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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
MOTOR VEHICLES, a governmental entity,

15 Respondent.

Case No. 25 EW00026 1B

Dept. No. 2

16
17 **ACLU OF NEVADA'S REPLY IN SUPPORT OF MOTION TO COMPEL**
18 **PRODUCTION AND ORAL TESTIMONY**

19 Petitioner, American Civil Liberties Union of Nevada ("ACLU of Nevada"), by and
20 through counsel Sadmira Ramic, Esq. and Christopher M. Peterson, Esq. of the American Civil
21 Liberties Union of Nevada, hereby submits this Reply in Support of Motion to Compel Production
22 and Oral Testimony.
23
24

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. Relevant Facts**

3 On March 27, 2026, 4 days after Petitioner’s Motion to Compel Production and Oral
4 Testimony (“Motion”) was filed, counsel for the DMV (“DMV counsel”) emailed counsel for
5 ACLU of Nevada (“ACLU counsel”) requesting a meet and confer to discuss potential resolution
6 of the privilege log issue. Email re Motion to Compel at 1, attached as Ex. 1. The parties met and
7 conferred via videoconference the following week. *See* Decl. of Sadmira Ramic ISO Reply ISO
8 Mot. to Compel (“Ramic Decl.”) ¶ 18, attached as Ex. 2; Opp. to Mot. to Compel (“Opp.”) at 4.
9 At the meeting, DMV counsel indicated that the DMV would produce the privilege log and asked
10 for ACLU of Nevada to withdraw its Motion. Ramic Decl. at ¶ 19. In response, ACLU counsel
11 asked if the DMV would agree to DMV representatives testifying at a hearing. *Id.* at ¶ 20. DMV
12 counsel indicated that they could not agree to that without speaking to their client. *Id.* at ¶ 21. The
13 parties agreed that DMV counsel would speak to the DMV about giving testimony and follow up
14 with a response. *Id.* at ¶ 21. To date DMV counsel has not conveyed to ACLU counsel whether the
15 DMV agreed to ACLU of Nevada’s proposal. *Id.* at ¶ 22.

16 In its opposition to the Motion, DMV counsel emphasized the need for a meet and confer
17 and insists that motion practice could have been avoided had the ACLU engaged in full, good faith
18 efforts. Opp. at 5. However, the parties did meet and confer on March 27, 2026, and as outlined
19 below, ACLU counsel repeatedly reached out to DMV counsel via email prior to filing the Motion.
20 Neither resulted in a resolution of all the issues in the Motion, and the only response received by
21 ACLU of Nevada’s counsel from DMV’s counsel prior to the meet and confer was an invitation
22 to oppose a motion that does not exist. Mot. to Compel, Ex. 1 at 2.

23 In its filing to this Court, DMV counsel admitted that there were misrepresentations about
24 whether all documents responsive to ACLU of Nevada’s requests were produced and the DMV

1 intended to file a supplemental with the additional documents by February 20, 2026. Decl. Whelan
2 ISO Suppl. to Opp. (“Decl. Whelan”) ¶ 23.

3 On March 2, 2026, nearly two weeks after the supplemental responses were supposed to
4 be filed, ACLU counsel contacted DMV counsel via email and requested an update on when the
5 documents would be produced. Mot. to Compel, Ex. 1 at 4. DMV counsel never replied. Instead,
6 the next day, the legal secretary for DMV counsel sent an email with an attachment of a
7 supplemental that was filed that day. *Id.* at 3. The supplemental identified 110 documents that were
8 unlawfully withheld, but only seven were produced to the ACLU of Nevada. Defs.’ Notice of
9 Suppl. at 2.

10 ACLU counsel reached out to DMV counsel the same day and requested the privilege log
11 referenced in the supplemental. Mot. to Compel, Ex. 1 at 2-3. DMV counsel responded that there
12 is no obligation under the Nevada Public Records Act (NPRa) to produce a privilege log and
13 therefore it would not do so. *Id.* at 2. DMV counsel directed ACLU counsel to file an opposition
14 to the DMV’s motion to seal. *Id.* However, that motion was not included with the filing served on
15 ACLU of Nevada, and to ACLU of Nevada’s knowledge, that motion is nonexistent.¹ Ramic Decl.
16 at ¶ 9. On March 5, 2026, ACLU counsel responded and explained the DMV’s obligations under
17 the NPRa, including the DMV’s obligation to provide a basis for their withholding of documents
18 responsive to ACLU of Nevada’s public records request. Mot. to Compel, Ex. 1 at 1-2. ACLU
19 counsel never received a response from DMV counsel.

20 After 2 weeks passed with no response from DMV counsel, on March 18, 2026, ACLU
21 counsel sent a follow-up email to the March 5 email. Mot. to Compel, Ex. 1 at 1. The email was
22 sent to Ms. Whelan, Ms. Pace, and their legal secretary, Ms. Beesley. *Id.* In addition to addressing

23 ¹ To the extent DMV’s counsel is referring to the motion to seal filed on February 13, 2026, that
24 motion sought to seal documents already produced to ACLU of Nevada with redactions and did
not incorporate the 103 undisclosed documents.

1 the NPRA obligations previously raised, ACLU counsel asked DMV counsel if they would oppose
2 its request for court testimony from DMV representatives and stated that they were available for a
3 call if necessary. *Id.* ACLU counsel, again, never received a response from DMV counsel.

4 The information DMV counsel relies on to argue that ACLU of Nevada rushed to file its
5 Motion and acted in bad faith is not accurate. First, DMV counsel stated that ACLU counsel
6 received out of office *replies* when the March 18 email was sent. *Opp.* at 3, 5. However, ACLU
7 counsel only received an out-of-office reply from Ms. Pace. *See* Ramic Decl. at ¶¶ 15-16. Second,
8 DMV counsel’s suggestion that ACLU counsel should have contacted their assistant before filing
9 the Motion is illogical given that their secretary was included in the original email. *See* Mot. to
10 Compel, Ex. 1 at 1 (listing “Jeny M. Beesley” as a recipient of the email).

11 **II. ACLU of Nevada complied with conferral requirements pursuant to FJDCR 3.7**
12 **prior to filing the motion to compel.**

13 ACLU of Nevada has made a good faith effort to resolve the issues raised in its Motion
14 through conferral by email with DMV counsel on March 3, March 5, and March 18, 2026, as
15 required by FJDCR 3.7. Despite these efforts, DMV counsel never responded. DMV counsel now
16 claims ACLU counsel did not satisfy the requirements under FJDCR 3.7 because no actual meeting
17 took place before the motion was filed. *Opp.* at 4-5. However, DMV counsel’s repeated failure to
18 respond to multiple emails contributed to the parties not meeting in person, by phone, or
19 videoconference, and no provision within FJDCR mandates a meet and confer be done by those
20 methods.

21 FJDCR 3.7(b) states: “[b]efore filing any motion, except as provided below in this
22 subsection, the party must confer with the opposing attorneys or self-represented parties and make
23 a good faith effort, including the exchange of names of witnesses and documents that support each
24 party’s contentions, to resolve the issue raised in the motion.” The rule only requires that the party

1 filing the motion confer with the opposing attorney. No provision within the rule requires meeting
2 face-to-face, telephonically, or by videoconference. DMV conflates the conferral requirement in
3 FJDCR 3.7(b) with a “meet-and-confer” under the federal standard. Opp. at 4. *Compare* LR IA 1-
4 3(f) (using the term “meet and confer” and explicitly stating that it “means to communicate directly
5 and discuss in good faith the issues required under the particular rule or court order” which cannot
6 be satisfied “exchange of written, electronic, or voice-mail communications”) with FJDCR 3.7(b)
7 (using the term “confer” and listing example methods of conferring as “in person, by telephone,
8 letter, etc.”). And the parties did meet and confer before the Court ruled on the Motion and the
9 issues remain unresolved.

10 **III. The production of a privilege log by the DMV does not render the issue moot.**

11 ACLU of Nevada’s Motion requests that this Court order the DMV to provide ACLU of
12 Nevada the records responsive to ACLU of Nevada's requests, or to otherwise provide ACLU of
13 Nevada with the statutory or legal authority that makes each record, or part thereof, confidential.
14 While the DMV has provided a privilege log, issues remain concerning whether the documents
15 were withheld in violation of the NPRA. As such, the issue is not moot.

16 **IV. ACLU of Nevada’s motion to compel oral testimony is not a request for
17 discovery—it seeks oral testimony of declarants to clarify misrepresentations
18 made by them to the ACLU of Nevada and this Court.**

18 Nothing within the Nevada Rules of Civil Procedure (NRCP) limits motions to compel to
19 discovery issues. In fact, other rules within NRCP provide that a motion to compel is a proper
20 mechanism for obtaining information that the other party has refused to provide. *See e.g.* NRCP
21 45 (c)(2)(B)(ii) (“the party serving the subpoena may move the court that issued the subpoena for
22 an order compelling production or inspection”).

23 The DMV’s reliance on *Okada v. Eighth Judicial Dist. Ct.*, 134 Nev. 6, 408 P.3d 566
24 (2018) is misplaced. First, the issues in this case are not related to discovery requests like in *Okada*

1 but misrepresentations made by DMV representatives in their declarations in support of their legal
2 filings, and compelling live testimony is warranted to clarify the record and assess credibility.
3 Second, the Court in *Okada* was specifically interpreting a "request... to obtain any information or
4 data" as used in the "gaming privilege" statute and is wholly unrelated to compelling testimony of
5 a declarant. *Okada*, 134 Nev. at 12, 408 P.3d at 571. The Nevada Supreme Court has recognized
6 that district courts should hold an evidentiary hearing when, as here, fact
7 and credibility determinations must be made. *Nelson v. Eighth Judicial Dist. Court of Nev.*, 138
8 Nev. 824, 830, 521 P.3d 1179, 1185 (2022).

9 **V. Conclusion**

10 The Court should grant ACLU of Nevada's Motion to Compel Production and Oral
11 Testimony.

12
13 Dated April 17, 2026.

14
15 **AMERICAN CIVIL LIBERTIES
UNION OF NEVADA**

16 

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INDEX OF EXHIBITS

EXHIBIT	Description
1	Email re Motion to Compel
2	Declaration of Sadmira Ramic in Support of Reply in Support of Motion to Compel

DATED April 17, 2026.

/s/ Sadmira Ramic
Sadmira Ramic
Las Vegas, Nevada 89032

CERTIFICATE OF SERVICE

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I hereby certify that on April 17, 2026, I deposited for mailing in the United States Mail, first-class postage prepaid, a true and correct copy of the forgoing **REPLY IN SUPPORT OF 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

Motion to Compel

ACLU v. DMV - motion to compel

From Jessica E. Whelan <JWhelan@ag.nv.gov>

Date Fri 3/27/2026 4:02 PM

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

Cc Abigail L. Pace <APace@ag.nv.gov>; Jeny M. Beesley <JBeesley@ag.nv.gov>

This Message Is From an External Sender

This message came from outside your organization.

Sadmira and Chris,

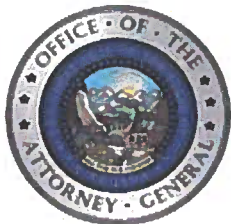
I wanted to reach out regarding the ACLU's motion to compel in the DMV matter to see if we could come to a resolution without court involvement. I know we had prior email communication on the issue of the log, but I had hoped that, before any motion practice, we could have had a proper meet and confer by phone or video. Also, I apologize for the lack of response to your email last week; both Abby and I were out of the office for spring break travel.

I think we can likely come to some resolution on disclosure of the log. I think given the Court's setting of a hearing for April, it would be best if we could resolve the log issue so that you have a sense of what the documents we filed for *in camera* review are.

Are you available for a phone call early next week to discuss? If so, please let me know your availability.

Thank you,
Jessica

Jessica E. Whelan
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Office of the Attorney General
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EXHIBIT 2

**Declaration of Sadmira Ramic
in Support of Reply in
Support of Motion to Compel**

1 **DECL**
2 SADMIRA RAMIC, ESQ. (15984)
3 CHRISTOPHER M. PETERSON, ESQ. (13932)
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12 *Attorneys for Petitioner*

8 **FIRST JUDICIAL DISTRICT COURT**

9 **CARSON CITY, NEVADA**

11 AMERICAN CIVIL LIBERTIES UNION OF
12 NEVADA,

13 **Petitioner,**

14 vs.

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

17 **Respondent.**

Case No.: 25EW000261B

Department II

17 **DECLARATION OF SADMIRA RAMIC IN SUPPORT OF REPLY IN SUPPORT**
18 **OF MOTION TO COMPEL PRODUCTION AND ORAL TESTIMONY**

19 I, Sadmira Ramic, hereby declare as follows:

- 20 1. I am the Senior Staff Attorney of the American Civil Liberties Union of Nevada.
- 21 2. I make this declaration in support of Reply in Support of Motion to Compel Production
- 22 and Oral Testimony.

1 3. On March 2, 2026, I contacted Counsel for the DMV ("DMV Counsel") via email and
2 requested an update regarding when the DMV would produce the documents it previously failed
3 to disclose and had indicated would be filed by February 20, 2026.

4 4. DMV Counsel never responded to this email.

5 5. On March 3, 2026, DMV Counsel's secretary replied to the email and attached a notice of
6 supplemental that was filed that same day.

7 6. The notice identified 103 documents that were not disclosed to the ACLU of Nevada.

8 7. That same day, I emailed DMV Counsel about obtaining the privilege log referenced in
9 DMV Counsel's declaration.

10 8. DMV Counsel refused to provide the privilege log and indicated that I could file an
11 opposition to the DMV's Motion to Seal.

12 9. A motion to seal was not included in the Notice of Supplemental provided to me via email
13 on March 3, 2026, by DMV Counsel's legal secretary nor was it served with the copy received by
14 my office via mail.

15 10. On March 5, 2026, I sent an email to DMV counsel and explained the DMV's obligations
16 under the NPRPA, including the DMV's obligation to provide a basis for their withholding of
17 documents responsive to ACLU of Nevada's public records request.

18 11. I never received a response from DMV Counsel to my March 5, 2026, email.

19 12. On March 18, 2026, I send a follow up email to DMV Counsel which included email
20 addresses for Ms. Whelan, Ms. Pace, and Ms. Beesley.

21 13. In the email I followed up on my previous request for the privilege log and asked whether
22 DMV Counsel would oppose our request for oral testimony from DMV representatives.

23 14. A true and correct copy depicting these email exchanges is attached as Exhibit 1 to ACLU
24 of Nevada's Motion to Compel Production and Oral Testimony.

1 15. After sending the March 18, 2026, email, I received an “out of office” reply from Ms.
2 Pace.

3 16. I did not receive an “out of office” reply from Ms. Whelan.

4 17. On March 27, 2026, I received an email from Ms. Whelan requesting a meet and confer
5 to discuss the motion to compel and the possibility of resolving the issues related to the privilege
6 log.

7 18. Ms. Whelan, Ms. Pace, and I conferred via video on April 1, 2026.

8 19. During the video conference, Ms. Whelan indicated that the DMV could provide the
9 privilege log filed with the Court and asked if ACLU of Nevada would withdraw its motion to
10 compel.

11 20. In response to Ms. Whelan’s request to withdraw the motion, I asked if the DMV would
12 agree to DMV representatives providing oral testimony.

13 21. Ms. Whelan indicated that she would have to discuss that proposal with her client and
14 would follow up after speaking with them.

15 22. I never received follow up information about the DMV’s position on ACLU of Nevada’s
16 proposal.

17 I declare under penalty of perjury under NRS 53.045 that the foregoing is true and correct.

18 DATED: April 17, 2026

19 

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