

REC'D & FILED
2026 MAR 23 PM 4:23

WILLIAM SCOTT HOEN
CLERK

BY E. TORRES

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2 CHRISTOPHER M. PETERSON, ESQ. (13932)
3 **AMERICAN CIVIL LIBERTIES**
4 **UNION OF NEVADA**
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6 North Las Vegas, NV 89032
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8 Facsimile: (702) 718-3213
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11 *Attorneys for Petitioner*

8 **FIRST JUDICIAL DISTRICT COURT**

9 **CARSON CITY, NEVADA**

10 AMERICAN CIVIL LIBERTIES UNION OF
11 NEVADA, a domestic nonprofit organization;

12 Petitioner,

13 vs.

14 THE STATE OF NEVADA, DEPARTMENT OF
15 MOTOR VEHICLES, a governmental entity,

16 Respondent.

Case No. 25 EW00026 1B

Dept. No. 2

17 **ACLU OF NEVADA'S MOTION TO COMPEL PRODUCTION AND ORAL**
18 **TESTIMONY**

18 Petitioner, American Civil Liberties Union of Nevada ("ACLU of Nevada"), by and
19 through counsel Sadmira Ramic, Esq. and Christopher M. Peterson, Esq. of the American Civil
20 Liberties Union of Nevada, hereby submits this Motion to Compel Production and Oral Testimony
21 requesting the Court to (1) order Respondent Nevada Department of Motor Vehicles ("DMV") to
22 produce additional documents identified by the DMV as responsive to ACLU of Nevada's public
23 records requests, or otherwise provide a basis for the withholding of each document as required by
24 NRS 239.0107(1)(d), and (2) grant ACLU of Nevada's request to take oral testimony of DMV

1 representatives with information pertaining to this matter. ACLU of Nevada has made a good faith
2 effort to resolve the issues raised in this Motion through conferral by email with counsel for DMV
3 on March 3, March 5, and March 18, 2026, as required by FJDCR 3.7. Despite these efforts, the
4 issues remain unresolved; counsel for DMV has refused to provide ACLU of Nevada the basis for
5 their withholding of documents responsive to ACLU of Nevada’s public records request as
6 required by NRS 239.0107(1)(d), and to date has not responded to ACLU of Nevada’s email
7 requesting a legal basis for its position that the records are confidential and whether the DMV
8 would oppose the ACLU of Nevada’s request for oral testimony.

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 **I. The Nevada Department of Motor Vehicles is violating the Nevada Public Records**
11 **Act by withholding documents without citing statutory or legal authority that**
12 **makes the records confidential.**

13 The DMV violated the Nevada Public Records Act (“NPR”) when it unduly delayed
14 production of public records, produced redacted records without citing to applicable legal authority
15 to justify such redactions, and refused to provide ACLU of Nevada with records responsive to its
16 public records requests, prompting ACLU of Nevada to file its Petition for Writ of Mandamus
17 before this Court. On multiple occasions, including at the hearing on February 6, 2026, the DMV
18 claimed it produced all documents responsive to ACLU of Nevada’s requests. DMV’s counsel has
19 since admitted that this is inaccurate and indicated in a filing that the DMV intended to file a
20 supplemental with the additional documents by February 20, 2026. Decl. Whelan ISO Supp. to
21 Opp. (“Decl. Whelan”) ¶ 23.

22 On March 2, 2026, after the DMV did not file a supplemental, ACLU of Nevada’s counsel
23 contacted DMV’s counsel via email and requested an update on when the documents would be
24 produced. Email re Additional Documents at 4, attached as Exhibit 1. The next day, the DMV filed
a supplemental identifying 110 documents that were unlawfully withheld. Defs’ Notice of Suppl.

1 at 2. Of those 110 documents, the DMV only produced seven. *Id.* The DMV did not identify the
2 remaining 103 documents, provide a legal basis for withholding the documents, nor produce a
3 privilege log, and refused to do so despite ACLU of Nevada reminding them that their refusal
4 violates the NPRA. Ex. 1 at 1-2.

5 NRS 239.0107(1)(d) requires that, if a governmental entity must deny a person’s request
6 because the public book or record, or a part thereof, is confidential, the entity must “provide to the
7 person, in writing: (1) [n]otice of that fact; and (2) [a] citation to the specific statute or other legal
8 authority that makes the public book or record, or a part thereof, confidential.” NRS
9 239.0107(1)(d). NRS 239.010(3) further provides that a governmental entity shall not deny a
10 request for a copy of a public record “on the basis that the requested public book or record contains
11 information that is confidential if the governmental entity can redact, delete, conceal or separate,
12 including, without limitation, electronically, the confidential information from the information
13 included in the public book or record that is not otherwise confidential.” The DMV has generally
14 claimed that the records it is withholding are confidential. Decl. Whelan ¶ 24; Ex. 1 at 2.

15 DMV’s counsel stated that the privilege log was provided to the Court and they could not
16 provide it to ACLU of Nevada’s counsel because “the log risks revealing certain of the confidential
17 information that we have withheld.” Ex. 1 at 2. DMV’s counsel also claimed that the DMV had
18 “no obligation under the NPRA to produce a log of documents withheld on the basis of
19 confidentiality” and that if the ACLU of Nevada disagreed, it could oppose the motion to seal.¹ *Id.*
20 ACLU of Nevada’s counsel responded to the email outlining the requirements under the NPRA
21 and expressed its concerns that the ACLU of Nevada cannot determine the accuracy of the DMV’s

22
23 ¹ On February 13, 2026, the DMV filed a motion to seal unredacted copies of the documents
24 provided by the DMV to the ACLU of Nevada, but this motion did not incorporate the 103
undisclosed documents. To ACLU of Nevada’s knowledge, no other motions to seal documents
were filed.

1 assertions that the records are confidential without a privilege log or at least identification of the
2 documents and citations to legal authority under Nevada law supporting their assertions. Ex. 1-2.
3 ACLU of Nevada has not received a response to these requests.

4 The DMV's general assertions that it is withholding the records because they are
5 confidential and its refusal to provide ACLU of Nevada with a written citation to the specific
6 statute or legal authority that makes each public book or record confidential, violates NRS
7 239.0107(1)(d). Ex. 1 at 1-2. As such, Petitioners request this Court order the DMV to provide
8 ACLU of Nevada the records responsive to ACLU of Nevada's requests, or to otherwise provide
9 ACLU of Nevada with the statutory or legal authority that makes each record, or part thereof,
10 confidential.

11 **II. Oral testimony from DMV representatives is necessary to clarify the record and**
12 **determine the status of ACLU of Nevada's records requests.**

13 During the hearing on ACLU of Nevada's Petition for Writ of Mandamus on February 6,
14 2026, counsel for Petitioner proposed taking live testimony of DMV representatives. At that time,
15 the Court determined the request was premature and it would be beneficial to first receive
16 declarations from DMV representatives. Given the fact that the DMV and its representatives have
17 provided inaccurate and conflicting information at the hearing on February 6, 2026, in the filings
18 before this Court, and within their declarations, ACLU of Nevada respectfully requests this Court
19 to allow Petitioner to take oral testimony of DMV representatives Adrianna Vela, J.D. Decker,
20 Tonya Laney, and any other DMV representative with information related to this matter. *Compare*
21 *Opp. to Writ at 9:4-5* (stating Signal messages are not used to conduct public business at the DMV)
22 *with Decl. Decker ISO Supp. to Opp. ("Decl. Decker") ¶¶ 14-19* (discussing DMV's Compliance
23 Enforcement Division's use of Signal); *Opp. at 8:21-23* (discussing DMV telling ACLU of Nevada
24 it does not conduct official business via fax) *with Decl. Vela ISO Supp. to Opp. ("Decl. Vela") ¶¶*

1 37-38 (discussing DMV's receipt of faxes); Decl. Vela ¶¶ 38, 40 (stating Decker did not inform
2 her of any Signal use by CED in August email and she was told by Decker the DMV does not use
3 Signal) *with* Decl. Decker ¶ 30 (stating that the Records Section did not ask CED about Signal
4 communications until after the Court's February 6, 2026 hearing); *see also* Decl. Whelan ¶¶ 18-
5 24 (correcting misstatements on the record regarding DMV's use of signal and disclosure of all
6 documents responsive to ACLU of Nevada's records requests). Oral testimony is necessary to
7 provide Petitioner and this Court with clarification on the handling of ACLU of Nevada's public
8 records requests and to help determine which requests are still outstanding, who is in possession
9 of outstanding documents, and the basis for the withholding of any responsive records. *See Nelson*
10 *v. Eighth Judicial Dist. Court of Nev.*, 521 P.3d 1179, 1185 (Nev. 2022) (acknowledging the
11 district court's discretion to hold an evidentiary hearing where fact and credibility determinations
12 are necessary); *United Commercial Ins. Serv., Inc. v. Paymaster Corp.*, 962 F.2d 853, 858 (9th
13 Cir. 1992) ("Where factual questions not readily ascertainable from the declarations of witnesses
14 or questions of credibility predominate, the district court should hear oral testimony").

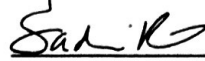
15 CONCLUSION

16 ACLU of Nevada respectfully requests that this Court to (1) order the DMV to produce the
17 additional documents responsive to ACLU of Nevada's public records requests referenced in Ms.
18 Whelan's declaration, or otherwise provide a statutory or legal basis for the withholding of each
19 document as required by NRS 239.0107(1)(d), and (2) grant ACLU of Nevada's request to take
20 oral testimony of DMV representatives with information related to this matter, including but not
21 limited to: Arianna Vela, the Records Custodian for the Nevada Department of Motor Vehicles;
22 J.D. Decker, Chief of the Nevada Department of Motor Vehicles' Compliance Enforcement
23 Division; and Tonya Laney, the Director of Nevada Department of Motor Vehicles.

1 Dated March 23, 2026.

2 Respectfully Submitted:

3 **AMERICAN CIVIL LIBERTIES**
4 **UNION OF NEVADA**

5 

6 SADMIRA RAMIC, ESQ. (15984)

7 4362 W. Cheyenne Ave.

8 North Las Vegas, NV 89032

9 Telephone: (702) 366-1226

10 Facsimile: (702) 718-3213

11 Emails: ramic@aclunv.org

12 *Attorney for Petitioner*

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CERTIFICATE OF SERVICE

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I hereby certify that on March 23, 2026, I deposited for mailing in the United States Mail, first-class postage prepaid, a true and correct copy of the forgoing MOTION TO COMPEL PRODUCTION AND ORAL TESTIMONY addressed to the following:

Jessica E. Whelan
Abigail L. Pace
State of Nevada Office of the Attorney General
1 State of Nevada Way, Suite 100
Las Vegas, NV 89119

Attorneys for State of Nevada Department of Motor Vehicles

/s/ Suzanne Lara
SUZANNE LARA
An employee of the ACLU of Nevada

EXHIBIT 1

Email re Additional Documents

From: [Sadmira Ramic](#)
To: "[Jessica E. Whelan](#)"; "[Jeny M. Beesley](#)"; [Chris Peterson](#)
Cc: "[Abigail L. Pace](#)"
Subject: RE: ACLUNV v. DMV Re: Additional Documents
Date: Wednesday, March 18, 2026 2:56:00 PM

Good afternoon,

I am following up on the email below.

In addition to our request for the undisclosed documents, we think it is appropriate that DMV representatives provide in court testimony regarding how the public records requests were handled. Do you intend to oppose this request?

I am available to hop on a call tomorrow if you think it would be helpful.

Thanks,
Sadmira

From: Sadmira Ramic
Sent: Thursday, March 5, 2026 9:45 AM
To: Jessica E. Whelan <JWhelan@ag.nv.gov>; Jeny M. Beesley <JBeesley@ag.nv.gov>; Chris Peterson <peterson@aclunv.org>
Cc: Abigail L. Pace <APace@ag.nv.gov>
Subject: RE: ACLUNV v. DMV Re: Additional Documents

Good morning,

Under the NPRA, if all or any part of this request is denied, Nevada law requires that the DMV provide a written statement of the grounds for the denial, citing to the Nevada law or regulations under which it believes it may deny access for *each* document. NRS 239.0107 (1)(d) (emphasis added). Furthermore, a governmental entity that has legal custody or control of a public book or record shall not deny a request on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential. NRS 239.010(3).

This information is typically conveyed through a privilege log, especially when, as here, there are large number of records being withheld. Simply stating that they are being withheld because of confidentiality is not enough, and failure to follow the process outlined in the NPRA is a violation of the NPRA.

The Court ordered that a privilege log be provided for the records that were produced but redacted. I don't see why the same would not be applicable to the 103 documents that were never disclosed. Without the privilege log, there is no way for us to determine whether the DMV's assertions that the records are confidential are accurate.

As such, at minimum, the DMV must follow the process in the NPRA; identify each document being withheld and cite to applicable Nevada law that justifies its withholding of the documents, and if any of the documents can be produced in redacted form, it must do so.

Thanks,
Sadmira

From: Jessica E. Whelan <JWhelan@ag.nv.gov>
Sent: Tuesday, March 3, 2026 4:36 PM
To: Sadmira Ramic <ramic@aclunv.org>; Jeny M. Beesley <JBeesley@ag.nv.gov>; Chris Peterson <cpeterson@aclunv.org>
Cc: Abigail L. Pace <APace@ag.nv.gov>
Subject: RE: ACLUNV v. DMV Re: Additional Documents

This Message Is From an External Sender

This message came from outside your organization.

Hi Sadmira,

Paragraph 24 of my declaration clearly states that we intended to provide the Court with the log; our position, which is state in our motion to seal, is that disclosure of the log risks revealing certain of the confidential information that we have withheld. There also is no obligation under the NPRA to produce a log of documents withheld on the basis of confidentiality. To the extent you disagree, you may oppose our motion to seal and let the Court decide. But we cannot agree to release the log at this time.

Thank you,
Jessica

From: Sadmira Ramic <ramic@aclunv.org>
Sent: Tuesday, March 3, 2026 3:39 PM
To: Jeny M. Beesley <JBeesley@ag.nv.gov>; Chris Peterson <cpeterson@aclunv.org>
Cc: Jessica E. Whelan <JWhelan@ag.nv.gov>; Abigail L. Pace <APace@ag.nv.gov>
Subject: RE: ACLUNV v. DMV Re: Additional Documents

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Good afternoon,

Can you please provide the log identifying any withheld documents and the basis for their non-

production as referenced in ¶ 24 of Ms. Whelan's declaration?

Thank you,

From: Jeny M. Beesley <JBeesley@ag.nv.gov>

Sent: Tuesday, March 3, 2026 3:22 PM

To: Sadmira Ramic <ramic@aclunv.org>; Chris Peterson <peterson@aclunv.org>

Cc: Jessica E. Whelan <JWhelan@ag.nv.gov>; Jeny M. Beesley <JBeesley@ag.nv.gov>; Abigail L. Pace <APace@ag.nv.gov>

Subject: RE: ACLUNV v. DMV Re: Additional Documents

Good afternoon,

Attached please find State Defendants' Notice of Supplemental Records Production to the ACLU. Please note that this has also been mailed to your office.

Thank you.

Jeny M. Beesley
AG Legal Secretary to
Jessica E. Whelan, Chief Deputy Solicitor General – Litigation
Kyle J. Hoyt, Senior Deputy Attorney General
Abigail L. Pace, Senior Deputy Attorney General
Complex Litigation Division
Office of the Attorney General
1 State of Nevada Way, Suite 100
Las Vegas, Nevada 89119
Phone: 702-486-3216
jbeesley@ag.nv.gov



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From: Sadmira Ramic <r.amic@aclunv.org>

Sent: Monday, March 2, 2026 9:17 AM

To: Jessica E. Whelan <jwhelan@ag.nv.gov>; Abigail L. Pace <APace@ag.nv.gov>

Cc: Chris Peterson <peterson@aclunv.org>

Subject: ACLUNV v. DMV Re: Additional Documents

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

Hope you all had a good weekend.

Do you know when the DMV will produce the additional documents that were identified in Ms. Whelan's declaration? The declaration stated that the documents would be produced by February 20, 2026, but to my knowledge nothing was filed with the Court for in camera review nor did we receive any documents directly.

Thank you,

Sadmira Ramic, Esq. (*she/her*)

Senior Staff Attorney

ACLU of Nevada

Phone: 775-828-2210

Address: 4362 W. Cheyenne Ave | North Las Vegas, Nevada 89032