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CASE NO.: 23-CV-00162

AUG 10 2023

FILED

DEPT: 1

Douglas County
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2023 AUG 10 PM 4: 49

BOBBIE R. WILLIAMS
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BY *C. Walker* DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

RICKY DEAN MILLER an individual, MARTIN SWISHER, JR., an individual, JOSEPH GIRDNER, an individual, and ROBBE LEHMANN, an individual.

AMENDED PETITION FOR WRIT OF MANDAMUS PURSUANT TO NRS 239.011 ET SEQ.

Petitioners,

EXPEDITED MATTER PURSUANT TO NRS 239.011

vs.

DOUGLAS COUNTY SCHOOL DISTRICT,

HEARING REQUESTED

Respondent.

Petitioner, ROBBE LEHMANN, an individual, MARTIN SWISHER, JR., an individual, JOSEPH GIRDNER, an individual, and DEAN MILLER, an individual (hereinafter collectively referred to as "Petitioners"), by and through their attorneys, Alling & Jillson, Ltd., hereby submit this Petition for Writ of Mandamus for declaratory and injunctive relief pursuant to the Nevada Public Records Acts. NRS 239.001. The Petition seeks from this Court an order requiring Respondent, Douglas County School District ("DCSD") to provide Petitioner with the public records detailed in this Petition without delay. Petitioner also requests an award for all fees and costs associated with efforts to obtain withheld public records pursuant to NRS 239.011(2). In addition, Petitioner requests that this Court assess statutory penalties against DCSD for each of the ways DCSD has willfully violated the Nevada Public Records Act pursuant to NRS 239.340. Lastly, Petitioner requests the Court expedite this matter pursuant to NRS 239.011(2).

This Petition is supported by the exhibits attached hereto and any other papers subsequently filed with the Court.

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1 Petitioner hereby alleges:

2 **NATURE OF THE ACTION**

3 1. Petitioners bring this Petition pursuant to NRS 239.011, which states,
4 [i]f a request for inspection, copying or copies of a public book or record open to
5 inspection and copying is denied or unreasonably delayed...the requester may apply to the
6 district court in the county in which the book or record is located for an order:

7 (a) Permitting the requester to inspect or copy the book or record; (b) Requiring the person
8 who has legal custody or control of the public book or record to provide a copy to the
9 requester; or (c) Providing relief relating to the amount of the fee.

10 2. This Petition for Writ of Mandamus is the proper means to secure compliance with the
11 Nevada Public Records Act. NRS 239.011; *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 884, 266
12 P.3d 623, 630 (2011) (citing *DR Partners v. Bd. of County Comm'rs*, 116 Nev. 616, 621, 6 P.3d 465, 468
13 (2000) (writ of mandamus is the appropriate procedural remedy to compel compliance with the NPRA).

14 3. Petitioners are entitled to an expedited hearing on this matter. NRS 239.011(2) (“[t]he court
15 shall give this matter priority over other civil matters to which priority is not given by other statutes.”)

16 4. If Petitioners prevail in this matter, they are entitled to an award of fees and costs associated
17 with pursuing the same. NRS 239.011(2) (“[i]f the requester prevails, the requester is entitled to recover
18 from the governmental entity that has legal custody or control of the record his or her costs and reasonable
19 attorney’s fees in the proceeding.”)

20 5. If this Court determines that DCSD willfully failed to comply with the Nevada Public
21 Records Act, this Court should impose the requisite civil penalty. NRS 239.340.

22 **PARTIES**

23 6. Petitioner, RICKY DEAN MILLER, is a resident of Douglas County, Nevada, whose
24 children attend DCSD schools.

25 7. Petitioner, MARTIN SWISHER, JR., is a resident of Douglas County, Nevada, and former
26 DCSD employee.

27 8. Petitioner, JOSEPH GIRDNER, is a resident of Douglas County, Nevada, and former
28 DCSD employee whose children attend DCSD schools.

9. Petitioner, ROBBE LEHMANN, is a resident of Douglas County, Nevada, whose children
attend DCSD schools.

1 a presumption that public records must be disclosed to the public.” *Comstock*, 134 Nev. at 144, 414 P.3d
2 at 320 (citing *Reno Newspapers Inc.*, 129 Nev. at 837, 313 P.3d at 223-24).

3 21. “Amongst the things considered public records, subject to disclosure under the NPRA, are
4 *records of private entities used in “the provision of a public service.”* Id. (citing *Las Vegas Metropolitan*
5 *Police Department v. Blackjack Bonding, Inc.*, 131 Nev. 80, 86, 343 P.3d 608, 613 (2015); *see also* NRS
6 239,001(4)) (“...the NPRA does not categorically exempt public records maintained on private devices or
7 servers from disclosure. To withhold a public record from disclosure, the government entity must present,
8 with particularity, the grounds on which a given public record is exempt). (Emphasis added).¹

9 22. A governmental entity *must respond* to an NRS 239 request “[n]ot later than the end of
10 *the fifth business day after the date on which the person who has legal custody or control of a public*
11 *book or record of a governmental entity receives a written or oral request from a person to inspect, copy*
12 *or receive a copy of the public book or record....”* NRS 239.0107. (Emphasis added).

13 23. The governmental entity can comply with or deny the request; a public records request
14 cannot be ignored. If the governmental entity elects to deny a request on the grounds that the public book
15 or record, or a part thereof, is confidential, then the governmental entity shall provide the requestor, in
16 writing,: (1) [n]otice of that fact; and, (2) [a] citation to the specific statute or other legal authority that
17 makes the public book or record, or a part thereof, confidential. NRS 239.0107.

18 24. “The burden is then on the governmental entity to show by a preponderance of the evidence
19 that the records sought are either confidential by statutory provision, or the balance of interests weighs
20 clearly in favor of the government not disclosing the requested records.” *Comstock*, 134 Nev. at 144, 414
21 P.3d at 320.

22 25. “Even in the instance that an exemption on disclosure is applicable or the balance of
23 interests weighs against disclosure, the restriction “must be construed narrowly.” *Id.*; NRS 239.001(3).

24 26. A government agency’s failure to comply with the Nevada Public Records Act allows the
25

26 ¹“NRS 239.001(4) mandates public access to “records relating to the provision of those [public] services” that are
27 provided by “private entities” on behalf of a governmental entity. “[P]ublic service” has been broadly defined as
28 “a service rendered in the public interest.” Merriam-Webster’s Collegiate Dictionary 942 (10th ed.2000); *see also*
V & S Ry., LLC v. White Pine Cnty., 125 Nev. 233, 239-40, 211 P.3d 879, 883 (2009) (referring to a dictionary
to ascertain the plain meaning of statutory language); Black’s Law Dictionary 1352 (9th ed.2009) (defining “public
service” as “[a] service provided or facilitated by the government for the general public’s convenience and
benefit”). *LVMPD*, 131 Nev. at 85, 343 P.3d at 612.

1 requesting party to recover attorney's fees and costs from the government agency. NRS 239.011

2 27. A government agency's willful failure to adhere to the Nevada Public Records Act imposes
3 penalties upon that agency. NRS 239.340.

4 **STATEMENT OF FACTS**

5 28. On January 10, 2023, the Douglas County School Board convened for its first regular board
6 meeting following the November 2022 general election; as such, this was the first board meeting for newly
7 elected Trustees Susan Jansen, Katherine Dickerson, and David Burns. The election of officers for 2023
8 was listed as Item 3 on the Regular Board Meeting Agenda.

9 29. Petitioners attended and/or viewed the January 10, 2023, Douglas County School Board
10 Meeting.

11 30. During the meeting, and especially during Agenda Item 3, Petitioners became concerned
12 that Trustees Susan Jansen, Katherine Dickerson, David Burns, and Doug Englekirk knowingly violated
13 NRS 241, Nevada's Open Meeting Law, by coordinating with one another before the meeting on the
14 selection of officers. During Agenda Item 3, Mrs. Dickerson nominated Mrs. Jansen for President,
15 seconded by Mr. Burns. Mrs. Dickerson nominated Mr. Englekirk for Vice President, seconded by Mr.
16 Burns. Mrs. Dickerson nominated Mr. Burns for Board Clerk, seconded by Mr. Englekirk. Suspiciously,
17 Mr. Burns brought a bell to the meeting that would assist him in his duties as Board Clerk, the position
18 responsible for timing public comment. It all seemed orchestrated.

19 31. On January 11, 2023, as a result of the behavior witnessed during the January 10, 2023,
20 Douglas County School Board Meeting, an NRS 239 public records request was submitted to the DCSD
21 Superintendent Keith Lewis, as follows:

22 I am writing you with an NRS 239 Public Records request for a digital copy of all written
23 communications of Trustees David Burns, Susan Jansen, Katherine Dickerson, and Doug
24 Englekirk- including but not limited emails and texts, including emails and texts sent from
personal email accounts and personal texts- that discuss school board matters with any
third party or between one another between November 8, 2022 and today.

25 School board matters include, but are not limited to, communications regarding who should
26 serve as officers, grant funding, future board agenda items.

27 In a training provided to the Douglas County Board of County Commissioners regarding
28 OML and records requests by Deputy District Attorney Doug Ritchie during their January
9, 2023 commission meeting (viewable on the county website with the pertinent discussion
starting at 3:20:00), Mr. Ritchie explained that if members of a public body conduct any
public business on their personal phones or emails, and if those records are requested via

1 a public records request, that he, as legal counsel, would have to look through all their
2 personal emails and texts to make sure all the records are turned over.

3 Obviously, it would behoove the board of trustees, especially the four trustees whose
4 records I have requested, to not delete or otherwise attempt to discard, edit, or manipulate
5 the requested records.

6 32. On January 11, 2023, a second NRS 239 public records request was submitted to the DCSD
7 Superintendent Keith Lewis, as follows:

8 I am writing you with an NRS 239 public records request for a digital copy of exterior
9 surveillance footage of the airport training center between the hours of 4 PM and 10 PM
10 on December 13, 2022.

11 Specifically, I am requesting the footage, including audio, if available, of a conversation
12 between Trustee Doug Englekirk and Trustee-elect David Burns during this time period.

13 33. The January 11, 2023, NRS 239 public records requests were directed to then DCSD's legal
14 counsel, Rick Hsu, Esq. of Maupin Cox & Legoy.

15 34. With the assistance of Mr. Hsu, the DCSD complied with both requests in accordance with
16 NRS 239.

17 35. The documents provided in response to January 11, 2023, NRS 239 public records request
18 confirmed the suspicions of open meeting law violations and, worse, indicated the newly elected trustees,
19 namely Trustees Jansen, Burns, and Dickerson, were subject to and perhaps controlled by outside, political
20 influences.

21 36. For instance, on January 7, Virginia Starrett wrote the following email to David Burns (on
22 his personal email), Katherine Dickerson (on her personal email), Susan Jansen (on her personal email),
23 Nick Maier, Jan Muzzy, and Lynn Muzzy:

24 *CONFIDENTIAL PLEASE*

25 *It is my understanding that Doug E. is set to become the new President. I am not happy*
26 *about this at all. He caved on almost every single vote that would have mattered as he sat*
27 *on the Board. He spoke highly of Keith L. and voted in all his raises. He embraced the*
28 *completely stupid and irrational "Neutral Policy," (which I hope the new Board will*
repudiate Day 1). No teacher should be forced to stay quiet and not speak the truth simply
because the truth happens to be "political." ...And what isn't "political" these days,

anyway? 2 + 2 = 4 has even managed to become "political" under the "woke" reasoning
that accuracy is racist.

School Boards all over the country (those that have been elected to counter the "woke"
culture invading schools) have fired the Superintendents first thing. That shows the voters

1 they meant what they said.

2 Yes, I'm being hardline. We promised hardline.

3 37. Trustee Susan Jansen responded to this email the same day (using her personal email), but
4 only responded to Mrs. Starrett and Trustee Burns (on his personal email). Her email reads: "*No decision*
5 *has been made. He is voluntarily coming to our meeting to discuss this. I would be more than happy to*
6 *take the Job as the President if the majority wants me to.*" Two minutes later she sent an email just to Mrs.
7 Starrett with the following: "*I just included Dave because he and I have been involved with Doug on this*
8 *together.*"

9 38. This email exchange establishes that Trustees Jansen, Burns, and Engelkirk communicated
10 regarding who would be board president prior to the meeting and all communications were conducted on
11 private devices and servers. More importantly, it shows an understanding on Trustee Jansen's part that she
12 could not communicate with Trustee Dickerson because that would mean that four trustees, a quorum,
13 would have discussed board business in private and not during an open meeting.

14 39. On Monday, January 9, 2023, Trustee Dickerson sent Trustee Jansen a text stating:
15 *I just woke up to go to the bathroom and can't get back to sleep. I don't feel right about*
16 *Doug. I keep feeling like this is very wrong. Once he is voted in, if he doesn't do the right*
17 *thing, you are going to need his vote to vote himself out. We can't count on Tony. Why does*
18 *he need president so bad? From our meeting it sounds like he is dug in on that. I feel like*
19 *Vice President a way to appease him and others. What we are doing in putting our cabinet*
20 *together is huge. Just super worried.*

21 40. This text message from Trustee Dickerson to Trustee Jansen, combined with email
22 exchanges set forth above, creates, at a minimum, a violation of Nevada's Open Meeting Law, as Trustee
23 Jansen had communicated with three other board members, thus creating a "walking quorum."

24 41. Worse, it appears as if Trustee Jansen also communicated with Trustee Magnotta regarding
25 who should be board president. On January 4, 2023, Nick Maier² wrote an email titled "Suggested Topics
26 for Discussion for the new school board" that was received by Trustees Jansen, Burns, Dickerson (on their
27 personal email accounts), and others that states: "[i]n advance of our meeting on Sunday at 1PM, here is
28 a list of Topics that the new School Board could prioritize and address." The list of topics attached to Mr.
Maier's email reads, in part:

² Nick Maier donated \$57,000 to the Nevada 1st PAC which spent an enormous amount of money on mailers promoting Trustees Burns, Jansen, and Dickerson. The Nevada 1st PAC also donated directly to each candidate: \$3,500 to Trustee Jansen, \$2,500 to Trustee Burns, and \$4,485 to Trustee Dickerson.

1 **Items that could be addressed prior to inauguration:**

- 2 1. Meet with Douglas Englekirk and Tony Magnota and discuss *Board President strategy*
3 a. Susan action item-Thursday 17th dinner - *DONE*
4 8. *New Attorney -*
5 a. Review the plan sent by *Joey Gilbert* and, if agreed, meet with his law firm up in
6 Reno. -*DONE*

7 **Items that should be on the first board meeting agenda:**

- 8 4. *Review the contract for the existing DCSD attorney.*

9 **Items that could be addressed as a priority after inauguration:**

- 10 6. Revisit the *Lyon County non-discrimination policy resolution*

- 11 16. *New law firm to represent the Board*

- 12 a. Review the contract for the current law firm
13 b. Then determine if a new law firm should be selected

14 (Emphasis added). A copy of Mr. Maier's January 4, 2023, email and the attachment thereto are
15 attached hereto as **Exhibit 1**.

16 42. This email shows that Trustee Jansen was given an action item to speak with Trustees
17 Englekirk and Magnotta about "Board President Strategy" and she reported back to the group that she had
18 completed the item by marking it "DONE."

19 43. On February 14, 2023, the DCSD's Regular Board Meeting Agenda included Item 12, Non-
20 Discrimination Resolution SG-G, with the Lyon County resolution attached as an example. Trustees
21 Jansen, Burns, Dickerson, and Englekirk voted to adopt the proposed resolution. During the meeting, Nick
22 Maier and Virginia Starrett, the newly elected Trustees' campaign manager and adviser, spoke in support
23 of the same.

24 44. On May 16, 2023, the Douglas County School Board's Regular Board Meeting Agenda
25 included Agenda Item 19, Transgender Student Policy SG-G for discussion and possible discussion. The
26 description of this agenda item was as follows: "[t]he Board will discuss and take possible action on
27 whether to adopt a policy regarding (1) students who are biologically male at birth and whether they can
28 participate in female sports and use girls' bathrooms and locker rooms; and (2) students who are
29 biologically female at birth and whether they can participate in male sports and use boys' bathrooms and
30 locker rooms."

31 45. During the May 16, 2023, meeting, Petitioners were alarmed at what appeared to be a pre-

1 planned, coordinated effort by Trustees Jansen, Burns, Dickerson, and Englekirk to implement a politically
2 motivated policy that would likely, if not certainly, result in litigation with the Nevada Chapter of the
3 ACLU and possible sanctions from the Nevada Interscholastic Activities Association ("NIAA").

4 46. As such, on May 17, 2023, Petitioners submitted an NRS 239 public records request to the
5 DCSD, requesting the following:

6 1. Any memos or communications to the Douglas County School Board from
7 its legal counsel regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth
8 on the May 16, 2023, Regular Board Meeting Agenda, including but not limited to a memo
9 referenced by Trustee Gilkerson during the May 16, 2023, meeting.

10 2. All text and email communications from and between Susan Jansen to other
11 school board members on May 16, 2023. Specifically, Mrs. Jansen was witnessed during
12 the board meeting typing on her phone on multiple occasions. If those text messages were
13 with other board members (including group texts with board members and others) or were
14 with other individuals and in any way related to the business of the board those
15 communications should be made public.

16 3. All text and email communications to and from David Burns and other
17 school board members on May 16, 2023. Specifically, Mr. Burns was seen using his phone
18 during the meeting. If those communications were with other board members or were with
19 other individuals and in any way related to the business of the board those communications
20 should be made public.

21 4. Phone log records of Susan Jansen's and David Burn's outgoing and
22 incoming texts and calls from other board members (including group texts with board
23 members and others) from the beginning of the school board meeting at 4:00 PM on May
24 16, 2023, to the end of the school board meeting at roughly 11:10 PM that same night.

25 5. All text and email communications to and from Trustees Burns, Dickerson,
26 and Jansen during the last 30 days related to Agenda Item 19, Transgender Student Policy
27 SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda.

28 6. All text and email communications between board members and/or other
members of the District during the last 30 days with the NIAA or its authorized
representatives regarding the potential passage of Agenda Item 19, Transgender Student
Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy
that is substantially similar to the same.

7. All text and email communications between Trustees Burns, Dickerson, and
Jansen and Virginia Starrett, Nick Maier, Jan Muzzy, and Lynn Muzzy regarding the
potential passage of Agenda Item 19, Transgender Student Policy SG-G, as set forth on the
May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to
the same or any other district related business during the last 30 days.

8. All texts and email communications between Trustees Burns, Dickerson,
and Jansen and James McKalip, Thomas Deputy, Bev Anderson, Cindy Arvayo, and/or
Mary Lou Gervie regarding the potential passage of Agenda Item 19, Transgender Student
Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy
that is substantially similar to the same or any other district related business during the last
30 days.

1 9. Provide a full and complete copy of your current Pool Pact Insurance
2 Policy, including all listed exclusions.

3 47. On May 24, 2023, Rick Hsu, Esq., then counsel for DCSD, responded to Peitioners' NRS
4 239 public records request by letter. A copy of Mr. Hsu's May 24, 2023, letter is attached hereto as
5 **Exhibit 2**. Note, in the May 24, 2023, letter, then counsel for DCSD advised that DCSD were still awaiting
6 responses from Trustee Jansen, Trustee Dickerson, and Trustee Burns with respect to private texts and
7 private emails, related to provision of public services, despite the fact such texts and emails were
8 indisputably within the legal custody and control of said Trustees. Even more, DCSD violated NRS 239
9 by failing to provide a date and time it believed the requested records would be made available.

10 48. On June 1, 2023, Petitioners sent a detailed responsive email to Mr. Hsu's May 24, 2023,
11 letter. A copy of the June 1, 2023, email is attached hereto as **Exhibit 3**.

12 49. On June 9, 2023, Carolyn K. Renner, Esq., then-counsel for DCSD, responded to
13 Petitioners' June 1, 2023, email by letter. A copy of Ms. Renner's June 9, 2023, letter, including all
14 responsive documents, is attached hereto as **Exhibit 4**. Note, in the June 9, 2023, letter then counsel for
15 DCSD advised that a response from Trustee Jansen and Trustee Burns with respect to private texts and
16 private emails would be provided on July 31, 2023, at 5:00 p.m. However, DCSD further advised that
17 Trustee Dickerson "has confirmed that she has conducted a search of her private emails and text messages
18 and that she has produced all responsive documents." The documents produced by Trustee Dickerson
19 include emails to and from Trustee Jansen and Trustee Burns on their personal email accounts related to
20 the provision of public services.

21 50. Ms. Renner's June 9, 2023, letter again expressly stated that responses to Petitioner's May
22 17, 2023, NRS 239 public records requests, as revised on June 1, 2023, namely Requests 2, 3, 5, 6, 7, and
23 8, namely the private text and email communications to and from Trustees Susan Jansen and David Burns,
24 would be provided by DCSD on July 31, 2023 at 5:00 p.m.

25 51. On June 13, 2023, the DCSD's Regular Board Meeting Agenda included Item 11, Contract
26 for Legal Services with the Board and District SG-G. After significant debate, the Board voted to "put out
27 an RFP with a list of qualifications required in order to be considered as a candidate to become DCSD
28

1 legal counsel.” During the meeting, Nick Maier and Virginia Starrett³ spoke in support of terminating the
2 contract with Maupin Cox & Legoy.

3 52. Subsequent to the Board’s regular, public meeting, the decision was made to abandon the
4 agreed-upon RFP process and simply hire Joey Gilbert, Esq., as Trustees Jansen, Burns, and Dickerson
5 had been discussing with Mr. Maier and Mrs. Starrett since at least January 2023.

6 53. On June 20, 2023, Carolyn K. Renner, Esq., then counsel for DCSD, provided Petitioners
7 with DCSD’s and the Trustee’s Supplemental Response to the May 17, 2023, public records request. A
8 copy of Ms. Renner’s letter is attached hereto as **Exhibit 5**. Note, the Supplemental Response was limited
9 to communications on district emails. The Supplemental Response did not include communications
10 conducted on private entities, such as the personal cell phones and email servers of Trustee Susan Jansen
11

12 ³As part of her public comment, Virginia Starrett stated (3:22:51 on YouTube video):

13 I do not believe the present counsel has done a good job regarding the newer board members. It has
14 not, in fact, in [Trustee] Tony Magnotta’s words, uh, reduced their exposure. What it has done is
15 permitted their privacy and well-being to be trampled on. And because it didn’t happen, perhaps,
16 to the rest of you, you don’t understand how that feels. But it happened to them and I know, from
17 talking to them, that it has damaged them greatly, even their health. So I don’t think you fully
18 appreciate the disappointment of the way the present counsel has served this board has affected the
19 newer members. You’re outside of that understanding because you didn’t have it happen to you,
20 they did.

21 Based on Virginia Starrett’s comments, and she claimed to have inside knowledge, one or more of the newly elected
22 trustees actually suffered health issues as a result of the transparency required under the Nevada Public Records Act.
23 She also clearly implied that if new counsel, Joey Gilbert, is hired he will protect the trustees from having to disclose
24 public records.

25 Furthermore, Virginia Starrett claims that she saw the memo provided to the board by MCL before the transgender
26 agenda item. Her statement also suggests that her husband, who is a lawyer, has seen the memo as well. Petitioners,
27 through counsel, requested any memos and communications between MCL and the board briefing the board on the
28 legalities of passing a transgender policy. The request was denied based on attorney-client privilege. However, if
the memo was shared with Virginia Starrett and her husband the privilege ceases to exist and we request again to
see that memo.

Here’s her quote:

And not only that, but I have seen this counsel now give, what I consider to be (and I have
somewhat of a legal connection), bad legal advice on several occasions. For instance, in the very
last meeting, they, the, uh, advice that was solicited from them, even in advance, about how to
protect girls fell far short from a well researched and knowledgeable opinion. They gave lousy,
surface, very thin response on what was going on in the world of the legal world on how do you
handle that issue. These are, if this is such a fine firm why then didn’t they come up with an actual
professional, really well-researched paper, white paper, as they were requested to do. And have the
both sides of that argument researched well enough to give that advice which they did not do in that
meeting. And that’s a vital question, and they failed in that meeting to do that.

1 and Trustee David Burns.

2 54. On July 11, 2023, Petitioners became aware of the Douglas County School Board's notice
3 of a Special Meeting to be held on July 19, 2023. The purpose of the Special Meeting was to terminate the
4 services of Maupin Cox & Legoy and to hire Joey Gilbert, Esq. as legal counsel for the DCSD.

5 55. On July 11, 2023, Petitioners sent Ms. Renner and Mr. Hsu of Maupin Cox & Legoy an
6 email concerning the outstanding NRS 239 public records request, specifically the promised July 31, 2023,
7 response. A copy of the July 11, 2023, email is attached hereto as **Exhibit 6**.

8 56. On July 19, 2023, the Douglas County School Board, specifically Trustees Jansen, Burns,
9 Dickerson, and Englekirk, voted to terminate the services of Maupin Cox & Legoy and hire Joey Gilbert,
10 Esq. as DCSD legal counsel. Per usual, Nick Maier and Virginia Starrett spoke in support of this action;
11 though DCSD staff, teachers, parents, grandparents, and other members of the general public largely
12 opposed the action taken by Trustees Jansen, Burns, Dickerson, and Englekirk.

13 57. The vast majority of public comment was opposed to the Board's action. Those who
14 participated in the meeting did not understand why the Board was terminating the RFP process it had
15 approved during its June meeting and electing to hire new, more expensive, and admittedly less
16 experienced legal counsel.

17 58. Petitioners watched the July 19, 2023, meeting. During the meeting, it appeared that
18 Trustees Jansen, Burns, Dickerson, and Englekirk coordinated beforehand, in violation of NRS 241, with
19 respect to the termination of the RFP process, the hiring of Joey Gilbert, Esq. as legal counsel for DCSD,
20 and the termination of Maupin Cox & Legoy.⁴

21 _____
22 ⁴ At 22:28 of the July 19, 2023, Special Meeting, Trustee Linda Gilkerson, frustrated with President Jansen's
23 insistence on changing the order of the Agenda, said "well, I do not think we even need to listen to [Joey Gilbert],
but that is my opinion, because we already know how the vote is going to go."

24 At 1:12:35 of the Special Meeting, Trustee Linda Gilkerson, again expresses her concern with the order of the
25 Agenda, stating, "I am sitting here afraid, afraid, afraid. I am so afraid you want to take our agenda out of order and
26 I have to tell you that what is going to happen, **I don't even need to be here**, what is going to happen is we're going
to listen to Joey Gilbert and then they're (Trustees Jansen, Burns, Dickerson, and Englekirk) going to vote him in.
So we will never get a chance to talk about the termination of the RFP, we're never going to get a chance to talk
about our lawyers. It is already going to be done." (Emphasis added).

27 At 1:16:23 of the Special Meeting, Trustee David Burns erroneously stated, "yeah, I am going to repeat again, **this
meeting did not have to be public**. It could have been a closed-door meeting..." (Emphasis added).

28 At 1:31:06 of the Special Meeting, Trustee Doug Englekirk, advocating for illegally skipping public comment on

1 59. On July 20, 2023, Petitioners sent an email to Mr. Hsu, Mrs. Renner, and Mr. Gilbert
2 regarding the outstanding NRS 239 public records request, specifically demanding compliance with the
3 July 31, 2023, deadline. A copy of the July 20, 2023, email is attached hereto as **Exhibit 7**.

4 60. On July 24, 2023, Mrs. Renner advised Petitioners, via email, that the outstanding NRS 239
5 public records request matter had been transitioned to Mr. Gilbert and that Maupin Cox & Legoy had
6 provided Mr. Gilbert with its file regarding the same. Mr. Gilbert was cc'ed on the email. A copy of Mrs.
7 Renner's July 24, 2023, email is attached hereto as **Exhibit 8**.

8 61. On July 26, 2023, Petitioners submitted another NRS 239 public records request to the
9 DCSD (via email to Mr. Gilbert), requesting the following:

- 10 I. All email, text, and messaging apps messages, from Susan Jansen, David Burns,
11 Katherine Dickerson, Doug Englekirk, and/or Joey Gilbert, and to Susan Jansen,
12 David Burns, Katherine Dickerson, Doug Englekirk, and/or Joey Gilbert that
13 pertain to:
- 14 A. The discussions and the decision to terminate the RFP process put in place
15 by the board in June.
 - 16 B. The discussions and the decision to fire previous legal counsel.
 - 17 C. The discussions and the decision to hire Joey Gilbert as the school district
18 general counsel.
 - 19 D. Gilbert's ability and plan to help the district.
 - 20 E. How to handle public comment at all future school board meetings,
21 meaning, any specific changes being discussed.
 - 22 F. Any discussions and/or decisions about future board agenda items.
 - 23 G. Any discussions and/or decisions about potential future board agenda items.
 - 24 H. Any discussions and/or decisions about Superintendent Keith Lewis, his job
25 performance, the potential and/or procedure to fire Keith Lewis, the
26 potential and/or procedure to void his contract and/or extension.
 - 27 I. Any discussions and/or decisions regarding who to hire as the next
28 superintendent.
 - J. Any communications regarding school board business from May 15, 2023,
to the present.

24 the motion to terminate the RFP process that he personally moved for in the June 13, 2023, meeting, stated, "if
25 you're discussing a topic and you feel like *you know how the vote is going to go and it is not going to matter what
anybody says*, then you can call the question and just move on this item." (Emphasis added). Trustee Englekirk
voted against his own motion, which put the RFP process in place.

26 At 3:45:28 of the Special Meeting, Joey Gilbert, Esq., prior to the vote to engage him as DCSD legal counsel,
27 addressed several members of the Board, stating, "we're going to be doing a lot of this, don't' be frustrated."
28

1 Notes:

- 2 • We are specifically not looking for documents that are privileged by attorney client
- 3 privilege. However, most of the communications prior to the July 19 meeting
- 4 should be public record.
- 5 • This PRR includes messages to and from third parties, so long as the message is
- 6 related to the provision of public services.
- 7 • All communications between the Trustees are subject to public records requests and
- 8 should be produced within a reasonable time. Over two months, as was determined
- 9 last time, is too long. The communications sought in this PRR, like the last, are in
- 10 the custody and control of each of the trustees herein identified, as such, the
- 11 extension of time provided by NRS 239.0107(b) is not applicable and should not
- 12 be relied upon.
- 13 • Emails and texts are open to public records requests whether they are found on
- 14 personal or school email accounts, personal or school text messaging devices and
- 15 accounts. Which means we are requesting any communications found in the direct
- 16 messaging and comments areas (in apps like FaceBook, Instagram, Snapchat, etc.)
- 17 for each of the five subjects of this PRR. See NRS 239.001(4) and related caselaw.
- 18 • There are number apps that provide secure messaging. The PRR also requests
- 19 copies of the messages in apps such as but not limited to: WhatsApp, Telegram,
- 20 and Signal.
- 21 • Previous records produced have shown a pattern of one or two of the trustees
- 22 forwarding everything they received and send to a spouse. If a spouse or any other
- 23 person is acting as an intermediary between the trustees as a way for them to
- 24 communicate with each other communicating directly with each other. We request
- 25 that these records also be forwarded to us as public records.

15 62. Mr. Gilbert confirmed receipt of Petitioners' NRS 239 public records request the same day.

16 63. On July 31, 2023, Petitioners did not receive the promised response to their May 17, 2023,

17 NRS 239 public records requests.

18 64. On August 3, 2023, Joey Gilbert, Esq., legal counsel for DCSD, provided Petitioners with
19 the overdue response to the May 17, 2023, public records request. A copy of Mr. Gilbert's August 3, 2023,
20 letter is attached hereto as **Exhibit 9**.

21 65. In the August 3, 2023, letter, Mr. Gilbert advised that in response to each of the outstanding
22 requests, each having to do with private emails and texts to and from Trustee Susan Jansen and Trustee
23 David Burns believed to have been used for the provision of public services, Trustee Jansen and Trustee
24 Burns had conducted personal searches of their own texts messages and email correspondence and did not
25 find any documents or correspondence responsive to Petitioner's requests.⁵

26 _____
27 ⁵ The mere fact that Trustee Susan Jansen and Trustee David Burns were allowed to conduct searches of their own
28 devices and servers runs counter to the purpose of the Nevada Public Records Act. The purpose of the act "is to
foster democratic principles" by providing members of the public with access to public records. NRS 239.011. "It
is in the interest of transparency that the Nevada Public Records Act facilitates 'public access to information

1 66. Mr. Gilbert's August 3, 2023, letter stands in stark contrast to the letter sent by DCSD's
2 former legal counsel. On May 24, 2023, DCSD's former legal counsel advised that it was still awaiting
3 responses from Trustee Jansen, Trustee Dickerson, and Trustee Burns with respect to private texts and
4 private emails. On June 9, 2023, DCSD's former legal counsel advised that responses would be provided
5 by Trustee Susan Jansen and Trustee David Burns on July 31, 2023 at 5:00 p.m., implying responsive
6 documents did, in fact, exist.

7 67. If the representations contained in Mr. Gilbert's August 3, 2023, letter are accurate, why
8 did Trustee Susan Jansen and Trustee David Burns wait two and half months before advising counsel of
9 the same? DCSD's former legal counsel asked for additional time, until July 31, 2023, presumably at the
10 request of Trustee Susan Jansen and Trustee David Burns to respond to Petitioner's public records request.
11 During this same time period, Trustee Susan Jansen and Trustee David Burns were working to replace
12 DCSD's former legal counsel, Maupin Cox & Legoy, with Joey Gilbert, Esq.

13 68. The documents produced by Trustee Katherine Dickerson on June 9, 2023, belie Trustee
14 Susan Jansen's and Trustee David Burns's representations that they are not in possession of documents
15 or correspondence responsive to Petitioner's requests.

16 69. If Trustee Susan Jansen and Trustee David Burns are able to truthfully make such
17 statements it is believed that it is because they have knowingly violated DCSD's document retention
18 policy and Nevada law by destroying the same documents Trustee Katherine Dickerson produced on June
19 9, 2023, and possibly more.

20 70. On August 3, 2023, Joey Gilbert, Esq., legal counsel for DCSD, advised counsel for
21 Petitioners that his firm did not have legal custody or control of one or more of the records sought in
22 Petitioners' July 26, 2023, public records request and, as such, the records would not be made available
23 until Sunday, August 13, 2023, at 5:00 p.m. A copy of the August 3, 2023, email is attached hereto as
24 **Exhibit 10.**

25 _____
26 regarding government activities.'" *Comstock Residents Ass'n v. Lyon Cnty. Bd. of Commissioners*, 134 Nev. 142,
27 144, 414 P.3d 318, 320 (2018) (citing *PERS v. Reno Newspapers Inc.*, 129 Nev. 833, 837, 313 P.3d 221, 223
28 (2013)). There is no transparency when elected officials suspected of engaging in communications that violate NRS
241 are allowed to search their own records and make their own determinations regarding compliance. For this
reason, Doug Ritchie, Esq. advised the Douglas County Board of Commissioners that he would personally inspect
their personal devices if a request to the request at issue in this matter were made, see Paragraph 31 above.

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1 71. As set forth above, pursuant to NRS 239.005(5)(a), a “governmental entity” includes
2 elected or appointed officers of this state’s political subdivisions. The Trustees identified in Petitioners’
3 July 26, 2023, request for public records, are, by definition, governmental entities. Even more, there can
4 be no question that they have legal custody and control over the records sought. DCSD’s reliance on NRS
5 239.0107(1)(b) is misplaced, as it applies only “[i]f the governmental entity *does not have legal custody*
6 *or control* of the public book or record....” (Emphasis added).

7 72. Petitioners believe that Trustees Jansen, Burns, Dickerson, and Englekirk continue to
8 conduct the business of the Douglas County School Board on and through their private devices and
9 servers, as they have in the past.

10 73. Petitioners believe that Trustees Jansen, Burns, Dickerson, and Englekirk have knowingly
11 and wilfully violated Nevada’s Open Meeting Law, NRS 241, by coordinating with one another on specific
12 agenda items prior to regular, public board meetings.

13 74. Petitioners believe the records that Trustees Jansen, Burns, Dickerson, and Englekirk have
14 failed and/or refused to disclose will confirm such violations.

15 75. Petitioners are entitled to each of the records requested.

16 **FIRST CLAIM FOR RELIEF**
17 *Violation of the Nevada Public Records Act*
 May 17, 2023 Public Records Request

18 76. Petitioner re-allege and incorporate by reference each and every allegation contained in the
19 paragraphs above as if fully set forth herein.

20 77. After receiving Petitioners’ May 17, 2023, public records request, DCSD was required to
21 describe which of the requested records were within its control, specifically as it related to the private texts
22 and emails of Trustees Jansen, Burns, and Dickerson.

23 78. As to Requests 2, 3, 5, 6, 7, and 8, DCSD initially failed and/or refused to describe which
24 of the requested records were within its control, specifically as it related to the private texts and emails of
25 Trustees Jansen, Burns, and Dickerson.

26 79. After receiving Petitioners’ May 17, 2023, public records request, DCSD was required to
27 describe any records that did not exist or were not within its control, specifically as it related to the private
28

1 texts and emails of Trustees Jansen, Burns, and Dickerson.

2 80. As to Requests 2, 3, 5, 6, 7, and 8, DCSD initially failed and/or refused to describe any
3 records that did not exist or were not within its control, specifically as it related to the private texts and
4 emails of Trustees Jansen, Burns, and Dickerson.

5 81. After receiving Petitioners' May 17, 2023, public records request, DCSD was required to
6 provide a written explanation as to why the requested records were unavailable and a date and time when
7 DCSD believed the requested records will be available for inspection.

8 82. After receiving Petitioners' May 17, 2023, public records request, DCSD initially failed
9 to provide a written explanation as to why the requested records were unavailable and a date and time
10 when it believed the requested records would be available for inspection.

11 83. As to Requests 2, 3, 5, 6, 7, and 8, DCSD eventually advised that it would provide a
12 response from Trustee Jansen with respect to private texts and private emails on July 31, 2023 at 5:00 p.m.

13 84. DCSD did not provide a response from Trustee Jansen on July 31, 2023, as promised.

14 85. DCSD's decision to delay Trustee Jansen's response to the May 17, 2023, public records
15 request until July 31, 2023, is a clear violation of NRS 239, as Trustee Jansen, a Governmental Entity
16 pursuant to NRS 239.005(5)(a), had legal custody and control of the requested documents.

17 86. As to Requests 2, 3, 5, 6, 7, and 8, DCSD eventually advised that "Trustee Burns is
18 currently out of the state until July and unable to provide the requested information. We will provide a
19 response from Trustee Burns with respect to private texts and private emails on July 31, 2023 at 5:00 p.m."

20 87. DCSD did not provide a response from Trustee Burns on July 31, 2023, as promised,
21 despite the fact that he had returned from vacation weeks earlier and phones and computers are generally
22 accessible anywhere in the United States, or the world for that matter.

23 88. DCSD's decision to delay Trustee Burns's response to the May 17, 2023, public records
24 request until July 31, 2023, is a clear violation of NRS 239, as Trustee Burns, a Governmental Entity
25 pursuant to NRS 239.005(5)(a), had legal custody and control of the requested documents.

26 89. DCSD's August 3, 2023, letter in response to Petitioners' May 17, 2023, public records
27 request is evidence that Trustee Burns and Trustee Jansen have not acted in good faith in response to
28

1 Petitioners' May 17, 2023, public records request.

2 90. Trustee Jansen and Trustee Burns have demonstrated a clear disregard for the Nevada
3 Public Records Act and the members of the public for whom they supposedly serve.

4 **SECOND CLAIM FOR RELIEF**
5 ***Violation of the Nevada Public Records Act***
6 ***July 26, 2023 Public Records Request***

7 91. Petitioners re-allege and incorporate by reference each and every allegation contained in
8 the paragraphs above as if fully set forth herein.

9 92. After receiving Petitioners' July 26, 2023, public records request, the DCSD was required
10 to provide a response pursuant to NRS 239.0107.

11 93. DCSD did not respond to Petitioners' July 26, 2023, public records request as required by
12 NRS 239.0107.

13 94. DCSD's August 3, 2023, attempt to extend the response deadline to August 13, 2023, in
14 reliance on NRS 239.0107(1)(b) is misplaced, as it applies only "[i]f the governmental entity *does not*
15 *have legal custody or control* of the public book or record...." (Emphasis added).

16 95. Pursuant to NRS 239.005(5)(a), a "governmental entity" includes elected or appointed
17 officers of this state's political subdivisions. The Trustees identified in Petitioners' July 26, 2023, request
18 for public records, are, by definition, governmental entities. Even more, there can be no question that they
19 have legal custody and control over the records sought.

20 96. DCSD's failure to adequately respond to Petitioners' July 26, 2023, public records request
21 is a clear violation of the Nevada Public Records Act.

22 **THIRD CLAIM FOR RELIEF**
23 ***Violation of the Nevada Public Records Act***
24 ***Attorney's Fees and Costs***

25 97. Petitioners re-allege and incorporate by reference each and every allegation contained in
26 the paragraphs above as if fully set forth herein.

27 98. The records sought by Petitioners were and still are subject to disclosure.

28 99. DCSD's failure and/or refusal to release the requested records to Petitioners is a violation
of the Nevada Public Records Act.

1 100. DCSD is required to pay Petitioner's attorney's fees and costs if Petitioners succeeds on
2 any of these claims.

3 **FOURTH CLAIM FOR RELIEF**
4 ***Violation of the Nevada Public Records Act***
5 ***Penalties***

6 101. Petitioners re-allege and incorporate by reference each and every allegation contained in
7 the paragraphs above as if fully set forth herein.

8 102. "[I]f a court determines that a governmental entity willfully failed to comply with the
9 provisions of this chapter concerning a request to inspect, copy or receive a copy of a public book or
10 record, the court must impose on the governmental entity a civil penalty..." for each violation. NRS
11 239.340.

12 103. A \$1,000 penalty is imposed for the first willful violation of the Nevada Public Records
13 Act within a 10-year period; a \$5,000 penalty is imposed for the second willful violation of the Nevada
14 Public Records Act within a 10-year period; and, a \$10,000 penalty is imposed for each subsequent willful
15 violation of the Nevada Public Records Act within a 10-year period.

16 104. DCSD has committed multiple violations of the Nevada Public Records Act, and each
17 violation warrants a civil penalty be levied against the DCSD.

18 **PRAAYER**

19 **WHEREFORE**, Petitioners respectfully requests relief as follows:

20 1. Injunctive relief ordering DCSD to satisfy Petitioners' public records request sent on May
21 17, 2023, as revised on June 1, 2023, specifically Petitioners' Requests Nos. 2-8 as they relate to Trustee
22 Jansen's and Trustee Burns's private texts, emails, and phone logs as they relate to the provision of public
23 services.

24 2. An Order requiring Trustee Jansen's and Trustee Burns's personal cell phones be inspected
25 by an independent third party appointed by the Court, such as Deputy District Attorney Doug Ritchie,
26 Esq., and specific to Petitioners' public records request sent on May 17, 2023, as revised on June 1, 2023,
27 for the purpose locating responsive documents and records and such records that may have been destroyed
28 in violation of Nevada law and DCSD's document retention policy.

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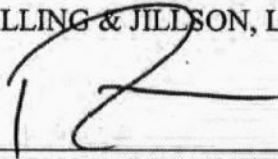
- 1 3. Injunctive relief ordering DCSD to satisfy Petitioners' public records request sent on July
- 2 26, 2023, in full, including independant inspection of personal devices and servers as set forth in No. 2,
- 3 above;
- 4 4. Declaratory relief;
- 5 5. An order finding that the DCSD and/or the "governmental entity that had legal custody or
- 6 control" of the records sought, i.e. Trustee Susan Jansen and/or Trustee David Burns, has willfully violated
- 7 the Nevada Public Records Act and, therefore, must pay the applicable civil penalties;⁶
- 8 6. Reasonable costs and attorney's fees; and,
- 9 7. For any other legal and/or equitable relief the Court deems just and fair.

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Dated: August 10, 2023

Respectfully Submitted,

ALLING & JILLSON, LTD.

By: 

RICHARD J. MCGUFFIN, ESQ.
Nevada Bar No. 12819
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rmcguffin@ajattorneys.com
Attorneys for Petitioners

⁶ NRS 239.011(2).

CERTIFICATE OF SERVICE

Pursuant to Nevada Rules of Civil Procedure, I certify that I served a true and correct copy of the AMENDED PETITION FOR WRIT OF MANDAMUS PURSUANT TO NRS 2339.011, ET SEQ. by causing a copy of the same to be personally delivered on the 14th day of August, 2023, to:

Joseph S. Gilbert, Esq.
JOEY GILBERT LAW
405 Marsh Avenue
Reno, NV 89509



MATTHEW LASTER for:
ALLING & JILLSON, LTD.

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EXHIBIT 1

EXHIBIT 1

It is my understanding that Doug E. is set to become the new President. I am not happy about this at all. He caved on almost every single vote that would have mattered as he sat on the Board. He spoke highly of Keith L. and voted in all his raises. He embraced the completely stupid and irrational "Neutral Policy," (which I hope the new Board will repudiate Day 1). No teacher should be forced to stay quiet and not speak the truth simply because the truth happens to be "political." ... And what isn't "political" these days, anyway? $2 + 2 = 4$ has even managed to become "political" under the "woke" reasoning that accuracy is racist.

School Boards all over the country (those that have been elected to counter the "woke" culture invading schools) have fired the Superintendents first thing. That shows the voters they meant what they said.

Yes, I'm being hardline. We promised hardline.

G

From: NICK MAIER <nickmaier@simonforgovnv.com>

Sent: Wednesday, January 4, 2023 12:55 PM

To: dmb101054@yahoo.com <dmb101054@yahoo.com>; j.muzzy@icloud.com <j.muzzy@icloud.com>; katisation0@gmail.com <katisation0@gmail.com>; lynnfromminden@gmail.com <lynnfromminden@gmail.com>; NICK MAIER <nickmaier@simonforgovnv.com>; profvstarr@msn.com <profvstarr@msn.com>; Susan Jansen <suartcat4@msn.com>

Subject: Suggested Topics for Discussion for the new school board

Team:

In advance of our meeting on Sunday at 1PM, here is a list of Topics that the new School Board could prioritize and address.

See you Sunday

nm

3:30

LTE



Suggested Topics for Discussion fo...

- 1. Susan Action Item - Thursday 17th - DONE
- 2. Meet with the Bus Drivers representatives
 - a. Dave Action Item - Sunday 20th 3PM - DONE
- 3. Meet with the Classifieds representatives
- 4. Set up meetings with all principals at every school to introduce yourselves as a team to them. Establish a relationship with them separate from Keith Lewis
 - a. Susan Action Item - DONE
 - b. We agreed these meeting should be held with all three new board members present.
- 5. Set up a series of meeting for teachers and aids so that they can come and meet you. Ask them what they think of an anonymous survey to get their opinion on issues.
 - a. We decided to wait until after inauguration for this
- 6. Set up a series of meeting for parents to meet the new Board Members
 - a. Suggest we have a parent meeting at Valley Christian - Dave to ask the pastor what dates would work - DONE
 - b. Advertise the event in the RC and on social media
- 7. Victory Party - Sunday Dec. 4th - 12 - 3PM - 75 people - DONE
 - a. Nick has confirmed with Fred that the date is good. Fred determining cost.
- 8. New Attorney -
 - a. Review the plan sent by Joey Gilbert and, if agreed, meet with his law firm up in Reno - DONE



Suggested Topics for Discussion fo...

- a. Where are the ACT scores for 11th graders who took the test in Spring of 2022?
 - b. Where are the scores for the Advanced Placement (AP) students that Rob Lehmann says are comparable to the AP student scores in Massachusetts?
 - c. Create a policy that all scores shall be posted in a timely fashion on the website and all parents notified of scores in email
10. Academic Testing
- a. What is the current testing regimen for all grade levels.
 - b. How does it correlate with the Common Core Curriculum that is required by the State?
11. Schedule a meet and greet for all parents with the new Board members
12. Ask the staff to provide a workshop on the budget for new board members
13. EPIC framework -
- a. Ask the administration to provide a complete accounting of how much money was and is being spent on EPIC.
 - b. How much of the ESSR funds were spent on EPIC
 - c. What are the on-going overhead costs including personnel and third-party payments to support EPIC
 - d. What is the relationship between administration personnel and the third party promoter of EPIC, is there monetary compensation involved?
 - e. Where is the Data on the supposed benefits of the EPIC framework?
 - i. What do the Teachers think of EPIC? (Provide an anonymous survey of teachers)
14. Capital Projects -
- a. What capital projects are underway?
 - b. What capital projects are planned?
15. Personnel
- a. Ask for a detailed list of all teachers, teachers support personnel, administrators by name title and salary and benefits (by salary, we mean an actual number not a classification code)
 - b. Contracts
 - i. What contracts for teachers, classified and bus drivers are in negotiation
 - ii. What is the current schedule for renegotiation for teachers, classifieds and bus drivers
 - iii. Ask administration to provide a workshop for new board members on the current contracts.
 - c. Are there critical personnel issues that need to be addressed.
16. New Law Firm to represent the Board
- a. Review the contract for the current law firm
 - b. Then determine if a new law firm should be selected
17. Meet with Keith Lewis on the Mark Waring moral turpitude issue
- a. Susan to take the lead with Jan supporting. Record the conversation.
18. Meet with Judge Young on China Springs.
- Items that could be addressed after six months:
- I. Curriculum
 - a. What flexibility does the administration have in adopting new curriculum?

- b. Bring back classes in history, civics, and geography in DHS
- c. How is phonics being taught
- d. How is spelling being taught

From NICK MAIER

1/4/23

Suggested Topics for Discussion for the new school board



Star



Forward



Download



Delete



Share



Suggested Topics for Discussion fo...

- a. Ask for a detailed list of all teachers, teachers support personnel, administrators by name, title and salary and benefits (by salary we mean an actual number not a classification code)
- b. Contracts
 - i. What contracts for teachers, classified and bus drivers are in negotiation
 - ii. What is the current schedule for renegotiation for teachers, classifieds and bus drivers
 - iii. Ask administration to provide a workshop for new board members on the current contracts
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17. Meet with Keith Lewis on the Mark Watling moral turpitude issue
 - i. Susan to take the lead with Jan supporting. Record the conversation
18. Meet with Judge Young on China Springs

Items that could be addressed after six months:

- i. Curriculum
 - a. What flexibility does the administration have in adopting new curriculum?

Suggested Topics for Discussion/Resolution by the new DCSD Board

Items that could be addressed prior to inauguration:

1. Meet with Doug Englekirk and Tony Magnota and discuss Board President strategy
 - a. Susan action item – Thursday 17th dinner? - DONE
2. Meet with the Bus Drivers representatives
 - a. Dave action item – Sunday 20th 3PM - DONE
3. Meet with the Classifieds representatives
4. Set up meetings with all principals at every school to introduce yourselves as a team to them. Establish a relationship with them separate from Keith Lewis.
 - a. Susan Action item - DONE
 - b. We agreed these meeting should be held with all three new board members present.
5. Set up a series of meeting for teachers and aids so that they can come and meet you. Ask them what they think of an anonymous survey to get their opinion on issues.
 - a. We decided to wait until after inauguration for this
6. Set up a series of meeting for parents to meet the new Board Members
 - a. Suggest we have a parent meeting at Valley Christian – Dave to ask the pastor what dates would work - DONE
 - b. Advertise the event in the RC and on social media
7. Victory Party – Sunday Dec. 4th – 12 – 3PM – 75 people. - DONE
 - a. Nick has confirmed with Fred that the date is good. Fred determining cost.
8. New Attorney –
 - a. Review the plan sent by Joey Gilbert and, if agreed, meet with his law firm up in Reno. - DONE

Items that should be on the first board meeting agenda:

1. Provide a list of all lawsuits with detailed documentation
2. Review the self-insured healthcare plan for DCSD
 - a. Is there a catastrophic rider on this policy
3. Review all open hiring requisitions and institute a hiring freeze on selected requisitions.
4. Review the contract for the existing DCSD attorney

Items that could be addressed as a priority after inauguration:

5. Resolve the back pay dispute with the Bus Drivers. Issue backpay and holiday pay to all bus drivers, those who were under contract and those that were substitutes in accordance with the arbitrators decision. Issue a pay statement to each bus driver that identifies exactly what they are being paid for (Holiday pay, back pay etc.)
6. Revisit the Lyon County non-discrimination policy resolution
7. Change the time of the Board meeting to 7PM so parents can attend.
8. Trespass policy
 - a. Are certain individuals still on a “no trespass” list? Why?
9. Address the transparency issue of test scores and testing methodology

- a. Where are the ACT scores for 11th graders who took the test in Spring of 2022?
 - b. Where are the scores for the Advanced Placement (AP) students that Rob Lehmann says are comparable to the AP student scores in Massachusetts?
 - c. Create a policy that all scores shall be posted in a timely fashion on the website and all parents notified of scores in email
10. Academic Testing
- a. What is the current testing regimen for all grade levels.
 - b. How does it correlate with the Common Core Curriculum that is required by the State?
11. Schedule a meet and greet for all parents with the new Board members
12. Ask the staff to provide a workshop on the budget for new board members
13. EPIC framework –
- a. Ask the administration to provide a complete accounting of how much money was and is being spent on EPIC
 - b. How much of the ESSR funds were spent on EPIC
 - c. What are the on-going overhead costs including personnel and third-party payments to support EPIC
 - d. What is the relationship between administration personnel and the third party promoter of EPIC. Is there monetary compensation involved?
 - e. Where is the Data on the supposed benefits of the EPIC framework?
 - i. What do the Teachers think of EPIC? (Provide and anonymous survey of teachers)
14. Capital Projects –
- a. What capital projects are underway?
 - b. What capital projects are planned?
15. Personnel
- a. Ask for a detailed list of all teachers, teachers support personnel, administrators by name title and salary and benefits (by salary, we mean an actual number not a classification code)
 - b. Contracts
 - i. What contracts for teachers, classified and bus drivers are in negotiation
 - ii. What is the current schedule for renegotiation for teachers, classifieds and bus drivers.
 - iii. Ask administration to provide a workshop for new board members on the current contracts.
 - c. Are there critical personnel issues that need to be addressed.
16. New Law Firm to represent the Board
- a. Review the contract for the current law firm
 - b. Then determine if a new law firm should be selected
17. Meet with Keith Lewis on the Mark Walling moral turpitude issue
- a. Susan to take the lead with Jan supporting. Record the conversation.
18. Meet with Judge Young on China Springs.

Items that could be addressed after six months:

- 1. Curriculum
 - a. What flexibility does the administration have in adopting new curriculum?

- b. Bring back classes in history, civics, and geography in DHS
 - c. How is phonics being taught
 - d. How is spelling being taught
 - e. What tests are used in grades 1 -4 to determine mastery of reading and spelling.
 - f. Math –
 - i. Are times tables being taught for memorization?
 - ii. Are fractions being taught
 - iii. Are simple geometric formulas being taught
 - g. What do the Advanced Placement classes look like?
2. For ACT testing - separate out the students who are committed to going to college from those that are not interested in college to get a true measure of ACT scores.
 3. Update the website to add testing data the testing methodology on all grade levels to the website. IT IS NOT THERE!!
 4. Who is the Council of Great City Schools who writes the Parent Roadmap for grades 1 -8?
 5. Evaluate if the reliance of computers in class are helping or hurting students learn
 6. Whittell High School disposition – Should students at the Lake be required to attend South Lake Tahoe schools to reduce cost and improve the education quality of students at the Lake.

EXHIBIT 2

EXHIBIT 2



MAUPIN | COX | LEGOY
ATTORNEYS AT LAW

Rick R. Hsu, Esq.
E-Mail: rhu@mcllawfirm.com

4785 Caughlin Parkway
Reno, Nevada 89519

P.O. Box 30000
Reno, Nevada 89520
www.mcllawfirm.com

Telephone
(775) 827-2000

Facsimile
(775-) 827-2185

May 24, 2023

VIA EMAIL

Richard McGuffin, Esq.
rmcguffin@ajattorneys.com

Re: DCSD and Trustee Initial response to Public Records Request dated May 17, 2023

Dear Rich:

You have made a public records request by email May 17, 2023 to the Douglas County School District ("*District*") requesting the following records in italics, followed by the initial response of the District.

1. *Any memos or communications to the Douglas County School Board from its legal counsel regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda, including but not limited to a memo referenced by Trustee Gilkerson during the May 16, 2023, meeting.*

The requested documents are not public records under NRS 239.010 and are exempt from disclosure under NRS 49.095.

2. *All text and email communications from and between Susan Jansen to other school board members on May 16, 2023. Specifically, Mrs. Jansen was witnessed during the board meeting typing on her phone on multiple occasions. If those text messages were with other board members (including group texts with board members and others) or were with other individuals and in any way related to the business of the board those communications should be made public.*

We are still awaiting responses from Trustee Jansen with respect to private texts and private emails. Regarding emails from her DCSD email address, any responsive documents are produced concurrently herewith.

3. *All text and email communications to and from David Burns and other school board members on May 16, 2023. Specifically, Mr. Burns was seen using his phone during the meeting. If those communications were with other board members or were with*

MAUPIN, COX & LeGOY

Richard McGuffin, Esq.
May 24, 2023
Page 2

other individuals and in any way related to the business of the board those communications should be made public.

We are still awaiting responses from Trustee Burns with respect to private texts and private emails. Regarding emails from his DCSD email address, any responsive documents are produced concurrently herewith.

4. *Phone log records of Susan Jansen's and David Burn's outgoing and incoming texts and calls from other board members (including group texts with board members and others) from the beginning of the school board meeting at 4:00 PM on May 16, 2023, to the end of the school board meeting at roughly 11:10 PM that same night.*

Private phone logs of individuals do not constitute public records under *Comstock Residents Ass'n v. Lyon County Bd. of Comm'rs*, 134 Nev. 142, 146- 414 P.3d 318 (2018). The logs do not on their face identify any communications are made in the context of "the provision of a public service." Your citation to *LVMPD v. Blackjack Bonding*, 131 Nev. Adv. Op. 10, 343 P.3d 608, 611 (2015) is not on point because the facts involved a public records request of inmate phone logs in jail and within the custody, control or possession of the Las Vegas Metro Police Department, not individual elected officials.

5. *All text and email communications to and from Trustees Burns, Dickerson, and Jansen during the last 30 days related to Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda.*

The phrase "related to Agenda Item 19, Transgender Student Policy SG-G" is objectionable because it requires the District to determine what information may or may not "relate" to the Agenda Item. Consistent with the District's obligation under NRS 239.0107 to assist the requester to focus the request, the District is producing herewith all responsive/non-privileged emails from the DCSD email addresses of Trustees Burns, Dickerson and Jansen from the period between April 18, 2023 and May 17, 2023 which contain the word "Transgender." Within this production, the District has redacted any email which discloses confidential information regarding a student. NRS 239.010 specifically excepts from public record disclosure certain records that are confidential including those set forth under NRS 392.029. NRS 392.029 requires a Nevada school district to comply with the provisions of the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g ("FERPA"). Under FERPA, the District is precluded from disclosure of confidential information regarding a student without the required written consent.

We are still awaiting responses from Trustee Burns, Dickerson, and Jansen, with respect to private texts and private emails.

Richard McGuffin, Esq.
May 24, 2023
Page 3

6. *All text and email communications between board members and/or other members of the District during the last 30 days with the NIAA or its authorized representatives regarding the potential passage of Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same.*

The phrase "other members of the District" is vague since the District does not have any membership. The phrase "regarding the potential passage of Agenda Item 19, Transgender Student Policy SG-G" is objectionable because it requires the District to determine what information may or may not "regard the potential passage" of the Agenda Item. Consistent with the District's obligation under NRS 239.0107 to assist the requester to focus the request, the District conducted a search of emails from the DCSD email addresses of all Board members from the period between April 18, 2023 and May 17, 2023 for those emails which contain the word "NIAA." No responsive emails were identified.

We are still awaiting responses from Trustee Burns, Dickerson, and Jansen, with respect to private texts and private emails.

7. *All text and email communications between Trustees Burns, Dickerson, and Jansen and Virginia Starrett, Nick Maier, Jan Muzzy, and Lynn Muzzy regarding the potential passage of Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same or any other district related business during the last 30 days.*

The phrase "regarding the potential passage of Agenda Item 19, Transgender Student Policy SG-G" is objectionable because it requires the District to determine what information may or may not "regard the potential passage" of the Agenda Item. Consistent with the District's obligation under NRS 239.0107 to assist the requester to focus the request, the District conducted a search of emails from the DCSD email addresses of Trustees Burns, Dickerson and Jansen from the period between April 18, 2023 and May 17, 2023 which contain the words "Starrett", "Maier," or "Muzzy." No responsive emails were identified.

We are still awaiting responses from Trustee Burns, Dickerson, and Jansen, with respect to private texts and private emails.

8. *All texts and email communications between Trustees Burns, Dickerson, and Jansen and James McKalip, Thomas Deputy, Bev Anderson, Cindy Arvayo, and/or Mary Lou Gervie regarding the potential passage of Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same or any other district related business during the last 30 days.*

MAUPIN, COX & LeGOY

Richard McGuffin, Esq.
May 24, 2023
Page 4

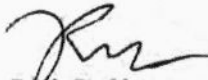
The phrase "regarding the potential passage of Agenda Item 19, Transgender Student Policy SG-G" is objectionable because it requires the District to determine what information may or may not "regard the potential passage" of the Agenda Item. Consistent with the District's obligation under NRS 239.0107 to assist the requester to focus the request, the District conducted a search of emails from the DCSD email addresses of Trustees Burns, Dickerson and Jansen from the period between April 18, 2023 and May 17, 2023 which contain the words "McKalip," "Deputy," "Anderson," "Arvayo," or "Gervie." No responsive emails were identified.

We are still awaiting responses from Trustee Burns, Dickerson, and Jansen, with respect to private texts and private emails.

9. *Provide a full and complete copy of your current Pool Pact Insurance Policy, including all listed exclusions.*

Documents responsive to this request are attached.

Sincerely yours,



Rick R. Hsu

Carolyn K. Renner

c: clients (via email)

EXHIBIT 3

EXHIBIT 3

From: Richard McGuffin
To: Hsu, Rick
Cc: Renner, Carolyn; Jennifer Salisbury; Motta, Heather
Bcc: [REDACTED]
Subject: RE: NRS 239 Public Records Request
Date: Thursday, June 1, 2023 12:48:00 PM
Attachments: [image002.png](#)

Rick,

I am in receipt of your May 24, 2023, letter. Our response and additional requests are as follows:

1. "A communication is 'confidential' if it is not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication." NRS 49.055." *Wynn Resorts, Ltd. v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 133 Nev. 369, 374, 399 P.3d 334, 341 (2017). "**No privilege exists** if the communications are **accessible to the general public in other manners**, because the communications are therefore not confidential. *Id.* (citing *Cheyenne Constr., Inc. v. Hozz*, 102 Nev. 308, 311-12, 720 P.2d 1224, 1226 (1986)).

During the May 16, 2023, Douglas County School District Board Meeting, at approximately 5:25 on the YouTube recording, Trustee Linda Gilkerson made the following comment:

"We were given some confidential information from legal as well. And, I think we have to really be careful that we are not going to put our district in a position to get sued, whether it is by the ACLU or by the state or by the federal government for that matter. I mean, we get lots of money from the federal government, you know \$11,000,000.00 this last year and we would lose that if we break the law. But, I do think we need to be very careful about discrimination. That's all. And, that is the way this put out, discriminating against transgender and I don't believe anyone really wants to do that either, I think we're all pretty good people, and we want what is best for our kids, so I think we need to look at all sides of that. I know it may be a sword that you will die on for but if it actually cost the district money and its possible, I guess, we could you held liable too, personally liable. These are just some things you need to think about."

As you know, Trustee Gilkerson is the holder of the privilege at issue. In making this statement, Trustee Gilkerson waived any such privilege with respect to "[a]ny memos or communications to the Douglas County School Board from its legal counsel regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda." Trustee Gilkerson's comments are obviously based on the substance of the information provided by your firm. More importantly, Trustee Gilkerson's decision to comment on the substance of this memo in a public meeting destroyed any privilege under NRS 49.095 and made the same subject to NRS 239.

As such, please provide any memos or communications to the Douglas County School Board from its legal counsel regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda, including but not limited to a

memo referenced by Trustee Gilkerson during the May 16, 2023, meeting.

2. As you know, NRS 239.0107 states that if a governmental entity is unable to provide the requested records by the end of the fifth business day, it must provide a written explanation as to why the requested records are unavailable and a **date and time** when the governmental entity believes the requested records will be available for inspection. The response in this case: "We are still awaiting response from Trustee Jansen with respect to private texts and private emails" is plainly inadequate and violative of NRS 239. This request is quite simple and Trustee Jansen's reluctance to provide the requested information is quite telling. Note, Trustee Jansen promised transparency during her campaign. To date, she has failed to deliver on that promise just as she has failed to deliver the requested communications.
3. As you know, NRS 239.0107 states that if a governmental entity is unable to provide the requested records by the end of the fifth business day, it must provide a written explanation as to why the requested records are unavailable and a **date and time** when the governmental entity believes the requested records will be available for inspection. The response in this case: "We are still awaiting response from Trustee Burns with respect to private texts and private emails" is plainly inadequate and violative of NRS 239. This request is quite simple and Trustee Burns's reluctance to provide the requested information is quite telling. Note, Trustee Burns also promised transparency during his campaign. To date, he too has failed to deliver on that promise just as he has failed to deliver the requested communications.
4. Your interpretation of *Comstock Residents Ass'n v. Lyon Cnty. Bd. of Commissioners*, 134 Nev. 142, 146, 414 P.3d 318, 321 (2018) in the context of the specific request is in error. In *Comstock*, the Court stated,

[t]he proper question for determining whether the requested records maintained on the county commissioners' private cellphones and email accounts constitute public records subject to disclosure under a public records request, see NRS 239.001(4), is whether they concern "the provision of a public service" as defined in *Blackjack*, 131 Nev. at 86, 343 P.3d at 613. In *Blackjack*, **we held that where a private entity possesses records of a governmental entity performing "a service rendered in the public interest," those records constitute public records and must be disclosed pursuant to the NPRA.** *Id.* at 85-86, 343 P.3d at 612-13 (quoting *Merriam-Webster's Collegiate Dictionary* 944 (10th ed. 1994)).

Note, this particular request was sufficiently narrow to cover only those communications that would constitute public records under Nevada law, namely: **"Phone log records of Susan Jansen's and David Burn's outgoing and incoming texts and calls from other board members (including group texts with board members and others) from the beginning of the school board meeting at 4:00 PM on May 16, 2023, to the end of the school board**

meeting at roughly 11:10 PM that same night.”

As such, please produce the requested records.

5. Furthermore, As you know, NRS 239.0107 states that if a governmental entity is unable to provide the requested records by the end of the fifth business day, it must provide a written explanation as to why the requested records are unavailable and a **date and time** when the governmental entity believes the requested records will be available for inspection. The response in this case: “We are still awaiting responses from Trustees Burns, Dickerson, and Jansen with respect to private texts and private emails” is plainly inadequate and violative of NRS 239. This request is quite simple and the aforementioned Trustees reluctance to provide the requested information is quite telling.
6. This request has been revised and reasserted as follows: All text and email communications between board members and/or other District employees during the last 30 days with the Nevada Interscholastic Activities Association or its authorized representatives regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same.

Furthermore, as you know, NRS 239.0107 states that if a governmental entity is unable to provide the requested records by the end of the fifth business day, it must provide a written explanation as to why the requested records are unavailable and a **date and time** when the governmental entity believes the requested records will be available for inspection. The response in this case: “We are still awaiting responses from Trustees Burns, Dickerson, and Jansen with respect to private texts and private emails” is plainly inadequate and violative of NRS 239. This request is quite simple and the aforementioned Trustees reluctance to provide the requested information is quite telling.

7. This request has been revised and reasserted as follows: All text and email communications between Trustees Burns, Dickerson, and Jansen and Virginia Starrett, Nick Maier, Jan Muzzy, and Lynn Muzzy regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same or any other district related business during the last 30 days.

Perhaps this time you can try searching for the above-listed individuals by their first names as well?

Again, NRS 239.0107 states that if a governmental entity is unable to provide the requested records by the end of the fifth business day, it must provide a written explanation as to why the requested records are unavailable and a **date and time** when the governmental entity believes the requested records will be available for inspection. The response in this case: “We are still awaiting responses from Trustees Burns, Dickerson, and Jansen with respect to

private texts and private emails" is plainly inadequate and violative of NRS 239. This request is quite simple and the aforementioned Trustees reluctance to provide the requested information is quite telling.

8. This request has been revised and reasserted as follows: All texts and email communications between Trustees Burns, Dickerson, and Jansen and James McKalip, Thomas Deputy, Bev Anderson, Cindy Arvayo, and/or Mary Lou Gervie regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same or any other district related business during the last 30 days.

As before, I would suggest you also conduct a search using of the first names of the individuals referenced above.

And again, NRS 239.0107 states that if a governmental entity is unable to provide the requested records by the end of the fifth business day, it must provide a written explanation as to why the requested records are unavailable and a **date and time** when the governmental entity believes the requested records will be available for inspection. The response in this case: "We are still awaiting responses from Trustees Burns, Dickerson, and Jansen with respect to private texts and private emails" is plainly inadequate and violative of NRS 239. This request is quite simple and the aforementioned Trustees reluctance to provide the requested information is quite telling.

9. Okay.

As a final note, Trustee Jansen was seen by multiple members of the public, including myself, regularly interacting with something below the table, presumably her phone, during the May 16, 2023, meeting. If she was communicating with other board members or other individuals regarding the business of the board, then those records indisputably fall within NRS 239. Those are the records we want, nothing else. And, if Trustees Burns, Dickerson, and Jansen remain reluctant to provide the requested records, please provide a date and time when such records will be available as required by NRS 239.

I look forward to hearing back from you.

Kind regards,

Rich

RICHARD J. MCGUFFIN, ESQ.
276 Kingsbury Grade, Suite 2000 | Post Office Box 3390 | Lake Tahoe, Nevada 89449
☎ 775.588.6676 | 📠 775.588.4970 | ✉ rmcguffin@alattorneys.com

ALLING & JILLSON, LTD.
ATTORNEYS AT LAW

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From: Hsu, Rick <rhsu@mcllawfirm.com>
Sent: Wednesday, May 24, 2023 4:47 PM
To: Richard McGuffin <rmcguffin@ajattorneys.com>
Cc: Renner, Carolyn <crenner@mcllawfirm.com>; Jennifer Salisbury <jsalisbury@mcllawfirm.com>; Motta, Heather <hmotta@mcllawfirm.com>
Subject: RE: NRS 239 Public Records Request

Rich,
See the attached correspondence and documents.

Sincerely,
Rich R. Hsu, Esq.



4785 Caughlin Parkway
Reno, Nevada 89519

P.O. Box 30000
Reno, Nevada 89520
(775) 827-2000 (phone)
(775) 827-2185 (fax)

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EXHIBIT 4

EXHIBIT 4


MAUPIN | COX | LEGOY
ATTORNEYS AT LAW

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Telephone
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Facsimile
(775-) 827-2185

June 9, 2023

VIA EMAIL

Richard McGuffin, Esq.
rmcguffin@ajattorneys.com

Re: DCSD and Trustee Supplemental Response to Public Records Request dated May 17, 2023

Dear Mr. McGuffin:

This is the Supplemental Response to your public records request made pursuant to the Nevada Public Records Act, NRS Chapter 239 ("NPRA"), sent by email on May 17, 2023 ("May 17 Request") and your follow-up response and additional requests sent via email on June 1, 2023 ("June 1 Response"). The Supplemental Response is sent on behalf of the Douglas County School District (the "District") and Trustees David Burns, Susan Jansen, and Katherine Dickerson. The June 1 Response presents numerical responses 1 through 8. This Supplemental Response addresses each in order.

1. In your June 1 Response, you contend that Trustee Gilkerson made comments during the open meeting that waived any attorney-client privilege under NRS 49.095 making any such legal communication between the District and its legal counsel subject to NRS 239. We disagree. In order to waive the privilege, a client must voluntarily disclose any significant part of a confidential matter. *See Toston v. State*, 128 Nev. 940, 381 P.3d 670 (2012); *see also* NRS 49.385. The comment quoted in your June 1 Response by Trustee Gilkerson makes reference to confidential legal information, but does not go further to disclose any significant part of a confidential matter. It is not confidential that the ACLU threatened to sue the District after its April 2023 meeting, it is also not confidential that the District receives federal funds. No significant part of a confidential matter was disclosed by Trustee Gilkerson and as such, no waiver occurred.
2. We will provide a response from Trustee Jansen with respect to private texts and private emails on July 31, 2023 at 5:00 p.m.
3. Trustee Burns is currently out of the state until July and unable to provide the requested information. We will provide a response from Trustee Burns with respect to private texts and private emails on July 31, 2023 at 5:00 p.m.

MAUPIN, COX & LeGOY

Richard McGuffin, Esq.
June 9, 2023
Page 2

4. It is the District's position that private phone logs of individuals do not constitute public records, as the logs do not, on their face, identify any communications are made in the context of "the provision of a public service."
 5. We will provide a response from Trustee Jansen with respect to private texts and private emails on July 31, 2023 at 5:00 p.m.
-

Trustee Burns is currently out of the state until July and unable to provide the requested information. We will provide a response from Trustee Burns with respect to private texts and private emails on July 31, 2023 at 5:00 p.m.

Trustee Dickerson has confirmed that she has conducted a search of her private emails and text messages and that she has produced all responsive documents. Any responsive/non-privileged documents to this request are included herewith. Within her production, if the District identified any confidential information regarding a student, it has redacted the same.

6. Your revised request:

All text and email communications between board members and/or other District employees during the last 30 days with the Nevada Interscholastic Activities Association or its authorized representatives regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same.

The District will conduct a search of District emails using the search terms "NIAA" and "Nevada Interscholastic Activities Association". We will provide any responsive documents to you on or before June 20, 2023 at 5:00 p.m.

We will provide a response from Trustee Jansen with respect to private texts and private emails on July 31, 2023 at 5:00 p.m.

Trustee Burns is currently out of the state until July and unable to provide the requested information. We will provide a response from Trustee Burns with respect to private texts and private emails on July 31, 2023 at 5:00 p.m.

Trustee Dickerson has confirmed that she has conducted a search of her private emails and text messages and that she has produced all responsive documents. Any responsive/non-privileged documents to this request are included herewith. Within her production, if the District identified any confidential information regarding a student, it has redacted the same.

Richard McGuffin, Esq.
June 9, 2023
Page 3

7. Your revised request:

All text and email communications between Trustees Burns, Dickerson, and Jansen and Virginia Starrett, Nick Maier, Jan Muzzy, and Lynn Muzzy regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same or any other district related business during the last 30 days.

The District did not identify any responsive emails.

We will provide a response from Trustee Jansen with respect to private texts and private emails on July 31, 2023 at 5:00 p.m.

Trustee Burns is currently out of the state until July and unable to provide the requested information. We will provide a response from Trustee Burns with respect to private texts and private emails on July 31, 2023 at 5:00 p.m.

Trustee Dickerson has confirmed that she has conducted a search of her private emails and text messages and that she has produced all responsive documents. Any responsive/non-privileged documents to this request are included herewith. Within her production, if the District identified any confidential information regarding a student, it has redacted the same.

8. Your revised request:

All texts and email communications between Trustees Burns, Dickerson, and Jansen and James McKalip, Thomas Deputy, Bev Anderson, Cindy Arvayo, and/or Mary Lou Gervie regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same or any other district related business during the last 30 days.

The District did not identify any responsive emails.

We will provide a response from Trustee Jansen with respect to private texts and private emails on July 31, 2023 at 5:00 p.m.

Trustee Burns is currently out of the state until July and unable to provide the requested information. We will provide a response from Trustee Burns with respect to private texts and private emails on July 31, 2023 at 5:00 p.m.

Trustee Dickerson has confirmed that she has conducted a search of her private emails and text messages and that she has produced all responsive documents. Any responsive/non-privileged documents to this request are included herewith. Within her

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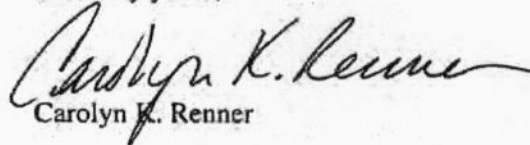
Richard McGuffin, Esq.

June 9, 2023

Page 4

production, if the District identified any confidential information regarding a student,
it has redacted the same.

Sincerely yours,



Carolyn K. Renner

CKR:js

Encls.

c: clients (via email)

Keith Lewis
Fwd: Meeting 5/16/23 - Agenda Item 19
May 17, 2023 at 5:49:39 PM
Dist - DCSD Board Members



Superintendent
Douglas County School District District Office 7am-4pm

klewis@dcsd.k12.nv.us

• p. 775 782 5134

dcsd.net

----- Forwarded message -----

From: **Caryn Harper** <charper@dcsd.k12.nv.us>
Date: Wed, May 17, 2023 at 8:41 AM
Subject: Fwd: Meeting 5/16/23 - Agenda Item 19
To: Keith Lewis <klewis@dcsd.k12.nv.us>

Sent through the website.



**Executive Secretary to the Superintendent
& Board of Trustees**
Douglas County School District District Office 7am-4pm

charper@dcsd.k12.nv.us

• p. 775 782 5134 xt.1621

dcsd.net

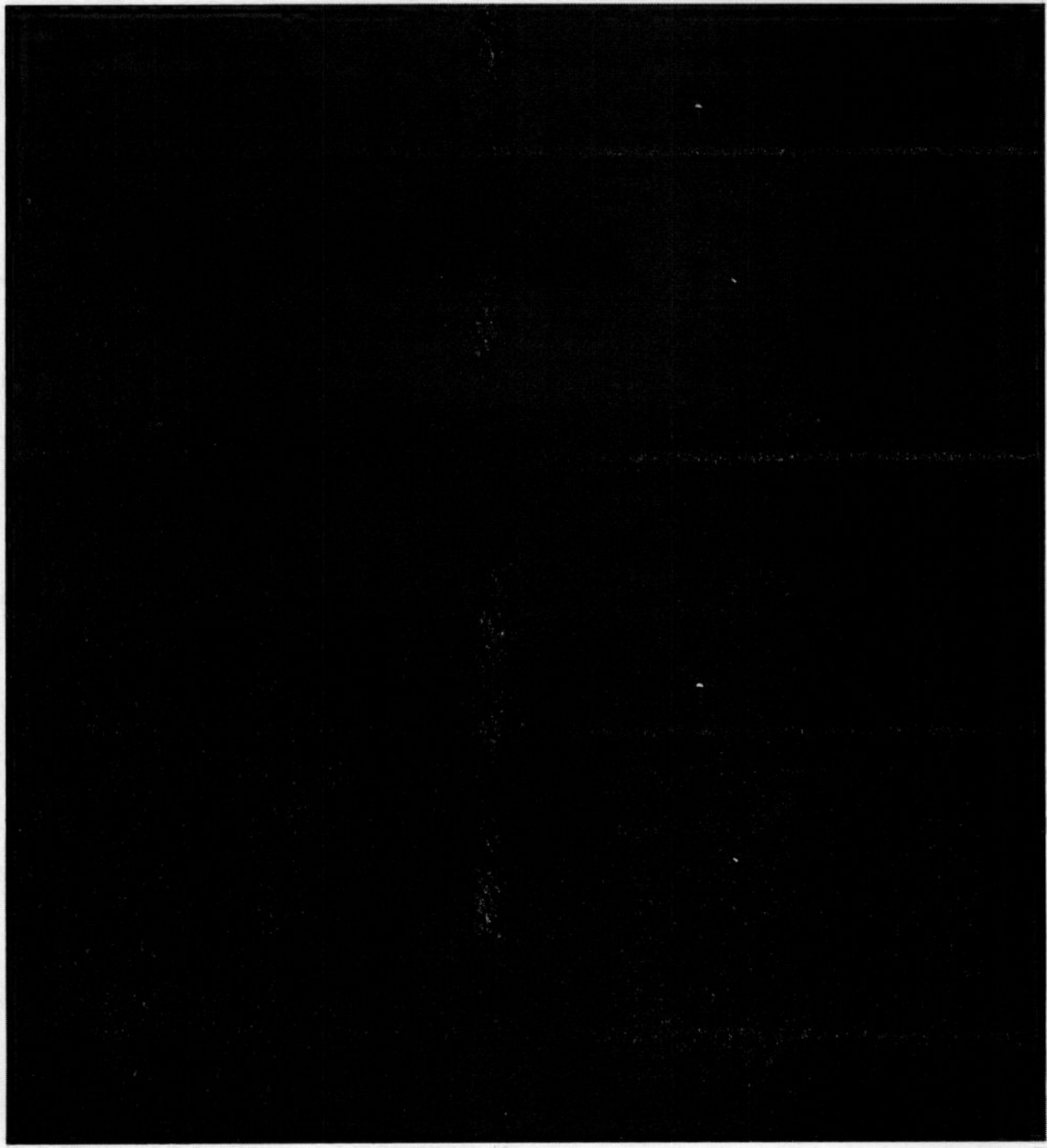
----- Forwarded message -----

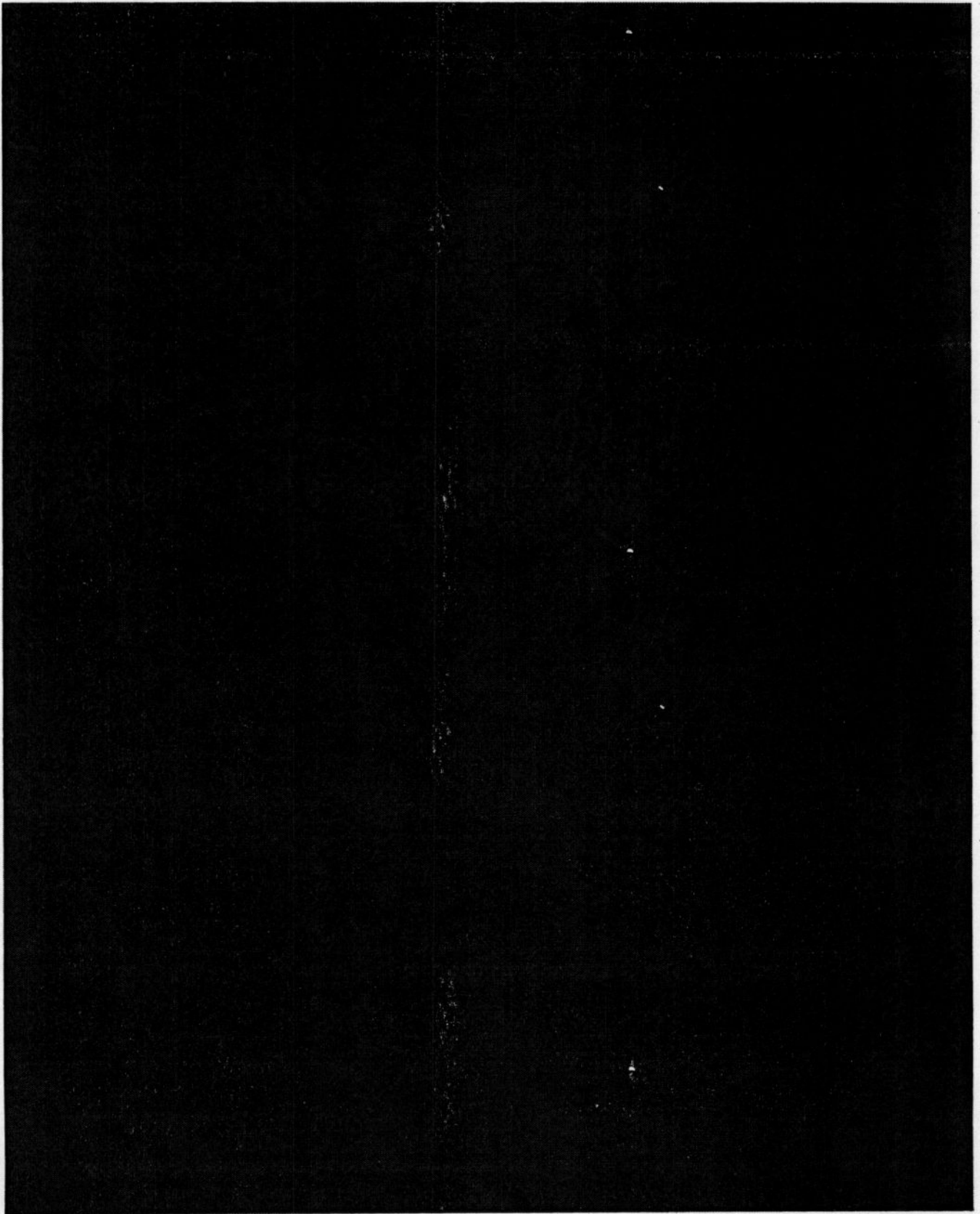
From: [REDACTED]
Date: Wed, May 17, 2023 at 8:37 AM
Subject: Meeting 5/16/23 - Agenda Item 19
To: <suptoffice@dcsd.k12.nv.us>

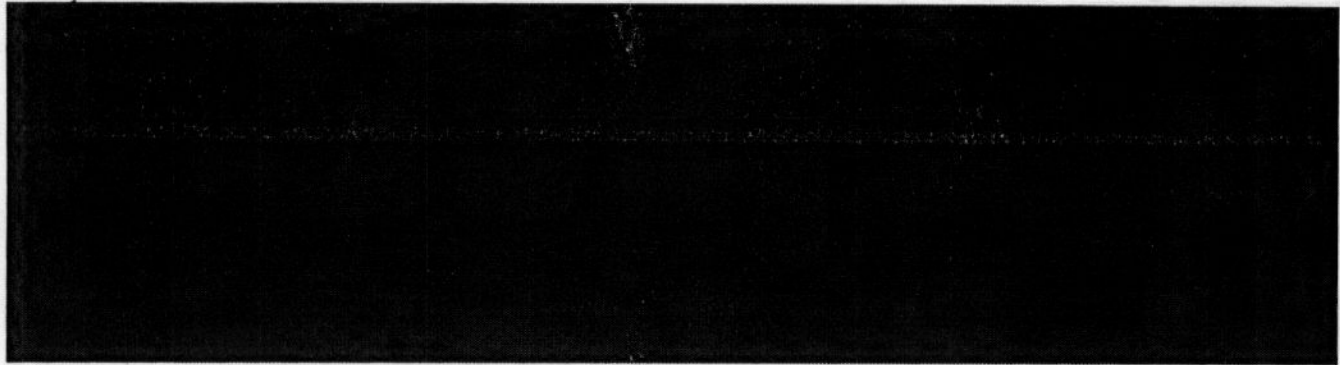
Cc:



Dear Superintendent Lewis,







This message and its contents are confidential. If you received this message in error, do not use or rely upon any information contained in this email. Instead, please inform the sender and then delete it.

This message and its contents are confidential. If you received this message in error, do not use or rely upon any information contained in this email. Instead, please inform the sender and then delete it.

Keith Lewis
Fwd: LGBT
May 17, 2023 at 4:08:10 PM
Dist - DCSD Board Members

Good afternoon. I will be passing on a few emails I have received today.



Superintendent
Douglas County School District District Office 7am-4pm

klewis@dcsd.k12.nv.us
p 775 782 5134
dcsd.net

----- Forwarded message -----

From: **Joseph Girdner** <jgirdner@dcsd.k12.nv.us>
Date: Wed, May 17, 2023 at 1:27 PM
Subject: Fwd: LGBT
To: Dist - DO Administrators <dist-doadministrators@dcsd.k12.nv.us>

FYI



Executive Director of Human Resources
Douglas County School District District Office 7 am-4 pm

jgirdner@dcsd.k12.nv.us
p: 775-782-7177
dcsd.net

----- Forwarded message -----

From: **Phil Emerson** <trollman.phil@gmail.com>
Date: Wed, May 17, 2023 at 9:18 AM
Subject: LGBT
To: <jgirdner@dcsd.k12.nv.us>

Hello Mr. Girdner,

I am not sure who I should write to so I hope you can pass this along to those that might be interested. My hope is that everyone understands about assigning male and female gender to what a birth certificate says. It is much more complex than that. One can research Ambiguous genitalia , there is a lot of info about that on-line. At birth the doctor has no idea if a baby is male or female from looking at the genitalia. Some statistics I found are, " Total number of people whose bodies differ from standard male or female is one in 100 births. Total number of people receiving surgery to "normalize" genital appearance is one or two in 1,000 birth." Another article I read had 90% of these children surgically turned into females. It is much easier to create a female genital than a male. Then there are new studies on why people are gay.

<https://www.usnevis.com/news/articles/2012/12/11/scientists-may-have-finally-unlocked-puzzle-of-why-people-are-gay>

From the article on why people are gay we find it is basically hormonal, this might not be evident until a child reaches puberty. I am glad I do not have the job of deciding if a male or female can participate in various sports. Is it discrimination to not let a male into female sports or visa versa because of what they were born with? I just hope everyone understands what they are dealing with and make the best decision.

Thank you for your time,

Phil Emerson

trollman.phil@gmail.com

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This message and its contents are confidential. If you received this message in error, do not use or rely upon any information contained in this email. Instead, please inform the sender and then delete it.

From: ryan kennedy rkennedy194@gmail.com
Subject: May 16th meeting
Date: May 17, 2023 at 10:58:55 AM
To: sjansen@dcsd.k12.nv.us, dengleki@dcsd.k12.nv.us,
dburns@dcsd.k12.nv.us, kdickerson@dcsd.k12.nv.us,
amagnott@dcsd.k12.nv.us, lgilkers@dcsd.k12.nv.us,
ckangas@dcsd.k12.nv.us

Hello,

My name is Ryan Kennedy. I'm a homeowner and resident in Douglas county. I am also a business owner, husband, and father of 3. My wife also works in the Douglas county school district.

I watched the live stream of the meeting last night and want to comment on the trans topic.

I am appalled that this disgusting topic has been brought to our doorstep here in Douglas county, I never would have expected it. But since it is being discussed I'd like to chip in my 2 cents as someone who has a vested interest in this from several angles.

This whole trans trend should not be brought into our schools and community, if confused adults want to experiment with their biology that is on them, but children are not capable nor mentally mature enough to face this topic (I still have yet to meet or hear of a 'trans child'). Children are not to be sexualized and anyone who thinks so is a disgusting human being, we can all agree on that. The responsibility of the school district is to teach our children the basic curriculum of science, mathematics, history, english, grammar...etc. Protect our children while they are at school from any outside or inside threats which includes the privacy they deserve in a BOYS or GIRLS bathroom. Neither gender (of which there are 2) has any business in the other gender restroom. And furthermore, the same applies to sports and the fairness that children of each gender deserve. I should not have to explain the biological differences between men and women and the obvious advantage males have over females. I applaud the group of young ladies last night from Douglas high who had the courage to come forward and comment on this exact topic, that takes guts for a high school sophomore, and they should be commended for it. It displays true leadership and a willingness to stand up for what is morally and ethically right.

Do not be swayed by the <1% that came to argue for this cancer to infect our school district and wonderful county. I implore you to represent the values and wishes of your constituents and all those who live in this county by doing what is just, ethical and morally right. A wrong decision on this matter can have dire consequences for our children and I hate to even speculate the disgusting atrocities our daughters (and sons for that matter) may face if this change takes effect.

You have my word that if DCSD introduces these new trans policies into our schools, you will have 3 less students to bill the state for and 1 less teacher to place in a classroom.

I look forward to your reply and welcome open discussion further on this topic.

Ryan Kennedy

775.600.2778

NICK MAIER

Washoe County School District Sued by Joey Gilbert and Sigal

Chattah over Transgender secrecy

May 15, 2023 at 10:53:37 AM

dmb101054@yahoo.com, dtakola@gmail.com,

j.muzzy@icloud.com, kationalion0@gmail.com,

lynnfromminder@gmail.com, NICK MAIER

profvstarr@msn.com,

suartcat4@msn.com

Very interesting article by Megan Barth.

<https://thenevadaglobe.com/articles/wcsd-sued-for-violating-parental-constitutional-rights/>

Nick Maier

Campaign Manager

SIMON
for NEVADA

simonforgovnv.com

[\(775\) 301-9107](tel:(775)301-9107)

Susan Jansen

Fwd: Many Transgender Children are Autistic

May 14, 2023 at 11:19:49 AM

Dave Burns

Katherine Dickerson

Sent from my iPhone

Begin forwarded message:

From: concernedcitizen1776@swisscows.email

Date: May 13, 2023 at 9:33:11 AM MST

To: sjansen@dcsd.k12.nv.us

Subject: Many Transgender Children are Autistic

Do not let the ACLU bully you! Continue to protect children. God Bless!

Largest study to date confirms overlap between autism and gender diversity

<https://www.spectrumnews.org/news/largest-study-to-date-confirms-overlap-between-autism-and-gender-diversity/>

Billionaires funding Transgender movement for profit

<https://www.thestandardsc.org/jennifer-bilek/billionaires-funding-transgender-movement-for-profit/>

The billionaire Duke trustee behind the remaking of gender

<https://www.carolinajournal.com/the-billionaire-duke-trustee-behind-the-remaking-of-gender/>

Young American Woman, Brit Man Go Public Over 'Gender Transition' Regret

<https://www.womenarehuman.com/young-american-woman-brit-man-go-public-over-gender-transition-regret/>

Under Transgender Theory, Women and Girls are Passive Objects Enabling Male Escapism

<https://www.womenarehuman.com/under-transgender-theory-women-and-girls-are-passive-objects-enabling-male-escapism/>

Notes on Gay Liberation and Stonewall

<https://www.womenarehuman.com/notes-on-gay-liberation-and-stonewall/>

NEW ZEALAND: Trans Activist Charged With Assault After Attacking Women's Rights Campaigner

<https://reduxx.info/new-zealand-trans-activist-charged-with-assault-after-attacking-womens-rights-campaigner/>

CANADA: Male Powerlifter Breaks Women's Record To Protest Gender Self-Identification Policy

<https://reduxx.info/canada-male-powerlifter-breaks-womens-record-to-protest-gender-self-identification-policy/>

Women File Lawsuit Against University of Wyoming Sorority Over Admission of Trans-Identified Male Who "Watches" Them Undress

<https://reduxx.info/women-file-lawsuit-against-university-of-wyoming-sorority-over-admission-of-trans-identified-male-who-watches-them-undress/>

IRELAND: Male BDSM Fetishist Given Green-Light To Play Women's Football, Was Consulted On Trans Policy

<https://reduxx.info/ireland-male-bdsm-fetishist-given-green-light-to-play-womens-football-was-consulted-on-trans-policy/>

Transgender Teenager Accused Of Planning School Shootings in Colorado, Had Also Listed Churches As "Targets"

<https://reduxx.info/transgender-teenager-accused-of-planning-school-shootings-in-colorado-had-also-listed-churches-as-targets/>

Trans Pride Flag Creator, 71, Announces Adoption of 14-Year-Old 'Trans
Daughter'

<https://reduxx.info/trans-pride-flag-creator-71-announces-adoption-of-14-year-old-trans-daughter/>

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Suzy JANSEN
Fwd: Email that went out to high school
May 9, 2023 at 7:46:12 PM
David Burns

katalion0@gmail.com

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From: jfj33@aol.com <jfj33@aol.com>
Sent: Tuesday, May 9, 2023 7:37 PM
To: Suartcat4@msn.com <Suartcat4@msn.com>
Subject: Email that went out to high school

this is Jay Jackson the bus driver I was made aware of this email that went out the day after the board meeting and I thought you might be interested in it.

Jay Jackson

let the book burning begin

Inbox



Amy Sando
to Dist

Mon, Apr 24, 4:48 PM

In case you missed it, please read the following from the Board meeting minutes. Please note #3. It is important that we let our voices be heard.

Future Agenda Items - The Board added the following to the Future Agenda Items: 1) Creation of a policy that only students who are biologically female at birth may participate in girls' sports, bathrooms, and locker rooms, and only students who are biologically male from birth may participate in boys' sports, bathrooms and locker rooms, 2) How we setup board member appointments on committees, and 3) A discussion that no school materials including library books, textbooks and online courses will be allowed at Douglas County District that are not in line with the 14th amendment resolution that has been established in our district, also to include professional development and teacher training.

FYI that 1 new board member has repeatedly brought up that the 14th Amendment trumps the 1st Amendment.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



Meghan Nield <mailto:meghan.nield@state.gov>
to Amy, Oul

Mon, Apr 24, 5:18 PM

Thank you, Amy. In addition, items #1 and #2 goes directly against Title IX, which states

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Furthermore, the document goes on to read

"A recipient institution that receives Department funds must operate its education program or activity in a nondiscriminatory manner free of discrimination based on sex, including sexual orientation and gender identity. Some key issue areas in which recipients have Title IX obligations are: recruitment, admissions, and counseling; financial assistance; athletics; sex-based harassment, which encompasses sexual assault and other forms of sexual violence; treatment of pregnant and parenting students; treatment of LGBTQI+ students; discipline; single-sex education; and employment." - Title IX, U.S. Department of Education

If anyone is interested in more information regarding this topic, stop by my room anytime.

Kind regards,

Sent from the all new AOL app for iOS

katisation0@gmail.com
Re: Who is Behind the Trans Agenda?
May 5, 2023 at 7:30:23 AM
peacefulwalk@verizon.net

We are in trouble as human beings. This is spiritual. This is a fight against good and evil. My faith is in God. I believe that as a nation, we have gotten so evil, drugs, no girls and boys, killing baby's up until birth (killing them period), porn, self worship. I think we are going through a wake up call. I pray we hear it. 🇺🇸 God bless my friend.

Sent from my iPad

On May 4, 2023, at 5:07 PM, peacefulwalk@verizon.net wrote:

A must-watch. Journalist, Jennifer Bilek, in a 38-minute interview, exposes the dark forces and big money behind the so-called "transgender movement."

"Bilek explains how a vast medical-industrial complex is pouring massive capital infusions into reconstructing the legal definition of human identity through a non-biologically-based, disembodied and fundamentally transhumanistic notion of gender identity, casting bodily deconstruction of sex and the violently synthetic modifications or augmentations of the human body as a "human right," and not the weaponized gender dysphoria that it is." – Sayer Ji (<https://greenmedinfo.com/blog/transgender-toddlers-young-2-undergoing-mutilationsterilization-nc-medical-syst-01>)

Finally, we have an "old school" feminist who is not afraid to stand up against this madness that is prevailing our country and destroying our children and culture.

<https://unite.live/o/greenmedinfo/community/who-is-behind-the-trans-agenda-jennifer-bilek>

Bob

peacefulwalk@verizon.net
RE: Who is Behind the Trans Agenda?
May 5, 2023 at 7:58:11 AM
katisalion0@gmail.com

Your absolutely correct! I had no clue how prevalent the evil is. How do we wake up the masses that buy into the woke movement as being a movement of compassion when it is a path of child abuse and destruction? I have tried with my family to no avail. They never respond to my emails or concerns. So, I have pretty much let them go. Yet, I will always be available to them if they need me. However, I can only reach out so much. They have no interest in my views on issues. I am just a conservative extremist crackpot. Sanity is gone in our world.

God be with you too – and I know He is

From: katisalion0@gmail.com <katisalion0@gmail.com>
Sent: Friday, May 5, 2023 7:30 AM
To: peacefulwalk@verizon.net
Subject: Re: Who is Behind the Trans Agenda?

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<https://unite.live/o/greenmedinfo/community/who-is-behind-the-trans-agenda-jennifer-bilek>

Bob

David Burns

Christian activists are fighting to glorify God in a suburban Texas school district

May 2, 2023 at 7:52:44 AM

Suzy JANSEN

Katherine Dickerson

Kevin Burns

<https://www.nbcnews.com/news/us-news/grapevine-texas-school-board-election-christian-nationalism-rcna82246>

Sent from Yahoo Mail on Android

Suzy JANSEN
Fwd: From Jim Stone today!
Apr 17, 2023 at 7:02:46 PM
katisation0@gmail.com

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From: Suzy JANSEN <suartcat4@msn.com>
Sent: Monday, April 17, 2023 7:02:18 PM
To: landthendrix@sbcglobal.net <landthendrix@sbcglobal.net>;
gclausen@pm.me <gclausen@pm.me>
Subject: Fwd: From Jim Stone today!

Get [Outlook for iOS](#)

From: Suzy JANSEN <suartcat4@msn.com>
Sent: Monday, April 17, 2023 7:01:11 PM
To: Joe mcfadden <joemcfadden@cccomm.net>
Subject: Fwd: From Jim Stone today!

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From: RICHARD MEYER <rmountain3@aol.com>
Sent: Saturday, April 15, 2023 11:51:56 AM
To: Allie Meyer <bluetrek21@aol.com>; Suzie Jansen
<suartcat4@msn.com>; stuart meyer <maya955@hotmail.com>
Subject: From Jim Stone today!

And another thing -
if people don't know by now to never believe the MSM,
if they don't know by now to avoid all shots no matter what,
if they don't know the foods are tainted,

if they don't know by now that no school teacher or college professor can be trusted to even have basic
morality - if they don't know by now the schools are weaponized indoctrination centers training kids to be what
used to be locked up in nuthouses,

if they don't know by now the elections are stolen,
the courts are corrupt,
pandemics are created,

there is no man made global warming,
if people are so ruined by weaponized schools they'll actually believe cows can destroy the world by
belching and farting; and they do.

if people are so far into stupid they don't realize there's nothing "smart" about a "smartphone" and that it's
primary purpose is to be a weapon against them, rating everything out every second of every day,

if the masses still flock to facebook;
believe Google,
will consult an AI the enemy owns,
and will take the mark of the beast -

if people don't "get it" by now there's really nothing more I can do to save them, I ran

Cemeterians report:
[EMERSONS.SARCASTIC/](https://www.facebook.com/EMERSONS.SARCASTIC/)

my aim to try to save a segment of society that has enough brains to call bullshit on the bullshit - and those people know, there are no "great secrets" out there anymore, either you're stupid or your not; spiritually blind or awake; vaxxed or not vaxxed -

What is there to do anymore? Chase people who pursue doom dickbai? Those who do not "get it" by now are a lost cause, lacking any sort of compass that can point them to the truth, perhaps because they never cared about the truth anyway - they just cared about "what worked" even if it ate them alive

I have always had a little burse on my shoulder saying: "Perhaps the people who run the WEF and do all this crap, perhaps the Jews in the schools teaching the kids to go trans are not bad for God's plan at all, and are only there doing what they do to finish the job of destroying the spiritually weak and stupid - the weed pullers. After all, if you grow up in a perfect system like the one we had before they tore it to pieces, even if you were an intellectual nitwit you'd make it just by looking at what everyone else was doing - it takes real moral fiber, brains and a compass in your soul to figure out where you're going now - is their job really to make sure the garbage gets burped to the curb? and then sell the smell as something great, to see what else it can spoil and destroy? That's insanity what they are doing.

And that's probably why God is not stopping them.

Scriptural prophecy says this will be done in the last days, and God is the master of efficiency. I would not be surprised at all if he just sat there and let Satan possess the chaff the way he took so many Jews and used them as tools to fill his hell hole with whoever they could take down with them - God probably has no time for people who can accept and embrace all the bullshit.

It is time to tie your shoes tight and walk the walk -

Everything is going to go in the toilet now for the final flush and taking people about it is not going to make a difference at this point. Either you're going down or you are not. Don't expect some giant sign in the sky to suddenly appear telling you "this is it, the time is now" because even if such a thing does happen it's probably just "Haas". God does not have to do another Fatima, the warnings have been given and were done when we had video to record them. I sat there in catholic christian doctrine and watched those reels, that miracle happened and got recorded - but you can't find it on YouTube. Satan owns that.

Decide who you are. Root it in deep. Don't accept the bullshit or anything you know is sourced from evil, like a shot, that last guy comment, - whatever, even if it means sailing from the trash or starting to death to avoid evil whenever it is. You will have to stand up straight until the moment of your death and if it is not obvious by now they are going to go ahead and do the purge - go back to love 1 and read again. It's probably your last chance.

And a little side note here about those fatima reels - what happened on them -

Our church had a good priest who was a little weird, but he held to the old ways before Vatican 2 and those reels worked like crap, constantly breaking because the church was not hearing them anymore and took them out of the course material. He kept them in the course material because they were so important. It was supposed to just be one 2 hour class but got stretched out over several because the reels kept breaking from being too old and used - here is what was on them -

The main thing I remember was the three girls were in the street, walking, paused, looked sort of upward, opened their mouths, and communion hosts appeared on their tongues from out of nowhere. There was no one there serving communion. And it was not even at a church service when they received them. The miracles at fatima did not just take place in one day, there were smaller incidents like that one happening before the big event at the end. We were all quite interested in the film but it broke so much it was piecemeal and you know how kids are when things are like that -

Towards the end the main miracle happened and it was all shredded to pieces from over use. But the gist of it was that there were a lot of people, it was raining, and the sun did some weird stuff and then it was suddenly nice outside. It was too messed up at that point to just watch the miracle, it was 10 seconds and then another break. But it was at least clear that the stories about what happened there were not BS.

If my talking about it helps you find your compass

you won't find it anywhere, I never did. It was that class or nothing. I wish I could go back and sit that class with all the perspective I have now but I at least remember it well enough to know it was impressive, but really messed up from too much use. The bottom line is that Fatima happened, and that church was really anti-gay when it did. Perhaps a good way forward is to go back to that old standard if you have drifted away from it.

I don't think Fatima was a declaration that the catholic church had a monopoly on spirituality though.

It was just the dominant voice of the time, other Abrahamic religions have their miracle - the miracles who were saved by an unbelievable swarm of birds that consumed an "end of the world" crap destroying crooked swarm is one that comes to mind - the bottom line is that if you accept God and reject the bullshit you're probably OK, even in Islam, no one holds a monopoly - what matters is where your heart is. Is it with God, or is it with satan? Or is it not really with anything, just floating somewhere? That's what matters, and it definitely will be noticed when the time comes.

I am obviously in deep trouble. So I am going to post my "fuckit page" that I have been thinking about doing. ALL OF US are done for if "they" pulled the shit they just pulled, it won't just be me. I don't know how far I will get with this, "they" keep shutting the USB ports off now which is why this is going up piecemeal. No USB ports equals dead text with no keyboard or mouse to post it with, So piece by piece. Here goes.

What do you do when

1. "They" break an impressive lock to get into your place? They risk nothing but if it is obvious the computer has been removed with because it has been moved and the case is half cracked open.
2. You find an extra folder in the root directory on the computer (where no one ever goes unless you are like me) that was not there before (found by the way the icons lined up, I did not dig the directory yet because the root directory is a bastion).
3. Then the folder disappears when you post about it being put there? They might have only hidden it and I did not check for that, because there's probably other hidden folders anyway so the mess would be deep and I wanted that hard drive extra here . . . because that's a frameup baby.
4. What do you do when your ISP is UNL.V and sudoery your IP is static because it's components of a string?

Remote controlled Germanwings Airbus A320 crash? [GALLIAPRIME.COM/NEWS/10/08/14](#)

California drought: DAMS DRAINED ON PURPOSE

[CALIFORNIA CLEANUP WORKERS: SHUT UP OR DIE!](#)

What do you do? when you know the end is near?

You say fuckit.

Next time I get into the "system" again, I am going to spend the "time" being wasted by those people and have probably done this to ALL dissenting media voices, a "necessary step" when told over they have planned require the # to remove systems. There's no doubt I am in trouble if they have pulled this off but the trap has not been sprung yet, there's still a chance to say something at least.

There is going to be either an all new pandemic and forced shot campaign, or a huge war, and framing and eliminating all voices will be part and parcel with that. Historically it has been that way with war, but this is the first time they pulled the forced shot BS and it's going to be one, the other, or both.

Now that's out of the way, so fuckit.

I am now going to talk about what has really gone on behind the scenes in my life. This is not one of those "confessions" because I am a biblical level here and have never said it, now I will and I can prove it. Henry Markov with "Jim Stone" is the real deal. And David Icke with "Remember who you are", here is your vindication after all the horrific slander I have received which no doubt made you doubt, and Merit, you can stick it to your "ass". You were not the only one, but the fact you hung out on the forum the way you did pretending to actually have "merit" still pulls me to this day.

I will start by saying to you I have never been married to has ever posted but all about me. Where did all the slander come from? It came from the same "fakes" that are trying to get Trump in prison now. No one who ever posted, my soul of sinner had anything official against me or anything to bitch about, I was simply targeting an "enemy" to destroy it.

This is I have prevailed.

So what really happened? Why did I shorten my life before 2007? That actually did happen, but why?

Because in the winter of 2004/2005 President Bush was going to destroy Iran and I disagreed. I saw "shock and awe" like the rest of us did, and I did not agree. In the NSA I was excited Iran as my in air mission and though I was biased against Iran, I was not stupid either. I knew they were at least, for the most part, good people. Air force as they were kept in check as far as I saw it, there was no reason to destroy them and I was a serious believer at keeping them in check, NUMBER EFFING ONE. I handled all the systems that intercepted their communications, talked to the people in the mountains of Iran, THE WHOLE BALL OF B-SHIT. I knew the entire American intelligence mission in Iran from top to bottom, and was one of those champions who knew stuff far outside my clearance level. (The fact all the data was smuggled out disguised as film rolls for movie theaters) something I was not supposed to know but I did - and it was all cool because I worked so hard to keep everything in top notch shape.

I am going to just show you a beautiful to Kiefer here - you are a prick asshole. When Chewy cut those cables in the land while I was not even on site and you stood there with Chewy right in front of me days later and told me in my face right in front of him that I was going to take the rap for it you proved how much you wanted your "reputation" and I did not want to be done there. It was a year or more to have that on an official level I was totally unscathed, everyone knew the truth. **BTW: How back to the main story?**

I knew EVERYTHING about Iran and quite a bit about China, Iran was primary for me, China was secondary and Russia was third. But even with Russia as my third official assignment, I was also #1 at repairing the systems used against Russia, I bought and installed all the hardened operating system chips used against Russia simply because no one else who was "equally qualified" could and knew those systems the back of my hand. I'd get back after a "weekend break" and there'd be 7 or so offline because "no one could fix them" and I'd have them all up and running before my first break just by watching how the function keys flashed (those damn computers would TELL YOU what was wrong if you could just watch the function keys flash) understand, there were 9 banks of 18 function keys on each keyboard that all could light up and those computers would communicate their problems through those keys. They were dual assignments with Russian on one side and English on the other, they were HUGE - I'd solve the problem before the boot was even complete just by watching how they flashed. Fix all of the computers attached to them (giant thousand pounders) before my first break. All the time was spent getting parts, not solving problems. I was absolutely #1, all the operators loved me and respected me even in the submarine tracking systems.

THAT is the level I was at when I stopped President Bush from destroying Iran, here's how I did it.

I knew the intelligence mission from top to bottom, obviously. I also knew that without good intelligence, the Pentagon would not do anything. The Pentagon is the only place where you can't walk in with out orders to know where you're going, and I knew that. I could wreck what they do. NO CHINA. And I could wreck Iran, I was the LAHAWK.

At that time, I was out of the NSA, even past the point of limitations for prosecution (but that won't keep you alive, I expected to die for this) - I also knew the pay off side of the mission and by listening to the news knew the mission did not change. They were still using the same hardware and the same methods - smuggling data disguised as film rolls for movie theaters - it was the same as when I left (those systems kicked ass and were modern, they would not retire them quickly) for example - if some guy in Russia layed a mine, the system would have him pinpointed on screen in 3 seconds saying "this is right here, at the end of this bridge" and it was all mapped and tracked. It did not need satellite confirmation. There were more than 70 of those systems running. How could do a lot - however, a big boat had obviously still in use in 2005.

By the time 2006 came around that was post 9/11 which did not fool me. I was pro 9/11 right away - and my "reputation" was just what I needed to get Iran by then. I did not report my mission status then because nothing was done against them when I was working against them. It was at just "national security" for me, the mission was not "stuff some pockets" or WEP bullshit.

But I knew it would become that if I let it happen and "shock and awe" in Iran would be an absolute atrocity - worse than Iraq which was plenty bad and also totally unjustified for the second post-9/11 go around.

I had checked the consulate in Washington DC (Iran is not allowed an embassy in the US) and deemed it unusable. I already got to see how horrible Iranian movies are, if you ever sat through a Motion Picture prep class for a kid, you'd know what boring is. That Anway.

So I headed to Ottawa Canada KCP 202, a real embassy Iran had there. I spent DAYS at Starbucks with a brand new laptop typing up everything about the mission against Iran, knowing on me was I was still 100 percent completely relevant, told them how to find American intelligence assets on their soil, told them all the data was smuggled out disguised as film rolls for movie theaters, told them all the intelligence equipment would be located in shipping container bases in the mountains disguised as cell phone equipment installation blades in with the Arizona stubble all mountains that have a clear line of sight get adorned with - told them to look for tourist buses in the mountains because that's how the people that managed all that shit got in and out of there - I blew that bastard TO THE MOON, even how America would just sit there playing war with them like it was a video game and "how to install communications systems America can't intercept", and "Oh your drone program gets better every time because we can see in real time all the shit and the "shock" without a whole lot of...
THEY HAD TO DIE

IRAN DID ALL OF IT. ALL OF IT. Including banning American movies, arresting the
hikers, ALL OF IT.

AND THERE WAS NO WAR AS A RESULT.

And I was RIGHT, 100 percent platinum certified RIGHT. Iran, which was "2 weeks away
from a fictitious bullshit nuclear bomb" in 2004 is now, in 2023, "2 weeks away" from a
fictitious nuclear bomb.

And what aggressive things has Iran done during all that time? Answer:

**FUCK YOU GEORGE BUSH, PLUS YOUR PIECE OF SHIT DAD. I KICKED YOUR EFFING
ASS YOU LYING MURDEROUS SCUM.** No "shock and awe" on Iran. Did I make you
cry?

And now to Merit and all those who shitposted about me. Yes, I did indeed abandon my
past. You got that part right. But what was I supposed to do? Stay in the system and
get killed instantly??? There's a story behind the story lemmefella - and no wife EVER
POSTED JACK.

I thought long and hard before doing what I did. Went over the Bible job. And you know what I found, and what
you're not aware of? A back full of heroes who stood up in their lives to do these missions only to return to
their kids they never saw for 20+ years. WITH HONOR. I saved a nation of 70 million, never asked for a dime
or anything else back from Iran for it AT ALL. There was no payoff. Just a lengthy well written document, an
intelligent insightful and obviously holy Iranian man in an ultra secure "bunk room" (background noise
extending from 0:00 to 40 minutes later, no strings attached because all I wanted was to avoid "shock and
awe" on 70 million totally innocent people - how much more holy can that get? I destroyed myself for them, no
strings attached just because it was the right thing to do.

Yes, I blamed my problems on the Fuku report to avoid saying what I just said, that report was good, but not
enough for the problems that resulted. The problems from that report were explicitly caused by me sticking
my head in the sand.

And I was there when I heard I could not get a home after doing that for them because I'd get evicted. I
made my way to Myra and spent the entire winter of 2009/2010 up to the middle of February, quite, not
even going to homeless shelters, I built a well hidden makeshift shelter that had no heat because you can't
make smoke and stay hidden - eating out of the garbage, collecting bottles and turning them in, - I had
fantasies on New Years about cakes thrown in the trash, looked so hard for them and there were none. It was
effing cold and I damn near died that night and the whole time, through all of it, I was calculating: it has
been 8 months now, and no war. Only headlines about Iran rejecting Western movies and arresting
"hikers", none of which they killed, they only got deported. As I predicted would happen if they listened
to me, and they did. How much was what I did worth? Today, 40 million life years. That's a lot more than
I could live. That's a lot of tonight.

And the other shitheads who did what I did only did it because they wanted something out of it. A million payoff.
Whatever, I was the FIRST EVER who simply did it to do the right thing, and submitted to definite
homelessness and a probable death as a result. I woke up the next morning with obvious hypothermia. The
alcohol I did my coffee with would not light because it was too cold. Even lighting a candle to heat up the
alcohol was not enough and I had to be matches, because the buzzers in lighters would stay liquid. They did
not work. It was effing cold. And I could not fight a fire and avoid being discovered. I forced myself to go look for
ones and eventually warmed up, at least I had many dry layers on.

It is now 2023. Over a trillion life-years later. No war. No aggression from Iran, they were as good as I thought
they were. I successfully ran the web site. Started over. Got trashed again, (the Pentagon or whoever got to
the site) and I'm probably going to be evicted because if they find out my phone number did that for the computer.

I'm back in Mexico about a frame up, but I think it happened. It could even be a lie, because not so much
later, there will be war and they know my history. They don't want me to take action again. But how many
people did I give a chance to improve their lives over almost 20 years, or even have life to begin with? How
many homes did I save? How many families happened, how many dreams lived? Iranians are not sad people,
they have good lives, in huge part because I saved them and made the last 18 years possible.

That is my legacy. I have dreamed of going back in time and "what I would have done to make my life better"
and it always goes back to the same conclusion: Don't change anything, because it would probably wreck the
moment I did the right thing.

Some won't agree with what I did, too what. And I'll help Mexico also if I get a chance to when America stands.
I have my feelings so bad about to spring when spotted, I know where to go to offer help, I know where to. That
won't stop my arrest because the people who ordered the frameup are probably not Mexican, though they'll use
good Mexican people for their dirty work, the way they used me. They using me instead of my legs. I took my
awesome work and stuck it up their ass.

EXHIBIT 5

EXHIBIT 5


MAUPIN | COX | LEGOY
ATTORNEYS AT LAW

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Telephone
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Facsimile
(775-) 827-2185

June 20, 2023

VIA EMAIL

Richard McGuffin, Esq.
rmcguffin@ajattorneys.com

Re: DCSD and Trustee Supplemental Response to Public Records Request dated May 17, 2023

Dear Mr. McGuffin:

This is the Second Supplemental Response to your public records request made pursuant to the Nevada Public Records Act, NRS Chapter 239 ("NPR"), sent by email on May 17, 2023 ("May 17 Request") and your follow-up response and additional requests sent via email on June 1, 2023 ("June 1 Response"). This Second Supplemental Response is sent on behalf of the Douglas County School District (the "District"). The June 1 Response presented numerical responses 1 through 8. This Second Supplemental Response addresses responses 6, 7 and 8.

6. Supplemental Response to the revised request below:

All text and email communications between board members and/or other District employees during the last 30 days with the Nevada Interscholastic Activities Association or its authorized representatives regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same.

The District conducted a search of District emails using the search terms "NIAA" and "Nevada Interscholastic Activities Association". All non-privileged responsive documents are provided herewith.

7. Supplemental Response to the revised request below:

All text and email communications between Trustees Burns, Dickerson, and Jansen and Virginia Starrett, Nick Maier, Jan Muzzy, and Lynn Muzzy regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same or any other district related business during the last 30 days.

MAUPIN, COX & LeGOY

Richard McGuffin, Esq.
June 20, 2023
Page 2

The District conducted an additional search of District emails for the names of the third parties, including first and last names. All non-privileged responsive documents are provided herewith.

8. Supplemental Response to the revised request below:

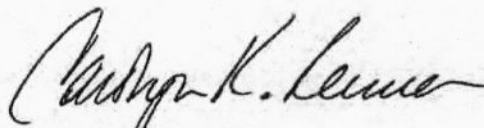
All texts and email communications between Trustees Burns, Dickerson, and Jansen and James McKalip, Thomas Deputy, Bev Anderson, Cindy Arvayo, and/or Mary Lou Gervie regarding Agenda Item 19, Transgender Student Policy SG-G, as set forth on the May 16, 2023, Regular Board Meeting Agenda or a policy that is substantially similar to the same or any other district related business during the last 30 days.

The District conducted an additional search of District emails for the names of the third parties, including first and last names. All non-privileged responsive documents are provided herewith.

Within this production, the District has redacted any email which discloses confidential information regarding a student. NRS 239.010 specifically excepts from public record disclosure certain records that are confidential including those set forth under NRS 392.029. NRS 392.029 requires a Nevada school district to comply with the provisions of the federal Family Educational Rights and Privacy Act, 20 U.S.C. 1232g ("FERPA"). Under FERPA, the District is precluded from disclosure of confidential information regarding a student without the required written consent.

Likewise, any attorney/client privilege information has been redacted.

Sincerely yours,



Carolyn K. Renner

CKR:js
Encls.
c: Clients (via email)

EXHIBIT 6

EXHIBIT 6

Richard McGuffin

From: Richard McGuffin
Sent: Tuesday, July 11, 2023 2:24 PM
To: Renner, Carolyn; Rick R. Hsu, Esq. (rhsu@mclrenolaw.com)
Cc: Motta, Heather; Jennifer Salisbury
Subject: RE: DCSD and Trustee Supplemental Response to Public Records Request dated May 17, 2023

Ms. Renner and Mr. Hsu,

This afternoon, I reviewed the DCSD Board Calendar and noticed a Special Board Meeting has been scheduled for Wednesday July 19, 2023. I can only assume this Special Meeting is related to Item 11, Contract for Legal Services with the Board and District, from the Board's June 13, 2023, meeting.

If the Board is inclined to move forward with new legal representation, please advise them that we expect full compliance with our May 17, 2023, and June 1, 2023, NRS 239 Request. Specifically, the promised July 31, 2023, responses to Requests 2, 3, 5, 6, 7, and 8. If the Board fails to respond. We will file suit.

The Board should be made aware that NRS 239.011(2) gives priority to NRS 239 matters and entitles a prevailing requester to an award of reasonable attorney's fees. Even more, NRS 239.340 allows courts to impose civil penalties for any willful violation of NRS 239. Note, each of the requests contained in the May 17, 2023, and June 1, 2023, NRS 239 Request are proper.

The Board's obligations under NRS 239 are not altered by their ill-advised decision to hire new legal counsel.

Kind regards,

Rich

RICHARD J. MCGUFFIN, ESQ.
276 Kingsbury Grade, Suite 2000 | Post Office Box 3390 | Lake Tahoe, Nevada 89449
☎ 775.588.6676 | 📠 775.588.4970 | ✉ rmcguffin@ajattorneys.com

ALLING & JILLSON, LTD.
Attorneys at Law

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From: Jennifer Salisbury <jsalisbury@mcllawfirm.com>
Sent: Friday, June 9, 2023 2:47 PM
To: Richard McGuffin <rmcguffin@ajattorneys.com>
Cc: Renner, Carolyn <crenner@mcllawfirm.com>; Hsu, Rick <rhsu@mcllawfirm.com>; Motta, Heather <hmotta@mcllawfirm.com>
Subject: DCSD and Trustee Supplemental Response to Public Records Request dated May 17, 2023

Mr. McGuffin,


Please find attached Ms. Renner's letter of today's date along with enclosures.

Kind Regards,

Jennifer Salisbury

Jennifer Salisbury, CP, MLS
Certified Paralegal, Master of Legal Studies
Legal Assistant to Paul J. Anderson, Esq.,
and Carolyn K. Renner, Esq.
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775-824-7026 (fax)
jsalisbury@mcllawfirm.com



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EXHIBIT 7

EXHIBIT 7

Richard McGuffin

From: Richard McGuffin
Sent: Thursday, July 20, 2023 12:22 PM
To: 'Renner, Carolyn'; Rick R. Hsu, Esq. (rhsu@mclrenolaw.com); 'joey@joeygilbertlaw.com'
Cc: 'Motta, Heather'; 'Jennifer Salisbury'
Subject: RE: DCSD and Trustee Supplemental Response to Public Records Request dated May 17, 2023
Attachments: RE: NRS 239 Public Records Request ; DCSD and Trustee Response to Supplemental Public Records Request dated June 1, 2023; DCSD and Trustee Supplemental Response to Public Records Request dated May 17, 2023

Ms. Renner, Mr. Hsu, and Mr. Gilbert,

I am addressing this email to the three of you for two reasons: (1) it remains unclear when MCL's contract with DCSD will end and Mr. Gilbert's will begin; and, (2) to make Mr. Gilbert aware of the outstanding NRS 239 Public Records Request. I have attached what I believe to be the most recent, relevant correspondence related to this request for Mr. Gilbert's convenience and review.

As you can see from the email below, despite the change in legal counsel, we expect full compliance with our May 17, 2023, and June 1, 2023, NRS 239 Request. Specifically, the promised July 31, 2023, responses to Requests 2, 3, 5, 6, 7, and 8.

Kind regards,

Rich

RICHARD J. MCGUFFIN, ESQ.
276 Kingsbury Grade, Suite 2000 | Post Office Box 3390 | Lake Tahoe, Nevada 89449
☎ 775.588.6676 | 📠 775.588.4970 | ✉ rmcguffin@ajattorneys.com

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From: Richard McGuffin
Sent: Tuesday, July 11, 2023 2:24 PM
To: Renner, Carolyn <crenner@mcllawfirm.com>; Rick R. Hsu, Esq. (rhsu@mclrenolaw.com) <rhsu@mclrenolaw.com>
Cc: Motta, Heather <hmotta@mcllawfirm.com>; Jennifer Salisbury <jsalisbury@mcllawfirm.com>
Subject: RE: DCSD and Trustee Supplemental Response to Public Records Request dated May 17, 2023

Ms. Renner and Mr. Hsu,

This afternoon, I reviewed the DCSD Board Calendar and noticed a Special Board Meeting has been scheduled for Wednesday July 19, 2023. I can only assume this Special Meeting is related to Item 11, Contract for Legal Services with the Board and District, from the Board's June 13, 2023, meeting.

If the Board is inclined to move forward with new legal representation, please advise them that we expect full compliance with our May 17, 2023, and June 1, 2023, NRS 239 Request. Specifically, the promised July 31, 2023, responses to Requests 2, 3, 5, 6, 7, and 8. If the Board fails to respond. We will file suit.

The Board should be made aware that NRS 239.011(2) gives priority to NRS 239 matters and entitles a prevailing requester to an award of reasonable attorney's fees. Even more, NRS 239.340 allows courts to impose civil penalties for any willful violation of NRS 239. Note, each of the requests contained in the May 17, 2023, and June 1, 2023, NRS 239 Request are proper.

The Board's obligations under NRS 239 are not altered by their ill-advised decision to hire new legal counsel.

Kind regards,

Rich

RICHARD J. MCGUFFIN, ESQ.
276 Kingsbury Grade, Suite 2000 | Post Office Box 3390 | Lake Tahoe, Nevada 89449
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From: Jennifer Salisbury <jsalisbury@mcllawfirm.com>
Sent: Friday, June 9, 2023 2:47 PM
To: Richard McGuffin <rmcguffin@ajattorneys.com>
Cc: Renner, Carolyn <crenner@mcllawfirm.com>; Hsu, Rick <rhsu@mcllawfirm.com>; Motta, Heather <hmotta@mcllawfirm.com>
Subject: DCSD and Trustee Supplemental Response to Public Records Request dated May 17, 2023

Mr. McGuffin,

Please find attached Ms. Renner's letter of today's date along with enclosures.


Kind Regards,

Jennifer Salisbury

Jennifer Salisbury, CP, MLS
Certified Paralegal, Master of Legal Studies
Legal Assistant to Paul J. Anderson, Esq.,
and Carolyn K. Renner, Esq.
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EXHIBIT 8

EXHIBIT 8

Richard McGuffin

From: Renner, Carolyn <crenner@mcllawfirm.com>
Sent: Monday, July 24, 2023 5:28 PM
To: Richard McGuffin; Hsu, Rick; joey@joeygilbertlaw.com
Cc: Motta, Heather; Jennifer Salisbury
Subject: RE: DCSD and Trustee Supplemental Response to Public Records Request dated May 17, 2023

Mr. McGuffin,

Mr. Gilbert was hired by the DCSD at the special meeting held on July 19, 2023, and as such, we have transitioned our file to him for the matter referenced herein.

Please direct any further communication to Mr. Gilbert on this matter.

Regards,
Carolyn

Carolyn K. Renner, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
(775) 827-2000
(775)827-2185 (facsimile)
Assistant Jennifer Salisbury, ext. 139
jsalisbury@mcllawfirm.com

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From: Richard McGuffin <rmcguffin@ajattorneys.com>
Sent: Thursday, July 20, 2023 12:22 PM
To: Renner, Carolyn <crenner@mcllawfirm.com>; Hsu, Rick <rhsu@mcllawfirm.com>; joey@joeygilbertlaw.com
Cc: Motta, Heather <hmotta@mcllawfirm.com>; Jennifer Salisbury <jsalisbury@mcllawfirm.com>
Subject: RE: DCSD and Trustee Supplemental Response to Public Records Request dated May 17, 2023

Ms. Renner, Mr. Hsu, and Mr. Gilbert,

EXHIBIT 9

EXHIBIT 9

Richard McGuffin

From: Joey Gilbert <Joey@joeygilbertlaw.com>
Sent: Wednesday, July 26, 2023 2:43 PM
To: Richard McGuffin
Cc: Amber Kammann
Subject: Re: NRS 239 Public Records Request

Received.

Thank you,

JG

***All MESSAGES are dictated, please excuse any spelling/grammatical errors 🇺🇸**

Joey Gilbert, Esq. | Attorney

405 Marsh Ave. Reno, NV 89509
P: 775-284-7700
F: 775-284-3809

website | vCard | email

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On Jul 26, 2023, at 2:36 PM, Richard McGuffin <rmcguffin@ajattorneys.com> wrote:

Mr. Gilbert,

I am writing you with an NRS 239 public records request (PRR) for the following information:

1. All email, text, and messaging apps messages, from Susan Jansen, David Burns, Catherine Dickerson, Doug Englekirk, and/or Joey Gilbert, and to Susan Jansen, David Burns, Catherine Dickerson, Doug Englekirk, and/or Joey Gilbert that pertain to:
 1. The discussions and the decision to terminate the RFP process put in place by the board in June.
 2. The discussions and the decision to fire previous legal counsel.
 3. The discussions and the decision to hire Joey Gilbert as the school district general counsel.
 4. Gilbert's ability and plan to help the district.

5. How to handle public comment at all future school board meetings, meaning, any specific changes being discussed.
6. Any discussions and/or decisions about future board agenda items.
7. Any discussions and/or decisions about potential future board agenda items.
8. Any discussions and/or decisions about Superintendent Keith Lewis, his job performance, the potential and/or procedure to fire Keith Lewis, the potential and/or procedure to void his contract and/or extension.
9. Any discussions and/or decisions regarding who to hire as the next superintendent.
- J. Any communications regarding school board business from May 15, 2023, to the present.

Notes:

1. We are specifically not looking for documents that are privileged by attorney client privilege. However, most of the communications prior to the July 19 meeting should be public record.
2. This PRR includes messages to and from third parties, so long as the message is related to the provision of public services.
3. All communications between the Trustees are subject to public records requests and should be produced within a reasonable time. Over two months, as was determined last time, is too long. The communications sought in this PRR, like the last, are in the custody and control of each of the trustees herein identified, as such, the extension of time provided by NRS 239.0107(b) is not applicable and should not be relied upon.
4. Emails and texts are open to public records requests whether they are found on personal or school email accounts, personal or school text messaging devices and accounts. Which means we are requesting any communications found in the direct messaging and comments areas (in apps like FaceBook, Instagram, Snapchat, etc.) for each of the five subjects of this PRR. See NRS 239.001(4) and related caselaw.
5. There are number apps that provide secure messaging. The PRR also requests copies of the messages in apps such as but not limited to: WhatsApp, Telegram, and Signal.
6. Previous records produced have shown a pattern of one or two of the trustees forwarding everything they received and send to a spouse. If a spouse or any other person is acting as an intermediary between the trustees as a way for them to communicate with each other communicating directly with each other. We request that these records also be forwarded to us as public records.

Kind regards,

Rich

RICHARD J. MCGUFFIN, ESQ.
276 Kingsbury Grade, Suite 2000 | Post Office Box 3390 | Lake Tahoe, Nevada 89449
☎ 775.588.6676 | 📠 775.588.4970 | ✉ rmcguffin@ajattorneys.com

<image001.gif>

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EXHIBIT 10

EXHIBIT 10

Richard McGuffin

From: Amber Kammann <amber@joeygilbertlaw.com> on behalf of Joey Gilbert <Joey@joeygilbertlaw.com>
Sent: Thursday, August 3, 2023 4:02 PM
To: Richard McGuffin
Cc: Amber Kammann; Kiera Sears
Subject: NRS 239 Public Records Request

Good Afternoon Mr. McGuffin,

I hope this finds you well on your Thursday.

Thank you so much for your email. In response to your July 26, 2023 public records request, please note the following:

As our law firm does not have legal custody or control of all the public records requested, and as the Douglas County School District, or one or more of its Board of Trustees have legal custody or control of one or more of the public records requested, and as we are unable to make such records available by the end of day today, we wish to provide you with notice that such records, as applicable, shall be made available to you by end of day (5pm PST) on August 13, 2023, which is the earliest date and time after which we reasonably believe the records will be available to deliver to you. Please note that DCSD is also still evaluating any privilege and reserves the right to assert statutory privilege with regard to records requested.

We apologize for any confusion regarding the number of business days required in responding to your request - we have today calendared as the date due given Ashura for those who observe.

We thank you for your consideration in this matter and look forward to working with you as always.

Best Regards,
JG

*Dictated to AK but not read by JG

Amber Kammann

Joey Gilbert Law

405 Marsh Ave | Reno, NV 89509 [map](#)

P: 775-284-7700 | F: 775-284-3809

[website](#) | [vCard](#) | [email](#) 