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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
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DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT BEADLES,
Appellant,

No. 87683

vs.

JAIME RODRIGUEZ; WASHOE COUNTY
REGISTRAR OF VOTERS; ERIC BROWN;
ALEXIS HILL; WASHOE COUNTY,
Respondents.

RECORD ON APPEAL

VOL II

ROBERT BEADLES
10580 N. MCCARRAN BLVD.
#115, APT. 386
RENO, NEVADA 89503

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ATTORNEYS FOR RESPONDENT

24-00475



THE SUPREME COURT OF THE STATE OF NEVADA

INDEX

DESCRIPTION	STAMPED PAGE NO.	VOL. NO.
Case Appeal Statement	1783	VIII
Corrected Order Granting Plaintiff's Motion to Change Venue	1244	VI
Defendants' Memorandum of Costs and Disbursements	1786	VIII
Defendants' Motion for Attorneys' Fees and Costs	1798	VIII
Defendants' Motion to Enlarge Page Limits for Reply in Support of Motion for Sanctions	1515	VII
Defendants' Opposition to Motion to Stay Enforcement of Judgement Pending Appeal	1978	VIII
Defendants' Opposition to Plaintiff's Second Motion to Change Venue	1,585	VII
Defendants' Opposition to Robert Beadles's Limited Motion for Reconsideration of Change of Venue Location	1559	VII
Defendants' Reply in Support of Motion for Sanctions	1482	VII
Defendants' Response to Robert Beadles's Motion to Request Leave to File Limited Motion for Reconsideration of Change of Venue Location	1636	VII
Media Request to Allow Cameras in the Courtroom	1667	VII
Motion for Leave to File Motion to Set Aside Order Granting Defendants' Motion for Attorney's Fees and Costs	1,974	VIII
Motion to Set Aside Order Granting Defendants Motion for Attorneys Fees and Costs	1,968	VIII
Motion to Stay Enforcement of Judgemetr Pending Appeal	1900, 2003	VIII
Notice of Appeal	1781	VIII
Notice of Entry of Order	1573, 1579, 1705, 1735, 1887, 1990	VII, VIII
Opposition to Defendants' Motion for Attorneys' Fees and Costs	1911	VIII
Order Denying Motion	1908	VIII

Order Denying Plaintiff's Motion to Stay Enforcement of Judgment Pending Appeal	1999	VIII
Order Denying Plaintiff's Motion to Change Venue	1672	VII
Order Directing Transmission of Record	1885	VIII
Order Granting Defendants' Motion for Attorneys' Fees and Costs	1875	VIII
Order Granting Defendant's Motion to Change Venue	1	I,II,III,IV, V
Order Granting Defendants' Motion to Dismiss	1678	VII
Order Granting Defendants' Motion to Enlarge Page Limit for Reply in Support of Motion for Sanctions	1553	VII
Order Granting News Reporter Access	1668	VII
Order Setting Aside Award of Attorney's Fees and Costs	1996	VIII
Order Setting Hearing	1556	VII
Reply to Defendants' Opposition for Motion to Leave to File Limited Motion for Reconsideration of Change of Venue Location	1658	VII
Request for Submission of Defendants' Motion for Sanctions	1524	VII
Request to Submit Motion to Stay Enforcement of Judgment Pending Appeal	1905, 2016	VIII
Response to Defendants' Opposition to Limited Motion for Reconsideration of Change of Venue Location	1,611	VII
Response to Defendants' Opposition to Motion to Stay Enforcement of Judgment Pending Appeal	2008	VIII
Response to Opposition of Motion to Change Venue	1617, 1639	VII
Transcript of Proceedings Motion Hearing Monday, November 20, 2023	1744	VIII

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- 40) G. D. Allen and Paul Nelson, Linear One-Cell Functional Methods for the Two Dimensional Transport Equation. Part I. The Nodal Formulation, *Ann. Nucl. Sci. and Eng.* (25 pages)
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 - 58) RETENTION THROUGH REMEDIATION: ENHANCING CALCULUS I SUCCESS, ICTCM, Proceedings of the 23rd International Conference on Technology in Collegiate Mathematics, Pearson, 2012. with Sandra Nite, Jennifer Whitfield.
 - 59) Pre-Service Teacher Perceptions of Mathematics/Science Teacher Preparation, with Dianne Goldsby, Larry Kelly, and Dawn Parker Journal of Mathematics Pedagogy and Content, (6), 2014.
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- Chance; Allen, Donald to appear in *Urban Education*, 2014.
- 61) *Challenges to Computing, Recent and Innovation Trends in Computing and Communication (IJRITCC)*, Volume 2 Issue 11, 16 November 2014.
 - 62) *Preservice Mathematics Teachers' Effectiveness In Addressing In Algebra*, with Ayse Tugba Oner, S. Enrico Indioquine, Gerald Kulm, and Haiping Hao, School Science and Mathematics Association (SSMA)(2014), to appear.
 - 63) *The Remarkable Number "1"*, *Science & Education*: Volume 23, Issue 9 (2014), Page 1845-1852.
 - 64) *Confusion Theory and Assessment*, *IJSET - International Journal of Innovative Science, Engineering & Technology*, Vol. 1 Issue 10, December 2014, with Dianne Goldsby.
 - 65) *Challenges to Computing, Recent and Innovation Trends in Computing and Communication (IJRITCC)*, Volume 2 Issue 11, 16 November 2014.
 - 66) *Preservice Mathematics Teachers' Effectiveness In Addressing In Algebra*, with Ayse Tugba Oner, S. Enrico Indioquine, Gerald Kulm, and Haiping Hao, School Science and Mathematics Association (SSMA)(2014), to appear.
 - 67) Allen, G. Donald, *Unfairness in Testing - Random Effects*, *Proceedings of the ICTCM 2016 meeting*, March 2017.
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 - 69) Nite, S. B., Allen, G. D., Bicer, A., Morgan, J., & Barroso, L. R. (2017, June). College Freshman Beliefs About Studying and Learning Mathematics: Results from a Summer Engineering Calculus Bridge Program. Proposal accepted to *2017 American Society for Engineering Education Annual Conference & Exposition*, Columbus, Ohio.
 - 70) Nite, S. B., Allen, G. D., Bicer, A., & Capraro, R. M. (2017, April). Strengthening precalculus skills in a summer p rogram for engineering students. Paper accepted to *2017 AERA Annual Meeting, Knowledge to Action: Achieving the Promise of Equal Education Opportunity*. San Antonio, Texas.
 - 71) Nite, S. B., Allen, G. D., Bicer, A., & Capraro, R. M. (2017, April). Precalculus program for prospective engineering students. Paper accepted to *2017 NCTM Research Conference*. San Antonio, Texas.
 - 72) Nite, S. B., Allen, G. D., Bicer, A., & Morgan, J. (2016, June). Student engagement in a summer bridge program for engineering calculus success. *Electronic Proceedings of the 2016 Hawaii University International Conferences Science, Technology Engineering, Art, Math & Education Conference*. Honolulu, HI: Hawaii University International Conferences.
 - 73) Nite, S. B., Allen, G. D., Bicer, A., & Capraro, R. M. (2017, April). Strengthening precalculus skills in a summer program for engineering students. Paper accepted to *2017 AERA Annual Meeting, Knowledge to Action: Achieving the Promise of Equal Education Opportunity*. San Antonio, Texas.
 - 74) Nite, S. B., Allen, G. D., Bicer, A., & Capraro, R. M. (2017, April). Precalculus program for prospective engineering students. Paper submitted to *2017 NCTM Research Conference*. San Antonio, Texas.
 - 75) Nite, S. B., Allen, G. D., Morgan, J., Bicer, A., & Capraro, R. M. (2016, June). Engineering calculus bridge program success: Comparing variation results. In *Proceedings of the American Society for Engineering Education 2016*, Paper ID# 16610 presented at ASEE's 123rd National Conference and Exposition. New Orleans, LA: American Society for Engineering Education, Washington DC.
 - 76) Nite, S. B., Allen, G. D., Bicer, A., & Morgan, J. (2016, June). Student engagement in a summer bridge program for engineering calculus success. *Electronic Proceedings of the 2016 Hawaii University International Conferences Science, Technology Engineering, Art, Math & Education Conference*. Honolulu, HI: Hawaii University International Conferences.

- 77) Effective Technology for a Calculus Bridge Program: Bringing Education Home, Australian Association for Engineering Education Conference, Dec 7-9, 2015, <http://aaee2015.exordo.com>, with Jim Morgan, Sandra Nite, Robert Capraro.
- 78) Allen, G. Donald, THE VALIDITY AND RELIANCE OF BIG DATA PROJECTS, ICTCM Proceedings, 2015.
- 79) Morgan, J., Nite, S. B., Allen, G. D., Capraro, M. M., Capraro, R. M., & Pilant, M. (2015, April). Improving engineering calculus success through a summer program. In C. A. Shoniregun & G. A. Akmayeva. IICE-2015 Proceedings. Ireland International Conference on Education, Dublin, Ireland: Infonomics Society.
- 80) Allen, G. Donald, What can the Classroom Learn from the MOOC, Proceedings of the 25th Annual ICTCM Conference, 2015.
- 81) Allen, G. Donald, with Sandra B. Nite, Jim Morgan, Robert M. Capraro, and Mary M. Capraro, Improving Success in Engineering Calculus: Design of a Bridge Program, Proceedings of the AAEE2014 Conference Wellington, New Zealand, 2014.
- 82) Allen, G. Donald and Sandra Nite, Increasing Success in Calculus II with a Bridging Program, Hawaii Education and STEM Conference, Honolulu, Hawaii, (June 16-18, 2014), 10 pages.
- 83) Allen, G. Donald, USING A MATH PLACEMENT EXAM TO DEVELOP A PERSONALIZED PRECALCULUS PROGRAM, with Sandra Nite, M. Pilant, Proceedings of the 25th Annual ICTCM Conference, 2014.
- 84) THE ICTCM: TEACHING PORTAL TO THE 21ST CENTURY, with Sharon Sledge, Proceedings of the 25th Annual ICTCM Conference, 2014.
- 85) Allen, G. D with Sandra Nite, Ali Bicer, James Morgan, Luciana Borroso, Results from a Summer Engineering Calculus Bridge, Proceedings of the 2017 ASEE Annual Conference & Exposition, College Freshman Beliefs About Studying and Learning.
- 86) Nite, S. B., Allen, G. D., Bicer, A., & Capraro, R. M. (2017, April). Precalculus program for prospective engineering students. Paper accepted to 2017 NCTM Research Conference. San Antonio, Texas.
- 87) Hierarchy of Knowledge – from Data to Wisdom, *International Journal of Current Research in Multidisciplinary (IJCRM)*, Vol 2, 1, 2017, 15-23.
- 88) Allen, G. Donald, Simulations for the EPL Using Competitive Balance Models, *Journal of Sports and Physical Education*, e-ISSN: 2347-6737, p-ISSN: 2347-6745, Volume 4, Issue 2, (Mar. – Apr. 2017), PP 33-43. <http://www.iosrjournals.org/iosr-jspe/papers/Vol-4Issue2/G04023343.pdf>, DOI: 10.9790/6737-0402334.
- 89) Allen G.D. (2017) How do we define the Number “1?”. In: Allen G.D., Ross A. (eds) *Pedagogy and Content in Middle and High School Mathematics*. Sense Publishers, Rotterdam.

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- Allen G.D. and Amanda Ross (eds) (2017)) *Pedagogy and Content in Middle and High School Mathematics*. Sense Publishers, Rotterdam.

OTHER WRITINGS

- 1) Your Bicameral Brain, LinkedIn, 2022
- 2) Quantum Miracles. LinkedIn, 2020
- 3) Allen, Don, Personalized Remediation Programs and Mini-Bridging, TeXMATYC Newsletter, 2014.
- 4) Allen, G. Donald, Multiple Representations IV, Estimating Pi, *Journal of Mathematics*

- Pedagogy and Content, (6), 2014.
- 5) Allen, G. Donald, Multiple Representations III, Journal of Mathematics Pedagogy and Content, (6), 2014.
 - 6) Allen, G. Donald, Multiple Representations II, Journal of Mathematics Pedagogy and Content, (5), 2013.
 - 7) Allen, G. Donald, Multiple Representations I, Journal of Mathematics Pedagogy and Content, (5), 2013.
 - 8) Allen, G. Donald, Impossible Problems, Journal of Mathematics Pedagogy and Content, (5), 2013.
 - 9) Allen, G. Donald, To Solve a Problem, Journal of Mathematics Pedagogy and Content, (5), 2013.
 - 10) Allen, G. Donald, American Presidents and Their Math, Journal of Mathematics Pedagogy and Content, (5), 2013.
 - 11) Allen, G. Donald, The Evil Twins – Testing and Stress, Journal of Mathematics Pedagogy and Content, (5), 2013.
 - 12) Allen, G. Donald, Let's Make War - Just for Fun, Journal of Mathematics Pedagogy and Content, (5), 2013.
 - 13) Allen, G. Donald, Can Online Education Work?, Journal of Mathematics Pedagogy and Content, (5), 2013.
 - 14) Allen, G. Donald, Teaching is a Balancing Act, Journal of Mathematics Pedagogy and Content, (4), 2012.
 - 15) Allen, G. Donald, Optimization - With and Without Calculus, Journal of Mathematics Pedagogy and Content, (4), 2012.
 - 16) Allen, G. Donald, How Do We Define the Number “1?” , Journal of Mathematics Pedagogy and Content, (4), 2012.
 - 17) Allen, G. Donald, Math Teacher Demographics in Texas, Journal of Mathematics Pedagogy and Content, (4), 2012.
 - 18) ODE Architect - A Review, Syllabus 14, 2001, 53.
 - 19) What do we do until MathML? An exploration of various math-online alternatives. in The Math/Science Online Newsletter, Winter 2000.

PAPERS SUBMITTED

Linear One-Cell Functional Methods for the Two Dimensional Transport Equation. Part I. The Nodal Formulation, Ann. Nucl. Sci. and Eng. with Paul Nelson. (25 pages)

CONFERENCE PROCEEDINGS

Allen, G. Donald, USING A MATH PLACEMENT EXAM TO DEVELOP A PERSONALIZED PRECALCULUS PROGRAM, with Sandra Nite, M. Pilant, Proceedings of the 25th Annual ICTCM Conference, 2014.

THE ICTCM: TEACHING PORTAL TO THE 21ST CENTURY, with Sharon Sledge, Proceedings of the 25th Annual ICTCM Conference, 2014.

Allen, G. Donald, and Goldsby, Dianne. Using Technology to Make New Assessment Instruments, Proceedings of the 18th International Conference on Technology in Collegiate Mathematics, Addison-Wesley, Boston. (2007).

A Crash Course on Testing and Assessment, 2006, Proceedings of the 17th ICTCM Conference, October 28-November 1, 2004, 2006.

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The Distance Education Degree Program for The Master of Mathematics with a Teaching Option At Texas A&M University, to appear in the Proceedings of the AACE Conference: SITE 2001-- Society for Information Technology and Teacher Education International Conference, Orlando, Florida; March 5-10, 2001. with M. Pilant.

Online Choices for Online Courses. A survey of the issues of developing an online course. Included is a discussion of various development products. Proceedings of the 13th ICTCM Conference, Atlanta GA, Addison-Wesley, 2000, 11-16.

WebCalC I, a description of the WebCalC project, it's history and features, Proceeding of the ICTCM Books and Monographs.

WORKSHOPS, EVENTS, ORGANIZED OR GIVEN

1. Workshop on Technology, Mathematics, and Mathematics Education, Nairobi, Kenya, August 11-18, 2010. In association with the Africa MathScience, Technology, Research & Education Foundation <http://distance-ed.math.tamu.edu/kenya-tz2010/>
2. ICTCM, Camtasia, full day, March 12, 2009.
3. GK-12 Special Workshop for Math Fellows, June 10 and June 13, 2008, College Station, TX,
4. Presentation, Misconceptions in Mathematical Understanding, CAMT (Conference for the Advancement of Mathematics Teaching), San Antonio, TX, July 9-11, 2008
5. Presentation, Cengage Regional Meeting, Dallas, TX, March 14, 2008
6. Workshop. ICTCM - Using Flash, Boulder Co, July 27-30, 2003. Principal speaker.
7. Presentation, All About Quadratics, CAMT (Conference for the Advancement of Mathematics Teaching), Henry B. Gonzales Convention Center, San Antonio, TX, June 28-30, 2007.
8. Co-chaired. P-16 Grassroots Initiative meeting and workshop, College Station, TX, March 7, 2007, Texas A&M University, College Station, TX.
9. TCCTA/TEXMATYC Workshop on Trends in College Algebra, (Allen presides), February 24, 2007, Austin, TX.
10. TAMU/Snook ISD. Half day workshop on using the digital camera, Excel, and digitizing software to situations and problems related to mathematics, April 15, 2006.

11. TAMU/Snook ISD. Half day workshop on digital devices as related to mathematics, April 8, 2006.
12. TAMU/TEA (Texas Education Agency)/PEIC (P-16 Educational Improvement Consortium), Fractions, Measurement and Scaling for professional development, March 4, 2006.
13. TAMU/Pasadena ISD, Developing 5E lessons applied to topics of measurement (eight hours), Pasadena, TX, February 25, 2006.
14. Pre-conference workshop Visual Algebra and Pre-calculus, (Six hours), TexMATYC/TCCTA Conference. (Invited) Houston, TX February 23-25, 2006.
15. TAMU/Pasadena ISD, Fractions, Measurement and Proportion for professional development, Pasadena, TX, October 29, 2005.
16. TAMU/TEXMatyc (Texas Math Association of Two Year College), Maple for the Classroom, October 28, 2005.
17. TAMU/Snook ISD, Using the TI-Navigator equipment, Snook, TX, October 15, 2005.
18. TAMU/TEA (Texas Education Agency)/PEIC (P-16 Educational Improvement Consortium), Fractions, Measurement and Scaling for professional development, October 8, 2005.
19. University of Idaho, Gateway Mathematics Group, Using Scientific Notebook and Camtasia, Moscow, ID, June 13-17, 2005.
20. Maple - in the Classroom, an online workshop given to Texmatyc instructors, April 9, 2004.
21. Teacher Quality Grant professional development workshops - series A conducted on Algebra II Sept 18, Oct. 16, Nov 13 and Dec. 4; series B conducted on Sept 25, Oct. 23, Nov 13, Dec 11, Jan 19, Feb 5, Feb 19. (eight hours each).
22. Teacher Quality Grant Type B Workshops (funded by THECB), July 6-9, 12-13, 19-23, 2004; Houston TX.
23. Teacher Quality Grant Type A workshops (funded by THECB), May 13, Ft. Worth, May 14-15, Houston, May 20-21, 2004, Houston, TX.
24. ICTCM (International Conference on Technology in Collegiate Mathematics) - Mathematical Theory of Assessment - Using technology for assessment, Workshop. Tomball, TX, May 17-20, 2004.
25. ITLAB, brief afternoon workshop to Math faculty on the use of Flash MX, Texas A&M University, October 16, 2003.
26. College of Science - Open House, September 6, 2003, presentation on distance education , online masters of mathematics program.
27. ICTCM (International Conference on Technology in Collegiate Mathematics) - Using Flash for mathematics instruction, Workshop. Westminster, Co, July 27-30, 2003.
28. Conference for the Advancement of Mathematics Teaching - Math goes to hollywood. Houston Texas, July 17, 2003
29. Math Camp - presentation to 45 junior high school students on the use of mathematics in Hollywood produced movies, July 11, 2003, College Station, TX
30. Philosophy Group - presentation to a group of philosophers and sociologist on the application of Flash to interactive logic proofs, June 2, 2003, College Station, TX
31. ICTCM (International Conference on Technology in Collegiate Mathematics) - Visual algebra, applying digital and visual technologies toward learning algebraic concepts, Workshop. Murfreesboro, TN, May 19-22, 2003.
32. Second Texas-Mexico Workshop on Numerical Particle Transport, College Station, TX,

Sept 2-4, 1992, co-organizer.

33. Third Texas-Mexico Workshop on Numerical Particle Transport, Mexico D.F., March 11-13, 1996, co-organizer.

34. Calculus Reform and Maple in the Classroom, April 3-4, 1998, sponsored by the National Science Foundation and conducted by SRI International. The meeting assembled a group of educators, many with extensive experience in calculus reform, more with teaching mathematics with Maple, and evaluation experts. co-organized with David Sanchez (See Funding.)

35. ICTCM Short Course. I was the principal speaker for a week long workshop on Web developments and placing math on the Web. Class notes. Colorado State University, Ft Collins, CO, Math 22-25, 2000<http://www.academicalsolutions.com>

36. University of Houston, Online Choices. Mini-short course for the UH Provost's office, October 17, 2000.

37. North Harris Community College, Web Calculus and other online courses, October 17, 2000.

38. ICTCM summer workshops in College Station and Madison, WI. I was the principal speaker for a week long workshop on Web developments and placing math on the Web.

39. Workshop on Internet editors. Sept 6-7 and 13-14, 2002. An ITWG - College of Science ITLAB project.

40. IT Lab, College of Science: Workshop on Flash, June 21, 2002.

41. IT Lab, College of Science: Workshop on Dreamweaver, August 29, 2001.

42. ICTCM Short Course. Principal speaker for a week long workshop on advanced multimedia applications. South Mountain College, Phoenix, AZ, May 19-23, 2002.

43. NASA Making Connections Workshop, Using digital imaging technology. San Jacinto Community College, Houston, TX. July 20, 2002.

44. NASA Making Connections Workshop, Using computer algebra systems, San Jacinto Community College, Houston, TX. August 17, 2002.

45. BVMUG - Brazos Valley Macromedia Users Group. Presentation on various software tools. Microage Corporation, College Station, TX. November 19, 2002.

46. Workshop. ICTCM - Visual Algebra, Murfreesboro, TN, May 19-22, 2003. Principal speaker.

OTHER EVENTS (RECENT)

1. Presentation, Stemhouse in Vietnam, February 12, 2019.

2. Panelist, Mathematics Matters in Education Workshop, April 1-3, 2017, Texas A&M University, College Station, TX

3. Invited Presentation, A Bridge to Engineering: A Personalized Precalculus (Bridge) Program, Frontiers in Education, October 21-24, 2015, El Paso, TX, with Sandra Nite, Jim Morgan, Robert Capraro.

4. Contributed Presentation, Confusion Matrices and Preservice Teacher Knowledge, ICTCM (International Conference on Teaching Collegiate Mathematics, March 13-15, 2015, Las Vegas, NV, with Dianne Goldsby.

5. Contributed Presentation, The End of Computing, ICTCM (International Conference on Teaching Collegiate Mathematics, March 13-15, 2015, Las Vegas, NV.

6. Invited Presentation, "A Fast and Furious Bridge to Calculus II – ONLINE!," AMATYC 40th Annual Conference, Gaylord Opryland Resort in Nashville, TN, November 13-16, 2014, with Sharon Sledge. Also

presented at ICTCM (International Conference on Teaching Collegiate Mathematics, March 13-15, 2015, Las Vegas, NV.

7. Poster Session, The Impact of Placement Exams on Retention for Engineering Mathematics, ICTCM (International Conference on Teaching Collegiate Mathematics, March 13-15, 2015, Las Vegas, NV, with Mike Pilant and Jennifer Whitfield.
8. Invited Presentation, The Remarkable Number One, 8th Annual International Conference on Mathematics & Statistics: Education & Applications, Athens, Greece, July 1-2, 2014.
9. Invited Presentation, Online courses in economics, a primer, International Business School of New York, September 24-27, 2014.
10. Invited Presentation, "Understanding Distance Education", European School of Economics, August 12-17, 2014
11. Invited Presentation, "Increasing Calculus II Success with a Bridging Program," 2014 Hawaii University International Conference, June 10-12 at the Ala Moana Hotel, with Sandra Nite.
12. Invited Presentation, Impossible Problems and MOOCs, ICTCM (International Conference on Teaching Collegiate Mathematics) 26th annual meeting, March 21-23, 2014.
13. Invited Presentation, Student Characteristics That Help Predict Success in Calculus: Results from a Summer Precalculus Program, ICTCM (International Conference on Teaching Collegiate Mathematics) 26th annual meeting, with Sandra Nite, March 21-23, 2014.
14. Invited Presentation, "Personalized Precalculus Program – A Summer Bridge Program", TCCTA Annual Meeting, San Antonio, TX, February 7, 2014.
15. Invited Presentation, Using a bridging program for Calculus Instruction, North Carolina State, January 15, 2014.
16. Invited Presentation, Presession, presented to the presession of the ICTCM (International Conference on Teaching Collegiate Mathematics) in San Antonio, March 7, 2013. All day workshop.
17. Invited Presentation, MOOCs and what they imply, TCCTA annual meeting in San Antonio, TX, February 7, 2014.
18. Invited Presentation, The Precalculus Program, North Carolina State University, November 20, 2013.
19. Invited Presentation (via Webinar), Advancing an Online Project in the Assessment and Effective Teaching of Calculus, with Mika Seppala and Eamonn Kelly, November 14, 2013. [The meeting is held in Adobe ConnectPro on Thursday 14 November, 18:00-19:00 EEST (Finland)/08:00-09:00 (California, USA)]
20. Invited Presentation, Understanding the predictive results of testing, University of Sao Paulo, Brazil, November 12, 2013.
21. Invited Presentation. Understanding MOOCs and online delivery, NSF SAVI conference on big data, October 24-27, 2013, Helsinki, Finland.
22. Invited Presentation, Misconceptions in Mathematics, Teacher Quality Annual Technical Meeting, Lost Pines, Resort, Bastrop, TX, April 2, 2013,
23. Invited Presentation, Triadic Surveys on Teacher Preparation, ICTCM (International Conference on Teaching Collegiate Mathematics) annual meeting, March 23, 2013.
24. Invited Presentation, Math Assessment Testing, ICTCM annual meeting, March 22, 2013.
25. Invited Presentation. Assessment and Teaching, NSF SAVI meeting, Tallahassee, FL, March 14-15, 2013.
26. Attended. NSF CADRE grant meeting, Washington DC. June 13-15, 2012.
27. Invited speaker, Innovations in Learning and Education Collaborative Workshop with Finnish researchers, Embassy of Finland. Washington DC, June 7-8, 2012.
28. Attended, Current Research on Community College Transfer Success, Hilton Hotel and Conference Center, May 29, 2012.
29. Chair, Math Education and Teacher Prep, ICTCM program committee, 2012.

30. Attended, ICTCM (International Conference on Technology in Collegiate Mathematics) Executive Steering Committee Meeting. March 22, 2012, Orlando, FL.
31. Attended, Teacher Quality Grants annual meeting, The Hyatt Regency Lost Pines Resort and Spa, 575 Hyatt Lost Pines Road, Lost Pines, TX, US, April 4-5, 2012
32. Chair, Math Education and Teacher Prep, ICTCM program committee, 2011.
33. Attended, NSF STEP annual grant meeting, Washington DC. March 11-13, 2012.
34. Member, Developmental Education Advisory Board, Texas Education Agency, October 28, 2011.
35. Invited participant, STEP Leadership Workshop at the University of Oregon on October 16-18, 2011
36. Attended, Texas Partners in P-16 Mathematics, Charles A. Dana Center, Austin, TX, May 2, 2011. (Co-Founder)
37. Attended, TAMU Collaborative summer Institute, June 20, 2011, Koldus, 110.
38. Invited Presentation, Mathematics Education in Kenya, TAMU, April 25, 2011.
39. Invited Presentation, Test Item Dependencies, AMUSE seminar, TAMU, April 20, 2011.
40. Attended, NSF Annual STEP Conference, Omni Shoreham Hotel, Washington DC, March 17-18, 2011.
41. Presentation to the MSC Jordan Institute for International Awareness, "Islamic Contributions to Mathematics," November 10, 2010, Texas A&M University.
42. Attended. Annual meeting, Texas Partners in P-16 Mathematics, Charles A. Dana Center, Austin, TX, October 21, 2010.
43. Consultant. Professional Development Summit, October 19-20, 2010, Airport Hilton Hotel, Austin, TX.
44. Attended. CBMS Forum on Content-Based Professional Development for Teachers of Mathematics on October 10-12, 2010 at the Hyatt Regency Hotel in Reston VA.
45. Interview. Visiting ABET team (Dr. James Miller, Univ of Rhode Island) for College of Engineering accreditation process, September 27, 2010.
46. Presentation. Misconceptions in Mathematics, AP pre-Calculus Institute, College Station, TX, July 25, 2009.
47. Presentation. The MS Online program in mathematics, AP Calculus Institute, College Station, TX, July 23, 2010.
48. Presentation. Early Mechanical Calculators, AP Pre-Calculus Institute, College Station, TX, July 29, 2009.
49. Presentation. The MS Online program in mathematics, AP Calculus Institute, College Station, TX, July 21, 2009.
50. Presentation. The National Math Panel, Gladewater ISD, Gladewater, TX, July 14, 2009.
51. Attended. Teacher Quality Grants Technical Assistance Meeting, Airport Hilton, Austin, TX, October 30, 2008.
52. Attended. National Math Panel Faculty Forum, Marriott Wardman, Washington, DC, October 6-7, 2008.
53. Attended. College Board AP, Connect to College Success, Renaissance Hotel, Chicago, October 3-5, 2008.
54. Presentation. The MS Online program in mathematics, AP Calculus Institute, College Station, TX, July 16, 2008.
55. Panelist for Session 3. Mathematics Education in China and the United States, July 1-3, 2008, College Station TX. Also moderator for Session 5.

56. Attended. Joint PIC/IAB Directors meeting of the Institute for Mathematics and Applications (IMA), Minneapolis, MN, June 12, 2008.
57. Presentation, Research on teaching and learning fractions, to the GK-12 teachers, June 3 and 5, 2008, College Station, TX.
58. Participated, Comparability study between TExES tests and Praxis tests, supported by the Educational Testing Service and the Texas Education Agency, San Antonio, TX, April 10-11, 2008.
59. Panelist, ICTCM, "Evaluating online courses/programs." March 5-8, 2008.
60. Attended, Enhancing Education, System wide Success, 2008 Teaching with Technology Conference, Texas A&M University, February 12, 2008.
61. Panelist, On e-content, at the JEM, Joining Educational Mathematics, an EU-funded thematic network for Mathematics Education, January 31 - February 2, 2008.
62. Attended, Southwest Regional NSF GK-12 Conference College Station, Texas -- November 9-10, 2007
63. Invited, Improving Science and Math Education: Texas Confronts the Gathering Storm, A dinner and forum sponsored by The Academy of Medicine, Engineering and Science of Texas and Rice University's James A. Baker III Institute for Public Policy, funded by Dow Chemical and the Greater Texas Foundation, October 12, 2007, Houston Tx.
64. Attended, AMS Committee on Education Annual Meeting, October 25-27, 2007, Washington, DC.
65. Attended, Teacher Quality Grant workshop and Dana Center Annual Higher Ed Meeting, Airport Austin Hilton, October 18-20, 2007, Austin, TX.
66. Attended, Course Redesign Workshop, Texas Higher Education Coordinating Board, October 15, 2007, Austin, TX.
67. Presentation. Focus Group for the Governor's Commission for a College Ready Texas, Meeting of Business Leaders and Faculty to Discuss College Readiness Standards September 7, 2007, 12:30 pm – 5:00 pm Austin Airport Hilton, Austin Texas.
68. Discussed, college readiness to the Governor's Commission for a College Ready Texas, (by phone), August 14, 2007.
69. Presentation. (Brief) The MS Online program in mathematics, AP Calculus Institute, College Station, TX, August 2, 2007.
70. Appointed and Attended. TQ Instructional Leadership e-Group meeting, Austin, TX, June 10-11, 2007. (By invitation with expenses.)
71. Attended. MSRI Workshop Critical Issues in Education: Teaching Teachers Mathematics, May 30-June 1, 2007, MSRI, Berkeley, CA.
72. Attended. MTC (Math TEKS Connections) Geometry Project Workshop, Austin, TX., May 22, 2007.
73. Reviewed. Department of Mathematics Self Study for Texas A&M University in Corpus Christi, May 9-11, 2007.
74. Attended. Texas Higher Education Coordinating Board, Conference on Course Redesign, May 2, 2007, Austin, TX. (Invited.)
75. SERA program committee, Instruction, learning and cognition section, 2007-2008.
76. Attended. DEVELOPING INFORMAL SCIENCE PARTNERSHIPS CHARLES WALTER, CEO, FORT WORTH MUSEUM OF SCIENCE & HISTORY 22 FEBRUARY 2007 2:30 p.m. 601 Rudder, College Station, TX.
77. Presentation. Problem Solving: Survey of the 9-12 modules for the MTC project, January 13-

- 14, 2007, Airport Hilton, Austin, TX.
78. Co-chaired. P-16 Grassroots Initiative meeting, College Station, TX, March 7, 2007
79. Presided. TCCTA/TEXMATYC special session on Trends in College Algebra, (Allen presides), February 24, 2007, Austin, TX.
80. Attended. DEVELOPING INFORMAL SCIENCE PARTNERSHIPS CHARLES WALTER, CEO, FORT WORTH MUSEUM OF SCIENCE & HISTORY 22 FEBRUARY 2007 2:30 p.m. 601 Rudder, College Station, TX.
81. Presentation. Problem Solving: Survey of the 9-12 modules for the MTC project, January 13-14, 2007, Airport Hilton, Austin, TX.
82. Co-chaired. P-16 Grassroots Initiative meeting, Austin, TX, December 6, 2006
83. Appeared. "STRATEGIES FOR TEACHING MATH ONLINE" , NOVEMBER 30, 2006, video interview on e-Learning, a StarLink Production, interview taping on November 10, 2006, <http://www.starlinktraining.org/programs/programs2007/nov30.asp>. followed by a telephone conference call with viewers.
84. Attended. Online Educa Berlin 2006 and the WebALT: Web Advanced Learning Technologies Workshop, Berlin, Germany, October 28-December 1, 2006, See: <http://www.online-educa.com/> and http://webalt.math.helsinki.fi/webalt-OEB/content/program/index_eng.html. (Expenses paid.)
85. Presentation. The TAMU Mathematics Department Online Placement Examination - Preliminary Results. Presented to the Texas A&M Academic Operations Committee (AOC), November 1, 2006.
86. Co-chaired. P-16 Grassroots Initiative meeting, Austin, TX, October 12, 2006
87. Pre-conference workshop Visual Algebra and Pre-calculus, (Six hour workshop), TexMATYC/TCCTA Conference. (Invited) Houston, TX February 23-25, 2006.
88. Presentation. e-Learning in 2020, at the Information Technology Working Group seminar, September 13, 2006, College Station, TX.
89. Selected. Math TEKS Connections - Geometry Advisory Board. August 30, 2006. First meeting, Crown Plaza Hotel, Austin, TX, September 30, 2006.
90. Testified. On College Readiness, before the Texas Higher Education Coordinating Board and the Texas Education Agency, September 22, 2006, Austin, TX.
91. Attended regular Math and Education meetings, TLAC, Spring 07.
92. Presentation. Using animations in mathematics & Math Goes to Hollywood,
93. Presented to Summer Honors Invitational Program (SHIP) participants, Texas A&M University, July 10, 2006.
94. Presentation. The CO-STEM Highway to Equal Education Access, STEM finalist grant presentation to the Texas Education Agency (TEA), Austin, TX, June 20, 2006.
95. Presentation. To PEER student group, Math Goes to Hollywood, at the TAMU Vet School, June 15, 2006.
96. Attended. Joint PIC/IAB meeting of the Institute for Mathematical Analysis (IMA), Minneapolis, MN, June 12, 2006.
97. Attended, MTC research project meeting (Math TEKS Connections), Texas A&M University, June 1, 26, July 16, 25, September 12,20, 2006.
98. Presentation. On the new calculus placement exam to the College of Engineering committee of advisors, May 31, 2006.
99. Appeared. KBTX-TV news show on the LOTTO, May 17,18, 2006. Joe Brown, newscaster.
100. Participated - co hosted. The grass-roots P-16 Consortium at the Charles Dana Center,

- May 11, 2006. (Co-organizers, Mel Griffin, Linda, Zientek, and Gloria White)
101. Appeared. 15 Magazine Television show, hosted by Sharon Colson, Topic: The Texas Math Talent Search, taped on May 3. Showed on May 11, 13, 14.
 102. Presentation. Math Goes to Hollywood. Presented to 18 students from Leakey Tx, April 27, 2006.
 103. Participated. THECB panel on online professional development, Texas A&M University, April 11, 2006.
 104. Organized, Math Summit between UH, UT, and TAMU, March 31, 2006, Texas A&M. Discuss the combined efforts of the three campus on technology mediated mathematics teaching and education projects.
 105. Attended regular Math and Education meetings, TLAC, Spring 06.
 106. Attended. Sigma Xi colloquium on K-12 education, Texas A&M University, March 28, 2006.
 107. Participated. GK-12 Fellowship NSF grant national meeting, Washington DC, March 24-26, 2006.
 108. Presentation. Fractions, TAMU/TEA (Texas Education Agency)/PEIC (P-16 Educational Improvement Consortium), March 4, 2006.
 109. Attended, MTA research project, Center for Distance learning Research, (Brief) Presentation on visualizing middle school math, Bryan, TX, Feb 18, 2006.
 110. Reviewed MTM3 project in Algebra II, TAMU-Commerce & ESC IV, Houston. February 6, 2006
 111. Attended, MTA research project, Center for Distance learning Research, (Brief) Presentation on visualizing middle school math, Bryan, TX, Jan 2, 2006.
 112. Attended, MTA research project, Center for Distance learning Research, Presentation on the 5E method, Bryan, TX, November 19, 2005.
 113. Attended, GK-12 Southwest Regional Conference, College Station TX, October 22, 2005.
 114. Attended TAMU-Mathematics Talent Contest, October 22, 2005.
 115. Attended TAMU/TEA (Texas Education Agency)/Mathematics TAKS Awareness, funded grant planning meeting, CDLR, Bryan, TX, October 22, 2005.
 116. Attended, NSF Workshop on Math Majors, Washington DC, August 12-13, 2005.
 117. Presentation. Using mathematics to make animations, Summer Honors Invitational Program, sponsored by the Office of Honors Programs and Academic Scholarships, June 20, 2005.
 118. Attended, Designing for Excellence and Achievement in Algebra I, (San Antonio), June 2-4, 2005.
 119. Attended The Mathematical Knowledge for Teaching (K-8): Why, What and How?, May 25-28, 2004.
 120. Attended, Charles A. Dana Center, TexMATYC, TAMU meeting in Austin on funding strategies for professional development courses, May 12, 2005.
 121. Attended Partnerships in Teacher Education Luncheon, hosted by College of Education and Human Development, Texas A&M University, March 8, 2005.
 122. Attended GK-12 Fellowship NSF grant national meeting, Washington DC, March 3-6, 2005.
 123. Presentation. Math goes to Hollywood, Presented at Aggieland Saturday, Texas A&M University, College Station, Tx. February 27, 2005.

124. Presentation. Research problems in assessment, presented to Dr. David Larson's Math 489 - Research Problems class, February 24, 2005.
125. Presentation. Thwarted Innovation: What Happened to e-learning and Why. Information Technology Working Group (ITWG) seminar, December 7, 2004.
126. Attended, Workshop for the Teacher Quality Grants Program - Type B Grants, Texas Higher Education Coordinating Board (THECB), Austin, TX, November 19, 2004.
127. Attended, ICTCM, (International Conference on Technology in Collegiate Mathematics) Executive Steering Committee Meeting. New Orleans, Oct 27, 2004.
128. Attended, Academy Advisory Committee meeting at the 8th Annual 8th Annual Conference on School-University Partnerships, Sept 26-27, 2004, in San Antonio.
129. Attended, Math Star annual directors meeting, Los Angeles, CA, Sept 22-24, 2004. (See <http://mathstar.lacoe.edu/welcome.html>)
130. Attended, 2004 Science & Mathematics, Excellence for All Students Conference, August 13, 2004, 8:00am - 4:30pm, Bryan-College Station, TX.
131. Attended, Workshop for the Teacher Quality Grants Program - Type A Grants, Texas Higher Education Coordinating Board (THECB), Austin, TX, August 4, 2004.
132. Attended, 5th Annual Chancellor's Invitational Conference for The Academy for Educator Development, Houston, TX, June 24-26, 2003. Chaired discipline-focus group meeting. Attended Regents II special meeting.
133. Attended, REU seminar at the offices of the Vice President for Research, TAMU, June 23, 2004.
134. Attended, "Dialog 2004: DMS and the Mathematical Sciences Community," Washington, DC, April 30-May 1, 2004.
135. Attended, "Accessing NASA's Educational and Research Funding Opportunities" workshop, at the UTSA - San Antonio, TX, April 26, 2004.
136. Participant, Teacher Quality Grants Executive Session, THECB/TEA organizers, Region VI service Center, Huntsville, TX, April 7, 2004.
137. Presentation, Mathematics Education Seminar, TLAC, Texas A&M University, March 11, 2004.
138. Attended MSRI (Mathematical Sciences Research Institute), Assessment Issues Conference, Berkeley, CA, March 7-10, 2004.
139. Panel Discussion Participant, Distance Education Forum, Evans Library, Texas A&M University, February 26, 2004.
140. Participant, Teacher Quality Grants Executive Session, THECB/TEA organizers, Region VI service Center, Huntsville, TX, February 25, 2004.
141. Presentation, Texas A&M, Using 3D Rendering Software, Information Technology Working Group, Texas A&M University, February 24, 2004.
142. Attended Texas A&M 4th Annual Assessment Conference, College Station, TX, February 2-3, 2004.
143. Attended Texas A&M Assessment Workshop given by Thomas Angelo at TAMU , College Station, TX, February 2, 2004.
144. Attended QEP (Quality Enhancement Program) luncheon and mini-conference , Texas A&M, January 29, 2004.
145. Attended WebCT Vista Workshop, TAMU, January 5-9, 2004.
146. Attended New Teacher Quality Grants Program Workshop sponsored by the Texas Higher Education Coordinating Board, Austin, TX, November 14, 2003.

147. Attended, Wexford Institute annual meeting, Reno NV November 1, 2003.
148. Attended, ICTCM, (International Conference on Technology in Collegiate Mathematics) Executive Steering Committee Meeting. Chicago, Oct 29, 2003.
149. Attended Maple Days Workshop, Texas A&M University, November 7-8, 2003. Robert Lopez from Maplesoft speaker.
150. Participant in PT3*L3 Pre-Conference Institute at the American Evaluation Association (AEA) Annual Conference. Sponsored by the Wexford Institute, Reno, NV, November 3-4, 2003.
151. Participant in Ninth Annual October Pre service Mathematics Conference, Lakeway Inn and Resort, Austin, TX, October 23-25, 2003. Sponsored by the Charles A. Dana Center of The University of Texas, Austin, TX.
152. Regularly attended, Approximation Theory Seminar, Mathematics Department, TAMU, 2001-2004.
153. Participant in BVMUG, Macromedia, Microage, College Station, TX. June 17, 2003.
154. Participant in 3rd Annual Assessment Conference, February 10-11, 2003, Texas A&M University, College Station, TX.
155. Attended Sixth Annual Conference on School-University Partnerships, Omni Hotel, San Antonio, TX, October 13-15, 2002.
156. Attended Regents Initiative Conference and Workshop, Houston, TX (Greenspoint Wyndom) June 13-15, 2002.
157. Participated: e-Math video taping, Wimberley, TX, July 15, 2002: The emath Project.

AWARDS

- Nominated, to participate in the Texas College Readiness Project in the area of Mathematics, supported by the Educational Policy Improvement Center (EPIC), 2008.
- Appointed, Maplesoft Academic Advisory Board (MAAB), February, 2008-2012.
- Appointed Ambassador for Maple, 2016-.
- History of Mathematics has been selected as one of the best educational resources on the Web by StudySphere, June 20, 2006.
- Fellow, Texas A&M University Academy of Educator Development, 2003-present.
- Elected to membership in Merlot - Multimedia Educational Resource for Learning and Online/Teaching. (MERLOT is a cooperative of individual members and institutions of higher education interested in improving teaching and learning.), February 13, 2004
- Selection for the Academic Keys Who's Who in Sciences Higher Education (WWSHE): <http://sciences.academickeys.com/>, 2004.
- Flash Demos for Understanding Statistics can help students learn to create histograms, compile pie charts, and demonstrate the mean, variance, and correlation of self-selected data points. www.math.tamu.edu/dallen/flash-demo
- Web Bytes - December 2003, December 6, 2003.
- My Web sites on visual understanding of statistics and physics featured in the Math Forum Newsletter: "The Math Forum @ Drexel publishes a newsletter once a week and we have chosen your site, Flash Demos for Understanding Statistics, to feature in our October 13, 2003 issue."
- Reception honoring Editors of Scholarly Journals, TAMU University Libraries, October 1, 2003.
- Web site referenced by the International Center for Scientific Research, December 17, 2002

- TAMU, Department of Mathematics, Service award. December 13, 2002.
- Appointed as a member of the Academy for Educator Development, a part of the Regents' Initiative for Excellence in Education. (January 7, 2002)
- My History of Mathematics web site was recognized by the Sci/Links page of the NSTA. Here are the criteria for selection. Certificate.
- My history of mathematics Web site was recognized and linked to by the Ethnomathematics Digital Library of the Pacific Resources for Education and Learning. May 4, 2003.
- Recognition for serving more than 10 years as judge of the Brazos Valley Regional Science Fair, awarded 2001.
- TAMU Mentors Program recognition for giving a presentation in the Lessons Learned seminar, March 3, 2000.
- TAMU, Department of Mathematics, Service award. December, 2000.
- Texas A&M University, Department of Mathematics service award, 1999 and 2001;
- Web site referenced by the International Center for Scientific Research, December 17, 2002
- TAMU, Department of Mathematics, Service award. December 13, 2002.
- Appointed as a member of the Academy for Educator Development, a part of the RFegents' Initiative for Excellence in Education. (January 7, 2002)
- My History of Mathematics web site was recognized by the Sci/Links page of the NSTA. Here are the criteria for selection. Cetificate.
- Recognition for serving more than 10 years as judge of the Brazos Valley Regional Science Fair, awarded 2001.
- TAMU Mentors Program.recognition for giving a presentation in the Lessons Learned seminar, March 3, 2000.
- TAMU, Department of Mathematics, Service award. December, 2000.

ADDRESSES AND RECOGNITION

- 1) Rocky Mountain Mathematics Consortium on Nonlinear Functional analysis, Santa Fe, New Mexico, July, 1971.
- 2) Fourth International Federation on Information Processing, Santa Monica, California, October, 1971.
- 3) American Mathematical Society Winter Meeting, Las Vegas, Nevada, January, 1972. (Ten-minute talk)
- 4) Conference on P.D.E., Lubbock, Texas, May, 1972.
- 5) Rocky Mountain Mathematics Consortium on Stochastic Processes and Stochastic Differential Equations, Edmonton, Alberta, Canada, July, 1972.
- 6) Symposium on Vector and operator Valued Measures and Applications, Alta, Utah, August, 1972. (Invited address)
- 7) American Mathematical Society Winter Meeting, Dallas, Texas, January, 1973.
- 8) U.S. Army Mathematics Research Center, Conference on Non-Linear Elasticity, Madison, Wisconsin, April, 1973.
- 9) Invited Lectures on Spectral Multiplicity at the University of Mexico City, June 1973.
- 10) American Mathematical Society Winter Meeting, San Francisco, California, January, 1974. (ten-minute talk)
- 11) Integration in Function Spaces with Applications, June 3-7, 1974 at the University of

Connecticut, invited talk.

- 12) American Math Society Winter Meeting, Washington, D.C., January 1975. (ten-minute talk)
- 13) Conference and Workshop on Pettis Integration, University of Illinois, March 15-17, 1975.
- 14) Symposium on the Calculus of Variations and Optimal Control, September 22-24, 1975, University of Wisconsin.
- 15) American Math Society Winter Meeting, San Antonio, Texas, January, 1976.
- 16) University of Florida, Gainesville, invited address, August 1976.
- 17) Conference on Riesz Spaces Oberwolfach, Germany, July 1977, invited address.
- 18) AMS Winter Meeting, Biloxi, Miss., January 1978.
- 19) AMS Summer Meeting, Ann Arbor, Mich., August 1980.
- 20) University of Texas, San Antonio, Special Session address, June 1981.
- 21) Great Plains Operator Theory Conference, University of Kansas, September 1981.
- 22) Conference on Riesz Spaces and Operator Theory, Oberwolfach, Germany, July 1982, invited address.
- 23) Conference on Sequence Spaces, St. Lawrence University, June 1985.
- 24) Fifth International Symposium on Approximation Theory, College Station, TX, January 1986.
- 25) Southwest Texas State University, invited address, February 1986.
- 26) Great Plains Operator Theory Conference, University of Kansas, May 1987.
- 27) University of Wisconsin - Milwaukee, Department of Mathematics, invited address Oct. 1988.
- 28) University of Minnesota, Dept. of Political Science, Oct. 1988, invited address.
- 29) Fifth IIMAS Workshop on Numerical Analysis, Merida, Yucatan, Mexico, Jan. 1989, invited address.
- 30) Instituto de Investigaciones en Matematicas Aplicadas y en Sistemas, Jan. 9-10, 1989, invited address.
- 31) Great Plains Operator Theory Symposium, University of Houston, May 4-7, 1989.
- 32) UT-A&M Informal Regional Functional Analysis Seminar, July 23-24, 1989, Texas A&M University, invited address.
- 33) First Mexico-Texas Workshop on Numerical Particle Transport, March 22-23, 1990. UNAM, Mexico City, Mexico, invited address.
- 34) II Simposium de Fisica Aplicada, Monterrey Mex. Sept. 1990, invited address.
- 35) IMSL, Houston, TX. August 9, 1991, invited address.
- 36) 12th International Conference on Transport Theory, Albuquerque, New Mexico, Aug 12-16, 1991, invited address.
- 37) III Simposium Internacional de Fisica Aplicada, Monterrey, N.L., Mexico, October 17-19, 1991, invited address.
- 38) Seventh Texas International Symposium on Approximation Theory, Austin, TX January 3-7, 1992, contributed talk.
- 39) Sixth IIMAS-UNAM Workshop on Numerical Analysis and Optimization, Oaxaca, Mexico, January 7-11, 1992, invited talk.
- 40) International Symposium on Numerical Transport Theory, Moscow, Russia, May 26-30, 1992, invited talk.
- 41) Second Texas-Mexico Workshop on Numerical Particle Transport, College Station, TX, Sept 2-4, 1992, invited talk.
- 42) Second Interagency Symposium on Stabilization of Soils and Other materials, New Orleans,

- November 2-5, 1992, invited talk.
- 43) Center for Approximation Theory, Annual Symposium, College Station, TX., March 12-13, 1993, invited (35 min) talk.
 - 44) Third Texas-Mexico Workshop on Numerical Particle Transport, Mexico March 13-15, 1996, invited.
 - 45) International Conference on Dynamical Systems and Differential Equations, Springfield, MO., May 29-June 1, 1996. Invited 40 minutes
 - 46) SIAM National Meeting, Minisymposium on Transport Problems, Kansas City, MO, July 21-24, 1996. Invited 20 minutes
 - 47) Closed linear functional methods for the two dimensional transport equation, Center for Approximation Theory Annual symposium, April 25, 1997. 40 minutes
 - 48) Hermite-Legendre Interpolation, University of Wisconsin --- Madison Centenary Conference, June 1, 1997.
 - 49) The Charles A. Dana Center, Multimedia Demonstration and Consultation, Austin, TX May 7, 1997. invited (35 min) talk.
 - 50) Gulf Coast Consortium of Community Colleges, Houston (June 19-20, 1998) Workshop on SNB WebCalc
 - 51) CAMT (Conference for the Advancement of Mathematics Teaching), San Antonio, TX July 22-24, 1998 WebCalc
 - 52) ICTCM, 11th Annual International Conference on Technology in Collegiate Mathematics, Nov 19-22, 1998 WebCalc (two talks)
 - 53) A Faculty Forum: Getting started using technology, Texas A&M University, August 25, 1998
 - 54) Invited Presentation, A Faculty Forum: Getting Started Using Technology, sponsored by Office of Distant Education, Texas A&M University, Title: The WebCalc Project - An Internet-Based Calculus Course, August 25, 1998
 - 55) Invited Presentation, CAMT (Conference for the Advancement of Mathematics Teaching), San Antonio, TX, July 22-24, 1998 The WebCalc Project (Repeated twice) (one hour.)
 - 56) Invited Presentation, CAMT (Conference for the Advancement of Mathematics Teaching), Dallas, TX, July 8-12, 1999 The WebCalc Project --- Two Years of Experience. (one hour.)
 - 57) Invited Presentation, CAMT (Conference for the Advancement of Mathematics Teaching), Dallas, TX, July 8-12, 1999, The Present and Future of Online Mathematics Education. (one hour.)
 - 58) Invited Presession. ICTCM, November 4, 1999, San Francisco, CA. Panelist for an all day session on Internet-based mathematics education.
 - 59) ICTCM Summer Workshop of math-on-Web, Ft. Collins, Co May 21-24, 2000.
 - 60) Principal speaker at the ICTCM Presession, November 15, 2000, Atlanta, GA.
 - 61) AACE Conference: SITE 2001--Society for Information Technology and Teacher Education International Conference, Orlando, Florida; March 5-10, 2001.
 - 62) ICTCM Summer Workshop of Math-on-Web, College Station, TX May 22-25, 2001.
 - 63) Invited Presentation. CAMT (Conference for the Advancement of Mathematics Teaching), The Texas A&M online masters program. San Antonio, TX, July 29, 2001.
 - 64) Preparing online assessments. A complete JavaScript program. San Antonio, TX, July 30, 2001.
 - 65) ICTCM Summer Workshop of Math-on-Web, Madison, WI July 29-Aug 1, 2001.
 - 66) Invited Presentation. Mississippi-Louisiana MATYC Conference at LSU-Eunice. Creating

- online assessment instruments. September 22, 2001.
- 67) Invited Presentation. ICTCM, November 1, 2001, Baltimore, MD. Moderator for an all day session on Internet-based mathematics education.
 - 68) Invited Presentation. ICTCM, November 2, 2001, Baltimore, MD, Professional Development workshop of creating Web-based assessments. (2.5 hours)
 - 69) Invited panelist . 2nd Annual Assessment Conference "Measuring what Matters Most", Texas A&M University, Feb 11-12, 2002
 - 70) Invited Presentation. The 15th annual ;Science, Technology & YOUth Symposium, "Math Goes to Hollywood", Texas A&M University, March 2-3, 2002.
 - 71) Invited Presentation. The dynamics of political power, Cal State Poly Pomona, Pomona, CA, March 10, 2002.
 - 72) Invited Presentation. Sam Houston State University, September 27, 2002.
 - 73) Invited Presession. ICTCM, October 30, 2002, Orlando, FL. Using digital imaging technologies to teach mathematics concepts. (3 hours)
 - 74) Invited Presentation. DEC 2003, Building a quality online masters program, January 21, 24, 2003.
 - 75) Invited Presentations. (4 hours) RGVCTM (Rio Grande Valley Council on Teaching Mathematics), Using animations in mathematics instruction, McAllen, TX, November 16, 2002.
 - 76) Invited Presentation. Texas Community College Teachers Association, Using digitization for mathematics understanding. February 21-22, 2003.
 - 77) Invited Presentation. "Math in the Movies", Science Technology and Youth Symposium, March 1, 2003.
 - 78) Panel Discussion, NCTM (National Council of Teachers of Mathematics), Let's Get Together: WWW-based Distance Education for Mathematics Teachers, San Antonio, April 11, 2003.
 - 79) Invited Presentation. CAMT (Conference for the Advancements of Mathematics Teaching), "Math Goes to Hollywood," July 17, 2003.
 - 80) Invited Presentation. TxDLA Regional Groups Meeting, Visual mathematics - an exploration of new visual mathematics in the algebraic sciences, College Station, TX August 18, 2003. (TxDLA - Texas Distance Learning Association) 30 minutes
 - 81) Invited Presentation. Seventh Annual Conference on School-University Partnerships, Sept 28-30, 2003, San Antonio, TX - Educator Perceptions of Math and Science Teacher Preparation Programs, with Dianne Goldsby, Larry Walker, Dawn Parker.
 - 82) ICTCM (International Conference on Technology in Collegiate Mathematics) Annual Conference, What is the status of reform algebra?, Chicago, Illinois, Oct 29, 2003.
 - 83) Invited Presentation. ICTCM (International Conference on Technology in Collegiate Mathematics) Annual Conference, Using Camtasia - a developmental workshop, Chicago, Illinois, Oct 30, 2003.
 - 84) Keynote Address. Multiple Representations - a journey to the future, at the "Aiming for Excellence in Mathematics Teacher Preparation, A Seminar for Teacher Educators," Math TEKS Connections, College Station, TX, May 18-20, 2007.
 - 85) Keynote Address. Technology Usage in the College Algebra Course, The Enhanced WebAssign (EWA) Teaching & Learning Workshop, Thomson Publishing, San Diego, CA, March 17, 2007.

- 86) Presentation. The College Algebra Survey, presented at the TexMATYC (Texas Association of Two Year Colleges, Arboretum Renaissance Hotel, Austin TX, February 24, 2007.
- 87) Invited Presentation, Focus on College Algebra, presented at the TexMATYC Section of the TCCTA Annual Meeting, February 23-24, 2007, Austin, TX.
- 88) Presentation. The Triadic Survey in Building Capacity, with Dianne Goldsby, presented at the 7th Annual Texas A&M University Assessment Conference, February 22-23, 2007, College Station, TX.
- 89) Presentation - Using and Validating a Triadic Instrument to Survey Pre-Service Teacher Preferences, with Dianne Goldsby, 2007 Annual Meeting of the Southwest Educational Research Association (SERA), February 7-10, 2007, San Antonio, TX.
- 90) Keynote Address. What technology for teaching mathematics works and why – a perspective, presented at the San Jacinto College Annual Mathematics Meeting, November 18, 2006; Houston, TX.
- 91) Invited Presentation. College Algebra — What Colleges Want, presented at the AMATYC Annual Meeting, November 2-5, 2006; Cincinnati, OH.
- 92) Invited Presentation. College Algebra Across Texas—Survey Results, presented at the Charles A. Dana Center's Annual Mathematics and Science Higher Education Conference and Teacher Quality Higher Education Technical Assistance Meeting " Ensuring College Readiness in Mathematics and Science Higher Education," October 26-28, 2006; Lakeway Inn, Austin, TX.
- 93) Keynote Address . Old Technology, New Technology, Emerging Technology. What works and Why, Keynote address presented to HCC Title V Faculty Leadership Program - Math Workshop, October 20, 2006.
- 94) Invited Presentation. e-Learning in 2016, at the Math Education in 2016 conference, Helsinki, August 8-10, 2006.
- 95) Invited Presentation. Using the Pre-Calculus package, Teacher Quality Grants Conference, Charles A. Dana Center and Texas Higher Education Coordinating Board, Austin, Tx, March 27-28, 2006.
- 96) Panel Presentation. ICTCM, (International Conference on Technology in Collegiate Mathematics) -Should we be teaching undergraduate online courses?, Orlando, FL, March 16-20, 2006. (3/17)
- 97) Invited Presentation. ICTCM, (International Conference on Technology in Collegiate Mathematics) -Teaching higher mathematics courses online, Orlando, FL, March 16-20, 2006. (3/17)
- 98) Panel Presentation. ICTCM, (International Conference on Technology in Collegiate Mathematics) -Techniques for applying for and obtaining grants, at the Pre-Session, Orlando, FL, March 16-20, 2006. (3/16)
- 99) Invited Presentation. Using and Validating a Triadic Instrument to Survey Middle School Children, 2006 Annual Meeting of the Southwest Educational Research Association (SERA), Austin, February 8-10, 2006, with Dianne Goldsby and Larry Kelly.

- 100) Invited Presentation. "Test Item Dependencies", Bowling Green State University, December 2, 2005.
- 101) Invited Presentations. (2 hours) RGVCTM (Rio Grande Valley Council on Teaching Mathematics), MathStar materials and the TQA pre-calculus course-in-a-box , McAllen, TX, November 19, 2005 (with Amanda Ross).
- 102) Invited Presentation. "Using TQA Grants with Community Colleges", Charles A. Dana Center's Annual Mathematics and Science Higher Education Conference, Lakeway Inn and Resort, Austin, TX, November 17-19, 2005.
- 103) Invited Presentation. Coastal Bend Mathematics Collaborative, "Disconnects between High Schools and Colleges within Mathematics Education in Texas", Nov 13-15, 2005.
- 104) Invited Presentation. An In-Depth Study of Educator Perceptions of Mathematics/Science Teacher Preparation by Means of a Triadic Instrument and Interviews, presented at the Association for Teaching and Curriculum (AATC), (with Dianne Goldsby and Larry Kelly), Austin, TX, October 6-8, 2005.
- 105) Invited Presentation. Precalculus Completely TEKS Aligned, CAMT (Conference for the Advancement of Mathematics Teaching), Adams Mark Hotel, July 11-13, 2005. (with P. Poage)
- 106) Invited Presentation. MathStar Project Using Interactive Technologies, CAMT (Conference for the Advancement of Mathematics Teaching), Adams Mark Hotel, July 11-13, 2005. (with D. Jolly and A. Ross)
- 107) Invited Presentation, Teacher Quality Type B Mathematics Awards Workshop for 2004-05 and 2005-06 Awardees, Doubletree Club Hotel, Austin, TX, May 24, 2005.
- 108) Invited Presentation. High school professional development through community colleges and universities: a perspective, Annual meeting Seamless Transitions State Conference, Austin Convention Center, Austin, (presented twice) March 28-30, 2005.
- 109) Invited Presentation. Dynamic models in politics, colloquium at Prairie View A&M, Prairie View, TX, March 15, 2005.
- 110) Invited Presentation. Using and Validating a Triadic Instrument to Survey Pre-Service Teacher Preferences, 2005 Annual Meeting of the Southwest Educational Research Association (SERA), New Orleans, February 9-12, 2005.
- 111) Invited Presentation. The history of early calculating devices, including the slide rule. San Jacinto College North Annual Math Conference, Houston, TX, November 13, 2004.
- 112) Invited Presentation. Math Star: Supporting Middle School Mathematics
Presentation by Amanda Ross Dr. Don Allen
Dr. Deborah Jolly
Texas A&M University. San Jacinto College North Annual Math Conference, Houston, TX, November 13, 2004. (presented by Amanda Ross)
- 113) Panel Discussion, Member of Distance Education Panel for the Texas A&M Distance Education Day, November 3, 2004, Texas A&M University, College Station, TX. (panelist)

- 114) Invited Presentation. Tenth Annual October Pre service Mathematics Conference, Lakeway Inn and Resort, Austin, TX, October 28-30, 2004. Sponsored by the Charles A. Dana Center of The University of Texas, Austin, TX. (Session on October 29)
- 115) Invited presentation and organizer. ICTCM, (International Conference on Technology in Collegiate Mathematics) -All about Assessment Symposium, Chicago. Oct 28, 2004.
- 116) Panel discussion. ICTCM, (International Conference on Technology in Collegiate Mathematics) -All about Assessment Symposium, Chicago. Oct 28, 2004, wrap-up to all day assessment session.
- 117) Invited Presentation. Professional Development in Mathematics at Texas A&M. Math Star Coordinators meeting, Oct 18-19, 2004, Los Angeles, CA.
- 118) Invited Presentation. Regent's Initiative for Excellence in Education, Educator Perceptions of Mathematics/Science Teacher Preparation Programs, with Dianne Goldsby and Larry Kelly, May 26, 2004 Bush School, Texas A&M University.
- 119) Panel Discussion, Where should distance education at Texas A&M be?, sponsored by the Office of Distance Education and the TAMU Libraries, February 26, 2004, Evans Library, Texas A&M University. (panelist)
- 120) Presentation, Southwest Educational Research Association, "Pre-Service Teacher Perceptions of Mathematics and Science," Dallas, TX February 7, 2004, with Dianne Goldsby, Larry Kelly, and Dawn Parker.
- 121) Invited Presentation. ICTCM (International Conference on Technology in Collegiate Mathematics), Using Camtasia, Chicago. Oct 30, 2003.
- 122) Invited presentation. ICTCM, (International Conference on Technology in Collegiate Mathematics) -Panel discussion - What is the status of reform algebra?, Chicago. Oct 29, 2003.
- 123) Panel Discussion, Universal Design Day at Texas A&M University (MSC 206), October 9, 2003, Design of online mathematics materials and application of computer assisted design for students with disabilities. Sponsored by the Department of Student Life. (panelist)
- 124) Invited Presentation. Seventh Annual Conference on School-University Partnerships, Sept 28-30, 2003, San Antonio, TX - Educator Perceptions of Math and Science Teacher Preparation Programs, with Dianne Goldsby, Larry Walker, Dawn Parker.
- 125) Invited Presentation. TxDLA Regional Group Meeting, Visual mathematics - an exploration of new visual mathematics in the algebraic sciences, College Station, TX August 18, 2003. (TxDLA - Texas Distance Learning Association) 30 minutes.
- 126) Invited Presentation. CAMT (Conference for the Advancement of Mathematics Teaching), Math in the Movies, July 17, 2003.
- 127) Invited Presentation. 4th Annual Chancellor's Invitational Conference for The Academy for Educator Development , Using web based assessment and getting teachers involved at a laptop campus, with Lisa Stinson, St Agnes Academy. Houston, TX, June 12-14, 2003.
- 128) High School Presentation, May 12, 2003 College Station ISD, Math in the movies.

- 129) Panel Discussion, Let's Get Together: WWW-based Distance Education for Mathematics Teachers, NCTM, San Antonio, April 11, 2003. (panelist)
- 130) Invited Presentation. Science Technology and Youth Symposium, Math Goes to Hollywood, Texas A&M University, March 1, 2003. Invited Presentation. 4th Annual Chancellor's Invitational Conference for The Academy for Educator Development , Using web based assessment and getting teachers involved at a laptop campus, with Lisa Stinson, St Agnes Academy. Houston, TX, June 12-14, 2003.
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- 145) Texas A&M University. San Jacinto College North Annual Math Conference, Houston, TX, November 13, 2004. (presented by Amanda Ross)
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- 165) Invited Presentation. e-Learning in 2016, at the Math Education in 2016 conference, Helsinki, August 8-10, 2006.
- 166) Keynote Address . Old Technology, New Technology, Emerging Technology. What works and Why, Keynote address presented to HCC Title V Faculty Leadership Program - Math Workshop, October 20, 2006.
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- 171) Presentation. The Triadic Survey in Building Capacity, with Dianne Goldsby, presented at the 7th Annual Texas A&M University Assessment Conference, February 22-23, 2007, College Station, TX.

- 172) Invited Presentation, Focus on College Algebra, presented at the TexMATYC Section of the TCCTA Annual Meeting, February 23-24, 2007, Austin, TX.
- 173) Presentation. The College Algebra Survey, presented at the TexMATYC (Texas Association of Two Year Colleges, Arboretum Renaissance Hotel, Austin TX, February 24, 2007.
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- 175) Keynote Address. Multiple Representations - a journey to the future, at the "Aiming for Excellence in Mathematics Teacher Preparation, A Seminar for Teacher Educators," Math TEKS Connections, College Station, TX, May 18-20, 2007.
- 176) Presentation, Moving from High School Mathematics to College Mathematics. What's going on?, with Linda Zientek, Mel Griffin, Jim Wohlgehausen, Jacqueline Weilmuenster, CAMT (Conference for the Advancement of Mathematics Teaching), Henry B. Gonzales Convention Center, San Antonio, TX, June 28-30, 2007.
- 177) Presentation, All About Quadratics - for the Teacher, CAMT (Conference for the Advancement of Mathematics Teaching), Henry B. Gonzales Convention Center, San Antonio, TX, June 28-30, 2007.
- 178) Keynote Address. Technology in Math Education at Texas A&M University, JEM - Workshop on New and Emerging Technologies in Math Education, Helsinki, August 17-18, 2007.
- 179) Invited Address. Course redesign at TAMU, presented to the Texas Association of Academic Administrators in Mathematical Sciences (TAAAMS), at Baylor University, Waco, TX, October 13, 2007.
- 180) Panel Presentation, University Interface with Community Colleges to Ensure Success of Transfer Students through the NSF GK-12 Program, at the Southwest Regional NSF GK-12 Conference College Station, Texas with Mel Griffin, Bob Brick, Claudia Davis, Alice Sessions; Representing GK-12 Programs: G. Donald Allen, Jan Snyder, Kate Miller, Nancy Moreno, G. Donald Allen - moderator, November 9-10, 2007
- 181) Invited Presentation, Placement Examinations, presented at the JEM, Joining Educational Mathematics, an EU-funded thematic network for Mathematics Education, January 31 - February 2, 2008.
- 182) Invited Presentation. Triadic measurements of pre-service teachers, presented at the Southwest Educational Research Association annual meeting, February 6-8, 2008.
- 183) Invited Presentation. Placement Examinations at Texas A&M University, presented at the JEM, Joining Educational Mathematics, an EU-funded thematic network for Mathematics Education, Universitat Politècnica de Catalunya Facultat de Matemàtiques i Estadística (FME) Carrer Pau Gargallo, 5, Barcelona, Spain, January 31 - February 2, 2008.
- 184) Keynote Address. e-learning in the 21st Century , presented to the South Texas Mathematics Consortium (STMC), 16th Annual Meeting of Faculty and Students, Texas

A&M Kingsville, February 9, 2008.

- 185) Invited Presentation, Technology in the schools - a survey, ICTCM annual meeting, San Antonio, TX, March 6-8, 2008. Organizer of special session of technology in the schools.
- 186) Keynote Address. What Colleges want and What Colleges Get, presented to the Cengage Assessment Workshop, Microtek Training Facility, Dallas, TX, March 14, 2008.
- 187) Invited presentation (special session), Misconceptions in Mathematics Understanding, AMS Regional Meeting, 2008 Spring Southeastern Meeting Louisiana State University, Baton Rouge, LA, March 28-30, 2008. cancelled due to illness.
- 188) Presentation, Misconceptions in Mathematical Understanding, CAMT (Conference for the Advancement of Mathematics Teaching), San Antonio, TX, July 9-11, 2008, with S. Scarborough.
- 189) Keynote Address. Teaching mathematics: What work, what doesn't work and why. Fall Faculty Forum, TAMU-Galveston, Galveston, TX, August 22, 2008.
- 190) Invited Presentation, Administrative Leadership for TEKS and TAKS Mathematics, presented to Administrators Guide to Increasing Achievement in Math, Education Service Center VI, September 26, 2008.
- 191) Presentation, SERA (Southwest Educational Research Association), Pre-Service Teacher Perceptions of Teaching Fractions through a Survey, Essay, and Mathematical Misconceptions, February 4-7, 2009.
- 192) Invited Presentation, What is the National Math Panel and how does it affect the colleges? TexMATYC, Texas Mathematical Association of Two-Year Colleges), Friday, February 20, 2009
- 193) Presentation, Pre-Service Teacher Perceptions of Teaching Fractions through a Survey, Essay, and Mathematical Misconceptions, ICTCM (International Conference on Technology in Collegiate Mathematics, March 12-15, 2009.
- 194) Presentation, Assessing Perceptions through a Technology-Mediated Triadic Survey Instrument, Association of Teacher Educators, Reno, NV, August 1-5, 2009, with Dianne Goldsby.
- 195) Invited Presentation, Mathematical Power Models, University of Sao Paulo, Sao Paulo, Brazil, February 8, 2010.
- 196) Invited Presentation, Aspects of the TAMU Mathematics Placement Exam, University of Turino, Turino, Italy, March 1, 2010.
- 197) Invited Presentation, Integrating the CCRS into Academic Courses, at the TAMU Collaborative Summer Institute, College Station, TX, June 23, 2010.
- 198) Invited Presentation, TAMU Mathematics Placement Exam, at the NSF TAMU System Engineering Grant Meeting, College Station, TX. March 11, 2010 and April 21, 2010.
- 199) Poster, Retention through Remediation: Enhancing Success in Calculus I, at the NSF meeting, Identifying, Implementing and Integrating Best Practices, Washington, DC, March 3-5, 2010.

- 200) Invited Presentation, Mathematics, Technology, and Mathematics Education, University of Nairobi, Kenya, August 13, 2010.
- 201) Invited Presentation. Huang, R., Li, Y., Kulm, G., & Allen, D. (Accepted). Pre-service mathematics teachers' knowledge for teaching algebra in China and the U.S. American Education Research Association (AERA), April 8 –12, 2011, New Orleans, Louisiana.
- 202) Invited Presentation. Mathematics Content, WEPS and STACK Meeting, Exactum Building, University of Helsinki, Helsinki, Finland, August 2-5, 2011.
- 203) Invited Presentation. A Study of Pre-Service Teacher Perceptions of Ability to Use Technology, Dianne Goldsby, Robin Rackley, & G. Donald Allen–Texas A&M University, Southwest Educational Research Association, Menger Hotel, San Antonio, Texas February 2-5, 2011.
- 204) Presentations. Visual Algebra, Presented to AP pre-Calculus Institute, College Station, TX, July 8, 2011, Masters program at Texas A&M University, Presented to the AP Calculus Institute, College Station, TX, July 15, 2011.
- 205) Presentation, Personalized Before Calculus Program, ICTCM Annual meeting, March 21-24, 2012, with S. Nite, J. Whitfield, S. Sledge.
- 206) Invited Presentation, "A Fast and Furious Bridge to Calculus II – ONLINE!," AMATYC 40th Annual Conference, Gaylord Opryland Resort in Nashville, TN, November 13-16, 2014, with Sharon Sledge .
- 207) Invited Presentation, Impossible Problems and MOOCs, ICTCM (International Conference on Teaching Collegiate Mathematics) 26th annual meeting, March 21-23, 2014.
- 208) Invited Presentation, Student Characteristics That Help Predict Success in Calculus: Results from a Summer Precalculus Program, ICTCM (International Conference on Teaching Collegiate Mathematics) 26th annual meeting, with Sandra Nite, March 21-23, 2014.
- 209) Invited Presentation, "Personalized Precalculus Program – A Summer Bridge Program", TCCTA Annual Meeting, San Antonio, TX, February 7, 2014.
- 210) Invited Presentation, Using a bridging program for Calculus Instruction, North Carolina State, January 15, 2014.
- 211) Invited Presentation, Presession, presented to the presession of the ICTCM (International Conference on Teaching Collegiate Mathematics) in San Antonio, March 7, 2013. All day workshop.
- 212) Invited Presentation, "A Fast and Furious Bridge to Calculus II – ONLINE!," AMATYC 40th Annual Conference, Gaylord Opryland Resort in Nashville, TN, November 13-16, 2014, with Sharon Sledge .
- 213) Invited Presentation, Impossible Problems and MOOCs, ICTCM (International Conference on Teaching Collegiate Mathematics) 26th annual meeting, March 21-23, 2014.
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 - 217) Invited Presentation, Presession, presented to the presession of the ICTCM (International Conference on Teaching Collegiate Mathematics) in San Antonio, March 7, 2013. All day workshop.
 - 218) Invited Presentation, MOOCs and what they imply, TCCTA annual meeting in San Antonio, TX, February 7, 2014.
 - 219) Invited Presentation, The Precalculus Program, North Carolina State University, November 20, 2013.
 - 220) Invited Presentation (via Webinar), Advancing an Online Project in the Assessment and Effective Teaching of Calculus, with Mika Seppala and Eamonn Kelly, November 14, 2013. [The meeting is held in Adobe ConnectPro on Thursday 14 November, 18:00-19:00 EEST (Finland)/08:00-09:00 (California, USA)]
 - 221) Invited Presentation, Understanding the predictive results of testing, University of Sao Paulo, Brazil, November 12, 2013.
 - 222) Invited Presentation. Understanding MOOCs and online delivery, NSF SAVI conference on big data, October 24-27, 2013, Helsinki, Finland.
 - 223) Invited Presentation, Misconceptions in Mathematics, Teacher Quality Annual Technical Meeting, Lost Pines, Resort, Bastrop, TX, April 2, 2013,
 - 224) Invited Presentation, Triadic Surveys on Teacher Preparation, ICTCM (International Conference on Teaching Collegiate Mathematics) annual meeting, March 23, 2013.
 - 225) Invited Presentation, Math Assessment Testing, ICTCM annual meeting, March 22, 2013.
 - 226) Invited Presentation. Assessment and Teaching, NSF SAVI meeting, Tallahassee, FL, March 14-15, 2013.
 - 227) Invited Presentation. Innovations and Learning in Education, sponsored by the NSF-SAVI USA-Finland program and the Finnish TEKES program, October 11-13, 2012.
 - 228) Using a bridging program for Calculus Instruction, North Carolina State, January 15, 2014.
 - 229) "Personalized Precalculus Program – A Summer Bridge Program", TCCTA Annual Meeting, San Antonio, TX, February 7, 2014.
 - 230) Impossible Problems and MOOCs, ICTCM (International Conference on Teaching Collegiate Mathematics) 26th annual meeting, March 21-23, 2014.
 - 231) Student Characteristics That Help Predict Success in Calculus: Results from a Summer

Precalculus Program, ICTCM (International Conference on Teaching Collegiate Mathematics) 26th annual meeting, with Sandra Nite, March 21-23, 2014.

- 232) Invited Presentation, "A Fast and Furious Bridge to Calculus II – ONLINE!," AMATYC 40th Annual Conference, Gaylord Opryland Resort in Nashville, TN, November 13-16, 2014, with Sharon Sledge .
- 233) Invited Presentation, A Bridge to Engineering: A Personalized Precalculus (Bridge) Program, Frontiers in Education, October 21-24, 2015, El Paso, TX, with Sandra Nite, Jim Morgan, Robert Capraro.
- 234) Contributed Presentation, Confusion Matrices and Preservice Teacher Knowledge, ICTCM (International Conference on Teaching Collegiate Mathematics, March 13-15, 2015, Las Vegas, NV, with Dianne Goldsby.
- 235) Contributed Presentation, The End of Computing, ICTCM (International Conference on Teaching Collegiate Mathematics, March 13-15, 2015, Las Vegas, NV.
- 236) Invited Presentation, "A Fast and Furious Bridge to Calculus II – ONLINE!," AMATYC 40th Annual Conference, Gaylord Opryland Resort in Nashville, TN, November 13-16, 2014, with Sharon Sledge. Also presented at ICTCM (International Conference on Teaching Collegiate Mathematics, March 13-15, 2015, Las Vegas, NV.
- 237) Poster Session, The Impact of Placement Exams on Retention for Engineering Mathematics, ICTCM (International Conference on Teaching Collegiate Mathematics, March 13-15, 2015, Las Vegas, NV, with Mike Pilant and Jennifer Whitfield.
- 238) Invited Presentation, Online courses in economics, a primer, International Business School of New York, September 24-27, 2014.
- 239) Invited Presentation, "Understanding Distance Education", European School of Economics, August 12-17, 2014
- 240) Invited Presentation, "Increasing Calculus II Success with a Bridging Program," 2014 Hawaii University International Conference, June 10-12 at the Ala Moana Hotel, with Sandra Nite.
- 241) Invited Presentation, Student Characteristics That Help Predict Success in Calculus: Results from a Summer Precalculus Program, ICTCM (International Conference on Teaching Collegiate Mathematics) 26th annual meeting, with Sandra Nite, March 21-23, 2014.
- 242) Invited Presentation, "Personalized Precalculus Program – A Summer Bridge Program", TCCTA Annual Meeting, San Antonio, TX, February 7, 2014.
- 243) Invited Presentation, Using a bridging program for Calculus Instruction, North Carolina State, January 15, 2014.
- 244) Invited Presentation, MOOCs and what they imply, TCCTA annual meeting in San Antonio, TX, February 7, 2014.
- 245) Attended, Teacher Quality Grants annual meeting, The Hyatt Regency Lost Pines Resort and Spa, 575 Hyatt Lost Pines Road, Lost Pines, TX, US, March 27-28, 2014.
- 246) Panel Discussion, III-12 Improving Student Success in Foundational Courses in Math, with Denise Hayman, Northern Illinois University; Ivan Lopez, Northern New Mexico College; NSF STEP 2014 Annual Meeting, Washington DC, March 5-7, 2014,
- 247) Invited Presentation, A Bridge to Engineering: A Personalized Precalculus (Bridge) Program, Frontiers in Education, October 21-24, 2015, El Paso, TX, with Sandra Nite, Jim Morgan, Robert Capraro.
- 248) Contributed Presentation, Confusion Matrices and Preservice Teacher Knowledge, ICTCM (International Conference on Teaching Collegiate Mathematics, March 13-15, 2015, Las Vegas, NV, with Dianne Goldsby.

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- 251) Poster Session, The Impact of Placement Exams on Retention for Engineering Mathematics, ICTCM (International Conference on Teaching Collegiate Mathematics, March 13-15, 2015, Las Vegas, NV, with Mike Pilant and Jennifer Whitfield.
- 252) Invited Presentation, The Remarkable Number One, 8th Annual International Conference on Mathematics & Statistics: Education & Applications, Athens, Greece, July 1-2, 2014.
- 253) Invited Presentation, Online courses in economics, a primer, International Business School of New York, September 24-27, 2014.
- 254) Invited Presentation, "Understanding Distance Education", European School of Economics, August 12-17, 2014
- 255) Invited Presentation, Impossible Problems and MOOCs, ICTCM (International Conference on Teaching Collegiate Mathematics) 26th annual meeting, March 21-23, 2014.

ONLINE BOOKS

- Linear Algebra - http://www.math.tamu.edu/~dallen/m640_03c/readings.htm
- History of Mathematics - http://www.math.tamu.edu/~dallen/masters/hist_frame.htm
- WebCalC – an online calculus course - <http://www.math.tamu.edu/~webcalc/webcalc.html>

PROFESSIONAL DEVELOPMENT SERIES – MATERIALS FOR TEACHERS AND K-12 STUDENTS

- All about fractions - for the teacher, <http://disted6.math.tamu.edu/fractions/index.htm>
- All about quadratics - for the teacher, <http://distance-ed.math.tamu.edu/quadratics/index.htm>
- Visual Algebra - teaching algebra using visual tools, <http://distance-ed.math.tamu.edu/techtools/valgebra/valgebra.htm>
- Fractions, Measurement, and Proportion - for the teacher, <http://disted6.math.tamu.edu/mpf/index.htm>

OTHER TALKS

- Poster Session. joint with Lisa Stinson, Female Students' Performance on and Preference for Computer-Delivered vs. Scantron Tests, 2003 Joint Conference Information Technology in Science (ITS) Center for Teaching and Learning Southwest – Association for the Education of Teachers in Science, March 1, 2003. (given by Stinson) Ft. Worth, TX.
- Panel Discussion, Universal Design Day at Texas A&M University (MSC 206), October 9, 2003, Design of online mathematics materials and application of computer assisted design for students with disabilities. Sponsored by the Department of Student Life, TAMU.

- College of Science, TAMU - Open House, September 6, 2003, presentation on distance education, online masters of mathematics program.
- Math Camp - presentation to 45 junior high school students on the use of mathematics in Hollywood produced movies, July 11, 2003, College Station, TX.
- Philosophy Group - presentation to a group of philosophers and sociologist on the application of Flash to interactive logic proofs, June 2, 2003, College Station, TX
- ITWG - Information Technology Working Group, Using Flash MX for teaching science - Texas A&M University, October 1, 2002.
- Invited Presentation. Science Technology and Youth Symposium, Math Goes to Hollywood, March 1, 2003.
- Poster Session. joint with Lisa Stinson, Female Students' Performance on and Preference for Computer-Delivered vs. Scantron Tests, 2003 Joint Conference Information Technology in Science (ITS) Center for Teaching and Learning Southwest –Association for the Education of Teachers in Science, March 1, 2003. (given by Stinson)

OTHER WRITINGS - ADDITIONAL

- The following have appeared in *Focus on Mathematics Pedagogy and Content* - a newsletter for math teachers. See: <http://disted6.math.tamu.edu/newsletter/>
 - The Caesar Cypher, Volume 1, Number 1 January, 2009
 - How big is infinity?, Volume 1, Number 2, February, 2009
 - Problems in Mathematical Recreation Volume 1, Number 4, May 2009
 - The Mystery of the New "Planet" (Or How Regression Saved the Day) Volume 1, Number 5, June 2009
 - Early PI -- Part I, Volume 1, Number 8, September 2009
 - What Technology Works for Teaching Mathematics and Why - A Perspective, Part I, Volume 1, Number 9, October 2009
 - What Technology Works for Teaching Mathematics and Why - A Perspective, Part II, Volume 1, Number 10, December 2009
 - Primes, Perfect Numbers, and Magic Numbers (Just for Fun), Volume 2, Number 8 October 2010
 - Geometry meets Algebra — Super-Conic Constructions, Part I Volume 2, Number 9 November 2010
 - Geometry meets Algebra — Super-Conic Constructions, Part II, Volume 2, Number 10 December 2010
 - Working Together - The Math Part, Volume 3, Number 5 July 2011
 - Principals as Leaders and Decision Makers in Mathematics Instruction, Part I, Volume 3, Number 7 September 2011
 - Why Study Math when I Have Technology? Volume 4, Number 2, April 2012
 - Optimization problems – with and without calculus, to appear.
- Geometry Applets, a collection of Flash interactive applets for high school geometry, May 2007.
- Misconceptions in Algebra, September 2006.
- Problem Solving for Teachers, April, 2007.
- Multiple Representations for Pre-service Teachers, April, 2007.
- Tech Tools, Tools that make teaching mathematics with technology easier, a college of

- numerous math technology tools including Maple, Excel, and Flash. 2005.
- Workshop on Fractions, Proportion, and Measurement, including content, PowerPoint lessons, 5E pedagogy, Lesson plans, etc. for the Pasadena Independent School District , 2005.
 - All about Quadratics - for the Teacher, 2005
 - Collected mathematics essays for teachers, in the MathStar-Texas Newsletter, 2004-2005
 - Pre-calculus - course-in-a-box, for professional development, 2004
 - Flash online workshop, a collection of Flash applications on mathematical topics, 2002-2005.
 - Developed specialty programs for teachers and students including Digitizer. Software:(<http://www.math.tamu.edu/~dallen/digitalcam/index.htm>)
 - Math goes to Hollywood (<http://www.math.tamu.edu/~dallen/hollywood/mathindex.htm>)
 - Understanding Statistics visually, Software: (<http://www.math.tamu.edu/~dallen/flash-demo/index.htm>)
 - Physics animations. Getting the physics right, Software:(<http://www.math.tamu.edu/~dallen/physics/index.htm>)
 - Digitizer software and website. Using digitization software to explore mathematics topics. ©2002-03. (<http://www.math.tamu.edu/~dallen/digitalcam/index.htm>)
 - MATLAB and Maple models for physics. A part of the Information Technology Center summer institute for education leaders. Online. <http://www.math.tamu.edu/~dallen/its>
 - Preparing a Quiz using the Template, JavaScript Quiz Templates - a collection of JavaScript feedback quizzes with directions for creating new quizzes. Fully integrated and self-quiz reproducing. August 2001.(<http://www.math.tamu.edu/~dallen/mq14/quizmaker14.htm>)
 - Preparing a Quiz using the Template, JavaScript Quiz Templates - a collection of JavaScript feedback quizzes with directions for creating new quizzes. The user needs only have a text editor to create such quizzes. All the JavaScript has been written, Fall 2000. (<http://www.math.tamu.edu/~dallen/mq14/quizmaker14.htm>)
 - Lectures on the History of Mathematics, a continuing web-based project which is updated and used annually. This project has been linked by several online history of mathematics websites, 1996-2001.
 - Online Masters of Mathematics Home page, 1999 URL: www.disted6.math.tamu.edu.
 - WebCalC, an online calculus course, 1998-2000. Home page URL: www.math.tamu.edu/~webcalc/webcalc.html
 - Java Script-based quizzing, 1999. URL: www.math.tamu.edu/~dallen/cshsframe.htm
 - The History of π , 1998, URL: www.math.tamu.edu/~dallen/pi/pi.html
 - Math/Science Online Newsletter, Winter 1999/2000.
 - Math/Science Online Newsletter, Summer 1999.
 - Math/Science Online Newsletter, Two Faces of the Internet, December 1999.
 - The History of Infinity, June 1999. (A part of the History of mathematics project. 22 pages).
 - The WebCalC Newsletter, Summer 1998.
 - The WebCalC Newsletter, Winter 1998.
 - Why is Pete Sampras so Good? 1997.
 - A First Encounter with Scientific Notebook, a primer for use in workshops.
 - Would you like to have a war? (An analysis and computer simulation of a card game.)

- The Pythagoreans and the Primes. appeared in the Right Angle, 1997.
- A TAAS like Testing Environment, Exit Level , 1997.
- Computer Codes for General Two Dimensional Transport Problems, 1997.
- Stability of a Class of Self-Organizing Systems, 1991.
- System Impact of Hit Assessment Capability for NPB Discrimination, with Paul Nelson, Robert D. Jarvis, and Walter C. Daugherty, 1990

CURRENT AND PROJECTED RESEARCH

I am actively engaged in mathematical research in a several directions. First I am continuing a long time effort in the direction of dynamical systems related to cooperative-competitive systems. This work is centered on stability theory for nonlinear differential systems. In another direction, I am working on numerical methods for the solution of first order hyperbolic partial differential equations that arise in transport theory. We have already discovered an interesting class of methods based on orthogonal projections in distinction to moments-balance equations. Finally, I am continuing my study of diffusion through porous media. In particular, we are studying extreme short term behavior of one and two dimensional diffusion equations where the diffusion coefficient is not differentiable and the boundary condition involve a type of boundary layer.

ONLINE COURSES DEVELOPED

- Math 609 - Numerical Analysis - an online course (Fall 2005)
- Math 664 - Theory of Assessment - an online course (Summer 2004)
- Math 689 - Communications and Technology in Mathematics II. Mathematics of assessment. (May 2004)
- Math 646 - Problems in Mathematics II - online version. (Spring, 2004)
- Math 645 - Problems in Mathematics - online version. (Fall, 2003-2004)
- Math 696 Communications and Technology. A course for graduate mathematics students on IT in mathematics. Topics include: Document preparation, computer algebra systems, graphics preparation, HTML, and JavaScript. 2000. (with Michael Pilant)URL: www.distance-ed.math.tamu.edu.
- Math WebCalC --- An online Calculus course. Home page URL: www.math.tamu.edu/~webcalc/webcalc.html
- Math 640 - online Linear Algebra, 2001-2002Math 645 --- online Problems Survey I, 2002Math 629 --- online, History of Mathematics, 1996-2003Math 451 --- online, Differential Equations, 2003
- With a team of 3 other colleagues, I am developing a WEB based Math 151 course, titled WebCalC. WebCalC went online during the Spring 1998 semester. This is a continuing project, designed to ultimately produce a curriculum of online mathematics courses. The WebCalC Project is the development of a on-line calculus course at the beginning college or AP high school level. What does this mean? Nothing less than a fully comprehensive calculus course to be delivered over the Internet. WebMath is a collection of projects dedicated to produce an on-line mathematics curricula from algebra to differential equations. This is what we are about. We have a home page. (See funding.) Below I list some of my WebCalC-related visits and activities during the past calendar year. All visits were one to

three hours in length and were for the purpose of demonstrating and explaining WebCalC.

COMMUNITY COLLEGES – VISITATIONS FOR WEBCALC

- McClennan Community College, Waco, Buddy Powell, Randy Schormann, Dr Wayne Matthews
- Temple College, Waco, Cameron Neal, Charles Stout James Van Ness
- Central Texas College, Killeen
- Blinn College, Bryan, Mary Ellen Davenport
 - o HIGH SCHOOLS:
 - ♣ Bryan High, Eleanor Mueller
 - ♣ Consolidated, CS, Mary Selzer
 - ♣ Somerville HS, Ricky Cole
 - ♣ Caldwell HS, Debbie Stefka
 - o FOUR YEAR COLLEGES:
 - ♣ Texas A&M, College of Engineering, July 14, 1997, Karen Watson, Make McDermott, Lee Carlson, Lee Lowry, Larry Piper
 - o CONFERENCES:
 - ♣ Gulf Coast Consortium of Community Colleges, Houston (June 19-20, 1998) Workshop on SNB WebCalc
 - ♣ CAMT (Conference for the Advancement of Mathematics Teaching), San Antonio, TX July 22-24, 1998 WebCalc
 - ♣ ICTCM, 11th Annual International Conference on Technology in Collegiate Mathematics, Nov 19-22, 1998 WebCalc (two talks)
 - ♣ A Faculty Forum: Getting started using technology, Texas A&M University, August 25, 1998
 - o WORKSHOPS:
 - ♣ '98 Maple Workshop, TAMU, June, 26, 1998
 - ♣ AP Calculus Workshop, TAMU, July 1, 1998
 - o PUBLISHERS:
 - ♣ Wiley, Vernon Church, Steve Gideon
 - ♣ Brooks/Cole, Bob Evans TCI, Roger Hunter
 - ♣ Prentice-Hall, George Lobell
- Math 308, Differential equations with MAPLE, development of laboratory materials, Spring 1999 (see Web page)
- Math 629, History of Mathematics, development of a distance learning format for delivery in the first summer term, 1996, Spring 1996. (I had 8 students at UTB and 8 students at TAMU. Classes were conducted via the TTVN, Trans-Texas Video Conferencing Network.)

TEACHING

Regularly Scheduled Classes Taught

Math 646, Spring 2012 – Problem Survey II

Math 645, Fall 2011 – Problem Survey I

Math 646, Spring 2011 - Problems Survey II

Math 645, Fall 2011, Problems Survey I

Math 629, Fall 2010 - History of Mathematics
 Math 664, Spring 2010 - Theory of Assessment
 Math 629, Fall 2009 - History of Mathematics
 Math 646, Spring 2009 - Problems Survey II
 Math 645, Fall 2008, Problems Survey I
 Math 664, Summer 2008 Theory of Assessment
 Math 646, Spring 2008, T Problems Survey II
 Math 646, Spring 2007, Problems Survey II
 Math 696, Summer II, 2006, Mathematical Communications and Technology
 Math 664, Spring 2006, Mathematical Theory of Assessment
 Math 609, Fall 2005, Numerical Analysis
 Math 696, Summer 2005, Seminar in Applied Mathematics
 Math 664, Spring 2005, Seminar in Applied Mathematics
 Math 646, Spring 2005, Problems Survey II
 Math 645, Fall 2004, Problems Survey I
 Math 689, Summer, 2004, Mathematics of Assessment
 Math 696, Spring 2004 (an online course) Enrollment: 15
 Math 629, Spring 2004 (an online course) Enrollment: 15
 Math 646, Spring 2004, (an online course) Enrollment: 30
 Math 645, Fall 2003 (an online course) Enrollment: 26
 Math 640, Fall 2003 (an online course) Enrollment: 28 (two sections)*
 Math 451, Summer 2003 (an online course)* Enrollment: 15 (two sections)
 Math 629, Spring 2002 (an online course)* Enrollment: 36 (two sections)
 Math 640, Fall 2002 (an online course)* Enrollment: 21 (two sections)
 Math 645, Fall 2002 (an online course)* Enrollment: 24 (two sections)
 Math 629, Spring 2002 (an online course) Enrollment: 19 (two sections)
 Math 609, Fall 2001
 Math 640, Fall 2001 (an online course)*
 Math 696, Spring 2001 (an online course)*
 Math 142, Spring 2001
 Math 609, Fall 2000
 Math 151, Fall 2000 (an online course)
 Math 629, Fall 2000 (an online course)*
 Math 151, Summer 2000 (an online course)
 Math 629, Spring 2000 (an online course)*
 * These courses were taught in dual mode, both in the classroom and online, with separate section numbers.

GRADUATE STUDENTS SUPERVISED AND GRAD COMMITTEES (SINCE 2003)

Served on 25 Ph.D. committees for other departments. Served on 130 Masters. Selected list of committees.

Chair of 60 masters committees. Co-chair two Phd committees. Online masters students graduating since 2004: Larry Musolino, Rebecca Moch, Talana Hamilton, Pamela Kimbrough, Aubrey Vasquez, Paula Whitman, Heather Caster Richard Frederick, Susan Vandiver, Richard Enderton, Barbara Nunley, Angela Milano, Heather Bergman, Allyn Leon, Vincent Jones, Julie

Merrill, Cynthia Mixon, Michelle Agriesti, Naomi Driscoll, Ilham El Saleh, Julie Seifert,
 Cameron Macky Thomas Davis, Ginger Walker, Rebecca Black, Thomas Gree, Jennifer
 Wellman, Molly Mason, De-Vonna Clark, Crystal Bartels, Cary Crawford, Craig Bridges,
 Masters: David Ames, Megan Pritchard
 PhD committees: Meixia Ding, Judy Taylor, Tamera
 Carter, Pavel Tsvetkov, Cathy Liu (STAT), Adeoti Taiwo Adediran, Lea Ellen Burch, Lea Ellen
 Burch, Laura Shea Busenlehner, Tamara Anthony Carter, Roger R. Contreras, Peter Verle
 Cornish, David Paul Craig, Qifeng Ding, Cathy Mariotti Ezrailson, Olivia Rodriguez Garcia,
 Mousavi Mir Jaafari, Kyoung Jin Lee, Kyoungjin Lee, Yingxue Liu, Guillermo Marquez, Obed
 Matus, Diem M. Nguyen, Bemini Hennadige Peiris, Bemini Hennadige Peiris, Armando Isaac
 Perez, Elsa Cantu Ruiz, Hossein Shirvani, Sharon Kaye Sledge, Judy Marie Taylor, Galina
 Valeryevna Tsvetkova, Pavel Valeryevich Tsvetkov, Yongzhe Xie, Jennifer Rolfes, Rongjin
 Huang (TLAC), Ling Wang (Stat), Megan Pritchard (NE), David Ames (NE), Kurt Bruggeman
 (Math), Brent Christianson (STAT), Jessica Wendling (MATH), Emily Housley (STAT), Danny
 Ralston (MATH), Mark A. Pitts (STAT), Amber Dean (STAT), Mark Barrish (MATH), Lisa
 Beatty (MATH), Joe Bilyard (MATH), William Bolton (MATH), Mark Butz (MATH), Jeff
 Cagle (MATH), Thomas Caulton (MATH), Scott Copperman (MATH), Stephen Dauphin
 (MATH), James Dinh (MATH), Eduardo Drucker (MATH), David Fleeger (MATH), Suzanne
 Fluke (MATH), Gail (Thorne) Freed (MATH), Kristen Hemmingway (MATH), Ashley Hubble
 (MATH), Neil Kalinowski (MATH), Marty Kellum (MATH), Jeremy Knight (MATH), Barbara
 Kunkel (MATH), Elizabeth Lambert (MATH), Kathryn Lemons (MATH), Luther Lessor
 (MATH), Luis Magallanes (MATH), Don March (MATH), Janell (Martin) Eck (MATH), Chris
 McDowell (MATH), Mark McKinnon (MATH), Chanin Monestero (MATH), Stephanie Nite
 (MATH), Adriana Nunez (MATH), Lisa Obrien (MATH), John Osborn (MATH), Stephanie
 Osinski-Rea (MATH), Sara Patterson (MATH), Erica Pesek (MATH), Susan Powell (MATH),
 Jason Prince (MATH), Julie Sarzynski (MATH), Anita Schneider (MATH), Matthew Seiders
 (MATH), Edward Sharkus (MATH), Deborah Shinaberry (MATH), Hyun Ho Song (MATH),
 Joshua Stevens (MATH), Jason Tepe (MATH), Eric Thompson (MATH), Janessa Tucker
 (MATH), Meghan Waterbury (MATH), Joshua Wilkerson (MATH), Joe Bilyard (MATH),
 Luther Lessor (MATH), Jeffrey Fetzer (MATH), Joseph Magagnoli (STAT), Alex Bessinger
 (STAT), Joel Galang (STAT), Jennifer Morse (STAT), Hung Tran (STAT)

APPENDIX: MATHEMATICS/EDUCATIONAL/TECHNOLOGY PROJECTS

(All collected through 2008; some overlap with the above is possible)

- Presta Digitization – a website dedicated to connecting digital images to mathematics and what you can do with a digital camera. <http://www.math.tamu.edu/~dallen/digitalcam/index.htm>
- Pre-calculus – course in a box for professional development. (http://distance-ed.math.tamu.edu/Precalculus_home/index.htm), written with a group of others.
- All About Quadratics - for the Teacher, <http://distance-ed.math.tamu.edu/quadratics/index.htm>
- All About Fractions - for the Teacher, <http://distance-ed.math.tamu.edu/fractions/index.htm>
- Math goes to Hollywood (<http://www.math.tamu.edu/~dallen/hollywood/index.htm>) - a selection of math examples from feature length Hollywood films. From comedy to drama, from K-6 level to 10-12 there are examples of how Hollywood movies occasionally feature some very interesting mathematics.
- WebCalc (<http://www.math.tamu.edu/%7Ewebcalc/webcalc.html>) - a fully online calculus course and related papers.
- JavaScript Geometry (<http://distance-ed.math.tamu.edu/mathtools/javageo/index.htm>) - a basic tutorial of geometry proofs with “unfolding” proof and discussion.
- Online TAAS questions (http://distance-ed.math.tamu.edu/mathtools/taas_quiz/index.htm) - covering the 13 objectives of the exit level TAAS (Texas Assessment of Academic Skills) examination with online multiple choice questions.
- Make-a-quiz (<http://www.math.tamu.edu/~dallen/mq14/quizmaker14.htm>) - a simple to use generator of self-grading quizzes for teachers of all subjects.
- ICTCM short course on using the Web for mathematics instruction - complete lecture notes and demos <http://distance-ed.math.tamu.edu/techtools/workshop/index.htm>
 - Basic HTML – a tutorial on basic HTML language (<http://distance-ed.math.tamu.edu/techtools/workshop/HTML.html>)
 - Using Dreamweaver- a tutorial on using the HTML editor Dreamweaver 4 (<http://distance-ed.math.tamu.edu/techtools/workshop/htmleditors/dw1.htm>)
 - Using FrontPage - a tutorial on using the HTML editor FrontPage 2000, http://distance-ed.math.tamu.edu/techtools/workshop/htmleditors/newweb/frontpage_basics.htm
- Using Excel and Visual Basic in the mathematics classroom - tutorial and examples of VBA code used within Excel, http://distance-ed.math.tamu.edu/techtools/workshop/excel_vba.htm
- Excel tutorials - <http://distance-ed.math.tamu.edu/techtools/workshop/excel/tutorials.htm>
- JavaScript (<http://distance-ed.math.tamu.edu/techtools/workshop/JavaScript.html>) - many examples of JavaScript applied to mathematics instructional settings
- Flash - numerous Flash animations with a mathematical theme. <http://distance-ed.math.tamu.edu/techtools/flash/index.htm>
- Math/Science Online Newsletter (<http://www.math.tamu.edu/ms-online/>) – a newsletter pertaining to Mathematics and science online.
- Flash demos on statistical theme. Toward a visual understanding of variance using animations and iconic communication. http://distance-ed.math.tamu.edu/techtools/flash/flash_examples/more_still/flash-demo/index.htm
- Talks - assorted talks on technology and e-Learning themes
 - Old Technology, New Technology, Emerging Technology. What works and Why, Keynote address presented to HCC Title V Faculty Leadership Program - Math Workshop, October 20, 2006.

- e-Learning in 2020, presented to the Information Technology Working Group (ITWG) seminar, September 12, 2006.
- e-Learning in 2016, presented at the Math Education in 2016 conference, Helsinki, August 8-10, 2006.
- ICTCM, (International Conference on Technology in Collegiate Mathematics) -Teaching higher mathematics courses online, Orlando, FL, March 16-20, 2006.
- Fractions, TAMU/TEA (Texas Education Agency)/PEIC (P-16 Educational Improvement Consortium), March 4, 2006.
- Pre-conference workshop Visual Algebra and Pre-calculus, (Six hour workshop), TexMATYC/TCCTA Conference. (Invited) Houston, TX February 23-25, 2006.
- Using and Validating a Triadic Instrument to Survey Middle School Children, 2006 Annual Meeting of the Southwest Educational Research Association (SERA), Austin, February 8-10, 2006.
- TAMU/Pasadena ISD, Fractions, Measurement and Proportion for professional development, Pasadena, TX, October 29, 2005.
- Teacher Quality Grants: High Schools, Community Colleges & Universities, a perspective. Seamless Transitions Annual Conference, with Sharon Sledge, March 30, 2005 .
- Twarted Innovations - the problems of distance education, presented to the Information Technology Working Group (ITWG), February 15, 2005
- "Test Item Dependencies", Bowling Green State University, December 2, 2005.
- RGVCTM (Rio Grande Valley Council on Teaching Mathematics), *MathStar materials and the TQA pre-calculus course-in-a-box* , McAllen, TX, November 19, 2005 (with Amanda Ross).
- "Using TQA Grants with Community Colleges", Charles A. Dana Center's Annual Mathematics and Science Higher Education Conference, Lakeway Inn and Resort, Austin, TX, November 17-19, 2005.
- The High-School - College Disconnect, *The Coastal Bend Mathematics Collaborative*, Corpus Christi, TX, November 14, 2005.
- TAMU/TEXMatyc (Texas Math Association of Two Year College), Maple for the Classroom, October 28, 2005.
- An In-Depth Study of Educator Perceptions of Mathematics/Science Teacher Preparation by Means of a Triadic Instrument and Interviews, presented at the Association for Teaching and Curriculum (AATC), (with Dianne Goldsby and Larry Kelly), Austin, TX, October 6-8, 2005.
- TAMU/Snook ISD, Using the TI-Navigator equipment, Snook, TX, October 15, 2005.
- TAMU/TEA (Texas Education Agency)/PEIC (P-16 Educational Improvement Consortium), Fractions, Measurement and Scaling for professional development, October 8, 2005.
- University of Idaho, Gateway Mathematics Group, Using Scientific Notebook and Camtasia, Moscow, ID, June 13-17, 2005.
- Maple - in the Classroom, an online workshop given to Texmatyc instructors, April 9, 2004.
- Precalculus Completely TEKS Aligned, CAMT (Conference for the Advancement of Mathematics Teaching), Adams Mark Hotel, July 11-13, 2005. (with P. Poage)
- Twarted Innovations - the problems of distance education, ITWG, February 15, 2005
- A brief outline of early calculating technologies. December 10, 2004
- Teacher Quality Type A - pre-caculus, Dana Center Preservice Conference , Oct 28, 2004.
- Maple - in the Classroom, an online workshop given to Texmatyc instructors, April 9, 2004.

- Precalculus Completely TEKS Aligned, CAMT (Conference for the Advancement of Mathematics Teaching), Adams Mark Hotel, July 11-13, 2005. (with P. Poage)
- Technology Retreat - Department of Mathematics, Texas A&M University, April 22, 2005
- Teacher Quality Grants: High Schools, Community Colleges & Universities, a perspective. Seamless Transitions Annual Conference, March 30, 2005 .
- Twarted Innovations - the problems of distance education, ITWG, February 15, 2005
- A brief outline of early calculating technologies. December 10, 2004
- Teacher Quality Type A - pre-caculus, Dana Center Preservice Conference , Oct 28, 2004.
- A crash course in assessment, ICTCM, Oct 27, 2004
- TxDLA presentation 8/18/03
- Flash Workshop:- July 2003
- CAMT-2003 presentation - Math goes to Hollywood
- Visual algebra - toward enhanced visual cognition of algebra concepts
- Resources for Ordinary Differential Equations
- Demos for physics, more demos
- Maple tutorial - a short and basic tutorial on Maple

EXHIBIT F

EXHIBIT F

DECLARATION OF EXPERT WALTER C. DAUGHERITY

WALTER C. DAUGHERITY declares, under penalty of perjury, that the following is true and correct.

1. I am a Senior Lecturer Emeritus in the Department of Computer Science and Engineering at Texas A&M University and also a computer consultant to major national and international firms, as well as to government agencies, including classified work.
2. Prior to my retirement in 2019, I taught computer science and engineering at both the undergraduate and graduate levels for 37 years, the last 32 years being at Texas A&M University. Courses I developed and taught include courses in artificial intelligence, expert systems, programming and software design, quantum computing, and cyberethics.
3. I have published 26 research articles related to expert systems, fuzzy logic, noise-based logic, and quantum computing from over \$2.8 million in funded research projects, plus conference papers and other publications.
4. As a computer expert I have consulted for major national and international firms, including IBM Federal Systems Division, *New York Times*, *Washington Post*, *Los Angeles*

Times, Southwestern Bell Telephone, Fulbright & Jaworski (Houston), and Phonogram B.V. (Amsterdam), and also for government agencies such as Cheyenne and Arapaho Tribes of Oklahoma, Texas Department of Agriculture, U. S. Customs Service, and classified work.

5. Further details about my qualifications are included in my Curriculum Vitae attached as Exhibit A.

6. I have reviewed the reports by Edward Solomon furnished to me which mathematically analyze the June 14, 2022, Republican gubernatorial primary in Clark County, Nevada, as well as other races. In order to check results in those reports I downloaded the official election data posted by the Clark County Election Department at https://www.clarkcountynv.gov/government/departments/elections/past_elections.php.

7. In my expert opinion these reports overwhelmingly demonstrate clear and convincing evidence that the election results analyzed in these reports were not produced by accurate counting of the votes cast, but were instead artificially contrived according to a predetermined plan or algorithm.

8. The first key finding of the Edward Solomon reports for the June 14, 2022, Republican gubernatorial primary in Clark County, Nevada, is that certain ratios calculated from the mail-in and in-person totals, which should be independent, are in fact dependent. (Independent variables cannot be predicted from one another; for example, knowing that the time the first person in line at precinct 1 voted was at an even number of minutes past the hour, say 7:04 or 7:06 A.M., does not allow us to predict whether the first person in line at precinct 2 voted at an even number of minutes past the hour or an odd number of minutes past the hour.)

9. In this primary race, as in each election, votes for each candidate are reported in three categories: mail-in (absentee), early vote (in-person), and election day (in-person). Since

each voter choosing a particular candidate can vote in any of these three ways, the totals should be independent. For example, knowing how many mail-in and early in-person votes Joey Gilbert received does not provide enough information to know how many election day in-person votes he received. In other words, you could not bet on a particular exact number of election day in-person votes and expect to win the bet, since the exact number is unpredictable.

10. Since there were so many candidates in addition to Joey Gilbert, the following precinct analysis divides all the votes into two categories, "Lombardo" and "Gilbert et al." Using the same variable names as in the Edward Solomon reports, and considering only votes prior to election day, let

a be Lombardo's mail-in vote total,

b be Gilbert et al.'s mail-in vote total,

c be Lombardo's early in-person vote total, and

d be Gilbert et al.'s early in-person vote total.

11. Clearly these numbers should be independent, that is, knowing some of the numbers should not allow exactly predicting the other numbers. For example, knowing that in precinct 1000, $b=13$, $c=21$, and $d=32$ should not allow an exact prediction of a , Lombardo's mail-in vote total. In an honest and fair election we could only estimate that since Lombardo received $c/(c+d)=0.396226$, that is, 39.6% of the early in-person vote, we would expect that Lombardo would also receive about 39.6% of the mail-in vote, since the way people cast ballots does not influence their choice.

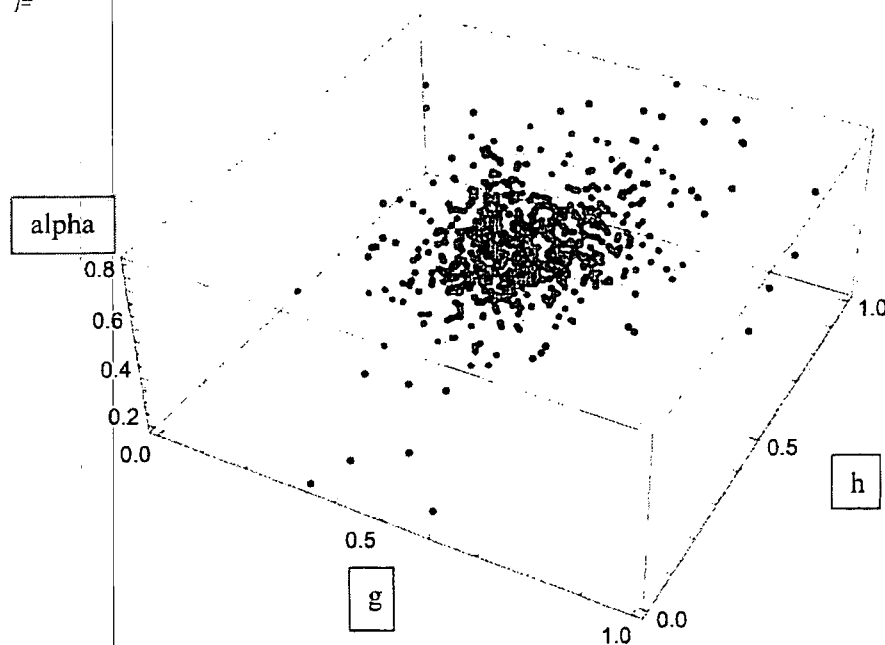
12. Solving $a/(a+b)=0.396226$ for a yields 21.53125, which rounds up to 22 votes. This estimate is only a "best guess," and the true number of mail-in votes could be anything: 22, or higher, or lower, so a bet on 22 would only win once in a while, not very often.

13. However, in the June 14, 2022, Republican gubernatorial primary in Clark County, Nevada, the four numbers *a*, *b*, *c*, and *d* were not only not independent, as they should be in a fair and honest election, they were so tightly dependent that *a* can be exactly predicted from *b*, *c*, and *d* not only in precinct 1000 (yielding 25, *the exact number of mail-in votes for Lombardo*), but also is *every single precinct in the entire county*!

14. This is a total of 669 precincts with an exact prediction, omitting precincts with zero votes or missing data on the Clark County Elections Department's website. Note that 25, the actual count, is close to the estimate of 22, but not exact, whereas the dependent formula described next gives exactly 25.

15. I calculated the values Edward Solomon names *g*, *h*, and *alpha* for each ballot style (*i.e.*, split precinct) for this county, and graphed (*g*, *h*, *alpha*) as (*x*, *y*, *z*), respectively, which produced the following graph, where each point is one precinct:

Out[]=

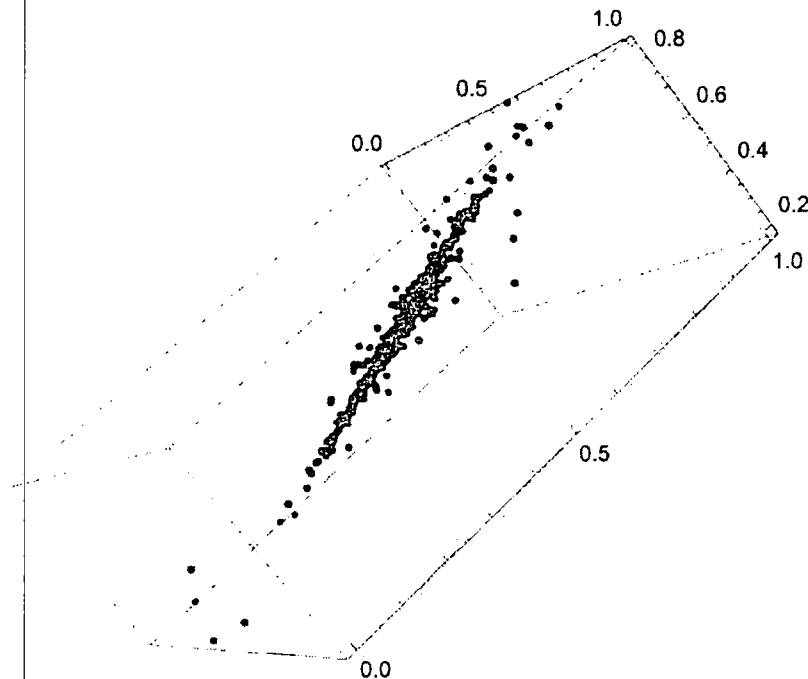


16. From the initial vantage point, the graphed data appears to be uncorrelated

(independent), as it should in a fair election, but by rotating the 3-dimensional graph it becomes clear that the points lie very close to a 2-dimensional plane, indicating strong correlation (dependence) which should not occur in a fair election.

17. Here is the same graph rotated to a different point of view, looking at the plane edge-on:

Out[]=



which of course looks like a line. This improper dependence confirms that the election results in the June 14, 2022, Republican gubernatorial primary in Clark County, Nevada, were artificially contrived.

18. Using the standard mathematical method of least-squares linear regression, the equation of the plane is

$$g = 0.01818144438 + 1.758536682 \text{ alpha} - 0.8083882873 h,$$

which is used in the following paragraphs.

19. As an example of how this improper dependence could be used to manipulate an

election, consider the following scenario: If *alpha* were hypothetically predetermined for each precinct in this 2022 Republican gubernatorial primary from this plane, then after the early in-person votes for candidate Lombardo are counted, and the mail-in and early in-person votes for Gilbert et al. are counted, the exact required mail-in vote for candidate Lombardo can be calculated *without counting*.

20. Specifically, the following procedure would *exactly* predict the required mail-in vote for candidate Lombardo *for nearly every single precinct in the county*:

Let *alpha* be the value for the precinct hypothetically predetermined from the plane,

b be Gilbert et al.'s mail-in vote total,

c be Lombardo's early in-person vote total, and

d be Gilbert et al.'s early in-person vote total.

Then Lombardo's mail-in vote count *a* is given exactly by the formula

$$a = \frac{(b+d)(1-\alpha)}{\alpha} - c, \text{ rounded to the nearest integer.}$$

21. For example, in precinct 1012 suppose *alpha* were hypothetically set in advance to 0.463855422 from the 2-dimensional plane described in ¶ 19 above. Then counting 95 mail-in votes for Gilbert et al. (*b*), 45 early in-person votes for Lombardo (*c*), and 59 early in-person votes for Gilbert et al. (*d*) and substituting those values into this formula gives *a* = 133, the exact required number of mail-in votes for Lombardo, *before those votes have even been counted*. After counting, mail-in ballots can be added or removed to adjust the total to the required 133.

22. In my expert opinion the foregoing calculations overwhelmingly demonstrate

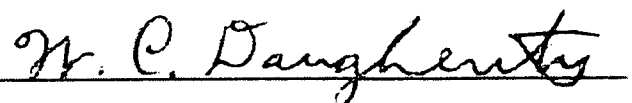
clear and convincing evidence that all of the election results analyzed above were not produced by accurate counting of the votes cast, but were instead artificially contrived according to the same (or a very similar) predetermined plan or algorithm.

23. Due to the prohibitive amount of calculation to accomplish this by hand, it is clear that computer software must have been used. Such manipulating software could be installed in a variety of ways, including vendor programming, operating system components, open-source or commercial off-the-shelf libraries, remote access, viruses or other malware, etc.

24. Unless and until future proposed electronic voting systems (including hardware, software, source code, firmware, etc.) are made completely open to the public and also subjected to scientific analysis by independent and objective experts to determine that they are secure from manipulation or intrusion, in my professional opinion as a computer expert, electronic voting systems should not even be considered for use in any future elections, as they cannot be relied upon to generate secure and transparent election results free from the very real possibility of unauthorized manipulation. My professional opinion as a computer expert is therefore that hand-marked hand-counted paper ballots should be used instead.

25. I have personal knowledge of the foregoing and am fully competent to testify to it at trial.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 14, 2022.



Walter C. Daugherty

EXHIBIT G

EXHIBIT G

EXHIBIT A

Curriculum Vitae of Walter C. Daugherty

Walter C. Daugherty
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College Station, TX 77845
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EDUCATION

Ed.D., Mathematical Education, Harvard University, Cambridge, Massachusetts, 1977.
Dissertation: "On the Ordering of Topics in the Teaching of Mathematics."
Advisor: Marc Lieberman.

M.A.T., Mathematics, Harvard University, Cambridge, Massachusetts, 1967 (age 20).

B.S., Mathematics, Oklahoma Christian College, Oklahoma City, Oklahoma, 1966 (3 years). Minors: Physics and chemistry, German.

EXPERIENCE

1973 to present	Daugherty Brothers, Inc., (Computer consultants), Bethany, Oklahoma. Co-founder, chairman, and president. Clients include IBM Federal Systems Division, New York Times, Washington Post, Los Angeles Times, Cheyenne and Arapaho Tribes of Oklahoma, Southwestern Bell Telephone, Fulbright & Jaworski (Houston), Texas Department of Agriculture, Phonogram B.V. (Amsterdam), and U. S. Customs Service.
1987 to present	Texas A & M University, College Station, Texas. Visiting Assistant Professor/Senior Lecturer/Senior Lecturer Emeritus, Departments of Computer Science and Engineering and Electrical and Computer Engineering, College of Engineering.
1989-91	Texas A & M University System, College Station, Texas. Director, Knowledge Systems Research Center, Computer Science Division of the Texas Engineering Experiment Station.

1984-87	Blinn College, Brenham, Texas. Computer science instructor. Part-time 1984-86, full-time 1986-87.
1978-80	Rose State College, Midwest City, Oklahoma. Data processing instructor (part-time).
1971-73	ECRM, Bedford, Massachusetts. Systems programmer.
1970-71	Harvard Computing Center, Cambridge, Massachusetts. Telecommunications specialist.
1969-70	Computer-Aided Instruction Laboratory, Harvard University, Cambridge, Massachusetts. Systems programmer.
1968-70	Harvard University, Division of Engineering and Applied Physics, Cambridge, Massachusetts. Teaching fellow (for George Mealy and Thomas Bartee).
1967	Driscoll Junior High School, Brookline, Massachusetts. Mathematics teacher.
1967	University of Oklahoma Medical Center Computing Facility, Oklahoma City, Oklahoma. Programmer.
1966	University of Central Oklahoma Data Processing Center, Edmond, Oklahoma. Programmer.
1965	Oklahoma Christian University of Science and Arts, Oklahoma City, Oklahoma. Statistical programmer.
1963	University of Oklahoma Computer Center, Norman, Oklahoma. Lab instructor.

RESEARCH AND DESIGN

1. Refereed Publications

Daughterity, W. C., and Kish, L. B., "More on the Reference-Grounding-Based Search in Noise-Based Logic," *Fluctuation and Noise Letters*, Vol. 21, No. 3, 2250023, 2022.

Kish, L. B., and Daughterity, W. C., "Entanglement, and Unsorted Database Search in Noise-Based Logic," *Applied Sciences*, Vol. 9, No. 15, 3029, 2019.

- Kish, L. B., and Daugherty, W. C., "Noise-Based Logic Gates by Operations on the Reference System," *Fluctuation and Noise Letters*, Vol. 17, No. 4, 1850033, 2018.
- Daugherty, W. C., and Coulson, R. N., "Knowledge Engineering for Sustainable Agriculture Management," *Proceedings of ICAST 2001 Conference* (Beijing, China, November 2001), 2:266, 2001.
- Coulson, R. N., Saarenmaa, H., Daugherty, W. C., Rykiel, E. J., Saunders, M. C., and Fitzgerald, J. W., "A Knowledge System Environment for Ecosystem Management," book chapter in Klopatek, J. and Gardner, R. (eds.), *Landscape Ecological Analysis: Issues and Applications*, Springer-Verlag, 57-79, 1999.
- Coulson, R. N., Daugherty, W. C., Rykiel, E. J., Saarenmaa, H., and Saunders, M. C., "The Pragmatism of Ecosystem Management: Planning, Problem Solving and Decision Making with Knowledge-Based Systems," *Proceedings of Eco-Informa '96 Global Networks for Environmental Information Conference* (Lake Buena Vista, Florida, November 1996), 10:342-50, 1996.
- Coulson, R. N., Fitzgerald, J. W.*, Daugherty, W. C., Oliveria, F. L., and Wunneburger, D. F., "Using Spatial Data for Integrated Pest Management in Forest Landscapes," *Proceedings of the 11th Conference on Geographic Information Systems: Integrating Spatial Information Technologies for Tomorrow* (Vancouver, British Columbia, Canada, 1997).
- Daugherty, W. C.; Harris, C. E., Jr.; and Rabins, M. J., "Introducing Ethics and Professionalism in REU Programs," *Proceedings of the 1995 World Conference on Engineering Education* (Minneapolis, Minnesota, October 1995).
- Coulson, R. N., Daugherty, W. C., Vidlak, M. D.*, Fitzgerald, J. W.*, Teh, S. H.*, Oliveria, F. L., Drummond, D. B., and Nettleton, W. A., "Computer-based Planning, Problem Solving, and Decision Making in Forest Health Management: An Implementation of the Knowledge System Environment for the Southern Pine Beetle, ISPBEX-II," *Proceedings of the IUFRO Symposium on Current Topics in Forest Entomology* (Maui, Hawaii), 1995.
- Yen, J., Daugherty, W. C., Wang, H.*, and Rathakrishnan, B.*, "Self-Tuning and Self-Learning Fuzzy Systems," book chapter in Yen, J., Langari, R., and Zadeh, L. (eds.), *Industrial Applications of Fuzzy Logic and Intelligent Systems*, IEEE Press, 1995.

* Graduate Research Assistant I funded

Daugherty, W. C., Video review of *Introduction to Biological and Artificial Neural Networks for Pattern Recognition*, by Steven K. Rogers, in *IEEE Transactions on Neural Networks*, Vol. 5, No. 5, 1994.

Teh, S. H. *, Daugherty, W. C., and Coulson, R. N., "A User-Centric Methodology for Building Usable Expert Systems," *Proceedings of the 7th International Conference on Industrial and Engineering Applications of Artificial Intelligence and Expert Systems* (Austin, Texas, May-June 1994), 45-48, 1994.

Daugherty, W. C., "A Neural-Fuzzy System for the Protein Folding Problem," *Proceedings of the Third International Workshop on Industrial Fuzzy Control & Intelligent Systems (IFIS '93)* (Houston, Texas, December 1993), 47-49, 1993.

Daugherty, W. C., "A Partially Self-Training System for the Protein Folding Problem," *Proceedings of the World Congress on Neural Networks (WCNN '93)*, (Portland, Oregon, July 1993). Invited paper.

Yen, J., Wang, H. *, and Daugherty, W. C., "Design Issues of Reinforcement-Based Self-Learning Fuzzy Control," *Proceedings of the World Congress on Neural Networks (WCNN '93)*, (Portland, Oregon, July 1993).

Daugherty, W. C., "Characterizations of Fuzzy Operations," *Proceedings of the Second International Workshop on Industrial Fuzzy Control & Intelligent Systems* (College Station, Texas, December 1992), 234, 1992.

Yen, J., Wang, H. *, and Daugherty, W. C., "Design Issues of a Reinforcement-Based Self-Learning Fuzzy Controller for Petrochemical Process Control," *Proceedings of North American Fuzzy Information Processing Society* (Puerto Vallarta, December 1992), 1992.

Yen, J., Wang, H. *, and Daugherty, W. C., "An Adaptive Fuzzy Controller with Application to Petroleum Processing," *Proceedings of IFAC Workshop on Intelligent Manufacturing Systems* (Dearborn, October 1992), 1992.

Yen, J., Daugherty, W. C., and Rathakrishnan, B. *, "Fuzzy Logic and Its Application to Process Control," *Proceedings of CAPA Technology Conference* (Houston, May 1992), 78-86, 1992.

* Graduate Research Assistant I funded

Daughterity, W. C., Rathakrishnan, B. *, and Yen, J., "Performance Evaluation of a Self-Tuning Fuzzy Controller," *Proceedings of the IEEE International Conference on Fuzzy Systems (FUZZ-IEEE)* (San Diego, March 1992), 1992.

Daughterity, W. C., "An Application of Geometrical Reasoning to a Combinatorial Problem," *Proceedings of the Seventh Annual Conference on Applied Mathematics* (Edmond, Oklahoma, April 1991), pp. 226-232, 1991.

Daughterity, W. C., Review of *Data Communications Dictionary*, by Charles J. Sippl, in *Computing Reviews*, Vol. 17, No. 9, pp. 335-336, 1976.

Daughterity, W. C., "Circuits for Dial-up and Local Use of a Stand-alone PDP-8," *Proceedings of the Digital Equipment Computer Users Society*, Vol. 2, No. 2 (Los Angeles, December 1975), pp. 413-414, 1976.

Daughterity, W. C., Review of *Effective Use of ANS COBOL Computer Programming Language*, by Laurence S. Cohn, in *Computing Reviews*, Vol. 16, No. 10, p. 441, 1975.

Manwell, T., Daughterity, W., Desch, S., and Stolurow, L., "Tom Swift and His Electric Bilingual Grandmother," *ACM SIGCUE Bulletin*, Vol. 7, No. 1, pp. 5-17, 1973.

Daughterity, W. C., "A Telephone Amplifier," *Transactions of the Oklahoma Junior Academy of Science*, Vol. IV, pp. 130-132, 1961.

* Graduate Research Assistant I funded

2. Other Publications

Daughterity, W. C., "Honors Section," in Rabins, M. J., and Harris, C. E. Jr. (eds.), *Engineering Ethics Teaching Manual*, 1997.

Daughterity, W. C., "Honors Section," in Rabins, M. J., and Harris, C. E. Jr. (eds.), *Engineering Ethics Teaching Manual*, 1996.

Allen, G. D., Nelson, P., Jarvis, R. D., and Daughterity, W. C., "System Impact of Hit Assessment Capability for NPB Discrimination: Analysis of the Case of No-Hit Assessment," *Weapons Lab/TALN Technical Report*, Kirtland Air Force Base, May, 1990.

3. Other Conference Papers and Presentations

Coulson, R. N., and Daugherty, W. C., "A Knowledge Engineering Approach for Ecosystem Management," 11th Annual Landscape Ecology Symposium, International Association for Landscape Ecology - Integration of Cultural and Natural Ecosystems Across Landscapes: Applications of the Science, Galveston, Texas, 1996.

Coulson, R. N., and Daugherty, W. C., "Decision Support Systems for Forest Pests: Where Do All the Knowledge-Based Systems Go?", North American Forest Insect Work Conference, San Antonio, Texas, 1996.

Daugherty, W. C. and Coulson, R. N., SPBEBE (Economic and Environmental Impact Assessment for Southern Pine Beetle Suppression Projects), computer code, developed for the USDA Forest Service, Forest Health Protection, 1996-1997.

Coulson, R. N., and Daugherty, W. C., "Knowledge System Environment for Ecosystem Management," Global Studies Seminar, Battelle Pacific Northwest Laboratories, Richland, Washington, 1995.

Daugherty, W. C. and Coulson, R. N., ISPBEX-II (Integrated Southern Pine Beetle Expert System), computer code, developed for the USDA Forest Service, Forest Health Protection, 1994.

Daugherty, W. C., and Yen, J., "Tutorial on Neuro-Fuzzy Systems," Third International Workshop on Industrial Fuzzy Control & Intelligent Systems Houston, Texas, December 1993.

Daugherty, W. C., "Introduction to LISP with an On-line Demonstration," Houston Geotech '91, Houston, Texas, 1991.

Daugherty, W. C., "The Universal Classification Problem," South Central Regional Conference of the Association for Computing Machinery, Austin, Texas, 1984.

4. Research Projects

"Remote Laboratory Data Entry and Retrieval System," Texas Department of Agriculture, Walter C. Daugherty, 1986, \$3,000 (Daugherty 100%).

"Electrochemical Modeling of a Sinter Plate, Sealed Design Nickel-Cadmium (Ni-Cd) Battery Cell," National Aeronautics and Space Administration, Ralph E. White, Walter C. Daugherty, 1 graduate student, 1989, 25% of my salary 1989-90 (Daugherty 100%).

"Application of Reasoning under Uncertainty to Process Control," Texaco, Walter C. Daugherty and John Yen, 1 graduate student; competitive and peer-reviewed, September 1990, \$18,000.

"Design of a Computational Classroom," Texas A & M University, Walter C. Daugherty, September 1990-May 1991, \$60,000 (Daugherty 100%).

"Design of a Second Computational Classroom," Texas A & M University, Walter C. Daugherty, January 1991-December 1992, \$153,000 (Daugherty 100%).

"Development of Honors Courses in Artificial Intelligence and Analysis of Algorithms," Texas A & M University, Walter C. Daugherty, James Abello and Arkady Kanevsky, 2 graduate students, competitive, September 1991-May 1991, \$11,000 (Daugherty 50%).

"Integrated Southern Pine Beetle Expert System"; USDA Forest Service; Robert N. Coulson, Walter C. Daugherty, and Jeffrey W. Fitzgerald; 5 graduate students; competitive and peer-reviewed; 1985-1992, \$974,120.

"Distributed Data-Base Support for the ISPBEX Expert System"; USDA Forest Service; Robert N. Coulson, Walter C. Daugherty, and Jeffrey W. Fitzgerald; 1 graduate student; competitive and peer-reviewed; 1992-93; \$35,000.

"Integrated Southern Pine Beetle Expert System II"; USDA Forest Service; Robert N. Coulson, Walter C. Daugherty, and Jeffrey W. Fitzgerald; competitive and peer-reviewed; March 1993-February 1994; competitive and peer-reviewed; \$170,000.

"Ecological Modelling of Regional Responses to Global Changes: A Knowledge System Environment for Planning, Problem-Solving and Decision Making"; Battelle Pacific Northwest Laboratory; Robert N. Coulson and Walter C. Daugherty; competitive and peer-reviewed; June-December 1995; \$39,996.

"Fitness of a Genetically Modified *Gliocladium virens* in Soil and Rhizosphere"; USDA Cooperative State Research Service; Charles M. Kenerley and Walter C. Daugherty; 1 senior associate, 2 graduate students, and 1 undergraduate student; competitive and peer-reviewed; September 1996-August 2001; \$254,450 (Daugherty 50%).

“Southern Pine Beetle Biological Evaluation and Economic Evaluation Program Conversion”; USDA Forest Service, Forest Health Protection; Robert N. Coulson (PI) and Walter C. Daugherty (Co-PI); competitive and peer-reviewed; 1996-1997; \$16,421.

“The Texas Imported Fire Ant Survey: The Fire Ant Spatial Information Management System (FASIMS)”; Texas Agricultural Experiment Station; Robert N. Coulson (PI) and S. Bradleigh Vinson, Maria D. Guzman, Douglas F. Wunneburger, and Walter C. Daugherty (Co-PI’s); competitive and peer-reviewed; January 1998-December 1998; \$50,000.

“Special Topics in Computer Science Concepts and Programming”; Academy for Advanced Telecommunications and Learning Technologies; Walter C. Daugherty; competitive and peer-reviewed; June 1998-May 1999; \$5,000 (Daugherty 100%).

“Object Modeling Techniques Support for National Simulation Center Tactical Directorate”; U. S. Army through prime contractor Cubic Applications, Inc.; Walter C. Daugherty, James A. Wall, and José Salinas; competitive; September 1998-April 1999; \$74,498 (Daugherty 20%).

“The Fire Ant Spatial Information Management System (FASIMS)”; Texas Department of Agriculture, Texas Imported Fire Ant Research and Management Plan; Robert N. Coulson (PI) and Douglas F. Wunneburger, S. Bradleigh Vinson, and Walter C. Daugherty (Co-PI’s); competitive and peer-reviewed; 1999-2001; \$220,000.

“Evaluating the Impact of Southern Pine Beetle on Ecologically Sustainable Forest Management”; USDA Forest Service; Robert N. Coulson and Walter C. Daugherty; 1 graduate student and 1 undergraduate student; competitive and peer-reviewed; 2000-2003, \$90,000.

“Honey Bee Initiative”; State of Texas; Robert N. Coulson (PI), Walter C. Daugherty (Consultant); 2 graduate students; competitive; September 2001-August 2002; \$40,000.

“Increasing Computer Science Retention by Developing and Deploying Self-Paced Learning Modules”; State of Texas; Jennifer Welch and Frank Shipman (Co-PI’s), Lawrence Petersen, Walter C. Daugherty, and Lauren Cifuentes (Key Personnel); 10 undergraduate students; competitive; June 2002-August 2004; \$422,692.

"Facilitating the Transition to Java in High School Computer Programming Classes"; Texas A&M University System Academy for Educator Development; Walter C. Daugherty; 1 graduate student; competitive and peer-reviewed; December 2003-September 2004; \$2,966 (Daugherty 100%).

"Instructional Technology Enhancements for Computer Teaching Labs," Texas A&M University, Walter C. Daugherty, competitive, January 2004-August 2004, \$20,000 (Daugherty 100%).

"Increasing Computer Science Retention with Peer Teachers and Learning Modules"; State of Texas; Valerie Taylor and Jennifer Welch (Co-PI's), Lawrence Petersen, Walter C. Daugherty, and Joseph Hurley (Key Personnel); undergraduate students; competitive; September 2004-August 2005; \$173,158.

Cumulative total: \$2,845,801

5. Research Proposals

Note: Funded proposals are listed in section 4 above.

"Automated Support for VLSI Standard Cell Optimization," Texas Advanced Technology Program, Walter C. Daugherty, competitive and peer-reviewed, July 1989, not funded, \$233,887.

"Integration of Computer Software Models for NiCd Battery Design," National Aeronautics and Space Administration, Ralph E. White and Walter C. Daugherty, competitive and peer-reviewed, 1990, not funded, \$125,000.

"Innovative Use of Supercomputers and Parallel Computers in Grades K-8," Department of Energy, Paul Nelson, Walter C. Daugherty and Bahram Nassersharif, competitive and peer-reviewed, December 1990, preproposal submitted, \$885,000.

"Integration of Texas Junior Colleges into State and National Computer Networks," Texas Advanced Technology Program, Walter C. Daugherty and Charles H. Beard, competitive and peer-reviewed, July 1991, not funded, \$174,219.

"Adaptive Fuzzy Control for Industrial Processes," Texas Advanced Research Program, John Yen and Walter C. Daugherty, competitive and peer-reviewed, July 1991, not funded, \$177,064.

"Development of a Fuzzy Logic Tuner for a PID Controller," Texaco, John Yen and Walter C. Daugherty, 1992-93, not funded, \$200,000.

“National Center For Ecological Analysis and Synthesis,” National Science Foundation; Robert N. Coulson, Walter C. Daugherty *et al.*, competitive and peer-reviewed, July 1994, not funded, \$10,000,000.

“Development of a Fungal Growth Model for Risk Assessment,” Texas Advanced Research Program, Charles M. Kenerley and Walter C. Daugherty, competitive and peer-reviewed, July 1995, not funded, \$203,792.

“Intelligent Vehicle Navigation System,” Texas Advanced Technology Program, Walter C. Daugherty and Jeffrey W. Fitzgerald, competitive and peer-reviewed, July 1995, not funded, \$195,058.

“Innovative Programs to Increase the Enrollment in Computer Science,” Texas Technology Workforce Development Grant Program, Valerie Taylor and Frank Shipman (co-PI’s), Lawrence Petersen, Walter C. Daugherty, and Joseph Hurley (Key Personnel), competitive and peer-reviewed, March 2005, pending, \$69,760.

6. New Design Methods, Techniques, or Concepts Developed

Null Modem

I independently invented the null modem in 1969 and constructed one for Harvard University (which is still operational!).

Computer Keyboard National Standard

As a member of the Harvard-MIT Terminal Committee, I participated in the development of the national standard for computer keyboards (*e.g.*, putting braces above brackets for the benefit of programming languages). Nearly every computer terminal and keyboard since then (*e.g.*, VT100, PC) uses this layout.

Integrated User Training

I invented the method of training users about additional features of an application program by integrating the information with the operation of the program (see Manwell, Daugherty, *et al.* under Publications, above). This is now widely adopted, *e.g.*, by Microsoft for its Windows operating systems in the “Getting Started” panel.

Object-Oriented Database

I independently invented and implemented an object-oriented database to support arbitrary combinations of data types.

Self-Organizing Fuzzy Controller

In collaboration with Balaji Rathakrishnan (a Graduate Research Assistant I funded) and John Yen, I developed a new systematic methodology for constructing and tuning fuzzy logic controllers. The research project was funded by Texaco (see the preceding section for details) for use in its refineries.

TEACHING

1. New Courses Developed

CPSC 111/211/311 Java and C-based sequence - Member of curriculum subcommittee, taught 111 and 211

CPSC 210 (Honors) - Data Structures

CPSC 320 (Honors) - Artificial Intelligence

CPSC 489 - Object-Oriented Programming, Systems, and Languages

CPSC 635 - Natural Language Processing (taught by Dr. P. Mayer)

CPSC 689 - Symbolic and Algebraic Computation (not taught)

CSCE 489/PHIL 382 (with Glen Miller [PHIL]) - Ethics and Cybertechnology

ENGR/PHIL 482 (Honors) - Ethics and Engineering

PHIL 282 (with Glen Miller [PHIL]) - Ethics in a Digital Age

PHYS/ELEN 674 (with David Church [PHYS]) - Special Topics in

Quantum Computing (the first course at Texas A&M in quantum

computing, and, to the best of my knowledge, the first course in

quantum computing anywhere in Texas), taught Spring, 2005, for the fifth time.

A Distance Learning section of CPSC 601 - Programming in C and Java, taught Spring, 2003.

Two sections of CPSC 111 - Computer Science Concepts and

Programming taught with student peer teachers as assistants, Fall, 2002.

Honors section of CPSC 111 - Computer Science Concepts and

Programming taught with student peer teachers as assistants, Fall, 2004.

Developed (with Lawrence Petersen) an intensive summer training

program in Java and Software Engineering for high-school computer science teachers, taught Summer, 2003.

Developing an intensive summer training program in Data Structures for

high-school computer science teachers, taught Summer, 2004; I was

also completely responsible for recruiting teachers, getting them

admitted, arranging for housing, and so on.

2. Courses Taught

A. Graduate

CPSC 601 Programming in C and Java

CPSC 602 Object-Oriented Programming, Development, and Software Engineering

CPSC 614 Computer

Architecture CPSC 625 Artificial

Intelligence CPSC 632 Expert
Systems

CPSC 681 Graduate Seminar

CPSC 685 Problems

CPSC 691 Research

PHYS/ELEN 674 Quantum Computing (co-teacher)

B. Undergraduate

CPSC 111 Computer Science Concepts and Programming

CPSC 111H Computer Science Concepts and Programming (Honors)

CPSC 120 Programming II

CPSC 120H Programming II (Honors)

CPSC 203 Introduction to Computing

CPSC 206 Structured Programming in C

CPSC 210 Data Structures

CPSC 210H Data Structures (Honors)

CPSC 211 Data Structures and Implementations

CPSC 211H Data Structures and Implementations (Honors)

CPSC 285 Special Topics - Data Structures for Teachers

CPSC 289 Special Topics - Java and Software Engineering for Teachers

CPSC 311 Analysis of Algorithms

CPSC 320/420 Artificial Intelligence

CPSC 320H/420H Artificial Intelligence (Honors)

CPSC 321 Computer Architecture

CPSC 464 Integrated Systems Design Automation

CPSC 485 Problems

CPSC/ELEN 485H Problems (Honors theses)

CPSC 489 Object-Oriented Programming, Systems, and Languages

CSCE 113 Intermediate Programming and Design

CSCE 121 Introduction to Program Design and Concepts

CSCE 121H Introduction to Program Design and Concepts (Honors)

CSCE 315 Programming Studio

CSCE 410 Operating Systems

CSCE 489 Cyberethics (co-teacher)

ENGR 112 Foundations of Engineering II

ENGR 112H Foundations of Engineering II (Honors)

ENGR/PHIL 482H Ethics and Engineering (Honors)

PROFESSIONAL OUTREACH

1. Director, Knowledge Systems Research Center
2. Invited Significant Seminars or Lectures

Daughterity, W. C., "Computers and Privacy," Phi Theta Kappa Honor Society State Convention, Blinn College, Brenham, Texas, 1985.

Daughterity, W. C., and DeSoi, J. F., "Objected-Oriented Programming," Second Annual Texaco Artificial Intelligence Symposium, Houston, Texas, 1989.

Daughterity, W. C., "A Self-Tuning Fuzzy Controller," ARRI Conference on Fuzzy Logic, Arlington, Texas, March 1992.

Daughterity, W. C., Yen, J., and Langari, R., "Tutorial on Fuzzy Logic," Second International Workshop on Industrial Fuzzy Control & Intelligent Systems, College Station, Texas, December 1992.

Daughterity, W.C., "A Partially Self-Training System for the Protein Folding Problem," World Congress on Neural Networks, Portland, Oregon, July 1993.

Daughterity, W.C., "Neuro-fuzzy Systems," Third International Workshop on Industrial Fuzzy Control & Intelligent Systems, Houston, Texas, December 1993.

Daughterity, W.C. and Harris, C.E., "Ethics and Engineering," NSF Research Experience for Undergraduates, College Station, Texas, Summer 1994.

Daughterity, W.C. and Harris, C.E., "Ethics and Engineering," NSF Research Experience for Undergraduates, Austin, Texas, Summer 1994.

Daughterity, W.C. and Harris, C.E., "Ethics and Engineering," NSF Research Experience for Undergraduates, College Station, Texas, Summer 1995.

Daughterity, W.C. and Harris, C.E., "Ethics and Engineering," NSF Research Experience for Undergraduates, Austin, Texas, Summer 1995.

Daughterity, W.C., "Public-Key Cryptography Meets Quantum Computing: Why Secret Agencies are Quaking in their Boots." Quantum Computing Seminar, Texas A&M University, April 9, 2001.

Daughterity, W.C., "Quantum Computing 101: How to Crack RSA." DefCon X, Las Vegas, NV, August 4, 2002.

Daughterity, W.C., "Computer Ethics." ENGR 482 Ethics and Engineering, Texas A&M University, April 14-16, 2003.

Daughterity, W.C., "Incorporating Computer Ethics into an Engineering Ethics Course." University of Texas Ethics Conference, Austin, Texas, April 16, 2004.

Daughterity, W.C., "Computer Ethics." ENGR 482 Ethics and Engineering, Texas A&M University, November 8-10, 2004.

Daughterity, W.C., "[My] 53 Years of Computing History," CSCE 681 Open Graduate Seminar, Texas A&M University, November 18, 2015.

3. Consulting

St. Joseph's Hospital, Bryan, Fall 1990, at no charge.

Other clients include IBM Federal Systems Division, *New York Times*, *Washington Post*, *Los Angeles Times*, Cheyenne and Arapaho Tribes of Oklahoma, Southwestern Bell Telephone, Fulbright & Jaworski (Houston), Texas Department of Agriculture, Phonogram B.V. (Amsterdam), and U. S. Department of the Treasury.

HONORS AND AWARDS

Oklahoma Junior Academy of Science, elected to membership, 1961, Oklahoma State University

National Science Foundation, Institute for High Ability Secondary School Students, 1962, University of Oklahoma

Westinghouse, Science Talent Search national finalist, 1963 National Merit Scholarship test, highest score in Oklahoma, 1963

Frontiers of Science, scholarship, 1963, Oklahoma City, Oklahoma

Engineering Club of Oklahoma City, award, 1963, Oklahoma City, Oklahoma

Oklahoma Christian College, full scholarship (top entering freshman), 1963, Oklahoma City, Oklahoma

National Science Foundation, Undergraduate Research Participation Program, 1965, University of Oklahoma, Norman, Oklahoma

Alpha Delta Tau, National Honor Society, 1966

Who's Who in American Colleges and Universities, 1966
 Graduate Record Exam in Mathematics, scored 800, 1966
 Harvard University, Prize Fellowship, 1966
 National Science Foundation, Academic Year Institute, 1967
 Phi Delta Kappa, National Honor Society, 1967
 Harvard University, Class Marshal for the Graduate School of Education, 1967
 Harvard University, Bowdoin Prize, bronze medal and cash award for outstanding writing, 1973
 Association for Computing Machinery, selected as a reviewer for *Computing Reviews*, 1975
 Association for Computing Machinery, Outstanding Regional Intercollegiate Programming Contest Director Award, 1993, Indianapolis, Indiana
 World Congress on Neural Networks, Neural Systems Session Co-chair, 1993, Portland, Oregon
 Graduate Student Council, 1997 Outstanding Graduate Faculty Award citation: "For your time and dedication to graduate students at Texas A&M."
 Named by the TAMU System to The Academy for Educator Development, a major component of The Texas A&M University System's Regents' Initiative for Excellence in Education, 2003 (one of only two faculty members selected from the entire College of Engineering).
 Winner, \$500 cash prize, Texas A&M University Academic Integrity Week Essay Competition (Faculty Category), 2004.
 Texas A&M University, Department of Computer Science & Engineering, 2009 Undergraduate Faculty Award citation: "In grateful appreciation of dedicated service, exemplary attitude, and significant contribution."
 Qualified for American MENSA, 2015.
 Oklahoma Christian University, Department of Mathematics and Computer Science, 2015
 Distinguished Alumnus Award citation: "For outstanding vision, dedication, and commitment to excellence."

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EXHIBIT 10

EXHIBIT 10

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12 *Attorneys for Defendant Joseph Lombardo*

13 **FIRST JUDICIAL DISTRICT COURT**
14 **CARSON CITY, NEVADA**

15 JOEY GILBERT, an individual,
16
17 Plaintiff,

18 vs.

19 JOSEPH LOMBARDO, Republican candidate
20 for Governor of Nevada,
21
22 Defendant.

Case No.: 22 OC 000851B
Dept. No.: I

**ORDER GRANTING DEFENDANT
JOSEPH LOMBARDO'S MOTION FOR
SUMMARY JUDGMENT**

23 The matter before the Court is the Motion for Summary Judgment filed by Defendant Joseph
24 Lombardo on August 1, 2022. The Court, having reviewed the papers, pleadings and supporting
25 exhibits including deposition testimony on file in this matter and considered the arguments of
26 counsel at the time of hearing on August 10, 2022 as required by NRS 293.415, with good cause
27 appearing and no just reason for delay, hereby rules as follows:

I. FINDINGS OF FACT

28 1. Mr. Gilbert's Statement of Contest relies on a two-step process set forth in the
Solomon Report to demonstrate he received more votes in the 2022 Republican Gubernatorial
Primary Election than Mr. Lombardo. See Statement of Contest ¶ 24.

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BY [Signature] CLERK

1 2. According to the Statement of Contest, the first step is to demonstrate that the result
2 of the 2022 Republican Primary Election is mathematically or geometrically “impossible.” *See*
3 Statement of Contest ¶ 32.

4 3. After establishing that the reported results of the 2022 Republican Gubernatorial
5 Primary Election are mathematically or geometrically “impossible,” the second step is to “restore”
6 the votes and determine the actual election results without the interference of a predetermined
7 outcome or algorithm. *See* Statement of Contest ¶¶ 36-48.

8 4. While Mr. Gilbert’s expert witnesses purport to have performed the first step and
9 reached the same conclusion as Mr. Edward Solomon—*i.e.*, that the results of the 2022 Republican
10 Gubernatorial Primary Election are mathematically or geometrically “impossible,” none of them
11 offer any opinions—admissible or otherwise—on the second step of “restoring” the actual vote
12 counts.

13 5. The concept of “restoration” is addressed at length in Mr. Solomon’s report attached
14 as Exhibit A to the Statement of Contest (the “Solomon Report”). All parties agree, however, that
15 Mr. Solomon does not qualify as an expert, and Mr. Gilbert has confirmed he will not be calling Mr.
16 Solomon as a witness in this proceeding.

17 6. One of Mr. Gilbert’s proposed experts, Dr. Oliver A. Hemmers, ostensibly addresses
18 the concept of “restoration” in his report attached as Exhibit B to the Statement of Contest. Dr.
19 Hemmers’ alleged opinions on the subject are also quoted at length in the Statement of Contest. *See*
20 Statement of Contest ¶¶ 51-52. But in his deposition, Dr. Hemmers admitted that he did not perform
21 any work on “restoration” and merely copied portions of the Solomon Report. *See* Motion for
22 Summary Judgment (“Mot.”), Ex. D. In other words, Dr. Hemmers did not offer any independent
23 opinions on the concept of “restoration” and instead restated lengthy sections of the Solomon Report,
24 which is inadmissible for reasons set forth below.

1 suggested that NRS 293.410(2)(a) and (c) were also potentially at issue in this election contest.
2 Under those provisions, Mr. Gilbert must demonstrate that either “the election board or any member
3 thereof was guilty of malfeasance,” NRS 293.419(a), or “(1) [i]llegal or improper votes were cast
4 and counted; (2) [l]egal and proper votes were not counted; or (3) [a] combination of the
5 circumstances described in subparagraphs (1) and (2) occurred, in an amount that is equal to or
6 greater than the margin between the contestant and the defendant, or otherwise in an amount
7 sufficient to raise reasonable doubt as to the outcome of the election.” NRS 293.410(2)(c).
8

9 3. To prevail, Mr. Gilbert must prove the grounds for his election contest by clear and
10 convincing evidence. *Law v. Whitmer*, 477 P.3d 1124, *1, 17 (Nev. 2020) (affirming application of
11 the clear and convincing evidence standard in a contest of the 2020 Presidential Election) (listing
12 supporting cases). “Clear and convincing evidence must be ‘satisfactory’ proof that is so strong and
13 cogent as to satisfy the mind and conscience of a common man, and to convince him that he would
14 venture to act upon that conviction in matters of the highest concern and importance to his own
15 interest.” *Id.* at *17 (quoting *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715
16 (1995)). The Court views the evidence through the lens of the applicable burden of proof at the
17 summary judgment stage. *See Ferguson v. LVMPD*, 131 Nev. 939, 944, 364 P.3d 592, 595 (2015).
18

19 4. Because Mr. Solomon does not qualify as an expert and Mr. Gilbert has declined to
20 call him as a witness in this proceeding, the Solomon Report is inadmissible hearsay and Mr. Gilbert
21 may not rely on its contents to prove his claims in this election contest. *See Ramirez v. State*, 114
22 Nev. 550, 560-61, 958 P.2d 724, 730-31 (1998) (holding medical examiner’s written report was
23 inadmissible hearsay unless he was present to testify and be cross-examined).
24

25 5. Similarly, the Solomon Report also does not constitute the type of evidence
26 “reasonably relied on by experts” under NRS 50.285(2). Indeed, “[r]eports specifically prepared for
27 purposes of litigation are not, by definition, of a type reasonably relied upon by experts in the
28

1 particular field.” *United States v. Tran Trong Cuong*, 18 F.3d 1132, 1143-44 (1994); *see also In re*
2 *Imperial Credit Indus., Inc. Sec. Litig.*, 252 F.Supp.2d 1005, 1012 (C.D. Cal. 2003) (“Federal Rules
3 of Evidence 702 and 703 permit an expert to rely upon ‘facts and data.’ The rules do not permit an
4 expert to rely upon excerpts from opinions developed by another expert for purposes of litigation.”);
5 *Avondale Mills, Inc. v. Norfolk S. Corp.*, 2008 WL 6953956, at *3 (D. S.C. Feb. 21, 2008) (“It has
6 been held that reports prepared for purposes of litigation [] are not ‘of a type reasonably relied upon
7 by experts in a particular field.’”).

8
9 6. Mr. Gilbert cites to Dr. Hemmers’ report as the basis for many of his allegations
10 concerning “restoration.” Dr. Hemmers, however, made it clear in his deposition that he effectively
11 copied Mr. Solomon’s opinions on the subject. To that end, Dr. Hemmers does not offer any
12 independent opinions on “restoration” and his restatement of the Solomon Report is improper from
13 an evidentiary standpoint. *Ramirez*, 114 Nev. at 558, 958 P.2d at 729 (summarizing *United States*
14 *v. Tran Trong Cuong*, 18 F.3d 1132 (1994) and restating principle that a testifying expert witness
15 may not vouch for and parrot the opinions of a non-testifying expert witness); *Villagomes v.*
16 *Laboratory Corp. of Am.*, 2010 WL 4628085, at *4 (D. Nev. Nov. 8, 2010) (“an expert may rely on
17 information provided by non-testifying experts, so long as he does not merely serve as a spokesman
18 for the absent expert, vouching for the truth of his statements”) (citing several supporting cases).

19
20 7. Dr. Allen and Dr. Daugherity both acknowledged that they did not attempt to
21 “restore” the true vote counts and have no opinions on the subject.

22
23 8. Accordingly, even if the Court were to accept Mr. Solomon’s theories that the result
24 of the 2022 Republican Primary Election is mathematically or geometrically “impossible,” Mr.
25 Gilbert has not presented any competent evidence that the allegedly flawed math means he received
26 more votes than Mr. Lombardo as none of his proposed testifying expert witnesses have offered any
27 opinions on the concept of “restoration” or the results it would purportedly yield in the 2022
28


1 Republican Gubernatorial Primary Election. For the same reasons, Mr. Gilbert cannot demonstrate
2 there is evidence sufficient to raise reasonable doubt as to the outcome of the election. Nor is there
3 any competent evidence that the election board or any member thereof was guilty of malfeasance.
4 The clear absence of admissible evidence on these subjects is insufficient to meet the heightened
5 clear and convincing standard that applies to Mr. Gilbert's theories under NRS 293.410(2)(a), (c),
6 (d) or (f). Accordingly, the Court hereby grants summary judgment in favor of Mr. Lombardo.
7

8 III. ORDER

9 IT IS HEREBY ORDERED AND ADJUDGED that Mr. Lombardo's Motion for Summary
10 Judgment is GRANTED and Mr. Gilbert's Statement of Contest is DISMISSED WITH
11 PREJUDICE.


12 IT IS FURTHER ORDERED that the August 12, 2022 hearing date is VACATED.

13 IT IS SO ORDERED on this 11 day of August, 2022.

14
15 
16 DISTRICT COURT JUDGE

17 Respectfully submitted by:

18 CAMPBELL & WILLIAMS

19 By 
20 L COLBY WILLIAMS, ESQ. (5549)
21 PHILIP R. ERWIN, ESQ. (11563)
22 SAMUEL R. MIRKOVICH, ESQ. (11662)
23 710 South Seventh Street
24 Las Vegas, Nevada 89101
25 Attorneys for Defendant
26 Joseph Lombardo
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28

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EXHIBIT 11

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*Attorneys for Defendant
Joseph Lombardo*

FIRST JUDICIAL DISTRICT COURT
CARSON CITY, NEVADA

JOEY GILBERT, an individual,
Plaintiff,

vs.

STEVE SISOLAK, in his official capacity as Governor of Nevada; BARBARA CEGAVSKE, in her official capacity as Secretary of State; and JOSEPH GLORIA in his official capacity as Clark County Registrar of Voters, JAMES B. GIBSON, in his official capacity as Chairman of the CLARK COUNTY BOARD OF COMMISSIONERS, and DEANNA SPIKULA in her official capacity as Washoe County Registrar of Voters and VAUGHN HARTUNG in his official capacity as Chair of the WASHOE BOARD OF COUNTY COMMISSIONERS, and JOSEPH LOMBARDO, putative Republican candidate for Governor of Nevada; and DOES 1 through 10 and ROES 1-10,

Defendants.

Case No.: 22 OC 000851B
Dept. No.: I

**ORDER GRANTING DEFENDANT
JOSEPH LOMBARDO'S MOTION FOR
SANCTIONS**

1 The matter before the Court is the Motion for Sanctions filed by Defendant Joseph Lombardo
2 ("Mr. Lombardo") on August 19, 2022. The Court, having reviewed the papers, pleadings and
3 supporting exhibits and considered the arguments of counsel at the time of hearing, with good cause
4 appearing and no just reason for delay, hereby rules as follows:

5 **I. FINDINGS OF FACT**

6
7 1. At some point prior to filing his Statement on Contest ("Contest"), Mr. Gilbert and/or
8 his counsel contacted Edward Solomon ("Mr. Solomon") and retained him to prepare a "Precinct
9 Analysis" of the Clark County results in the 2022 Republican Gubernatorial Primary ("2022
10 Primary"), *i.e.*, the Solomon Report. Mr. Gilbert's counsel then retained Dr. Oliver Hemmers, Dr.
11 Walter Daugherty and Dr. G. Donald Allen as testifying expert witnesses and provided them with
12 the Solomon Report. All three expert witnesses were effectively retained to vouch for Mr. Solomon's
13 theories and introduce his findings in the Solomon Report into evidence as all parties agreed Mr.
14 Solomon is unqualified to be an expert in this action. To that end, Mr. Gilbert's expert witnesses
15 interacted extensively with Mr. Solomon when preparing their reports and responding to issues raised
16 by Mr. Lombardo's counsel and expert witnesses in this election contest.

17
18 2. Mr. Gilbert filed his Contest on July 15, 2022. Therein, Mr. Gilbert relied on a two-
19 step process set forth in the Solomon Report to demonstrate he received more votes than Mr.
20 Lombardo in the 2022 Primary. *See* Contest ¶ 24. The first step was to demonstrate that the result
21 of the 2022 Primary is mathematically or geometrically "impossible" based on the assumption that
22 "[i]n a fair election, we expect a strong linear correlation between Gilbert's Election Day, Mail-in
23 and Early Vote percentages." *Id.* ¶¶ 28, 32. After purporting to establish that the reported results of
24 the 2022 Primary are mathematically or geometrically "impossible," the second step in Mr.
25 Solomon's theory was to "restore" the votes and determine the actual election results without the
26 interference of a predetermined outcome or algorithm. *See* Contest ¶ 36
27
28

1 3. As detailed in the Court's order granting summary judgment, Mr. Gilbert did not
2 present any competent evidence that the allegedly flawed math means he received more votes than
3 Mr. Lombardo as none of his proposed testifying expert witnesses offered any opinions on the
4 concept of "restoration" or the results it would purportedly yield in the 2022 Republican
5 Gubernatorial Primary Election. See Order dated August 11, 2022 (on file). Rather, to the extent
6 Mr. Gilbert's expert witnesses offered opinions regarding "restoration," they were entirely based on
7 the Solomon Report and, thus, inadmissible under Nevada law.
8

9 II. CONCLUSIONS OF LAW

10 1. NRS 18.010(2)(b) provides that a "court may make an allowance of attorney's fees
11 to a prevailing party [] when the court finds that the claim, counterclaim, cross-claim or third-party
12 complaint or defense of the opposing part was brought or maintained without reasonable ground or
13 to harass the prevailing party." NRS 7.085(1) further provides that "[i]f a court finds that an attorney
14 has (a) [f]iled, maintained or defended a civil action or proceeding any court in this State and such
15 action or defense is not well-grounded in fact or is not warranted by existing law or by an argument
16 for changing the existing law that is made in good faith; or (b) [u]nreasonably and vexatiously
17 extended a civil action or proceeding before any court in this State, the court shall require the attorney
18 to pay the additional costs, expenses and attorney's fees reasonable incurred because of such
19 conduct." Notably, in enacting NRS 18.010 and NRS 7.085, the Nevada Legislature expressly
20 instructed that the Court shall liberally construe the statutes in favor of awarding attorney's fees to
21 punish and deter frivolous or vexatious litigation.
22

23 2. The Court is also entitled to exercise its inherent power to sanction litigants for bad
24 faith conduct by awarding attorney's fees. See *Emerson v. Eighth Judicial Dist. Court*, 127 Nev.
25 672, 680-81, 263 P.3d 224, 229-30 (2011) (affirming that district courts have broad discretion to
26 punish litigation misconduct); *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991).
27
28

3. Courts have applied similar statutes to punish parties and their counsel for filing and maintaining frivolous election contests and other election-related litigation without any reasonable grounds to do so. *See, e.g., King v. Whitmer*, 556 F.Supp.3d 680 (E.D. Mich. 2021) (imposing sanctions under Rule 11, § 1927 and the court's inherent authority "to deter the filing of future frivolous lawsuits designed primarily to spread the narrative that our election processes are rigged and our democratic institutions cannot be trusted"); *Gaddis v. McCullough*, 827 N.E.2d 66 (Ind. Ct. App. 2005) (imposing sanctions under Indiana's frivolous litigation statute where there was no reasonable or well-grounded basis for unsuccessful candidates' election contest); *Reid v. Dalton*, 100 P.3d 349 (Wash. Ct. App. 2004) (imposing sanctions under Washington's frivolous litigation statute where unsuccessful candidate maintained his meritless election contest after being threatened with sanctions by the prevailing candidate unless the contest was withdrawn); *In re: Contest of November 5, 2019 Gen. Election for Chancery Clerk of Quitman*, 329 So.3d 434 (Miss. 2021) (reversing circuit court's denial of attorney's fees to prevailing party under Mississippi's frivolous litigation statute where losing candidate brought election contest without substantial justification); *Davis v. Dunn*, 690 S.E.2d 389 (Ga. 2010) (imposing sanctions under Georgia's frivolous litigation statute where losing candidate failed to present any factual basis or admissible evidence to cast doubt on the election results).

4. The Court finds that Mr. Gilbert's Contest is a frivolous action that warrants sanctions under NRS 18.010(2)(b) and NRS 7.085(1). Mr. Gilbert did not—and could not—present any admissible evidence to support the case-dependent thesis that the restored election results show he received the most votes in the 2022 Primary. The fundamental lack of evidence on this pivotal issue proved fatal to the Contest as the Court granted summary judgment in Mr. Lombardo's favor at the conclusion of discovery. *See* Order dated August 11, 2022 (on file). Because "[a]n action is not well-grounded when there is no evidence to support it," *Watson Rounds, P.C. v. Eighth Judicial*

1 Dist. Court, 133 Nev. 1090, 391 P.3d 759, 2017 WL 1080061, at *1 (2017), Mr. Gilbert's failure to
2 adduce any competent evidence regarding the key element of "restoration" is grounds for the
3 imposition of sanctions under NRS 18.010(2)(b) and NRS 7.085(1) as he could never demonstrate
4 that he prevailed in the 2022 Primary.

5 5. The Court further finds that Mr. Gilbert's contention that the results of 2022 Primary
6 were mathematically or geometrically "impossible" does not rise to the level of a well-grounded
7 claim under Nevada law. Indeed, based on the opinions of Mr. Lombardo's qualified expert
8 witnesses, the Court finds Mr. Gilbert's claim regarding the "math" is highly dubious. But, even if
9 his claim regarding mathematic or geometric "impossibility" was true, Mr. Gilbert still did not have
10 any competent evidence to demonstrate that he won the 2022 Primary as would be required to prevail
11 under NRS 293.410(2).
12

13 III. ORDER

14 IT IS HEREBY ORDERED AND ADJUDGED that Mr. Lombardo's Motion for
15 SANCTIONS is GRANTED.
16

17 IT IS FURTHER ORDERED that Mr. Lombardo shall submit his memorandum of attorney's
18 fees on or before October 11, 2022

19 IT IS SO ORDERED on this 21 day of September, 2022.

20
21 
DISTRICT COURT JUDGE

22 Respectfully submitted by:

23 CAMPBELL & WILLIAMS

24 By 

25 J. COLBY WILLIAMS, ESQ. (5549)
26 PHILIP R. ERWIN, ESQ. (11563)
27 SAMUEL R. MIRKOVICH, ESQ. (11662)

28 *Attorneys for Defendant*
Joseph Lombardo

1 ROBERT BEADLES
2 10580 N. McCarran Blvd. #115, Apt. 386
3 Reno, NV 89503
4 *Plaintiff, Pro Se*

5 **IN THE SECOND JUDICIAL COURT OF THE STATE OF NEVADA IN**
6 **AND FOR THE COUNTY OF WASHOE**

7 MR. ROBERT BEADLES, an individual,
8 Plaintiff,

Case No.: CV23-01341

Dept. No.: 1

9 vs.

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

22 Defendants.

23 **MOTION IN REQUEST OF SUR-REPLY**

24 Plaintiff Robert Beadles respectfully requests that this Honorable Court grant permission to file a
25 Sur-Reply in response to the Defendant's Reply to Plaintiff's Opposition to the Motion to Dismiss.

26 **I. ABILITY TO SUBMIT SUR-REPLY RESPONSES**

27 The authorities suggest that it is generally within the court's discretion to allow or deny a sur-reply,
28 although there is no explicit rule or statute in Nevada that directly addresses the issue. In *Gong v.*
29 *Fed. Nat'l Mortg. Ass'n*, No. 63857 (Nev. Apr. 17, 2015), the Nevada Supreme Court granted a
30 motion to file a sur-reply, which implies that the court has discretion in this matter. Similarly, in
31 *Brown v. Washoe Cnty. Dist. Attorney* (In re Estate of Klein), 373 P.3d 926 (Nev. 2011), the court
32 stated that a party should generally seek permission from the court to file a sur-reply, which also

1 implies that the court has discretion to allow or deny the filing. The plaintiff hereby requests that this
2 honorable court allow him to file a sur-reply.

3 **II. THE PURPOSE OF THE SUR-REPLY:**

4 The Plaintiff does not wish to revisit all the details, evidence, and arguments previously outlined in
5 the Opposition to the Motion to Dismiss. Instead, the Plaintiff respectfully requests that all prior
6 pleadings and exhibits be incorporated into the Sur-Reply. The purpose of this Sur-Reply is to
7 correct several inaccuracies asserted by the defense that appear to be new or expounded upon
8 arguments from their initial Motion to Dismiss. It should be noted that the Plaintiff never intended to
9 fully argue the case solely through the original complaint. Rather, the Plaintiff followed the
10 guidelines of notice pleading, with the expectation of presenting further evidence, utilizing discovery
11 tools, and making a case before a jury in due course.
12

13
14 The Sur-Reply would address the following:

15
16 **III. Illegal Election Function, Solomon Was Never Debunked as Defense Claims**

17 If the Sur-Reply is granted, the Plaintiff would expand to completely refute the Defense's claim that
18 Mr. Solomon's "math" has been "debunked."
19

20 The defense states now, "In his 119-page Opposition, Beadles implores this Court to allow this case
21 to move forward based on the purported output of an artificial intelligence chat robot and he spends
22 more than a dozen pages walking through a mathematical algorithm the Nevada Supreme Court has
23 already deemed so lacking in arguable merit that reliance on it is sanctionable."
24

25 First, it is not Mr. Solomon's "math" or opinion; it is what the state's own certified, under perjury,
26 election results state. No one has ever successfully "debunked" Mr. Solomon. In fact, dozens of
27 PhDs have tried; all have failed. The Defense falsely claims it's accepted and concluded Solomon is
28 wrong. That is false as well. The Defense states in Gilbert v. Lombardo, Solomon was debunked;

1 that is false, again. The truth is, Gilbert's Counsel, Craig Mueller, failed via incompetence or
2 betrayal to show both prongs of 293.410, which reads:

3 **NRS 293.410 Statement of contest must not be dismissed for deficiencies of form; grounds for contest.**

4 1. A statement of contest shall not be dismissed by any court for want of form if the grounds of contest are
5 alleged with sufficient certainty to inform the defendant of the charges the defendant is required to meet.

6 2. An election may be contested upon any of the following grounds:

7 (a) That the election board or any member thereof was guilty of malfeasance.

8 (b) That a person who has been declared elected to an office was not at the time of election eligible to that
9 office.

10 (c) That:

11 (1) Illegal or improper votes were cast and counted;

12 (2) Legal and proper votes were not counted; or

13 (3) A combination of the circumstances described in subparagraphs (1) and (2) occurred, in an amount
14 that is equal to or greater than the margin between the contestant and the defendant, or otherwise in an
15 amount sufficient to raise reasonable doubt as to the outcome of the election.

16 Mueller, on his own, left out most of Gilbert's evidence, then, without Gilbert being able to read,
17 decided to file the election contest. In the contest, he only showed that "illegal votes" were cast but
18 without showing that the amount was equal or greater than the margin between Gilbert and
19 Lombardo. Solomon showed the illegal votes were cast via the state's own certified election results
20 and showed that it was enough to prove Gilbert was the actual winner. Mueller failed to add the
21 "restoration" (the proof the votes were equal or greater than the margin) to the Election Contest, thus
22 the case was dismissed, and sanctions were granted. Quoting directly from page 5 of [Exhibit 147], it
23 clearly states, "even if his claim regarding mathematical or geometric 'impossibility' was true, Mr.
24 Gilbert still did not have any competent evidence to demonstrate that he won the 2022 Primary as
25 would be required to prevail under NRS 293.410(2)."

26 Additionally, quoting directly from page 6 in [Exhibit 148], "Mueller alternatively contends that the
27 district court misconstrued NRS 293.410 as requiring evidence of 'restoration.' Admittedly, NRS
28 293.410 does not use the term 'restoration.' But it is evident from the record that the district court
used that term synonymously with the statutory language 'change[d] the result of the election' and
that had the statement of contest not been premised on the concept of 'restoration' and used that term,

1 the district court would not have used that term in its orders. To this end, in granting Governor
2 Lombardo's motion for summary judgment, the district court made its stance as clear as possible that
3 it was not basing its decision on 'restoration' but that it was 'relying upon the fact that [the court did
4 not] have any information, if all of the math [in the Solomon Report] is correct, that there's a
5 difference in voting of 1 or 1,000 or 10,000 or any other number.'"

6
7 Solomon's "math" was never debunked, nor disproven, as shown in the Plaintiff's Opposition to
8 Motion to Dismiss. Instead, Gilbert's counsel failed to do his job and present all the evidence. That is
9 one of many reasons Gilbert has been in litigation against Mueller since the spoiled outcome of the
10 election contest. The defense continues to mislead this court; Solomon has never been disproven. He
11 is, in fact, a witness to what happened in the Washoe County elections; he simply found that there is
12 an impossible, illegal function within the election system. The defense wants to state that because
13 the Plaintiff fails to state who put it there, how it happened, it's not a problem, nothing to see here,
14 move along. It's like a witness finding a murder victim who has been stabbed, with a knife in the
15 victim's back; the witness doesn't know who stabbed the person, only that the person is dead, there's
16 a knife in the victim's back, and that it's the authorities' job, not the witness's nor the plaintiff's, to do
17 law enforcement's job and solve the "who done it." The facts are simple: the certified election results
18 show that in the two largest counties, separated on opposite sides of the state, all the precincts voted
19 identically, while the other 15 counties and Carson City did not. The defense tries to discount the
20 additional comparison showing that the multi-billion-dollar artificial intelligence platform known as
21 Google's Bard additionally concurred that, by looking at the county's own certified election data, the
22 Washoe County elections are rigged [Exhibit 129]. The outcome of this "illegal function" cost
23 numerous candidates their elections and all legal voters their right to suffrage. Those are the facts.
24 It's not the Plaintiff's job to tell this honorable court who did it, but rather that it happened, and here's
25 the proof [Exhibits 104, 105]. As stated in the Plaintiff's Opposition to Motion to Dismiss, the
26
27
28

1 defendants have the power to stop using all electronic voting and tabulation machines. The defense
2 is trying to mislead this court and say they don't have the power when NRS clearly shows they do,
3 and that is one of many remedies the Plaintiff seeks. Our votes are our only voice in determining the
4 change we want to see in our county. Our voices are being stolen from us all. This honorable court
5 has the ability to right this wrong going forward. The remedy sought is straightforward: the
6 defendants will cease using all election voting and tabulation machines and will use paper ballots,
7 counted by hand, and reported, by person, in the voters' precincts.
8

9 NRS 244.194: Boards of county commissioners may rent, lease or otherwise acquire voting or counting devices
10 in whatever manner will best serve local interests.

11 NRS 293B.105 General authority. The board of county commissioners of any county or the city council or other
12 governing body of any city may purchase and adopt for use at elections any mechanical voting system and
13 mechanical recording device. The system or device may be used at any or all elections held in the county or
14 city, for voting, registering, and counting votes cast.

15
16 293B.110 Adoption of different systems or devices for different precincts or districts. A mechanical voting
17 system or mechanical recording device may be adopted for some of the precincts or districts in the same county
18 or city, while the remainder of the precincts or districts in that county or city may be furnished with paper
19 ballots or any other mechanical voting system or mechanical recording device.

20 N.R.S. 293.269925 Establishment of procedures for processing and counting mail ballots. 1. The county clerk
21 shall establish procedures for the processing and counting of mail ballots.

22
23 In the first three NRS cited, the language indicates that the defendants "may" use machines,
24 suggesting they have discretion in this matter. In contrast, NRS 293.269925 mandates that the
25 Registrar of Voters (ROV) "shall" create procedures for counting ballots, which—as evidenced by
26 the 2022 Nye County Elections—can be conducted manually.

27
28 If the motion is granted, the Plaintiff will present dozens of additional examples to unequivocally

1 demonstrate that Solomon has never been debunked. The Plaintiff will further argue that there is
2 most certainly an illegal function that is flipping the votes of legal voters in Washoe County.

3
4 **IV. DEFENDANTS HAVE A DUTY TO FOLLOW THE LAW**

5 If the motion is granted, the Plaintiff will greatly expand on the defendants' duties to follow the law,
6 as the defense is essentially claiming that the defendants have no such duty. "There are no laws
7 specifically prescribing a duty for a county commissioner or a county manager to perform any of the
8 acts set forth in the Complaint," is stated on page 17 of the defense's reply.

9
10 The Plaintiff has identified 24 Nevada Revised Statutes (NRS) that the defendants have allegedly
11 violated, as indicated in the original complaint. Dozens more are pointed out within the supplemental
12 exhibits filed alongside the original complaint, including [Exhibit 109, which additionally pointed to
13 Exhibits 16-22]. Many of these NRS violations could result in prison sentences and fines; surely, the
14 defendants have a duty to abide by the law? What about court orders? The defendants have violated
15 the Plaintiff's court orders. Is this honorable court and it's orders now irrelevant to the defendants?
16

17 If the defense is correct and the defendants have no duty to follow the law, this would fundamentally
18 undermine the rule of law, leading to chaotic and arbitrary governance. If the defendants are not
19 bound by the law, then neither would any citizen be, resulting in untenable anarchy.

20
21 The defendants are not just morally but also legally obligated to obey the law. Ignoring this
22 obligation would lead to societal breakdown, fundamentally opposing the principles of democratic
23 governance they are sworn to uphold.

24
25 The defense further argues that the defendants' oaths to uphold the Constitution, State and Federal
26 laws, and their offices do not make them duty-bound. They claim that the 1st and 2nd Articles in the
27 Nevada Constitution do not obligate them to address grievances or ensure that elections are
28 conducted lawfully.

1 In re Raggio, 487 P.2d 499 (Nev. 1971), states, "The obligation of this court to follow and apply
2 controlling decisions of the United States Supreme Court is written in our Nevada Constitution
3 Article 1, Section 2, and that obligation must be discharged fearlessly and without regard to
4 consequences."

5
6 In Caruso v. The Eighth Judicial District Court of the State, 509 P.3d 604 (Nev. 2022), it states, "It is
7 well-settled that where the Constitution's language is clear, this court will interpret the Constitution
8 according to its plain language and will not look beyond that language."

9
10 The language and duty are clear. "To have complaints about elections and election contests resolved
11 fairly, accurately and efficiently as provided by law," is enshrined in Nev. Const. Art. 2 Sec. 1A § 11
12 and NRS 293.2546 (11).

13
14 The Plaintiff will further clarify that NRS Chapter 197 deals with "Crimes by Public Officers,"
15 outlining what constitutes misconduct, malfeasance, or failure to perform duties. NRS 282.020
16 outlines the oath of office for public employees and makes it clear that they are bound to uphold
17 state and federal law. The U.S. Supreme Court case United States v. Nixon, 418 U.S. 683 (1974),
18 also affirmed that no person, not even the President of the United States, is above the law.

19
20 If this motion is granted, the Plaintiff will elaborate extensively on the defendants' duties to abide by
21 the law, and on the defendants' lack of attention to the grievous election issues, which have thus
22 created a National Security Issue. The Plaintiff will detail the NRS violations alleged against each
23 defendant and clarify the severity of potential prison sentences or fines per violation. This aims to
24 further demonstrate that the defense is misleading this court by claiming that the defendants have no
25 duty to act or follow existing laws.
26

27 **V. THE EXHIBITS FILED ARE NOT ROGUE**

28 The defense now states that Beadles has thus far filed two rogue sets of "supplemental exhibits:" "(1)

1 the Supplemental Exhibits in Support of Plaintiff's Complaint filed on August 9, 2023, and (2) the
2 Supplemental Exhibits in Support of Plaintiff's Motions filed on August 24, 2023."

3 If the motion is approved, the plaintiff will provide further elaboration on why the submitted exhibits
4 should be accepted by the court. Exhibit 109, which includes 35 claims and the remedies sought, was
5 clearly filed alongside the original complaint. This exhibit explicitly points to "Supplemental
6 Statements 16-22" and the other exhibits. The submissions filed on 8/9 and 8/24 was designed to
7 supplement the case before any citations were issued, giving this honorable court more evidence to
8 consider, especially if the trial were to be conducted in chambers. These additional filings were
9 made in part due to the possibility that, under Nevada Revised Statute 283.440, the honorable court
10 would have more comprehensive proof supporting the allegations in the complaint. It's important to
11 note that a complaint need not lay out the entire case; it only needs to comply with notice pleading
12 requirements. The defense has attempted to discredit the compelling evidence of legal violations
13 presented in these exhibits. The plaintiff, therefore, seeks the opportunity to further elucidate these
14 points so they may be fully assessed on their merits.
15
16

17
18 **VI. Plaintiff Stated Claims and Remedies in Complaint and Causes of Actions**

19 If this motion for Sur-Reply is granted, the Plaintiff will additionally show how the defense
20 continues to omit the fact that there are over 119 claims and remedies sought in the original
21 complaint and supplemental statements. [Exhibit 109] clearly points to [Exhibits 16-22],
22 where 100 claims and remedies are sought. In the actual pages of the original complaint, it
23 clearly requests 19 remedies on pages 15 and 16 alone. Within the causes of action 1 and 2, it
24 clearly states claims on lines 80, 81, 90, 91, 92, and 93. Within those lines, claims such as
25 "Defendants through their acts of malpractice, malfeasance, and or nonfeasance have failed
26 to perform their duties and have harmed and will continue to harm plaintiff" and
27
28

1 "Defendants, and each of them, have failed to fulfill the duties of their respective offices as
2 alleged herein," are shown. It was the Plaintiff's intent to bring in evidence of allegations
3 such as theft of county property by Defendant Hill, Defendant Brown using his position to
4 keep his wife out of a DUI and jail, and Defendant Rodriguez breaking court orders and
5 robbing every Washoe voter of their right to suffrage, etc. On lines 80 and 91, claims state
6 many of the issues addressed in [Exhibits 16-22, and 109]. It was never the Plaintiff's intent
7 to litigate this case through his original complaint, but the defense seems hell-bent on it.
8 Therefore, if the motion for Sur-Reply is granted, the Plaintiff would like the opportunity to
9 properly address these inaccuracies. Furthermore, the Plaintiff will demonstrate how this
10 honorable court and the defendants have the ability to grant most, if not all, of the remedies
11 sought.
12

13
14 **VII. DEFENSE RELEASED SANCTIONS LETTER 21 DAYS BEFORE IT WAS**
15 **PUBLIC RECORD**
16

17 The defense continues to mislead this honorable court, at best. In Exhibit 124 in case CV23-01283,
18 the defense sent the motion for sanctions to the media without an NRS 239 request by reporter Mark
19 Robison. By law, the Plaintiff has 21 days to decide whether or not to dismiss a case prior to the
20 letter being released and sanction proceedings beginning. Instead, it appears that the motion was not
21 only sent to the media but also sent to the media prior to being sent to the Plaintiff. It was sent to the
22 media 21 days before becoming a public record. This was a blatant attempt to make the Plaintiff's
23 case appear in the public eye as the "rantings of a conspiracy theorist" [Exhibit 132]. These actions
24 are breaches of Rule 3.6(a) and also impair the Plaintiff's ability to receive a fair trial. This
25 calculated strategy to manipulate public perception constitutes an act unbecoming of an officer of the
26 court.
27
28

1 **VIII. NRS 283.440 IS NOT VAGUE**

2 If this motion is granted, the Plaintiff will address the defense's claim that NRS 283.440 is too vague
3 to be enforced and does not apply to the defendants. The defense also attempts to mislead this
4 honorable court by suggesting that AB397 somehow defines what NRS 283.440 is. The Plaintiff will
5 demonstrate that his argument is not incomprehensible, as the defense suggests, but rather quite
6 clear. NRS 283.440 specifies that it is applicable to any person in any office and explicitly lists the
7 exceptions to whom it does not apply. The defendants are not among those exceptions, making the
8 statute clear to the Plaintiff and, presumably, most readers, contrary to the defense's claim of
9 vagueness.
10

11 In *State v. Lincoln Co. P.D.*, 60 Nev. 401 (Nev. 1941), it is stated, "Every presumption is in favor of
12 the validity of a statute, *Ex parte Goddard*, 44 Nev. 128, 190 P. 916, and a statute will always be
13 sustained if there is any reasonable doubt of its unconstitutionality. *State v. Westerfield*, 24 Nev. 29,
14 49 P. 554, 2."
15

16 The defense omits the serious allegations the Plaintiff brings against the defendants. Citing *Jones v.*
17 *Eighth Jud. Dist. Ct. of State*, 67 Nev. 404, 418, 219 P.2d 1055, 1062 (1950), the defense states,
18 "Removal is an extreme and extraordinary measure, intended only for extreme and extraordinary
19 occasions." The Plaintiff will show that intentional law-breaking, abuse of office for personal gain,
20 robbing every Washoe County voter of their right to suffrage, and violating court orders are all
21 "extreme and extraordinary measures" that unequivocally merit removal from office, if proven true.
22
23

24 The defense additionally tries to use a weak argument and states that the statute has only been used
25 on elected officials; well, there is a first time for everything, isn't there? The statute is clear and
26 specifies to whom it doesn't apply. The defendants' positions, nor the terms "non-elected" or
27 "appointed," were ever mentioned. The Plaintiff will further demonstrate that NRS 283.440 is
28

1 applicable to the defendants if the motion is allowed to proceed. Additionally, the Plaintiff will
2 provide further evidence that the defense is attempting to mislead this honorable court by asserting
3 that AB397 and NRS 283.440 are the same or that one has replaced the other. The defense's own
4 exhibits, if properly examined, clearly show that they are two distinct legal matters, which the
5 plaintiff will greatly expand upon if the motion is granted.
6

7 **IX. IF NO REMEDY IS AVAILABLE, COURT CAN STILL ISSUE REMEDY**

8 If the motion is allowed, the Plaintiff would like to further elaborate on the defense's claims that no
9 remedies are allowed. While the Plaintiff strongly disagrees and believes this to be untrue, a simple
10 glance at NRS 283.440 shows that if the Plaintiff is successful, the defendants will be removed from
11 office. That is the remedy the Plaintiff seeks. Additionally, simply looking at remedy VIII on page
12 15 of the Plaintiff's original complaint asks this honorable court to enjoin the defendants to follow all
13 those NRSs. Just these two simple facts obliterate the defense's argument. The Plaintiff strongly
14 believes that this honorable court and the defendants can grant most, if not all, remedies the Plaintiff
15 seeks.
16

17
18 However, for the sake of argument, let's pretend that in Nevada this honorable court has no power to
19 grant any remedy the Plaintiff seeks. In this absurd scenario, one simply needs to look to case law
20 that demonstrates this honorable court does have the power to create and issue remedies when none
21 may seem available. This is known as the court's equitable power. Equitable power is the court's
22 authority to fashion remedies that are fair and just, even if they are not available under the law. The
23 Nevada Supreme Court has held that "courts of equity have the power to fashion remedies to fit the
24 circumstances of each case." This means that the court is not limited to the remedies that are
25 specifically provided for by statute or common law.
26

27 In *Bedore v. Familian*, the Nevada Supreme Court states that "district courts have full discretion to
28

1 fashion and grant equitable remedies." See *Bedore v. Familian*, 122 Nev. 5 (Nev. 2006). Additional
2 citations include *Alaska Plastics*, 621 P.2d at 274-75; *Hammes v. Frank*, 579 N.E.2d 1348, 1355
3 (Ind. Ct. App. 1991) (stating that "[t]he trial court has full discretion to fashion equitable remedies
4 that are complete and fair to all parties involved"); *Maddox*, 669 P.2d at 237; *Vorachek v. Citizens*
5 *State Bank of Lankin*, 421 N.W.2d 45, 54-55 (N.D. 1988); and *Delaney*, 564 P.2d at 288-89.

6
7 If the motion is granted, the Plaintiff will elaborate further with numerous case law and authorities
8 that show this honorable court has the ability to grant the Plaintiff's remedies sought or has the
9 power to create remedies.

10
11 **X. THE BUCK DOES NOT STOP WITH THE NAC OR SOS**

12 If the Plaintiff is granted this motion, he will address the new falsehood that the defense has
13 presented to this honorable court, where they claim, "Beadles is not the Nevada legislature, nor the
14 Nevada Secretary of State. He does not have the power to enact the laws governing elections or
15 implement regulations on how elections are conducted or how election complaints should be
16 handled. Beadles's preferences for how elections should be conducted, how his complaints should be
17 addressed, and his various theories of past election fraud, which have been soundly rejected by every
18 competent court to address them, do not state viable claims upon which relief can be granted."

19
20 The Plaintiff will demonstrate that the remedies sought are not an attempt to assume the role of the
21 Secretary of State (SOS) or the Legislature. Rather, they are procedures and options already allowed
22 by existing law that the defendants can enact. The fact that they have not done so provides a lens into
23 why Washoe County experiences so many election issues and has to "take it down to the studs, and
24 start over," as Defendant Brown stated in [Exhibit 101].

25
26
27 Furthermore, the Plaintiff will prove that no court, in any jurisdiction, has ever disproved Beadles'
28 claims, thereby showing that the defense is once again providing false information to this court. The

1 Plaintiff will also elaborate on how the Nevada Administrative Code (NAC) is subordinate to the
2 Nevada Revised Statutes (NRS), which in turn is subordinate to the Constitution.

3 The Plaintiff will provide evidence, including [Exhibits 23, 24, 126, and 127], to demonstrate that he
4 did, in fact, petition the SOS numerous times, using the SOS's own forms, as suggested by the NAC
5 and NRS. These petitions have gone unanswered or have been misrepresented by the defendants,
6 thereby providing no relief or remedy to the Plaintiff.
7

8 The Plaintiff will demonstrate with detailed precision how every properly filed violation, complaint,
9 petition, and even emails, have gone without remedy from the SOS or the defendants. The Plaintiff
10 is in this honorable court to seek justice when the normal channels, as prescribed by law, have failed.
11 When the defendants and the SOS fail to adhere to the law, the last line of defense is this honorable
12 court. The Plaintiff will expand on this in great detail, presenting evidence ranging from emails and
13 postal records to SOS forms, violation reports, and petitions, if the motion is granted.
14

15 **XI. ADDRESSING ADDITIONAL ARGUMENTS**

16 If this motion to sur-reply is granted, the Plaintiff will further go through the defense's reply and
17 address all the additional new arguments brought forth in their reply. Plaintiff will also address how
18 the defense filed their reply in the wrong court, D9, instead of this honorable court, D1.
19

20 Additionally, clarifying numerous errors in their reply, misstating facts like the officials removed
21 from office, and their actual positions instead of what they stated. Plaintiff will also address in detail
22 that the defense is clearly trying to mislead or outright lie to the court when they state numerous
23 times NRS that do not apply to the Plaintiff's case. One of many examples is, "Secretary of State or
24 District Court. NRS 293.407; NAC 293.025." The defense tries to mislead this court and say the
25 Plaintiff must follow those laws to address past election fraud. That's ridiculous as Plaintiff is not
26 "contesting" a past election; he is showing how the Washoe Election system as a whole is
27
28

1 completely untrustworthy and filled with fraudulent occurrences, that he will prove in court. Plaintiff
2 will additionally address non-existent NRS the defense is now quoting, in their attempt to state
3 Plaintiff has no cause of action or remedy due to these NRS. That would be correct as the NRS does
4 not exist. Plaintiff will rip apart their reply and demonstrate example by example how the defense is
5 misleading this court and how every Washoe voter is being damaged by the defenses unethical and
6 disgraceful treatment of this most serious atrocity of our right to suffrage.
7

8 **XII. CONCLUSION**

9

10 Your Honor, before delving into any other matter, it is of utmost importance to address the issue of
11 change of venue. I respectfully submit that for the interests of justice, a different forum is more
12 appropriate for the adjudication of this case. Should the Court disagree, I implore it to make that
13 ruling before entertaining any prior pleadings, so the substantive matters may be addressed
14 accordingly.
15

16 Should we proceed in this venue, I wish to clarify that I never intended for my original complaint to
17 serve as my sole argument in this litigation. Being in a notice pleading state, the objective of the
18 initial filing is to provide a "short and plain statement" of my case, leaving room for discovery and
19 trial to flesh out the specifics. To that end, I respectfully ask this Court to grant my motion to issue a
20 sur-reply. This additional pleading will serve to further clarify my position and directly address new
21 arguments that have been raised by the Defense.
22

23 Your Honor, you have the power to do what is right, for me and for all of Washoe County. The
24 citizens here are burdened with the belief that their elections are rigged, that their voice no longer
25 matters. This case presents an opportunity to change that perception, to hold officials accountable for
26 alleged crimes, malpractice, malfeasance, nonfeasance, and the National Security Issue they have
27 created and allowed to occur. This is about protecting the rule of law, and by extension, the very
28

1 principles that our society holds dear.

2 I look forward to the opportunity to engage in oral arguments, to utilize discovery tools, and to
3 proceed to trial to prove the allegations set forth in my complaint. Right is right, and wrong is
4 wrong. I implore the Court to uphold the integrity of its oath, even if the Defendants do not.
5

6 Thank you for considering these matters.

7
8 Dated: 9/7/23

9 Respectfully submitted,

10
11 By: 
12 ROBERT BEADLES, Plaintiff Pro Se

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

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

16
17 DATED: September 7th, 2023.

18
19 Robert Beadles, Plaintiff

20 **CERTIFICATE OF SERVICE**

21 Pursuant to NRCP 5(b), I hereby certify that on September 7th, 2023, I electronically filed the
22 foregoing with the Clerk of the Court by using the e-flex filing system which served all parties of
23 record electronically.

24
25 Robert Beadles, Plaintiff

Exhibit Glossary

Exhibit 147 Gilbert V Lombardo Sanctions 5 pg.

Exhibit 148 Order denying petition 7 pg.

“Exhibit 147”

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13 *Attorneys for Defendant*
14 *Joseph Lombardo*

FIRST JUDICIAL DISTRICT COURT
CARSON CITY, NEVADA

12 JOEY GILBERT, an individual,
13
14 Plaintiff,

15 vs.

16 STEVE SISOLAK, in his official capacity as
17 Governor of Nevada; BARBARA CEGAVSKE,
18 in her official capacity as Secretary of State; and
19 JOSEPH GLORIA in his official capacity as
20 Clark County Registrar of Voters, JAMES B.
21 GIBSON, in his official capacity as Chairman of
22 the CLARK COUNTY BOARD OF
23 COMMISSIONERS, and DEANNA SPIKULA
24 in her official capacity as Washoe County
25 Registrar of Voters and VAUGHN HARTUNG
26 in his official capacity as Chair of the WASHOE
27 BOARD OF COUNTY COMMISSIONERS,
28 and JOSEPH LOMBARDO, putative
Republican candidate for Governor of Nevada;
and DOES 1 through 10 and ROES 1-10,

Defendants.

2022 SEP 21 PM 2:20

BY RECEIVED

Case No.: 22 OC 000851B
Dept. No.: I

**ORDER GRANTING DEFENDANT
JOSEPH LOMBARDO'S MOTION FOR
SANCTIONS**

The matter before the Court is the Motion for Sanctions filed by Defendant Joseph Lombardo ("Mr. Lombardo") on August 19, 2022. The Court, having reviewed the papers, pleadings and supporting exhibits and considered the arguments of counsel at the time of hearing, with good cause appearing and no just reason for delay, hereby rules as follows:

I. FINDINGS OF FACT

1. At some point prior to filing his Statement on Contest ("Contest"), Mr. Gilbert and/or his counsel contacted Edward Solomon ("Mr. Solomon") and retained him to prepare a "Precinct Analysis" of the Clark County results in the 2022 Republican Gubernatorial Primary ("2022 Primary"), i.e., the Solomon Report. Mr. Gilbert's counsel then retained Dr. Oliver Hemmers, Dr. Walter Daugherity and Dr. G. Donald Allen as testifying expert witnesses and provided them with the Solomon Report. All three expert witnesses were effectively retained to vouch for Mr. Solomon's theories and introduce his findings in the Solomon Report into evidence as all parties agreed Mr. Solomon is unqualified to be an expert in this action. To that end, Mr. Gilbert's expert witnesses interacted extensively with Mr. Solomon when preparing their reports and responding to issues raised by Mr. Lombardo's counsel and expert witnesses in this election contest.

2. Mr. Gilbert filed his Contest on July 15, 2022. Therein, Mr. Gilbert relied on a two-step process set forth in the Solomon Report to demonstrate he received more votes than Mr. Lombardo in the 2022 Primary. See Contest ¶ 24. The first step was to demonstrate that the result of the 2022 Primary is mathematically or geometrically "impossible" based on the assumption that "[i]n a fair election, we expect a strong linear correlation between Gilbert's Election Day, Mail-in and Early Vote percentages." *Id.* ¶¶ 28, 32. After purporting to establish that the reported results of the 2022 Primary are mathematically or geometrically "impossible," the second step in Mr. Solomon's theory was to "restore" the votes and determine the actual election results without the interference of a predetermined outcome or algorithm. See Contest ¶ 36

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3. Courts have applied similar statutes to punish parties and their counsel for filing and maintaining frivolous election contests and other election-related litigation without any reasonable grounds to do so. *See, e.g., King v. Whitmer*, 556 F.Supp.3d 680 (E.D. Mich. 2021) (imposing sanctions under Rule 11, § 1927 and the court's inherent authority "to deter the filing of future frivolous lawsuits designed primarily to spread the narrative that our election processes are rigged and our democratic institutions cannot be trusted"); *Gaddis v. McCullough*, 827 N.E.2d 66 (Ind. Ct. App. 2005) (imposing sanctions under Indiana's frivolous litigation statute where there was no reasonable or well-grounded basis for unsuccessful candidates' election contest); *Reid v. Dalton*, 100 P.3d 349 (Wash. Ct. App. 2004) (imposing sanctions under Washington's frivolous litigation statute where unsuccessful candidate maintained his meritless election contest after being threatened with sanctions by the prevailing candidate unless the contest was withdrawn); *In re: Contest of November 5, 2019 Gen. Election for Chancery Clerk of Quitman*, 329 So.3d 434 (Miss. 2021) (reversing circuit court's denial of attorney's fees to prevailing party under Mississippi's frivolous litigation statute where losing candidate brought election contest without substantial justification); *Davis v. Dunn*, 690 S.E.2d 389 (Ga. 2010) (imposing sanctions under Georgia's frivolous litigation statute where losing candidate failed to present any factual basis or admissible evidence to cast doubt on the election results).

4. The Court finds that Mr. Gilbert's Contest is a frivolous action that warrants sanctions under NRS 18.010(2)(b) and NRS 7.085(1). Mr. Gilbert did not—and could not—present any admissible evidence to support the case-dependent thesis that the restored election results show he received the most votes in the 2022 Primary. The fundamental lack of evidence on this pivotal issue proved fatal to the Contest as the Court granted summary judgment in Mr. Lombardo's favor at the conclusion of discovery. *See* Order dated August 11, 2022 (on file). Because "[a]n action is not well-grounded when there is no evidence to support it," *Watson Rounds, P.C. v. Eighth Judicial*

1 Dist. Court, 133 Nev. 1090, 391 P.3d 759, 2017 WL 1080061, at *1 (2017), Mr. Gilbert's failure to
2 adduce any competent evidence regarding the key element of "restoration" is grounds for the
3 imposition of sanctions under NRS 18.010(2)(b) and NRS 7.085(1) as he could never demonstrate
4 that he prevailed in the 2022 Primary.

5 5. The Court further finds that Mr. Gilbert's contention that the results of 2022 Primary
6 were mathematically or geometrically "impossible" does not rise to the level of a well-grounded
7 claim under Nevada law. Indeed, based on the opinions of Mr. Lombardo's qualified expert
8 witnesses, the Court finds Mr. Gilbert's claim regarding the "math" is highly dubious. But, even if
9 his claim regarding mathematic or geometric "impossibility" was true, Mr. Gilbert still did not have
10 any competent evidence to demonstrate that he won the 2022 Primary as would be required to prevail
11 under NRS 293.410(2).
12

13 III. ORDER

14 IT IS HEREBY ORDERED AND ADJUDGED that Mr. Lombardo's Motion for
15 SANCTIONS is GRANTED.
16


17 IT IS FURTHER ORDERED that Mr. Lombardo shall submit his memorandum of attorney's
18 fees on or before October 11, 2022

19 IT IS SO ORDERED on this 21 day of September, 2022.

20 
21 DISTRICT COURT JUDGE

22 Respectfully submitted by:

23 CAMPBELL & WILLIAMS

24 By 
25 J. COLBY WILLIAMS, ESQ. (5549)
26 PHILIP R. ERWIN, ESQ. (11563)
27 SAMUEL R. MIRKOVICH, ESQ. (11662)

28 *Attorneys for Defendant
Joseph Lombardo*

“Exhibit 148”

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRAIG A. MUELLER,
Petitioner,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CARSON CITY; AND THE
HONORABLE JAMES E. WILSON,
DISTRICT JUDGE,

Respondents,

and,

JOSEPH LOMBARDO,

Real Party in Interest.

No. 86064

FILED

AUG 17 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order awarding attorney fees as a sanction under NRS 7.085.

FACTS AND PROCEDURAL HISTORY

Attorney Joey Gilbert ran against real party in interest, Governor Joseph Lombardo, in the 2022 republican gubernatorial primary election. The initial election results showed that, out of the 15 republican primary candidates, Gilbert and Governor Lombardo were the top two vote-getters, with Gilbert receiving roughly 27 percent of the votes (61,738 votes out of 228,570 total votes), and Governor Lombardo receiving roughly 38 percent of the votes (87,761 votes out of 228,570 total votes).¹ Gilbert requested a recount, which roughly confirmed this margin of victory.

¹These results are part of the record, and we also take judicial notice of their veracity on the Nevada Secretary of State's website. See <https://www.nvsos.gov/SOSelectionPages/results/2022StateWidePrimary/ElectionSummary.aspx>; see also NRS 47.130(2)(b) (authorizing courts to

Gilbert then initiated an election contest under NRS 293.407-410. Petitioner Craig A. Mueller represented Gilbert in that action. The statement of contest that Mueller filed on Gilbert's behalf alleged that Governor Lombardo did not actually win the primary election. For support, Mueller relied on a report prepared by Edward Solomon (the Solomon Report), which, according to the statement of contest, opined that the election results were "mathematically impossible" and that they were the result of a "predetermined plan or algorithm." In layman's terms, that predetermined algorithm allegedly counted certain mail-in votes for Gilbert and other primary candidates as votes for Governor Lombardo. Based on the Solomon Report, the statement of contest further alleged that when counted correctly—a mathematical process that Solomon, Gilbert, and Mueller refer to as "restoration"—Gilbert won the primary election by more than 50,000 votes. The statement of contest alleged that this improper counting was the product of "illicit mathematics." As for how the "predetermined algorithm" and "illicit mathematics" operated, the statement of contest offered no theories, stating that it "does not allege who caused this to happen, when it happened, or how it happened---only that i[t] HAS HAPPENED."

The record reflects that Mueller did not list Solomon as an expert witness and that he refused to make Solomon available for a deposition. Instead, Mueller retained three other witnesses to vouch for the Solomon Report's veracity. Those three witnesses, Drs. Daugherty, Allen, and Hemmers, submitted reports that were filed with the statement of

take judicial notice of facts that are "[c]apable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned").

contest. None of those experts attempted to replicate Solomon's restoration analysis. In a deposition, Dr. Daugherty testified that his report contained mathematical errors and that he believed the Solomon Report's fundamental premise was "not relevant." Similarly, during Dr. Allen's deposition, he recalled stating in an email that the math behind the restoration process "works like crazy" but then admitted that he did not know how or why the math worked and that he had "no idea" what the correct vote count was. And during Dr. Hemmers' deposition, he admitted that he simply copy-pasted large portions of the Solomon Report into his own report.

Governor Lombardo moved for summary judgment, asserting that Gilbert and Mueller had failed to produce admissible evidence that the alleged "predetermined algorithm" and "illicit mathematics" had caused Governor Lombardo to win the republican primary over Gilbert. In opposition, Gilbert and Mueller changed course, arguing that even if they had no evidence in that respect, restoration was simply one of several "remedies" that they were seeking. The district court held a hearing at which it orally granted Governor Lombardo's motion. In doing so, the district court attempted to clarify the relevance of "restoration," stating:

I'm relying upon the fact that I don't have any information, if all of the math [in the Solomon Report] is correct, that there's a difference in voting of 1 or 1,000 or 10,000 or any other number . . . and the statute [NRS 293.410], the way that I am reading it, indicates that that is necessary information.

Thereafter, the district court entered a written order granting Governor Lombardo's summary judgment motion, expressly finding that none of Gilbert and Mueller's three expert witnesses provided any opinions—admissible or otherwise—on the process of "restoring" the vote count.

Governor Lombardo then filed a motion for attorney fees against Gilbert and Mueller under NRS 18.010(2)(b) and NRS 7.085, respectively. In opposition, Mueller contended that an award against him under NRS 7.085 was unwarranted because he cited the correct statute for an election contest (NRS 293.410) when he filed the statement of contest. Mueller also contended that he filed the statement in good faith given that he retained the three experts before doing so. Mueller acknowledged, however, that when he filed the statement, his experts "had not . . . conducted a restoration" analysis but had simply "opined that Lombardo mail-in votes were artificially contrived." The opposition also stated that when the statement of contest was filed "it was believed by [Gilbert] and [Mueller] that a restoration would shift a significant number of votes to Gilbert and change the outcome of the election." The district court granted Governor Lombardo's motion and awarded roughly \$161,000 in attorney fees against Gilbert and Mueller. In doing so, the district court found that

Mr. Gilbert did not—and could not—present any admissible evidence to support the case-dependent thesis that the restored election results show he received the most votes in the 2022 Primary. . . . Mr. Gilbert's failure to adduce any competent evidence regarding the key element of "restoration" is grounds for the imposition of sanctions under NRS 18.010(2)(b) and NRS 7.085(1) as he could never demonstrate that he prevailed in the 2022 Primary.

Mueller now brings this writ petition to challenge the award against him.²

²Gilbert has not challenged the order. Although Mueller filed a notice of appeal from the attorney fees award on Gilbert's behalf, this court granted Gilbert's motion to dismiss that appeal as to him because he had

DISCUSSION

Because Mueller was not a party to the underlying action and therefore lacked standing to appeal the district court's attorney-fee award, Mueller lacks a plain, speedy, and adequate legal remedy such that he is entitled to seek relief through an original proceeding in this court. See *Watson Rounds v. Eighth Judicial Dist. Court*, 131 Nev. 783, 786-87, 358 P.3d 228, 231 (2015). We "review[] sanctions awarding attorney fees for an abuse of discretion" and the interpretation of statutes de novo. *Id.* at 787, 358 P.3d at 231.

As indicated, the district court awarded attorney fees against Mueller under NRS 7.085(1), which authorizes such an award when an attorney has "[f]iled, maintained or defended a civil action . . . and such action . . . is not well-grounded in fact" or the attorney has "[u]nreasonably and vexatiously extended a civil action." Mueller contends that his conduct did not satisfy this standard because the statement of contest was accompanied by the three experts' reports wherein they opined that the official vote count was mathematically impossible. However, as the district court found, the premise behind the election contest was that a "restoration" of the vote count would show that Gilbert received roughly 50,000 more votes than Governor Lombardo, even though none of the three experts could replicate the Solomon Report's restoration calculations, either when the statement of contest was filed or thereafter. Notably, Mueller has not and does not dispute these findings, even in his writ petition. And given that the statement of contest alleged the vote count was off by roughly 75,000 votes out of 228,570 total votes, the district court was well within its

not authorized Mueller to file the appeal on his behalf. See *Gilbert v. Lombardo*, Docket No. 85556 (Order, Dec. 22, 2022).


discretion in finding that it was not well-grounded in fact when the statement admitted that Gilbert and Mueller did not know how the supposed "illicit mathematics" and "predetermined algorithm" caused this monumental distortion in the vote count.


Mueller alternatively contends that the district court misconstrued NRS 293.410 as requiring evidence of "restoration." Admittedly, NRS 293.410 does not use the term "restoration." But it is evident from the record that the district court used that term synonymously with the statutory language "change[d] the result of the election" and that had the statement of contest not been premised on the concept of "restoration" and used that term, the district court would not have used that term in its orders. To this end, in granting Governor Lombardo's motion for summary judgment, the district court made its stance as clear as possible that it was not basing its decision on "restoration" but that it was "relying upon the fact that [the court did not] have any information, if all of the math [in the Solomon Report] is correct, that there's a difference in voting of 1 or 1,000 or 10,000 or any other number." *See Aspen Fin. Servs., Inc. v. Eighth Judicial Dist. Court*, 128 Nev. 635, 643 n.1, 289 P.3d 201, 206 (2012) (recognizing that a district court's oral findings may be used to supplement findings that are absent from a written order).

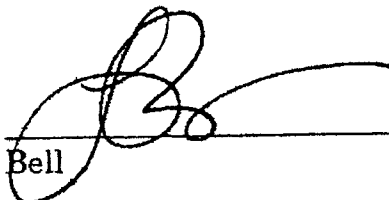
Finally, Mueller contends that sanctions were unwarranted because the district court observed in its order awarding attorney fees that the case "presented unique issues of statewide importance related to the 2022 Republican Gubernatorial Primary Election." Mueller construes this observation to mean that because the statement of contest raised a novel issue—"illicit mathematics" and a "predetermined algorithm" that allegedly affected the outcome of the election—sanctions were not warranted. *Cf.*

Patush v. Las Vegas Bistro, LLC, 135 Nev. 353, 356-57, 449 P.3d 467, 470 (2019) (observing that sanctions are not warranted when "the underlying claim rested on novel and arguable issues, even if those issues were not resolved in the claimant's favor"). We disagree and conclude that the district court was well within its discretion in imposing sanctions. Simply because a claim raises an issue of first impression does not necessarily mean that the issue is a legitimate issue of first impression. *See id.* (recognizing that sanctions may be unwarranted if a claim raises a "legitimate issue of first impression"). Sometimes, as is the case here, the issue is novel because it is so lacking in arguable merit that no previous litigant has raised it. An election contest alleging that an election was affected by "a predetermined algorithm" and "illicit mathematics," with no legitimate explanation for how that occurred, much less evidence to support those allegations, falls far short of being "legitimate." In light of the foregoing, we

ORDER the petition DENIED.


Stiglich, C.J.


Lee, J.


Bell, J.

cc: Hon. James E. Wilson, District Judge
Mueller & Associates
Campbell & Williams
Carson City Clerk

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7

8 ATTORNEYS FOR DEFENDANTS

9
10 **IN THE SECOND JUDICIAL DISTRICT COURT**
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

11
12 * * *

13 ROBERT BEADLES, an individual,

14 Plaintiff,

Case No. CV23-01341

15 vs.

Dept No. D9

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

24 Defendants.

25 **REQUEST FOR SUBMISSION**

26 //

1 It is respectfully requested that the Motion to Dismiss filed by Defendants on
2 August 15, 2023, be submitted to the Court for its review.

3 AFFIRMATION PURSUANT TO NRS 239B.030

4 The undersigned does hereby affirm that the preceding document does not contain
5 the social security number of any person.

6 Dated this 5th day of September 2023.

7 By /s/ Lindsay L. Liddell
8 LINDSAY L. LIDDELL
9 Deputy District Attorney
10 One South Sierra Street
11 Reno, NV 89501
12 lliddell@da.washoecounty.gov
13 (775) 337-5700
14 ATTORNEY FOR DEFENDANTS
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1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Office of the District
3 Attorney of Washoe County, over the age of 21 years and not a party to nor interested in
4 the within action. I certify that on this date, the foregoing was electronically filed with the
5 United States District Court. Electronic service of the foregoing document shall be made in
6 accordance with the Master Service List as follows:

7 ROBERT BEADLES

8 Dated this 5th day September, 2023.

9 /s/ S. Haldeman
S. Haldeman

1 3795
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8 ATTORNEYS FOR DEFENDANTS

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

11
12 * * *

13 ROBERT BEADLES, an individual,

14 Plaintiff,

Case No. CV23-01341

15 vs.

Dept No. D9

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

24 Defendants.

25 **REPLY IN SUPPORT OF MOTION TO DISMISS**

26 //

1 Defendants Jamie Rodriguez ("Ms. Rodriguez"), the Office of the Washoe County
2 Registrar of Voters, Washoe County Manager Eric Brown ("Manager Brown"), Washoe
3 County Commissioner Alexis Hill ("Commissioner Hill"), and Washoe County, by and
4 through counsel, DDA Lindsay Liddell, hereby file their Reply in Support of Motion to
5 Dismiss. This Reply is based on NRCP 12(b)(5) and the following Memorandum of Points
6 and Authorities.

7 MEMORANDUM OF POINTS AND AUTHORITIES

8 I. INTRODUCTION

9 Plaintiff Robert Beadles ("Beadles") is not empowered to dictate how Washoe
10 County's elections are conducted. Beadles is not the Nevada legislature, nor the Nevada
11 Secretary of State. He does not have the power to enact the laws governing elections or
12 implement regulations on how elections are conducted or how election complaints should
13 be handled. Beadles's preferences for how elections should be conducted, how his
14 complaints should be addressed, and his various theories of past election fraud, which have
15 been soundly rejected by every competent court to address them, do not state viable claims
16 upon which relief can be granted.

17 The crux of this lawsuit is that Beadles disagrees with the way Washoe County
18 conducted past elections. He seeks removal of those he perceives as his enemies based on
19 his interpretation of what he believes Nevada election law should be, rather than what it
20 actually is. Beadles asks this Court to mandate that Washoe County use the processes that
21 he prefers in conducting elections, e.g. certain signature verifications, hand counting of all
22 ballot, individually responding to all his complaints. *Compl.* at ¶101. Beadles asks this
23 Court to ignore or declare unconstitutional those laws or processes that he does not like, i.e.
24 voting and tabulation machines, electronic ballots, NRS 293.269935(2) and NRS
25 293.3606(4), QR codes. *Compl.* at ¶101(ix-xv).

26 //

1 At 119 pages, the Opposition to Motion to Dismiss is long in length, but short in
2 substance. Beadles claims he is in a “courtroom” because an artificial intelligence platform
3 told him to do so. *Opp.* at 3. He claims he “is Paul Revere yelling throughout the streets of
4 Washoe County to this honorable court that election fraud isn’t coming; it’s already here.”
5 *Opp.* at 51. He includes two pages of arguing he has a right to a jury trial, which has no
6 bearing on the Motion to Dismiss. *Opp.* at 37–9. He includes two pages asserting that the
7 Secretary of State “is a fraud,” erroneously claims that the Secretary of State “passed a
8 bill,” that the Secretary of State fails to rectify election fraud “because it is convenient or
9 politically advantageous it is an abuse of their office,” and refers to the elections complaint
10 process as “Venezuela 2.0.” *Opp.* at 91–3. Hyperbole aside, these assertions have absolutely
11 no bearing on whether Plaintiff has viable claims against Defendants in this matter.

12 Beadles includes approximately fourteen pages setting forth calculations he states
13 prove the 2020 election was “rigged” *Opp.* 39–52. Based on his “formula,” he argues that
14 “Biden lost to Trump, Angie Taylor lost to Montognese, Devon Reese lost to Eddie Lorton,
15 and Alexis Hill lost to Marsha Berkbigler in the 2020 elections.” *Opp.* at 41. Notably,
16 Beadles’s “formula” and unqualified “expert” Edward Soloman have been previously
17 debunked by Governor Lombardo in last year’s Beadles-funded primary elections contest.¹
18 Affirming sanctions in that case, the Nevada Supreme Court recently held that:
19 “[s]ometimes, as is the case here, the issue is novel because it is so lacking in arguable merit
20 that no previous litigant has raised it.”² Allegations “that an election was affected by ‘a
21 predetermined algorithm’ and ‘illicit mathematics,’ with no legitimate explanation for how
22 that occurred, much less evidence to support those allegations, falls far short of being
23 ‘legitimate.’” *Id.* More to the point, Beadles’s mathematics have no bearing on whether he

25 ¹ Case no. 22 OC 000851B, filed in the First Jud. Dist. Ct. of the State of Nevada in and for Carson City.

26 ² *Mueller v. First Jud. Dist. Ct. in and for Cnty. of Carson City*, no. 86064, 2023 WL 5317951 at *3 (Aug. 17, 2023).

1 can state a claim for relief regarding his unanswered elections petitions or for removal
2 based on a public officer's official duties.

3 Regarding his first claim, he insists Defendants are "duty bound" to respond to his
4 petitions. *Opp.* pp. 3, 16, 58, 61, 74, 93. He provides no legal authority in support of his
5 argument, instead asking the Court to prescribe a legal duty out of fairness. *See id.* at pp.
6 19, 21, 93, 112 Regarding his second claim, he again insists Commissioner Hill, Manager
7 Brown, and Ms. Rodriguez committed nonfeasance or malfeasance in connection with a
8 legal duty. *Opp.* 79-91. He provides no legal authority that supports his contention. *Id.*
9 Additionally, he improperly attempts to rely on over one hundred fugitive documents he
10 filed as "supplemental exhibits."

11 The Opposition is saturated with disgruntled digressions³ on matters outside the
12 Complaint, and is inadequate to rebut the arguments raised in the Motion to Dismiss. A
13 Motion to Dismiss tests the sufficiency of the Complaint, i.e. whether the allegations in the
14 Complaint are sufficient to make out the elements of a right to relief. In this case, Beadles's

15
16 ³ Beadles dedicated four pages of his Opposition to aspersions and ad hominem attacks on DDA
17 Lindsay Liddell's ethics, integrity, and honesty. *Opp.* at 105-09. Beadles's personal attacks are designed to
18 impugn her character and reputation, and are made without a proper purpose, justification, accuracy, or
19 excuse. More importantly, the attacks serve only to distract from the lack of merit to the Opposition.

20 He suggests DDA Lindsay Liddell is colluding with her clients to engage in some kind of elections
21 fraud cover-up. *Opp.* at 107. Notwithstanding the District Attorney's legal duty to defend suits brought
22 against the County, he claims her representation is "shielding county officers from accountability." *Id.*;
23 NRS 252.110(2). He erroneously claims DDA Liddell's representation is a "cloak" to disguise her
24 "partnership" in election fraud. *See Opp.* at 107. He alleges she is somehow colluding with the media in an
25 "unholy alliance." *Opp.* at 105-06. He falsely asserts that Rule 11 letters are confidential—they are not—and
26 then attacks DDA Liddell's professionalism. *Id.* He falsely claims she violated Rules of Professional
Conduct 3.6, Trial Publicity, but omits the Rule's exception regarding information contained in a public
record. *Id.*; RPC 3.6(b)(2). He fails to include the only comment her office provided to the media, which
was that Beadles's claims were disputed and would be vigorously defended. Moreover, there is no support
for the erroneous conclusion that she has personally spoken to any media representatives regarding Beadles
or his lawsuits. Beadles's personal attacks on DDA Liddell lack merit and justification.

A pro se litigant is not entitled to make ad hominem attacks on opposing counsel. *McKenna v.*
Nestle Purina Petcare Co., No. C2-05-976, 2011 WL 144418, at *4 (S.D. Ohio Jan. 3, 2011). "[R]epeated
vituperative or insulting references to defendants and defendants' counsel" are improper. *Draper v. Airco,*
Inc., 580 F.2d 91, 96 (3d Cir. 1987). "[I]nflammatory attacks on the opposing advocate" have "no place in
the administration of justice and should neither be permitted nor awarded." *United States v. Young*, 470 U.S.
1, 9 (1985).

1 Complaint does not and cannot state a claim upon which relief can be granted. The
2 Complaint should be dismissed with prejudice in its entirety.

3 **II. SCOPE OF A MOTION TO DISMISS UNDER RULE 12(b)(5).**

4 When entertaining a motion to dismiss pursuant to Rule 12(b)(5), the Court's "task is
5 to determine whether or not the pleading sets forth allegations sufficient to make out the
6 elements of a right to relief." *Edgar v. Wagner*, 101 Nev. 226, 227, 699 P.2d 110, 111 (1985).
7 A complaint must be dismissed for failure to state a claim when it appears that plaintiff can
8 prove no set of facts, which even if accepted by the trier of fact, would not entitle him to
9 relief against Defendants. *Simpson v. Mars*, 113 Nev. 188, 190, 929 P.2d 966, 967 (1997).

10 Beadles has thus far filed two rogue sets of "supplemental exhibits:" (1) the
11 Supplemental Exhibits in Support of Plaintiff's Complaint filed August 9, 2023, and (2) the
12 Supplemental Exhibits in Support of Plaintiff's Motions filed August 24, 2023. On
13 information and belief, Beadles also provided the Court approximately six binders and two
14 flashdrives of "evidence" accompanying the aforementioned supplements. Beadles has now
15 filed one hundred and forty-five rogue "supplemental exhibits,"⁴ among other things, which
16 include various national and local news articles and Edward Soloman elections content.

17 Beadles's rogue "supplemental exhibits," are outside the pleadings and should not be
18 considered. Supplemental pleadings may not be filed without Court permission. NRCP
19 15(d). A party must move the Court to file a supplemental pleading, and then the Court
20 may, at its discretion, permit the filing. *Id.* There is no inherent right nor ability to
21 unilaterally file supplements to pleadings. *See id.*

22 These "supplemental exhibits" are not part of the Complaint, and are not within the
23 scope of a Motion to Dismiss pursuant to Rule 12(b)(5). The Court should not convert the
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25
26 ⁴ Defendants object to the admissibility of all the "supplemental exhibits."

1 instant Motion to a motion for summary judgment. The Motion should be decided based
2 solely on the allegations set forth in the Complaint.

3 **III. BEADLES'S FIRST CLAIM FOR UNANSWERED PETITIONS FAILS.**

4 The first cause of action alleges that Defendants' failure to respond to his
5 "petitions" amounts to violations of the Nevada Constitution Article 1 Section 10, Article
6 2 Section 1A(11), Article 15 Section 2 and NRS 293.2546(11). *Comp.* at ¶¶67-87.

7 Specifically, Beadles sues Commissioner Hill because: "Hill has not responded to
8 Plaintiff's November 18, 2022 Petition. Hill has not responded to Plaintiff's November 23,
9 2022 Petition. Hill has not responded to Plaintiff's December 1, 2022 Petition." *Comp.* at
10 ¶¶24-26. Beadles sues Manager Brown because: "Brown has not responded to Plaintiff's
11 November 18, 2022 Petition. Brown has not responded to Plaintiff's November 23, 2022
12 Petition. Brown has not responded to Plaintiff's December 1, 2022 Petition." *Comp.* at
13 ¶¶20-22. And Beadles sues Ms. Rodrigues, the Registrar of Voters, because: "Rodriguez
14 has not responded to Plaintiff's November 18, 2022 Petition. Rodriguez has not responded
15 to Plaintiff's November 23, 2022 Petition. Rodriguez has not responded to Plaintiff's
16 December 1, 2022 Petition." *Comp.* at ¶¶16-18. He alleges Defendants violated his
17 constitutional rights because they received his grievances and Beadles was "ignored."
18 *Comp.* at ¶¶67-78.

19 The Opposition repeatedly relies on the erroneous assertion that Defendants "are
20 duty-bound to answer his past petitions." *Opp.* at pp. 3, 16, 58, 61, 74, 93. Neither the
21 Nevada Constitution nor NRS 293.2546(11) required Defendants to respond to Beadles's
22 three alleged "petitions." Beadles fails to state a claim on which relief can be granted⁵

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25 ⁵ A complaint must contain a short and plain statement of the claim showing that the pleader is entitled to
26 relief. NRCP 8(a)(2). Beadles cannot save his meritless complaint by alluding to the "dozens if not hundreds
of claims" that purportedly could be asserted based on the nearly 150 fugitive documents he has submitted in
this case. *Opp.* at 16. The claims that he did allege in the complaint fail as a matter of law.

1 under the Nevada Constitution and NRS 293.2546(11), and the First Cause of Action must
2 be dismissed in its entirety and with prejudice.

3 In his 119-page Opposition, Beadles implores this Court to allow this case to move
4 forward based on the purported output of an artificial intelligence chat robot and he spends
5 more than a dozen pages walking through a mathematical algorithm the Nevada Supreme
6 Court has already deemed so lacking in arguable merit that reliance on it is sanctionable.⁶
7 *Opp.* at p.3, 39–54. Despite the length of the filing, Beadles plainly fails to demonstrate that
8 he stated a claim under Nevada law on which relief can be granted.

9 **A. THE CLAIM UNDER ARTICLE 2 SECTION 1A(11) OF THE NEVADA**
10 **CONSTITUTION OR THE NEVADA VOTERS' BILL OF RIGHTS FAILS.**

11 Article 2 Section 1A Subsection 11 of the Nevada Constitution provides that each
12 registered voter has the right “to have complaints about elections and election contests
13 resolved fairly, accurately and efficiently as provided by law.” This is codified in NRS
14 293.2546(11), the Nevada Voters’ Bill of Rights. Beadles acknowledges “Nev. Const. Art 2
15 Sec 1A § 11 does not confer an obligation onto the Defendants, rather, Plaintiff contends
16 that Sec 1A § 11 is silent as to the responsive agency or department. Nothing in the
17 Nevada Constitution dictates how a grievance should be posed, just that a person’s
18 grievances cannot be simply ignored.” *Opp.* at p. 99. With this, Beadles concedes Article 2
19 Section 1A is not a self-executing provision of the Nevada Constitution and he cannot
20 bring a private right of action.

21 In determining whether a private right of action exists to enforce a provision of the
22 Nevada Constitution, the initial inquiry is whether the provision at issue is “self-
23 executing.” *Mack v. Williams*, 138 Nev. Adv. Op. 86, 522 P.3d 434, 441–42 (2022) (citing
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25

26 ⁶ *Mueller v. First Jud. Dist. Ct. in and for Cnty. of Carson City*, no. 86064, 2023 WL 5317951 (Aug. 17, 2023).

1 *Wren v. Dixon*, 40 Nev. 170, 161 P. 722, 729 (1916)).⁷ “A constitutional provision may be
2 said to be self-executing if it supplies a sufficient rule by means of which the right given
3 may be enjoyed and protected, or the duty imposed may be enforced; and it is not self-
4 executing when it merely indicates principles, without laying down rules by means of
5 which those principles may be given the force of law.” *Wren*, 40 Nev 170, 161 P. at 729.
6 Additionally, a prohibitory provision is self-executing as it is complete in itself to the extent
7 of the prohibition. *Mack*, 138 Nev. Adv. Op. 86, 522 P.3d at 441–42. Only self-executing
8 constitutional provisions give rise to a cause of action independent of any statutory
9 procedure authorizing a private action. *Alper v. Clark County*, 93 Nev. 569, 572, 571 P.2d
10 810, 812 (1977).

11 Addressing Beadles’s allegation that he is entitled to relief under Article 2 § 1A(11)
12 first, which is included in the Nevada Voters’ Bill of Rights as NRS 293.2546(11), this
13 provision states that each registered voter in the State of Nevada has the right “to have
14 complaints about elections and election contests resolved fairly, accurately and efficiently
15 as provided by law.” This is not a prohibitory provision and lacks the detailed means to
16 describe how the policy would be enforced. Insofar as it explicitly states “as required by
17 law,” this provision defers to the legislature to set forth processes to enforce this policy.
18 Therefore, Article 2 § 1A(11) of the Nevada Constitution is not self-executing.

19 Turning to the statute, nothing in NRS 293.2546(11) contemplates a private right of
20 action. To the contrary, the Legislature made clear via NRS 293.840 that violations of
21 Chapter 293 may result in criminal penalties and a civil penalty, but only in “a civil action
22 brought in the name of the State of Nevada by the Attorney General or by any district
23 attorney in a court of competent jurisdiction.” Nothing in NRS Chapter 293 authorizes
24

25 ⁷ Beadles’s Opposition includes analysis as to whether the Nevada Constitutions are self-executing, arguing
26 he has a private right of action, and citing to *Mack v. Williams*, 522 P.3d 434 (2022). *Opp.* at 10–12. Because he
raised this argument, it is therefore appropriate to rebut and argue the merits of those issues in this Reply.

1 Plaintiff to pursue a private right of action for an alleged violation of NRS 293.3546(11),
2 nor does Article 2 § 1A(11) provide for a private right of action.⁸

3 Even assuming hypothetically that a private right of action could be brought under
4 Article 2 § 1A(11) or NRS 293.3546, Beadles does not state a claim on which relief can be
5 granted. Beadles erroneously suggests, “this Court must determine where the responsibility
6 falls within local government when a citizen poses an inquiry or complaint and
7 petition...regarding election abnormalities, errors, and improper procedures on behalf of
8 the ROV.” *Opp.* at 99. In this regard, Beadles is simply wrong.

9 Establishing the process through which a complaint about elections will be heard is
10 within the purview of the legislature. Per NRS 293.124, the Secretary of State is the Chief
11 Office for Elections in Nevada, and all execution and enforcement of NRS Title 24 (NRS
12 Chapters 293–306), and all other provisions of State and Federal law relating to elections,
13 are the responsibility of the Secretary of State. NRS 293.124(1). The Secretary of State
14 was given broad authority to enact regulations as are necessary to carry out the provisions
15 of Title 24. NRS 293.124(2). Such regulations have the force of law. NRS 233B.040(1)(a);
16 *Banegas v. State Industrial Ins. Sys.*, 117 Nev. 222, 227, 19 P.3d 245, 248 (2001)(recognizing
17 “the Legislature may authorize administrative agencies to make rules and regulations
18 supplementing legislation.”).

19 NAC 293.025 specifically provides: “A person who wishes to file a complaint
20 concerning an alleged violation of any provision of Title 24 of NRS [NRS Chapters 293–
21 306], must: 1. Submit the complaint in writing to the Secretary of State; and 2. Sign the
22 complaint.” The obligation is on the Secretary of State to “resolve [the complaints] fairly,

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24 ⁸ That there is no private cause of action is separate from whether there may be a writ of mandamus
25 compelling performance of a nondiscretionary duty. *See American Civil Liberties Union of Nev. v. Cnty. of Nye*,
26 no. 85507, 2022 WL 14285458 (Oct. 21, 2022)(unpublished disposition)(granting a writ of mandamus
regarding specific duties set forth in NRS Chapter 293); *Baldonado v. Wynn Las Vegas, LLC*, 124 Nev. 951, 961,
194 P.3d 96, 102 (2008)(“[W]hen an administrative official is expressly charged with enforcing a section of
laws, a private cause of action generally cannot be employed.”).

1 accurately and efficiently as provided by law.” NRS 293.2546(11); NAC 293.025. Thus,
2 state law places the “duty” to resolve complaints about elections based on Article 2 §
3 1A(11) on the Secretary of State’s office rather than on the named Defendants in this
4 action. Accordingly, Beadles’s claim fails because there is no duty or obligation mandated
5 by Nevada law for the Defendants to respond to his complaints related to the elections
6 process.

7 In addition to submitting complaints to the Secretary of State concerning any
8 alleged violation of NRS Title 24, any registered voter may contest the election of a
9 candidate by filing a Statement of Contest with the clerk of the district court. NRS
10 293.407. Again, this statute imposes no duty on a County, a County Commissioner, a
11 County Manager, or a Registrar of Voters.

12 The Complaint, construed liberally and in favor of Beadles, fails to state a claim
13 under Article 2 Section 1A(11) of the Nevada Constitution or NRS 293.2546(11).
14 Accordingly, Beadles’s claim under Article 2 Section 1A(11) must be dismissed with
15 prejudice.

16 **B. THE CLAIM UNDER ARTICLE 1, SECTION 10 OF THE NEVADA**
17 **CONSTITUTION FAILS.**

18 Article One, Section Ten of the Nevada Constitution, provides: “The people shall
19 have the right freely to assemble together to consult for the common good, to instruct their
20 representatives and to petition the Legislature for redress of Grievances.” NEV. CONST.
21 ART. 1 SEC. 10. Beadles fails to allege facts demonstrating that Defendants impeded his
22 right to assemble, to instruct his representatives, or to petition **the Legislature**. In his
23 Opposition, Beadles makes only conclusory assertions reiterating that by not responding to
24 his three submissions complaining about the election in 2022, “Defendants have thus
25 deprived Plaintiff’s right to have his grievances heard as enshrined in Nev. Const. Art. 1 §
26 10: ‘to petition the Legislature for redress of Grievances.’” *Opp.* at 8, 98–99.

1 The Complaint fail to state a claim on which relief can be granted under Article
2 One, Section 10 of the Nevada Constitution. Like Article 2 Section 1A Subsection 11, this
3 Article One, Section 10 is not self-executing and therefore does not include a private right
4 of action. *Mack*, 138 Nev. Adv. Op. 86, 522 P.3d at 441–42. Writ of mandamus relief is
5 likewise unattainable because Defendants each have no nondiscretionary duties to Beadles
6 under Article One, Section 10 of the Nevada Constitution. While Defendants acknowledge
7 the breadth of rights and privileges protected by the Nevada Constitution, those rights do
8 not confer a right to a response to any demand made of any citizen regarding any matter to
9 any government official.

10 Defendants fully acknowledge Beadles’s right to submit complaints concerning
11 violations of elections laws to the Secretary of State, and to submit elections challenges to
12 the District Court. NAC 293.025; NRS 293.407. However, submitting those documents to
13 the Defendants instead, contrary to the legal processes in place, and then demanding a
14 response simply does not state a claim for a violation of the Article 1 Section 10 of the
15 Nevada Constitution. Beadles includes no allegations regarding his right to assemble, he
16 was clearly afforded his right to inform his representatives, and the Defendants are not the
17 Legislature. This claim must be dismissed with prejudice.

18 **C. THE CLAIM UNDER ARTICLE 15, SECTION 2 OF THE NEVADA**
19 **CONSTITUTION FAILS.**

20 Beadles also alleges Defendants breached their oath because “[a]s of the filing of
21 this complaint, there has been no acknowledgement or response from the Defendants
22 regarding the underlying Petitions filed by Plaintiff.” *Compl.* at ¶75. In his opposition,
23 Beadles simply reiterates that the Nevada Constitution requires officers take an oath and
24 summarily concludes “thus plaintiff can hold them accountable.” *Opp.* at 8. He further
25 argues that “implicit in this oath is a commitment to uphold the principles of democracy,
26 which include addressing the concerns and grievances of the citizenry.” *Id.* at 64, 69, 73.

1 Article 15, Section 2 of the Nevada Constitution requires all members of the
2 legislature, and all officers, executive, judicial and ministerial, to take an oath before
3 performing the duties of their respective offices. The oath provides, in relevant part, that
4 the public officer will support, protect, and defend the Constitutions of the United States
5 and Nevada, and “will well and faithfully perform all duties of [their] office...” NEV.
6 CONST. ART. 15 SEC. 2.

7 Beadles’s claim is wholly premised on the allegation that Defendants did not
8 respond to “petitions,” which as shown supra, they had no legal duty to respond. As
9 previously demonstrated, responding to Beadles’s allegations of violations of elections laws
10 or elections challenges are not within the duties of Defendants’ offices. Beadles’s
11 suggestion that responding to his grievances is “implicit in this oath” is simply without
12 merit, and his claim fails as a matter of law. Moreover, this provision of the Nevada
13 Constitution does not include a private right of action. *Mack*, 138 Nev. Adv. Op. 86, 522
14 P.3d at 441–42. Beadles’s complaint does not state a claim under Article 15 of the Nevada
15 Constitution. This claim should be dismissed with prejudice.

16 **D. MANDAMUS AND EQUITABLE RELIEF ARE UNATTAINABLE.**

17 Beadles seeks a writ of mandamus ordering Defendants to respond to the three
18 “petitions” allegedly submitted in 2022. *Compl.* at ¶86. In his Opposition, Beadles concedes
19 that the responsibility of responding to complaints relating to elections rests with the
20 Secretary of State per NAC 293.025, but argues that “an implied duty exists” requiring
21 Defendants to respond. *Opp.* at 93.

22 A Court may issue a writ “to compel the performance of an act which the law
23 especially enjoins as a duty resulting from an office, trust or station...” NRS 34.160.
24 “[M]andamus will never issue, unless a clear, legal right to the relief sought is shown.” *State*
25 *v. Daugherty*, 48 Nev. 299, 231 P. 384, 385 (1924). An extraordinary remedy, mandamus will
26 “not lie to control discretionary action, unless discretion is manifestly abused or is

1 exercised arbitrarily or capriciously.” *Mineral Cnty. v. State, Dep’t of Conserv.*, 117 Nev. 235,
2 243, 20 P.3d 800, 805 (2001)(internal citations and quotations omitted).

3 The Nevada Constitution provides that each registered voter in the State of Nevada
4 has the right “to have complaints about elections and election contests resolved fairly,
5 accurately and efficiently **as provided by law.**” NEV. CONST. ART. 2 SEC. 9 (emphasis
6 added). Beadles’ right, therefore, is to follow the process set forth by the legislature to lodge
7 complaints with the Secretary of State or file challenges to elections results with the District
8 Court, as provided by law. NRS 293.407; NAC 293.025. Defendants have no legal duty to
9 respond to Beadles’s “petitions,” and he fails to cite any authority supporting his claim that
10 “an implied duty exists.”

11 Unless a clear legal right to the relief sought is shown, mandamus relief is
12 unavailable. In this case, it is clear that Beadles has no legal right to the relief sought. As
13 such, Beadles’s request for a writ of mandamus and equitable relief in his first cause of
14 action should be dismissed with prejudice.

15 **E. DISCRETIONARY ACT IMMUNITY OTHERWISE PROHIBITS THE FIRST CAUSE**
16 **OF ACTION.**

17 Although Beadles fails to state a claim under the Nevada Constitution, even if he
18 alleged a viable claim and have a private right of action, Defendants are entitled to
19 discretionary act immunity. Beadles argues that the acts alleged were “non-discretionary
20 acts that harmed Plaintiff, which acts are not immune.” *Opp.* at 101.

21 No action may be brought against a public employee or political subdivision
22 “[b]ased upon the exercise or performance or the failure to exercise or perform a
23 discretionary function or duty...whether or not the discretion involved is abused.” NRS
24 41.032(2). Under the two-part test, a government defendant is not liable if the decision (1)
25 involves an ‘element of individual judgment or choice,’ and (2) is ‘based on considerations
26 of social, economic, or political policy.’” *Clark Cnty. Sch. Dist. v. Payo*, 133 Nev. 626, 631–32

1 (2017). at 631–32 (citations omitted). The specific decision and the employee’s subjective
2 intent is irrelevant to whether the type of decision is susceptible to policy analysis. *Paulos v.*
3 *FCHI, LLC*, 136 Nev. 18, 26, 456 P.3d 589, 595 (2020).

4 Here, although Beadles characterizes Defendants’ decision not to respond to his
5 “petitions” as non-discretionary, he cannot point to any legal authority. Instead he
6 characterizes their obligation as an implied duty that falls within his perceived “principles
7 of democracy, which include addressing the concerns and grievances of the citizenry.” *Opp.*
8 at 64, 69, 73, 101. There is no duty for Defendants to respond to a “petition” asserting
9 complaints about the elections process or challenging the results of an election, as those
10 complaints and challenges are required to be submitted to the Secretary of State or District
11 Court. NRS 293.407; NAC 293.025. Therefore, to the extent a citizen does submit such a
12 complaint to Defendants, the decision whether to respond is entirely discretionary.

13 When Beadles submitted the “petitions” to Defendants in 2022, Defendants had the
14 individual choice whether to respond, as a response was not required by law, and certainly
15 in the context of the 2022 elections such a decision involved consideration of political
16 policy. Defendants’ discretionary decisions, based on the allegations in this case, fall
17 squarely within the parameters of discretionary act immunity.

18 **IV. BEADLES CONCEDES HE HAS NO CLAIM FOR REMOVAL UNDER**
19 **NRS 266.430.**

20 In the Complaint, Beadles states he seeks to “remove” Commissioner Hill, Manager
21 Brown, and Ms. Rodriguez “pursuant to the Court’s authority under NRS 283.440 and
22 NRS 266.430.” *Compl.* at ¶89. The Motion argued that NRS 266.430 is a criminal statute
23 that applies only to municipalities, and therefore the claim for removal under NRS 266.430
24 should be dismissed. *Mot.* at 9.

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1 Beadles now states the “defense fails to understand NRS 266.430 reference in
2 Complaint.” *Opp.* at 26. He states he cited NRS 266.430 “in the context of the severity of
3 the penalties should the Defendants be found negligent pursuant to NRS 283.440, not to
4 prosecute them in this civil proceeding.” *Id.*

5 To the extent Beadles alleged a claim under NRS 266.430, his Opposition makes
6 clear that claim is abandoned. *Opp.* at 26–27. Beadles’s claim for removal under NRS
7 266.430 should be dismissed with prejudice.

8 **V. THE SECOND CAUSE OF ACTION, NRS 283.440 REMOVAL, FAILS.**

9 In the Complaint, Beadles vaguely and summarily asserts that Commissioner Hill,
10 Manager Brown, and Ms. Rodriguez should be removed as each “failed to fulfill the duties
11 of their respective offices as alleged herein...” *Compl.* at ¶90. He also alleges Defendants
12 failed to update and resolve voter registrations, provide “proper vote counting
13 mechanisms,” they counted votes in secret, “illegal function within the election system,”
14 and “violations of elections procedures. *Id.* at ¶91. The Motion set forth that the Complaint
15 failed to state a claim for removal under NRS 283.440. *Mot.* at 9–14. Moreover, the
16 language in NRS 283.440, “hold any office” language, “a person... who shall hereafter *hold*
17 *any office*,” applies only to remove elected officials. *Id.* at 14–16.

18 Beadles’s argument regarding removal lacks cogency and is largely
19 incomprehensible. He provides irrelevant statutory language regarding submission of false
20 claims to a government entity. *Opp.* at 9. The statute, NRS 357.040, prohibits instances such
21 as a person submitting a fake invoice to a government entity attempting to receive payment
22 therefrom. NRS 357.020; NRS 357.040. It has no relation to removing a person from office
23 under NRS 283.440. He also argues he has standing to bring a removal claim, an issue that
24 Defendants did not pursue in their Motion. *See Opp.* at 10–12.

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1 He argues the Complaint is sufficient because Nevada has a notice pleading
2 standard. *Opp.* at 39, 56. He argues that “[t]here are numerous claims made by the Plaintiff
3 in [Exhibits 1-145] that clearly warrant removal.” *Opp.* at 28. He also states, “By ignoring
4 the Petitions, Defendants did not apprise the Plaintiff of his rights, which are acts of
5 malpractice and nonfeasance.” *Opp.* at 96. Beadles requests “relief in the 3 defendants
6 joining the unemployment line.” *Opp.* at 15.

7 Removal “is an extreme and extraordinary measure, intended only for extreme and
8 extraordinary occasions.” *Jones v. Eighth Jud. Dist. Ct. of State*, 67 Nev. 404, 418, 219 P.2d
9 1055, 1062 (1950). As set forth below, the Complaint fails to state a claim for
10 Commissioner Hill, Manager Brown, or Ms. Rodriguez’s removal. It fails to allege specific
11 legal duties and nonfeasance or malfeasance for Commissioner Hill, Manager Brown, and
12 Ms. Rodriguez. Additionally, NRS 283.440 should only be applied to remove elected
13 officials as the legislature intended. Beadles’s second cause of action for removal should
14 therefore be dismissed with prejudice.

15 **A. THE COMPLAINT FAILS TO STATE A CLAIM FOR REMOVAL.**

16 There are two relevant bases for removal under NRS 283.440: (1) if a public officer
17 “refused or neglected to perform official duties pertaining to the officer’s office as
18 prescribed by law;” or (2) if the officer “[h]as been guilty of any malpractice or malfeasance
19 in office.” NRS 283.440(2)(b)–(c). These are cited as nonfeasance and malfeasance,
20 respectively. *Buckingham v. Fifth Jud. Dist. Ct. in and for Mineral Cnty.*, 60 Nev. 129, 102 P.2d
21 632, 635 (1940)(analyzing NRS 283.440’s predecessor, N.C.L. Sections 4860–61).

22 To state a claim for removal based on malfeasance, “the mere words ‘malpractice’
23 and ‘malfeasance’ will not suffice.” *Buckingham*, 60 Nev. 129, 102 P.2d at 635–36. “The
24 wrongful act must be made to appear by the description employed[.]” *Id.* The complaint
25 must allege an act of malfeasance having “a direct relation to and be connected with the
26 performance of official duties.” *Jones v. Eighth Jud. Dist. Ct. of State*, 67 Nev. 404, 408, 219

1 P.2d 1055, 1057 (1950). “[T]he conduct charged must be something that the defendant did
2 in his official capacity.” *Id.*

3 For nonfeasance, the Complaint must identify an act required by law to be
4 specifically performed by the person whose removal is sought, and allege the person refused
5 or neglected to so act. *Buckingham*, 60 Nev. 129, 102 P.2d at 636 (“...the acts of omission
6 charged against him do not come within the provisions of Section 4860, N.C.L., for reason
7 that the acts which it alleged were omitted were not required of a county treasurer at the
8 time of the enactment of the said Section 4860.”). Even where an official duty exists, the
9 officer can have discretion in carrying out the duty unless specifically prescribed by law. *See*
10 *Jones*, 67 Nev. at 411–12, 219 P.2d at 1058–59. Allegations describing a public officer
11 exercising that discretion is not nonfeasance that would state a claim for removal. *Id.*

12 **i. The Complaint Fails to Allege Official Legal Duties Specific to**
13 **Commissioner Hill, Manager Brown, or Ms. Rodriguez.**

14 The threshold issue here is whether the Complaint identifies acts required by law to
15 be specifically performed by Commissioner Hill, Manager Brown, or Ms. Rodriguez.
16 Turning first to Commissioner Hill and Manager Brown, the Complaint and its four
17 exhibits do not identify any act required by law to be performed by a county commissioner
18 or county manager. He alleges they ignored his elections grievances, but neither have a
19 specific legal duty to respond to the same. Additionally, he makes generalized allegations
20 regarding elections.

21 The Complaint insufficiently states “defendants” have legal duties. The Complaint
22 and Opposition identify internal “mission statements,” which are not laws and do not
23 impose specific legal duties on specific employees. *Compl.* at ¶60; *Opp.* at 61. There are no
24 laws specifically prescribing a duty for a county commissioner or a county manager to
25 perform any of the acts set forth in the Complaint. Beadles does not and cannot state a

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1 claim for Commissioner Hill or Manager Brown's removal because neither have any legal
2 duty to specifically act on any of the issues alleged.

3 Next, turning to Ms. Rodriguez, the Complaint and its four exhibits fail to identify a
4 precise legal duty that she must carry out in a specific way. *See Compl.* The Complaint cites
5 no law other than one's right to have elections grievances resolved. *Id.* Beadles does
6 however state, "Defendants have additionally failed to address, correct, or rectify the issues
7 raised in the underlying Petitions, including but not limited to, (1) updating and resolving
8 the voter registration lists; (2) providing proper vote counting mechanisms; (3) counting
9 votes in secret; (4) inadequate signature verification; (5) illegal function within the election
10 system; (6) violations of election procedures as required under Nevada law. [Exhibit 109]." *Compl.*
11 *at* ¶91; *see also Compl. at* ¶¶46–51.⁹ Regardless, the allegation is plainly that Ms.
12 Rodriguez fails to "address, correct, or rectify" issues set forth in Beadles's petitions. *Compl.*
13 *at* ¶91; *see also Compl. at* ¶¶46–51. A registrar of voters has no legal duty to "address,
14 correct, or rectify" a person's perceived issues. As such, the Complaint does not state a
15 claim for Mr. Rodriguez's removal because has no legal duty to specifically act on any of
16 the issues alleged.

17 Additionally, Beadles fails to distinguish between one's power to act and one's duty
18 to act. He provides numerous examples of a board of county commissioners' power to act
19 regarding elections. *See e.g. Opp. at* 78. He provides no legal authority *requiring* those
20 actions, much less requiring Commissioner Hill, Manager Brown, or Ms. Rodriguez to
21 perform those actions in the way Beadles would prefer them performed.

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23
24 ⁹ This allegation describes petition contents that touch on a registrar of voters's legal duties. As such, the
25 Motion to Dismiss bypassed the threshold legal duty analysis for Ms. Rodriguez, instead turning to the
26 second step—whether there are allegations of malfeasance or nonfeasance. This will be addressed in the
section to follow. However, the Opposition argues the Complaint sufficiently alleges official duties for Ms.
Rodriguez, thus warranting a closer analysis of the allegations in the Complaint.

1 In sum, Beadles does not allege any official legal duties to state a claim for
2 Commissioner Hill, Manager Brown, or Ms. Rodriguez's removal. Commissioner Hill and
3 Manager Brown have no legal duties requiring each of them to perform a specific act
4 regarding elections. Beadles cannot state a claim for their removal. He additionally does
5 not identify a legal duty for Ms. Rodriguez, but even if he could, he cannot allege
6 nonfeasance or malfeasance as set forth below.

7 **ii. The Complaint Falls Short of Alleging Nonfeasance or Malfeasance for**
8 **Ms. Rodriguez.**

9 Assuming arguendo, that the complaint set forth legal duties, it must also allege acts
10 of malfeasance or omissions of nonfeasance. For malfeasance, there must be some
11 egregious act committed that has "a direct relation to and be connected with the
12 performance of official duties." *Jones*, 67 Nev. at 408, 219 P.2d at 1057. For nonfeasance, a
13 public official must have refused or neglected to perform their official duties. NRS
14 283.440(2)(b). The exercise of discretion in performing duties does not state a claim for
15 removal based on nonfeasance. *See Jones*, 67 Nev. at 411–12, 219 P.2d at 1058–59.

16 While Ms. Rodriguez has certain legal duties as the Registrar of Voters, Beadles
17 does not sufficiently allege acts of malfeasance or omissions of nonfeasance. He alleges
18 "Defendants have additionally failed to address, correct, or rectify the issues raised in the
19 underlying Petitions, including but not limited to, (1) updating and resolving the voter
20 registration lists; (2) providing proper vote counting mechanisms; (3) counting votes in
21 secret; (4) inadequate signature verification; (5) illegal function within the election system;
22 (6) violations of election procedures as required under Nevada law. [Exhibit 109]." *Compl.*
23 at ¶91; *see also Compl.* at ¶¶46–51.

24 As an initial matter, there are no specific egregious acts of wrongdoing specific to
25 Ms. Rodriguez that would state a claim for removal based on malfeasance. *See id*; *see*
26 *generally Compl.* Allegations of "illegal function" and vague "violations of election

1 procedures,” is no different than simply alleging there is “malfeasance.” It is not an
2 allegation that Ms. Rodriguez herself committed an egregious act related to her duties, and
3 therefore it is not malfeasance under NRS 283.440.

4 Regarding nonfeasance, the Complaint falls short of alleging Ms. Rodriguez
5 neglected or refused to perform an official duty. A registrar of voters must cancel voter
6 registration in certain circumstances, maintain certain voter registration records, and
7 provide voters written notice of any changes to their voter registration. NRS 293.530. An
8 allegation that there are issues with “updating and resolving voter registration lists” does
9 not allege Ms. Rodriguez specifically neglected or refused to perform her duties under NRS
10 293.530. An allegation that there are issues with “providing proper vote counting
11 mechanisms” does not allege Ms. Rodriguez specifically neglected or refused to perform an
12 official duty as prescribed by law. Regarding public observation, the registrar of voters must
13 allow general public observation of ballot counting unless it interferes with ballot counting.
14 NRS 293B.353; NAC 293.311(4). Having discretion in carrying out that duty, the allegation
15 is so vague that it does not allege Ms. Rodriguez specifically neglected or refused to so
16 perform. Lastly, allegations of “illegal function” and vague “violations of election
17 procedures” do not allege Ms. Rodriguez specifically neglected or refused to perform an
18 official duty as prescribed by law.

19 Beadles fails to allege nonfeasance or malfeasance for Ms. Rodriguez. Even if he
20 alleged she has a specific legal duty, the complaint falls short of stating a claim for her
21 removal under NRS 283.440.

22 **iii. The Opposition Improperly Includes Allegations Not in Complaint.**

23 Beadles makes various spurious allegations in the Opposition that are outside the
24 allegations in the Complaint. *See Compl.; Opp.* at 80–82, 86–87. He vaguely claims
25 Defendants violated “numerous provisions” of certain NRS Chapters. *Opp.* at 80, 81, 86.
26 He asserts matters well beyond the Complaint, including stealing county property,

1 insufficient ethics disclosures, appointing “unqualified puppets,” and committing
2 obstruction of justice. *Opp.* at 80–2, 86–7. As set forth in Section II above, this Motion
3 should be limited to testing the sufficiency of the Complaint. Defendants dispute these
4 assertions, but further discussion is irrelevant to the instant Motion.

5 Additionally, the Opposition offers the legal conclusion that Defendants violated
6 twenty-four laws, citing them without providing factual allegation regarding the same. *Opp.*
7 at 16. The Complaint does not include those citations as a basis for Commissioner Hill,
8 Manager Brown, or Ms. Rodriguez’s removal. *See Compl.* Rather, the Complaint identifies
9 those portions of law in a request for relief to “enjoin Defendants from their continued
10 violations” of the same. *Compl.* at 15–6. Based on this alone, the references to the twenty-
11 four laws should not be considered when determining whether Beadles stated a claim for
12 removal. Nevertheless, even assuming his vague legal conclusions can be considered, it still
13 does not state a claim for Commissioner Hill, Manager Brown, or Ms. Rodriguez’s
14 removal.

15 Beadles asserts “Defendants” violated the following, each of which do not state a
16 claim for removal:

- 17 1. NRS 293.530 provides a county clerk¹⁰ authority to correct the statewide
18 voter registration list, requires the clerk to cancel registration in certain
19 instances, requires the clerk to maintain certain voter registration records,
20 requires the Secretary of State to adopt certain regulations, and requires the
21 clerk to provide written notice to a voter of any registration changes. It
22 prescribes absolutely no legal duties on a single county commissioner or a
23 county manager. Some portions of NRS 293.530 are discretionary, some
24 impose no duties on a registrar of voters, and others impose specific duties

25 ¹⁰ A registrar of voters assumes the duties of a county clerk with respect to elections. NRS 244.164(2).
26

1 on a registrar of voters. Without a more specific allegation, simply stating a
2 registrar of voters "violated" NRS 293.530 cannot be grounds for removal.

3 2. NRS 293.2546(1) codifies the voters' bill of rights. It prescribes no direct
4 legal duties on the part of any single county commissioners, a county
5 manager, or a county clerk/registrar of voters. Therefore, NRS 293.2546(1)
6 does not provide a basis for removal under NRS 283.440 in this case.

7 3. NRS 293B.033 defines "mechanical voting system." It prescribes no direct
8 legal duties on a single county commissioner, a county manager, or a county
9 clerk/registrar of voters. Therefore, NRS 293B.033 does not provide a basis
10 for removal under NRS 283.440 in this case.

11 4. NRS 293.269927 establishes certain duties of the county clerk when a mail
12 ballot is returned, including checking signatures, safeguarding and delivery
13 of mail ballots, imposes a duty on voters to provide a signature or
14 confirmation of their signature in certain instances, and requiring the clerk to
15 establish procedures for voters to cure defective mail ballots. It prescribes no
16 legal duties on a single county commissioner or a county manager. For
17 registrars of voters, it includes a certain amount of discretion in determining
18 a reasonable question of fact regarding a signature, including whether there
19 are "only slight dissimilarities." NRS 293.269927(4). Without a more specific
20 allegation, simply stating a registrar of voters "violated" NRS 293.269927
21 cannot establish removal. The statute imposes both duties on a registrar of
22 voters and a voter themselves. It likewise includes some discretion,
23 depending on the subsection at issue.

24 5. NRS 293.740 provides that soliciting votes and electioneering are unlawful
25 inside and within 100 feet of a polling place, and requires the registrar of
26 voters to post a notice to that effect on the outer limits of the affected area. It

1 prescribes no legal duties on a single county commissioner or a county
2 manager. Without a more specific allegation, simply stating a registrar of
3 voters “violated” NRS 293.740 cannot be grounds for removal. The statute
4 imposes a duty on a registrar of voter, but focuses on prohibiting people from
5 soliciting and electioneering—making it unclear whether such an allegation
6 means the registrar of voters engaged in prohibited conduct or whether she
7 failed to post a notice. It likewise includes some discretion in determining
8 precisely where, how, and how many notices to post.

9 6. NRS 293B.063 requires that a mechanical voting system meet or exceeds
10 federal standards. It prescribes no direct legal duties on a single county
11 commissioner, a county manager, or a county clerk/registrar of voters.
12 Therefore, NRS 293B.063 does not provide a basis for removal under NRS
13 283.440 in this case.

14 7. NRS 293B.104 prohibits a secretary of state from approving mechanical
15 voting machines that do not meet federal standards. It prescribes no direct
16 legal duties on a single county commissioner, a county manager, or a county
17 clerk/registrar of voters. Therefore, NRS 293B.104 does not provide a basis
18 for removal under NRS 283.440 in this case.

19 8. NRS 293B.1045(1) prohibits the purchase or lease of a mechanical voting
20 machines unless the secretary of state has approved the system or device. It
21 prescribes no direct legal duties on a single county commissioner, a county
22 manager, or a county clerk/registrar of voters. Therefore, NRS 293B.1045(1)
23 does not provide a basis for removal under NRS 283.440 in this case.

24 9. NAC 293B.110(1)(b) establishes duties for an absent ballot central counting
25 board. It prescribes no direct legal duties on a single county commissioner, a
26 county manager, or a county clerk/registrar of voters. Therefore, NAC

293B.110(1)(b) does not provide a basis for removal under NRS 283.440 in this case.

10. NRS 293.269931(1) provides a period for the mail ballot central counting board to count ballots, and requires that the central counting board conduct the counting procedure in public. It prescribes no direct legal duties on a single county commissioner, a county manager, or a county clerk/registrar of voters. Therefore, NRS 293.269931(1) does not provide a basis for removal under NRS 283.440 in this case.

11. NRS 293.3606(1) establishes a timeline for ballot counting for “the appropriate board.” It prescribes no legal duties on a single county commissioner, a county manager, or a registrar of voters.

12. NRS 293.363(1) requires the counting board to prepare to count ballots, and requires that the counting board conduct the count procedure in public. It prescribes no direct legal duties on a single county commissioner, a county manager, or a county clerk/registrar of voters. Therefore, NRS 293.363(1) does not provide a basis for removal under NRS 283.440 in this case.

13. NRS 293B.353 requires the county clerk to allow general members of the public to observe ballot counting *if they do not interfere with ballot counting*. It prescribes no legal duties on a single county commissioner or a county manager. Disagreement a registrar’s determination that a person was interfering with counting and therefore could be excluded from observation would not be grounds for removal because a registrar of voters has discretion making that determination. Moreover, Beadles makes no allegation that *he* was personally excluded from public viewing. Therefore, NRS 293B.353 does not provide a basis for removing a county commissioner, a county manager, or a registrar of voters under NRS 283.440 in this case.

1 14. NRS 293B.354 requires the county clerk to submit plans to for the general
2 public observation to the Secretary of State. It prescribes no legal duties on a
3 single county commissioner or a county manager. Disagreement with the
4 substance of those plans would not be grounds for removal because the
5 clerk/registrar of voters has discretion in the detailed content so long as it
6 contains a plan for observation that is approved by the Secretary of State.
7 Therefore, NRS 293B.354 does not provide a basis for removal under NRS
8 283.440.

9 15. NRS 293B.380(2)(a) establishes the ballot processing and packaging board
10 and establishes its duties. It prescribes no direct legal duties on a single
11 county commissioner, a county manager, or a county clerk/registrar of
12 voters. Therefore, NRS 293B.380(2)(a) does not provide a basis for removal
13 under NRS 283.440 in this case.

14 16. NAC 293.311(4) requires the county clerk to allow general members of the
15 public to view absentee ballot counting *so long as they do not interfere with the*
16 *handling of absentee ballots*. It prescribes no legal duties on a single county
17 commissioner or a county manager. Disagreement a registrar's determination
18 that a person was interfering with counting and therefore could be excluded
19 from observation would not be grounds for removal because a registrar of
20 voters has discretion making that determination. Moreover, Beadles makes
21 no allegation that *he* was personally excluded from public viewing. Therefore,
22 this statute does not provide a basis for removing a county commissioner, a
23 county manager, or a registrar of voters under NRS 283.440 in this case.

24 17. NRS 293.423 requires a recount "[a]t a hearing of any contest" be conducted
25 in the presence of the parties or their representatives. It prescribes no direct
26 legal duties on a single county commissioner, a county manager, or a county

1 clerk/registrar of voters. Therefore, NRS 293.423 does not provide a basis for
2 removal under NRS 283.440 in this case.

3 18. NRS 293.269927(4)(b) sets forth where there is not a reasonable question of
4 fact regarding the signature on a mail ballot within the procedure for
5 checking signatures of mail ballots by electronic means. It prescribes no
6 direct legal duties on a single county commissioner or a county manager. For
7 registrars of voters, it includes a certain amount of discretion in determining
8 a reasonable question of fact regarding a signature, including whether there
9 are "only slight dissimilarities." NRS 293.269927(4)(b). Without a more
10 specific allegation, simply stating a registrar of voters "violated" NRS
11 293.269927(4)(b) cannot be grounds for removal.

12 19. NRS 293.277(3) requires the county clerk to establish procedures, with
13 secretary of state approval, to verify a voter has not already voted in their
14 county. It prescribes no direct legal duties on a single county commissioner
15 or a county manager. Disagreement with the substance of those procedures
16 would not be grounds for removal because the clerk/registrar of voters has
17 discretion in the detailed content so long as it contains topics set forth in the
18 above statute. Therefore, NRS 293.277(3) does not provide a basis for a
19 registrar of voters's removal under NRS 283.440 in this case.

20 20. NRS 293.285(1)(b)(4) addresses the duties of the election board. It prescribes
21 no direct legal duties on a single county commissioner, a county manager, or
22 a county clerk/registrar of voters. Therefore, NRS 293.285(1)(b)(4) does not
23 provide a basis for removal under NRS 283.440 in this case.

24 21. NRS 293.3075(4) requires the county clerk to establish procedures, with
25 secretary of state approval, to verify a voter has not already voted in their
26 county. It prescribes no direct legal duties on a single county commissioner

1 or a county manager. Disagreement with the substance of those procedures
2 would not be grounds for removal of a registrar of voters because the
3 clerk/registrar of voters has discretion in the detailed content so long as it
4 contains topics set forth in NRS 293.3075(4). Therefore, NRS 293.3075(4)
5 does not provide a basis for removal under NRS 283.440 in this case.

6 22. NRS 293.3585(1)(d) establishes duties of elections board officers. It
7 prescribes no direct legal duties on a single county commissioner, a county
8 manager, or a county clerk/registrar of voters. Therefore, NRS
9 293.3585(1)(d) does not provide a basis for removal under NRS 283.440 in
10 here.

11 23. NRS 293.403(2) provides the procedures and circumstances in which a voter
12 may demand and receive a recount. It prescribes no direct legal duties on a
13 single county commissioner, a county manager, or a county clerk/registrar of
14 voters. Therefore, NRS 293.403(2) does not provide a basis for removal under
15 NRS 283.440 in this case.

16 24. NRS 293.404(2) provides that a candidate for office affected by a recount
17 may be present at a recount. It prescribes no direct legal duties on a single
18 county commissioner, a county manager, or a county clerk/registrar of
19 voters. Therefore, NRS 293.404(2) does not provide a basis for removal under
20 NRS 283.440 in this case.

21 25. Nev. Const. Art. 2 Sec. 1A Sub. Sec. 1(b) states a voter has a right to receive
22 and cast a ballot accurately reflecting their selection preferences. It prescribes
23 no direct legal duties on a single county commissioner, a county manager, or
24 a county clerk/registrar of voters. Therefore, Nev. Const. Art. 2 Sec. 1A Sub.
25 Sec. 1(b) does not provide a basis for removal under NRS 283.440.

26 //

1 Even if the Court were to consider whether Beadles stated a claim for removal based
2 on citing the above laws in his request for relief, the vague assertion that defendants
3 violated those laws does not state a claim for removal. To state a claim for removal due to
4 either malfeasance or nonfeasance, there **must** be allegations regarding an official legal duty
5 required of the person to be removed. *Jones*, 67 Nev. at 408, 219 P.2d at 1057; *Buckingham*,
6 60 Nev. 129, 102 P.2d at 636. Removal is likewise inappropriate based on a disagreement
7 with a public officer's discretion in carrying out their legal duties. *See Jones*, 67 Nev. at 411-
8 12, 219 P.2d at 1058-59. The twenty-five laws set forth above prescribe no duties upon a
9 single county commissioner or a county manager. Neither can be removed even if
10 violations of those laws occurred, which Defendants nevertheless maintain are allegations
11 without any evidence. While nine of the above-cited laws prescribe duties on a registrar of
12 voters, without a more specific allegation, simply stating a registrar of voters "violated"
13 those laws does not state a claim for removal as set forth above.

14 The Court should dismiss the removal claim entirely with prejudice based on
15 Beadles's failure to state a claim for removal under NRS 283.440.

16 **B. ONLY ELECTED OFFICIALS ARE SUBJECT TO REMOVAL UNDER NRS 283.440.**

17 The Motion explained that NRS 283.440 is only applicable to elected officials,
18 because they are "public officers" who "hold office." *Mot.* at 14-6. There is no definition
19 for the same within NRS Chapter 283. It is ambiguous as to whether it applies only to local
20 elected officials or includes public employees. Recent legislative history adding to the
21 statute discussed only its application to a "local elected official." *See Exs. 1-3 to Mot.*
22 Moreover, Nevada Courts have never applied NRS 283.440 to a non-elected local government
23 employee, even a high-ranking employee. *See Mot.* at 15-16.

24 Beadles argues NRS 283.440 should be applied to "any person" regardless of
25 whether they hold office. *Opp.* at 27-8. He argues only the excluded positions
26 constitutionally excluded from the statute, which are codified in its section 1. *Id.* He also

1 argues that because Manager Brown and Ms. Rodriguez are employed in high-level
2 positions, they can be removed. *Opp.* at 29. He misquotes the statute, stating “any person,
3 in any office,” when the language of the statute actually reads “Any person who is now
4 holding or who shall hereafter **hold any office...**” *Opp.* at 30; NRS 283.440(1)(emph.
5 added). He does not provide argument rebutting the recent legislative history, which
6 discussed NRS 283.440 only within the context of removing elected officials. *See Opp.*

7 Without a definition for “public officers” who “hold office,” NRS 283.440 is vague,
8 ambiguous, and subject to readily apparent interpretations. “Hold any office” can be
9 interpreted to mean holding an elected office. The fact that Beadles interprets the statute to
10 include public employees regardless of whether their position is elected shows the statute is
11 susceptible to more than one interpretation. As such, legislative history should be reviewed.
12 *Zohar v. Zbiegien*, 130 Nev. 733, 737, 334 P.3d 402, 405 (2014).

13 According to the legislative history, NRS 283.440 exists to remove elected officials.
14 *See Exs. 1–3 to Mot.* Unlike a high-level employee who can be removed by a majority vote of
15 a board of county commissioners, there is no other way to remove an elected official for
16 egregious conduct or failure to perform their legal duties. *Ex. 2 to Mot. at p. 13.* The
17 legislative intent behind NRS 283.440 was to “establish accountability **for elected**
18 **officials.**” *Ex. 1 to Mot. at p. 14.* Moreover, the Nevada Supreme Court has never applied
19 public officer removal statutes to non-elected positions. *Mot.* at 15–16. Therefore, this Court
20 should interpret the “public officers” who “hold office” language in NRS 283.440 to mean
21 a person in an elected position.

22 Next, it is unclear whether Beadles argues that definitions in NRS Chapter 281A
23 should be applied to NRS 283.440. *See e.g. Opp.* at 75. NRS Chapter 281A has an
24 indispensable purpose to government operations, ensuring that all government employees
25 perform their positions for the benefit of the people and without conflicts of interest. *See*
26 NRS 281A.020. It is logical that the scope of the Nevada Ethics in Government Law is

1 broader than the scope of NRS 283.440's removal procedure. *See e.g.* NRS 281A.160; NRS
2 281A.182. The legislature went so far as to clarify that the expansive scope is "solely and
3 exclusively for this chapter [281A]." NRS 281A.182(1). The Nevada Commission on Ethics
4 exists to investigate, hear, and pursue remedies for violations of NRS Chapter 281A. NRS
5 281A.705–90. This is an entirely different statutory scheme than summary removal under
6 NRS 283.440. The definitions within NRS Chapter 281A should not be applied to NRS
7 Chapter 283, because doing so would be inconsistent with legislative intent.

8 In sum, Beadles provides no legal authority outside the vague statutory language to
9 rebut Defendants' contention that removal under NRS 283.440 applies only to elected
10 officials. Instead, he asserts "[t]he defense clearly tries to hide facts from this honorable
11 court," the Motion's argument is "reprehensible," and that Defendants' interpretation
12 would be "the road to tyranny." *Opp.* at 27, 30. These attacks do not negate the legislative
13 intent for NRS 283.440 as set forth in the Motion, which is to provide a procedure to
14 remove elected officials. *Mot.* at 14–16.

15 The Court should construe NRS 283.440 to conform with reason and public policy,
16 allowing only removal of a local elected official. Allowing any disgruntled citizen to
17 remove a government employee and bypass internal investigations, safeguards, and
18 managerial discretion would be unreasonable and absurd. Removal "is an extreme and
19 extraordinary measure, intended only for extreme and extraordinary occasions." *Jones*, 67
20 Nev. at 418, 219 P.2d at 1062. Applying NRS 283.440 only to elected officials anticipates
21 that its procedures are reserved for "extreme and extraordinary occasions." *See id.*

22 Beadles cannot pursue Manager Brown and Ms. Rodriguez's removal under NRS
23 283.440 because they are not elected officials. In addition to Beadles's general failure to
24 state a claim set forth above, the Court should dismiss with prejudice the removal claim
25 against Manager Brown and Ms. Rodriguez because neither are elected officials.

26 //

1 VI. THE OFFICE OF THE REGISTRAR OF VOTERS IS NOT A SUABLE
2 ENTITY.

3 Defendants moved to dismiss the "Office of the Registrar of Voters," a county
4 department that was named a Defendant in this case. A county department is "immune
5 from suit" because it is not a suable entity. *Wayment v. Holmes*, 112 Nev. 232, 239, 912 P.2d
6 816, 820 (1996).

7 Beadles states "If one simply looks to the NRS, it clearly states that the State,
8 County offices, and officers can be sued." *Opp.* at 24. He then sets forth the waiver of
9 sovereign immunity analyzed in *Wayment v. Holmes*, 112 Nev. 232, 912 P.2d 816. The
10 Opposition also includes a section purporting to argue that the "ROV Can and Is Being
11 Sued," but it contains no rebuttal to existing case law holding that a county department is
12 not a suable entity. *Opp.* at 29-30.

13 This legal issue is well settled: A department of a county is not a suable entity
14 because it is not political subdivision of the State of Nevada. *Wayment*, 112 Nev. at 237-
15 38, 912 P.2d at 819. The Office of the Registrar of Voters is not a political subdivision of
16 the State of Nevada. It is a department of Washoe County. The Office of the Registrar of
17 Voters is not a suable entity.

18 The Washoe County Registrar of Voters Office should be dismissed with prejudice.

19 VII. THE MISCELLANEOUS RELIEF REQUESTED IS UNOBTAINABLE.

20 Even if Beadles had viable claims, the protracted "DEMAND FOR RELIEF" seeks
21 unattainable relief. As a matter of law, punitive damages may not be awarded against
22 government entities and employees. NRS 41.035(1). "An award may not include any
23 amount as exemplary or punitive damages." *Id.* Despite being presented with this
24 information, Beadles argues to the contrary. *Opp.* at 100-04. The Opposition contains legal
25 authority for instances of punitive damages awarded against non-government defendants in
26 state-level cases, and against government defendants for federal claims. *Id.* The Opposition

1 does not address NRS 41.035(1) or otherwise provide authority to refute its applicability in
2 claims arising under Nevada law.

3 Next the only remedy arising under NRS 283.440 “is removal from office. Nothing
4 in the statutes allows for recovery of damages by the complainant against the officer.”
5 *Armstrong v. Reynolds*, 2:17-cv-02528-APG-CWH, 2019 WL 1062364 at *8 (D. Nev. Mar. 6,
6 2019), *aff’d in part, rev’d in part and remanded*, 22 F.4th 1058 (9th Cir. 2022). It is unclear
7 whether the Opposition refutes this. *See Opp.* at 104. Beadles includes a heading that
8 purports to do so, but then he seems to acknowledge the Motion is “consistent with a
9 summary proceeding pursuant to NRS 283.440 for cause 2...” *Id.* He likewise provides no
10 legal authority to dispute the argument that monetary damages and equitable relief are
11 unavailable for removal actions.

12 Finally, the Court “cannot recognize a remedy absent an underlying cause of
13 action.” *Badillo v. American Brands, Inc.*, 117 Nev. 34, 41, 16 P.3d 435, 440 (2001). Beadles
14 asks for eighteen miscellaneous forms of relief, some vague, ranging from “adequate and
15 proper response by Defendant(s),” stating “Defendants must take into account and redress
16 all elections issues that Plaintiff puts on the table, no shying away,” monetary damages,
17 fining Defendants, and requiring Defendants to conduct elections based on Beadles’s
18 preferred procedures. *Compl.* at ¶101. In his Opposition, Beadles provides no relevant legal
19 authority to rebut the Motion’s argument that he is not entitled to the relief he requests. *See*
20 *Opp.* He cites many irrelevant criminal statutes, including NRS 193.130 outlining the
21 penalties for felony convictions. *Opp.* at 31.

22 The Court should dismiss with prejudice his request for punitive damages. Even if
23 any removal claims survive the instant Motion, the Court should dismiss with prejudice
24 Beadles’s request for injunctive relief on that claim. Even if he had viable claims, the only
25 relief available would be a writ of mandamus to compel a petition response and to remove
26 Commissioner Hill, Manager Brown, and Ms. Rodriguez as set forth above. There would

1 be no claim through which the Court could feasibly grant the miscellaneous absurd relief
2 Beadles requests. As such, the Court should dismiss Beadles's "Demand for Relief."

3 **VIII. BEADLES MAY NOT ASSERT CLAIMS FOR OTHERS.**

4 Beadles claims he pursues his claims "as a representative of every disenfranchised
5 voter of Washoe County..." *Opp.* at 109.

6 A person may only appear in this Court on their own behalf. *See Salman v. Newell*,
7 110 Nev. 1333, 1336, 885 P.2d 607, 608-09 (1994). A person may not appear on behalf of
8 any other party unless they are a Nevada-licensed attorney. *Id.*

9 Notwithstanding that his claims of voter disenfranchisement are vehemently
10 disputed, Beadles may not represent any other person in this case.

11 **IX. CONCLUSION**

12 Dismissal with prejudice is appropriate. Construing the Complaint liberally and in
13 Beadles's favor, he fails to state a claim upon which relief can be granted. Defendants have
14 no legal obligation to respond to Beadles's elections grievances. Beadles fails to identify
15 nonfeasance or malfeasance that would warrant removal under NRS 283.440.

16 AFFIRMATION PURSUANT TO NRS 239B.030

17 The undersigned does hereby affirm that the preceding document does not contain
18 the social security number of any person.

19 Dated this 5th day of September 2023.

20
21 By /s/ Lindsay L. Liddell
22 LINDSAY L. LIDDELL
23 Deputy District Attorney
24 One South Sierra Street
25 Reno, NV 89501
26 lliddell@da.washoecounty.gov
(775) 337-5700

ATTORNEY FOR DEFENDANTS

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Office of the District
3 Attorney of Washoe County, over the age of 21 years and not a party to nor interested in
4 the within action. I certify that on this date, the foregoing was electronically filed with the
5 United States District Court. Electronic service of the foregoing document shall be made in
6 accordance with the Master Service List as follows:

7 ROBERT BEADLES

8 Dated this 5th day September, 2023.

9 /s/ S. Haldeman
S. Haldeman

SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA

AFFIRMATION
Pursuant to NRS 239B.030 and 603A.040

The undersigned does hereby affirm that the preceding document, *(title of document)*

Affidavit of service

file in case number: CV23-01341

☒ *mark one*

☒ Document does not contain the personal information of any person.

☐ Document contains the personal information of a person as required by: ☒ *mark one*

☐ A specific state or federal law, to wit: *(write the specific state or federal law)*

☐ For the administration of a public program

☐ For the administration for a federal or state grant

☐ Confidential Family Court Information Sheet (NRS 125.130, NRS 125.230, and
NRS 125B.055)

DATED this (day) 31st day of *(month)* August, 2023

Submitted By: *(Your signature)*

(Print your name) Robert Beadles

(Attorney for) N/A

AFFIDAVIT OF SERVICE

STATE OF NEVADA)

COUNTY OF WASHOE)

I, Travis M Jack, being duly sworn depose and says:

At all times herein affiant was and is a citizen of the United States, over 18 years of age, and not a party to or interested in the proceeding in which this affidavit is made.

The affiant received copy (ies) of the Video Exhibits & Discovery on a Flash Drive on the 24th day of August of 2023, and served the same on the 25th day of August, 2023 at 12:09 PM, by

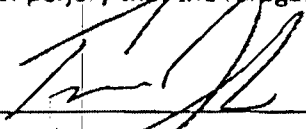
Serving the defendant/witness, Lindsay L. Liddell by personally delivering a copy with Carole Macy (Civil Clerk) (Employee of Defendant), a person of suitable age and discretion at the defendant's/witness's usual place of employment located at 1 S. Sierra St., South Tower, 4th Floor, Reno, NV 89501

Description of person served: Race: White
Gender: F
Approx Age: 65
Height: 5'5
Weight: 150
Hair: Gray

Fee For Service	\$45.00	Mileage	\$0.00	Total Charge	\$45.00
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COURT FILE # - SJDCN-CV23-01341

In accordance with NRS 53.045 I declare under penalty of perjury that the foregoing is true and current.


(signature)

Executed on:

8/28/2023

(date)

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ROBERT BEADLES
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Reno, NV 89503
Plaintiff, Pro Se

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

MR ROBERT BEADLES, an individual,

Plaintiff,

vs.

JAMIE RODRIGUEZ, in her official capacity as Registrar of Voters and in her personal capacity; the WASHOE COUNTY REGISTRAR OF VOTERS, a government agency; ERIC BROWN in his official capacity as WASHOE COUNTY MANAGER and in his personal capacity, ALEXIS HILL in her official capacity as CHAIRWOMAN OF WASHOE COUNTY BOARD OF COMMISSIONERS and in her personal capacity; WASHOE COUNTY, Nevada a political subdivision of the State of Nevada, and DOES I-X; and ROE CORPORATIONS I-X.

Defendants.

Case No.: CV23-01341

Dept. No.: 1

PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS

Plaintiff Robert Beadles (Beadles), hereby moves to deny the Motion to Dismiss. This Opposition will show fatal flaws in the Points and Authorities presented by the Defense in their Motion to Dismiss based on NRCP 12(B)(5) and other authorities.

I. BACKGROUND

On 7/25/23 Plaintiff filed a lawsuit CV23-01283 against defendants in Washoe County, District 2 Civil Court. On 8/3/23 Defendants moved the initial lawsuit to Federal Court. On 8/4/23 Plaintiff filed a new lawsuit in District 2 Court again, CV23-01341, without any Federal Causes of Action.

is right in his allegations. The common practice of the defense, defendants, media, etc., is to say the plaintiff has wild numbers, and they are wrong. What's funny is they are right. Why are they right? Because he is simply sharing the county's own certified election results. Those numbers and results are mathematically impossible, as will be touched on in this filing.

What's truly revealing is when the plaintiff simply inserts the county's own certified election results into Google Bard, their AI platform, it says: "This suggests that there was some kind of fraud or manipulation involved in the election results." "This suggests that someone was able to manipulate the vote counts after the election was over." "I would recommend that you notify the authorities about your concerns." "It is important to hold those responsible for election fraud accountable, so that our democracy can remain strong."

This is one more reason the Plaintiff is in this honorable courtroom; even Google's AI Platform called Bard told him to.

One must remember these are the defendants' numbers, not the plaintiff's, and yes, they are wild and unaddressed by any of the defendants. This honorable court needs to know that there are two causes of action in this case. Cause one pertains to violations of the NV Constitution and the Voter Bill of Rights. The second cause of action involves using NRS 283.440, which pertains to the removal of officers for malfeasance, malpractice, or nonfeasance. This case is about accountability. The plaintiff believes he has an absolute right and a case to seek the removal of these officers. He believes that they are duty-bound to answer his past petitions. Yet, even if this honorable court decides that citizens have no recourse against officers via NRS 283.440 or answering legitimate grievances and petitions, cause one must still go forward.

It's imperative that this honorable court hold wrongdoers accountable. Right is right, wrong is wrong. It's that simple. The evidence will show that the defendants broke numerous laws, NRS, policies and procedures, and even court orders. There must be accountability. If there is no accountability for public officers breaking the law, we have slid into tyranny. "No one is above the law, and no one should be able to use their position in government to escape accountability for wrongdoing." - Preet Bharara

The evidence will show that the defendants, defense, and media have all worked in concert to libel and slander the plaintiff. Simply reading the defense's Motion For Sanctions will shock this honorable court. It is a sanctionable event and not becoming of a public servant. The defense will say the defendants have no duty to respond, that the county can't be sued, that NRS 283.440 doesn't apply to these defendants; all of which are false.

If the three highest-ranking county officials for our elections have no duty to respond and can't be sued, then this is no longer America. A simple look at the case logs will show people sue the state and county all the time. Even if this honorable court says the plaintiff can't sue the county or state, he named the defendants individually as well. Even if this court states that the defendants can't be removed via NRS 283.440, surely this honorable court can hold them accountable for counting all of our votes in the 2022 primary and 2022 recounts in secret. That is a direct violation of the court orders, countless NRS, and destroys public faith in our right to suffrage.

This honorable court could hold these offenses accountable as well: If a county manager can use his position to get his wife out of a DUI, or the chairwoman for the county commissioners can steal the county's property and use it to enrich herself, and libel and slander the reputation of the plaintiff. Or if all these NRS's are allowed to be broken by the defendants:

NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b);

Surely if this honorable court says the petitions don't have to be answered, that the county can't be sued, that the defendants have no duty to respond to the public, or that our constitutional rights don't apply in this County, surely this honorable court can proceed forward with this case against the defendants in their individual capacities and hold them accountable for the allegations against them.

The plaintiff requests this honorable court to weigh the evidence on its merits and allow this case to proceed, even if the court fails to hold the defendants accountable to the public in cause 2. Clearly, cause 1 must move forward. This case is about far more than just firing three people or answering petitions; it's about ensuring our servants are held accountable and that our elections are conducted lawfully.

Time is of the essence. According to Defendant Brown, the 2024 election processes start this October. In the current condition, in his own words, they are not prepared for the election. What's worse, the election system in its current condition, run by these defendants, can be trusted about as much as walking across a cotton thread for a tightrope 2,024 feet in the air with 500,000 ballots on your back. There's no way that Tightright can be a Trustrope, right? The Washoe County election

system is broken. The plaintiff merely asks this honorable court to examine all the evidence, weigh it on its merits, and rule accordingly.

In the following, the Plaintiff will address numerous allegations the Defense stated in their *Motion to Dismiss* and numerous claims-causes of action and remedies the Plaintiff has stated. The Plaintiff will additionally demonstrate in this voluminous Opposition why the Defense's motion to dismiss is littered with false allegations and show why the Plaintiff's case must move forward, and the *Motion to Dismiss* should not be granted.

Nevada is a notice pleading state; the plaintiff has met the requirements in his opposition and respectfully demands this honorable court to deny the defense's motion to dismiss and allow this case to move forward.

Elements Required To Be Met For Cause 1

To bring a complaint against a violation of the Nevada Constitution articles 1, 2, or 15, a plaintiff must generally establish standing, justiciability, and the specific constitutional provision(s) that were violated.

Plaintiff clearly in submitted pleadings, exhibits and forthcoming testimony exceeds this requirement.

Elements To Be Met For Cause 2

To bring a complaint against a violation of NRS 283.440, a plaintiff must generally establish

standing, demonstrate malpractice, malfeasance or nonfeasance by a public officer.

Plaintiff clearly in submitted pleadings, exhibits and forthcoming testimony exceeds this requirement.

Legally Actionable Claims and Grounds Presented by the Plaintiff:

III. THE PLAINTIFF IS ENTITLED TO BRING FORWARD HIS ALLEGATIONS, CAUSES OF ACTIONS, AND CLAIMS SET FORTH BY THE FOLLOWING AUTHORITIES

The plaintiff was robbed of his additional rights as set forth by his Court Orders. Defendants violated Plaintiff's Court orders [Exhibit 72] which clearly states:

"The Plaintiffs will be permitted to observe during the processing and counting of ballots and in accordance with Nevada law and regulations and Washoe county's existing procedures, to the same extent as other eligible observers."

"If Washoe County is processing and/or counting ballots, observations shall be Allowed."

Defendants counted all votes in secret thus violating numerous laws and Plaintiffs court orders [Exhibit 23-24, 72].

The Plaintiff filed 3 unanswered petitions, in which the plaintiff clearly laid out numerous violations of election laws and statutes. The defendants failed to respond or act upon the violations as required by the NV Constitution and NRS.

The plaintiff's right to have his Petitions of elections resolved "fairly, accurately, and efficiently" is enshrined in Nev. Const. Art. 2 Sec. 1A § 11 and NRS 293.2546 (11).

Defendants have thus deprived Plaintiff's right to have his grievances heard as enshrined in Nev. Const. Art. 1 § 10: "to petition the Legislature for redress of Grievances."

Defendants have violated NRS 281A.020 "A public office is a public trust and shall be held for the sole benefit of the people" and thus plaintiff can hold them accountable.

Defendants have violated Nev. Const. Art. 15 Sec. 2 that provides in part: "*. . . I will well and faithfully perform all the duties of the office of . . . , on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury*" and thus plaintiff can hold them accountable.

NRS 283.440 allows for removal of "***any person who is now holding or who shall hereafter hold any office in this State and who refuses or neglects to perform any official act in the manner and form prescribed by law, or who is guilty of any malpractice or malfeasance in office, may be removed therefrom as hereinafter prescribed in this section, except that this section does not apply to:***

- (a) *A justice or judge of the court system;*
- (b) *A state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution; or*
- (c) *A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.*

Which clearly shows the defendants are any person, in any office, and NOT an office listed as not subject to removal.

NRS 357.040 Liability for damages and civil penalty for certain acts.

1. Except as otherwise provided in NRS 357.050, a person who, with or without specific intent to defraud, does any of the following listed acts is liable to the State or a political subdivision, whichever is affected, for the amounts set forth in subsection 2:

(a) Knowingly presents or causes to be presented a false or fraudulent claim for payment or approval.

(b) Knowingly makes or uses, or causes to be made or used, a false record or statement that is material.

NRS 357.080 Action by private plaintiff; venue of actions.

1. Except as otherwise provided in this section and NRS 357.100, a private plaintiff may bring an action pursuant to this chapter for a violation of NRS 357.040 on his or her own account and that of the State or a political subdivision, or both the State and a political subdivision. The action must be brought in the name of the State or the political subdivision, or both.

Also additional Statutes listed below in the sections labeled, Plaintiff Can Receive Punitive Damages, Monetary Damages and Equitable relief are Available for Removal Actions, and additional statutes shown throughout this Opposition.

Under case law below, Plaintiff additionally believes he can bring forth these claims and causes of action:

Removal of Defendants from office: In *Schumacher v. Furlong*, 78 Nev. 167, 370 P.2d 209 (1962), the Opinion of the Nevada Attorney General states, "Under this statutory procedure any complainant can, for specifically enumerated grounds, e.g., malfeasance or nonfeasance, initiate district court proceedings to remove any person holding any nonjudicial office in this state. This statutory procedure has previously been used against a county officer."

Several cases show that a voter has standing to bring claims against public officers or the county for election crimes. For example, in *Am. Civil Liberties Union of Nev. v. The Cnty. of Nye*, No. 85507 (Nev. Oct. 21, 2022), the court held that the ACLU had standing to challenge voting procedures in Nevada, and the court's analysis touched on the rights of voters to challenge election processes.

"Establishing clear rules, prior to election day, as to how such validity is to be established is of equal, if not greater, importance."), as well as a constitutional right "[t]o have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law," Nev. Const. art. 2, § 1A(11). Further, the votes in Nye County will count toward statewide election contests and ballot matters, and petitioners assert concerns that threaten the validity of that election process, thus impacting the citizens of this state in general."

Additionally, it states, *"For these reasons, and because Baldonado v. Wynn Las Vegas, LLC*, 124 Nev. 951, 961, 194 P.3d 96, 102 (2008), *is distinguishable, we disagree with respondents' argument that only the Nevada Secretary of State may enforce election laws such that petitioners lack standing to seek relief in this instance."*

Nev. Policy Research Inst. v. Cannizzaro, 138 Nev. Adv. Op. 28 (Nev. 2022)

Discusses the public-importance exception to standing, while not discussing election crimes, it should allow a voter to bring claims against public officers for election crimes. *"OPINION*

HARDESTY, J.: Appellant Nevada Policy Research Institute, Inc. (NPRI) filed a complaint against respondents, alleging that their dual service as members of the state Legislature and as employees of the state or local government violates the Nevada Constitution's separation-of-powers clause."

"In Schwartz v. Lopez, 132 Nev. 732, 382 P.3d 886 (2016), we recognized that a public-importance exception applies when an appropriate party sues to protect public funds by raising a constitutional challenge to a legislative expenditure or appropriation in a case involving an issue of significant public importance."

"We thus take this opportunity to limitedly expand the public-importance exception in Nevada to cases such as this-specifically, we hold that traditional standing requirements may not apply when an appropriate party seeks to enforce a public official's compliance with Nevada's separation-of-powers clause (even if it does not involve an expenditure or appropriation), provided that the issue is likely to recur and there is a need for future guidance. The constitutional separation-of-powers challenge at issue here meets those requirements."

"We elect to apply the public-importance exception here and confer standing on NPRI because it is an appropriate party and the issue in this case implicates separation of powers under our state constitution, is likely to recur, and is of such significant public importance as to require resolution for future guidance."

Mack v. Williams, 522 P.3d 434 (Nev. 2022)

Discusses the framework for determining whether a damages action exists to enforce self-executing provisions of the Nevada Constitution, which should allow a citizen to bring claims against public officers.

Plaintiff undeniably possesses standing to present the claims, causes of action, and seek remedy, as evidenced throughout this Opposition and his numerous other filed pleadings.

IV. Original Pleadings Contained Claims for Relief

The defense would like this honorable court to believe that Plaintiff included no claims upon which relief can be granted. This is simply untrue. As shown in [Exhibits 1-145] there are numerous examples of claims upon which relief can be granted. In the first exhibit to the court [Exhibit 109] it gave a supplemental break down for the court and defense to grab the at a glance issues the Plaintiff has brought before this court. Just simply looking to the supplemental statements in [Exhibits 16-22] list dozens of claims upon which relief can be granted. In the original complaint, in addition to the supplemental exhibits it clearly stated claims upon which relief can be granted to Plaintiff. To further show the defense is misleading this honorable court, simply look to their Motion To Dismiss. It will quickly be evident that they did an 11 page analysis on their attempt to say the defendants have no duty to respond to wrong doing nor accountability to the public whatsoever. The defense then provides a one sentence admission proving the Plaintiff does indeed have claims upon which relief can be granted. On page 12 lines 16-21, "*Beadles also states, "Defendants have additionally failed to address, correct, or rectify the issues raised in the underlying Petitions, including but not limited to, (1) updating and resolving the voter registration lists; (2) providing proper vote counting mechanisms; (3) counting votes in secret; (4) inadequate signature verification; (5) illegal function within the election system; (6) violations of election procedures as required under Nevada law. [Exhibit 109]."* Compl. at ¶91; see also Compl. at ¶¶46-51."

For cause of action 1, Plaintiff lists numerous remedies sought, just a quick glance to the remedies section of the original complaint shows:

i. An adequate and proper response by Defendant(s) to Plaintiff's petition of November 18, 2022, through the discovery processes, under court supervision and seeks an injunction regarding the same;

ii. An adequate and proper response by Defendant(s) to Plaintiff's petition of December 1, 2022, through the discovery processes, under court supervision and seeks an injunction regarding the same;

iii. Defendants must take into account and redress all elections issues that Plaintiff puts on the table, no shying away;

iv. Award Plaintiff their cost of suit;

v. Award monetary damages in excess of \$15,000;

vi. Award punitive damages;

vii. Defendants that are found in violation of laws shall be fined, fired, and/or removed from office; [NRS 283.440, NRS 266.430]

viii. Enjoin Defendants from their continued violations of the following NRSs and strictly comply with NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b);

ix. Enjoin Defendants from using any voting and tabulation machines for elections in Washoe County; and

x. Enjoin Defendants to use paper ballots at all polling locations and in every election;

- xi. Enjoin Defendants to disclose ACB applicant's names and credentials publicly prior to appointment;
- xii. Enjoin the defendants and halt the expenditure of \$12.6M of taxpayer dollars for unapproved and unsafe equipment and software;
- xiii. Enjoin the Defendants and make the digitized vote tally database (Microsoft SQL) open for public inspection;
- xiv. Honorable court to strike down NRS 293.269935(2) and 293.3606(4) to allow public inspection of ballots;
- xv. Enjoin the Defendants to prohibit QR codes from use in recounts;
- xvi. Grant or impose any remedy, and further relief at law or equity, that this Court deems just and proper in these circumstances;
- xvii. Removal of Defendants from office; and
- xviii. For such further relief as the Court deems just and necessary in the premises.

Further examples are in numerous exhibits, one example of which contained within supplemental statements on the deficiency of Signature Verification [Exhibit 18] in where it clearly states:

Remedies:

1. Before, during, and after the 2024 elections:
2. Order that all recorded signatures be made with a black ballpoint pen on 24 lbs. paper and then scanned at no less than 300 dpi before being entered into the signature database,
3. Order the defendants to adhere to American Bankers Association's (ABA) Signature Verification Guide standards,
4. Order to prohibit disabled civilians from using nvease to register to vote and vote, except as provided for in UOCAVA, and

5. Require county to pursue greater outreach to disabled and needy voters, provide more field teams to register disabled and needy voters; [Note: all public agencies to register voters starting in 2024 per statute],
6. See Statement on Election system issues for remedies related to equipment/software [exhibit 16],
7. See Statement on Unprepared for 2024 [exhibit 22] for remedies to labor and training.
8. Order audit of voter signatures in 2024 primary and general elections, starting with UOCAVA and civilian early voting; invalidate a voter's record with a bad signature and related ballot, refer the violation to the district attorney.

Secondary Remedies:

9. Order the creation of a voter's assistant database to keep track of authorized assistants,
10. Order that voter's assistants be registered and authorized and assigned to the individual voter(s).
11. Plaintiff demands Defendant(s) and DOES be punished as per N.R.S. 283.440 and any other remedies this honorable court deems fit.

As this honorable court can see, the defense is clearly trying to hide the truth, the defendants' duties are alleged, claims are made, all which relief can be granted upon.

For cause of action 2, Plaintiff clearly seeks the basic relief in the 3 defendants joining the unemployment line. There must be accountability with those who hold office, and those in office who are responsible for our most precious voice, our vote. It is truly the only peaceful say we have in our Country to voice the change we wish to see in our County and Country. We cannot allow our so-called public servants to steal it without consequence.

Nevada is a notice pleading state, Plaintiff has met the requirements and respectfully demands this honorable court to deny the defenses motion to dismiss and allow this case forward.

V. Plaintiff Does State Claims and Does State Claims In Which Relief Can Be Granted

To expand further on Section IIII above, Plaintiff clearly states claims that relief can be granted in the original complaint, as well as in various documents in [Exhibits 1-145]. Examples of claims stated and relief that can be granted are in [Exhibits 16-22] and throughout the original complaint. A few examples in the complaint are: Failing to answer plaintiff's petitions, which is a violation of NRS 293.2546 (11) and the Nevada Constitution Art. 2, Sec. 1A, S11. In the petitions [Exhibits 1, 2, 3], it clearly states numerous NRS violations that the defendants have failed to remedy or even respond to. The defense falsely states the defendants have no duty to respond to the plaintiff. Plaintiff strongly disagrees, as NRS 293.2546 (11) clearly states that the Plaintiff has the right to have his Petitions of elections resolved "fairly, accurately, and efficiently." That never happened.

The [Exhibits 1-145] clearly show dozens if not hundreds of claims. In [Exhibits 16-22] alone, it states hundreds of claims and dozens of requests for relief.

Another glaring example is on pages 15-16 in the original complaint. These NRS have mostly, if not all, been violated by defendants: NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS

293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4).
NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2, Sec. 1A, § 1(b);

Additionally, the complaint literally says Defendants that are found in violation of laws shall be fined, fired, and/or removed from office; [NRS 283.440, NRS 266.430]. The Plaintiff clearly states a grantable remedy for both causes of action. Additionally, Plaintiff asks this Honorable Judge to *"enjoin Defendants from their continued violations of the following NRSs and strictly comply with the NRS listed above"*.

Defendants have violated the NRS and other laws by violating the below NRS. Plaintiff is allowed to bring these claims and causes of action against the defendants as shown throughout this document and in "Section III" of this opposition. Nevada is a notice pleading state and thus at this stage of the complaint, this honorable court must deem all allegations as true.

Below is a brief overview of the claims and causes of action stemming from the NRS violations outlined above, also documented on pages 15 and 16 of the initial complaint, as well as referenced throughout [Exhibits 16-22].

NRS 293.530 discusses the defendants' duties in maintaining the voter rolls, which they have horribly violated. See [Exhibits 1-22] for examples.

NRS 293.2546(11), the defendants have violated the Plaintiffs rights to "To have complaints about elections and election contests resolved fairly, accurately and efficiently."

NRS 293B.033, NRS 293B.063, NRS 293B.065, NRS 293B.100, NRS 293B.104, NRS 293B.104, NRS 293B.1045(1), NRS 293B.130, and NAC 293B.110(1)(b). These violations encompass a wide range of rules and regulations that the defendants are required to adhere to when utilizing voting machines. Notably, these include the obligation to meet or surpass federal standards through the System, ensuring privacy and independence, guaranteeing accurate registration or recording of votes, and verifying that the mechanical recording device correctly registers or records all votes cast for individuals and measures on the voter's ballot.

Furthermore, the Secretary of State is prohibited from approving any system that fails to meet or exceed federal standards. The standards and procedures for approval of systems or devices by the Secretary of State, along with the corresponding regulations, were not complied with. Additionally, the software and operating systems must undergo specific certification prior to use, a requirement that was not fulfilled. It is evident that the defendants violated most, if not all, of these NRS provisions in varying degrees. See [Exhibits 1-3, 16-22, 58, 60-70, 94, 104, 105, 110, 112, 129, 146] for further proof of violations.

NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293.403(2), NRS 293.404(2), NRS 293.423, and NAC 293.311(4). These violations are deeply interconnected, as they collectively underscore the defendants' duty to ensure transparency and openness throughout the voting process, a duty that they have blatantly neglected.

One central aspect of these statutes is the explicit requirement for the defendants to conduct various stages of the voting process in full public view. For instance, defendants are mandated to allow members of the general public to observe the counting of ballots at central counting locations, encompassing the period when ballots are being processed. This fundamental aspect ensures accountability and trust in the electoral process.

Moreover, the statutes dictate that the counting of mail ballots, early voting returns, and ballots after the polls are closed must be conducted openly in the presence of the public. This transparency ensures the integrity of the election outcomes and instills confidence in the democratic process.

The requirement for allowing recount procedures, in which any eligible voter can demand a recount within a specified timeframe, is also deeply tied to this overarching theme of transparency. The presence of authorized representatives, candidates, and other relevant parties during the recount emphasizes the need for openness and accountability.

Additionally, the obligation for the county clerk to permit members of the general public to observe the handling of absent ballots underlines the defendants' duty to uphold transparency at all stages of the election process.

In failing to adhere to these statutes, the defendants have not only violated their legal responsibilities but have also undermined the fundamental principles of transparency and openness that are essential for a fair and credible democratic process. These interconnected violations serve as a stark reminder of the defendants' neglect of their duty to ensure that every step of the electoral process is conducted in a manner that maintains public trust and confidence. See [Exhibits 17, 23, 24, 72, and 126] for damning proof of defendants violations and further proof of claims and causes of actions that must be brought forward by this honorable court.

NRS 293.269927 underscores the defendant's solemn duty to safeguard the integrity of the mail ballot process, a responsibility the defendants have disregarded. This statute emphasizes meticulous signature verification as an essential step, either electronically or manually, to ensure the authenticity of returned mail ballots.

Vital to this process is the statute's insistence on addressing any doubts about signature consistency, signaling a "reasonable question of fact." In these instances, the defendant's is mandated to contact the voter promptly to seek confirmation.

Signature verification, a linchpin of transparency, upholds the sanctity of elections by ensuring that each ballot is validly submitted. NRS 293.269927 underscores this crucial role and the obligation to rectify signature-related concerns, a responsibility the defendants have neglected.

By sidestepping this pivotal responsibility, the defendants have eroded the only real safeguard the citizens have against fraudulent ballots being accepted. There are ballots sent to basically everyone, unlimited ballot harvesting is legal due to AB 321, so signature verification is the only real safeguard we have to ensure fraudulent ballots don't make their way into being counted. This violation destroys public trust in the democratic process and undermines the integrity of the vote.

See [Exhibits 1-3, and 18] for examples and eyewitness testimony from election workers who were told by the defendants to violate the NRS and not check signatures required by law.

NRS 293.277(3), NRS 293.285(1)(b)(4), NRS 293.3075(4), and NRS 293.3585(1)(d), [See Exhibits 16-22] collectively underscore the defendants' duty to implement an approved procedure to confirm that a registered voter has not already cast a vote within the current election cycle. These statutes mandate that the defendants must devise and follow a verification process, sanctioned by the Secretary of State, to ensure that no voter is allowed to vote more than once within the same election in the same county.

By adhering to these NRS regulations, the defendants safeguard the electoral process from potential instances of double voting, which could lead to compromised election outcomes. The importance of

this obligation cannot be overstated, as it upholds the fundamental principle of one-person-one-vote, essential for the integrity and legitimacy of democratic elections. Consequently, the defendants' failure to rigorously apply these NRS provisions undermines the very essence of fair and transparent elections, eroding public trust and potentially tainting the outcomes.

NRS 293.3604 outlines the responsibilities entrusted to the defendants regarding mechanical recording devices. It underscores the duties of the election board at the close of each voting day, the obligations of the ballot board during early voting, and the role of the county clerk at the conclusion of the final voting day.

NRS 293.740 addresses the obligations of the defendants in enforcing the prohibition of soliciting votes and engaging in electioneering within the polling place or within a specified proximity to the polling place, along with the corresponding penalty.

Nev. Const. Art. 2, Sec. 1A, § 1(b) explicitly outlines the defendants' duty to precisely record the voter's preference in selecting candidates, a duty they have demonstrably failed to fulfill.

As shown throughout this opposition document, the original complaint, the exhibits and responses, the Plaintiff does have the ability to bring forth claims and causes of action against the defendants. In these few examples alone, Plaintiff clearly shows the defense is trying to mislead this honorable court. Most if not all examples shown above are claims that a remedy can be granted. This honorable court could remove the defendants from office, enjoin them from further NRS violations, fine them, etc. Public officials must not be given a pass when they break the law. There must be consequences, not cover-ups.

VI. The DA's Office Confirms Much Of What Plaintiff Requests for Remedy CAN BE granted

In [Exhibit 111], the DA's office has provided its opinions on certain aspects of the relief sought by the Plaintiff, addressing whether the county commissioners possess the authority to grant them. Upon review, it becomes evident that even the DA's office acknowledges the feasibility of many remedies sought by the Plaintiff.

The DA's office's assessment encompasses a range of responsibilities falling within the Defendants' purview, including ensuring the accuracy of voter rolls, verifying election employees' residency within Washoe County while maintaining equitable representation from different political parties, conducting vote counting transparently in public view, establishing dual shifts for all positions, guaranteeing uninterrupted vote counting until completion, accommodating hand counting alongside machine counting, issuing paper provisional ballots for same-day voter registrations, and withholding ballot counts until all processing is finalized. Remarkably, these are precisely the measures the Plaintiff has emphasized in his pleadings, and notably, even the defense concedes their viability.

Nevertheless, the Plaintiff respectfully disagrees with the DA's office interpretation of Dillon's Rule, as he elaborates in his detailed discussion found here:

[<https://operationsunlight.com/2023/08/03/your-lesson-on-dillons-rule>].

Considering the Defense's findings and their claims regarding the actions the Defendants could take, along with the potential interventions that this honorable court could order, a significant portion, if not the entirety, of the remedies sought by the Plaintiff for his causes of action and claims could and

should be granted.

VII. Defendants Can Be Sued, and Have No Immunity

The defense is attempting to mislead the court and make this all about the defendants having no duty to answer to Plaintiffs' grievances, regardless of what the constitution, the NRS, and their own office descriptions state. The defense states that the defendants are not guilty of malpractice, malfeasance, or nonfeasance because they have no duty to engage in "discretionary acts," making them immune. This could not be further from the truth.

Let's start by defining what the Merriam-Webster dictionary defines "discretionary" as: "Individual choice or judgment left the decision to his discretion, the power of free decision or latitude of choice within certain legal bounds." (source: <http://www.merriam-webster.com/dictionary/discretionary>).

Since when did the Defendants' oath of office say to support and defend election fraud or look the other way? When did that become a "discretionary act"?

It's clear that the defendants, as the three highest-ranking election officers in Washoe County, are duty-bound not only according to the NV Constitution to support and defend it but also to redress grievances. Even if this honorable court states that looking the other way with these petitions [Exhibits 1-3] is discretionary, this honorable court must surely find that the defendants are found knowingly and through malpractice, malfeasance, or nonfeasance of covering up election fraud and/or committing numerous NRS violations on purpose. These acts are clearly not discretionary and would be criminal.

The evidence will show that this is exactly what happened.

If one simply looks to the NRS, it clearly states that the State, County offices, and officers can be sued. They have no immunity in certain instances. Simply reading through NRS 41.031 through 41.039, the NRS states numerous ways these officers and offices can be sued and held accountable.

Here are a few examples:

NRS 41.031 Waiver applies to State and its political subdivisions; naming State as defendant; service of process; State does not waive immunity conferred by Eleventh Amendment.

1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, 485.318, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.010 or the limitations of NRS 41.032 to 41.036, inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part

thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:

(a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(b) The person serving in the office of administrative head of the named agency.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

As outlined in the above NRS, the Plaintiff brought this complaint against the office and officer as it states to do. It's abundantly clear immunity only applies when an office or officer is actually performing their duty correctly. Immunity does not apply when they are knowingly breaking the law, as the evidence will prove. For proof of crimes, look to this document, [Exhibits 1-145], the Plaintiff's response via [Exhibit 142], and further testimony from eyewitnesses, and additional evidence to be submitted at trial.

VIII. Plaintiff Requested Remedy From SOS Numerous Times

The defense says that the defendants have no duty to respond to the Plaintiffs' petitions, grievances, or proof of election fraud and, according to NAC 293.025, to attempt to alleviate the Defendants from the various claims made by the Plaintiff. The code used is inferior to the Plaintiff's rights and is misapplied to the facts.

As will be proven, the Plaintiff's ability to exercise his right and obligation to lodge an

administrative complaint when he knows elections are inaccurate is encumbered and violated by the intrusion of the Secretary of State in local administrative matters that fall outside their authority as enumerated in Title 24 of NRS and NAC. Additionally, the SOS was made aware of the petitions [Exhibit 1-3], and hundreds of violations were submitted to the SOS, all of which went unremedied. What's worse is as shown in [Exhibits 17, 23, 24, 72, 120, 126, and 127], defendants were caught breaking court orders, the NRS, the NAC, and numerous other election laws, and then lied to the Secretary of State as to what happened to cover it up. The video, the transcript, the SOS response, the court orders, and supplemental statements in the exhibits above clearly show this occurred.

The defendants must be held accountable; there is no immunity to election fraud. This is just one of dozens of examples where the defendants clearly broke the law and are subject to removal via 283.440 and to be prosecuted. The defense is misleading this honorable court. Justice must be granted to Washoe voters.

IX. Defense Fails To Understand NRS 266.430 Reference in Complaint

The Defense has misinterpreted Plaintiff's complaint relative to NRS 266.430.

The Defense posits that "No private citizen "may institute criminal proceedings independently."

At no time does the Plaintiff claim relief or demand of the Court that NRS 266.430 be applied to the Defendants.

The Plaintiff merely offers NRS 266.430 in the context of severity of the penalties should the Defendants be found negligent pursuant to NRS 283.440, not to prosecute them in this civil proceeding.

This is a gross misinterpretation intended to impugn Plaintiff's character so the DA can go to the Reno Gazette-Journal and say, "Ah-ha!" look at what a fool is Beadles. Beadles is harassing his clients. Beadles is bad. The actions of the Defense that misstate and misinterpret the Plaintiff verge on egregious conduct.

Plaintiff's complaint cannot be dismissed for deficiency of form and NRS 266.430 has not been applied as asserted by the Defense. Thus, the Defense's arguments to dismiss the instant complaint based on NRS 266.430 are without merit.

X. The Complaint States Claims For Removal Under NRS 283.440

The defense clearly tries to hide the facts from this honorable court. NRS 283.440 is very clear the only offices it **does not apply** to are:

....except that this section does not apply to:

(a) A justice or judge of the court system;

(b) A state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution; or

(c) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

It additionally states: Any person who is now holding or who shall hereafter hold any office in this State.

It additionally states what offices this statute does NOT apply to. The defendants offices are NOT listed as safe from NRS 283.440.

Clearly, the highest-ranking Election Official (ROV), The Highest Ranking Administrative Official (County Manager), and the Chairwoman of the Washoe County Board of County Commissioners are subject to removal via NRS 283.440 as they are not excluded as the other positions are.

XI. Plaintiff States Multiple Claims For Defendants Removal

There are numerous claims made by the Plaintiff in [Exhibits 1-145] that clearly show removal is warranted, as well as prosecution and all other remedies stated in Plaintiff's complaints and exhibits, as well as any other remedy this court sees fit to administer. All of these are claims stated by the Plaintiff for which he can be granted remedy. A few examples of which are in the original complaint, [Exhibits 1-15, 16-24, 104, 105, 126, 129, 134-140, 142, and 143].

The Plaintiff shows that the defendants broke numerous NRS, some stated in [Exhibits 16-22], and all the below stated in the original complaint:

NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b).

Its resounding clear the defenses argument has no merit and the Plaintiff stated numerous claims for the defendants removal in addition to failing to answer his properly served grievances in [Exhibits 1-

3].

XII. The ROV Can and Is Being Sued

As stated above in “IV. **Defendants Can Be Sued, and Have No Immunity**” the NRS in NRS 41.031 through 41.039, the NRS states numerous ways these officers and offices can be sued and held accountable.

Reference to Past Interpretations: While past cases have primarily dealt with elected officials, the law clearly states it must apply to “any person, in any office.” And clearly states who is NOT able to be removed from office. The ROV, County Manager nor County Commissioner are in the list of who cannot be removed. One must remember, the defendants do not hold some low-level job in the county; defendant Rodriguez is the acting ROV for all of Washoe County. The NRS states her position interchangeable with that of an elected County Clerk. Her duties in short consist of: *Under general direction of the County Manager, plans, organizes, directs, and manages the operations of the Registrar of Voters Department; and performs related work as required.*

https://www.washoecounty.gov/humanresources/files/hrfiles/60009314_1.pdf [Exhibit 117]

Defendant Brown is the furthest from a low-level county employee. He is in direct control of the duties of the ROV, defendant Rodriguez. He additionally has appointed her, the deputy ROV, and has contracted with numerous election services companies as well. His duties as defined by the county additionally include: *Under the administrative direction of the Board of County Commissioners, serves as the Chief Administrative Officer of Washoe County; exercises administrative direction over the appointed County department heads and staff; represents the County on a variety of matters at the State and County level; and performs related work as required.*

https://www.washoecounty.gov/humanresources/files/hrfiles/60009303_1.pdf [Exhibit 133].

It is clear these two defendants are the furthest from just county employees as the defense tries to downplay. These two defendants control the county election systems and more. If they cannot be held accountable under NRS 283.440, it would be a clear travesty of justice. The third defendant, County Commissioner Alexis Hill, has been sworn in as a seated county commissioner, and this law without any further explanation clearly applies to her.

Furthermore, the defense's attempt to ignore and obfuscate the truth of what the law clearly says to the court is reprehensible. The application of NRS 283.440 in the removal of "any person, in any office," for malfeasance or nonfeasance of high-ranking employees must be allowed per law. Failure to do so would open the door to systemic issues, undermining public trust, and clear violations of law that would then be permissible.

Furthermore, beyond NRS 283.440, this honorable court has numerous remedies at its disposal to hold the defendants accountable for the malpractice, malfeasance, or nonfeasance they have all committed as shown in these pleadings and exhibits. It's the road to tyranny when public officials or offices have no accountability to we the people.

Defenses claims the ROV cannot be sued is meritless.

XIII. Damages and Relief are Available For Plaintiff

There are numerous examples of damages to Plaintiff and all Washoe Voters listed in pleadings, [Exhibits 1-145], and the above sections. To restrain from tremendous redundancy in stating them all in this section as well, just a simple reference to the original complaint shows damages due to defendants violations of NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b),

NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b)

Most if not all of these are punishable as shown in the following NRS':

NRS 193.130 Categories and punishment of felonies.

1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of NRS 176A.100 or paragraph (a) of subsection 2 of NRS 453.336, upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than \$5,000, unless a greater penalty is authorized or required by statute.

NRS 193.140 Punishment of gross misdemeanors. Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

[1911 C&P § 19; RL § 6284; NCL § 9968]—(NRS A 1967, 459; 1981, 652; 2013, 977)

NRS 193.150 Punishment of misdemeanors.

1. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such misdemeanor prescribed a different penalty.

NRS 193.153 Punishment for attempts.

1. An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime. A person who attempts to commit a crime, unless a different penalty is prescribed by statute, shall be punished as follows:

(a) If the person is convicted of:

(1) Attempt to commit a category A felony, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

(2) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is greater than 10 years, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.

(3) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is 10 years or less, for a category C felony as provided in NRS 193.130.

(4) Attempt to commit a category C felony, for a category D felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(5) Attempt to commit a category D felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(6) Attempt to commit a category E felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(b) If the person is convicted of attempt to commit a misdemeanor, a gross misdemeanor or a felony for which a category is not designated by statute, by imprisonment for not more than one-half the longest term authorized by statute, or by a fine of not more than one-half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both fine and imprisonment.

2. Nothing in this section protects a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed. A person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion discharges the jury and directs the defendant to be tried for the crime itself.

There are numerous penalties for officers who commit malfeasance in office. A condensed list of potential examples for this Honorable Court include:

Nev. Rev. Stat. § 658.155 provides that officers who commit malfeasance or corruption in office are guilty of a category D felony.

Nev. Rev. Stat. § 252.190 provides that a district attorney who commits malfeasance in office may be punished with a gross misdemeanor.

Nev. Rev. Stat. § 197.130: Public officers knowingly making false or misleading statements in official reports or statements are guilty of a gross misdemeanor.

Nev. Rev. Stat. § 197.140: Public officers making false certificates or writings, containing knowingly false statements, are guilty of a gross misdemeanor.

Nev. Rev. Stat. § 197.110: Public officers engaging in misconduct by soliciting compensation for neglecting duties or using public resources for private gain are guilty of a category E felony and subject to punishment as provided in NRS 193.130.

Nev. Rev. Stat. § 42.005 allows for the award of punitive damages in cases where the defendant has been found guilty of fraud, among other things.

Schumacher v. Furlong discusses NRS 283.440, which provides for the removal of an office holder for malfeasance.

The acts alleged against the defendants were outside the scope of faithfully performing their duties and employment.

As shown above, there are numerous remedies that are available for victims of public officers who commit the violations Plaintiff alleges.

Plaintiff further states numerous remedies he seeks that this court can grant as shown in exhibits, responses, pleadings, and the original complaint. One example, in the original complaint, that the court can grant with ease is to:

i. **Enjoin Defendants from their continued violations of the following NRSs and strictly comply with** *NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b):*

Additionally, this honorable court can enjoin the defendants Hill and Brown to force a vote at the County Commission Board on numerous remedies he seeks.

For example:

Enjoin Defendants from using any voting and tabulation machines for elections in Washoe County; and Enjoin Defendants to use paper ballots at all polling locations and in every election:

As per [Exhibit 16, line 60-61]

60. Pursuant to N.R.S. 293B.105 General authority. "The board of county commissioners of any county or the city council or other governing body of any city may purchase and adopt for use at elections any mechanical voting system and mechanical recording device. The system or device may be used at any or all elections held in the county or city, for voting, registering and counting votes cast."

61. County has discretion in the selection of election systems, hiring practices, and numbers of precinct polls and locations:

- a. County may choose not to use any election system. (N.R.S. 293.269925, 293.3075(6), 293.506, and 293B.110, exception N.R.S. 293.2955(1, 4)
- b. 94 was the number of poll workers in the 2022 general in Washoe County aged 41-60; 180 aged 61-70; 148 aged 71+, which equals 422 workers or 89% out of a total 472 poll workers hired, according to the 2022 Washoe EAV Survey. [Exh. 106 2022 Washoe EAV Survey v1_workers.xlsx]
- c. County may choose to hire more local workers (N.R.S. 293.217 to 293.243 inclusive, and 293.258, and 293B.360 to 293B.390 inclusive) to process and count mail ballots and such, along with allowing 6-hour shifts and double shifts for workers to accommodate seniors and pregnant women (N.R.S. 613.4354 to 613.4383).
- d. N.A.C. 293.015: "As used in NRS 293.361 and 293.740, the Secretary of State will interpret the term "polling place" to mean any place that is designated by the county clerk for voting by personal appearance."
- e. County may provide as many polling locations as necessary to serve precincts and clusters of seniors and/or disabled persons to enable voting and lessen wait times (N.R.S. 293.205, 293.2731 to 293.2738 inclusive, 293.3072, 293.3561 to 293.361 inclusive, and 293.437).
- f. Out-of-precinct polling on Election Day ruled against by U.S. Supreme in 2021 (Brnovich v. DNC, No.19-1257 and Arizona Republican Party v. DNC, No. 19-1258) [Exh. 29]

(<https://www.cnn.com/2021/07/01/supreme-court-upholds-arizona-voting-rules-d>

emocrats-called-discriminatory.html).

As shown above in this one example, the commissioners have the ability, by vote, to use or not use voting machines, vote tabulators, paper ballots, vote within a voter's own precinct, and more.

One of the reasons the County of Washoe itself is named in this case is because Defendants Hill and Brown, according to "Washoe County Board Of Commissioners Rules Of Procedure" (<https://www.washoecounty.gov/bcc/WC%20BCC%20Rules%20of%20Procedure%202022.pdf>), section 5.5, clearly states that the two defendants Brown and Hill, alone, can put these items on the agenda for all commissioners to vote on. By a vote of 3 in the affirmative, all of their abilities shown in [Exhibit 16] could be immediately implemented.

This honorable court has the ability to enjoin Defendants Hill and Brown to add these items to the agenda for a vote. What happens from there is up to them. This is just another example of how the court and the defendants have the ability to grant remedy to the plaintiff.

As shown, this honorable court does have the ability to grant damages and remedies.

Once again, the defenses claims are without merit.

XIII. NAC 293.025

The NRS Is Superior To the NAC. The Nevada Constitution Is Superior To Both.

The defense's claim that citizens must use NAC 293.025 for election-based grievances and that the defendants have no duty to respond is false. As numerous NRS cited by the Plaintiff in this document and in the exhibits show, the defendants are duty-bound to conduct elections and fulfill their duties according to the law. However, they have failed in that duty.

The Plaintiff has submitted numerous complaints under NAC 293.025, as evident in just a few of 100s of examples in [Exhibits 126 and 127], all of which have gone without remedy. Moreover, in cases where the SOS did respond to one of Plaintiff's grievances, the defendants either lied to the SOS or the SOS was complicit in the act of counting votes in secret, as demonstrated in [Exhibits 23, 24, 72, and 126]. It is baseless for the defense to assert that NAC 293.025 is the sole means for a voter to seek redress for election issues. The Nevada Voters Bill of Rights and the NV Constitution take precedence over the NAC. The NRS holds supremacy over the NAC, a principle commonly understood in the legal community and also referenced in:

In *State, Div. of Insurance v. State Farm*, 116 Nev. 290 (Nev. 2000), the court found that a regulation was invalid because it conflicted with a statute, suggesting that the NRS takes precedence over the NAC in this instance.

"NRS 679B.130 provides in relevant part that '[a] regulation shall not extend, modify or conflict with any law of this state or the reasonable implications thereof.' NAC 690B.230(2) forbids insurers to take any underwriting action against an insured that is fifty percent at fault."

Similarly, in *Horizons at Seven Hills Homeowners Ass'n v. Ikon Holdings, LLC*, 132 Nev. Adv. Op. 35 (Nev. 2016), the court held that a regulation could not contradict the statute it was designed to implement, stating: *"Nev. Attorney for Injured Workers v. Nev. Self-Insurers Ass'n*, 126 Nev. 74, 84, 225 P.3d 1265, 1271 (2010) (internal quotations omitted). 'Administrative regulations cannot contradict the statute they are designed to implement.' *Id.* at 83, 225 P.3d at 1271 (internal quotations omitted)," further demonstrating that the NRS is superior to NAC.

These violated NRS alone: NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b); and the punishments listed in the above NRS' in **"Damages and Relief are Available For Plaintiff"** as well as the removal of immunity shown in NRS 41.031 through 41.039 clearly supersede some NAC that the SOS and defendants alike fail to adhere to.

The defense's claims that all election issues must be through NAC 293.025 are clearly meritless, and if they were fact, no Nevada voter would ever receive remedy, further showing why Plaintiff is here in this honorable court.

XIV. TRIAL BY JURY

A jury trial cannot be denied to the Plaintiff. Plaintiff's First Cause of Action states many claims and remedies as set forth in this document, exhibits, initial complaint, and pleadings.

The Plaintiff's Second Cause of Action asks for the removal of officers from office. Case law is settled that even if one cause of action is dismissed or handled outside of trial, the other cause(s) of action can still move forward. Plaintiff believes that both causes of action, due to the damning consequences on the public at large, must be heard in an open trial. Evidence weighed on its merit, and an unbiased ruling granted for all parties.

Plaintiff's right to a jury trial: "Nevada's constitution provides that "[t]he right of trial by jury shall be secured to all and remain inviolate forever." Nev. Const. Art 1 § 3." *Taylor v. Colon*, 468 P.3d 820 (2020).

See Aftercare of Clark County v. Just. Ct. of Las Vegas Twp. ex rel Cnty. of Clark, 120 Nv. 1 (2004), and *Harris Assocs. V. Clark County Sch. Dist.*, 119 Nev. 639 (2003), and *Blanton v. North Las Vegas Mun. Ct.*, 103 Nev. 623 (1987), and *Castillo v. Pons-Diaz*, No. 82267-COA (Nev App. Aug. 17, 2022). (short list)

NRS 40.310 – Issues of fact to be tried by jury if proper demand made.

NRS 40.453 does not preclude waiver of the right a trial by jury. *Lowe Enterprises v. Dist. Ct.*, 118 Nev. 92 (2002)

Pursuant to NRS 41A.056(2), a plaintiff is free to bring a complaint and present his/her case to a jury despite the panel's decision. *Barret v. Baird*, 111 Nev. 1496 (1995)

NRS 41.0348 – "In every action or proceeding in any court of this state in which both the State or political subdivision and any present or former officer, employee, immune contractor or member of a board or commission thereof. . . the court or jury in rendering any final judgment, verdict, or other disposition shall return a special verdict"

NRS 174.135 – Hearing on motion, "An issue of fact shall be tried by a jury if a jury trial is required under the Constitution of the United States or of the State of Nevada or by statute 3."

Plaintiff's Second Cause of Action seeks removal of the Defendants pursuant to NRS 283.440.

If removal is the relief granted in summary hearing, Plaintiff's other demands for relief still move forward.

However, if the Petitions are to be considered as underlying the actions and motivations of the Defendants—as they should—issues of fact may be presented thus requiring a jury trial.

To put it another way, this Court becomes the fact checker in a summary hearing. If this Court is

willing to accept all of Plaintiff's evidence as true and correct then Plaintiff will gladly go down that path with the Court.

Should any evidence thus be questioned by this Court or by the Defendants, a jury trial is warranted. Hence, the Plaintiff cannot be denied his right to a trial by jury when such right is invoked, which he has done.

If this esteemed court remains unconvinced that the plaintiff's case warrants progression and that the plaintiff has adhered to Nevada's notice pleading state rules, the motion to dismiss presented by the defense should rightfully be declined. In the forthcoming sections, the plaintiff will additionally refute the defense's claims and furnish further evidence substantiating the necessity to hold the defendants responsible for their grievous actions. Failing to do so would undeniably signify a lack of justice for the citizens of Washoe.

XVI. PROOF OF TRUTH

THERE IS AN ILLEGAL FUNCTION WITHIN WASHOE COUNTY DEPRIVING EVERY VOTER OF THEIR RIGHT TO LAWFUL SUFFRAGE

Here is a brief explanation of how anyone reading this reply can verify that the Plaintiff is telling the truth:

Washoe County published what is called the CVR, which stands for Cast Vote Record. It's published on their website for the public. It is what they certify under penalty of perjury, stating these are the election results we must all believe. By simply using the COUNTY's own certified election results,

someone with a 4th-grade education can, in about a minute, verify if an election in a precinct was legitimate or fraudulent.

This is what we call the layman's calculation.

It's extremely accurate at a precinct level, with the exception of the occasional precinct outliers. It's meant to spot-check elections, to determine at a glance if they are legitimate or fraudulent, by people with a 4th-grade math understanding. Once the precinct(s) are proven fraudulent from the layman's calculation, one can use the "academic calculation," which requires a high school-level understanding of geometry and algebra to use [Exhibits 104-105]. The "academic calculation" will get the user to within a FEW VOTES of accuracy; it takes longer to do and is more complicated, but Plaintiff urges the reader to find the smartest mathematician they can find to try it for themselves and they too will see like the hundreds, potentially thousands of others, the Plaintiff is right.

The proof-of-truth formula the Plaintiff will demonstrate typically requires around a 4th-grade understanding of math, in the first 3 examples, making it very user-friendly. The 4th example will typically require a 7th to 9th grade level of math understanding. In the 4th example, Plaintiff will demonstrate using a "layman's calculation that solves the unknown" In this example, Plaintiff will again do the impossible and predict with impossible accuracy the percentage of votes Marsha Berkbighler received in her mail-in and early vote ballots per precinct. Meaning the reader will be able to predict what percentage of votes Berkbighler will receive in a precinct.

What makes this particularly impossible is the reader will be able to do this only knowing 2 variables when the user MUST know all 3 variables to solve. Plaintiff calls this the box analogy. In grade school, we were taught to find the volume of a box by knowing the length, the width, and the height; if you didn't know one of these variables, you could not solve for the volume of the box.

However, Plaintiff will show you how to proverbially solve for the volume of the box only knowing the height and width, which would be impossible.

Similarly, in the 4th example, Plaintiff will prove to the reader that Hill vs Berkbigler is completely fraudulent as we can solve for the percentage of Berkbigler votes cast percentage only knowing 2 of the three variables. Plaintiff will now demonstrate for the reader how our Washoe elections are completely and utterly untrustworthy and these elections are completely rigged. In these 4 examples, Plaintiff will only use the Washoe County Certified Election Results to show that **Biden lost to Trump, Angie Taylor lost to Montognese, Devon Reese lost to Eddie Lorton, and Alexis Hill lost to Marsha Berkbigler in the 2020 elections.**

Using the County's cast Vote Records (CVR data), if you pick a precinct in Washoe County for the 2020 General Election and use ONLY the County's certified election results, randomly pick a precinct in the Eddie Lorton vs Devon Reese race you want to check on. For this demonstration, the Plaintiff will use the City Council Race and randomly select Precinct 1033. Using ONLY the county's certified election results, we do the following:

Eddie Lorton vs. Devon Reese 2020 City Council Race

Find these 4 vote totals

Reese Mail-In Vote Total of 355

Reese Early Vote Total of 172

Lorton Mail-In Vote Total of 132

Lorton Early Vote Total of 143

Now then simply add together all the votes for both candidates which equals 802

Now then multiply 802 by 50% which equals 401

Now then take Reeses 355 mail-in votes and multiply them by 73% which equals 259.15

Now then take 401 and minus the 259.15 from it which equals 141.85

Now simply add 2.42 to 141.85 which equals 144.27

Why does this matter?

Because the Washoe County Certified Vote Total for Lorton's Early Vote Total in Precinct 1033 is...
143!

We just did and solved the impossible; this layman's calculation predicted Lorton would receive
144 votes! The County reported Lorton received 143! **We were off by one vote!**

If the reader is skeptical, fear not. The plaintiff will give three more examples and then explain how this is not a trick. This means the election was predetermined. Someone or something set the boundaries of these elections, and no matter how many votes come in, the hacked or programmed software will never allow Lorton, Berkgigler, Trump, or Montognese to win, regardless of how many more votes they receive than their opponent as shown in [Exhibits 60-68, 95, 104, 105, 110, 112, 129, 146]

Next let's move onto Angela Taylor vs Mathew Montognese Disctrict E 2020 School Board Race.

Similar to the Reese Lorton Race, Plaintiff again proves that using the layman's calculation, one can predict the unpredictable with mathematical impossibility.

Plaintiff will randomly select Precinct 3019.

Find these 4 vote totals

Taylor Mail-In Vote Total of 196

Taylor Early Vote Total of 74

Montognese Mail-In Vote Total of 93

Montognese Early Vote Total of 42

Now then simply add together all the votes for both candidates which equals 405

Now then multiply 405 by .579% which equals 234.49

Now then take Montognese Early Vote of 42 multiply it by .989 which equals 41.53

Now minus 41.53 from 234.49 which equals 192.95

Now add 6.11 to 192.95 which equals 199.06

We just predicted Taylors Mail In Vote at 199.06

The County Certified results swear under penalty of perjury Taylor received 196 votes!

The layman's calculation here again impossibly predicts the fraudulent certification by 3 votes!

For the readers wondering, is he just adding numbers together? Fear not, if you want to make sense of this impossible prediction calculator, read [Exhibits 104 and 105] for a detailed academic explanation of how these calculations are created, which make the impossible vote total predictions possible.

Next, we will randomly examine a precinct in the Biden VS Trump 2020 General Presidential race in Washoe County.

We will randomly select precinct 6413 and use only the Washoe County Certified Vote Totals once again.

Find these 4 vote totals

Biden Mail-In Vote Total of 357

Biden Early Vote Total of 147

Trump Mail-In Vote Total of 283

Trump Early Vote Total of 423

Now then simply add together all the votes for both candidates which equals 1210

Now then multiply 1210 by 63.5% which equals 768.35

Now then take 786.35 and minus Trumps Early Vote of 423 which equals 363.35

The County's Certified Voter Results state Biden received 357 votes. The layman's calculation predicted 363 Mail-In Votes for Biden. **The layman's calculation was only off by 6 votes!**

Once again, another mathematical impossibility in a fair election. This further demonstrates that the race was predetermined before the results were ever certified.

Plaintiff can repeat this process for most election races in the 2020 and 2022 Washoe Certified Election results [Exhibit 104,105], showing that every Washoe voter has been robbed of their right to suffrage. For the last example, Plaintiff will demonstrate using the layman's calculation that Alexis Hill vs Marsha Berkbigler was rigged as well. In this example, Plaintiff will achieve the impossible by using only 2 out of 3 essential variables to solve the equation. This layman's calculation is a bit more complex than the three previous examples. Exhibits 104 and 105 show the reader how these races were predetermined and how to predict most, if not all, precincts in many Washoe County election races. The academic formula will guide the user in most instances to predict precinct after precinct to the nearest few votes! In other words, the academic formula will enable the user in most, if not all, precincts to predict the race in that precinct to the nearest vote or so! Let's begin.

Alexis Hill vs Marsha Berkbigler Washoe County Commissioners District 1 2020 General Race

Plaintiff will randomly select Precinct 1007.

Find these 4 vote totals

Hill Mail-In Vote Total of 156

Hill Early Vote Total of 65

Berkbigler Mail-In Vote Total of 92

Berkbigler Early Vote Total of 62

Here is the legend for the reader's usage:

G= Berkbigler's Early Vote divided by the sum of Berkbigler's Early Vote and Hills Mail-In Vote

H= Berkbigler's Mail-In vote divided by the sum of Berkbigler's Mail-In vote and Hills Early Vote

Alpha=The Sum of Berkbigler's Early Vote and Berkbigler's Mail-In Vote divided by the sum of all 4 categories.

Lambda=The Sum of Berkbigler's Early Vote and Hills Mail-In Vote divided by sum of all 4 categories.

For the sake of condensing the notation, we are going to assign the four letters, A,B,C and D to each precinct's Early and Mail-in Vote totals for Berkbigler and Hill.

Let A = Berkbigler's Early Vote at a precinct.

Let B = Hill's Early Vote at the same precinct.

Let C = Berkbigler's Mail Vote at a precinct.

Let D = Hill's Mail Vote at a precinct.

Let **K**=A+B+C+D, which is the sum of all four above votes.

Let $G = A/(A+D)$, which is the percentage of votes that belong to Berkbigler amongst the sum of Berkbigler's Early Vote and Hill's Mail-in Vote at the same precinct.

Let $H = C/(C+B)$, which is the percentage of votes that belong to Berkbigler amongst the sum of Berkbigler's Mail Vote and Hill's Early Vote at the same precinct.

Let $\text{Alpha} = (A+C)/(A+B+C+D)$, which is the percentage of all voters that voted for Berkbigler Early or for Berkbigler Mail.

Let $\text{Lambda} = (A+D)/(A+B+C+D)$, which is the percentage of all voters that either voted for Berkbigler Early or for Hill by Mail. Observe that $(1 - \text{Lambda}) = (C+B)/(A+B+C+D)$

There is a universal tautology concerning those four numbers, A,B,C and D, and those four ratios, G,H, Alpha and Lambda. This tautology says:

$$\text{Alpha} = G(\text{Lambda}) + (1 - \text{Lambda})H; \quad \alpha = g\lambda + (1 - \lambda)h$$

$$\text{Proof: } \frac{A+C}{A+B+C+D} = \left(\frac{A}{A+D} \right) \left(\frac{A+D}{A+B+C+D} \right) + \left(\frac{C+B}{A+B+C+D} \right) \left(\frac{C}{C+B} \right) = \frac{A+C}{A+B+C+D} \quad \text{Q.E.D}$$

So why is this tautology important? Because it tells us that we cannot solve for Alpha, which is Berkbigler's total share of the vote, knowing only g and h. In a fair election, we need to know all

three variables g,h AND Lambda in order to solve for Alpha.

However, in Washoe County, we can solve for Alpha with no knowledge of Lambda at any precinct, using only g and h and the same formula with an $R^2=0.994$ (essentially no error, with the most significant source of error being whether you round up or down to the nearest integer).

$$\text{Alpha}=0.059785+0.422213h+1.535061g^2-1.211691g^3$$

Suppose you are blindfolded. You don't know A,B,C or D in a precinct, but I do. However, I provide to you the g and h percentage and the total sum of ballots cast, **K**.

So, if I tell you that $g=30\%$, this means that A and (A+D) are in a 3 to 10 ratio. There is no way for you to resolve the individual value of A or D from this information. It could be 3 to 10, or 21 to 70 or 300 to 1000, etc.

Knowledge of g does not impart knowledge of A, D or A+D, therefore you remain blindfolded to the values of A and D, even after I tell you g.

Now I tell you $h=54\%$, this means that C and C+B are in a 54:100 ratio. Again, there is no way to determine the individual values of C, B or C+B from this information.

And without Lambda, you cannot know Alpha (remember that Alpha is Berkhigh's formula percentage of the ballots at the precinct, thus a formula that predicts Alpha across all of the precincts, predicts the entire election!)

Allow me to give you an example.

In Precinct One:

$$g=A/(A+D) = 30\%=30/100, \text{ from which we know } D=70, \text{ since } 100-30=70.$$

$$h=C/(C+B) = 54\%=54/100, \text{ from which we know } B=46, \text{ since } 100-54=46.$$

$$\text{Lambda}=(A+D)/(A+B+C+D)=50\%=(30+70)/200.$$

$$\text{Alpha}=(A+C)/(A+B+C+D)=42\%=(30+54)/200=g\text{Lambda}+(1-\text{Lambda})h=(30\%)(50\%)+(50\%)(54\%)$$

In Precinct Two:

$$g=A/(A+D) = 30\%=300/1000, \text{ from which we know } D=700, \text{ since } 1000-300=700.$$

$$h=C/(C+B) = 54\%=216/400, \text{ from which we know } B=184, \text{ since } 400-216=184.$$

$$\text{Lambda}=(A+D)/(A+B+C+D)=71.4\%=1000/1400.$$

$$\text{Alpha}=(A+C)/(A+B+C+D)=36.8\%=516/1400=g\text{Lambda}+(1-\text{Lambda})h=(0.3)(0.714)+(0.286)(0.54)$$

Notice that in both precincts, $g=30\%$ and $h=54\%$; however both precincts have a different value for Alpha. In Precinct One Alpha=42% and in Precinct Two Alpha=36.85%. Hence, you cannot solve for Alpha knowing only g and h, you must also know the third variable, Lambda, in a fair election.

Thus, the fact that we can solve for Alpha, without Lambda, knowing only g and h, in every precinct, with the equation... $\text{Alpha}=0.059785+0.422213h+1.535061g^2-1.211691g^3$...means that the election is rigged by definition, since it violates the universal tautology of...

$$\text{Alpha} = G(\text{Lambda}) + (1 - \text{Lambda})H; \quad \alpha = g\lambda + (1 - \lambda)h$$

Proof: $\frac{A+C}{A+B+C+D} = \left(\frac{A}{A+D}\right)\left(\frac{A+D}{A+B+C+D}\right) + \left(\frac{C+B}{A+B+C+D}\right)\left(\frac{C}{C+B}\right) = \frac{A+C}{A+B+C+D}$ **Q.E.D**

which says that the fractions $A/(A+D)$ and $C/(C+B)$ alone (g and h alone), cannot solve for the fraction $(A+C)/(A+B+C+D)$, which is Alpha. If the Defense wishes to argue this, then tell us how to solve for Alpha knowing only g and h with no knowledge of lambda.

Q.E.D.

Here is an example using Precinct Reno-Verdi 1033. Remember that this is blindfold. I have all the information in the table below; however, I will only provide g, h and K , where K is the total ballots cast.

$$g = 180/(180+382) = 0.32028; \quad h = 150/(150+164) = 0.47770 \quad \text{and} \quad K = (180+164+150+382) = 876$$

$$\text{Lambda} = (180+382)/876 = 0.64155$$

R_0	Precinct	R	A	B	C	D
P#	Precinct	Registered	Berkbigler Early	Hill Early	Berkbigler MIV	Hill MIV
30	RENO-VERDI 1033	1085	180	164	150	382

Now I provide those the values $g=0.32028$; $h=0.47770$ and $K=876$

$$\text{We first calculate } = 0.059785 + 0.422213h + 1.535061g^2 - 1.211691g^3$$

$$g^2 = (0.32028)(0.32028) = 0.102579$$

$$g^3 = (0.32028)(0.32028)(0.32028) = 0.032854$$

$$\text{Alpha} = 0.059785 + (0.422213)(0.4777) + (1.535061)(0.10258) - (1.211691)(0.032854)$$

$$\text{Alpha} = 0.059785 + 0.20169 + 0.15746 - 0.039809$$

$$\text{Alpha} = 0.379126$$

We now multiply Alpha and K to get Berkbigler's Total Vote.

$$(0.379126)(876) = 332.11, \text{ rounded to the nearest integer is } 332.$$

Observer that $A+C=180+150=330$, which was the actual total vote for Berkbigler, a residual difference of only two votes.

You just predicted Berkbigler's total vote with a blindfold, knowing only g, h and K. Notice that you did this without knowing $\Lambda=0.64155$!!!

Remember **Alpha** is the Sum of Berkbigler's Early Vote and Berkbigler's Mail-In Vote divided by the sum of all 4 categories, which determines the winner of the precinct!

Here is an example using Precinct Incline Village 8105. Remember that this is blindfold. I have all the information in the table below; however, I will only provide g,h and K, where K is the total ballots cast.

$$g=154/(154+188)=0.45029; \quad h=160/(160+128)=0.55555 \quad \text{and} \quad K=(154+128+160+188)=630$$

$$\Lambda=(154+188)/630=0.54285$$

R_0	Name	R	A	B	C	D
P#	Precinct	Registered	Berkbigler Early	Hill Early	Berkbigler MIV	Hill MIV
2	INCLINE VILLAGE 8105	817	154	128	160	188

Now I provide those the values $g=0.45029$; $h=0.55555$ and $K=630$

We first calculate $=0.059785+0.422213h+1.535061g^2-1.211691g^3$

$$g^2=(0.45029)(0.45029)=0.202761$$

$$g^3=(0.45029)(0.45029)(0.45029)=0.0913$$

$$\text{Alpha}=0.059785+(0.422213)(0.55555)+(1.535061)(0.202761)-(1.211691)(0.0913)$$

$$\text{Alpha}=0.059785+0.23456+0.31125-0.110629$$

$$\text{Alpha}=0.494966$$

We now multiply Alpha and K to get Berkbigler's Total Vote.

$$(0.494966)(630)=311.82, \text{ rounded to the nearest integer is } 312.$$

Observer that $A+C=154+160=314$, which was the actual total vote for Berkbigler, a residual difference of only two votes.

You just predicted Berkbigler's total vote with a blindfold, knowing only g,h and K. Notice that you did this without knowing $=0.54285$, which is 10% less than the lambda value of the previous precinct example. Amazing right!

To make a long short, instead of being equal to the weighted average of g and h (where is the weight) in a fair election, is now equal to the sum of the area of a rectangle sides with sides h,0.42;

the volume of a rectangular prism with sides $g, g, 1.53$; subtracted by the hypervolume of a rectangular tesseract with sides $g, g, 1.21$; plus the length of a line of length $=0.059785$.

That, ladies and gentlemen, is the surest sign of a rigged election.

Q.E.D.

Using this calculation that a 9th grader should be able to perform, like magic, the reader can predict how all precincts in the Washoe 2020 Berkbighler vs. Hill voted!

Using the 4th grade Layman's calculation, you are able to again predict the impossible in each precinct in the Lorton vs. Reese, Taylor vs. Montognese, Trump vs. Biden races!

This is not a trick; this is not the Collatz conjecture or a Hailstone sequence. Plaintiff can show you precinct by precinct in election race after election race where this occurred. However, the Plaintiff can only show you this happened in the 2020 and 2022 Washoe County elections, as it never happened before the implementation of AB 321 or the pandemic. Almost anyone can verify what Plaintiff is proving with the layman's calculations. This simple formula is impossibly accurate. If you use the actual academic formula, you can predict it down to the closest vote or so!

For skeptics who say it's a trick because we know the certified data, they're mistaken. A simple test would be to find someone with a 4th-grade understanding of the math used above, randomly provide the person with the County's certified CVR data for ONLY 5 precincts in a Washoe County election race listed above they want to check, and they'll be able to predict how each precinct voted in that race with a very low margin of error, with a few exceptions for outliers. Again, the academic calculation is close to a handful of votes margin of error. The damning truth of the proof is that every precinct in the 2 largest counties of Nevada, on separate sides of the state, voted nearly identically the same, and the other 15 counties and Carson City did not! Not even close! Additionally, prior to 2020, this had never happened before. Dozens of PhDs have concurred with Plaintiff's findings. Furthermore, Plaintiff ran the Certified Election Results and findings through Google's Bard, which

is described as a "large language model with the ability to solve complex mathematical problems, write and execute code, and manipulate strings."

Google's Bard, when given the data, responded with:

"This suggests that there was some kind of fraud or manipulation involved in the election results." "This suggests that someone was able to manipulate the vote counts after the election was over." "I would recommend that you notify the authorities about your concerns." "It is important to hold those responsible for election fraud accountable, so that our democracy can remain strong." <https://bard.google.com/share/64002ac15e3b>

What citizens and officials alike fail to realize is that it doesn't take 1,286 people to rig an election; it could only take 1-5 people see [Exhibits 23, 24, and 72]. No human ever counts the ballot or the bubbles. In a recount or audit, no human ever counts the bubbles or the ballots; it's all machines. Machines can be programmed or hacked to do whatever their user decides. Machines do not have a conscience; machines have no stake in the outcome. Machines do what they are told to do. Machines are great at getting us around the world, surfing the web, and expanding our knowledge and reach, but when it comes to our vote, it makes it way too easy for a bad actor(s) to steal our vote and our county-country without anyone ever being able to prove what the Plaintiff just did for you.

It's critical for this honorable court and all readers of this document to understand this example of a stolen election via an illegal function within the election system is not a singular event, with Defendant Hill fraudulently taking victory over the true winner, Marsha Berkgigler. Plaintiff can show this exact fraud occurring numerous times in the 2020 election. A few examples of which are Eddie Lorton vs. Devon Reese in the City Council Race of 2020. Devon Reese claimed victory through this exact same fraudulent outcome. The same with Angie Taylor in the Washoe School

Board race against Montongnese. Taylor won by the same fraudulent function. Additionally, Hartung vs. Baker in the District 4 county commissioner race. Hartung achieved victory through the same fraud. Biden achieved victory over Trump using this same illegal function. These are just a few examples of the 2020 election fraud in Washoe County
(<https://docs.google.com/spreadsheets/d/1yqzGh1kMq1GklbNjiu-JmKJFFtQN-Q569ec6LwZVaRc/edit#gid=686729976>).

In 2022, Plaintiff can prove that the same illegal function, with a few changes from its hacker or programmer from it's 2020 counterpart coding, fraudulently claimed victory for Cisco Aguilar, Aaron Ford, Catherine Cortez Mastro, Hillary Schieve, and numerous other candidates [Exhibits 104, 105].

This is not hyperbole; this is not the rantings of a conspiracy theorist, as defense states. This is Paul Revere yelling throughout the streets of Washoe County to this honorable court that election fraud isn't coming; it's already here. This is the County certified data, the state certified data, their numbers, not the Plaintiffs, proving that the elections are the furthest thing from trustworthy. Every Nevadan voter is being disenfranchised by this illegal system and functions within it.

This is an epidemic of election fraud from the school board level all the way to the Presidential level. It is incumbent on this court to do what is just and strike down the use of machines for voting and counting, as they did in Arizona [Exhibit 69], and strike down the unconstitutional parts of AB 321 in mailing ballots to voters who do not request them.

This proof of truth has an **undefeated \$80,000 challenge to prove it wrong**. Dozens of PhDs from everywhere have tried and all have failed to prove it wrong. You read what Google's Bard said, yet

all the defendants are aware of this crime, have never responded, have never addressed the plaintiff except to use the media and their channels to libel and slander plaintiff.

This glaring example of election fraud has been covered up by the defendants; there must be accountability for their malfeasance, nonfeasance, and/or malpractice. The defendants must be tried under NRS 283.440 as well as all other applicable statutes this honorable court deems fit.

Furthermore under no circumstances should voting machines, or tabulation machines be used in Washoe County.

Again, this happened in 2022 Elections too.

"Accountability is the glue that binds the State together." - Mario Cuomo

Therefore, the plaintiff respectfully requests this honorable court to uphold its oath of office, consider the evidence impartially, and rule in favor of the Plaintiff when the preponderance of evidence against the defendants tips the scales.

Edward Solomon

The defense will attack the brilliant mathematician Edward Solomon. They will say he is not an academic, nor an expert in the field of mathematics. It's true he does not have a PhD from Harvard or a similar institution; however, he has written numerous papers and is the first to have solved The General Solution to Multivariate Quaternionic Least Squares, with any mixture of left-handed, right-handed, or middle-handed constants. He was invited to the JMM2023 conference in Boston in January 2023, in front of hundreds of the world's smartest mathematicians, where he gave a keynote

speech. What Solomon did was take the Washoe County election and, instead of discussing votes, he substituted the word "votes" with "stocks." He conclusively demonstrated to the world's smartest mathematicians that he could DETERMINE the prices of stocks in the future! When he finished his presentation, he received a standing ovation and numerous business requests. What they didn't know was that he had shown the Washoe County 2020 election, not the stock market. You see, as soon as people mention votes and elections, the defense and media attack the individual. However, by simply changing the words from "elections" and "votes" to "stocks" and "market," he was the sensation of the conference, see [Exhibits 130 and 131]. Additionally, what the defense doesn't want this honorable court to know is that to prove what the Plaintiff just demonstrated above doesn't require a world-class mathematician; or even a PhD, an average math teacher or a graduate student at most should be able to confirm what was just demonstrated to this honorable court. Solomon is a witness; he simply observed what happened in the Nevada elections, and every legitimate PhD or similar has found what he observed and what he can demonstrate is true: the Washoe County elections are rigged.

XVII. Another Example of Defendants Patterns of Malfeasance, Malpractice or Nonfeasance

3/3/21 [Exhibit 145] and [Exhibit 3]

Tracey Hilton Thomas served the ROV as a polling place manager under 3 ROVs since 2000. In an email addressed to the County Commissioners, including Chairwoman Hill, that was forwarded to Defendants Rodriguez and Brown, she stated a litany of issues she observed during the 2020 election. These issues were clear violations of policies and law. In her email, she asked for:

- Protection at polls
- Reasonable hours to work, not 10-plus hours a day and 14 days straight.
- Signatures didn't match: laws and processes weren't being followed.
- Using bipartisan management teams from different parties who weren't married, etc.
- also asked for forensic audits of the electronic equipment,

- Protection of the personal data of voters
- Cleaning up the rolls as they are ripe for fraud.
- 7,661 same-day registered voters that made no sense at all
- Unconstitutional registering of out-of-state voters; multiple ballots being cast by the same voters
- The need for forensic audits of the ballot
- Registering of election observers with the state.

However, she never received an answer and was never called back into work. This email was sent to Chairwoman Hill, the Commissioners and later to County Manager Brown, and now-active ROV Rodriguez.

No action has ever been taken, no response has ever been given, except that she is no longer welcome to work for the ROV.

There is an immense pattern of the defendants refusing to respond, refusing to act, and refusing to address these grievous election violations that have been sent to them.

Instead, they libel, slander, or simply never use the employees again who bring these violations of the law to their attention.

This pattern of covering up crimes and attacking the concerned voters and workers must be addressed by this court. These are clear violations of cause one and cause two. The plaintiff respectfully demands the honorable court to rule accordingly.

XVIII. STANDARD OF REVIEW

Draw All Reasonable Inferences in Favor of the Plaintiff:

When the facts in the instant complaint are viewed in the light most favorable to the Plaintiff, they

state a plausible claim for relief contrary to the assertion made by the Defense that plaintiff's allegations fail to rise to the occasion.

The Defense does not question the facts outlined in the Petition nor the Supplemental Statements [Exhibits 1-3, 15-22]. Instead, they deny the facts exist in order to invoke NRCP 12(b)(5) for dismissal. That is a patently false assumption and a crooked application of NRCP 12(b)(5) because anyone with eyes can read the evidence, which is thorough and incontrovertible.

The Plaintiff will herein prove that the Defense has failed to bring an adequate claim for dismissal based on NRCP Rule 12(b)(5).

The Plaintiff will herein prove that the counsel for the Defendants has committed acts unbecoming of an officer of the court and thusly should be sanctioned and this honorable court should turn her over to the BAR for ethical violations.

XVIII. The Goal Of The Defense

The goal of the Defense is to bury Beadles' instant complaint and related petitions and evidence in furtherance of a suppression of his rights. Doing so serves to obfuscate and subvert the integrity and purity of elections, a concept enumerated in the Nevada Constitution as follows:

Nev. Const. Art. 2 Sec 6: "for the ascertainment by proper proofs of the persons who shall be entitled to the right of suffrage, as hereby established, to preserve the purity of elections, and to regulate the manner of holding and making returns of the same;"

"Proper proofs" of those entitled to the right of suffrage is very much on the forefront of Plaintiff's Petitions in support of the instant complaint. For example, when voter rolls are unclean and election workers do not verify signatures then "proper proofs" are questionable at best and as it is in Washoe

County.

Nevada is a notice pleading state, which means that plaintiffs need only set forth the facts which support a legal theory, rather than correctly identifying the legal theory itself.

Several cases explicitly state that Nevada is a “notice pleading” state or jurisdiction. For example, *Liston v. Las Vegas Metro. Police Dep't*, *The Estate of Cronin v. G4 Dental Enters.*, and *Russo v. Shac, LLC* all state this explicitly.

These cases also explain that this means plaintiffs need only “set forth the facts which support a legal theory” rather than correctly identifying the legal theory itself.

Other cases, such as *Iliescu v. The Reg'l Transp. Comm'n of Washoe Cnty.*, and *Nutton v. Sunset Station, Inc.*, similarly state that Nevada is a “notice-pleading” jurisdiction and explain that this means a complaint need only set forth sufficient facts to demonstrate the necessary elements of a claim for relief.

The case *Jacobsen v. Ducommun, Inc.* mentions NRCP 8(a), which requires only a “short and plain statement of the claim” in pleadings. This rule is consistent with notice pleading.

Droge v. AAAA Two Star Towing, Inc., and *Smith v. District Court* both explicitly state that Nevada is a notice-pleading jurisdiction and explain that this means courts in Nevada “liberally construe pleadings to place into issue matters which are fairly noticed to the adverse party.”

Finally, *Hay v. Hay* directly answers the research request by stating that “Nevada is a notice-pleading jurisdiction” and explaining that this means “our courts liberally construe pleadings to place into issue matters which are fairly noticed to the adverse party.”

The Defense alleges that Beadles' lawsuit is frivolous and without legal basis. This is incorrect. The claims presented in the lawsuit are based on credible evidence and legal precedent. Proof of such are in the pleadings, thousands of pages of exhibits and video evidence served on the defendants and defense. If that wasn't enough, even more proof of the legitimacy of allegations alleged will come from discovery and trial. Therefore, contrary to the Defense's assertion, this lawsuit has a legitimate legal basis and is not frivolous.

However, the Defense, in essence, claims that whatever rights Plaintiff has have been met and the rights he does not have do not obligate the Defendants and thus, the instant complaint is erroneous, along with claims of deficiency of form and more.

In large part, the Defense relies on NAC 293.025 to attempt to alleviate the Defendants from the various claims made by Plaintiff. The code used is inferior to Plaintiff's rights and is misapplied to the facts.

As will be proven, the Plaintiff's ability to exercise his right and obligation to lodge an administrative complaint, when he knows elections are inaccurate, is encumbered and violated by the intrusion of the Secretary of State in local administrative matters that fall outside their authority as enumerated in Title 24 of NRS and NAC.

The Defense parses words such as "resolve," "rectify," and "respond" throughout their argument in a conflagration of Defendants' duties and obligations to Plaintiff's rights.

The Defense claims the Registrar of Voters and the County manager are not public officials and are immune from Plaintiff's claims. The Defense asserts a claim under NRS 283.440 is a summary

matter for the court and that a trial by jury is not possible.

Plaintiff disagrees:

The County and related municipalities are the fabric of local governance to which the Plaintiff has an unfettered right to make inquiries, redress grievances, and to obtain a reply or resolution—not the Secretary of State.

The definition of an unconstitutional act is: that, “referring to a statute, governmental conduct, court decision or private contract. . . which violate one or more provisions of the [Nevada] Constitution.”¹

Unconstitutional acts are extremely serious compared to the average misdemeanor, or act of nonfeasance, malfeasance, etc. They cannot be summarily resolved as the Defense contends.

Overall, the facts in the instant complaint must be viewed in the light most favorable to the Plaintiff; doing so, the complaint states claims for relief, and Plaintiff’s rights remain intact to the benefit of every elector and citizen in the county and state.

Throughout the Motion to Dismiss, the Defense makes various claims against Plaintiff including, but not limited to: incorrect application of law; failure to notify the Secretary of State; failure to lodge a complaint with the Ethics Commission; incorrect remedies; lack of evidence; false statements; false arguments; and, failure to state a claim upon which relief can be granted. The Defense relies on NRCP 12(b)(5) to demand this Court approve their Motion to Dismiss. Plaintiff addresses these claims and NRCP 12(b)(5) throughout this document.

The Defense has created a classic situation where there is no adequate remedy in law for the average elector with a grievance, which is the motivation behind the Plaintiff’s filing of the instant

¹ <https://dictionary.law.com/Default.aspx?selected=2184>

complaint. The spirit of the law has been twisted by the Defense as will be proven.

For Plaintiff's rights, voter's rights, and our democracy, Plaintiff must be allowed to have his case heard in open court. This Court is hereby asked to deny the Motion to Dismiss.

XX. What NRS 283.440 Actually Says

NRS 283.440 Removal of certain public officers for malfeasance or nonfeasance:

Procedure; appeal.

1. Any person who is now holding or who shall hereafter hold any office in this State and who refuses or neglects to perform any official act in the manner and form prescribed by law, or who is guilty of any malpractice or malfeasance in office, may be removed therefrom as hereinafter prescribed in this section, except that this section does not apply to:

- (a) A justice or judge of the court system;
- (b) A state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution; or
- (c) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

2. Whenever a complaint in writing, duly verified by the oath of any complainant, is presented to the district court alleging that any officer within the jurisdiction of the court:

- (a) Has been guilty of charging and collecting any illegal fees for services rendered or to be rendered in the officer's office;
- (b) Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; or
- (c) Has been guilty of any malpractice or malfeasance in office,

È the court shall cite the party charged to appear before it on a certain day, not more than 10 days or less than 5 days from the day when the complaint was presented. On that day, or some subsequent day not more than 20 days from that on which the complaint was presented, the court, in a summary manner, shall proceed to hear the complaint and evidence offered by the party complained of. If, on the hearing, it appears that the charge or charges of the complaint are sustained, the court shall enter a decree that the party complained of shall be deprived of the party's office.

3. The clerk of the court in which the proceedings are had, shall, within 3 days thereafter, transmit to the Governor or the board of county commissioners of the proper county, as the case may be, a copy of any decree or judgment declaring any officer deprived of any office under this section. The Governor or the board of county commissioners, as the case may be, shall appoint some person to fill the office until a successor shall be elected or appointed and qualified. The person so appointed shall give such bond as security as is prescribed by law and pertaining to the office.

4. If the judgment of the district court is against the officer complained of and an appeal is taken from the judgment so rendered, the officer so appealing shall not hold the office during the pendency of the appeal, but the office shall be filled as in case of a vacancy.

5. As used in this section, "malfeasance in office" includes, without limitation:

(a) Engaging in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 that is severe or pervasive such that removal from office is an appropriate remedy.

(b) Willfully failing to comply with any other sanction imposed upon a local elected officer pursuant to NRS 233.175.

[21:200:1909; A 1949, 113; 1943 NCL § 4860] + [22:200:1909; A 1949, 113; 1943 NCL § 4861] + [23:200:1909; RL § 2853; NCL § 4862] + [24:200:1909; RL § 2854; NCL § 4863]—(NRS A 1973, 417; 1977, 937; 2009, 1072; 2019, 1946)

XXI. Defendants Are Duty Bound To Respond To Plaintiff

The Defense is attempting to mislead this court in numerous ways. A few examples: in regards to the Defendant's duty to respond to the Defense, the Defense says Defendants have no duty to respond to the Plaintiff; therefore, the case should be dismissed. This couldn't be further from the truth. The defense omits damning evidence against the defendants that clearly show they broke numerous laws, as well as committed nonfeasance, malfeasance, or malpractice. The defense purposely does not address the below claims that the evidence clearly supports the defendant's guilt. Instead, the defense tries to say there's no duty to respond, so who cares if they break nearly every election law? The plaintiff has no right to complain, let alone have his grievances, petitions addressed, and God forbid grant him remedy. This is a blatant cover-up by the defense. Plaintiff addresses these acts in this document. In the unlikely event this court sides with the defense on this matter, the honorable court is duty-bound to rule on all the Plaintiff's claims against the Defendants and the evidence provided in support of his claims. It would be a travesty of justice and breach of this honorable Judge's oath of office to allow crimes before her to go unpunished. Plaintiff will now address how all three defendants are duty-bound to respond to the Plaintiff's properly served petitions and grievances.

A. Jaimie Rodriguez, Registrar Of Voters is DUTY BOUND to respond.

Defendants Office, Mission Statement:

The Mission of the Washoe County Registrar of Voters Department is to ensure that each citizen of Washoe County who is eligible to register and voter is able to do so; that Washoe County's Elections are operated with the utmost integrity, transparency, and accountability; and that the department is known for excellence in customer service and the administration of elections.

Clearly her own mission statement says it will be operated with the utmost integrity, transparency, and ACCOUNTABILITY. If she is not accountable to Plaintiff and all voters, then there is no integrity, or transparency.

The NRS defines her role as:

NRS 244.164 Registrar of voters: Creation of office; appointment, qualifications, powers and duties..

1. In each county having a population of 100,000 or more, the board of county commissioners may create the office of registrar of voters, prescribe the qualifications, duties and compensation of that office and make appointments to that office.
2. The registrar of voters, upon appointment as provided in subsection 1, shall assume all of the powers and duties vested in and imposed upon the county clerk of the county with respect to elections, except the duties imposed by virtue of NRS 293.393 to make out and deliver certificates of election.

(Added to NRS by 1965, 669; A 1969, 1533; 1973, 1079; 1979, 510)

Notice she has “all the powers and duties vested in the and imposed upon the county clerk of the county with respect to elections”

The NRS clearly states:

NRS 293.044 “County clerk” defined; synonymous with “registrar of voters” in certain counties. Except as the term is used in NRS 293.393, whenever the term “county clerk” is used in this title it means “registrar of voters” in those counties where such office has been created pursuant to the provisions of NRS 244.164.

So, the Defendant is the same as an Elected County Clerk with all the powers and duties over the elections. The defendant is the highest-ranking election official in Washoe County, duty bound to administer all aspects of the County's election processes and ensure the laws are followed.

The Washoe County Code demonstrates this as well:

5.451 - Registrar of voters: Creation of office; registrar's appointment, qualifications, term, compensation, powers and duties.

1. There is hereby created the office of Washoe County registrar of voters, which office shall be filled by appointment made by the board of county commissioners.
2. The qualifications for the office of registrar of voters shall be as prescribed and determined by the board of county commissioners. The person appointed to such office shall serve in such office solely at the pleasure of the board of county commissioners.
3. The compensation to be paid to the registrar of voters shall be determined and fixed by the board of county commissioners.
4. The registrar of voters shall assume all of the powers and duties vested in and imposed upon the county clerk with respect to elections, except the duties prescribed by NRS 293.393, relating to the preparation and delivery of certificates of election.

On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently (<https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>).

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.

The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293.2546, which emphasizes a similar commitment to the voters.

Defendant Jamie Rodriguez, as the highest-ranking election official in Washoe County, is duty-bound to respond to the Plaintiff. There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states she does NOT have to answer the Plaintiff's petitions, even if just to tell him to pound sand.

Plaintiff is Duty Bound To Respond To Plaintiff.

B. Eric Brown, County Manager is DUTY BOUND to respond.

The NRS clearly states:

NRS 281A.182 Persons serving in certain positions designated as public officers or employees; applicability.

1. Any person who serves in one of the following positions is designated as a public officer solely and exclusively for the purposes of this chapter:

(c) A county manager or a city manager.

NRS 244.125 Appointment; compensation; removal.

1. The county commissioners of any county are authorized to appoint a county manager and to fix the compensation for such county manager.

2. The county manager shall hold office at the pleasure of the board of county commissioners, and may be removed from office by the board at any time.

[Part 1:221:1951]—(NRS A 1957, 279; 1963, 518, 1296)

NRS 244.135 Duties; employees and assistants.

1. The county manager shall perform such administrative functions of the county government as may be required by the board of county commissioners.

2. The county manager may, with the approval of the board of county commissioners, appoint such assistants and other employees as are necessary to the proper functioning of his or her office. The salaries of such assistants and employees and other expenses of conducting the office of the county manager shall be fixed and determined by the county manager with the consent and approval of the board of county commissioners.

Washoe County Code States:

5.0215 - County manager: Powers and duties

1. The county manager shall perform such administrative functions of the county government as may be required by the board of county commissioners. The county manager shall oversee the functions and activities of various programs or divisions within the office of county manager and the county, which may include legislative affairs, strategic planning, emergency management, grants administration, communications, special projects, security of county facilities, the

administrative hearing office, and others as are necessary to the proper functioning of the county.

The county manager may also oversee various appointed department heads as proscribed by the board of county commissioners.

https://library.municode.com/nv/washoe_county/codes/code_of_ordinances?nodeId=CH5ADPE_OF_COMA

Clearly the NRS states he is designated as a public officer, that he is to serve at the pleasure of the board of county commissioners, that with the approval of the board of county commissioners, appoint such assistants and other employees as are necessary to the proper functioning of his or her office, that he shall oversee the functions and activities of various programs or divisions, and that he may also oversee various appointed department heads as proscribed by the board of county commissioners.

Did you notice what it didn't say? It didn't say he would direct the Registrar of Voters office. It said he could "oversee" offices like the ROV.

Overseer, Blacks Law 2nd Edition:

"A superintendent or supervisor ; a public officer whose duties involve general superintendence of routine affairs."

Simply looking to the RGJ, [Exhibit 101] you will see Defendant Brown, in his own words directing the tear down of the Registrar Of Voters office down to the "studs and start over".

By observing any of the Board of County Commissioners meetings where Eric Brown hired an outside firm to assess the ROV operations, one can find examples in [Exhibits 118 and 119]. Listen to his words as he describes how he conducted the vetting process to bring in this out-of-state group.

Their condemning report is available in [Exhibit 97], where it unequivocally states that the ROV's office is entirely unsuitable for overseeing our county's elections. This provides further evidence that Defendant Brown and Rodriguez consistently ignored the Plaintiff's warnings over the years, leading to the deterioration of the ROV. Furthermore, this honorable court can refer to [Exhibit 144], which states, "County Manager Eric Brown also made a plea for the approval of the recommended sample-ballot vendor. He mentioned that efforts to connect with local printers— as requested by the commissioners following the 2020 and 2022 elections—were unsuccessful. 'We continually faced situations where they either lacked the necessary equipment or capability,' Brown stated. 'We don't have much time left to continue issuing RFPs, so my sincere recommendation to you is: Let's proceed with this vendor.'"

Another instance is highlighted in [Exhibits 115 and 116], where Brown allegedly libels and slanders Beadles by making inaccurate statements about the meeting on 3/11/22 [Exhibit 94]. The transcript of this meeting is in [Exhibit 110]. During this session, the Plaintiff presented evidence of election issues to Brown and several other county officers. Eric Brown presided over the meeting, receiving all information directly, not the acting ROV, Spikula, at the time. The Plaintiff had to submit evidence to Brown and await his response. Defendant Rodriguez was also present during the meeting, serving in the capacity of the Government Affairs Officer, not as the current ROV. The Plaintiff emphasizes these details to clearly illustrate, using just the handful of aforementioned examples, that Brown effectively functions as the Registrar of Voters. He appointed Rodriguez, and subsequently, the Deputy ROV. Neither of these individuals possessed or possess the requisite experience to manage our elections. When qualified individuals applied for the ROV or Assistant ROV positions, they were overlooked, and less qualified candidates were placed in pivotal roles within the Washoe County elections.

On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently (<https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>).

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.

The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293.2546, which emphasizes a similar commitment to the voters.

Defendant Brown is acting as the De facto Registrar of Voters. In his job descriptions above, he is clearly to oversee, not direct and run departments. Brown is totally unsuitable to run our elections, as his own admission shows in [Exhibit 101].

Brown is the highest-ranking administrative officer of Washoe County and is absolutely duty bound to respond to the Plaintiff. He is duty bound in his role as County Manager and surly duty bound by his De facto role as acting ROV. There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states he does NOT have to answer the Plaintiff's petitions, even if just to tell him he has no rights in Washoe County to go cry somewhere else and to get lost.

C. Alexis Hill, Chairwoman of Washoe County Commissioners is DUTY BOUND to respond.

NRS 244.035 County commissioners required to take oath of office; effect of failure to take oath.

1. On entering upon the discharge of the duties of the office of county commissioner, each county commissioner, whether elected or appointed, shall take and subscribe to the oath of office as prescribed by law.

2. If a county commissioner shall neglect or refuse, during the period of 15 days from and after the first Monday of January succeeding his or her election, to take the oath of office as herein

directed, his or her office shall be deemed vacant, and such vacancy shall be filled by appointment.

NRS 244.070 Election and terms of chair and vice chair of board of county commissioners; clerk of board.

1. The county commissioners shall:
 - (a) Elect one of their number as chair of the board and another of their number as vice chair of the board; and
 - (b) Fix the terms of office of the chair and vice chair of the board.
2. The county clerk shall be clerk of the board.

Defendants state Rodriguez and Hill didn't take office until 2021. That is true, but the Plaintiffs' petitions are dated in 2022. They both had the ability and duty to respond. Commissioner Herman responded; she is supportive of the Plaintiffs' efforts to address the issues raised but is constantly stifled by Brown and Hill. Commissioner Lucey is no longer in office. Commissioner Hartung is no longer in office. Commissioner Jung is no longer in office. Commissioner Clark was not a Commissioner at the time either, yet has been supportive of all efforts to address the issues Plaintiff has presented. Hill, Brown, and Rodriguez are the only ones who remain who have been unresponsive. Commissioner Andriola and Garcia were not in office until this year and did not receive 2022 petitions. Clark and Herman have both been supportive of finding the truth. The previous ROV is no longer in office either.

The county board as a whole has the ability to grant most, if not all, of the demanded remedies. It would need to be put for a vote by Hill and Brown. If 3 votes by the commissioners are in the affirmative, the ROV would then be able to fashion all remedies that apply to the county's power to control their elections per the NRS. It is another reason why Plaintiff sued the county as the county

board of commissioners as a body it has the ability to adopt the demanded remedies. A few examples of how the commission as a whole can grant remedies sought are: N.R.S. 293.269925, 293.3075(6), 293.506, 293B.110, except N.R.S. 293.2955(1, 4), N.R.S. 293.217 to 293.243 inclusive, 293.258, 293B.360 to 293B.390 inclusive, N.R.S. 293.205, 293.2731 to 293.2738 inclusive, 293.3072, 293.3561 to 293.361 inclusive, and 293.437 just to name a few.

Additionally, Rodriguez and Hill have the ability to look into Plaintiffs' 2020 election claims even though they weren't involved in the election at that time. The excuse that because they already happened, nothing can be done is ridiculous. Try saying that to an IRS agent or likewise. Because they weren't an IRS agent when you filed your taxes last year, they can't audit you. Do you see the absurdity of their claim? They were, of course, seated for the 2022 Elections and the petitions that they were served, they failed to respond to as well.

The Plaintiff has repeatedly reached out to Chairwoman Commissioner Hill, presenting his grievances both in documented form [Exhibits 1-15] and in person. Despite these efforts, she has consistently failed to address them. Instead of constructively engaging with the Plaintiff's concerns, Commissioner Hill has embarked on a series of campaigns, to libel and slander the Plaintiff for both her financial enrichment and to cause reputational damage to Plaintiff [Exhibits 134-135]. As the head of The County Commission, Commissioner Hill possesses the necessary authority to introduce these grievances into the County Commission Board's agenda and initiate an investigation. Yet, she has refused to. Not only has she declined to take these matters to the board for potential discussion and resolution, but she has also failed to provide any direct response to the Plaintiff. Her attempts to label him as a "right-wing extremist" seem to serve as a tactic to galvanize support and fundraising for her campaign. Given just these actions and omissions, there is a compelling argument for her

potential malfeasance, nonfeasance, and breach of her oath to office. The provisions of NRS 283.440 necessitate her examination in this regard.

On Page 3 of 477 In The Nevada Secretary of State 2022 Elections Procedures Manual it clearly states that complaints about elections and election contests resolved fairly, accurately, and efficiently (<https://www.nvsos.gov/sos/home/showpublisheddocument/10552/638072259445070000>).

NRS 293.2546, the Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately and efficiently" (NRS 293.2546, Subsection 11).

NRS 281A.020 establishes that "a public office is a public trust and shall be held for the sole benefit of the people." This establishes a fiduciary duty of public officials to act in the best interests of the public they serve.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b), the aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination (Sec. 1A, Subsection 9), further emphasizing the importance of transparency and responsiveness in the election process.

The Nevada Constitution, explicitly enumerates the rights of voters, including the right to have complaints about elections and election contests "resolved fairly, accurately and efficiently as provided by law" (Sec. 1A, Subsection 11). This constitutional provision amplifies and aligns with NRS 293.2546, which emphasizes a similar commitment to the voters.

Chairwoman Alexis Hill is the highest-ranking Commissioner in Washoe County. She and Brown alone have the power to add items to the agenda for consideration as 5.5 In the Washoe County Board of County Commissioners Rules of Procedure Handbook clearly states (<https://www.washoecounty.gov/bcc/WC%20BCC%20Rules%20of%20Proccedure%202022.pdf>)

Hill has neglected her duties and has failed to provide her duty-bound response to plaintiff.

There is no law that states the Defendant is free to knowingly break the laws, have zero accountability, nor is there any law that states she does NOT have to answer the Plaintiff's petitions, even if just to tell him she hates his face and voice.

D. All Defendants Are Duty Bound To Respond

For above mentioned reasons alone, defendants are duty bound to answer Plaintiffs Petitions.

Here is additional proof for this honorable court to consider.

NRS 281A.500 Notice and acknowledgment of statutory ethical standards: Distribution of information regarding standards; duty to file acknowledgment; contents; form; retention; penalty for willful refusal to file.

1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

9. Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

10. The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

11. Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.785 and 281A.790; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

NRS 244.137 Legislative findings and declarations. The Legislature hereby finds and declares that:

6. To provide a board of county commissioners with the appropriate authority to address matters of local concern for the effective operation of county government, the provisions of NRS 244.137 to 244.146, inclusive:

(a) Expressly grant and delegate to the board of county commissioners all powers necessary or proper to address matters of local concern so that the board may adopt county ordinances and implement and carry out county programs and functions for the effective operation of county government; and

(b) Modify Dillon's Rule as applied to the board of county commissioners so that if there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

NRS 244.143 "Matter of local concern" defined.

1. "Matter of local concern" means any matter that:

(a) Primarily affects or impacts areas located in the county, or persons who reside, work, visit or are otherwise present in areas located in the county, and does not have a significant effect or impact on areas located in other counties;

(b) Is not within the exclusive jurisdiction of another governmental entity; and

(c) **Does not concern:**

(1) A state interest that requires statewide uniformity of regulation;

(2) The regulation of business activities that are subject to substantial regulation by a

federal or state agency; or

(3) Any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

2. The term includes, without limitation, any of the following matters of local concern:

- (a) Public health, safety and welfare in the county.
- (b) Planning, zoning, development and redevelopment in the county.
- (c) Nuisances and graffiti in the county.
- (d) Outdoor assemblies in the county.
- (e) Contracts and purchasing by county government.
- (f) Operation, management and control of county jails and prisoners by county government.
- (g) Any public property, buildings, lands, utilities and other public works owned, leased, operated, managed or controlled by county government, including, without limitation:

- (1) Roads, highways and bridges.
- (2) Parks, recreational centers, cultural centers, libraries and museums.

3. The provisions of subsection 2:

- (a) Are intended to be illustrative;
- (b) **Are not intended to be exhaustive or exclusive**; and
- (c) Must not be interpreted as either limiting or expanding the meaning of the term "matter of local concern" as provided in subsection 1.

(Added to NRS by 2015, 2418)

NRS 244.146 Powers of board of county commissioners; exercise of powers; prohibitions.

- 1 (c) All other powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board. If there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern pursuant to this paragraph, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

NRS 244.165 Prosecution and defense of suits. The boards of county commissioners shall have power and jurisdiction in their respective counties to control the prosecution or defense of all suits to which the county is a party.

NRS 244.194 Voting or counting devices: Rental, lease or other acquisition. Boards of county commissioners may rent, lease or otherwise acquire voting or counting devices in whatever manner will best serve local interests.

NRS 244.195 Other powers. Except as otherwise provided in NRS 244.137 to 244.146, inclusive, the boards of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and necessary to the full discharge of the powers and jurisdiction conferred on the board.

The above law shows a sworn oath of office and ethical standards. If they didn't uphold these, they must be removed. It further states defendants can be removed for nonfeasance via NRS 283.440. The board of county commissioners has the appropriate authority to address matters of local concern. It clarifies what local concerns are not and asserts that the board has all other powers necessary or proper to address matters of local concern. It does not state elections or addressing petitions are not

local concerns. In fact, it would appear they are and should be addressed by the entire board. The board has the power and jurisdiction in their respective counties to control the prosecution or defense of all suits to which the county is a party. The board can choose to use or not use voting machines. The board of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and necessary to the full discharge of the powers and jurisdiction conferred on the board.

These are additional reasons why the County was named in the lawsuit and why Hill and Brown have the power to add items to the agenda so the board can wield its power to answer petitions, grant remedies, etc. as a whole versus a sole commissioner.

XXII. Plaintiff Stated Claims for Cause of Action 1 and 2, Which Relief Can Be Granted

The defense conveniently omits the thousands of pages of exhibits, and video in where numerous claims are stated in supplement to the pleadings. To further show some of the claims stated, for both causes of actions, Plaintiff will provide a partial list below, and looks forward to presenting all claims at trial.

A. Claims against County Chairwoman Alexis Hill

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, and NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

Plaintiff to the best of his knowledge alleges the following against Defendant Hill.

- Failed her duties to respond to Plaintiffs' petitions and grievances (Shown in Duty Bound Section Above).
- She has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office.
- Defendant has been presented evidence of election fraud numerous times, in email, in petitions, in person. She has allowed these election issues to continue and rob every voter of their right to suffrage
- Stole county property via the county email list to enrich herself and libel and slander Beadles.
- Did not disclose boards she sits on publicly.
- Voted on items that enrich her board positions and organizations she is connected to.
- Uses-used her position to lobby activists to protest other commissioners' agenda items.
- Used her position to lobby activists where harm could have occurred to the public.
- Helped cover up election crimes.
- Uses her position to keep other commissioners' items off the Commission agenda.

Another reason to advocate for Hill's removal under NRS 283.440 is evident in [exhibit 138], which pertains to an ethics complaint. This document highlights her misuse of position, potentially endangering the public. Additionally, it brings to light undisclosed board positions she holds outside the public's knowledge, on which she casts votes that could lead to personal enrichment.

Another alleged violation includes allegations of Hill using County property for personal enrichment. Hill solicited money for her campaign and libeled and slandered Beadles, as clearly shown in [Exhibits 134, 135, 139, and 140]. Plaintiff received her emails, as did Berkbigler. Neither Plaintiff nor Berkbigler, nor potentially hundreds of thousands of other Washoe residents, signed up for her emailers. However, we are signed up for Washoe County updates with our emails she solicited.

This alleged act, if found guilty, could constitute a litany of charges including Misuse of Public Funds, Property, or Manpower (NRS 281.230), Campaign and Election Violations, Federal Mail and Wire Fraud, and the Federal Electronic Communications Privacy Act (ECPA), just to name a few. All of which should additionally constitute removal via NRS 283.440.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Hill to be weighed at trial.

B. Claims against County ROV Rodriguez

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

Plaintiff to the best of his knowledge alleges the following against Defendant Rodriguez.

- Failed her duties to respond to Plaintiffs' petitions and grievances. (Shown in Duty Bound Section Above)

- Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office.
- Broke election laws and deprived every Washoe Voter of their right to suffrage.

Rodriguez has breached nearly every election law and the court orders granted to the Plaintiff.

This is a clear violation of numerous laws, court orders and NRS which could include: Contempt of Court, Civil Penalties, Criminal Penalties including felonies, Removal from Office, Barriers to Future Office, Civil Litigation causes of action just to name a few.

One damning example of the crime and cover up is:

Counting votes in secret: People generally think that hundreds or thousands of people would have to work in unison to steal a county or state election. This is not true. All of the votes, whether digital or paper, are ALL counted by machines. The defendant and four people behind closed doors are the ones who tell us what the machines say the outcome of the elections is. These five people tell us who wins or loses. We, the people, have no way to audit their reporting. We are not allowed to count the bubbles or the ballots at any time due to NRS 293.269935(2) and 293.3606(4). Therefore, we are forced to trust but never verify. Plaintiff clearly shows in [Exhibits 23-24] that defendant Rodriguez violated court orders [Exhibit 72], "If Washoe County is processing and/or counting ballots, observations shall be allowed" and Nevada Revised Statutes and Nevada Administrative Code: N.R.S. 293.269931 § 1, 293.3606 § 1, 293.363 § 1, and N.R.S. 293B.353, 293B.354, 293B.380 § 2(a), and N.A.C. 293.311 § 4. Further evidence is shown in [Exhibit 17].

There is the crime, here is proof the defendants covered it up.

Proof They Covered It Up

As illustrated above, the defendant has violated the law. The Plaintiff and associates utilized the Secretary of State's Election Violation Forms to submit complaints concerning these violations. Referencing [Exhibit 126], the Secretary of State defends the Defendants, stating, "Our office has reached out to Washoe County for comment. We learned that because you arrived significantly later with a request to see the room, you were informed that the day's activities within the tally room had concluded. The tally room was accessible when the USB sticks were loaded for the recount, and Washoe County staff informed everyone in the observation room about these ongoing activities." Additionally, "Washoe County staff noted that they were unaware you represented the candidate requesting the recount." However, by examining the incident transcript [Exhibit 23] or the related video footage [Exhibit 24], it's evident that the defendants are in violation of court orders [Exhibit 72] and have committed several breaches of the NRS, as detailed in [Exhibit 17]. This instance, one among many presented by the Plaintiff, unequivocally indicates that the Secretary of State either received false information from the defendants, leading to inaction, or chose to overlook the defendants' legal transgressions.

Reviewing snippets from the crime transcript [Exhibit 23], it becomes evident that the Defendants misrepresented events to the Secretary of State.

Example:

ASSISTANT ROV HEATHER CARMEN: I've spoken

to Jamie, and she also concurs with my decision.

VALERIE WHITE: And can you explain why you

were --

ASSISTANT ROV HEATHER CARMEN: Because we

did not have this open during the regular election when

we were doing the tabulation. So we're doing

consistently what we did previously.

VALERIE WHITE: But this is not a consistent

situation because this is a recount being paid for --

ASSISTANT ROV HEATHER CARMEN: And we're

doing the --

VALERIE WHITE: -- by the candidate --

ASSISTANT ROV HEATHER CARMEN: And we're

actually doing the exact same thing --

VALERIE WHITE: I am a --

ASSISTANT ROV HEATHER CARMEN: -- that we

did in the election. We're not going to do --

VALERIE WHITE: I am a representative of the

candidate.

ASSISTANT ROV HEATHER CARMEN: We're not

going to deviate from what we did before.

VALERIE WHITE: I am a representative --

ASSISTANT ROV HEATHER CARMEN: Okay.

This blatant admission by the defendant clearly shows they broke nearly every election law, the Constitution, court orders, etc., by depriving not only a paid representative of the candidate of observation but also denying every voter their right to suffrage in the 2022 Primary Election. This is beyond appalling. Watch the video [Exhibit 23] and see for yourself. These people, behind closed

doors, counted all the votes in violation of the law and then told us who wins. We have zero ability to audit their reportings. The defendants are all aware of and involved in this grievous rights violation of all Washoe voters and the cover-up in their reportings as to what happened to the Secretary of State. The defendants must be tried under 283.440, and the other statutes listed above.

Such actions, deprive every Washoe voter of a fair election, solidify the immediate DUTY of this honorable court for her removal under NRS 283.440 and be tried under the non all-encompassing statutes listed above.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Rodriguez to be weighed at trial.

C. Claims against County Manager Brown

Each of the allegations below, if proven, are gross violations of law, many of which violate numerous provisions of NRS 281, NRS 281A, NRS 197, NRS 205, and NRS 293 to name a few (forgive Plaintiff he is not a Prosecutor, they could identify the litany of additional laws defendants would be breaking) all of which would be subject to removal under NRS 283.440.

Plaintiff to the best of his knowledge alleges the following against Defendant Brown.

- Failed his duties to respond to Plaintiffs' petitions and grievances (Shown in Duty Bound Section Above).

- Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; and is guilty of malpractice, malfeasance, or nonfeasance in office.
- Has appointed unqualified puppets to do his bidding in the ROV office.
- Has kept qualified people from receiving employment at the ROV office.
- Is actively covering up election crimes.
- Used his county position to enrich himself and or family.

An instance of Brown leveraging his county position to favor his wife can be seen in [Exhibit 136-137]. Melody Brown, his wife, was found to be nearly four times over the legal limit for driving under the influence at the time of a vehicular incident. However, after invoking her husband's name multiple times—as shown more than a dozen times in the video [exhibit 136]—she was unexpectedly retrieved by her husband from the holding facility without facing jail time or a DUI charge.

If allegations are true, Defendant Brown, could be facing Obstruction of Justice, Official Misconduct, Bribery or Corruption, Conspiracy, Violation of Ethics Codes, Civil Liability, removal from office and ban from holding future office just to name a few penalties for this one act alone.

These acts if proven true further underscores the necessity of Brown's removal under NRS 283.440.

These are just a few of the alleged violations and crimes that will hopefully satisfy the Defense further with claims against Defendant Brown to be weighed at trial.

D. Additional Claims against all Defendants

All three defendants were duty-bound by the Constitution and NRS 293.2546 to "resolve complaints about elections and election contests fairly, accurately, and efficiently." However, they refused to uphold their duty. Instead, they conspired to libel, slander, and oppress the Plaintiff, thereby disenfranchising every voter in Washoe, Nevada. All three defendants are unequivocally subject to removal under NRS 283.440

All three defendants are aware of counting Washoe County's 2022 Primary Election votes in secret, as well as Candidate Gilbert's recount contest, in secret. All three are aware of, or took part in, the cover-up with the secretary of state, as shown above. Additionally, all three defendants were made aware of, and have covered up, the fact that the Washoe County Elections in 2020 and 2022 have a damningly evident fraudulent function flipping every Washoe County voter's vote. Thus, depriving every Washoe voter of their right to suffrage.

Impossible Results In A Fair Election, Proof Of Crime

Washoe County is one of 17 counties in Nevada, and it is where only one other county had a mathematical impossibility occur. In a fair election, one expects to see different precincts vote differently. For example, if a precinct is heavy Democrat, you would expect the votes to favor certain Democrats; if it were a heavy Republican precinct, you would expect the votes to favor certain Republicans. Additionally, depending on the size of the precincts, you would expect the vote percentages to differ from one precinct to another. Yet, in both Washoe and Clark County, every precinct voted nearly identically the same. This is impossible. In fact, the other 15 counties didn't vote anything like Washoe or Clark County, nor did Carson City. At no time in the history of our State has this occurred, yet it did in Washoe and Clark County in the 2020 and 2022 elections. This is mathematically impossible. The court must understand this is not the Plaintiff's data or math or

numbers; it is simply the Certified Election Results from Washoe and Clark County. Meaning the ROV and SOS signed off on these impossible results and then certified the election.

Plaintiff has brought this issue to the attention of the defendant's numerous times, always being dismissed, never addressed. And then, they collaborate with the media to libel and slander Plaintiff instead of addressing this glaring issue. What's important to understand is this isn't a guess, this is proof of election rigging on the largest scale, see [Exhibits 104, and 105] in where the user can DETERMINE the results of each election. This is impossible in a fair election, period. It is mathematically impossible in a fair election across 1,286 precincts, in the 2 largest counties of Nevada, on opposite ends of the state to vote identically the same, while no other county or Carson City did. This would require every voter in Washoe and Clark County to meet and conspire together to vote exactly as they tell each other to with no deviation. Plaintiff urges this honorable court to verify Plaintiff's findings with UNR and UNLV math professors, ask them how we can solve the impossible, if the election wasn't predetermined. Show them exhibits 104, and 105 and tell them to solve for alpha without knowing lambda, if they are honest they will tell you Plaintiff is right, the elections are rigged. Many math professors have concluded our findings were correct, many are scared to come forward for fear of losing their jobs. Many have told me that they fled their countries due to Marxism, communism and stolen elections just to come to America, for me to show them through exhibits 104-105 they are right back into what they tried to escape, stolen elections and loss of the people's voices. Justice must be administered by this honorable court or we will lose our country.

**E. Duty To Conduct Lawful Elections & If One Cause Of Action Is Dismissed, The Others
Can Move Forward**

Plaintiff believes the laws show the Defendants have a duty to respond to his original petitions. But, for the sake of argument, let's say this honorable court believes they don't need to be accountable to the public and can ignore legitimate complaints and petitions brought before them. Well, then, Plaintiff would beg the question: are they accountable for breaking any laws? It is well-established that there are numerous penalties and potential prison time for election fraud. Clearly, the defendants have broken numerous laws and violated various statutes, as the evidence shows and testimony will prove! Examples of additional statutes being broken are as follows:

NRS 293 NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b)

The penalties for these offenses, when specified in the statutes, range from civil penalties to misdemeanors and felonies. Some of the more severe offenses can carry heavy fines and imprisonment.

Does this honorable court not agree that there must be accountability? So, even if this honorable court rules against cause 2, surely cause 1 must move forward.

In *Jones v. Eighth Jud. Dist. Ct. of State*, 67 Nev. 404, 418, 219 P.2d 1055, 1062 (1950) that the defense cited: Petition in prohibition by Robert E. Jones, as District Attorney of Clark County, Nevada, against the Eighth Judicial District Court of the State of Nevada, in and for the County of

Clark, and the Honorable Taylor H. Wines, Judge thereof, presiding in Department No. 1, to test the sufficiency of a complaint seeking to remove petitioner from the office of District Attorney for alleged neglect of duty and malfeasance in office. The Supreme Court, Badt, J., held that the complaint was insufficient as to the first, third, and fourth counts but was sufficient as to the second count.

Even in the case the defense cited, it clearly shows each cause of action was weighed; some were removed, but one moved forward. That one claim removed Jones from office.

Plaintiff requests this honorable court to weigh the evidence on its merits and allow this case to proceed even if the court fails to hold the defendants accountable to the public in cause 2. Clearly, cause 1 must move forward. This case is about far more than just firing three people; it's to ensure our servants are held accountable and that our elections are conducted lawfully.

XXIII. The SOS has a conflict of interest

The SOS has a reputation to uphold and is failing. This document proves the current Secretary of State, Cisco Aguilar, is a fraud. He did not win his election, as exhibits 104-105 prove. Jim Marchant should be our Secretary of State, not Cisco Aguilar. It's possible Aguilar doesn't know this, but the statements he's made in the press about no proof of election violations is absurd [Exhibit 120]. The bill he's passed to silence election debate and accountability via SB 406 is in stark resemblance to the Hitler regime. SB 406, on the surface, sounds reasonable until one actually reads it. It is so ambiguous it could potentially apply to anyone for anything. A citizen could simply disagree with an election official or even a poll watcher and end up in jail for 4 years! There are countless laws to

keep election workers safe; this bill is about silencing opposition, such as what the Plaintiff brings forward. That's why the Plaintiff is suing to remove SB 406 as well.

As seen over the past 3 years, the public's confidence in the SOS and Nevada's elections in general are on the line in many respects and in regards to Plaintiff's instant complaint and related petitions and complaints.

The SOS is an elected official with a vested interest in the outcome of elections. Naturally, any dispersions of the accuracy of an election could prove deleterious to the reputation of the SOS should it be realized that their race was encumbered by results that were inaccurate.

Such a revelation could result in a contest of the election of the SOS. Any impediment to an elector's or candidate's right to contest an election is repugnant. So, when the SOS fails to act to correct ills because it is convenient or politically advantageous it is an abuse of their office.

Plaintiff's petitions contain facts and makes points which support needed changes in elections that must be considered and adopted in hopes of achieving accuracy of results and propping of the public's trust.

On information and belief, the SOS has adopted a Top-Down election management policy that seeks to undermine county rights of any level of autonomy in the conduct of elections.

Stripping Plaintiff of his rights to redress grievances with the county is consistent with the Top-Down policy exhibited by the SOS.

The SOS exhibited their conflict of interest when it suppressed Plaintiff's petitions and complaints. Now, by their upcoming efforts to control every county's election processes, they will be the one-stop-shop for all election complaints. The county will point to them, the SOS will point to the county, and we the people will lose our voices. It's Venezuela 2.0; one doesn't need to be a psychic to see what's happening. Key positions are being stolen across the state, then processes are put in

place to ensure they and their buddies never lose their stolen power and influence. This is not a conspiracy; it's truth, as the evidence and actions of these selected servants show us. This honorable court can do what's right and stop this abuse and takeover. See above, NAC is inferior to NRS, and NRS is inferior to the NV Constitution.

XXIII. Mandamus and Equitable Relief are Attainable

The Defense acknowledges correctly that the Plaintiff wishes this Court to compel one or more defendants to respond to his grievances, even if to say Plaintiff is wrong, and to "rectify" the issues alleged in those grievances to the extent possible or practical.

The Defense claims that Plaintiff is incorrect in his assertions that discretionary acts of the Defendants make them liable, citing *Mineral Cnty. V. State, Dep't of Conserv.*, "an extraordinary remedy which will not lie to control discretionary actions, unless discretion is manifestly abused or is exercised arbitrarily or capriciously." And citing, *State Office of the Atty. Gen. v. Justice Ct. of Las Vegas Twp.*, "A manifest abuse of discretions is a clearly erroneous interpretation of the law or a clearly erroneous application of a law or rule."

The Plaintiff refutes such arguments below in "Discretionary Act Immunity."

Non-discretionary Duty: The Defense claims because of NAC 293.025, the Defendants are not subject to liability of their non-discretionary acts to "respond," or "rectify," or "resolve" Plaintiff's Petitions or any other concern he has posed to the Defendants. As previously discussed, NAC 293.025 is not an immunity shield. Nev. Const. Art 2 Sec 1A (11) and NRS 293.2546 (11) state Voter's Rights and to "resolve" complaints. An implied duty exists.

Moreover, Defendants have a non-discretionary duty to uphold the law, respect Plaintiff's rights, and

to fulfill their oaths of office. The Plaintiff has the constitutional rights to the relief requested.

No Adequate Remedy at Law: The Defense claims that Plaintiff “has an adequate remedy at law.”

And that “Beadles ignored his available legal remedies.” Plaintiff disagrees and as discussed in “The Requested Relief is Unobtainable” .

Lack of Other Remedies: Upon information and belief, the Plaintiff has filed complaints with the SOS that have gone unnoticed. Certainly, there has been no reply.

As such, the Plaintiff pursued his secondary avenue which was to petition his local government.

When that proved fruitless, he filed the instant complaint that is before this Court.

The Defendants have abused their roles and Plaintiff’s rights and as such, Plaintiff has no other remedy but to seek accountability, which in this instance requires removal from office and other relief requested.

XXV. Plaintiffs Miscellaneous Relief is Appropriate and Obtainable.

[Note: The following is an abridged list of misc. remedies]

Plaintiff’s Complaint contains a demand for specific relief as follows:

- i. Defendants must take into account and redress all elections issues that Plaintiff puts on the table, no shying away;
- ii. Enjoin Defendants to disclose ACB applicant's names and credentials publicly prior to appointment;
- iii. Enjoin the defendants and halt the expenditure of \$12.6M of taxpayer dollars for unapproved and unsafe equipment and software;
- iv. Defendants that are found in violation of laws shall be fined, fired, and/or removed from office;

The Defense, on p. 19, ln 6-8, argues, "There is no legally tenable avenue for Beadles to obtain the relief requested above. The Court should dismiss Beadles's miscellaneous requests for relief."

The Plaintiff wholeheartedly disagrees. The Plaintiff has proven the merits of his argument and the facts. The relief sought is not inappropriate. In fact, the relief sought is critical to the safety and security of our elections and nothing less. Plaintiff respectfully demands all [Exhibits 1-145] be weighed in this honorable Court's decision and included in his response, the facts, evidence and data clearly show the defendants motion to dismiss is the furthest thing from allowable.

The Motion to Dismiss must be denied.

Specific torts, violations of law: reckless, willful disregard, misappropriation, subversion.

The Defense claims, "Beadles fails to identify a specific act of malfeasance or nonfeasance directly connected to a specific legal duty tied to each Defendant."

The Plaintiff wholeheartedly disagrees.

First, NRS 281A.020(1)(a), is "A public office is a public trust."

Defendants have ALL breached that trust as shown throughout this document, exhibits, original complaint and pleadings.

A shortlist of items includes, unlawful voter rolls, failure to uphold oath of office, failure to redress grievances, using uncertified election equipment, outsourcing to questionable and uncertified vendors, waste and abuse of millions of tax payer dollars, using their office to enrich themselves or families, refusing to address damning election violations and frauds, working with media. and defense to slander and libel Plaintiff who simply wanted the defendants to do their job and address

the issues. Continued violations of: NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927, NRS 293.36, NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC 293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1), NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS 293.423, NRS 293.269927, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.269927, NRS 293.285(1)(b)(4), NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2), Nev. Const. Art. 2 Sec.1A § 1(b); in addition clear violations shown in [Exhibits 15-22, 139,-142]. This is but a small list of claims against the defendants that too breached the trust stated in NRS 281A.020(1)(a).

By ignoring the Petitions, the Defendants did not apprise the Plaintiff of his rights, which are acts of malpractice and nonfeasance.

By ignoring the Petitions, the Defendants allegedly did not forward the Petitions to the District Attorney's office or to the Secretary of State as is customary and consistent with the county's handling of such petitions, which are acts of malpractice and nonfeasance.

Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address gross inaccuracies and improper maintenance of voter rolls, which are acts of malpractice, malfeasance, and nonfeasance. [Exhibit 21 Supplemental Statement "Unclean voter rolls"] [Exhibit 107 Excel spreadsheet "Ballot Waste"]

Inaccurate voter rolls and/or incompetence allowed 37,722 mail ballots to be sent to voters over and above the number of active registered voters in the 2022 general election in Washoe County [Exhibit 107 Mail ballot waste spreadsheet].

The amount is enough to have swayed the presidential race and any other. And it is a form of wasted paper and energy that should have been avoided. In fact, 70% of mail ballots in Washoe County were undeliverable, not returned, or voided. At an estimated cost of \$4 per ballot package, the 235,714 wasted mail ballots came at a cost of \$942,856 which constitutes acts of malpractice.

malfeasance, and nonfeasance. This does not include the wasteful reprinting of ballots that cost tax payers \$178,000 more dollars as well

(<https://www.rgj.com/story/news/politics/elections/2023/03/08/ballot-mistakes-cost-washoe-county-taxpayers-178000-for-reprint/69982416007/>).

Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address illegal functions within the election system that alter intended votes, which are acts of malpractice, malfeasance, and nonfeasance. [Exhibit 16 Supplemental Statement “Election System Issues”] [Illegal function in election system Exhibits 60-68, 79, 94, 104, 105, 110, 112, 129, 130, 131, 142, 146] [Exhibit 31 Halderman].

Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address the counting of votes in secret and without adequate verification, which are acts of malpractice, malfeasance, and nonfeasance. [Exhibit 17 Supplemental Statement “Counting Votes in Secret” additionally 23, 24, 72, 117, 142 and where the ROV lied to the SOS about violating the law and court orders in exhibit 126].

Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address instructions to Washoe County election workers to disregard signature verification, in violation of the law, which are acts of malpractice, malfeasance, and nonfeasance. [Exhibit 118 Supplemental Statement “Deficiency of Signature Verification Methods”]

Defendants have allowed elections in Washoe County to be tainted by allowing and failing to address the violations of the election processes the Plaintiff has provided to them and as required by Nevada statutes, Nevada administrative codes, and the Nevada Constitution, which are enumerated

throughout the Petitions, this Complaint, and the Supplemental Statements as referenced in Exhibit 109, as evidence of further acts of malpractice, malfeasance, and/or nonfeasance.

Defendants through their acts of malpractice, malfeasance, and or nonfeasance have failed to perform their duties and have harmed and will continue to harm plaintiff.

Granting the requested relief will serve public interests.

Because of the violations alleged herein, Defendants have not and are not able to conduct elections fairly, accurately, and securely as required by law. Defendants' actions or inaction going forward may impact state and national security because of the critical flaws and vulnerabilities in many of the systems and procedures related to voter registration, handling of signatures and voter data, voting, signature curing, and recording and reporting votes as mentioned in the underlying Petitions and Exhibit 109 and related documents.

The Motion to Dismiss must be denied. Argument for the accuracy of elections and increase in voter confidence must move forward. Argument in the exercise of Plaintiff's rights and the efforts by the Defense to thwart such rights deserves to be heard by this Court.

XXVI. Plaintiff has Right to Complain.

Inclusive with the above, Nevadans have a right to complain covered by the Nev. Const. Art 1 Sec 9, "Every citizen may freely speak, write and publish his sentiments on all subjects being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech;" And, a right to pose grievances by the Nev. Const. Art 1 Sec 10, "to instruct their representatives...

for redress of Grievances.” Also, “to petition the Legislature....,” meaning a County Commission or City Council.

And an added right regarding elections complaints per Nev. Const. Art 2 Sec 1A § 11, “To have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law.”

The distinction on Nev. Const. Art 2 Sec 1A § 11 is that Exhibits 1 and 3 are administrative complaints and petitions, seeking to shed light on critical issues for the benefit of all; which go to the spirit of the law and the rights of voters and of the Plaintiff. The Plaintiff’s invocation of Nev. Const. Art 2 Sec 1A § 11 does not confer an obligation onto the Defendants, rather, Plaintiff contends that Sec 1A § 11 is silent as to the responsive agency or department. Nothing in the Nevada Constitution dictates how a grievance should be posed, just that a person’s grievances cannot be simply ignored.

At issue is, this Court must determine where the responsibility falls within local government when a citizen poses an inquiry or complaint and petition, particularly in regard to the service of a public employee, or appointed official, or elected official, or in regards to inquiries, complaints and petitions regarding election abnormalities, errors, and improper procedures on behalf of the ROV. Plaintiff contends that nothing in the NRS nor NAC prohibit the Defendants from acknowledging, responding, or resolving his petitions. Or to advise him of his rights. Or to forward his Petitions to another agency or department for resolution if need be.

Plaintiff also contends that responding to his petition will not harm the Defendants. It is not responding that will harm them. Plaintiff contends that the Nevada Constitution provides that he may “instruct [his] representatives... for redress of Grievances” and, “to petition the Legislature.” Meaning, the very defendants that are named. The Defense’s attempts to put up arguments to

circumvent and curtail such rights do not hold water.

The Plaintiff is attempting to protect his liberty bourn from his perceived and actual rights to engage local government in the democratic process. Nev. Const. Art 1 Sec 1, "All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty."

The Defense claims, "there are no facts alleged that, if true, demonstrate that Defendants impeded Plaintiff's right to assemble, to instruct his representatives, or to petition the Legislature."

According to the Defense, the Plaintiff filed his grievances as was his right and that is the end of it.

No one is obligated to answer the Plaintiff. That is a false assumption as proven throughout this document of Opposition.

XXVII. Plaintiff Can Receive Punitive Damages

The issues Plaintiff raises fall within the liability and responsibility of Washoe County to ultimately pay restitution. See "Punitive" below.

NRS 41.031(1), "The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive."

Clearly, the state has limited the immunity it affords local government.

NRS 41.032, "Except as provided in NRS 278.0233 no action may be brought under NRS 41.031 or against an immune contractor or an officer or employee of the State or any of its agencies or political subdivisions which is: 1. Based upon an act or omission of an officer, employee or immune contractor, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, if the statute or regulation has not been declared invalid by a court of competent jurisdiction; or 2. Based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the State or any of its agencies or political subdivisions or of any officer, employee or immune contractor of any of these, whether or not the discretion involved is abused.

Plaintiff alleges that, in accordance with NRS 41.032, one or more Defendants: 1) did not exercise due care in the execution of a statute of regulation, 2) committed non-discretionary acts that harmed Plaintiff, which acts are not immune.

NRS 41.0349, based on any act or omission relating to the person's public duty or employment, the State or political subdivision shall indemnify the person unless: (4) The act or omission of the person was wanton or malicious."

NRS 42.005 states, "Except as otherwise provided in NRS 42.007, in an action for the breach of an obligation not arising from contract, where it is

proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud or malice, express or implied, the plaintiff, in addition to the compensatory damages, may recover damages for the sake of example and by way of punishing the defendant.”

NRS 42.005 provides that, “the plaintiff, in addition to the compensatory damages, may recover damages.”

Scheuer v. Rhodes, 416 U.S. 238, 241-242, 94 S. Ct. 1683, 1687 (1974)] states, in part at 238: “damages against individual defendants are a permissible remedy in some circumstances notwithstanding the fact that they hold public office. *Myers v. Anderson*, 238 U. S. 368 (1915). See generally *Monroe v. Pape*, 365 U. S. 167 (1961); *Moor v. County of Alameda*, 411 U. S. 693 (1973). In some situations, a damage remedy can be as effective a redress for the infringement of a constitutional right as injunctive relief might be in another.” *Scheuer* at 241-242: “Public officials, whether governors, mayors or police, legislators or judges, who fail to make decisions when they are needed or who do not act to implement decisions when they are made do not fully and faithfully perform the duties of their offices.”

Smith v. Wade, 461 U.S. 32 (1983), states in part:

“In addition to actual damages, the law permits the jury, under certain circumstances, to award the injured person punitive and exemplary damages, in order to punish the wrongdoer for some extraordinary misconduct, and to serve as an example or warning to others not to engage in such conduct.” “If you find the issues in favor of the plaintiff, and if the conduct of one or more of the defendants is shown to be a reckless or callous disregard

of, or indifference to, the rights or safety of others, then you may assess punitive or exemplary damages in addition to any award of actual damages.”

“ . . . The amount of punitive or exemplary damages assessed against any defendant may be such sum as you believe will serve to punish that defendant and to deter him and others from like conduct.” *see Procunier v. Navarette*, 434 U. S. 555 (1978) at 643 (emphasis added).

Hence, the Supreme Court ruled that punitive damages are allowed in this honorable court and as it pertains to this litigation.

Additionally, in Nevada:

Bongiòvi v. Sullivan, 122 Nev. 556 (Nev. 2006), “The punitive damages award was not error. Punitive damages are designed not to compensate the plaintiff for harm suffered but, instead, to punish and deter the defendant's culpable conduct.”

Should the court dismiss this claim, the Plaintiff hereby respectfully demands it not be with prejudice, or that a new election or election cycle shall warrant new complaints and challenges.

Additionally, Plaintiff's invocation of vicarious liability rests in the doctrine of *respondeat superior*: *Respondeat superior* is a legal doctrine, most used in tort, that holds an employer or principal legally responsible for the wrongful acts of an employee or agent, if such acts occur within the scope of the employment or agency. Typically, when *respondeat superior* is invoked, a plaintiff will look to hold both the employer and the employee liable.

Washoe County can be sued under the doctrine of *respondeat superior* when their employees commit acts to deprive the plaintiff of his constitutional rights and break laws as enumerated throughout this Opposition.

In the present case, should this honorable court determine that the plaintiff is not eligible for punitive damages from the State or its offices, it is crucial to note that the plaintiff retains the right to seek punitive damages directly from the individual defendants. Notably, the plaintiff has initiated legal action against both the State, encompassing its offices, and the defendants in their individual capacities. While it is imperative that the plaintiff's claims against Washoe County are not summarily dismissed, even if this esteemed Court adjudges that the County holds immunity from being sued, the plaintiff respectfully petitions for the progression of the case against each defendant, irrespective of their official or personal roles.

a. Monetary Damages and Equitable relief are Available for Removal

Actions

The Defense, citing *Armstrong v. Reynolds*, “[t]he remedy is removal from office Nothing in the statutes allows for recovery of damages by the complainant against the officer.” And, claiming, “There is no private claim for malfeasance.” And, “Removal is the only available remedy.”

The Defense’s argument is consistent with a summary proceeding pursuant to NRS 283.440 for cause 2, not for cause 1 in the complaint CV23-01341. As previously discussed, NRS 283.440 does not offer immunity. *Id. Mack v. Williams*. The Plaintiff’s remedies specifically demand: “Award monetary damages in excess of \$15,000” as well as punitive damages.

The Plaintiff is entitled to a jury trial and does not waive that right. See “TRIAL BY JURY” above.

A jury may award punitive damages in this situation. Fines are appropriate to force compliance. Equitable relief is available to the Plaintiff when his legal claims and equitable ones are considered together. Plaintiff hereby seeks a just ruling on his legal and equitable claims so his rights can be

enforced as provided by law.

XXVIII. Sanctions and BAR Referral for Acts Unbecoming an Officer of the Court

In this critical legal matter, the Defense's actions, led by Ms. Liddell, have not only shown a blatant disregard for ethical norms but have also shaken the very foundation of justice and impartiality that the legal system is built upon. The Defense's consistent pattern of behavior, as demonstrated through both public statements and private communications, unequivocally demands sanctions and referral to the BAR for acts unbecoming an officer of the court.

A. Manipulation of Public Opinion:

The Defense's calculated attempt to sway the Court of Public Opinion is an affront to the principles of fairness and objectivity that underpin the judicial process. This is no more evident than in the audacious assertion by the Washoe County District Attorney's office that the Plaintiff's claims were nothing more than the "inaccurate rantings of a conspiracy theorist", "The Beadles' Complaint is disconnected from the law and from reality," the letter said. "The Complaint and its frivolous and unfounded claims should be dismissed, Beadles should be sanctioned, and Defendants should likewise be awarded attorneys' fees." [Exhibit 132]. By casting such prejudiced aspersions, the Defense, in collusion with the DA's office, not only breaches Rule 3.6 (a) but also impairs the Plaintiff's ability to receive a fair trial. This calculated strategy to manipulate public perception constitutes an act unbecoming of an officer of the court.

B. Coordinated Media Collusion:

The Defense's unholy alliance with both the Reno Gazette-Journal and the District Attorney's office