
11 disabilities.” *Id.* at 531-32. Rather, the ADA “requires only ‘reasonable modifications’ that would  
12 not fundamentally alter the nature of the service provided, and only when the individual seeking  
13 modification is otherwise eligible for the service.” *Id.* at 532.

14 Mezzano’s requests were not about physical barriers to the courthouse as presented in  
15 *Lane*. Rather, they sought modification of how her divorce proceeding were to be conducted.  
16 Based on Mezzano’s specific requests, SJDC could not grant the requested modifications, only  
17 Judge Robb could.

18 Ms. Mezzano was requesting that Mr. Shore, as an “ADA Advocate,” be allowed to appear  
19 in her divorce proceedings. The divorce proceeding *Townley v. Mezzano*, DV 19-01564 was ordered  
20 sealed on October 7, 2019. Pursuant to NRS 125.080(b), all persons must be excluded from the  
21 proceedings unless delineated in the statute or allowed by the judge. Nevada law does not  
22 contemplate an ADA support person to attend the hearings; however, it does vest the presiding  
23 judge with discretion “upon oral or written motion of either party” a hearing to determine  
24 whether to exclude a certain individual. Thus, contrary to Plaintiffs’ assertion, only Judge Robb  
25 had the power to allow Mr. Shore to attend the proceedings in the divorce action.

26 // .

1 Similarly, Mezzano's request that she and Mr. Shore be allowed to appear remotely at all  
2 hearings could only be addressed by the presiding judge. *Hiramanek v. Clark*, 2016 WL 687974, at  
3 \*8 (N.D. Cal. Feb. 19, 2016)(no ADA violation based upon a blanket request for telephonic  
4 appearances at "all pending and future court hearings," without regard to the purpose of each  
5 hearing because it would impermissibly require the court to abandon the discretion necessary to  
6 control proceedings."). It is well recognized that in general, courts have broad discretion to  
7 determine whether to order litigants to appear in person. *See, e.g., Estrada v. Speno & Cohen*, 244 F.3d  
8 1050, 1052 (9th Cir. 2001) (finding no abuse of discretion in district court's decision to grant  
9 default judgment for repeated failure to comply with court orders, including order to appear in  
10 person); *Bartholomew v. Burger King Corp.*, No. CIV. 11-00613 JMS, 2014 WL 7419854, at \*1 (D. Haw.  
11 Dec. 30, 2014) (affirming magistrate judge's order granting sanctions for failure to personally  
12 appear at settlement conference); *Winters v. Jordan*, No. 2:09-CV-0522-JAM-KJN, 2013 WL  
13 5780819, at \*8 (E.D. Cal. Oct. 25, 2013) (noting that "the mere fact that plaintiffs are proceeding  
14 in forma pauperis does not entitle them to make telephonic appearances" and recommending  
15 dismissal for repeated failure to comply with court orders). Thus, the Second JD could not grant  
16 Ms. Mezzano's request, only the presiding judge could.

17 Ms. Mezzano's request to record all hearings could only be addressed by Judge Robb.  
18 Nevada court prohibit electronic devices be used for audio recording of a courtroom proceeding  
19 without filing of a written request with the judge. *See Nev. Sup. Ct. R. 246* ("Electronic devices  
20 may not be used for photography, or audio or video recording for broadcast or transmission,  
21 however, unless permission is obtained pursuant to Rule 230). Thus, Nevada law empowers only  
22 the presiding judge to grant the relief that Ms. Mezzano was seeking.

23 Finally, Ms. Mezzano's rather bizarre requests that the presiding judge and opposing  
24 counsel refrain from "legalese" and speak "plain English" to accommodate her disability bear  
25 directly on how the divorce proceedings were being conducted. Only the presiding judge has the  
26 discretion to address this accommodation.

1 Requiring Ms. Mezzano to file a motion requesting relief in her divorce proceeding is not  
2 discrimination nor retaliation under the ADA. See *Bedford v. Michigan*, 722 Fed. Appx. 515, 520 (6th  
3 Cir. 2018). In *Bedford*, the Sixth Circuit addressed a remarkably similar case to the present. 722  
4 Fed. Appx. 515 (6th Cir. 2018). Therein, the pro se plaintiff in a domestic relations litigation in  
5 family court submitted numerous requests for ADA accommodations based on having purported  
6 litigation stress syndrome. The state court denied her request to record proceedings because all  
7 court proceedings are recorded and transcripts are available. *Id.* at 517. The state court denied her  
8 request for representation by a “disability advocate” because the advocate was not a lawyer. *Id.*  
9 In affirming the dismissal of the complaint, the Sixth Circuit held:

10 The Americans with Disabilities Act does not require that a state court in a  
11 family-court proceeding approve an accommodation that allows a party to  
12 present her case through a nonlawyer “disability advocate” in violation of state  
13 law when the party did not file a motion as directed. Plaintiff has the same  
14 right as all litigants to be assisted in court proceedings by a lawyer or to speak  
15 on her own behalf, with or without the assistance of a lawyer. Imposing a  
16 federal duty to allow a litigant to act through a “disability advocate” without  
17 complying with the state court’s requirement to file a written motion on the  
18 issue would “fundamentally alter the services” provided by the court in  
19 violation of *Lane* and is not a reasonable modification.

20 *Id.* at 520. Likewise, in the present case, it is not a violation of the ADA to require the filing of a  
21 motion requesting ADA accommodation with the presiding judge that will alter the proceedings.

22 Accordingly, Plaintiffs assertions of claims against the SJDC based on Mr. Wright’s  
23 actions fail to state a claim upon which relief can be granted.

24 There are no factual allegations to support any claim against the SJDC based on  
25 Defendant Reed’s actions. The allegations against Defendant Reed are nothing more than she  
26 “intermittently entered the picture of ADA compliance,” she was included on an email from Judge  
Robb, she was subsequently appointed as ADA coordinator, and sent an email to Plaintiffs  
conveying Judge Robb’s invitation to Mr. Shore to attend a hearing. See ECF No. 1 at p. 11, 19, 20,  
24, 25. Even under the most liberal pleading standards, these allegations are insufficient to state  
a claim upon which relief can be granted.

1 In sum, Plaintiffs have failed to state a claim for relief under the ADA or substantive due  
2 process against the SJDC or Defendant Lerud, Wright, or Lerud in their official capacities.  
3 Accordingly, Defendants respectfully request dismissal pursuant to FRCP 12(b)(6).

4 F. PLAINTIFF SHORE LACKS STANDING TO SUE AS “NEXT FRIEND” FOR MS.  
5 MEZZANO

6 While an ancillary issue that this Court may not need to reach, Plaintiff Shore lacks  
7 standing to sue as “next friend” for Ms. Mezzano. His attempt to do so is a transparent attempt  
8 to use his purported status as a non-attorney “ADA Advocate” to continue to engage in the  
9 unauthorized practice of law.

10 Individuals not licensed to practice law by the state may not use the next friend device as  
11 an artifice for the unauthorized practice of law. *Weber v. Garza*, 570 F.2d 511, 514 (5th Cir. 1978).  
12 Courts have routinely adhered to the general rule prohibiting *pro se* plaintiffs from pursuing  
13 claims on behalf of others in a representative capacity. *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664  
14 (9th Cir. 2008).

15 In the Complaint, Plaintiff Mr. Shore asserts that he is “acting in a capacity as aid and  
16 encouragement and/or if necessary, under Rule 17(c)(2) as Next Friend of Plaintiff Mezzano.”  
17 Nothing in FRCP 17, nor the ADA allows for Mr. Shore, a non-attorney, to represent Ms.  
18 Mezzano in any manner in this action.

19 First, “[i]n order to establish next-friend standing, the putative next friend must show:  
20 (1) that the petitioner is unable to litigate his own cause due to mental incapacity, lack of access  
21 to court, or other similar disability; and (2) the next friend has some significant relationship with,  
22 and is truly dedicated to the best interests of, the petitioner.” *Naruto v. Slater*, 888 F.3d 418, 421  
23 (9th Cir. 2018)(holding that PETA lacked “next friend” standing for a monkey).

24 The Complaint contains no facts that establish that Ms. Mezzano suffers from “mental  
25 incapacity, lack of access to court, or other similar disability” that would not allow her to litigate  
26 this case on her own behalf. Ms. Mezzano is able to litigate in her state court action and while

1 she has claimed that she suffers from CPTSD in the Complaint, this does not render incompetent  
2 or mentally deficient to have a next friend recognized under FRCP 17. Moreover, there is no  
3 showing that Mr. Shore has a significant relationship with or dedicated to the best interest of  
4 Ms. Mezzano.

5 The Complaint in this matter shows that Plaintiff Shore has engaged in the unauthorized  
6 practice of law in the family state court action, and this Court should not allow him to do so here.  
7 See ECF No. 1 at Ex. A pp. 44-45 (representing Ms. Mezzano's positions that Judge Robb has  
8 failed to adequately abide by the Nevada Supreme Court's Order of Reversal). The unauthorized  
9 practice of law is unlawful and has criminal penalties in the State of Nevada. NRS 7.285. The  
10 Local Rules do not contemplate non-attorney admissions, other than law students supervised by  
11 an attorney, to this Court. See LR IA 11-1 — 11-5, This Court should not aid Mr. Shore in further  
12 violating state law and the rules of this Court.

#### 13 IV. CONCLUSION

14 Accordingly, Defendants Second Judicial District Court of Nevada, Judge Bridget E.  
15 Robb, Alicia Lerud, Emily Reed, and William Wright respectfully request that this Court issue  
16 an order of dismissal pursuant to FRCP 12(b)(1) finding that this Court lacks jurisdiction under  
17 the *Younger* abstention and/or *Rooker-Feldman* abstention doctrines. Defendants respectfully

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1 request that this Court issue an order of dismissal pursuant to FRCP 12(b)(6) based on judicial  
2 immunity and failure to state a claim against Defendants.

3 Dated this 17th day of July 2023.

4 CHRISTOPHER J. HICKS  
5 District Attorney

6 By /s/ Michael W. Large  
7 MICHAEL W. LARGE  
8 Deputy District Attorney  
9 One South Sierra Street  
Reno, NV 89501  
mlarge@da.washoecounty.gov  
(775) 337-5700

10 ATTORNEYS FOR SECOND JUDICIAL  
11 DISTRICT COURT OF NEVADA,  
12 JUDGE BRIDGET E. ROBB, ALICIA LERUD,  
13 EMILY REED & WILLIAM WRIGHT  
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of the Office of the District Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, I deposited for mailing in the U.S. Mails, with postage fully prepaid, a true and correct copy of the foregoing Motion to Dismiss in an envelope addressed to the following:

ROCHELLE MEZZANO  
125 YELLOWSTONE DRIVE  
RENO, NV 89512

JAY V. SHORE  
3521 50<sup>TH</sup> STREET #51  
LUBBOCK, TX 79413

Dated this 17th day of July 2023.

/s/ C. Theumer  
C. Theumer

1 CHRISTOPHER J. HICKS  
Washoe County District Attorney  
2 MICHAEL W. LARGE  
Deputy District Attorney  
3 Nevada State Bar Number 10119  
One South Sierra Street  
4 Reno, NV 89501  
mlarge@da.washoecounty.gov  
5 (775) 337-5700

6 ATTORNEYS FOR SECOND JUDICIAL  
DISTRICT COURT OF NEVADA,  
7 JUDGE BRIDGET E. ROBB, ALICIA LERUD,  
EMILY REED & WILLIAM WRIGHT  
8

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 \* \* \*

12 ROCHELLE MEZZANO, JAY V. SHORE,  
individually, and as next friend for Rochelle  
13 Mezzano,

Case No. 3:23-cv-00324-RCJ-CSD

14 Plaintiff,

15 vs.

EMERGENCY MOTION TO REMAND  
AND/OR MOTION FOR ORDER TO  
SHOW CAUSE ON THE NOTICE OF  
REMOVAL  
(ORAL ARGUMENT REQUESTED)

16 SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA, as a covered entity  
17 under the Americans with Disabilities Act;  
THE STATE OF NEVADA; BRIDGET E.  
18 ROBB, individually, and in her professional  
capacity as Judge; ALICIA LERUD,  
19 individually, and as Trial Court Administrator  
and Clerk for the Second Judicial District  
20 Court of the State of Nevada; EMILY REED,  
Individually, and as ADA Coordinator and  
21 Assistant Court Administrator for the Second  
Judicial District Court of the State of Nevada;  
22 WILLIAM M. WRIGHT, JR. individually, and  
as Assistant Court Administrator for the  
23 Second Judicial District Court of the State of  
Nevada,

24 Defendants. /

Defendants Second Judicial District Court of Nevada, Judge Bridget E. Robb, Alicia Lerud, Emily Reed, and William Wright (“Defendants”), through counsel, Michael W. Large, Deputy District Attorney hereby move pursuant to Local Rule 7-4 on an emergency basis requesting that the Court hear Plaintiff’s Emergency Motion to Remand or, in the alternative Motion for Order to Show Cause, as soon as feasible as the outcome of the Motion impacts the trial setting in the state court divorce proceeding. This motion is based on the following memorandum of points and authorities, the attached Declaration of Michael W. Large counsel for Defendants as required by Local Rule 7-4, and the other exhibits attached hereto.

#### MEMORANDUM OF POINTS AND AUTHORITIES

On July 5, 2023, the eve of her divorce trial, Plaintiff Mezzano (“Mezzano”) appearing pro se filed a document entitled “Notice of Filing Federal Complaint and Notice of Removal to Federal Court” in her divorce proceeding. *See* Ex. 3. As a result, on July 6, 2023, Judge Robb vacated the trial on the morning of July 6, 2023.

Pursuant to established Ninth Circuit precedent, the filing of even a facially invalid notice of removal halts the state court proceedings. *See Resol. Tr. Corp. v. Bayside Devs.*, 43 F.3d 1230, 1238 (9th Cir. 1994), as amended (Jan. 20, 1995) (“[T]he clear language of the general removal statute provides that the state court loses jurisdiction upon the filing of the petition for removal.”).

Mezzano has not appropriately removed the action from state court pursuant to 28 U.S.C. §1446. Rather, she has filed the present action against the state court, the presiding judge, and the court administrators. Removal is accomplished by the filing of a verified petition fulfilling the requirements of 28 U.S.C. § 1446. It is a statutory procedure that provides for removal by a defendant of an appropriate action from state to federal court and must be completed within 30-days of service of the Complaint. 28 U.S.C. § 1446(b).

Mezzano has abused the removal process to attempt to stay the state court proceeding by filing a notice of removal that is facially defective in many respects. First, no petition for

1 removal was ever filed in the United States District Court of Nevada, only the present lawsuit.  
2 Second, any notice of removal was untimely because it was filed nearly 4 years after the case  
3 was initiated. *See* Ex. 4 (complaint in state court action filed September 19, 2019). Third, the  
4 domestic relations exception “prohibits a federal court from hearing claims that would require  
5 the court to enter “divorce, alimony, and child custody decrees.” *Ivey v. Spilotro*, 2:11-CV-02044-  
6 RCJ, 2012 WL 2788980, at \*7 (D. Nev. July 9, 2012) citing *Ankenbrandt v. Richard*, 504 U.S. 689,  
7 703 (1992). Finally, by not completing the removal process outlined in 28 U.S.C. §1446,  
8 Mezzano has prevented the other party in the divorce action, her husband, Mr. Townley, from  
9 appearing the federal court to protect his legal rights.

10 The filing of a Notice of Removal in the state court action, and then not completing it  
11 has placed the Second Judicial District Court in a jurisdictional quandary that can only be  
12 alleviated by this Court. The facially deficient Notice of Removal has thwarted the Second  
13 Judicial District Court’s ability to conduct its proceedings, reset the trial, and allow the parties  
14 to conclude the state divorce action. Moreover, by not completing removal pursuant to 28  
15 U.S.C. §1446. Essentially, by filing the Notice of Removal in state court, Plaintiff has obtained  
16 injunctive relief by preventing Second Judicial District Court from proceeding without meeting  
17 the requirements of FRCP 65.

18 Defendants recognize that emergency motion under Local Rule 7-4 are held in disfavor;  
19 however, this Court has recognized on multiple occasions that Emergency Motions to Remand  
20 where state court proceedings are directly affected are appropriate. *Lovas v. Inclinator Co. of Am.,*  
21 *Inc.*, 2022 WL 1137859, at \*1 (D. Nev. Apr. 18, 2022)(“there is no basis for this untimely removal  
22 nearly four years too late and on the eve of trial. I therefore grant Lovas’s emergency motion to  
23 remand”); *Dieter v. Bank of Am., N.A.*, 2012 WL 5387690, at \*1 (D. Nev. Nov. 1, 2012).

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1 Accordingly, Defendant respectfully request that this Court issue an Order of Remand  
2 outlining the case has not been removed or, in the alternative issue an Order to Show Cause  
3 why removal was not completed.

4 Dated this 19th day of July 2023.

6 CHRISTOPHER J. HICKS  
7 District Attorney

8 By /s/ Michael W. Large  
9 MICHAEL W. LARGE  
10 Deputy District Attorney  
11 One South Sierra Street  
12 Reno, NV 89501  
13 mlarge@da.washoecounty.gov  
14 (775) 337-5700

15 ATTORNEYS FOR SECOND JUDICIAL  
16 DISTRICT COURT OF NEVADA,  
17 JUDGE BRIDGET E. ROBB, ALICIA LERUD,  
18 EMILY REED & WILLIAM WRIGHT  
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of the Office of the District Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, I deposited for mailing in the U.S. Mails, with postage fully prepaid, a true and correct copy of the foregoing EMERGENCY MOTION TO REMAND AND/OR MOTION FOR ORDER TO SHOW CAUSE ON THE NOTICE OF REMOVAL (ORAL ARGUMENT REQUESTED) in an envelope addressed to the following:

ROCHELLE MEZZANO  
125 YELLOWSTONE DRIVE  
RENO, NV 89512

JAY V. SHORE  
3521 50<sup>TH</sup> STREET #51  
LUBBOCK, TX 79413

Dated this 19th day of July 2023.

/s/ C. Theumer  
C. Theumer

EXHIBIT INDEX

Exhibit 1 – Declaration of Michael W. Large

Exhibit 2 – Email correspondence dated 7-19-23

Exhibit 3 – Notice of Federal Court Complaint and Notice of Removal

Exhibit 4 - Complaint in State Court Action

EXHIBIT INDEX

## **EXHIBIT 1**

## **EXHIBIT 1**

DECLARATION OF MICHAEL W. LARGE

STATE OF NEVADA

COUNTY OF WASHOE

I, Michael W. Large, declare under penalty of perjury that the following statements are true to the best of my knowledge:

1. I serve as counsel of record for Defendants Second Judicial District Court of Nevada, Judge Bridget E. Robb, Alicia Lerud, Emily Reed, and William Wright ("Defendants") in Mezzano et al v. Second Judicial District Court of Nevada, et al. 3:23-cv-00324-RJC-CSD.
2. Pursuant to Local Rule 7-4(a)(3), I hereby certify that I attempted to meet and confer with Plaintiffs regarding this motion. I sent an email on July 19, 2023 addressing the nature of the emergency and legal issues involved, and specifically requested that a meet and confer conversation via telephone. Mr. Shore responded that he would not speak with me by phone and asking for an extension until Friday, July 19, 2023 due to personal reasons. I responded that due to the nature of the urgency, I could not grant the extension but was willing to speak with Ms. Mezzano without him. Mr. Shore accused me of misinterpreting what he said and stated that I was violating his ADA rights. I clarified my position. Mr. Shore indicated that would seeking to add me as a Defendant in the Amended Complaint. A true and accurate copy of this email exchange is attached hereto as Exhibit 2. Based on that conversation, I believe that any further meet and confer dialogue would be unproductive.
3. On July 5, 2023, Plaintiff Mezzano filed a document entitled "Notice of Filing Federal Complaint and Notice of Removal to Federal Court" in her divorce proceeding in state court *Townley v. Mezzano*, DVI9-01564. The state court action serves as the basis for the present suit. ECF No. 1 at pp. 5, 32 -39. On July 6, 2023, Judge Robb vacated the divorce trial because a Notice of Removal was filed in state court at the time of trial.

1 4. Plaintiff Mezzano has not filed a Petition for Removal in this Court as required by 28  
2 U.S.C. §1446.

3 5. Pursuant to Local Rule 7-4(a)(1), Plaintiff Mezzano's Notice of Removal has created an  
4 emergency situation because it has thwarted the Second Judicial District Court's ability  
5 to conduct its trial that was set for July 6, 2023 , reset the trial, and allow the parties to  
6 conclude the state divorce action that has been pending for 4 years. Additionally,  
7 because no removal has not been effectuated properly, Mr. Townley, plaintiff in the  
8 underlying case, does not have the ability to seek any legal redress from this Court.

9 6. Pursuant to Local Rule 7-4(a)(2), the office addresses of the movant and all affected  
10 parties are:

11 MICHAEL W. LARGE  
12 One South Sierra Street  
13 Reno, NV 89501  
14 (775) 337-5700

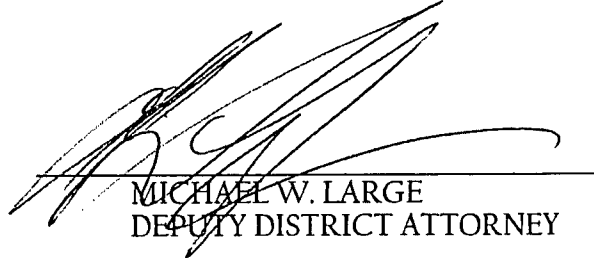
15 ROCHELLE MEZZANO  
16 125 YELLOWSTONE DRIVE  
17 RENO, NV 89512  
18 775-662-5262

19 JAY V. SHORE  
20 3521 50<sup>TH</sup> STREET #51  
21 LUBBOCK, TX 79413  
22 234-386-3363

23 7. Pursuant to Local Rule 7-4(a)(3), I sent an email on July 19, 2023 addressing the nature of  
24 the emergency and legal issues involved, and specifically requested that a meet and  
25 confer conversation via telephone. Mr. Shore responded that he would not speak with  
26 me by phone and asking for an extension until Friday, July 19, 2023. I responded that  
due to the nature of the urgency, I could not grant the extension but was willing to speak  
with Ms. Mezzano without him. Mr. Shore accused me of violating his ADA rights and  
will be seeking to add me as a Defendant in the Amended Complaint. A true and  
accurate copy of this email exchange is attached hereto as Exhibit 2.

1 8. Based on that conversation, I believe that any further meet and confer dialogue would be  
2 unproductive.

3 Dated this 19th day of July, 2023.

4  
5   
6 MICHAEL W. LARGE  
7 DEPUTY DISTRICT ATTORNEY  
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## **EXHIBIT 2**

## **EXHIBIT 2**

**Large, Michael**

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**From:** Large, Michael  
**Sent:** Wednesday, July 19, 2023 9:29 AM  
**To:** 'rochellemezzano@yahoo.com'; 'ADA Rights'  
**Subject:** RE: Mezzano et al v. Second Judicial District Court, et al 3:23-cv-00324

Ms. Mezzano and Mr. Shore,

My apologies, the last email was prematurely sent.

I am writing in an attempt to meet and confer with you regarding a specific issue presented in the above-entitled action pending in federal court and specifically affecting the jurisdiction of the federal and state courts. On July 5, 2023, in the divorce proceeding, Ms. Mezzano filed a document entitled "Notice of Filing Federal Complaint and Notice of Removal to Federal Court." By filing a Notice of Removal, Ms. Mezzano is bound by the requirements of 28 U.S.C. § 1446. To date, no verified petition fulfilling the requirements of 28 U.S. §1446 has been filed. Moreover, any attempt to remove the action to federal court is untimely under the 30-day rule. Additionally, the domestic relations exception domestic relations exception "prohibits a federal court from hearing claims that would require the court to enter "divorce, alimony, and child custody decrees."

The federal court needs to address the Notice of Removal that was filed in state court on an expedited basis to establish appropriate jurisdiction or that document needs to be withdrawn in the state court proceeding. Please let me know if Ms. Mezzano intends to withdraw it.

To effectively meet and confer under the Local Rules, I would like to set up a time today to have a direct dialogue with you by phone if possible. Please let me know if you are willing to have a telephone conversation about this issue and my office can set it up. Or you can call me immediately at 775-337-5700.

Michael W. Large  
Deputy District Attorney (Civil)  
Washoe County District Attorney's Office  
One South Sierra St.  
Reno, NV 89501

**Large, Michael**

---

**From:** ADA Rights <adarights@protonmail.com>  
**Sent:** Wednesday, July 19, 2023 11:21 AM  
**To:** Large, Michael  
**Cc:** 'rochellemezzano@yahoo.com'  
**Subject:** RE: Mezzano et al v. Second Judicial District Court, et al 3:23-cv-00324

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Mr. Large,

My mother passed away on Monday. I'm in a space that I don't know how to explain, but definitely in diminished capacity, and you already are aware that Ms. Mezzano and I are qualified individuals with disabilities when it comes to your services, which will extend even into your service while in federal court.

I've actually taken a week off due to this, and I know that's bad timing and doesn't line up with your presented urgency.

The federal court is not subject to the ADA, but your services, programs, and activities (which include your litigation in federal court) are subject to the ADA.

Further, I'm of the belief that you will use any phone conversation to attempt to paint me in a position of practicing law without a license, which is not my intent at all, and is a common coercive, intimidating threat used to interfere with my aid and encouragement of Ms. Mezzano in the exercise and enjoyment of her rights under the ADA (42 USC §12203(b)). I mean, you've asked me if Ms. Mezzano intends to withdraw a filing in her divorce case. **Let me make it clear that I don't**

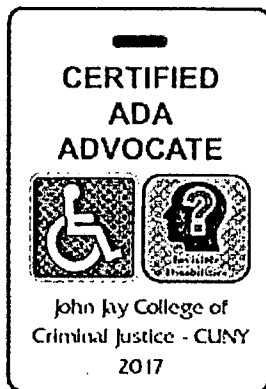
**represent her in legal matters, and any inference of the same is either misunderstanding or mistake.**

I'm asking for 2 days as an ADA reasonable modification of your services, programs, and activities as a Title II covered entity, for me to fully answer this, and to align with Ms. Mezzano on whatever any combined or separate strategies are. In other words, by close of business 5:00 P.M. on Friday, Pacific time.

Regards,

P.D., JAY V SHORE, As Certified ADA Advocate (2017), and as a qualified individual with a disability, and as Victim/Survivor Rights Advocate through SVAA training with NCVLI Portland, OR (2018)

[ADARightsTrust.com](http://ADARightsTrust.com)



**THIS IS CONSPICUOUS NOTICE THAT I MAY OR WILL RECORD ALL COURT AND/OR ADMINISTRATIVE PROCEEDINGS, AND THIS IS FOR DISABILITY MITIGATION AND EQUAL ACCESS.**

**CONFIDENTIALITY:** This transmission and all attachments contain confidential information belonging to the sender and may be protected by attorney-client privilege. The information is intended only for use of the individual or entity named above. If you are not the intended recipient, you are prohibited from disclosing, copying, distributing, or taking any action in reliance on the contents of this transmission. If you have received this transmission in error,

**Large, Michael**

---

**From:** Large, Michael  
**Sent:** Wednesday, July 19, 2023 1:09 PM  
**To:** 'ADA Rights'  
**Cc:** 'rochellemezzano@yahoo.com'  
**Subject:** RE: Mezzano et al v. Second Judicial District Court, et al 3:23-cv-00324

Mr. Shore,

My sincere condolences about the loss of your mother and I am sorry that you feel that a telephone conversation would be unproductive. Unfortunately, due to the nature of the urgency, I cannot grant you the extension until Friday to respond. However, I am happy to discuss this matter with Ms. Mezzano directly since she is unrepresented by counsel and can make decisions on both the federal and state court action without you present. Ms. Mezzano can call me directly at 775-337-5700 at any time to discuss this matter.

If neither of you are willing to speak with me directly by choice, that is your choice, and I will move forward with filing a motion on the issue addressing the concerns raised in my previous email.

Regards,

Michael W. Large  
Deputy District Attorney (Civil)  
Washoe County District Attorney's Office  
One South Sierra St.  
Reno, NV 89501  
(775)337-5712

**From:** ADA Rights <adarights@protonmail.com>  
**Sent:** Wednesday, July 19, 2023 11:21 AM  
**To:** Large, Michael <mlarge@da.washoecounty.gov>  
**Cc:** 'rochellemezzano@yahoo.com' <rochellemezzano@yahoo.com>  
**Subject:** RE: Mezzano et al v. Second Judicial District Court, et al 3:23-cv-00324

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Mr. Large,

My mother passed away on Monday. I'm in a space that I don't know how to explain, but definitely in diminished capacity, and you already are aware that Ms. Mezzano and I are qualified individuals with disabilities when it comes to your services, which will extend even into your service while in federal court.

**Large, Michael**

---

**From:** ADA Rights <adarights@protonmail.com>  
**Sent:** Wednesday, July 19, 2023 1:16 PM  
**To:** Large, Michael  
**Cc:** 'rochellemezzano@yahoo.com'  
**Subject:** RE: Mezzano et al v. Second Judicial District Court, et al 3:23-cv-00324

[NOTICE: This message originated outside of Washoe County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Hold up a minute.

Both of us have indicated (I believe she emailed you separately) that we ARE willing to speak with you, even if it causes me concern, and you have given no ADA reason for your denial of my requested modification of your services, programs, and activities.

I'm considering this interference with (a) my aid and encouragement of Ms. Mezzano's exercise and enjoyment of rights under the ADA, and (b) my exercise and enjoyment of rights under the ADA.

Regards,

P.D., JAY V SHORE, As Certified ADA Advocate (2017), and as a qualified individual with a disability, and as Victim/Survivor Rights Advocate through SVAA training with NCVLI Portland, OR (2018)

[ADArightsTrust.com](http://ADArightsTrust.com)

**Large, Michael**

---

**From:** Large, Michael  
**Sent:** Wednesday, July 19, 2023 1:23 PM  
**To:** 'ADA Rights'  
**Cc:** 'rochellemezzano@yahoo.com'  
**Subject:** RE: Mezzano et al v. Second Judicial District Court, et al 3:23-cv-00324

Mr. Shore,

I'm not going to get into a fight with you about this. Your email specifically stated "I'm of the belief that you will use any phone conversation to attempt to paint me in a position of practicing law without a license..." That indicated an unwillingness to have this conversation by phone. I'm sorry you feel that I'm interfering with your and Ms. Mezzano's rights that was not my intent. I was merely expressing my willingness to discuss this matter with Ms. Mezzano directly since you are unavailable for personal reasons.

I will consider this communication string concluded and will proceed with filing of an emergency motion with the Court.

Michael W. Large  
Deputy District Attorney (Civil)  
Washoe County District Attorney's Office  
One South Sierra St.  
Reno, NV 89501  
(775)337-5712

**From:** ADA Rights <adarights@protonmail.com>  
**Sent:** Wednesday, July 19, 2023 1:16 PM  
**To:** Large, Michael <mlarge@da.washoecounty.gov>  
**Cc:** 'rochellemezzano@yahoo.com' <rochellemezzano@yahoo.com>  
**Subject:** RE: Mezzano et al v. Second Judicial District Court, et al 3:23-cv-00324

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hold up a minute.

Both of us have indicated (I believe she emailed you separately) that we ARE willing to speak with you, even if it causes me concern, and you have given no ADA reason for your denial of my requested modification of your services, programs, and activities.

I'm considering this interference with (a) my aid and

**Large, Michael**

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**From:** ADA Rights <adarights@protonmail.com>  
**Sent:** Wednesday, July 19, 2023 1:28 PM  
**To:** Large, Michael  
**Cc:** 'rochellemezzano@yahoo.com'  
**Subject:** RE: Mezzano et al v. Second Judicial District Court, et al 3:23-cv-00324

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Well, it seems my expression of my concerns were at least founded in fact. I have not said that I'm "unwilling" to consult with you on this. In fact, I've expressed the opposite.

And you've chosen to paint my words as a refusal.

I too, will use this string of email exchanges as evidence of the same, and that you have denied ADA access in your Title II capacity, in an amended complaint, which will seek to name you as an additional Defendant.

Please let me have peace until Friday.

P.D., JAY V SHORE, As Certified ADA Advocate (2017), and as a qualified individual with a disability, and as Victim/Survivor Rights Advocate through SVAA training with NCVLI Portland, OR (2018)

[ADArightsTrust.com](https://www.adarightstrust.com)

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ROCHELLE MEZZANO, JAY V. SHORE,  
individually, and as next friend for Rochelle  
Mezzano,

Case No. 3:23-cv-00324-RJC-CSD

Plaintiff,

vs.

SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA, as a covered entity  
under the Americans with Disabilities Act;  
THE STATE OF NEVADA; BRIDGET E.  
ROBB, individually, and in her professional  
capacity as Judge; ALICIA LERUD,  
individually, and as Trial Court Administrator  
and Clerk for the Second Judicial District  
Court of the State of Nevada; EMILY REED,  
Individually, and as ADA Coordinator and  
Assistant Court Administrator for the Second  
Judicial District Court of the State of Nevada;  
WILLIAM M. WRIGHT, JR. individually, and  
as Assistant Court Administrator for the  
Second Judicial District Court of the State of  
Nevada,

Defendants. /

ORDER GRANTING DISMISSAL

In filing this case, *pro se* plaintiffs Rochelle Mezzano and Jay Shore are seeking to improperly enjoin and otherwise thwart ongoing state court divorce proceedings. Plaintiff Rochelle Mezzano's divorce proceedings have been pending in the Second Judicial District Court of Nevada for four years. On July 5, 2023, the day before her divorce trial was to proceed, Plaintiff Mezzano and non-attorney Plaintiff Jay Shore, as next friend of Rochelle Mezzano, filed this action against the presiding state court judge and court administration seeking federal intervention. Plaintiffs seek declaratory and injunctive relief under Title II of the Americans with

1 Disabilities Act (“ADA”) requesting that this Court remove the divorce case to federal court and  
 2 enjoin Judge Robb from further acting or adjudicating the dispute. Plaintiffs additionally request  
 3 declaratory relief in the form of an instruction to the Defendants on how to act and behave in  
 4 accordance with the ADA. Additionally, Plaintiffs seek the answers to at least thirty-six (36)  
 5 separate questions about the ADA.

6 For the reasons given herein, the Court finds that Plaintiffs’ Complaint is frivolous and  
 7 brought in bad faith, and hereby grants dismissal of this action in its entirety. Further, pursuant  
 8 Fed.R.Civ.P. 12(b)(1), this Court lacks jurisdiction over Plaintiffs’ claims under the *Younger* and  
 9 *Rooker-Feldman* abstention doctrines. Finally, pursuant to Fed.R.Civ.P. 12(b)(6), even under the  
 10 most liberal pleadings standards, the Complaint fails to state a claim upon which relief can be  
 11 granted against. Accordingly, dismissal is appropriate.

## 12 I. BACKGROUND

13 The following background facts are adopted from the Complaint:

14 This action arises out of an ongoing divorce case pending in the Second Judicial District  
 15 Court of Nevada (“SJDC”). (ECF No. 1). Plaintiff Rochelle Mezzano (“Mezzano”) and her  
 16 husband John Townley are parties to the divorce action that has been pending for nearly four  
 17 years. (*Id.* at 5 (citing *Townley v. Mezzano*, DV 19-01564 (Second Judicial District Court of  
 18 Nevada)))<sup>1</sup>.

19 On or about January 11, 2023, acting on behalf of Mezzano, Plaintiff Jay Shore (“Shore”)  
 20 called Clerk of Court Alicia Lerud requesting the email or fax number for the ADA Coordinator.  
 21 (*Id.* at 6). Ms. Lerud told him that he could send the request to her. (*Id.*)

---

22  
 23  
 24 <sup>1</sup> The Court takes judicial notice of the state court proceedings in *Townley v. Mezzano*, DV 19-01564 because they are  
 25 referenced throughout the Complaint and because they form the basis for this lawsuit. See *United States ex rel. Robinson*  
 26 *Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (the court “may take judicial notice of  
 proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct  
 relation to matters at issue.” (internal quotations and citations omitted)).

On January 12, 2023, Shore sent a letter to Lerud and Judge Robb. (*Id.* at Ex. A). Within that letter, Shore explains that he is not an attorney but rather is acting as an ADA Advocate on behalf of Mezzano. (*Id.*). After disclaiming any legal acumen, Shore spends three pages of the letter criticizing Mezzano's counsel and criticizing Judge Robb's rulings in the divorce action. (*Id.* at Ex. A pp 3-5). In the letter, Shore claims that Mezzano is a qualified individual with a disability and requests the following accommodations:

- Ms. Mezzano needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely from her home;
- The undersigned Advocate needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely;
- Ms. Mezzano needs the ability to record any and all hearings, proceedings, calls, or other interactions with the Court, to mitigate communication disability;
- Ms. Mezzano needs the undersigned Advocate to assist (aid and encourage – 42 U.S.C. §12203(b)) her in the exercise and enjoyment of her rights under the ADA. This includes, without limitation, the ability to calm her, or help her refocus on the matters at hand; the ability to converse with her about what symptomatic presentations are arising, and how to mitigate these responses, commonly referred to as triggers; and the ability to ask the Court for a break to allow refocus or discussion of disability mitigation to allow Ms. Mezzano to maintain as high a level of executive function/cognitive presence as possible. The ADA Advocate also needs to be able to ask the Court on behalf of Ms. Mezzano, to give the static, complete, full, and permanent meaning to any words or terms that are unclear to Ms. Mezzano, or the Advocate;
- Ms. Mezzano needs to be able to ask the Court for, and receive from the Court, the static, complete, full and permanent meaning to any words or terms that are unclear to Ms. Mezzano;
- Ms. Mezzano needs the Court to use only plain English, and refrain from using legalese or terms that are unclear, without first providing a glossary of said terms that contain static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano;
- Ms. Mezzano needs the Court to order that the opposing counsel or opposing party only use plain English, and refrain from using legalese or terms that are unclear to Ms. Mezzano, without first providing a glossary of said terms that contain static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano;
- Ms. Mezzano demands that the Court refrain from unlawful acts of coercion, intimidation, threats, and interference, as per 42 U.S.C. §12203(b), in any act or deed of the Court. Shore also stated that Ms. Mezzano will, at all times henceforth, be exercising her rights under the ADA while Case No. DV19-01564 in the Family Division of the Second Judicial District Court of the State of Nevada

1 in and for the County of Washoe continues, or in any other Court proceeding or  
2 ancillary proceeding related to any Court matter;

- 3 • Ms. Mezzano needs the Court to allow extra time to process and complete tasks  
4 for the purpose of disability mitigation; and
- 5 • As a qualified individual who is authorized under 42 U.S.C. §12203(b) and 28  
6 C.F.R. §35.134(b) to aid and encourage Ms. Mezzano in the exercise and  
7 enjoyment of her rights under the ADA, the undersigned Advocate will also need  
8 the reasonable modification of being allowed to record all interactions with the  
9 Court, including without limitation, hearings, proceedings, calls, or other  
10 communications or interactions for disability mitigation.

11 (*Id.* at 5-6).

12 On January 12, 2023, Lerud replied by email acknowledging she had received the letter  
13 and informing Shore that he had engaged in an improper ex parte communication to the court by  
14 also sending the letter to Judge Robb.

15 On January 13, 2023, former Assistant Clerk of Court William Wright emailed Shore and  
16 Mezzano stating that he would be the primary point of contact for Mezzano's ADA request and  
17 cautioned Shore about ex parte communications with Judge Robb. (*Id.* at Ex. B). Wright also  
18 stated that if "[Shore] or Ms. Mezzano would like to make any official filings before the Court,  
19 that you should certainly feel free to make those filing[s]." (*Id.* at Ex. C).

20 On January 30, 2023, Wright emailed Shore and Mezzano stating that the requests could  
21 not be accommodated by Court Administration because they sought to alter the court  
22 proceedings, and therefore needed to be decided by Judge Robb. (*Id.* at 11). Wright further stated  
23 that: "[m]y understanding is that Ms. Mezzano is currently represented by counsel in this matter.  
24 The requests that you have made should be made by her counsel and filed with the Court to make  
25 appropriate rulings and determinations." (*Id.* at 11-12).

26 On March 13, 2023, a settlement conference was held in the divorce proceedings. (*Id.* at  
13-18). Judge Robb questioned Mezzano on why she did not file a Settlement Conference  
Statement. (*Id.*). Mezzano stated that she did not have ADA access to the court and wanted her  
ADA advocate to be present. (*Id.*). Judge Robb informed her that she needed to file a motion with

1 the Court and not send in ex parte requests, and that the settlement conference would proceed.  
2 (*Id.*).

3 On April 4, 2023, Judge Robb sent an email to Shore and Mezzano along with Court  
4 Administration that stated:

5 “As I have said, multiple times, Ms. Mezzano needs to make a formal filing with  
6 the Court in order for me to take action. The filing can be sealed, and subject to in  
7 camera review, but I cannot act in a substantive way without a formal request.  
8 Moreover, Ms. Mezzano requested, and I GRANTED her request to have her ADA  
advocate present with her in Court. He was not present, despite her request, at  
the last hearing.”

9 (*Id.* at Ex. E.).

10 On April 14, 2023, Judge Robb issued an Order Regarding Pre-Trial Procedure for the  
11 April 17, 2023 divorce trial which stated in relevant part that: “Ms. Mezzano may have a support  
12 person of her choosing present at trial as broadly contemplated by NRS 125.080.” (*Id.* at 20-26 &  
13 Ex. F).

14 On April 17, 2023, Assistant Clerk of Court Emily Reed sent Shore an email which stated  
15 that: “Last week, Judge Robb approved your virtual appearance as Ms. Mezzano’s advocate. The  
16 trial is currently on hold and my understanding is that Ms. Mezzano has been trying to reach  
17 you. I am reaching out to confirm your availability for this afternoon and Wednesday all day.  
18 Please let me know at your earliest convenience.” (*Id.* at Ex. G).

19 Later that day, Shore responded that: “[i]f any reasonable person reads [the trial  
20 procedure order] they would reasonably observe that there is no grant of right for me, as Ms.  
21 Mezzano’s ADA advocate, to attend trial. I am not under Nevada Revised Statute 125.080. I am  
22 in capacity under 42 USC §12203(b) and 28 CFR §35.134(b). Shore also complained that Judge  
23 Robb did not copy him on the order directly and he only saw it because Mezzano provided him  
24 a copy. (*Id.*). Because of Shore’s failure to appear, the divorce trial was vacated and reset.

25 On April 28, 2023, Judge Robb issued a Notice of Ex Parte Hearing, which stated that:  
26 “An ex parte hearing regarding A.D.A. issues has been scheduled in this matter for May 4, 2023

1 at 4:00 p.m. This hearing will be recorded on the Courts' JAVS system, which will be the official  
2 record of the proceedings. No other recordings will be permitted." (*Id.* at Ex. I).

3 On May 4, 2023, neither Mezzano nor Shore attended the Ex Parte Hearing. (*Id.* at 27-  
4 28).

5 On June 28, 2023, Judge Robb issued an Order Regarding Trial which set the trial for July  
6 6, 2023. (*Id.* at Ex. J). The Order states in relevant part:

- 7 ○ The trial will be recorded by the Department 13 clerk on the Court's JAVS system, which  
8 will be the official record of the proceedings. No other informal recording, not recorded  
9 by appropriate court personnel will be permitted to avoid any potential of contradictory  
10 or competing transcripts of the hearing.
- 11 ○ Defendant and her ADA Advocate, currently Mr. Jay V. Shore, may appear by Zoom with  
12 the Zoom login information provided to the Parties below. Ms. Mezzano is not required  
13 to bring Mr. Shore and may have another ADA Advocate of her choosing present during  
14 trial. Failure of an ADA Advocate to appear will NOT be good cause for this matter to be  
15 continued as this matter has been continued once based upon the ADA Advocate's refusal  
16 to be present.
- 17 ○ The Zoom operation will include the closed captioning function. The Court has  
18 investigated the use of a certified court reporter to provide such closed captioning. Due  
19 to the necessity of the court reporter being in the same location as the party seeking to  
20 use closed captioning, this option is not available. The Court will not require a court  
21 reporter to provide services in a private residence, which does not provide the safety  
22 measures of a court or business setting.

23 *Id.* at pp. 28-30 & Ex. J.

24 On July 5, 2023, Mezzano filed a document entitled "Notice of Filing Federal Complaint  
25 and Notice of Removal to Federal Court" in her divorce proceeding." *See Townley v. Mezzano*, DV  
26 19-01564.

## 27 II. PROCEDURAL HISTORY

28 On July 5, 2023, Mezzano and Shore filed the present lawsuit in the United States District  
29 Court for the District of Nevada asserting claims of discrimination and retaliation under Title II  
30 of the ADA and referencing substantive due process. (ECF No. 1).

31 On July 17, 2023, Defendants Second Judicial District Court of Nevada, Judge Robb, Emily  
32 Reed, Alicia Lerud, and William Wright Jr. filed a Motion to Dismiss. (ECF No. 12). Defendants  
33 argue that federal abstention is required under *Younger v. Harris* and the *Rooker-Feldman* doctrine,

1 that Plaintiffs claims are barred by judicial immunity, and that plaintiffs' allegations fail to state  
2 claims upon which relief can be granted. (ECF No. 17).

3 On July 19, 2023, Defendants filed an Emergency Motion to Remand and/or Motion for  
4 Order to Show Cause on the Notice of Removal arguing that the notice of removal filed in the  
5 state court action has deprived the state court of jurisdiction and that no petition for removal  
6 complying with 28 U.S.C. § 1446 has ever been filed. (ECF No. 17). Further, by filing the Notice  
7 of Removal in state court, Plaintiff has obtained injunctive relief by preventing Second Judicial  
8 District Court from proceeding with the divorce proceedings without meeting the requirements  
9 of FRCP 65.

10 On July 21, 2023, the Court issued a Minute Order denying the Emergency Motion (ECF  
11 No. 17) but based on the urgency of the underlying issues, it set oral argument on the Motion to  
12 Dismiss for July 26, 2023 at 10:00 am. (ECF No. 19). Additionally, Plaintiffs were given until 5:00  
13 p.m. on July 25, 2023 to file a response to the Motion to Dismiss. (*Id.*).

14 On July 24, 2023, John Townley filed a Motion to Intervene pursuant to FRCP 24 arguing  
15 that the failure to appropriately remove the case has stifled his rights and for the Court to issue  
16 an order remanding the matter to the state court. (ECF No. 21).

17 On July 24, 2023, Defendant State of Nevada filed a Joinder to Defendants' Motion to  
18 Dismiss. (ECF No. 24).

19 At 9:29 AM on July 26, 2023, Plaintiffs filed a Petition for Writ of Mandamus to the Ninth  
20 Circuit. (ECF No. 26).

21 At 10:00 am, a hearing on the Motion to Dismiss was held. Plaintiffs did not attend. All  
22 Defendants attended and presented oral argument.

### 23 III. LEGAL STANDARDS

#### 24 A. 12(b)(1) Legal Standard

25 Rule 12(b)(1) allows defendants to seek dismissal of a claim or action for a lack of subject  
26 matter jurisdiction. Although the defendant is the moving party in a motion to dismiss brought  
under Rule 12(b)(1), the plaintiff is the party invoking the court's jurisdiction. As a result, the

1 plaintiff bears the burden of proving that the case is properly in federal court. *See McCauley v. Ford*  
 2 *Motor Co.*, 264 F.3d 952, 957 (9th Cir. 2001) (citing *McNutt v. General Motors Acceptance Corp.*, 298  
 3 U.S. 178, 189, 56 S.Ct. 780, 80 L.Ed. 1135 (1936)). Plaintiff's burden is subject to a preponderance  
 4 of the evidence standard. *See Leite v. Crane Co.*, 749 F.3d 1117, 1121 (9th Cir. 2014).

5 Federal courts are courts of limited jurisdiction. *See Owen Equip. & Erection Co. v. Kroger*, 437  
 6 U.S. 365, 374, 98 S.Ct. 2396, 57 L.Ed.2d 274 (1978). A federal court is presumed to lack jurisdiction  
 7 in a particular case unless the contrary affirmatively appears. *See Stock West, Inc. v. Confederated*  
 8 *Tribes of the Colville Reservation*, 873 F.2d 1221, 1225 (9th Cir. 1989). "Because subject matter  
 9 jurisdiction goes to the power of the court to hear a case, it is a threshold issue and may be raised  
 10 at any time and by any party." *Mallard Auto. Grp., Ltd. v. United States*, 343 F. Supp. 2d 949, 952 (D.  
 11 Nev. 2004) (citing Fed. R. Civ. P. 12(b)(1)).

#### 12 B. 12(b)(6) Legal Standard

13 A court may dismiss a plaintiff's complaint for "failure to state a claim upon which relief  
 14 can be granted." Fed. R. Civ. P. 12(b)(6). A properly pleaded complaint must provide "a short and  
 15 plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2);  
 16 *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007). While Rule  
 17 8 does not require detailed factual allegations, it demands more than "labels and conclusions" or  
 18 a "formulaic recitation of the elements of a cause of action." *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129  
 19 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (citing *Twombly*, 550 U.S. at 555, 127 S.Ct. 1955). "Factual  
 20 allegations must be enough to rise above the speculative level." *Twombly*, 550 U.S. at 555, 127 S.Ct.  
 21 1955. Thus, to survive a motion to dismiss, a complaint must contain sufficient factual matter to  
 22 "state a claim to relief that is plausible on its face." *Iqbal*, 556 U.S. at 678, 129 S.Ct. 1937 (quoting  
 23 *Twombly*, 550 U.S. at 570, 127 S.Ct. 1955).

24 In *Iqbal*, the Supreme Court clarified the two-step approach district courts are to apply  
 25 when considering motions to dismiss. First, a district court must accept as true all well-pleaded  
 26 factual allegations in the complaint; however, legal conclusions are not entitled to the  
 assumption of truth. *Id.* at 678, 129 S.Ct. 1937. Mere recitals of the elements of a cause of action,

supported only by conclusory statements, do not suffice. *Id.* at 678, 129 S.Ct. 1937. Second, a district court must consider whether the factual allegations in the complaint allege a plausible claim for relief. *Id.* at 679, 129 S.Ct. 1937. A claim is facially plausible when the plaintiff's complaint alleges facts that allow a court to draw a reasonable inference that the defendant is liable for the alleged misconduct. *Id.* at 678, 129 S.Ct. 1937. Where the complaint does not permit the court to infer more than the mere possibility of misconduct, the complaint has “alleged—but it has not show[n]—that the pleader is entitled to relief.” *Id.* at 679, 129 S.Ct. 1937 (alteration in original) (internal quotation marks omitted). When the claims in a complaint have not crossed the line from conceivable to plausible, the complaint must be dismissed. *See Twombly*, 550 U.S. at 570, 127 S.Ct. 1955.

While a court generally cannot consider matters beyond the pleadings on a motion to dismiss, the court may consider documents “properly submitted as part of the complaint” and “may take judicial notice of ‘matters of public record.’” *Lee v. City of Los Angeles*, 250 F.3d 668, 688–89 (9th Cir. 2001) (internal quotations omitted); *see also Mack v. South Bay Beer Distrib., Inc.*, 798 F.2d 1279, 1282 (9th Cir. 1986), abrogated on other grounds by *Astoria Fed. Sav. & Loan Ass’n v. Solimino*, 501 U.S. 104, 111 S.Ct. 2166, 115 L.Ed.2d 96 (1991) (“[O]n a motion to dismiss a court may properly look beyond the complaint to matters of public record and doing so does not convert a Rule 12(b)(6) motion to one for summary judgment.”).

#### IV. DISCUSSION

##### A. PLAINTIFFS’ FILING OF THE PETITION FOR WRIT OF MANDAMUS DOES NOT DIVEST THIS COURT OF JURISDICTION

A few minutes before the hearing on the Motion to Dismiss, Plaintiffs filed a Petition for Writ of Mandamus with the United States Court of Appeals for the Ninth Circuit with the stated purpose “to divest the district court of jurisdiction in this proceeding...” (ECF No. 27).

“A district court does not lose jurisdiction over a case merely because a litigant files an interlocutory petition for an extraordinary writ.” *Ellis v. U.S. Dist. Court for W. Dist. of Washington*

1 (Tacoma), 360 F.3d 1022, 1023 (9th Cir. 2004) citing *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1416 (5th  
2 Cir. 1995). The Fifth Circuit in *Woodson*, stated in relevant part:

3 the Federal Rules of Civil Procedure do not provide for an automatic stay of  
4 district court proceedings while a petition for writ of mandamus is pending. If  
5 the district court or the court of appeals finds it appropriate to stay  
6 proceedings while a petition for mandamus relief is pending, such a stay may  
be granted in the court's discretion. However, absent such a stay, the  
jurisdiction of the district court is not interrupted.

7 *Id.* at 1416.

8 Accordingly, this Court finds that no stay is appropriate in this case and will proceed to  
9 the merits of Defendants' Motion to Dismiss.

10 **B. MR. SHORE IS ENGAGING IN THE UNAUTHORIZED PRACTICE OF**  
11 **LAW**

12 Plaintiff Jay Shore appearing pro se asserts that he is "acting in a capacity as aid and  
13 encouragement and/or if necessary, under Rule 17(c)(2) as Next Friend of Plaintiff Mezzano."  
14 Nothing in FRCP 17, nor the ADA allows for Mr. Shore, a non-attorney, to represent Ms.  
15 Mezzano in any manner in this action. Shore's action is a transparent attempt to engage in the  
16 unauthorized practice of law.

17 In order to establish next-friend standing, the putative next friend must show: (1) that  
18 the petitioner is unable to litigate his own cause due to mental incapacity, lack of access to court,  
19 or other similar disability; and (2) the next friend has some significant relationship with, and is  
20 truly dedicated to the best interests of, the petitioner." *Naruto v. Slater*, 888 F.3d 418, 421 (9th Cir.  
21 2018)(holding that PETA lacked "next friend" standing for a monkey).

22 The Complaint contains no facts that establish that Ms. Mezzano suffers from "mental  
23 incapacity, lack of access to court, or other similar disability" that would not allow her to litigate  
24 this case on her own behalf. Mezzano is litigating on her own behalf in her state court action  
25 and while she has claimed that she suffers from Complex Post Trauma Stress Disorder in the  
26 Complaint, this does not render her incompetent or mentally deficient to have a next friend

1 recognized under FRCP 17. Moreover, there is no showing that Mr. Shore has a significant  
2 relationship with or is dedicated to the best interest of Mezzano.

3 Importantly, individuals not licensed to practice law by the state may not use the next  
4 friend device as an artifice for the unauthorized practice of law. *Weber v. Garza*, 570 F.2d 511, 514  
5 (5th Cir. 1978). Courts have routinely adhered to the general rule prohibiting *pro se* plaintiffs from  
6 pursuing claims on behalf of others in a representative capacity. *Simon v. Hartford Life, Inc.*, 546 F.3d  
7 661, 664 (9th Cir. 2008).

8 The record shows that Shore has been engaging in the unauthorized practice of law by  
9 representing Mezzano in both this Court and in the state divorce court. Shore is not a licensed  
10 attorney, but represents himself as a “certified ADA Advocate.” (ECF No 1 at Ex. 1). However,  
11 his actions go beyond the bounds of merely providing aid and encouragement in the exercise of  
12 Mezzano’s right under the ADA. *See* 42 U.S.C. §12203(b).

13 By way of example, within his letter dated January 12, 2023 to Judge Robb and Alicia  
14 Lerud, after disclaiming any legal acumen, Shore spends three pages of the letter criticizing  
15 Mezzano’s counsel and criticizing Judge Robb’s rulings in the divorce action. ECF No. 1 at Ex. A  
16 pp 3-5. Shore is advocating on behalf of Mezzano by outlining Mezzano’s legal positions  
17 regarding the Supreme Court of Nevada’s reversal order and by detailing criticisms that Mezzano  
18 has regarding her beneficial interest in title to property. Shore is advocating on behalf of a client  
19 to the presiding judge on matters that are in dispute in the underlying divorce action. This  
20 constitutes the quintessential unauthorized practice of law.

21 Accordingly, Shore will be referred to the State Bar of Nevada for attempting to practice  
22 illegally without a license. In the underlying action, Shore has brought claims for retaliation  
23 under Title II of the ADA. To the extent that he has brought them on his own behalf, they will  
24 be addressed below.

### 25 C. YOUNGER ABSTENTION DOCTRINE BARS PLAINTIFFS’ CLAIMS

26 The Supreme Court, in *Younger*, espoused a strong federal policy against federal court  
interference with pending state judicial proceedings. *H.C. ex rel. Gordon v. Koppel*, 203 F.3d 610, 613

(9th Cir. 2000). “Absent extraordinary circumstances, *Younger* abstention is required if the state proceedings are (1) ongoing, (2) implicate important state interests, and (3) provide the plaintiff an adequate opportunity to litigate federal claims.” *San Remo Hotel v. City & Cnty. of San Francisco*, 145 F.3d 1095, 1103 (9th Cir. 1998). State proceedings are ongoing until state-appellate review is completed, and the Ninth Circuit has recognized that “protecting the authority of the [state] judicial system” and the “field of domestic relations” are traditionally “vital” state interests and “area[s] of state concern.” *Koppel*, 203 F.3d at 613.

In *Koppel*, plaintiffs sought to invoke the power of the federal courts to alter the course of pending state custody proceedings. 203 F.3d 610 (9th Cir. 2000). Similar to the present case, the plaintiffs sought an order requiring procedural due process to be observed in the future course of the litigation. *Id.* at 613. The Ninth Circuit rejected the request holding that:

Important state interests also are implicated. “Family relations are a traditional area of state concern.” *Moore v. Sims*, 442 U.S. 415, 435, 99 S.Ct. 2371, 60 L.Ed.2d 994 (1979); *see also Morrow v. Winslow*, 94 F.3d 1386, 1397 (10th Cir.1996). In addition, a state has a vital interest in protecting “the authority of the judicial system, so that its orders and judgments are not rendered nugatory.” *Juidice v. Vail*, 430 U.S. 327, 336 n. 12, 97 S.Ct. 1211, 51 L.Ed.2d 376 (1977). This is a particularly appropriate admonition in the field of domestic relations, over which federal courts have no general jurisdiction, *see Ankenbrandt v. Richards*, 504 U.S. 689, 697–701, 112 S.Ct. 2206, 119 L.Ed.2d 468 (1992), and in which the state courts have a special expertise and experience. *See Hisquierdo v. Hisquierdo*, 439 U.S. 572, 581, 99 S.Ct. 802, 59 L.Ed.2d 1 (1979).

The plaintiffs have an adequate state forum in which to pursue their federal claims. In fact, they have already raised some of the same due process issues in the California appellate courts. Plaintiffs may appeal through those courts after final judgment.

This is precisely the type of case suited to *Younger* abstention. *See Mann v. Conlin*, 22 F.3d 100, 106 (6th Cir.1994) (holding that *Younger* abstention was appropriate in § 1983 action alleging that a state court judge violated plaintiff’s due process rights in custody battle). Plaintiffs desire wholesale federal intervention into an ongoing state domestic dispute. They seek vacation of existing interlocutory orders, and a federal injunction directing the future course of the state litigation. This is not the proper business of the federal judiciary.

*Id.*

1 Plaintiffs are seeking wholesale federal intervention into Mezzano's divorce trial, seek to  
 2 vacate Judge Robb's interlocutory pre-trial orders, and seek to have this Court direct the future  
 3 course of the state litigation. See ECF No. 1 at 38. As the Ninth Circuit put it, this is "not the  
 4 proper business of the federal judiciary." *Koppel*, 203 F.3d at 613. Plaintiffs can make their  
 5 constitutional and ADA arguments on appeal through the Nevada appellate courts after a final  
 6 judgment in the divorce matter. Accordingly, *Younger* abstention is required in this case.<sup>2</sup>

#### 7 D. ROOKER-FELDMAN DOCTRINE BARS PLAINTIFFS' CLAIMS

8 The *Rooker-Feldman* doctrine arises from two Supreme Court decisions defining federal  
 9 district court jurisdiction and the relationship between federal district courts and state courts.  
 10 Federal district courts possess "strictly original" jurisdiction, and thus have no power to exercise  
 11 subject matter jurisdiction over a de facto appeal from a state court judgment. See *Rooker v. Fidelity*  
 12 *Trust Co.*, 263 U.S. 413, 414-17 (1923); *Dist. of Columbia Ct. of Appeals, et al. v. Feldman*, 460 U.S. 462,  
 13 482 (1983); *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1139 (9th Cir. 2004). Only the Supreme Court of  
 14 the United States has jurisdiction to review such judgments. *Feldman*, 460 U.S. at 482; see also 28  
 15 U.S.C. § 1257.

16 "To determine whether the *Rooker-Feldman* bar is applicable, a district court first must  
 17 determine whether the action contains a forbidden de facto appeal of a state court decision." *Bell*  
 18 *v. City of Boise*, 709 F.3d 890, 897 (9th Cir. 2013). "A de facto appeal exists when 'a federal plaintiff  
 19 asserts as a legal wrong an allegedly erroneous decision by a state court, and seeks relief from a  
 20 state court judgment based on that decision.'" *Id.* (quoting *Noel v. Hall*, 341 F.3d 1148, 1164 (9th Cir.  
 21 2003)); see also *Cooper v. Ramos*, 704 F.3d 772, 777-78 (9th Cir. 2012) ("To determine whether an  
 22 action functions as a de facto appeal, we 'pay close attention to the relief sought by the federal-  
 23

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24 <sup>2</sup> Generally, in a case for injunctive relief, if the *Younger* doctrine applies, the district court has no discretion; it must  
 25 dismiss. But in an action for damages, federal courts should stay the case until the state proceedings are  
 26 completed. *Gilbertson v. Albright*, 381 F.3d 965, 968 (9th Cir. 2004). Damages are not specifically plead in  
 Plaintiffs' Complaint, but they are referenced. Accordingly, this Court will address Defendants other arguments that  
 require dismissal of the action in its entirety.

1 court plaintiff.’ ” (quoting *Bianchi v. Rylaarsdam*, 334 F.3d 895, 900 (9th Cir. 2003) (emphasis in  
2 original)).

3 This lawsuit is a direct attempt by Plaintiffs to collaterally attack the orders issued by  
4 Judge Robb in the state court proceeding addressing Mezzano’s request for accommodations  
5 under the ADA and the behavior of Mr. Shore as Ms. Mezzano’s ADA advocate during the divorce  
6 court proceedings.

7 In the Complaint, Plaintiffs specifically challenge several Orders issued by Judge Robb.  
8 Plaintiffs assert that:

- 9 • Judge Robb’s Order Regarding Pre-Trial Procedure dated April 14, 2023 was in violation  
10 of the ADA because it stated “Ms. Mezzano may have a support person of her choosing  
11 present at trial... rather than specifically inviting Mr. Shore by name to attend the  
12 proceedings as her ADA Advocate. (ECF No. 1 at pp. 20-26 & Ex. F).
- 13 • Judge Robb’s Order regarding Ex Parte Hearing was in violation of the ADA because it  
14 omitted who was invited and stating that “[t]his hearing will be recorded on the Courts’  
15 JAVS system, which will be the official record of the proceedings. No other recordings  
16 will be permitted.” (*Id.* at pp. 27-28 & Ex. I).
- 17 • Judge Robb’s Order Regarding Trial Procedure issued on June 28, 2023 was in violation  
18 of the ADA because it stated in relevant part that the:
  - 19 ○ trial will be recorded by the Department 13 clerk on the Court’s JAVS system,  
20 which will be the official record of the proceedings. No other informal recording,  
21 not recorded by appropriate court personnel will be permitted to avoid any  
22 potential of contradictory or competing transcripts of the hearing.
  - 23 ○ Failure of an ADA Advocate to appear will NOT be good cause for this matter to  
24 be continued as this matter has been continued once based upon the ADA  
25 Advocate’s refusal to be present.
  - 26 ○ The Zoom operation will include the closed captioning function. The Court has  
investigated the use of a certified court report to provide such closed captioning.

Due to the necessity of the court reporter being in the same location as the party seeking to use closed captioning, this option is not available. The Court will not require a court reporter to provide services in a private residence, which does not provide the safety measures of a court or business setting.

(*Id.* at pp. 28-30 & Ex. J).

The *Rooker-Feldman* doctrine prevents this Court from exercising subject matter jurisdiction over this action. Plaintiffs are attempting a de facto appeal of Judge Robb's Orders regarding reasonable accommodations. District courts throughout the Ninth Circuit have determined that the *Rooker-Feldman* doctrine bars similar de facto appeals of reasonable accommodation requests under the ADA. See *Farina v. Cnty. of Napa, California*, 2022 WL 1539518, at \*2 (N.D. Cal. May 16, 2022) ("This order need not entertain the merits of plaintiff's ADA claim to conclude that plaintiff raises a de facto appeal of a state-court order" and "*Rooker-Feldman* doctrine thwarts all claims"); *Sidiakina v. Bertoli*, 2012 WL 12850130, at \*3-4 (N.D. Cal. Sept. 7, 2012) (dismissing ADA claims against presiding judge based on *Rooker-Feldman*), *aff'd*, 612 Fed. Appx. 477 (9th Cir. 2015); *Bernstein v. United States Dept. of Hous. & Urb. Dev.*, 2021 WL 1530939, at \*4 (N.D. Cal. Apr. 19, 2021) (dismissing ADA reasonable accommodation claims against Alameda County Superior Court and presiding judges based on *Rooker-Feldman* and judicial immunity); *McDaniels v. Dingley*, 2021 WL 5564727, at \*5 (W.D. Wash. Nov. 29, 2021) ("Plaintiff's ADA accommodation claims are barred by *Rooker-Feldman* because they challenge state court decisions denying his requests for reasonable accommodations under Title II of the ADA.").

In *Langworthy v. Whatcom Cty. Superior Ct.*, the district court held:

The *Rooker-Feldman* doctrine bars litigants from bringing claims against state courts based on denials of reasonable accommodations when the denial—in other words, the injury—is effected through a court order. See *Sykes*, 837 F.3d at 743 (dismissing an ADA claim based on a state judge's order banning plaintiff's service dog from the courtroom because the source of plaintiff's alleged injury was the state court judgment); *Sidiakina v. Bertoli*, 2012 WL 12850130, slip op. at 4 (N.D. Cal. Sept. 7, 2012), *aff'd*, 612 F. App'x 477 (9th Cir. 2015) (dismissing an ADA claim based on a state judge's denial of plaintiff's requests for reasonable accommodations, including appointed counsel,

disqualification of the assigned judge, and a change of venue); *Iceberg v. King Cnty. Super. Ct.*, 2021 WL 391615, slip op. at 4 (W.D. Wash. Feb. 4, 2021) (dismissing an ADA claim based on a state judge's denial of plaintiff's request for the appointment of counsel as an accommodation under GR 33); *Winchester v. Yakima Cnty. Super. Ct.*, 2011 WL 133017, slip op. at 1 (E.D. Wash. Jan. 14, 2011) (same)....

2021 WL 1788391, at \*3 (W.D. Wash. May 5, 2021).

Plaintiffs' claims are barred by *Rooker-Feldman* because they are seeking a de facto appeal of Judge Robb's orders on their reasonable accommodation requests under the ADA. Accordingly, this Court lacks subject matter jurisdiction over this action pursuant to FRCP 12(b)(1) under the *Rooker-Feldman* doctrine.

#### E. PLAINTIFFS' CLAIMS AGAINST JUDGE ROBB ARE BARRED BY JUDICIAL IMMUNITY

Judicial officers are entitled to absolute immunity from civil liability for acts committed within their judicial jurisdiction. *Pierson v. Ray*, 386 U.S. 547, 554 (1947). This immunity applies to civil actions for damages as well as declaratory or equitable relief. *Mullis v. Bankr. Ct. for the Dist. of Nev.*, 828 F.2d 1385, 1394 (9th Cir. 1987), *cert. denied*, 486 U.S. 1040 (1988). Although it covers only those acts that are judicial in nature, a judicial officer will not be deprived of immunity because the action she took was in error, was done maliciously, or was in excess of her authority; rather she will be subject to liability only when she acts in the clear absence of all jurisdiction. *See O'Neil v. City of Lake Oswego*, 642 F.2d 367, 369 (9th Cir. 1981) (citing *Stump v. Sparkman*, 435 U.S. 349, 360–61 (1978)).

It is well-settled that judicial immunity applies to actions brought under the ADA. *See Lund v. Cowan*, 5 F.4th 964, 970 (9th Cir. 2021)(applying judicial immunity in action alleging superior court judge's in-court comments violated Title II of the ADA); *Duvall*, 260 F.3d at 1133 (finding ADA claim based on judge's failure to accommodate hearing impairment during state court proceedings barred by judicial immunity); *Uptdike v. City of Gresham*, 62 F. Supp. 3d 1205, 1212–13 (D. Or. 2014) (applying judicial immunity to ADA claim arising from judge's failure to provide ASL interpreter); *see also Phiffer v. Oregon*, 586 Fed. Appx. 425, 425 (9th Cir. 2014) (affirming

1 dismissal of ADA claim concerning scheduling of hearing based on judicial immunity); *Fuery v.*  
2 *Cherry*, 2018 WL 3993303, at \*2 (E.D. Cal. Aug. 21, 2018) (extending judicial immunity to action  
3 alleging state court judges violated ADA during adjudication of criminal cases). It is also well-  
4 established that judicial immunity extends to substantive due process claims. *Pierson*, 386 U.S. at  
5 554; *see also Stump*, 435 U.S. at 355-56; *Ashelman*, 793 F.2d at 1075.

6 Judicial immunity is only overcome if the actions were “nonjudicial actions, i.e., actions  
7 not taken in the judge’s judicial capacity” or were “actions, though judicial in nature, taken in the  
8 complete absence of all jurisdiction.” *Mireles*, 502 U.S. at 11-12. Regarding the former, “[a]n act is  
9 considered ‘judicial’ when it is a function normally performed by a judge and the parties dealt  
10 with the judge in his judicial capacity.” *Sidiakina*, 2012 WL 12850130, at \*4 (citing *Stump*, 435 U.S.  
11 at 362). “To determine if an individual acted in an official judicial capacity, a court must analyze  
12 whether: “(1) the precise act is a normal judicial function; (2) the events occurred in the judge’s  
13 chambers; (3) the controversy centered around a case then pending before the judge; and (4) the  
14 events at issue arose directly and immediately out of a confrontation with the judge in his or her  
15 official capacity.” *Ibid.* (quoting *Stump*, 435 U.S. at 362). “These factors are to be construed  
16 generously in favor of the judge and in light of the policies underlying judicial immunity.”  
17 *Ashelman*, 793 F.2d at 1076.

18 Here, the claims against Judge Robb arises out her multiple rulings addressing Plaintiff  
19 Mezzano’s disability accommodation requests and actions taken while on the bench or in  
20 chambers. *See* ECF No. 1 at ECF No. 1 at pp. 20--28 & Ex. F, I, & J.

21 A ruling rendered by a judge presiding over a case, as well as “exercising control over the  
22 courtroom while court is in session[,]” are both normal judicial functions. *Duvall*, 260 F.3d at 1133;  
23 *see also Bernstein*, 2021 WL 1530939 at \*5 (holding that judges’ denial of disability accommodations  
24 requests, including requests for live hearings (instead of telephonic hearings), continuances,  
25 appointment of counsel, morning hearings only, additional time for oral argument, and  
26 extensions of time for responses to multiple motions and discovery requests so as to spread out  
their due dates, were normal judicial functions).

Judge Robb's actions occurred in her chambers or courtroom, and they centered around an action pending before her, i.e., the divorce action, and they arose directly and immediately out of Plaintiffs Mezzano and Shore's interactions with Judge Robb in her official capacity. *See Sidiakina*, 2012 WL 12850130, at \*4 (rejecting argument that judge's decisions to deny motions was administrative).

Accordingly, Plaintiffs' claims against Judge Robb are dismissed with prejudice based on judicial immunity.

**F. PLAINTIFFS HAVE FAILED TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED AGAINST DEFENDANTS**

Plaintiffs' claims against Defendants Lerud, Reed, and Wright in their individual capacities are dismissed with prejudice. Title II of the ADA does not provide for individual capacity suits against state officials. *See Vinson v. Thomas*, 288 F.3d 1145, 1156 (9th Cir. 2002); *Stewart v. Unknown Parties*, 483 F. App'x 374, 374 (9th Cir. 2012) (citing *Lovell v. Chander*, 303 F.3d 1039, 1052 (9th Cir. 2002)); *Newsome v. Ariz. Dep't of Corr.*, 2015 WL 437537, at \*5 (D. Ariz. Feb. 3, 2015) (collecting courts of appeals cases finding no individual liability under Title II of the ADA); *see also Garcia v. S.U.N.Y. Health Scis. Ctr. of Brooklyn*, 280 F.3d 98, 107 (2d Cir. 2001) (Title II of the ADA does not provide for individual capacity suits against state officials.).

To the extent Plaintiffs are attempting to bring individual capacity ADA claims under § 1983, they also fail to state a claim. *Vinson*, 288 F.3d at 1156 (“[A] plaintiff cannot bring an action under 42 U.S.C. § 1983 against a State official in her individual capacity to vindicate rights created by Title II of the ADA....”).

Accordingly, Plaintiffs' individual capacity claims against Defendants Lerud, Wright, and Reed should be dismissed with prejudice pursuant to FRCP 12(b)(6).

**G. PLAINTIFFS HAVE FAILED TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED AGAINST THE SJDC AND DEFENDANTS WRIGHT, LERUD, OR REED IN THEIR OFFICIAL CAPACITIES.**

The naming of Defendant Lerud, Reed, and Wright in their official capacities is redundant. Defendant Alicia Lerud serves as the Court Administrator & Clerk of Court for the

1 SJDC. (ECF No. 1 at 4). Defendant Emily Reed is the Assistant Court Administrator. (*Id.*).  
 2 Defendant William Wright is the former Assistant Court Administrator. (*Id.*).

3 A suit against a state official in his or her official capacity is not a suit against the official  
 4 but rather is a suit against the official's office. *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 71 (1989)  
 5 (citations omitted); *Kentucky v. Graham*, 473 U.S. 159, 165-66 (1985); *Aguon v. Commw. Ports Auth.*, 316  
 6 F.3d 899, 901 (9th Cir. 2003); *see also Cortez v. Cnty. of Los Angeles*, 294 F.3d 1186, 1189-90 (9th Cir.  
 7 2002). Because the SJDC is already named as Defendant in this action, the inclusion of Lerud,  
 8 Reed, and Wright is "redundant and warrant dismissal under Rule 12(b)(6)." *Underwood, et al. v.*  
 9 *Oriol, et al.*, 2023 WL 4489632, at \*4 (D. Nev. 2023). Accordingly, Plaintiffs claims against  
 10 Defendants Wright, Lerud, and Reed in their official capacities are dismissed with prejudice.

11 The only factual allegations in the Complaint to support the claims for a violation of Title  
 12 II of the ADA outside of those challenging Judge Robb's orders and court proceedings are that: (1)  
 13 Defendant Lerud discriminated against Mezzano and retaliated against Shore because the court  
 14 did not have a "designated responsible employee" under the ADA, ECF No. 1 at pp. 6-8; (2)  
 15 Defendant Wright discriminated against Mezzano and retaliated against Shore under the ADA  
 16 because he told Plaintiffs that their requests could not be accommodated by court administration  
 17 because they altered the divorce proceedings and needed to be brought before the judge, *Id.* at pp.  
 18 10-13; and (3) Defendant Reed violated the ADA because she is works for the court, ECF No. 1 at  
 19 pp. 11, 19, 20, 24, 25.<sup>3</sup>

20 To establish a prima facie case for discrimination under Title II, Mezzano must show that  
 21 (1) she was a qualified individual with a disability; (2) she was excluded from participation in or  
 22 otherwise discriminated against with regard to a public entity's services, programs, or activities,  
 23 and (3) such exclusion or discrimination was by reason of her disability. *Lovell v. Chandler*, 303  
 24  
 25  
 26

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<sup>3</sup> Because there are absolutely no allegations in the Complaint that support a claim for discrimination or retaliation against Defendant Reed, those claims are dismissed.

1 F.3d 1039, 1052 (9th Cir. 2002) (citing *Weinreich v. Los Angeles County Metro. Transp. Auth.*, 114 F.3d  
2 976, 978 (9th Cir. 1997)).

3 To establish a prima facie case for retaliation under Title II of the ADA, a plaintiff must  
4 show “(a) that he or she was engaged in protected activity, (b) that he or she suffered an adverse  
5 action, and (c) that there was a causal link between the two.” See *T.B. ex rel. Brenneise v. San Diego*  
6 *Unified Sch. Dist.*, 806 F.3d 451, 472 (9th Cir. 2015) (adopting Title VII’s burden-shifting framework  
7 to Title II claims under the ADA and Nassar’s “but for” causation test); *Emeldi v. Univ. of Ore.*, 673  
8 F.3d 1218, 1223 (9th Cir. 2012).

9 Mezzano fails to state a claim for discrimination under the ADA based on the actions of  
10 Lerud. Plaintiffs assert that the SJDC discriminated against Mezzano by failing to identify a  
11 “designated responsible employee” pursuant to 28 C.F.R. §35.107(a). However, Plaintiffs  
12 completely fail to allege how this failure caused them to be “excluded from participation in or  
13 otherwise discriminated against” in the services of the SJDC. Based on the allegations in the  
14 Complaint, Plaintiffs were able to send a request for accommodations to Ms. Lerud on January  
15 12, 2023. (ECF No. 1 at p. 18). Additionally, under the third prong of the test, there is no allegation  
16 that the SJDC’s failure to have a designated responsible employee occurred because Plaintiff  
17 Mezzano had a disability. The Sixth Circuit has held, a plaintiff “cannot bring a claim under Title  
18 II of the ADA simply because the Juvenile Court lacked a designated coordinator or a grievance  
19 procedure.” *Bowie v. Hamilton Cnty. Juvenile Court*, 2021 WL 1567983, at \*2 (6th Cir. Jan. 20, 2021),  
20 *cert. denied*, 141 S. Ct. 2831 (2021), *reh’g denied*, 142 S. Ct. 926 (2021) citing *Tucker v. Tennessee*, 539 F.3d  
21 526, 532 (6th Cir. 2008); *Dillery v. City of Sandusky*, 398 F.3d 562, 568 (6th Cir. 2005). Additionally,  
22 as alleged in the Complaint, injunctive relief is unavailable because Defendant Reed has been  
23 named as the designated responsible employee. (ECF No. 1 at 62). Accordingly, these allegations  
24 of discrimination by Mezzano under the ADA fail to state a claim upon which relief can be  
25 granted.

26 Shore fails to state a claim for retaliation based on the actions of Lerud. There is no  
allegation that he suffered an adverse action based on the failure to have a “designated responsible

employee.” An adverse action is adverse treatment that is reasonably likely to deter an individual from engaging in a protected activity. Mere inconvenience does not rise to the level of an adverse action. Moreover, there is no allegation that the but for cause of the SJDC’s failure to have a designated responsible employee was because Shore was engaged in a protected activity.

Both Mezzano and Shore fail to state a claim based on the actions of Defendant Wright. Plaintiffs also assert that the SJDC discriminated against Mezzano because Defendant Wright told Plaintiffs that their requests could not be accommodated by court administration because they altered the divorce proceedings and needed to be brought before the judge. As alleged in the Complaint, on January 12, 2023, Plaintiff Shore sent a letter to Judge Robb and Alicia Lerud requesting the following accommodations:

- Ms. Mezzano needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely from her home; and
- The undersigned Advocate needs the ability to attend any and all Court proceedings via Zoom or other video interface remotely; and
- Ms. Mezzano needs the ability to record any and all hearings, proceedings, calls, or other interactions with the Court, to mitigate communication disability; and
- Ms. Mezzano needs the undersigned to assist (aid and encourage – 42 U.S.C. §12203(b) her in the exercise and enjoyment of her rights under the ADA. This includes, without limitation, the ability to calm her, or help her refocus on the matters at hand, the ability to converse with her about what symptomatic presentations are arising, and how to mitigate these responses, commonly referred to as triggers, and the ability to ask the Court for a break to allow refocus or discussion of disability mitigation to allow Ms. Mezzano to maintain as high a level of executive function/cognitive presence as possible. The ADA Advocate also needs to be able to ask the Court on behalf of Ms. Mezzano, to give the static, complete, full, and permanent meaning to any words or terms that are unclear to Ms. Mezzano, or the Advocate; and
- Ms. Mezzano needs to be able to ask the Court for, and receive from the Court, the static, complete, full and permanent meaning to any words or terms that are unclear to Ms. Mezzano; and
- Ms. Mezzano needs the Court to use only plain English, and refrain from using legalese or terms that are unclear, without first providing a glossary of said terms that contain static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano; and
- Ms. Mezzano needs the Court to order that the opposing counsel or opposing party only plain English, and refrain from using legalese or terms that are unclear to Ms. Mezzano, without first providing a glossary of said terms that contain static, complete, full, and permanent meaning to any words or terms that are or may be unclear to Ms. Mezzano; and

- Ms. Mezzano demands that the Court refrain from the unlawful acts of coercion, intimidation, threats, and interference, as per 42 U.S.C. §12203(b), in any act or deed of the Court. Ms. Mezzano will, at all times henceforth, be exercising her rights under the ADA while Case No DVI9-01564 in the Family Division of the Second Judicial District Court of the State of Nevada in and for the County of Washoe continues, or in any other Court proceeding or ancillary proceeding related with any Court matter; and
- Ms. Mezzano needs the Court to allow extra time to process and complete tasks for the purpose of disability mitigation; and
- As a qualified individual who is authorized under 42 U.S.C. §12203(b) and 28 C.F.R. §35.134(b) to aid and encourage Ms. Mezzano in the exercise and enjoyment of her rights under the ADA, the undersigned will also need the reasonable modification of being allowed to record and all interactions with the Court, including without limitations hearings, proceedings, calls, or other communications or interactions for disability mitigation.

(ECF No. 1 at pp. 8-20). On January 12, 2023, Defendant Lerud acknowledge receipt via email and stated that including Judge Robb was an ex parte communication. (*Id.* at 20). On January 13, 2023, William Wright responded to Shore and said that he was the primary point of contact for the accommodation requests and that communication be made to the court's administration team and "not include a judicial officer on the email." (*Id.* at 47). The Complaint avers that, on January 30, 2023, Wright responded that "[y]our requests cannot be accommodated by Court Administration. Since they request to alter court proceedings, they need to be brought before the Court for this specific case. My understanding is that Ms. Mezzano is currently represented by counsel in this matter. The requests that you made should be made by her counsel and filed with the Court to make any appropriate rulings." (*Id.* at pp. 27-28.)

Plaintiffs assert that Wright's statements discriminated against Mezzano under the ADA because there is no provision in the ADA that requires court filings to seek accommodations. ECF No. 1 at 12. This allegation is meritless.

In *Tennessee v. Lane*, 541 U.S. 509 (2004), the U.S. Supreme Court held that Title II of the ADA "required the States to take reasonable measures to remove architectural and other barriers to accessibility" to state courthouses." The Court explained that the ADA "does not require States to employ any and all means to make judicial services accessible to persons with

1 disabilities.” *Id.* at 531-32. Rather, the ADA “requires only ‘reasonable modifications’ that would  
2 not fundamentally alter the nature of the service provided, and only when the individual seeking  
3 modification is otherwise eligible for the service.” *Id.* at 532. Mezzano’s requests were not about  
4 physical barriers to the courthouse as presented in *Lane*. Rather, they sought modification of how  
5 her divorce proceeding was to be conducted. Based on Mezzano’s specific requests, SJDC could  
6 not grant the requested modifications, only Judge Robb could.

7 Mezzano was requesting that Mr. Shore, as an ADA Advocate, be allowed to appear in  
8 her divorce proceedings. The divorce proceeding *Townley v. Mezzano*, DV 19-01564 was ordered  
9 sealed on October 7, 2019. Pursuant to NRS 125.080(b), all persons must be excluded from the  
10 proceedings unless delineated in the statute or allowed by the judge. Nevada law does not  
11 contemplate an ADA support person to attend the hearings; however, it does vest the presiding  
12 judge with discretion “upon oral or written motion of either party” to set a hearing to determine  
13 whether to exclude a certain individual. Thus, contrary to Plaintiffs’ assertion, only Judge Robb  
14 had the power to allow Mr. Shore to attend the proceedings in the divorce action.

15 Similarly, Mezzano’s request that she and Mr. Shore be allowed to appear remotely at all  
16 hearings could only be addressed by the presiding judge. *Hiramanek v. Clark*, 2016 WL 687974, at  
17 \*8 (N.D. Cal. Feb. 19, 2016)(no ADA violation based upon a blanket request for telephonic  
18 appearances at “all pending and future court hearings,” without regard to the purpose of each  
19 hearing because it would impermissibly require the court to abandon the discretion necessary to  
20 control proceedings.”). It is well recognized that in general, courts have broad discretion to  
21 determine whether to order litigants to appear in person. *See, e.g., Estrada v. Speno & Cohen*, 244 F.3d  
22 1050, 1052 (9th Cir. 2001) (finding no abuse of discretion in district court’s decision to grant  
23 default judgment for repeated failure to comply with court orders, including order to appear in  
24 person); *Bartholomew v. Burger King Corp.*, No. CIV. 11-00613 JMS, 2014 WL 7419854, at \*1 (D. Haw.  
25 Dec. 30, 2014) (affirming magistrate judge’s order granting sanctions for failure to personally  
26 appear at settlement conference); *Winters v. Jordan*, No. 2:09-CV-0522-JAM-KJN, 2013 WL  
5780819, at \*8 (E.D. Cal. Oct. 25, 2013) (noting that “the mere fact that plaintiffs are proceeding

in forma pauperis does not entitle them to make telephonic appearances” and recommending dismissal for repeated failure to comply with court orders). Thus, the SJDC administrators could not grant Mezzano’s request, only the presiding judge could.

Mezzano’s request to record all hearings could only be addressed by Judge Robb. Nevada courts prohibit electronic devices being used for audio recording of a courtroom proceeding without the filing of a written request with the judge. *See Nev. Sup. Ct. R. 246* (“Electronic devices may not be used for photography, or audio or video recording for broadcast or transmission, however, unless permission is obtained pursuant to Rule 230). Thus, Nevada law empowers only the presiding judge to grant the relief that Mezzano was seeking.

Finally, Mezzano’s rather bizarre request that the presiding judge and opposing counsel refrain from “legalese” and speak “plain English” to accommodate her disability bear directly on how the divorce proceedings were being conducted. Only Judge Robb had the discretion to address this accommodation.

Requiring Ms. Mezzano to file a motion requesting relief in her divorce proceeding is not discrimination nor retaliation under the ADA. *See Bedford v. Michigan*, 722 Fed. Appx. 515, 520 (6th Cir. 2018). In *Bedford*, the Sixth Circuit addressed a remarkably similar case to the present. 722 Fed. Appx. 515 (6th Cir. 2018). Therein, the pro se plaintiff in a domestic relations litigation in family court submitted numerous requests for ADA accommodations based on having purported litigation stress syndrome. The state court denied her request to record proceedings because all court proceedings are recorded, and transcripts are available. *Id. at 517*. The state court denied her request for representation by a “disability advocate” because the advocate was not a lawyer. *Id.* In affirming the dismissal of the complaint, the Sixth Circuit held:

The Americans with Disabilities Act does not require that a state court in a family-court proceeding approve an accommodation that allows a party to present her case through a nonlawyer “disability advocate” in violation of state law when the party did not file a motion as directed. Plaintiff has the same right as all litigants to be assisted in court proceedings by a lawyer or to speak on her own behalf, with or without the assistance of a lawyer. Imposing a federal duty to allow a litigant to act through a “disability advocate” without complying with the state court’s requirement to file a

1 written motion on the issue would “fundamentally alter the services”  
2 provided by the court in violation of *Lane* and is not a reasonable  
3 modification.

4 *Id.* at 520. Likewise, in the present case, it is not a violation of the ADA to require the filing of a  
5 motion requesting ADA accommodation with the presiding judge that will alter the proceedings.

6 Accordingly, Plaintiffs assertions of claims against the SJDC based on Mr. Wright's  
7 actions fail to state a claim upon which relief can be granted.

8 There are no factual allegations to support any claim against the SJDC based on  
9 Defendant Reed's actions. The allegations against Defendant Reed are nothing more than she  
10 “intermittently entered the picture of ADA compliance,” she was included on an email from Judge  
11 Robb, she was subsequently appointed as ADA coordinator, and sent an email to Plaintiffs  
12 conveying Judge Robb's invitation to Mr. Shore to attend a hearing. *See* ECF No. 1 at p. 11, 19, 20,  
13 24, 25. Even under the most liberal pleading standards, these allegations are insufficient to state  
14 a claim upon which relief can be granted.

15 The State of Nevada is named as a defendant in this action; however, there are no factual  
16 allegations contained in the Complaint to support a claim for relief and therefore the dismissal is  
17 appropriate under FRCP 12(b)(6).

18 Accordingly, Plaintiffs have failed to state a claim upon which relief can be granted for  
19 discrimination and retaliation under the ADA and substantive due process against the SJDC and  
20 the court administrators. Accordingly, Plaintiffs' claims are dismissed with prejudice.

#### 21 H. THE MOTION TO INTERVENE IS DENIED AS MOOT

22 John Townley has filed a motion to intervene in this action. (ECF No. 21). As a party to  
23 the underlying state divorce proceedings, he sought to intervention

24 Mezzano has not appropriately removed the action from state court pursuant to 28 U.S.C.  
25 §1446. Rather, she has filed the present action against the state court, the presiding judge, and  
26 the court administrators. Removal is accomplished by the filing of a verified petition fulfilling  
the requirements of 28 U.S.C. § 1446. It is a statutory procedure that provides for removal by a

1 defendant of an appropriate action from state to federal court and must be completed within 30-  
2 days of service of the Complaint. 28 U.S.C. § 1446(b).

3 Mezzano has not removed the action under 28 U.S.C. § 1446 and could not. Any attempt  
4 at removal would be untimely because the underlying action has been ongoing for over four years  
5 and would be barred by the domestic relations exemption. See *Ankenbrandt v. Richard*, 504 U.S.  
6 689, 703 (1992).

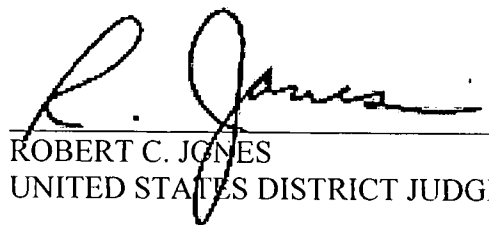
7 Based on this Court's dismissal of the Complaint in its entirety, the Motion to Intervene  
8 is denied as moot.

9 CONCLUSION

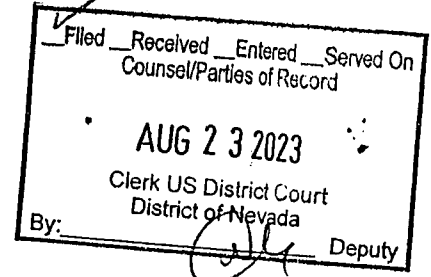
10 Accordingly, Plaintiffs' Complaint is dismissed with prejudice pursuant to Fed.R.Civ.P.  
11 12(b)(1), based on *Younger* abstention and/or *Rooker-Feldman* abstention doctrines and pursuant  
12 to Fed.R.Civ.P. 12(b)(6), based on judicial immunity and failure to state a claim against  
13 Defendants. Based on the dismissal of this action and Plaintiffs' failure to appropriately remove  
14 the action pursuant to 28 U.S.C. § 1446, the Motion to Intervene (ECF No. 21) is denied as moot.

15 IT IS SO ORDERED.

16 DATED this 31<sup>st</sup> day of July 2023.

17  
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19   
20 ROBERT C. JONES  
21 UNITED STATES DISTRICT JUDGE  
22  
23  
24  
25  
26

Child Amt \$ 505<sup>00</sup> Date AUG 23 2023  
Receipt # 3-0301 Initials WRY



JAY V. SHORE  
c/o 3521 50th St. #51  
Lubbock, TX 79413  
234-386-3363  
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROCHELLE MEZZANO, JAY V. SHORE,  
Plaintiffs

CASE NO. 3:23-cv-324

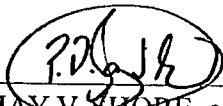
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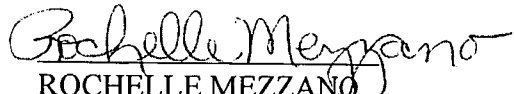
SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, THE  
STATE OF NEVADA, BRIDGET E.  
ROBB, ALICIA LERUD, EMILY REED,  
WILLIAM WRIGHT JR.,

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs hereby appeals to the United States Court of Appeals for the Ninth Circuit from the final Order entered in this action on the 31st day of July, 2023 (District Court's ECF No. 33 ), and the decision upon which the final Order is based entered and filed the 31st day of July, 2023 (ECF 33), Dismissal of the foregoing action.

Submitted this 23rd day of August, 2023.

  
JAY V. SHORE, as Plaintiff and  
as Next Friend for Rochelle Mezzano  
c/o 3521 50th St. #51  
Lubbock, TX 79413  
234-386-3363  
[adarights@pm.me](mailto:adarights@pm.me)

  
ROCHELLE MEZZANO,  
Plaintiff  
125 Yellowstone Dr.  
Reno, NV 89512  
775-622-5262  
[rochellemezzano@yahoo.com](mailto:rochellemezzano@yahoo.com)

Certification of Service

I certify that a copy of the Notice of Appeal was either hand-delivered or mailed first class mail by USPS to the following parties, to wit:

CHRISTOPHER J. HICKS Washoe County District Attorney MICHAEL W. LARGE as Attorneys for SECOND JUDICIAL DISTRICT COURT OF NEVADA, BRIDGET E. ROBB, ALICIA LERUD, EMILY REED, & WILLIAM WRIGHT, JR. One South Sierra Street Reno, NV 89501	STATE OF NEVADA - ATTORNEY GENERAL 100 North Carson Street, Carson City NV 89701
--	--

Date: 8-23-2023

By: Rochelle Mezzano  
ROCHELLE MEZZANO, Plaintiff  
125 Yellowstone Dr.  
Reno NV 89512  
775-622-5262  
rochellemezzano@yahoo.com

1 CODE:  
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6 IN THE FAMILY DIVISION  
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
8 IN AND FOR THE COUNTY OF WASHOE  
9

10 JOHN TOWNLEY,  
11

12 Plaintiff,

13 vs.

14 ROCHELLE MEZZANO,  
15

16 Defendant.  
17

Case No. DV19-01564

Dept. No. 13

18 **ORDER DENYING MOTION TO STAY PROCEEDINGS; ORDER SETTING**  
19 **STATUS HEARING AND TRIAL**

20 This Court reviewed Rochelle Mezzano's ("Ms. Mezzano") *Motion to Stay Proceedings*  
21 ("the Motion"), submitted on October 11, 2023. It now finds and orders as follows:

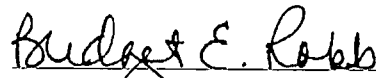
22 The Court finds Ms. Mezzano's Motion, improperly submitted on the same day it  
23 was filed,<sup>1</sup> does not prevent this Court from proceeding in this case. Ms. Mezzano failed  
24 to respond to the dates provided by the Court's Judicial Assistant for a status hearing and  
25 trial on or before October 12, 2023, at noon. Ms. Mezzano claims there is an appeal pending  
26 in the Ninth Circuit Court of Appeals concerning the U.S. District Court's dismissal of her  
27  
28

<sup>1</sup> Pursuant to WDCR 12, the responding party is permitted to file answering points and authorities to the moving party's motion within fourteen (14) days of service of the same.

1 case and therefore this Court must stay this divorce. However, the Federal Court already  
2 noted that Ms. Mezzano did not file a petition for removal, and based on this fundamental  
3 failure, jurisdiction remains with this Court. **Accordingly, the following dates are**  
4 **confirmed. The Parties shall appear for a status conference on October 18, 2023 at 9:00**  
5 **a.m. and for trial on November 2, 2023 at 1:30 p.m.**

6 **IT IS SO ORDERED.**

7 Dated: October 17th, 2023.

8   
9 District Judge