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PMAN
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Counsel for Petitioner

CASE NO: A-26-941044-W
Department 22

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

JUDICIAL WATCH, INC.,

Petitioner,

v.

STATE OF NEVADA EX. REL. OFFICE
OF THE ATTORNEY GENERAL,

Respondent.

Case No.:

Dept. No.:

PUBLIC RECORDS ACT PETITION
FOR WRIT OF MANDAMUS
PURSUANT TO NEVADA PUBLIC
RECORDS ACT

EXPEDITED MATTER PURSUANT
TO NRS 239.011(2)

EXEMPT FROM ARBITRATION

- Action Presenting a Significant Issue of Public Policy
- Action Seeking Equitable or Extraordinary Relief
- Action Presents Unusual Circumstances that Constitute Good Cause for Removal from Arbitration Program
- Action for Declaratory Relief

COMES NOW Petitioner Judicial Watch, Inc. (“Judicial Watch” or “Petitioner”) by and through its undersigned counsel, McLetchie Law, and hereby brings this Petition for Writ of Mandamus for injunctive and declaratory relief and seeking an order pursuant to NRS 239.001 *et. seq.* (the Nevada Public Records Act or “NPROA”):

1 (1) Mandating that Respondent State of Nevada ex. rel. Office of the Attorney
2 General (the “OAG,” the “NAG,” or “Respondent”) produce or permit them to
3 inspect the Records requested on February 11, 2025 (defined below).

4 Petitioner also requests an award for all attorney’s fees and costs associated with
5 its efforts in this action as provided for by NRS 239.011(2).

6 Further, Petitioner requests that the Court assess penalties against the OAG for each
7 of the ways it has violated the NPRA in connection with its requests.

8 Finally, Petitioner requests the Court expedite this matter pursuant to NRS
9 239.011(2).

10 Petitioner hereby alleges as follows:

11
12 **NATURE OF THE ACTION**

13 1. Petitioner brings this application for relief pursuant to NRS 239.011(1),
14 which provides that “[i]f a request for inspection, copying or copies of a public book or record
15 open to inspection and copying is denied or unreasonably delayed or if a person who requests
16 a copy of a public book or record believes that the fee charged by the governmental entity
17 for providing the copy of the public book or record is excessive or improper, the requester
18 may apply to the district court in the county in which the book or record is located for an
19 order: (a) Permitting the requester to inspect or copy the book or record; [or] (b) Requiring
20 the person who has legal custody or control of the public book or record to provide a copy to
21 the requester.”

22 2. NRS 239.011(1)(c) also allows a requester to seek relief concerning
23 excessive or improper fees charged for public records.

24 3. Petitioner’s application to this Court is the proper means to secure the
25 OAG’s compliance with the NPRA. *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 884,
26 266 P.3d 623, 630 n.4 (2011); *see also DR Partners v. Bd. of Cty. Comm’rs of Clark Cty.*,
27 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) (citing *Donrey of Nev. v. Bradshaw*, 106 Nev.
28

1 630, 798 P.2d 144 (1990) (writ of mandamus is the appropriate procedural remedy to compel
2 compliance with the NPRA)).

3 4. Petitioner is entitled to an expedited hearing on this matter pursuant to NRS
4 239.011(2), which mandates that “[t]he court shall give this matter priority over other civil
5 matters to which priority is not given by other statutes.”

6 5. Should Petitioner prevail in this matter, it is entitled to its attorney’s fees
7 and costs incurred in district court and on appeal. NRS 239.011(2)-(3).

8 6. In addition, “if a court determines that a governmental entity willfully failed
9 to comply with the provisions of this chapter concerning a request to inspect, copy or receive
10 a copy of a public book or record, the court must impose on the governmental entity a civil
11 penalty” for each violation. NRS 239.340(1).

12 7. Public records requesters are entitled to seek additional relief related to
13 violations of the NPRA, as NRS 239.011(4) specifically provides that “[t]he rights and
14 remedies recognized by this section are in addition to any other rights or remedies that may
15 exist in law or in equity.” Thus, Petitioner is entitled to declaratory relief pursuant to NRS
16 30.030, NRS 30.070, and NRS 30.100; and, injunctive relief pursuant to NRS 33.010.

17
18 **PARTIES**

19 8. Petitioner, Judicial Watch, Inc., a non-profit corporation, is and was at all
20 times alleged herein, a citizen of Washington, D.C.

21 9. Respondent, the OAG, is a public agency in the County of Clark, Nevada.
22 The OAG is subject to the NPRA pursuant to NRS 239.005(5)(b).

23
24 **JURISDICTION AND VENUE**

25 10. This Court has jurisdiction to issue writs of mandamus. Nev. Const. art. VI,
26 § 6; NRS 34.160; NRS 34.330.

27
28

1 18. The February 11, 2025, request sought access to the following documents
2 and records (the “Records”) from January 1, 2020, to the completion of the request:

- 3 i. Any documents, memos, and/or correspondence provided by non-profit
4 organizations, to include but not limited to the *States United Democracy*
5 *Center* (“SUDC”) and/or the *Voter Protection Project* (“VPP”), to the
6 Nevada Attorney General’s Office (“NAG”) regarding the investigation
7 and prosecution of Republican state electors or “fake electors” for the
8 2020 presidential election.
- 9 ii. Any communications between NAG and the VPP (ex. email domain
10 @protectvoting.org,).
- 11 iii. Any communications between NAG and the SUDC (ex. email domain
12 @statesuniteddemocracy.org)
- 13 iv. Any agreement or letter of engagement between SUDC and NAG.
- 14 v. Any agreement or letter of engagement between VPP and NAG.
- 15 vi. Any communications between SUDC or VPP and any individual or entity,
16 public or private, discussing, researching, mentioning, or alluding to the
17 investigation or prosecution of Republican state electors or "fake electors"
18 for the 2020 presidential election.
- 19 vii. Any communication from SUDC or VPP to any individual or entity,
20 public or private, recommending, advocating, and/ or offering advice or
21 strategy for investigating or prosecuting Republican state electors or "fake
22 electors" for the 2020 presidential election.
- 23 viii. Any communication from SUDC or VPP to any individual or entity,
24 public or private, recommending, advocating, or offering advice or
25 providing or receiving strategy for preventing Donald Trump and his
26 associates, allies, or supporters from challenging the outcome of the 2020
27 presidential election
- 28

1 19. A true and correct copy of the February 11, 2025, request is attached hereto
2 as **Exhibit 1**.

3
4 **The OAG Refuses to Provide a Meaningful Response**

5 20. Upon information and belief, the OAG did not respond to Petitioner's
6 February 11, 2025, request within five business days as mandated by NRS 239.0107(1).

7 21. On or about May 16, 2025, the OAG responded by email, stating that
8 additional time was required to complete a search and review of potentially responsive
9 records and providing an anticipated response date of July 11, 2025.

10 22. The May 16, 2025, follow-up letter did not cite any basis for withholding,
11 such as confidentiality or privilege.

12 23. On or about July 9, 2025, the OAG again followed up by email, again stating
13 that additional time was required to complete a search and review of potentially responsive
14 records and providing an anticipated response date of October 10, 2025.

15 24. The July 9, 2025, follow-up letter did not cite any basis for withholding,
16 such as confidentiality or privilege.

17 25. On or about October 9, 2025, the OAG again followed up by email, again
18 stating that additional time was required to complete a search and review of potentially
19 responsive records and providing an anticipated response date of December 12, 2025.

20 26. The October 9, 2025, follow-up letter did not cite any basis for withholding,
21 such as confidentiality or privilege.

22 27. When the OAG did not respond by December 12, 2025, upon information
23 and belief, Petitioner sent the OAG a letter informing the OAG that Petitioner would file suit
24 under the NPRA if the Records were not provided.

25 28. As of the instant date, the OAG has not provided Petitioner any of the
26 requested Records, nor has the OAG provided any basis for nondisclosure such as
27 confidentiality or privilege.

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LEGAL STANDARDS AND AUTHORITY

The NPRA Clearly Mandates the OAG Provide Prompt Access to Public Records.

29. The NPRA sets forth that records of governmental entities belong to the public in Nevada.

30. The NPRA includes specific legislative mandates regarding its purpose and dictating how courts and government entities must interpret and apply the NPRA.

31. The NPRA states that “[its] purpose . . . is to foster democratic principles by providing members of the public with *prompt* access to inspect, copy or receive a copy of public books and records to the extent permitted by law.” NRS 239.001(1) (emphasis added).

32. The NPRA mandates that every provision of the Act “must be construed liberally to carry out [its] important purpose[.]” NRS 239.001(2).

33. Thus, the provisions of the NPRA must be applied in a manner that not only furthers access to public records but that furthers expeditious access to records.

34. Courts and governmental entities, including the OAG, must follow these mandates regarding statutory interpretation of the NPRA.

The NPRA Sets Forth a Mandatory Procedure for Responding to Requests.

35. In furtherance of the NPRA’s purpose of providing prompt access, NRS 239.0107(1) sets forth a procedure governmental entities must follow when responding to public records requests.

36. NRS 239.0107(1) obliges a governmental entity to, within five (5) business days of a request for records, take one of four courses of action: (a) produce the requested records; (b) explain if another governmental entity had the records; (c) if it is not possible to produce the records in five days, provide a date certain (the earliest date possible) for production of the records and work with the requester to facilitate expeditious production of the records; or (d) provide specific authority explaining why the record or a portion thereof is confidential.

1 37. Upon information and belief, the OAG did not respond to Petitioner’s
2 February 11, 2025, request within five business days as mandated by NRS 239.0107(1).

3 38. Respondents’ subsequent repeated responses, which imply that it is not
4 possible to produce the records in five days and do not provide dates certain for production
5 of records, do not comply with NRS 239.0107(1)(c).

6 39. Indeed, the OAG has not provided a “date certain” when it has refused to
7 meet its own “deadlines.”

8

9 **Government Records Are Presumed Public and Nondisclosure Is the Exception**

10 40. Nevada law broadly defines public records as those records relating to “the
11 provision of a public service;” and “public service” is defined in turn as “[a] service provided
12 or facilitated by the government for the general public’s convenience and benefit”).” *LVMPD*
13 *v. Blackjack Bonding*, 131 Nev. 80, 85, 343 P.3d 608, 612 (2015) (citing *Merriam–Webster’s*
14 *Collegiate Dictionary* 942 (10th ed.2000); *V & S Ry., LLC v. White Pine Cnty.*, 125 Nev.
15 233, 239–40, 211 P.3d 879, 883 (2009); *Black’s Law Dictionary* 1352 (9th ed.2009)).

16 41. Such governmental records are presumed public and available to requesters.
17 Any “analysis of claims of confidentiality under the Act” begins “with a presumption in favor
18 of disclosure.” *PERS v. Reno Newspapers Inc.*, 129 Nev. 833, 837, 313 P.3d 221, 223–24
19 (2013).

20 42. Here, all the Records requested by Judicial Watch are public records.

21 43. In accordance with the presumption of openness and “emphasis on
22 disclosure,” both the NPRA and case law from the Nevada Supreme Court place heavy
23 burdens on a governmental entity to justify nondisclosure of a public record.

24 44. The OAG has not even attempted to meet its duty of identifying, at the time
25 it denies a request, any applicable claim of confidentiality, let alone that any such claim
26 would outweigh the public’s fundamental right of access to these documents even if a basis
27 for confidentiality existed.

28

1 45. The OAG’s continued delays constitute constructive denial of the records
2 request without any basis, which is unlawful under the NPRA.

3 46. In accordance with the presumption of openness and “emphasis on
4 disclosure,” the NPRA also prohibits the government from refusing to produce documents
5 based on the identity or political affiliation of a requester.

6 47. Such a denial also violates the Equal Protection clauses of the United States
7 and Nevada Constitutions.

8 48. Upon information and belief, the OAG is constructively denying
9 Petitioner’s request due to animosity towards Petitioner’s outspoken conservative views and
10 support for conservative causes.

11

12 **FIRST CLAIM FOR RELIEF: ACCESS TO RECORDS**

13 49. Petitioner re-alleges and incorporates by reference each and every
14 allegation contained in Paragraphs 1-48 as if fully set forth herein.

15 50. Petitioner should be provided with the Records as defined above.

16 51. The NPRA mandates prompt access

17 52. The Records are subject to disclosure, and Respondent has not met its heavy
18 burden of establishing otherwise.

19 53. Unless a public record is explicitly statutorily exempted from the reach of
20 the NPRA or a common law claim of confidentiality applies (and the government meets its
21 heavy burden of establishing so by a preponderance of the evidence), it is a public record.

22 54. All government records are presumed available to the public.

23 55. Here, the OAG has not established and cannot establish by a preponderance
24 of the evidence that any claim of confidentiality applies to the Records.

25 56. Furthermore, the OAG has not and cannot establish that it required them
26 over a year (and counting) to locate and produce the Records.

27 57. Thus, the OAG has not and cannot establish that it has provided Petitioner
28 prompt access to the records as required by the NPRA.

1 67. That response did not provide the Records requested or any basis for
2 withholding, but rather provided an anticipated production date.

3 68. As the anticipated production date approached, OAG repeatedly provided
4 further responses that did not provide the Records or any basis for withholding, but rather
5 provided an *even later* anticipated production date, which ultimately was December 12,
6 2025.

7 69. As of the current date, which is well past December 12, 2025, the OAG has
8 not produced the Records as repeatedly “anticipated.”

9 70. This constitutes constructive denial of the request for the Records.

10 71. A writ of mandamus is necessary to compel Respondent’s compliance with
11 the NPRA and the OAG should be ordered to produce the Records *promptly* by a *date*
12 *certain*.

13 72. This Court should also grant other relief necessary to secure Respondent’s
14 compliance with the NPRA, including but not limited to awarding Petitioner attorney’s fees
15 and costs under NRS 239.011(2).

16
17 **THIRD CLAIM FOR RELIEF: PENALTIES UNDER THE NPRA**

18 73. Petitioner re-alleges and incorporates by reference each and every
19 allegation contained in Paragraphs 1-72 as if fully set forth herein

20 74. In addition to access to records, relief concerning fees charged by the
21 government entities for records, and attorney’s fees and costs, “if a court determines that a
22 governmental entity willfully failed to comply with the provisions of this chapter concerning
23 a request to inspect, copy or receive a copy of a public book or record, the court must impose
24 on the governmental entity a civil penalty” for each violation. NRS 239.340.

25 75. The civil penalty required under NRS 239.340 increases for each willful
26 violation of the NPRA; pursuant to the statute, a court must impose a \$1,000.00 penalty for
27 a first violation within a 10-year period, a \$5,000.00 penalty for a second violation within a
28 10-year period, and a \$10,000.00 penalty for a third violation within a 10-year period. NRS

1 239.340 provides that the court may impose a civil penalty of up to \$10,000 for the willful
2 failure to comply with the mandates of the NPRA.

3 76. The OAG willfully refused to provide the requested Records, as it has not
4 provided any reasons for its year-plus delay in providing the Records, which should be easily
5 located and simple to redact, if Respondent meets its burden of establishing that any
6 information in the Records is confidential.

7 77. Upon information and belief, the OAG has specific animus toward Judicial
8 Watch for making public records requests regarding the “fake electors” cases and for Judicial
9 Watch’s vocal support of conservative political causes.

10 78. A civil penalty is appropriate for the OAG’s willing refusal to produce the
11 Records to Petitioner. This Court should grant other relief necessary to secure Respondent’s
12 future compliance with the NPRA.

13
14 **FOURTH CLAIM FOR RELIEF: DECLARATORY RELIEF**

15 79. Petitioner re-alleges and incorporates by reference each and every
16 allegation contained in Paragraphs 1-78 as if fully set forth herein.

17 80. NRS 30.030 provides that “[c]ourts of record within their respective
18 jurisdictions shall have power to declare rights, status and other legal relations whether or
19 not further relief is or could be claimed.”

20 81. Pursuant to NRS 30.040, “[a]ny person ... whose rights status or other legal
21 relations are affected by a statute ... may have determined any question of construction or
22 validity arising under the ... statute ... and obtain a declaration of rights, status or other legal
23 relations thereunder.”

24 82. A justiciable controversy exists between Petitioner and the OAG regarding
25 application of the NPRA to Petitioner’s records request.

26 83. Specifically, upon information and belief, the OAG is intentionally
27 withholding the Records due to animus toward Petitioners’ political views.

28

1 RESPECTFULLY SUBMITTED this the 6th day of March, 2026.

2 */s/ Leo S. Wolpert*

3 MARGARET A MCLETCHIE, Nevada Bar No. 10931

4 LEO S. WOLPERT, Nevada Bar No. 12685

5 **MCLETCHIE LAW**

6 602 South 10th Street

7 Las Vegas, NV 89101

8 Telephone: (702) 728-5300; Fax: (702) 425-8220

9 Email: maggie@nvlitigation.com

10 *Counsel for Petitioner*

11 **INDEX OF EXHIBITS TO PETITION**

Exhibit	Description
1	February 11, 2025, Records Request

12
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EXHIBIT 1



**Judicial
Watch**[®]
*Because no one
is above the law!*

February 11, 2025

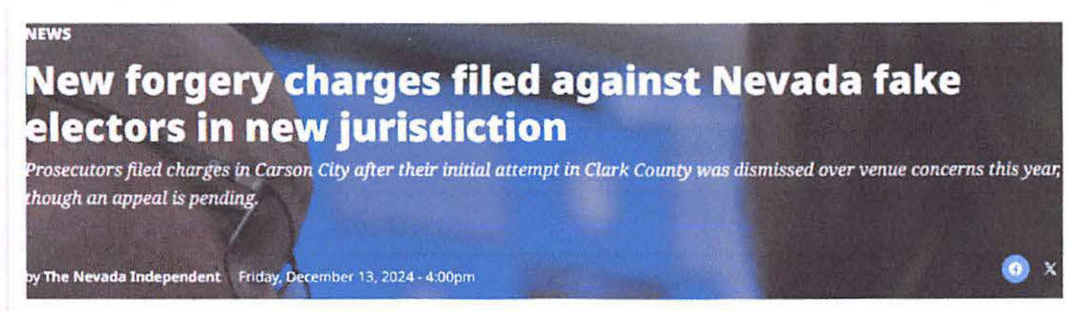
CERTIFIED MAIL

Aaron Ford, Attorney General
Office of the Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701

Re: **Nevada Open Records Act § 239 et seq.**

Mr. Ford:

On December 13, 2024, *CarsonNow.org* reported online that “New forgery charges have been filed against Nevada’s six so-called “fake electors” in Carson City District Court... In a statement announcing the charges Thursday, Attorney General Aaron Ford, a Democrat, called the filing ‘a pre-emptive measure to ensure that the statute of limitations on this charge does not lapse.’”



<https://www.carsonnow.org/12/13/2024-new-forgery-charges-filed-against-nevada-fake-electors-in-new-jurisdiction>

On May 28, 2024, the States United Democracy Center (“SUDC”) issued an update of a “fact sheet” that they had originally posted online on November 6, 2023. Within their report, it was stated, “In December 2020, groups of Republicans in Michigan, Arizona, Georgia, Nevada, New Mexico, Pennsylvania, and Wisconsin met and signed fake Electoral College certificates—posing as their state’s duly elected presidential electors—in an attempt to falsely declare Trump won the 2020 presidential election.”



<https://statesunited.org/resources/michigan-fake-electors/>

Under the Nevada Open Records Act § 239 et seq., and unless otherwise noted within the date range of January 1, 2020, to the completion of this request, I am requesting an opportunity to inspect or obtain copies of:

1. Any documents, memos, and/or correspondence provided by non-profit organizations, to include but not limited to the *States United Democracy Center* (“SUDC”) and/or the *Voter Protection Project* (“VPP”), to the Nevada Attorney General’s Office (“NAG”) regarding the investigation and prosecution of Republican state electors or “fake electors” for the 2020 presidential election.
2. Any communications between NAG and the VPP (*ex. email domain @protectvoting.org*).
3. Any communications between NAG and the SUDC (*ex. email domain @statesuniteddemocracy.org*)
4. Any agreement or letter of engagement between SUDC and NAG.
5. Any agreement or letter of engagement between VPP and NAG.
6. Any communications between SUDC or VPP and any individual or entity, public or private, discussing, researching, mentioning, or alluding to the investigation or prosecution of Republican state electors or “fake electors” for the 2020 presidential election.
7. Any communication from SUDC or VPP to any individual or entity, public or private, recommending, advocating, and/or offering advice or strategy for investigating or prosecuting Republican state electors or “fake electors” for the 2020 presidential election.
8. Any communication from SUDC or VPP to any individual or entity, public or private, recommending, advocating, or offering advice or providing or receiving strategy for preventing Donald Trump and his associates, allies, or supporters from challenging the outcome of the 2020 presidential election.

“COMMUNICATION(S)” means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, electronic messaging (including instant messaging and chats delivered through Microsoft Teams, Google Workspace, Zoom Team Chat, or other similar systems), meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

“DOCUMENT(S)” or “RECORD(S)” mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms “DOCUMENT(S)” or “RECORD(S)” include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets,

computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

“PERSON” means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

“REFERS,” “REFERRING TO,” “REGARDS,” REGARDING,” “RELATES,” “RELATING TO,” “CONCERNS,” “CONCERNING” or “PERTAINS TO” mean, containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$250.00. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to Judicial Watch’s commitment to informing and educating the public regarding government accountability, transparency, and the rule of law. This information is not being sought for commercial purposes.

I would request a response in writing, within a reasonable time frame as described by law, if you intend to deny this request. Also, if you expect a significant delay in fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

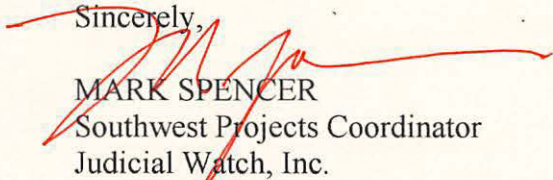
We look forward to your prompt response. Any response or records that can be delivered via e-mail attachments are certainly acceptable. Additionally, all responsive records in an electronic format (“PDF” is preferred) is appreciated. We also are willing to accept a “rolling production” of responsive records if it will facilitate a more timely production

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Please be advised that if the records are not provided to our office or if we do not hear from your Office, we will assume that your Office is refusing to comply with our Freedom of Information request. If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact me immediately at 602.510.7875 or m Spencer@judicialwatch.org. The local Arizona address is:

Judicial Watch Inc. / PO Box 30042 / Phoenix, AZ 85046

Sincerely,



MARK SPENCER
Southwest Projects Coordinator
Judicial Watch, Inc.