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

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9 ROBERT A. CONRAD, an individual doing  
business as THISISRENO.COM,

Case No.: CV22-01263

10 Petitioner,

Dept. No.: 10

11 vs.

12 CITY OF RENO, a political subdivision of  
13 the State of Nevada, and JOHN DOES I  
14 through X, inclusive;

15 Respondent.  
16

17 **ORDER DENYING IN PART AND GRANTING IN PART PETITIONER'S WRIT OF**  
18 **MANDAMUS**

19 Pending before the Court is Petitioner ROBERT A. CONRAD's *Writ of Mandamus*  
20 ("Writ"), filed on September 20, 2022. On March 7, 2023 this Court held a hearing on the  
21 matter.

22 **I. FINDINGS OF FACT**

23 In the Writ, Petitioner brings the application for relief pursuant to NRS 239.011,  
24 commonly known as the Nevada Public Records Act ("NPRA"). Petitioner asserts that a  
25 writ of mandamus is the appropriate procedural remedy to compel compliance with the  
26 NPRA. Writ: 2: 8-11. Petitioner states that he has filed "numerous" public records requests  
27 with the City of Reno and that the City of Reno has failed to comply with those requests  
28 under NRS 239.011. Specifically, Petitioner sets out 10 separate "Requests" for this Court  
to hold under consideration. In Request number 1, Petitioner states that he requested  
bodycam footage of three Reno Police officers for an incident that occurred October 21,

1 2021. Writ: 5: 5-6 (see Exhibit 1). Petitioner claims that no records or response was  
2 received, and that Respondent marked the records request as completed. Writ: 5:14-16. In  
3 request number two Petitioner claims that bodycam footage that he requested of a  
4 shooting in downtown Reno that occurred on July 17, 2021 was not produced by the City  
5 of Reno. Writ: 6:8-10. Request number 3 concerns a request for fees in reimbursement.  
6 Request number 4 concerns emails that the Petitioner requested to and from City of Reno  
7 employees to representatives of Bird Scooters, a franchisee of the City. Writ: 7:1-3. On  
8 August 31, 2022, the City of Reno provided the records.

9 In request number 5, Petitioner requested from Respondent copies of all complaints  
10 the City of Reno has received about Bird Scooters. Writ: 8:6-8. Petitioner alleges in his  
11 Writ and during the hearing on the matter that the City was inconsistent in its treatment of  
12 requests by redacting certain portions of the material that was provided to Petitioner. In  
13 request number 6, Petitioner claims that his requested copies of all complaints regarding  
14 trivia events at local business were improperly redacted. In request number 7, Petitioner  
15 made another request to the City of Reno for police body camera footage which was  
16 improperly delayed. Writ: 9:22-23. In request number 8, Petitioner made a request to the  
17 city of Reno for written correspondence from a local attorney to city officials. Writ: 10: 6-7.  
18 Respondent then provided the records on July 28, 2022.

19 In request number 9, Petitioner states that on July 18, 2022 he made a public  
20 records request for the council member's non-public-facing messages in phone texts and  
21 on various social media. Respondent stated that "A portion of your request related to  
22 "text/phone" records has been redacted or denied in accordance to the following  
23 exemption: Personal Information (NRS239B.030 / 603A.040)". See Exhibit 12.  
24 Respondent then closed the request. In request number 10, Petitioner claims that  
25 Respondent denied a request for a copy of a document Reno Mayor Hillary Schieve  
26 handed out at the U.S. Conference Mayors in June 2022. Writ: 11: 16-17. Respondent  
27 emailed Petitioner stating that "The City has reviewed our records and has determined that  
28 it has no public records responsive to your request concerning the provision of the Space  
Whale NFT/card to conference attendees. See, NRS 239.0107(1); *Comstock Residents  
Ass'n v. Lyon Cnty. Bd. of Commissioners*, 134 Nev. 142, 146, 414 P.3d 318, 321 (2018)  
citing *LVMPD v. Blackjack Bonding*, 343 P.3d 608, 612–13 (Nev. 2015) (provision of a

public service).” See Exhibit 15.

## II. CONCLUSIONS OF LAW

NRS 239.011 states in part that:

If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied or unreasonably delayed or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper, the requester may apply to the district court in the county in which the book or record is located for an order:

Here, Petitioner has made 10 separate allegations concerning Respondents violations of NRS 239.011. While this Court will address each allegation separately, this Court notes that requests number 3, 4, and 8 are all moot. Request number 3 concerns a request for fees which is now moot because the fees were reimbursed by the Petitioner. Request number 4 and 8 concern separate submissions by the Petitioner for records that were provided by the Respondent, thus these two requests are moot.

In requests number 1 and 2, Petitioner claims that Respondent is in violation of NRS 239.011 because Respondent failed to provide bodycam footage. Under NRS 289.830(2), body worn camera footage is a public record. In *Clark County School District v. Las Vegas Review-Journal*, 134 Nev. 700, 429 P.3d 313 (2018) (hereinafter “CCSD”), the Supreme Court of Nevada held that a party must prove by a preponderance of the evidence that any interest in nondisclosure clearly outweighs the public’s interest in access. *Gibbons*, 127 Nev. at 880, 266 P.3d at 628 *Clark Cnty. Sch. Dist. v. Las Vegas Rev.-J.*, 134 Nev. 700, 704, 429 P.3d 313, 318 (2018). After reviewing the Writ and arguments made during the hearing, this Court finds that the Respondent has proven by a preponderance of evidence that a fair trial outweighs the public interest in obtaining the body cam footage. This is due to the fact that both requests made by the Petitioner were requested during an active or open case and would therefore risk altering the investigation. Therefore, Respondent complied with NRS 239.011.

In requests number 5 and 6, Petitioner alleges that the Respondent was inconsistent in its treatment of requests because it redacted information in the requests that were provided. In *Donrey of Nevada, Inc. v. Bradshaw*, the Supreme Court of Nevada

1 held that a balancing test must be performed in considering the right to a fair trial and the  
2 effect of possible disclosures may have to confidential sources. *Donrey of Nevada, Inc. v.*  
3 *Bradshaw*, 106 Nev. 630, 635, 798 P.2d 144, 147 (1990). This Court finds that the public  
4 interest is not outweighed by the effect that the disclosures may have. In addition, this  
5 Court finds that the Petitioners argument that the Respondent was inconsistent in its  
6 treatment of requests is without issue as Petitioner received the requested information.  
7 Request number 7 bears a similar issue, as the Petitioner requested body cam footage  
8 which was then provided by the Respondent. The Court finds that Respondent complied  
9 with NRS 239.011 on both issues.

10 In request number 9, Respondent redacted information provided to Petitioner  
11 pursuant to NRS 239B.030, which states that personal information may redacted. In  
12 *Comstock Residents Ass'n v. Lyon Cnty. Bd. Of Commissioners*, the Nevada Supreme  
13 Court held that requested records must concern the provisions of a public service.  
14 *Comstock Residents Ass'n v. Lyon Cnty. Bd. Of Commissioners*, 134 Nev. 142, 146, 414  
15 P.3d 318, 321 (2018) citing *LVMPD v. Blackjack Bonding*, 343 P.3d 608, 612–13 (Nev.  
16 2015). This Court agrees with the argument made by the Petitioner at the hearing  
17 concerning this matter. Petitioner's request of phone texts was properly redacted because  
18 although Council Member Reese used social media to meet and communicate with  
19 constituents in his official capacity, the City does not provide or pay for Reese's phone or  
20 social media accounts. Therefore, the Reese's phone records were not under "sufficient  
21 control" of the City.

22 In request number 10, Petitioner claims that Respondents denial of a request for a  
23 copy of a NFT Reno Mayor Hillary Schieve handed out at the U.S. Conference of Mayors  
24 in June 2022 was without merit. The question here is whether Mayor Schieve was acting  
25 in her official capacity when handing out NFTs of a digital replication of the Space Whale  
26 displayed in downtown Reno. The Respondent stated that the City does not have any  
27 legal arrangement or contract with the U.S. Conference of Mayors regarding the creation  
28 or distribution of the Space Whale NFT. Exhibit 15. However, this Court finds this  
argument unconvincing. First, Mayor Schieve stated that every mayor present at the event  
would receive a NFT. Exhibit 14 video at 26:00. In addition, it is clear to this Court that  
Mayor Schieve was acting in her official capacity when distributing the NFTs at the

1 conference, as she was conducting official government business and was therefore  
2 subject to the NPRA. If she were not Mayor of the City of Reno and acting within her  
3 official capacity, she would not have been in attendance at the conference. Accordingly,  
4 request number 10 is in violation of NRS 239.011.

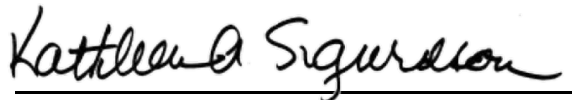
5 **III. ORDER**

6 IT IS HEREBY ORDERED THAT REQUESTS 1 THROUGH 9 ARE DENIED.

7 IT IS HEREBY ORDERED THAT REQUEST 10 IS GRANTED.

8 IT IS SO ORDERED.

9 DATED this 14<sup>th</sup> day of March, 2023.

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13 HON. KATHLEEN A. SIGURDSON  
14 DISTRICT JUDGE  
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1 **CERTIFICATE OF SERVICE**

2 CASE NO.: CV22-01263

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF  
4 THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 14<sup>th</sup> day of March, 2023,  
5 I electronically filed the foregoing **ORDER DENYING IN PART AND GRANTING IN**  
6 **PART PETITIONER'S WRIT OF MANDAMUS** with the Clerk of the Court by using  
7 the ECF system.

8 I further certify that I transmitted a true and correct copy of the foregoing document  
9 by the method(s) noted below:

10  
11 **Electronically filed with the Clerk of the Court by using the ECF system which will**  
12 **send a notice of electronic filing to the following:**

13 RYAN MCELHINNEY, ESQ. for CITY OF RENO

14 ROBERT BONY, ESQ. for CITY OF RENO

15 KARL HALL, ESQ. for CITY OF RENO

16 LUKE BUSBY, ESQ. for ROBERT A. CONRAD DBA THISISRENO.COM

17 **Deposited in the Washoe County mailing system for postage and mailing with the**  
18 **United States Postal Service in Reno, Nevada: (none)**

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21  
22 /s/ Michael Decker  
23 JUDICIAL ASSISTANT  
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