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7  
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*Melanie Andress-Tobiasson*

9  
10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 MELANIE ANDRESS-TOBIASSON,

CASE NO.

13 Plaintiff,

14 vs.

15 NEVADA COMMISSION ON JUDICIAL  
DISCIPLINE; GARY VAUSE; PAUL C.  
16 DEYHLE; KARL ARMSTRONG; JOSEPH  
SANFORD; STEPHANIE HUMPHREY;  
17 BRIAN HUTCHINS; THOMAS C.  
BRADLEY; RICHARD DREITZER;  
18 JEROME POLAHA; THOMAS L.  
STOCKARD, III; BRUCE HAHN; ADAM  
19 WYGNANSKI; DOES I through XX; and  
ROE COMPANIES I through XX, inclusive,

20 Defendants.

21 **VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT,**  
22 **INJUNCTIVE RELIEF, MONETARY DAMAGE AND JURY DEMAND**

23 COMES NOW, Plaintiff, MELANIE ANDRESS-TOBIASSON (“Plaintiff” or “Judge  
24 Tobiasson”), by and through her counsel of record, Marc P. Cook, Esq., and Thomas R. Sheets,  
25 Esq., of the law firm of Cook & Kelesis, Ltd., and hereby brings this action pursuant to 42 U.S.C.  
26 §1983, §1985, Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. §2000e, *et seq.*  
27 (“Title VII”) and related claims for damages permitted by Nevada law.

28 **PRELIMINARY STATEMENT**

1. This is a civil action for monetary relief arising from injuries Plaintiff sustained as a result

1 of the illegal, conspiratorial actions of the Defendants. Their actions are Constitutionally  
2 violative and were deliberately undertaken to suppress the free speech of a duly elected judge  
3 and infringe on her due process rights through contrived, retaliatory means that abused the  
4 process against Plaintiff's rights as an individual, parent and judicial officer Defendants' actions  
5 are unconstitutional and directly restrain Plaintiff's Constitutional rights. The herein described  
6 actions would not have been taken against her but for the political nature of the speech in which  
7 she is entitled to engage as a mother, citizen and judge. Moreover, none of the speech and/or  
8 conduct sought to be restrained occurred while Plaintiff was acting in a judicial capacity. The  
9 Defendants, and each of them, have violated and abused statutes, regulations, procedural rules  
10 and, in fact, created alternative rules and criteria in a concerted, coordinated effort to chill  
11 Plaintiff's free speech and undermine and abridge her free expression and due process rights.

12 2. This civil action which challenges the constitutionality, facially and as applied, of certain  
13 Nevada canons of judicial ethics being used against a duly elected judicial official to restrict and  
14 chill First Amendment speech and Fourteenth Amendment rights.

15 3. The free speech rights of Plaintiff have already been restricted and subverted and the  
16 effort continues to chill her protected rights to speech. This harm is continuing and, in fact,  
17 increasing as it forces her and other judges to engage in self-censorship and seeks to punish  
18 Plaintiff for opining on and disclosing inappropriate actions and inactions on the part of  
19 government officials and employees, none of which is alleged to be false.

20 4. The nature, degree and extent of the harm is being exacerbated by the extraordinarily long  
21 period of time over which the claims against Plaintiff have been allowed to fester. A citizen, a  
22 mother, and an elected official should not be forced to choose between speech and sanction  
23 merely because she is a judge. Nonetheless, the alleged ethics violations being pursued by the  
24 Nevada Commission on Judicial Discipline ("NCJD") rest virtually and entirely upon First  
25 Amendment speech and conduct about key public issues. The ethics allegations are content  
26 based, overbroad and vague.

27 5. The Nevada Canons of Judicial Ethics as written and as being applied by the NCJD are  
28 thus, on a collision course with the First and Fourteenth Amendments, in which, among other

1 things, any attempt to curb or silence such speech must satisfy the most exacting scrutiny. The  
2 Defendant can make no such showing here. On their face and as applied to Plaintiff, the Canons  
3 ban far more speech than is necessary and, by their express terms, certain Canons apply to  
4 conduct, not speech. Moreover, the process used to ostensibly enforce these Canons is  
5 subjective, haphazard and unevenly applied from case to case. Accordingly, these Canons are  
6 unenforceable against Plaintiff for the speech that is the subject matter of the ongoing NCJD  
7 investigation and complaint against her.

8 6. The First Amendment problem is especially magnified here, wherein the speech is not  
9 only political in nature, but addresses concerns as a mother. There is no allegation that the  
10 statements she made are unprotected or even inaccurate, and certainly no allegation exists that  
11 these statements were made from the bench, on the bench, or even with regard to a case before  
12 her. The NCJD and individuals named all seek in some way to see the Plaintiff sanctioned for  
13 free speech because her words were critical of the conduct of the government and its officials.

#### 14 JURISDICTION AND VENUE

15 7. This Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §§1331, §1343  
16 and §1367. Plaintiff has pled one or more federal questions. See e.g. 42 U.S.C. §1983, §1985,  
17 Title VI of the 1964 Civil Rights Act, *amended*, 42 U.S.C. §2000 et seq.

18 8. This Court has jurisdiction to render declaratory and injunctive relief under 28 U.S.C.  
19 §§ 2201 and 2202, and Federal Rule of Civil Procedure ("FRCP") 65.

20 9. This Court has pendant jurisdiction over the state law claims.

21 10. The acts set forth herein occurred in Clark County, Nevada. Plaintiff's cause of action  
22 arose in Clark County, Nevada.

23 11. Venue is appropriate pursuant to 28 U.S.C. § 1391(b) because one or more of the named  
24 Defendants reside in this judicial district and the events, acts and/or omissions giving rise to  
25 Plaintiff's claims occurred in the State of Nevada, County of Clark.

#### 26 PARTIES

27 12. Judge Tobiasson, is a resident of the State of Nevada. She is an elected Justice of the  
28 Peace. Judge Tobiasson is currently the subject of a related complaint by the NCJD.

1 13. Plaintiff was a Deputy District Attorney from 1993 to May, 1998. She served as a Justice  
2 of the Peace Pro Tem from 1999 to 2009. In June 2009, Plaintiff was appointed to the Las Vegas  
3 Justice Court bench and was subsequently retained by voters. Since 2009, Plaintiff has been  
4 successfully been retained three (3) times, running unopposed in each election. Her current term  
5 of office runs through 2024.

6 14. Plaintiff is also the mother of two children. At the times central to this Complaint, both  
7 children were minors.

8 15. Plaintiff was an active volunteer for the Trauma Intervention Program of Southern  
9 Nevada (“TIP”) from 2007 to 2017 where she regularly responded to emergency and trauma  
10 scenes, including but not limited to, natural deaths, car accidents, suicides, drownings, fires, etc.  
11 to assist family members, witnesses and other bystanders directly on-scene during the  
12 investigations.

13 16. Judge Tobiasson has also served on the TIP Board of Directors and the Advisory Board  
14 of U.S. Vets, where she worked extensively with Veterans in the community and the criminal  
15 justice system.

16 17. Defendant, NCJ D, is a state commission comprised of members appointed to serve  
17 limited terms with authority to pursue complaints against judicial officers pursuant to NRS  
18 §1.425 through §1.4695. The NCJD is a government entity that is able to sue and be sued. There  
19 are seven regular members of the NCJD. Three are appointed by the Nevada Governor, two are  
20 appointed by the Nevada Supreme Court and two are appointed by the State Bar of Nevada  
21 Board of Governors.

22 18. Defendant, Gary Vause (“Commissioner Vause”), is a resident of the State of Nevada.  
23 He is a Commissioner and panel member of the NCJD appointed by the Governor. He is being  
24 sued in his official capacity. To the extent certain actions were taken outside of, in spite of or  
25 instead of the rules, statutes and regulations governing the NCJD, Vause is sued in his individual  
26 capacity.

27 19. Defendant, Paul C. Deyhle (“Director Deyhle”), is a resident of the State of Nevada. He  
28 is an employee of the State of Nevada. He is the Executive Director also acting as General

1 Counsel, individual investigator, complainant, potential witness, staff supervisor, director of  
2 investigative activities by third party investigators, and hiring agent and collaborator with the  
3 Prosecuting Officers for the NCJD. He is being sued in his official capacity. To the extent  
4 certain actions were taken outside of, in spite of or instead of the rules, statutes and regulations  
5 governing the NCJD, Deyhle is sued in his individual capacity.

6 20. Defendant, Karl Armstrong (“Commissioner Armstrong”), is a resident of the State of  
7 Nevada. He is an employee of the State of Nevada. He is an appointed Commissioner and panel  
8 member of the NCJD appointed by the State Bar of Nevada Board of Governors. He is being  
9 sued in his official capacity. To the extent certain actions were taken outside of, in spite of or  
10 instead of the rules, statutes and regulations governing the NCJD, Armstrong is sued in his  
11 individual capacity.

12 21. Defendant, Joseph Sanford (“Commissioner Sanford”), is a resident of the State of  
13 Nevada. He is a Commissioner and panel member of the NCJD appointed by the Governor. He  
14 is being sued in his official capacity. To the extent certain actions were taken outside of, in spite  
15 of or instead of the rules, statutes and regulations governing the NCJD, Sanford is sued in his  
16 individual capacity.

17 22. Defendant, Stephanie Humphrey (“Commissioner Humphrey”), is an adult resident of the  
18 State of Nevada. She is a retired State of Nevada employee. She is a Commissioner and panel  
19 member of the NCJD appointed by the Governor. She is being sued in her official capacity. To  
20 the extent certain actions were taken outside of, in spite of or instead of the rules, statutes and  
21 regulations governing the NCJD, Humphrey is sued in her individual capacity.

22 23. Defendant, Jerome Polaha (“Commissioner Polaha”), is a resident of the State of  
23 Nevada. He was a member of the Commission at the time of the vote to issue the FSC and panel  
24 member of the NCJD appointed by the Nevada Supreme Court. He is being sued in his official  
25 capacity. To the extent certain actions were taken outside of, in spite of or instead of the rules,  
26 statutes and regulations governing the NCJD, Polaha is sued in his individual capacity.

27 24. Defendant, Thomas L. Stockard, III (“Commissioner Stockard”), is a resident of the State  
28 of Nevada. He is a Commissioner and panel member of the NCJD appointed by the Nevada

1 Supreme Court. He is being sued in his official capacity. To the extent certain actions were  
2 taken outside of, in spite of or instead of the rules, statutes and regulations governing the NCJD,  
3 Stockhard is sued in his individual capacity.

4 25. Defendant, Bruce Hahn (“Commissioner Hahn”), is a resident of the State of Nevada.  
5 He was a member of the Commission at the time of the vote to issue the FSC and panel member  
6 of the NCJD appointed by the State Bar of Nevada Board of Governors. He is being sued in his  
7 official capacity. To the extent certain actions were taken outside of, in spite of or instead of the  
8 rules, statutes and regulations governing the NCJD, Hahn is sued in his individual capacity.

9 26. Defendant, Adam Wagnanski (“Investigator Wagnanski”), is a resident of the State of  
10 Nevada. He was the former acting investigator on behalf of the NCJD. He is being sued in his  
11 official capacity. To the extent certain actions were taken outside of, in spite of or instead of the  
12 rules, statutes and regulations governing the NCJD, Wagnanski is sued in his individual capacity.

13 27. Defendant, Brian Hutchins (“Prosecutor Hutchins”), is a resident of the State of Nevada.  
14 He is a retired State of Nevada employee. He is a Prosecuting Officer acting on behalf of and in  
15 concert with the NCJD. He is being sued in his official capacity. To the extent certain actions  
16 were taken outside of, in spite of or instead of the rules, statutes and regulations governing the  
17 NCJD, Hutchins is sued in his individual capacity.

18 28. Defendant, Thomas C. Bradley (“Prosecutor Bradley”), is an adult resident of the State of  
19 Nevada. He is a Prosecuting Officer acting on behalf of and in concert with the NCJD. He is  
20 being sued in his official capacity. To the extent certain actions were taken outside of, in spite of  
21 or instead of the rules, statutes and regulations governing the NCJD, Bradley is sued in his  
22 individual capacity.

23 29. Defendant, Richard Dreitzer (“Prosecutor Dreitzer”), is a resident of the State of Nevada.  
24 He is a member of the State Bar of Nevada Board of Governors. He is a Prosecuting Officer  
25 acting on behalf of and in concert with the NCJD with authority and/or the tacit approval of the  
26 State Bar. Notwithstanding, an opinion by the State Bar counsel that such “dual representation  
27 may create an unfavorable appearance of impropriety but not a legal conflict of interest.” He is  
28 being sued in his official capacity. To the extent certain actions were taken outside of, in spite of

1 or instead of the rules, statutes and regulations governing the NCJD, Dreitzer is sued in his  
2 individual capacity.

3 30. The true names or capacities, whether individual, corporate, associate or otherwise, of  
4 Defendant, DOES I through X are unknown to Plaintiff who, therefore, sues said Defendants by  
5 such fictitious names; Plaintiff is informed and believes and thereon alleges that each Defendant  
6 designated herein as DOE is responsible in some manner for the events and happenings which  
7 proximately caused damages to Plaintiff as herein alleged. Further, Plaintiff will ask leave of this  
8 Court to amend this Complaint to insert the true names and capacities of DOES I through X  
9 when the same have been ascertained and to join such Defendants in this action. Further, Plaintiff  
10 designates all persons unknown claiming any interests in the property as Defendants, DOES I  
11 through X, inclusive.

12 31. The true names or capacities, whether corporate, associate or otherwise, of ROE  
13 Defendants, XI through XX are unknown to Plaintiffs' who, therefore, sue said Defendants' by  
14 such fictitious names; Plaintiffs' are informed and believe and thereon allege that each of the  
15 Defendants' designated herein as ROE are responsible in some manner for the events and  
16 happenings referred to and caused damages proximately to Plaintiffs' as herein alleged and that  
17 Plaintiffs' will ask leave of this Court to amend this Complaint to insert the true names and  
18 capacities of ROES XI through XX when the same have been ascertained and to join such  
19 Defendant in this action.

20 **COMMON FACTUAL ALLEGATIONS**

21 32. During the summer of 2015, Plaintiff became aware of an establishment in  
22 Chinatown that was purported to be a clothing store with a hookah lounge in the back that many  
23 teenage girls, including her own, were patronizing. At that time, she did not know the name of  
24 the establishment.

25 33. Plaintiff, acting as a concerned parent, initiated contact with the Las Vegas Metropolitan  
26 Police Department's ("Metro") Vice Unit, specifically with Detective Kelly Bluth ("Vice  
27 Detective Bluth"), asking if he was aware of the establishment. He indicated that he had not  
28 heard of it.

1 34. On or about September 2015, Plaintiff's daughter was offered a job at Top Knotch, a  
2 clothing store in Chinatown that, based on information and belief, was actually unlawfully  
3 operating as an unlicensed club. Plaintiff's daughter accepted the job. Plaintiff later discovered  
4 Top Knotch was the Chinatown business purporting to be a clothing store with a hookah lounge.

5 35. During this time frame, Plaintiff voiced her concerns about Top Knotch to her daughter  
6 and reported the same concerns and observations to Metro.

7 36. The reports to Metro included Plaintiff's observations of the establishment while her  
8 daughter was working there. Plaintiff directly reported her observations to Vice Detective Bluth.  
9 On at least one occasion, Plaintiff also reported her observations to Metro Vice Detective Al  
10 Beas ("Vice Detective Beas").

11 37. After briefly working at Top Knotch, Plaintiff's daughter advised that she no longer  
12 wanted to work at the establishment and resigned her employment.

13 38. In December 2015, unrelated to her prior job at Top Knotch, Plaintiff's daughter was  
14 directed to an address where someone known as "Suga Shane" was purportedly living. Plaintiff's  
15 minor daughter went to this address for the purpose of obtaining an identification. At that  
16 interaction, it was made clear to Plaintiff's daughter that "Suga Shane" was a pimp who intended  
17 to traffic Plaintiff's daughter against her will and force her to work as a prostitute for him,  
18 indicating that he was going to teach her how to work the Strip and make money for him.

19 39. The result of this entire interaction invoked extreme fear on the part of Plaintiff's  
20 daughter. The next day, she reported what happened to Plaintiff and said she was afraid of this  
21 individual. She also indicated that "Suga Shane" would kill her if he learned she had reported  
22 this information. She advised that she was afraid that if her mom shared this information with  
23 anybody that she would ultimately be killed by "Suga Shane."

24 40. On that same date, mid-December 2015, Plaintiff contacted multiple detectives from the  
25 Metro Vice Unit and relayed the information to them. At the time, "Suga Shane's" last name  
26 was unknown. The information provided to the Vice Unit included his known name, "Suga  
27 Shane," his address and information that he was somehow associated with the clothing store  
28 Milk Money, a "business" similar to Top Knotch that purported to be a clothing store but, in fact,



1 operated as an after hours club.

2 41. Further, based on her daughter's concerns, it was understood Plaintiff's identity would be  
3 kept completely confidential in order to ensure the safety of Plaintiff's family and Plaintiff

4 42. Plaintiff contacted Vice Detectives Detectives Beas, Bluth, Cathy Huey ("Vice Detective  
5 Huey") and possibly Greg Flores ("Vice Detective Flores") relative to this issue.

6 43. This report further included "Suga Shane's" threats and statement to Plaintiff's daughter  
7 that "you were born with a silver spoon in your mouth. I'm going to teach you how to work the  
8 Strip and you are going to make money for me" and that he ultimately led her to believe that he  
9 was going to kill her if she relayed this information to anybody.

10 44. Based on information and belief, those reports were ignored and never investigated by the  
11 detectives. None of the detectives ever acknowledged that they were aware of who "Suga Shane"  
12 was, though it was later learned that he was well known to Vice as a pimp.

13 45. In early 2016, Plaintiff, on at least one occasion, inquired of Vice Detectives Bluth and  
14 Beas whether or not they had learned anything about "Suga Shane" or the address that had been  
15 provided to them. They stated they had not.

16 46. Approximately three (3) months later, Plaintiff learned the actual name of "Suga Shane,"  
17 was Shane Valentine ("Valentine"), who, based on information and belief, was a pimp involved  
18 in a trafficking and beating case, in which the victim was a judge's daughter. This case came  
19 before Plaintiff, as a judge, less than three months before Plaintiff's own daughter was targeted  
20 by Valentine. This information exacerbated Plaintiff's fears and concerns for her daughter's  
21 safety.

22 47. On June 1, 2016, Plaintiff was presiding over an 8:30 a.m. arraignment calendar during  
23 which Valentine's name was called. That case had been in warrant since October 16, 2015, and  
24 this was his first appearance in front of Plaintiff. It occurred six months after Valentine targeted  
25 Plaintiff's daughter and led her to believe that he was going to kill her if she told anyone about  
26 his actions.

27 48. The charge against Valentine was a misdemeanor battery domestic violence charge.  
28 (Plaintiff presided over all domestic violence cases in Las Vegas Justice Court at that time.)

1 49. When the case was called, Plaintiff requested the prosecutor and the defense attorney, a  
2 public defender, meet in Chambers. Plaintiff advised them of the prior incident involving  
3 Valentine and her daughter in December 2015. She advised both attorneys of her concern that if  
4 Valentine were to become aware that her daughter had told her about him, that her daughter's life  
5 would be in danger. Both attorneys advised Plaintiff that the case was already negotiated, that  
6 the offer had been made that he plead guilty to the charge, receive the minimum penalties of six  
7 months domestic violence counseling, \$345.00 fine and 48 hours of community service with a  
8 six month suspended sentence.

9 50. The attorneys agreed at that time, there was no conflict preventing Plaintiff from  
10 accepting the negotiated plea. Valentine's attorney then went back and spoke to Valentine and  
11 when Plaintiff took the bench after the break, she accepted the plea negotiation as it was  
12 previously agreed to, accepted Valentine's plea and imposed the agreed-upon sentence, which  
13 ultimately allowed Valentine to be released from the Clark County Detention Center.

14 51. Subsequently on July 15<sup>th</sup> at a status check hearing, Plaintiff, on the record, recused  
15 herself from the case.

16 52. Plaintiff then became aware that on the same day Plaintiff recused, Valentine contacted  
17 Plaintiff's daughter multiple times from several different phone numbers, each time being  
18 blocked and each time attempting to contact her from a different phone number.

19 53. When Plaintiff learned that Valentine had previously victimized another judge's daughter,  
20 it was Plaintiff's belief that her daughter was not a random victim or target, but rather, had been  
21 purposely targeted by Valentine with the knowledge of certain detectives. Further, as Valentine  
22 had contacted Plaintiff's daughter after the Judge's recusal in July 2016, Plaintiff again contacted  
23 Vice Detective Bluth to advise him of this information as it was clear to her that Valentine was in  
24 no way afraid of suffering any consequences or deterred from continuing to terrorize and  
25 victimize the Plaintiff and her child.

26 54. On Sunday, September 25, 2016, Judge Tobiasson had multiple contacts with Metro  
27 Homicide Sergeant John Harney ("Sgt. Harney") who verified Top Knotch was an unlicensed  
28 night club, not a legitimate business.

1 55. On Monday, September 26, 2016, Judge Tobiasson again contacted Vice Detective Bluth  
2 to discuss a murder that occurred at Top Knotch the previous day.

3 56. Vice Detective Bluth indicated to Judge Tobiasson that he would come to her office and  
4 talk to her. She informed him that she had some additional information with regard to Valentine  
5 possibly victimizing underage girls while out on bail on a burglary charge that had occurred in  
6 March of that year. Vice Detective Bluth told Judge Tobiasson that he would come to her office  
7 on Thursday, September 29, 2016 at 2:00 p.m. However, he never showed up and never called.

8 57. On Sunday, October 1, 2016, Judge Tobiasson had occasion to be at the Clark County  
9 Detention Center on unrelated business and ran into Vice Detective Beas who was working  
10 overtime at the front scanner of the Detention Center. At that time, she asked Vice Detective  
11 Beas why Metro had no interest in the information she was providing.

12 58. She also shared with Vice Detective Beas that Vice Detective Bluth arranged to come to  
13 Plaintiff's office earlier but had failed to show up.

14 59. In the late afternoon of Thursday, October 6, 2016, Vice Detectives Beas, Bluth and  
15 Flores showed up unannounced at Plaintiff's office to follow up on Plaintiff's concerns about  
16 Valentine's activities involving the continued victimization and sex trafficking of juvenile  
17 females, many of whom were the daughters of police, judges and other high ranking and/or  
18 elected officials.

19 60. During the meeting of Thursday, October 6, 2016, she provided this information to the  
20 detectives and, as in all previous contacts with the detectives, indicated to them the importance of  
21 confidentiality as it was her concern that if it became known that she was providing this  
22 information to the police, she would no longer be able to get information from the sources who  
23 were providing it and additionally, it would put her child, her family and herself at risk of  
24 violence from Valentine and any other associated predators.

25 61. Based on information and belief, the next day, Valentine had an argument with another  
26 pimp, Nehemiah Kauffman ("Kauffman"). During the altercation, there were a number of text  
27 messages exchanged where Valentine threatened to kill Kauffman and Kauffman's girlfriend  
28 Sydney Land ("S. Land"). Valentine also threatened to go to Kauffman's mother's house and kill

1 them. In that text exchange, Kauffman gave Valentine the address and the gate code to his  
2 mother's house. A short time later, Valentine appeared at Kauffman's mother's house (Alathea  
3 Kauffman) with a female, Alicia Jimenez ("Jimenez"), and rammed his vehicle into the garage  
4 door of Alathea Kauffman's house while several people were inside. When Valentine rammed  
5 the garage door, a piece of his vehicle fell into the driveway which was easily identifiable as  
6 belonging to the vehicle that was rented in the name of Valentine. This incident occurred at  
7 approximately 10:30 a.m. on October 6, 2016. Valentine then picked up a very large boulder and  
8 threw it through the window of Alathea Kauffman's home. Valentine then fired at least one  
9 round into the home which lodged in the ceiling or attic . There were three eyewitnesses that  
10 gave statements to the police describing the suspect, his passenger, and the vehicle. They also  
11 provided the vehicle's license plate.

12 62. Metro learned the vehicle had been rented by Valentine. That case was closed less than  
13 72 hours later by Metro for lack of sufficient evidence for prosecution.

14 63. According to Connie Land ("C. Land"), the night before the shooting at Alathea  
15 Kauffman's home, there was an altercation between Kauffman, S. Land, Frankie Zappia ("F.  
16 Zappia"), and Valentine on the roof of the Red Rock Casino parking garage where Valentine, in  
17 his vehicle, pursued Kauffman, S. Land and F. Zappia in their vehicle and fired shots at them.

18 64. On October 25, 2016, at approximately 4:30 p.m., Judge Tobiasson was contacted by  
19 Metro Vice Detective William Van Cleef ("Vice Detective Van Cleef")who had been present  
20 during an interview with a juvenile female and her police officer father (the juvenile female was  
21 the same individual whose name had been given to vice detectives earlier in the month as a  
22 possible victim of Valentine). Vice Detective Van Cleef told Plaintiff that the Vice Detective,  
23 Justine Gadus ("Vice Detective Gadus"), disclosed to the juvenile female that Plaintiff was the  
24 source of information on the juvenile and Valentine. Plaintiff, out of concern for her daughter's  
25 safety, then implored Vice Detective Van Cleef to do what he could to remedy the situation.

26 65. After a period of time, Vice Detective Van Cleef contacted Plaintiff and told her the  
27 juvenile female was asked not to disclose to anyone that she had been interviewed. However,  
28 within a minute of that conversation taking place, Plaintiff's daughter received a call and was

1 told what had been said to the juvenile female.

2 66. Additionally, immediately after the interview with the juvenile female, Vice Detectives  
3 Van Cleef and Gadus attempted to set up an interview with Plaintiff and her daughter which was  
4 declined.

5 67. Approximately eight hours after the interview described in Paragraph 64 took place,  
6 during which it was disclosed Judge Tobiasson had given information to vice detectives  
7 regarding Valentine and his victimization of juvenile females, a double homicide took place.  
8 The victims were Kauffman, whose mother's house had been shot at several weeks earlier by  
9 Valentine, and Kauffman's girlfriend, S. Land, the daughter of a fire captain.

10 68. On or about Friday, October 28, 2016, in the late evening hours, Judge Tobiasson became  
11 aware that Valentine was believed to be a participant in the double homicide that happened eight  
12 hours after she was - for lack of a better term - outed by Vice Detective Gadus as a source of  
13 information reference Valentine.

14 69. Judge Tobiasson then contacted Vice Detective Van Cleef inquiring as to whether or not  
15 he was aware of any suspect information involving the double homicide. At that time, it was  
16 confirmed to her that Valentine, and two other suspects, were involved.

17 70. The following morning, Saturday, October 29, 2016, Judge Tobiasson made contact with  
18 Homicide Detective Jarrod Grimmatt ("Homicide Detective Grimmatt") with regard to whether  
19 he believed Valentine was a suspect in the double homicide, (eight hours after the Plaintiff was  
20 outed as a source of confidential information). She was advised by Homicide Detective  
21 Grimmatt that Valentine was considered a suspect and participant in the double homicide. He  
22 also provided information that substantiated that belief including significant cell phone activity  
23 and other evidence that had been gathered at the scene, including witness information and  
24 witness statements that placed Valentine at the scene of the double homicide and substantiated  
25 the belief he was involved in the homicides of Kauffman and S. Land.

26 71. On Saturday, October 29, 2016, Homicide Detective Grimmatt advised Plaintiff that  
27 Valentine was a suspect in the double homicide. Plaintiff did not contact any other vice or  
28 homicide detectives as to this issue.

1 72. In November and December 2016, on information and belief, Aryanne Zappia (“A.  
2 Zappia”) had made contact with Connie Land (“C. Land”), the mother of murder victim S. Land  
3 and told C. Land that she had knowledge that the three people involved in the double homicide  
4 were Valentine, Dominique Thompson (“Thompson”) and her sister, F. Zappia.

5 73. Based on information and belief, in December 2016, A. Zappia gave a recorded statement  
6 to Metro Homicide Detectives Mitchell Dosch and Grimmatt wherein she again provided  
7 information stating that Valentine, Thompson and F. Zappia were the killers.

8 74. Based on information and belief, within two to three days of A. Zappia providing her  
9 statement to Metro homicide detectives identifying the suspects in the double homicide, Zappia’s  
10 pimp, Anthony Galasi (“Galasi”), from whom she had been in hiding, located her in Las Vegas,  
11 physically battered her and forced her to go to work at the Aria where she was almost  
12 immediately arrested on a charge of soliciting prostitution . A. Zappia was then taken to an  
13 interview room where she gave a recorded interview to Vice Detective Flores and Homicide  
14 Detective Grimmatt.

15 75. Based on information and belief, Metro Sheriff Joseph Lombardo (“Sheriff Lombardo”) was  
16 directly advised that Plaintiff had repeatedly provided information to Metro vice detectives  
17 in reference two separate issues: (1) Top Knotch during and around the time frame Plaintiff’s  
18 daughter worked there and (2) Valentine, who first came to Plaintiff’s attention as “Suga Shane”  
19 in December 2015. These reports were made out of concern for the safety of Plaintiff’s daughter  
20 as well as the belief that young women were being victimized and trafficked. These concerns  
21 arose from Plaintiff’s observations as well as information she received about suspected criminal  
22 activity at Top Knotch and of Valentine. The concerns for the safety or victimization of young  
23 women in the Las Vegas area led to her reports to the police and her public statements.

24 76. On information and belief, Sheriff Lombardo also called a meeting with the relevant  
25 detectives at which time he voiced his discontent with how the information had been handled  
26 indicating that they had received information that was clearly valid information from a “judge”  
27 and yet it was not investigated and/or was ignored, etc. resulting in two murders and three deaths.

28 77. Ultimately, Plaintiff met with Sheriff Lombardo in his office at Metro headquarters where

1 she apprised him of her interactions with Metro vice detectives.

2 78. Sheriff Lombardo provided Plaintiff with a memo given to him by then Metro Vice  
3 Lieutenant, Patricia Spencer (“Vice Lt. Spencer”). The memo outlined a number of statements  
4 and allegations regarding Plaintiff, none of which were accurate. In fact, Plaintiff had never  
5 contacted, or been contacted by, Vice Lt. Spencer.

6 79. Based on information and belief, this memo was prepared after Sheriff Lombardo  
7 chastised his officers for their failures in acting on information provided by Plaintiff. Plaintiff  
8 then provided Sheriff Lombardo and Lieutenant Todd Raybuck (“Lt. Raybuck”) several of her  
9 own memos refuting Spencer’s memo and providing a time line and explanation for all of her  
10 interactions with vice detectives regarding Top Knotch and Valentine.

11 80. There was ongoing communication between Vice Detective Grimmatt and Plaintiff in the  
12 early part of 2017 wherein Plaintiff continued to be advised that Valentine was involved in the  
13 double homicide.

14 81. On May 6, 2017, Plaintiff sent a Facebook Messenger message to C. Land, the mother of  
15 S. Land, indicating that she would be interested in having a conversation with her regarding  
16 information she had provided to the police prior to the homicide. Judge Tobiasson wanted to  
17 speak to her mother-to-mother regarding what was going on with sex trafficking of minors in Las  
18 Vegas and her concern that parents and victims were being ignored.

19 82. The two met either on that date, May 7th, or very shortly thereafter and had lunch and a  
20 conversation. In the following several weeks they communicated on a fairly regular basis via  
21 telephone, either through phone calls or text messages, and exchanged information each had  
22 regarding Valentine and his involvement with sex trafficking and his potential involvement in the  
23 murder of C. Land's daughter.

24 83. In August 2017, Plaintiff was introduced to FBI Agent Kevin White (“Agent White”)  
25 who was involved in an ongoing FBI investigation into Metro’s Vice Unit that began in 2014.  
26 The investigation, which was still proceeding in 2017, was examining some members of Metro’s  
27 Vice Unit and their relationships with alleged pimps and others entangled in the Las Vegas vice  
28 scene.

1 84. Based on conversations with, and information received from, C. Land, Plaintiff no longer  
2 felt comfortable communicating with Vice Detective Flores and ceased all communication with  
3 him in early June 2017. During their final conversation, Vice Detective Flores attempted to  
4 invalidate C. Land's belief as to who was involved in the murder of her daughter.

5 85. Agent White disclosed to Plaintiff that multiple vice detectives engaged in sexual  
6 relationships with the witnesses in the Ocean Fleming case and influenced their testimony in that  
7 case and other cases. He also advised Plaintiff that detectives were taking money from certain  
8 pimps which allowed those pimps to operate and that the detectives did not go after them and  
9 would instead go after and prosecute their competition.

10 86. Plaintiff had multiple conversations with Agent White regarding her interactions with  
11 Metro Vice Detectives. During those conversations Agent White confirmed Judge Tobiasson's  
12 fears regarding certain Metro vice detectives and explained why the information Plaintiff  
13 provided was ignored and disregarded by the detectives.

14 87. Plaintiff was advised by Agent White to obtain different cell phones to communicate with  
15 him because Agent White was concerned his communications with the Plaintiff were being  
16 monitored. To facilitate Agent White's request, on approximately October 11, 2017, C. Land  
17 purchased three disposable phones and provided one to Plaintiff, one to A. Zappia and kept one  
18 for herself. Those phones were used for communications from October 11, 2017 until  
19 communications between C. Land, A. Zappia and Plaintiff ceased on October 23, 2017 - a  
20 period of twelve days. Additionally, in mid-October 2017, Plaintiff provided A. Zappia with  
21 Agent White's phone number.

22 88. Plaintiff also used that phone for regular communications with Agent White.

23 89. During that twelve day period of time, Plaintiff communicated with A. Zappia a handful  
24 of times, all of which occurred on the disposable phone that was purchased for her by C. Land.

25 90. Shortly thereafter, Plaintiff ceased communicating with C. Land and A. Zappia. C. Land  
26 and A. Zappia continued to attempt to contact Plaintiff either through text messages or Facebook  
27 Messenger messages. Plaintiff never responded to those messages.

28 91. Based on information and belief, thereafter A. Zappia made contact with Agent White on



1 several occasions, including one in-person meeting.

2 92. Plaintiff had no direct involvement with the facilitation of these meetings except for  
3 providing Agent White's phone number to A. Zappia.

4 93. During this time frame, Agent White discussed putting together a narrative of all of the  
5 events leading up to and including this time frame - October 2017 - which could be provided to  
6 the media and hopefully would force action on this investigation.

7 94. Concurrent thereto, C. Land was providing Plaintiff with any and all information she had  
8 reference her daughter's homicide so that it could be included in this compilation of information  
9 that would potentially be distributed publicly.

10 95. On, October 23, 2017, Plaintiff received several text messages, both from C. Land and A.  
11 Zappia which seemed different in tone to her prior communications with them Plaintiff shared  
12 her suspicions with Agent White.

13 96. Agent White advised Plaintiff he surmised that somebody had communicated with C.  
14 Land and A. Zappia to intentionally undermine the FBI investigation and the relationship with  
15 Plaintiff.

16 97. In this time frame, unbeknownst to either Agent White or Plaintiff, Metro claims to have  
17 ascertained search warrants for Pen Registers on Plaintiff's phones in response to false  
18 allegations made by A. Zappia that Plaintiff attempted to bribe her. None of that information  
19 was provided to Plaintiff nor was it provided in the course of the NCJD investigation (although  
20 the Pen Register of calls was disclosed).

21 98. Irrelevant information from the Pen Registers was used in order to make false allegations  
22 against Plaintiff in the NCJD proceedings and through "leaks" to third parties. To date, the  
23 warrants and affidavits used to secure the placement of Pen Registers have never been provided  
24 to Plaintiff or her counsel.

25 99. The Pen Registers were used to falsely assert wrongdoing even though detectives  
26 interviewed in the NCJD investigation concluded they had no probable cause to proceed against  
27 Plaintiff on any charges.

28 100. Beginning in the fall of 2016, KLAS Channel 8 ("Channel 8") ran stories regarding police

1 corruption related to sex trafficking.

2 101. On April 12, 2018, Channel 8 aired an additional story regarding alleged corruption  
3 within Metro's Vice Unit. This story used several clips from an hours long narrative that had  
4 been provided by Plaintiff about her experiences as the mother of a daughter who had been  
5 targeted for potential sexual exploitation. That was the first time Plaintiff's criticisms and  
6 concerns regarding Metro's Vice Unit were aired publicly.

7 102. The April 12, 2018 story by Channel 8 addressed issues surrounding Metro's Vice Unit  
8 and other Metro Officers during the time frame from July 2015 through the winter of 2016. This  
9 was part of several prior stories Channel 8 aired regarding police corruption.

10 103. The Channel 8 news story also included clips of Plaintiff telling parts of what had  
11 happened with regard to her interactions with Metro's Vice Unit. Channel 8 did not air the  
12 interview in its entirety (nor did they represent that this was the full interview with Plaintiff).

13 104. On Monday, April 16, 2018, Agent White was transferred out of Public Integrity/Human  
14 Trafficking division of the FBI and sent to the Opiate Squad.

15 105. On April 17, 2018, a meeting was requested by Sheriff Lombardo and D.A. Steve  
16 Wolfson ("D.A. Wolfson") with Chief Judge of the Las Vegas Justice Court, Joe Bonaventure  
17 ("Judge Bonaventure"). In attendance at that meeting were Sheriff Lombardo, D.A. Wolfson,  
18 two Assistant District Attorneys and a Metro Lieutenant.

19 106. Based on information and belief, during this meeting with Judge Bonaventure, Sheriff  
20 Lombardo and D.A. Wolfson encouraged Judge Bonaventure to remove Judge Tobiasson from  
21 overseeing any criminal cases and limit her assignments to civil matters as a result of the public  
22 story that they perceived as critical of Metro and/or the District Attorney's office.

23 107. Notably, in the prior two years, no issue was taken with Plaintiff's reporting of crimes  
24 until she had the audacity to tell her story publicly.

25 108. Based on information and belief, D.A. Wolfson and Sheriff Lombardo, while seemingly  
26 ignoring the concerns of sex trafficking and corruption, now alleged that Plaintiff had a bias  
27 against the District Attorney's Office and the police as a result of speaking out publicly about her  
28 experience with certain members of the police department, although neither expressed concern as

1 long as Plaintiff kept her mouth shut.

2 109. It is untrue that the Plaintiff has any bias against the District Attorney's Office, or Metro.

3 110. Plaintiff gave her opinion and truthfully conveyed her experience with the detectives to  
4 whom she reported legitimate criminal activity and the consequences of their failure to respond  
5 to her concerns as a mother and as a vigilant citizen. Sheriff Lombardo had expressed the same  
6 concerns as Plaintiff during their meeting described in Paragraph 188S hereinbelow. However,  
7 there was no suggestion that Sheriff Lombardo was biased against Metro based upon his  
8 expression of similar concerns.

9 111. Based on information and belief, D.A. Wolfson and Sheriff Lombardo indicated to Judge  
10 Bonaventure that they wanted to handle this quietly and without going through formal  
11 proceedings or public proceedings. It was a way to keep their retaliation and intimidation quiet.  
12 However, they advised Judge Bonaventure that if Plaintiff was not removed, they would file  
13 complaints with the NCJD.

14 112. Based on information and belief, in further response to this criticism, they then advised  
15 Judge Bonaventure that if Plaintiff was not removed from her criminal calendar and reassigned to  
16 civil cases, they would go to the NCJD and file a complaint against her, although they had no  
17 specific violations that they could identify that she had committed and neither had any issue with  
18 any of her actions from 2016 until 2018 when she publicly disclosed the litany of failures of  
19 Metro, Vice Detectives, and District Attorneys.

20 113. Based on information and belief, approximately one week after that meeting, Judge  
21 Bonaventure advised both Sheriff Lombardo and D.A. Wolfson that he would not reassign  
22 Plaintiff.

23 114. Shortly after Judge Bonaventure refused to be pressured into reassigning Plaintiff,  
24 regardless of the threat of a complaint against Plaintiff if she were not removed from criminal  
25 cases, Director Deyhle, swore a Complaint ("NCJD Complaint I") against Judge Tobiasson as a  
26 result of her criticisms of government agencies

27 115. Director Deyhle's NCJD Complaint I alleges that Plaintiff violated the prestige of  
28 Judicial Office by contacting Metro Vice Detectives to report suspected sex trafficking of minors

1 and committed ethical violations for failing to recuse from Valentine’s case on June 1, 2016,  
2 even though she disclosed the potential conflict to both the District Attorney and Valentine’s  
3 public defender in the case wherein the Plaintiff disclosed the potential conflict.

4 116. In May 2018, Plaintiff was contacted by two former Metro Officers, John Duczs  
5 (“Ducz”) and Robert Kinch (“Kinch”), who had both terminated their employment with Metro  
6 under negative terms. Both told Plaintiff they had been in communication with a blogger by the  
7 name of Doug Poppa (“Blogger Poppa”) who had been doing an extensive series of stories  
8 regarding Metro’s handling of the October 1, 2017 massacre and assured her that he was  
9 interested in her story and could be trusted.

10 117. On May 6, 2018, Plaintiff had a telephone conversation with Blogger Poppa. That  
11 conversation was purportedly recorded but no complete unedited copy of the recording was ever  
12 produced.

13 118. During the recorded conversation, Judge Tobiasson made it clear to Blogger Poppa, on  
14 the record, that the discussion was not intended to be published because it would include matters  
15 which could not to be disclosed publicly. Blogger Poppa assured Plaintiff he would honor that  
16 request.

17 119. No complete copy of the recording has been provided by Blogger Poppa to Plaintiff or to  
18 any Defendant in this action.

19 120. In late August, early September 2018, Plaintiff was contacted by the investigator for  
20 NCJD, Robert Schmidt (“Investigator Schmidt”), that NCJD was doing an investigation with  
21 regard to the NCJD Complaint I sworn by Director Deyhle on June 8, 2018, and an interview was  
22 scheduled for September 10, 2018.

23 121. Plaintiff was provided with a copy of NCJD Complaint I so she was aware of what the  
24 allegations were prior to the interview.

25 122. On September 10, 2018, Plaintiff gave her interview to the investigator for the NCJD.  
26 The investigation conducted by Investigator Schmidt included an interview with both attorneys  
27 involved in the Valentine case that had been in front of Plaintiff on June 1, 2016, a full two years  
28 prior to the swearing of NCJD Complaint I.

1 123. Subsequent to those three interviews and his receipt of information from Channel 8 with  
2 regard to the news story that aired April 12, 2008, Investigator Schmidt prepared an  
3 Investigative Report wherein he concluded that in his expert investigator's opinion Plaintiff had  
4 at all times acted in her capacity as a mother in reporting crime to the police and had committed  
5 no ethical violations nor had she violated any of the Judicial Canons.

6 124. After Investigator Schmidt's finding of no wrongdoing, Director Deyhle, who seemingly  
7 operates the NCJD as his own personal fiefdom, decided he did not like the outcome and  
8 incurred additional expenses and costs by appointing a second investigator from the same office  
9 to *re-investigate* NCJD Complaint I. Investigator Wagnanski was thereafter appointed. It soon  
10 became clear that Investigator Wagnanski exhibited a bias against and contempt for Plaintiff,  
11 which is readily demonstrable.

12 125. Despite Investigator Schmidt's exonerative Report, in late November 2018, Plaintiff was  
13 provided a copy of NCJD Complaint I, along with interrogatories to be answered, indicating that  
14 the NCJD was proceeding with a re-investigation.

15 126. After receiving the complaint and interrogatories from NCJD in November 2018,  
16 Plaintiff's attorney filed a writ with the Nevada Supreme Court challenging NCJD's authority to  
17 require a judge to respond to interrogatories during the investigatory phase of an NCJD  
18 complaint.

19 127. On or around December 3, 2018, the writ and a motion requesting a stay of the writ was  
20 filed before the Supreme Court. The stay was granted.

21 128. However, while the stay was pending, Director Deyhle sought to circumvent the stay by  
22 insisting that Plaintiff answer the interrogatories by December 20, 2018. Director Deyhle sought  
23 responses to the discovery even though he knew the matter was the subject of a writ before the  
24 Supreme Court.

25 129. When contacted by Plaintiff's attorney requesting a continuance until after the Supreme  
26 Court ruled on the stay, Director Deyhle asserted that forcing Plaintiff to answer interrogatories  
27 actually provided her more due process rather than less and that he would give Plaintiff a one  
28 week extension to answer the interrogatories until December 27, 2018.

1 130. Notwithstanding this twisted logic, or maybe because of it, the emergency motion for stay  
2 filed with the Nevada Supreme Court was granted on December 20, 2018.

3 131. On December 27, 2018, Prosecutor Bradley, filed a notice of appearance with the Nevada  
4 Supreme Court on the writ. That same day, C. Land authored a new NCJD complaint against  
5 Plaintiff (“NCJD Complaint II”).

6 132. NCJD Complaint II alleged corruption in the District Attorney's office and Metro and  
7 claimed Plaintiff was complicit in the corruption.

8 133. On January 18, 2019, NCJD filed a response to the Plaintiff's Supreme Court writ. Two  
9 days later, Blogger Poppa wrote an attack piece about Plaintiff.

10 134. It was the first of more than thirty articles in which he sought to discredit Plaintiff by  
11 misstating facts, printing any and all statements made about Plaintiff without regard for their  
12 veracity, and made offensive allegations about Plaintiff and her family members.

13 135. Over the next months, Blogger Poppa printed a series of escalating negative blogs. One  
14 blog included an interview with C. Land in which she made egregious allegations against  
15 Plaintiff. Another blog contained an interview of A. Zappia.

16 136. As the NCJD proceedings continued, Blogger Poppa wrote about the case and escalated  
17 his attacks on Plaintiff by including inflammatory misinformation which misconstrued the facts.

18 137. On September 16, 2019, prior to the notice of intent to suspend on a third and separate  
19 complaint, received by Plaintiff in October 2019, Poppa wrote an article which included a  
20 statement that indicated he was aware that NCJD would be taking action against Plaintiff in their  
21 meeting of October 18, 2019. Of note, the October 18, 2019 meeting was, according to NCJD  
22 rules, was confidential.

23 138. In the time between the notice of intent to suspend (10/23/19) and the hearing (12/16/19),  
24 NCJD Investigator Investigator Wygnanski, began interviews of numerous witnesses in the  
25 Regional Justice Center (“RJC”). In an effort to send a message to any judge who criticized the  
26 NCJD, Metro or the District Attorney, these interviews were conducted openly and without  
27 regard for the confidentiality requirements of the NCJD Rules.

28 139. It is apparent Defendants were leaking confidential information to Blogger Poppa. For

1 example, he should not have known in September 2019 that NCJD would take action against  
2 Plaintiff in its October 2019 meeting.

3 140. On October 22, 2019, a full sixteen months after Director Deyhle had sworn NCJD  
4 Complaint I, Plaintiff received a call in Chambers from Investigator Wagnanski requesting a  
5 second interview. This occurred two hours after it was announced publicly by the U.S. Attorney  
6 that the federal investigation into Metro's Vice Unit was officially closed and there would be no  
7 additional indictments. Wagnanski did not call Plaintiff's attorney, which is customary; he called  
8 the Judge directly. She did not take the call.

9 141. Based on information and belief, the first NCJD interviews for NCJD Complaint II, sent  
10 to the NCJD on December 27, 2018 and accepted by the NCJD on January 3, 2019, was in  
11 January of 2020.

12 142. During the course of the next six weeks, from mid-January to the end of February 2020,  
13 Investigator Wagnanski interviewed multiple prospective witnesses regarding NCJD Complaint  
14 II. From November 7, 2019 to mid December 2019, Investigator Wagnanski interviewed all of  
15 the witnesses on NCJD Complaint I. Thus, it took two months to interview all of the witnesses  
16 on NCJD Complaint I and six weeks to interview all the witnesses on NCJD Complaint II.  
17 However, NCJD allowed twelve months to pass on each of those complaints where they did  
18 absolutely no investigation and no interviews whatsoever.

19 143. In Sheriff Lombardo's interview with Investigator Wagnanski on November 8, 2019,  
20 some three years after the homicides, Sheriff Lombardo indicated that Valentine was still person  
21 of interest in the double homicide of Kauffman and S. Land.

22 144. On November 7, 2019, Plaintiff sat for a second interview with Investigator Wagnanski  
23 regarding NCJD Complaint I.

24 145. Defendants did not interview a single witness in any investigation between March 7, 2020  
25 and August 31, 2020. The FSC was filed on August 31, 2020 based on NCJD Complaints I and  
26 II.

27 146. In an effort to further intimidate Plaintiff and other judges from engaging in critical  
28 speech, Defendants also tried to suspend Judge Tobiasson for contrived reasons: her choice of

1 clothing, the height of her high heel shoes (referenced in Investigator Wagnanski's Investigative  
2 Report as "hooker heels"), a statement incorrectly attributed to Plaintiff and for a text notification  
3 regarding a change of her Court Clerk.

4 147. Based on information and belief, on May 31, 2019, shortly after Plaintiff's writ, was  
5 granted, Director Deyhle, in his capacity as Director of Judicial Discipline, initiated a third  
6 matter referencing a clerk's two letters to the Commission from March 2019 lodging a laundry  
7 list of allegations that had been made by Maggie Tucker ("Tucker"). The allegations were such  
8 that they would have required personal interaction with these clerk supervisors which never  
9 occurred because Judge Tobiasson didn't know who Tucker was. In addition, Director Deyhle  
10 provided Tucker with a copy of the complaint despite the fact that she had no right to the  
11 confidential document and he had simultaneously refused to provide a copy to Plaintiff.

12 148. Correspondence between Tucker and Investigator Wagnanski indicates they had repeated  
13 and regular communications which was not documented in the discovery.

14 149. Based on information and belief, after the Supreme Court lifted the stay on NCJD  
15 Complaint I on May 10, 2019, there was a meeting held by the NCJD where they voted to allow  
16 Director Deyhle, on behalf of Tucker, to swear a complaint ("Justice Court Suspension  
17 Complaint").

18 150. On May 31, 2019, Director Deyhle's Justice Court Suspension Complaint was initiated.  
19 Within the next ten days, an investigation was commenced where Investigator Wagnanski began  
20 conducting interviews in the RJC in a manner that blatantly violated confidentiality guidelines.  
21 For instance, it was common knowledge among court personnel, including judges and staff that  
22 the investigation involved Justices Amy Chelini ("Chelini") and Judge Tobiasson.

23 151. At one point, Investigator Wagnanski, relying on the authority of an investigation being  
24 undertaken for the NCJD at the direction of Director Deyhle, directed the Court Administrator to  
25 send a Justice Court-wide email. The email stated there was an investigator for NCJD  
26 conducting interviews at the RJC for an ongoing investigation but that his presence should be  
27 disregarded.

28 152. Ultimately, dozens of interviews of Justice Court staff including clerks, backup clerks,



1 clerk supervisors, assistants and others, were conducted at the RJC.

2 153. On October 23, 2019, both Plaintiff and Judge Chelini were contacted by their respective  
3 counsel and advised that they had received notice of intent to suspend both Justices pending the  
4 outcome of the Justice Court Suspension Complaint investigation.

5 154. On the Monday prior to the hearing, Prosecutor Bradley, on behalf of the NCJD, provided  
6 to counsel for Judges Chelini and Tobiasson, Tom Pitaro (“Pitaro”) and Bill Terry (“Terry”)  
7 respectively, a disk with one thousand (1,000) additional pages of discovery. It was mailed the  
8 Monday before the hearing and received the next day only six days in advance of the hearing).

9 155. A public hearing was held on December 16 - 17, 2019. A week later, on December 24,  
10 2019, an Order was submitted by NCJD. It was not an order which suspended or exculpated the  
11 judges. Instead, it oddly continued the Commission’s investigation. Furthermore, the Order  
12 listed multiple allegations and assertions, presented as fact, that had been *refuted or completely*  
13 *invalidated* at the hearing.

14 156. The case, although now well past the expiration of the applicable statute of limitations  
15 period, remains open as a means for the NCJD to continue its intimidation of Plaintiff and further  
16 chill her speech.

17 157. As a direct and proximate result of the foregoing, Judge Tobiasson has incurred damages  
18 in the form of substantial sums in attorney’s fees in an effort to clear her name and serve the Las  
19 Vegas public who elected her while continuing to act responsibly as a parent and exercise her  
20 Constitutional rights in protected free speech.

21 158. As a direct and proximate cause of Defendants’ and each of their actions, Plaintiff has  
22 been damaged as set forth herein.

23 159. Plaintiff has undergone medical treatment as a result of the Defendants’ conduct.

24 **COMMON PROCEDURAL ALLEGATIONS**

25 160. The NCJD, by and through their Executive Director/General Counsel Dehyle initiated  
26 NCJD Complaint I, identified as #2018-120 on June 8, 2018. Defendants, NCJD, Director  
27 Deyhle and others, investigated NCJD Complaint I and produced an Investigative Report that  
28 found no basis to discipline Petitioner based upon her speaking out as a mother or as a judge or

1 any other basis.

2 161. The NCJD then received NCJD Complaint II, identified as #2019-005 on December 27,  
3 2018. It was a matter based almost entirely on hearsay (and to the extent it was not based on  
4 hearsay, there were no violations evident). It addressed the same matters already contained in  
5 NCJD Complaint I.<sup>1</sup>

6 162. Rather than comply with NRS §1.4663 and §1.4667, and dismiss NCJD Complaint I  
7 given that the initial investigator found no wrongdoing, the Defendants, *without statutory*  
8 *authority* ordered a re-investigation at the direction of Director Deyhle. The re-investigation,  
9 clearly undertaken in order to obtain a finding of wrongdoing by Judge Tobiasson, resulted in a  
10 report that ignored admissible exonerating evidence and revealed that Director Dehyle was  
11 relying almost exclusively on hearsay .

12 163. The FSC against Plaintiff was filed on August 31, 2020.

13 164. The FSC directly alleges judicial ethics violations premised almost entirely on the  
14 Plaintiff's exercise of her rights to free speech and expression as a mother and not in any instance  
15 while on the bench or speaking in her capacity as a judge.

16 165. CJD Complaint I was filed on December 27, 2018. NCJD Complaint II was filed on  
17 June 8, 2018. The FSC in response to both was untimely.

18 166. The NCJD, by statute, was required to file the FSC within 18 months from the date of  
19 the initiated complaint.<sup>2</sup> At the time the FSC was filed, more than nineteen (19) months had  
20 passed since NCJD Complaint II was initiated and well over two (2) years had elapsed since

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21  
22 <sup>1</sup>The new information in NCDJ Complaint II alleged Judge Tobiasson improperly  
23 dismissed a case against a defendant. However, the NCJD's own documents unequivocally  
24 demonstrate the District Attorney, and **NOT** the Plaintiff, submitted the case for dismissal.

25 <sup>2</sup>NRS 1.4655(3) mandates that within eighteen (18) months of receipt of the complaint  
26 pursuant to this section, the commission **shall** either dismiss the complaint (with or without a  
27 letter of caution), attempt to resolve the complaint informally, enter into a deferred discipline  
28 agreement, with the consent of the judge impose discipline pursuant to an agreement or "(e)  
authorize the filing of a formal statement of the charges based on the finding that there is a  
reasonable probability that the evidence available for introduction at a formal hearing could  
clearly and convincingly establish grounds for disciplinary action."

1 NCJD Complaint II was filed.

2 167. Based on its failure to adhere to strict time guidelines, the NCJD was not permitted to  
3 move forward with the FSC. Moreover, the Defendants, and each of them were specifically on  
4 notice of the failures to comply with the time deadlines yet they still proceeded with the FSC.

5 168. Even more egregious, when the Plaintiff tried to address the untimeliness of the FSC's  
6 filing with a Motion to Dismiss ("Dismissal Motion"), the the Defendants rejected the Dismissal  
7 Motion.

8 169. The FSC is filled with commentary on Petitioner's parenting ability (see *e.g.*, paragraph 3  
9 of the FSC), misrepresents and fictionalizes facts throughout, and is written in the style of a press  
10 release likely with the intent to disparage a judge/mother and was specifically designed to  
11 restrain speech criticizing government offices and officers. This was published with full  
12 knowledge of the FSC's untimeliness and that the confidentiality of the investigative process by  
13 the NCJD would be breached.

14 170. The FSC was a fugitive filing of a false narrative. It was specifically prepared to read like  
15 a press release, not a legal complaint. It was worded in a punitive and knowingly reckless  
16 manner to emasculate the statutory provisions restricting the publication of such information  
17 while simultaneously restricting Plaintiff's due process and First Amendment rights.

18 171. The FSC contains dramatic and creative writing, filled with fictionalized theory. It is  
19 bereft of factual specifics. Moreover, the FSC does not separate the charges arising from NCJD  
20 Complaint I vs. II and does not state whether the NCJD was pursuing factual allegations based on  
21 willful conduct,<sup>3</sup> or unknowing misconduct. Not only is this a significant factual omission, but it

22 \_\_\_\_\_

23 <sup>3</sup> NRS 1.4653

24 (b) "Willful misconduct" includes:

25 (1) Conviction of any crime involving moral turpitude;

26 (2) A knowing or deliberate violation of one or more of the provisions of the Revised Nevada  
Code of Judicial Conduct; and

27 (3) A knowing or deliberate act or omission in the performance of judicial or administrative  
duties that:

28 (I) Involves fraud or bad faith or amounts to a public offense; and

(II) Tends to corrupt or impair the administration of justice in a judicial proceeding.

1 is a failure to identify the statute for which the punishment is pursued. Since the penalties for  
2 willful misconduct allow punishment including removal (NRS §1.4653), this omission is  
3 material. Finally, the FSC’s use of “knowingly” or “unknowingly” are not proper for purposes of  
4 specific identification under the statutes.

5 172. The FSC further impugns several of Plaintiff’s fundamental rights. Specifically, her due  
6 process rights, her rights and duties as a parent and her First Amendment rights to free speech  
7 and expression.

8 173. The NCJD created actual bias that is so pervasive Judge Tobiasson cannot be afforded  
9 due process. Bias leading to actual prejudice is evident in that the NCJD: (1) received an  
10 exonerating investigative report from a qualified investigator, ignored said report and with no  
11 statutory ability to authorize the same, directed a re-investigation ; (2) filed charges that failed to  
12 put Defendant on notice of the origination of the charges; (3) included allegations contrary to  
13 their own evidence (*i.e.*, alleging Plaintiff dismissed charges where the actual record  
14 demonstrates the District Attorney did so ; (4) advising the Plaintiff inserted herself in an  
15 investigation when the detective stated the opposite; etc.); (5) included allegations designed to  
16 impugn the Plaintiff’s reputation notwithstanding the allegation having no relation to the facts  
17 nor any legal claim for relief (nor are they true); (6) filed the Formal Statement of Charges after  
18 the time frame to file had expired and after the NCJD was on notice that time expired without  
19 even responding to a properly filed motion to dismiss said charges and creating of their own  
20 accord a nonexistent basis to avoid accepting the motion; (7) coordinated ex parte conversations  
21 regarding the investigators cloaked under the guise of confidentiality tainting the Plaintiff while  
22 the Executive Director/General Counsel is hiring (and attempting to justify) substitute  
23 investigators while at the same time coordinating his own investigation and seemingly ignoring  
24 his own notation in the initial Complaint that Plaintiff was acting as a mother trying to protect the  
25 victimization of her child; (8) failed to recognize and distinguish between Plaintiff’s rights and  
26 duties as a parent vs. those of a judge ; (9) attempts in the FSC to extend jurisdiction beyond

27 \_\_\_\_\_

28

1 statutory authorization by regulating political speech exercised by Plaintiff in a non-judicial  
2 capacity; and (10) failed to consider the Petitioner's First Amendment Rights - all to the benefit  
3 of the sex traffickers and at the expense of the Commission's own integrity.

4 174. The NCJD was put on notice of the foregoing errors but nonetheless proceeded with the  
5 full suppression of Plaintiff's free speech and due process through the auspices of a mockery of  
6 oversight.

7 175. After proceeding with the FSC, Defendants, and each of them, continued to overbroadly  
8 apply NCJD rules to their benefit while ignoring other applicable rules and statutes in order to  
9 punish Plaintiff for statements she is rightfully entitled to express.

10 176. On August 14, 2020, Plaintiff filed Motions to Dismiss NCJD Complaints I and II since  
11 adjudication had not been completed within the applicable 18 month time limit The NCJD  
12 refused to accept them.

13 177. Shockingly, NCJD notified Plaintiff's counsel that acceptance of the Motions to Dismiss  
14 would be conditioned on Plaintiff's agreement to circumstances not codified or otherwise in  
15 existence.

16 178. On August 31, 2020, the FSC was signed, filed and served on Plaintiff's counsel.

17 179. On September 21, 2020, Plaintiff properly, and in compliance with NCJD procedures,  
18 submitted a document for filing entitled, "Response and Motion to Dismiss as well as a Motion  
19 to Seal Exhibits."

20 180. Again, the Defendants refused to accept the filing of a Motion to Dismiss.

21 181. Only after Plaintiff notified the NCJD she intended to file a Writ with the Nevada  
22 Supreme Court did the Defendants on September 24, 2020, at 5:56 p.m. (PDT), forward an email  
23 advising that the Motion to Seal was filed on September 21, 2020 and the Response and Motion  
24 to Dismiss was filed on September 23, 2020. There was no explanation offered as to why the  
25 filings were not posted in the normal course as the NCJD website demonstrated with other  
26 pending actions. A news media outlet reported the same inability to find Plaintiff's filings on its  
27 September 24, 2020 review of the site.

28 182. On September 24, 2020 at 5:56 p.m., NCJD issued an order creating time lines to

1 proceed and directed that Plaintiff's filing titled Response and Motion to Dismiss, which  
2 complied with NCJD rules for submitting motions, would not be accepted as a motion but  
3 instead, would be accepted as an answer; *i.e.*, the entirety of the Response and Motion to Dismiss  
4 was accepted, but only considered as an answer regardless of the relief requested therein. There  
5 was no rule cited as authority for this arbitrary and capricious limitation. Moreover, this same  
6 Order directed the Plaintiff to refile any Motions to Dismiss within a new prescribed page limit;  
7 *i.e.*, post-filing, NCJD issued an Order placing a previously non-existent page limit on an  
8 already filed and accepted motion (while also rejecting to consider the filing as a motion,  
9 regardless of its content and the relief requested), and accepted the same – all pages included – as  
10 an answer.

11 183. As with the two prior Motions to Dismiss filed by Judge Tobiasson, NCJD, made up a  
12 rule to avoid addressing the overwhelmingly compelling reasons the FSC should be dismissed  
13 and, in fact, should have never been filed. Moreover, since the document in its entirety was  
14 accepted in the form of an answer, there was no reason cited as to why that same document was  
15 not acceptable as a motion. Further, there was nothing cited as a basis for the creation of this  
16 “rule” post filing.

17 184. Ultimately, separate motions on most of the issues referenced hereinabove were filed  
18 before the NCJD, all of which were summarily, and contrary to legal support, denied. Then,  
19 NCJD's countermotions were granted - all at great financial cost to Plaintiff.

20 185. Further, the NCJD violated its own laws, provisions and regulations as well as all laws  
21 and regulations of evidentiary standards by preliminarily indicating it would allow admittedly  
22 altered audio tapes to be used in the judicial hearings against the Plaintiff (noted that the  
23 objections could be reasserted), refused to disallow evidence not listed in or provided in any pre-  
24 hearing statement, amended and included previously unnamed witnesses after the witness cutoff,  
25 refused to make the hearing a public in-person hearing (statutes and requirements  
26 notwithstanding) and eventually sought in every manner allowed or contrived to create prejudice  
27 at the hearing designed to damage the reputation of the Plaintiff and moreover, to maintain the  
28 threat of and chill the speech of the Plaintiff.

**FACTS AS RELATED TO THE PROCEDURES OF THE NCJD**

186. These charges were initially investigated with no disciplinary recommendations.

A. Specifically, the NCJD appointed “an investigator to conduct an investigation to determine whether the allegations have merit” (NRS 1.4663(1)). NCJD retained Investigator Schmidt, from Spencer Investigations, a retired law enforcement supervisor of 27 years, to conduct the investigation. Investigator Schmidt was identified as a graduate of the FBI National Academy with a Bachelor’s Degree in Criminal Justice and a Masters Degree in Education. He was also a private investigator with 13 years of experience with an emphasis on special investigations which involve sensitive matters. In another proceeding before the NCJD (2017-025), the prosecuting officer described Investigator Schmidt as “a well-educated, experienced, and accomplished investigator.”

B. In his investigation of NCJD Complaint I, Investigator Schmidt conducted multiple interviews, including interviewing Judge Tobiasson relative to the allegations contained in paragraphs 1 - 9, 11, and 15 - 16 of the FSC. He further interviewed the Deputy Public Defender and Deputy District Attorney regarding the allegations involving Valentine as contained in paragraphs 3, 4, 5 and 6 of the FSC.

C. Investigator Schmidt’s Report concluded that “Judge Tobiasson did nothing more than inform the police of the information she had learned about the suspected prostitution ring and did not use her position on the bench to influence LVMPD detectives.”

D. As to the issue related to paragraphs 3, 4, 5 and 6 of the FSC, the Investigator Schmidt concluded:

When Judge Tobiasson realized that Shane Valentine was in her court, she called the prosecutor and the public defender into chambers and informed them of the possible conflict with Mr. Valentine. Both the prosecutor, Hagar Trippiedi, and public defender, Marla Renteria, did not feel there would be a conflict for Judge Tobiasson to preside in Valentine’s entering his plea and imposing the negotiated sentence. Judge Tobiasson again presided in the July 1, 2016 status check hearing, with the matter being reset to July 14, 2016. Judge Tobiasson subsequently recused herself

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from Shane Valentine’s case at the July 14, 2016 hearing, noting the conflict on the record.

It should be noted that Investigator Schmidt specifically reported he received confirmation from the attorneys involved in the Valentine plea hearing and noted that Judge Tobiasson recused herself before any adversarial hearing occurred.

Notably, Investigator Schmidt’s findings clearly distinguish the actions taken by Judge Tobiasson in her capacity as a judge, and those in her capacity as a mother. Investigator Schmidt did not seek to impugn a mother’s ability to report criminal activity to the police, nor disregard a mother’s frustration when she observes what she viewed as unimpeded criminal conduct by sex traffickers. Moreover, he did not suggest impropriety in her decision to discuss matters with the media unrelated to her functions as a judge.

- 187. NCJD’s Reinvestigation of Charges.
  - A. When NCJD Complaint II was filed, NCJD, under NRS 1.4663 should have acknowledged that any overlapping allegations had already been investigated and found meritless. Instead, NCJD charged a new investigator with both a re-investigation of NCJD Complaint I and investigation of the same facts stated in NCJD Complaint II.
  - B. There is no dispute Investigator Schmidt’s report exonerating Judge Tobiasson was totally disregarded and the FSC relied solely on Investigator Wagnanski’s findings to pursue recourse against Plaintiff..
  - C. This investigation resulted in charges being brought based on clearly protected political speech.
  
- 188. The Defendants, and Each of Them, Created a Press Release Type of FSC to Chill Plaintiff and Any Other Judge Who Would Dare Speak Out Against the Police, the District Attorney’s Office and/or the NCJD.



- 1 A. Most of the content of the FSC was a gratuitous attempt to disparage the Judge  
2 and/or her family to punish free speech that occurred and suppress free speech  
3 from continuing.
- 4 B. The substantive content of these paragraphs is that the Plaintiff, as a mother,  
5 became concerned about her daughter, did some preliminary observation to  
6 determine if criminal conduct was occurring, and when it appeared that it was,  
7 reached out to the police to report the same. The FSC was drafted as though sex  
8 trafficking should go unreported, implying wrongdoing when Plaintiff advised  
9 Metro detectives who were on duty that,<sup>4</sup> “Top Knotch was an unlicensed club  
10 which was running an underage prostitution ring and that they should immediately  
11 investigate the illegal activities occurring at Top Knotch”<sup>5</sup> and that, “Respondent  
12 [Plaintiff] told Metro that they needed to investigate not only Top Knotch but also  
13 Valentine, because she determined he was an ex-felon who worked as a pimp and  
14 was in possession of guns and illegal drugs.”<sup>6</sup>
- 15 C. The tenor of the allegations notwithstanding, Plaintiff’s anti-sex trafficking  
16 position as a mother and a citizen is not inconsistent with her duties as a judge.  
17 Moreover, efforts to prevent her speech as to the same are unconstitutional.
- 18 D. Plaintiff’s actions in this matter were unequivocally taken in her capacity as a  
19 mother. In fact, Homicide Detective Grimmatt was interviewed by the substitute  
20 investigator, and confirmed that the Plaintiff gave the police “valid information”  
21 as “a concerned citizen or as a concerned parent, a person in this community.” He  
22 recognized that when talking to her about this case that the conversations he had  
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24 <sup>4</sup>This allegation also purports that this notification was made while the detective was  
25 seeking a search warrant. However, the substitute investigator’s interview with Homicide  
26 Detective Bluth belies this allegation.

27 <sup>5</sup>Formal Statement of Charges, paragraph 3.

28 <sup>6</sup>Formal Statement of Charges, paragraph 5.

1 with Plaintiff, “wasn’t as a Judge, it was as a parent. ... So it wasn’t as I - it wasn’t  
2 a question that I proposed to the Judge per se, it was a question I proposed to  
3 Melanie Tobiasson about speaking with her daughter. . . . and she’s asking  
4 questions in turn, like anybody would, well, you want to talk to my child.”  
5 Further, Homicide Detective Grimmatt reported that Plaintiff was, “pretty upset  
6 about the way her daughter had been treated and that her name had been tossed  
7 around and she says: You know what? I’m a parent first and I understand, you  
8 know, the need for it, but, no, you know, I don’t want anyone speaking to my  
9 daughter because I don’t want her involved in this investigation.” Homicide  
10 Detective Grimmatt further advised that Plaintiff “was very concerned for her  
11 daughter’s safety.”

12 E. The FSC made the mutually exclusive allegations that Plaintiff showed favoritism  
13 towards Metro while simultaneously being un-judicially critical of Metro in the  
14 press and to third parties.

15 F. The FSC included allegations that Plaintiff’s actions in issuing a warrant were  
16 inappropriate. However, Homicide Detective Grimmatt advised that the  
17 individual who pursued the telephonic search warrant was Sgt. Harney.  
18 Inexplicably, however, the substitute investigator never interviewed Sgt. Harney.  
19 There was no inquiry to determine whether the contents of the search warrant  
20 were accurate. There was no attempt to solicit non-hearsay evidence as to this  
21 factual allegation, which ends up as the basis for a specific charge of discipline. In  
22 fact, Count 3 is wholly based on the hearsay document with no effort to verify  
23 with the detective who solicited the warrant. This allegation is a punitive  
24 response to Plaintiff’s use of free speech.

25 G. Paragraph 9 of the FSC alleged that Plaintiff contacted C. Land relative to this  
26 same sex trafficking syndicate. However, none of the actions alleged in Paragraph  
27 9 were taken by Plaintiff in her capacity as a judge and many were never taken by  
28 her at all. C. Land’s own statement in this matter advises that Plaintiff, “did not

1 tell me she was a judge in her message.” Similarly, FBI Special Agent Vanitha  
2 Pandi advised in her interview that, “[Land] didn’t know Melanie Tobiasson was  
3 a judge. Eventually, she found out.”

4 H. Paragraph 10 of the FSC alleges Plaintiff utilized a “burner” phone. First, there is  
5 nothing unethical, illegal or improper with buying a “cheap, disposable pre-paid  
6 mobile phone.” Second, this was a personal phone – not a county phone. The use  
7 of a personal phone for personal business is not only appropriate, but if the  
8 content of personal phone use becomes subject to ethical scrutiny, no judge could  
9 ever campaign within these rules. Third, the FSC notes the calls to C. Land but  
10 fails to note the calls to the FBI. Specifically, Investigator Wygnancki’s NCJD  
11 Complaint II report, on page 12 paragraph 2 identifies at least 48 contacts with the  
12 FBI through this “burner phone” and 130 contacts with the FBI from Plaintiff’s  
13 personal cell phone. If the use of a “burner phone” was improper, it seems  
14 unlikely she would use it to communicate with the FBI. Further, during his  
15 interview with substitute investigator, Agent White described a burner phone as  
16 “I’m sure it’s phones that you obtain at Targets or Walmarts or something like  
17 that, disposable phones. That’s what I gather would be a burner phone.”  
18 Evidently, “disposable phone” does not sound as dramatic as “burner phone” so  
19 the Charges used “burner phone” to spice up this wholly inconsequential  
20 paragraph.

21 I. Paragraph 10 continues by falsely alleging “Respondent [Plaintiff] adopted  
22 ‘Master of Puppets’ as her cell phone identification.” The prosecutor either  
23 intentionally makes this misstatement or is utterly confused. However,  
24 Investigator Wygnanski’s own report shows a screen shot of a text message that  
25 clearly shows that C. Land – not Plaintiff – created and used that moniker and sent  
26 it to Plaintiff who thought it was a joke. Defendants, and each of them, are aware  
27 of this but pursue this charge through today to punish Plaintiff for exercising her  
28 right to free speech.

1 J. Paragraph 11 continues to contort or create “facts” through colorful but empty  
2 allegations stating, “Respondent [Plaintiff] also created a false telephone account  
3 to send inappropriate text messages to a woman she believed was involved in the  
4 Land murder.” First, the reference to a “false telephone account” is a misnomer at  
5 best. Presumably, this is the same second personal phone referenced in the prior  
6 paragraph. There is nothing illegal, unethical or improper about having more than  
7 one phone. Second, the only text messages from Plaintiff in either of the  
8 Investigative reports are the aforementioned texts with Land. There is a text  
9 message between the substitute investigator and a witness wherein he advises that  
10 he has not been forwarded that witnesses’ text messages. The substitute  
11 investigator describes this text in his report as “Aryanne text message that she is  
12 afraid.” While this sounds ominous, the actual exhibit is a text message from the  
13 substitute investigator presumably to A. Zappia which merely contains his email  
14 address and a message advising that he did not receive documents from her. There  
15 is no response from A. Zappia. Certainly this admitted lack of evidence,  
16 notwithstanding the misleading reference to its content in the report, cannot  
17 support any allegation.

18 K. This paragraph continues by alleging that Plaintiff was involved in a murder  
19 investigation, and suggests that cooperating with a murder investigation or  
20 assisting within the bounds of the law is contrary to judicial principles. This  
21 inference is chilling and inapposite to the standards expected of even ordinary  
22 citizens. Moreover, the inference misconstrues Judge Tobiasson’s involvement.  
23 First, as to the Metro investigation, the substitute investigator directly asked  
24 Homicide Detective Grimmett this question and the investigator and the FS C  
25 directly ignore the detective’s answer and alleges the exact opposite of what he  
26 said. Specifically, the substitute investigator asked:

27 Q: Now, would you say that Judge Tobiasson inserted and involved herself in  
28 this case?

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Detective Grimmett: In the -

Q: In the double murder?

Detective Grimmett: **No, not by any means.** You know, what I feel is, you know, as far as inserted herself into it, I mean, and I'm just being honest with you. I think Judge Tobiasson was - I think she was upset with the way things were handled by Metro as far as when she initially provided information about Top Knotch prior to the murders happening at Top Knotch. Prior to the double murder happening, it's my understanding she had provided information to our vice unit about the activities she suspected going on at Top Knotch, and nothing was done about it. They basically ignored her. (Emphasis added.)

L. Notwithstanding receiving directly contradictory information, the Defendants include mutually exclusive allegations that cannot be attributed to an oversight by the NCJD. Instead it is intentional and punitive conduct to chill speech.

M. When Investigator Wagnanski asked Agent White if Plaintiff provided information to the FBI public corruption squad relative to the murder in question, he could not comment. Agent White was asked whether he could not comment because there was an ongoing investigation, and confirmed, "I can tell you I can't comment on an ongoing investigation." Special Agent Pandi similarly advised that she could not talk about active investigations. However, the NCJD Complaint II Report notes over 175 texts exchanges that the Plaintiff had with the FBI. The NCJD could not disregard this information in good faith. Similarly, NCJD cannot possibly be suggesting, as it appears it is, that Plaintiff should have ignored the FBI and ignored known information about sex trafficking. However, the Defendants are seeking to do that and more, *i.e.*, chill any speech criticizing the same.

N. The FSC specifically states that "Respondent [Plaintiff] also contacted Metro officers to obtain confidential information in the ongoing murder investigation." However, this allegation is again completely refuted by the statements obtained by the substitute investigator. Specifically, the investigator asked Homicide Detective Grimmett that very question, *i.e.*, whether he provided Plaintiff with

1 confidential information. Homicide Detective Grimmatt advised “no confidential  
2 information.”

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4 Further, Homicide Detective Grimmatt did not believe Plaintiff was even  
5 requesting confidential information. When Investigator Wynnanski asked if  
6 Plaintiff as a sitting judge requesting information was unusual, he advised, “no, I  
7 mean, she never really requested information about the homicide.” Homicide  
8 Detective Grimmatt went on to explain how the questions were relating to her  
9 daughter.

10 O. Paragraph 12 of the FSC alleges that “Metro had opened an investigation to  
11 determine whether Respondent [Plaintiff] had violated any criminal statutes.”  
12 However, NCJD’s Investigator Wynnanski interviewed the officer who  
13 performed that investigation. Sergeant Herring advised that the reason this  
14 investigation did not result in charges and referral to the District Attorney’s office  
15 was because “we came to a point where there wasn’t enough probable cause for a  
16 case submittal.” Similarly, Metro Detective Michael Wilson also advised the  
17 substitute investigator that they did not have “probable cause” to go forward with  
18 any charges. Thus, Defendants make this allegation to impugn the Judge’s  
19 reputation for having the audacity to speak publicly against government agencies.  
20 Not to overstate the obvious, but a failure to meet probable cause falls far below  
21 the NRS §1.4663 and NRS §1.4657 standard of “objectively verifiable evidence  
22 from which a reasonable inference could be drawn that a judge committed  
23 misconduct or is incapacitated.”

24 P. Further, paragraphs 13 - 14 allege that on July 6, 2017, the Plaintiff dismissed  
25 charges against an unnamed defendant. However, a Google search would have  
26 revealed that the charges were dismissed by the District Attorney’s office.  
27 Alternatively, the NCJD could have looked at the record online. However, neither  
28 of those 90 second options were even necessary to prevent this false allegation.

1 The NCJD needed only look at Investigator Wagnanski's NCJD Complaint II  
2 Report Exhibit 25, which is the actual transcript of the proceedings and which  
3 unequivocally showed that the District Attorney dismissed the charges, not the  
4 judge – “we’re going to be dismissing that one today pursuant to statute.” See  
5 NCJD Complaint II Investigative Report attached as Exhibit M to the Exhibit  
6 Index. The Plaintiff then adds “So, Mr. Danna, the DA’s office is dismissing  
7 these two charges against you.”

8 Q. Paragraph 15 discusses a media publication. Investigator Schmidt determined that  
9 there was nothing improper with the mother of a potential criminal victim  
10 contacting the police department to report criminal activity, or to follow upon that  
11 report. In fact, these actions are reasonable and Plaintiff acting as any parent  
12 should not be a basis for discipline.

13 R. The fact that two investigations review the same conduct and one found no  
14 violation while the other found a violation is evidence that the Canons are vague  
15 and overbroad.

16 S. Plaintiff said that the police were not doing enough with regard to sex trafficking.  
17 Judge Tobiasson’s opinion in this regard is consistent with Sheriff Lombardo,  
18 who stated in his interview that the initial investigative team, “dropped the ball”  
19 and were admonished for it. Sheriff Lombardo was not the only one concerned  
20 about the police investigation in this matter. Homicide Detective Grimmett  
21 advised that when he heard the circumstances regarding the Top Knotch  
22 homicide, “I immediately recognized it as a place or a place of business that Judge  
23 Tobiasson had already mentioned to me prior to the actual homicide itself.”  
24 Moreover, Homicide Detective Grimmett advised that the Sheriff and other Metro  
25 “bigwigs” met to inquire about why Plaintiff’s information was not followed up  
26 on to try and determine what happened:

27 You get information and you did nothing with it, and now we got a murder? You  
28 know, I mean, what the hell? Pretty much how the meeting went. A lot of yelling  
and screaming and a lot of spit flying by the Sheriff. Because he was upset. A judge

1 gave you some valid information and you did nothing with it. And the vice detective  
2 says, 'yeah, I walked in there and something wasn't right,' is what he said.  
3 Something wasn't right. And he says: And then what the hell did you do about it?  
4 Nothing. And now we have a murder. And a judge gave you some valid information  
5 and you - so her - her inserting herself into any of these investigations, no. She was  
6 as a concerned citizen or as a concerned parent, a person in this community, was she  
7 upset about it? That was obvious, and I couldn't blame her for it, I mean, but, no  
8 she's never inserted -

9 T. The FSC does not allege any of the opinions expressed by the Plaintiff in her  
10 capacity as a mother were offered as anything but opinion, and importantly, does  
11 not suggest her opinions were false. The allegations are simply that statements  
12 were made and that, "Metro officers deny all of these claims."<sup>7</sup> Even putting aside  
13 the description of Homicide Detective Grimmett's meeting with Sheriff  
14 Lombardo, the standard for judicial discipline, must be more than a mere verbal  
15 denial by officers of an agency that has a vested interest in denying the truth.

16 U. Additionally, to the extent that the allegations rely on the Blogger Poppa's post, it  
17 is noteworthy that he refused to provide the actual audio recordings to  
18 Investigator Wagnanski.

19 189. Finally, with regard to the emails referenced in paragraph 16, presuming Investigator  
20 Wagnanski was in any measure competent, it should be clear that these emails do not suggest  
21 Judge Tobiasson did anything wrong, but instead, that she (correctly) believed the NCJD would  
22 use the report to railroad her. Further, these emails merely urge the Blogger Poppa to pull or  
23 amend the article and not involve Plaintiff's daughter. Contrary to the FSC's inference that  
24 Plaintiff sought publication for the entirety of this interview, she emailed the Blogger Poppa

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25 <sup>7</sup>It is noteworthy that in February 2019, at the same time an FBI investigation was  
26 ongoing into Metro's Vice Department amid allegations that vice officers sided with certain  
27 pimps against their competitors, a sex trafficking multidisciplinary team was put together by,  
28 among others, the U.S. Attorney's office for Nevada and the Clark County District Attorney's  
office. This was done, according to the Clark County D.A.'s office, to: "strengthen the fight  
against sex trafficking" given that in 2018 alone, the D.A.'s office filed charges related to sex  
trafficking in 70 cases. In over 40 of those cases, the victims were 18 years of age or younger.  
The complaints that are at issue in this proceeding pertaining to Plaintiff's outreach on suspected  
sex trafficking were filed on June 8, 2018 and December 27, 2018, respectively.



1 advising that “[m]uch of what I said in that interview was confidential for you only to have  
2 background.” In fact, the Investigative Report includes an email from Plaintiff imploring  
3 Blogger Poppa to take the article down.

4 **PROCEDURAL VIOLATIONS BY THE NCJD**

5 190. For purposes of chilling Plaintiff’s First Amendment and due process rights NCJD  
6 Complaint II pertained to the same time frame and the same general issues as addressed in NCJD  
7 C omplaint I.

8 191. Pursuant to statute, the NCJD should have dismissed NCJD Complaint I when  
9 Investigator Schmidt found no factual support for discipline. (NRS §1.4667). Further, to the  
10 extent NCJD Complaint I contained the same allegations as II, no investigator should have been  
11 assigned. (NRS §1.4663).

12 192. Instead, NCJD, without any statutory authority, assigned a different investigator to re-  
13 investigate the previously exonerated complaint and in contravention of the “objectively  
14 verifiable evidence”standard, ordered an investigation of NCJD Complaint II notwithstanding  
15 the previous investigative report. This action was in violation of the NCJD’s statutory authority  
16 and in excess of its jurisdiction. Compliance with its own governing statutes would have  
17 mandated dismissal of both complaints.

18 193. Specifically, the NCJD is required by statute to dismiss a complaint if it is determined  
19 that it does not allege “objectively verifiable evidence from which a reasonable inference could  
20 be drawn that a judge committed misconduct or is incapacitated.” Moreover, an investigator may  
21 not even be appointed unless “a complaint alleges objectively verifiable evidence from which a  
22 reasonable inference could be drawn that a judge committed misconduct or is incapacitated.”  
23 NRS §1.4633(1). Even when an investigator is appointed, the NCJD is directed to initially  
24 assign an investigator to conduct an investigation to determine whether the allegations have  
25 merit. At the conclusion of the investigation, an investigator shall prepare a written report that  
26 will be reviewed by the NCJD pursuant to NRS §1.4633(4). That report is part of the basis in  
27 which the NCJD would make a determination under NRS §1.4657. NCJD is not authorized to  
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1 act “as an inquisitional or investigatory tribunal; it is an adjudicatory tribunal”. *Whitehead v.*  
2 *Nevada Commission on Judicial Discipline*, 111 Nev. 70, 156, 893 P 2d. 866, 919, (1995).  
3 194. All of the aforementioned factors demonstrate that even presuming that the NCJD had  
4 information meeting the standard for the initial investigation, it had an insufficient evidentiary  
5 basis to proceed with a bootstrapped re- investigation.<sup>8</sup> “Proceedings run contrary to the  
6 [Commission], fairness, and due process when they are initiated by a complainant and then  
7 pursued by the Commission to a probable cause hearing on the basis of charges wholly  
8 uncorroborated by known fact, and supported entirely by hearsay, rumor or belief.” *Whitehead v.*  
9 *Nevada Commission on Judicial Discipline*, 111 Nev. 70, 155, 893 P 2d. 866, 918, (1995).  
10 195. The investigation by Investigator Schmidt could not be a basis to proceed with any  
11 charges as to the issues relative to the police investigations and/or Plaintiffs’ dealings with the  
12 police and the media. Similarly, Investigator Schmidt’s findings do not support any charges  
13 relative to the Valentine recusal. There is simply no statutory basis wherein the NCJD could  
14 comply with NRS §1.4667, review that initial report, then order a re-investigation on the same  
15 facts.  
16 196. Further, there was certainly no evidence to support an allegation that Judge Tobiasson  
17 dismissed charges against an individual (Danna) wherein all evidence unequivocally  
18 demonstrates that the District Attorney dismissed it “pursuant to statute.” The FSC also fails to  
19 consider Investigator Schmidt’s report which recognizes what actually happened, *i.e.*, a mother  
20 reported concerns about the safety of her daughter and criminals who were targeting and  
21 attempting to victimize teenage girls. The Judge rightly was concerned about sex traffickers  
22 continued criminal activity. Sheriff Lombardo voiced those shared concerns.<sup>9</sup> Homicide  
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24 <sup>8</sup>Moreover, as will be discussed hereinbelow, retaining a separate investigator to  
25 reinvestigate the same matters is one of the several earmarks demonstrating a bias against Judge  
26 Tobiasson.

27 <sup>9</sup>Sheriff Lombardo understood the significance of this error and advised Investigator  
28 Wygnanski that “I brought [the detectives] in when I found out about the-the information  
associated with Top Knotch, the clothing store, and the failure for us to investigate it . . .”

1 Detective Grimmett described Sheriff Lombardo as very upset about the “botched”  
2 investigation. A mother asking, and then insisting that police take action against criminals is not  
3 only consistent with the judicial canons, it is in keeping with the standards of this community for  
4 citizens to report crimes and hold the police department to the appropriate standard to make sure  
5 they are investigating crimes. The sex traffickers certainly are not entitled to the extra protection  
6 they have received by chilling a judge’s ability to report a crime. Further, no county phones,  
7 computers or even letterhead were used by Plaintiff.

8 197. The procedural actions and violations of the NCJD lead to one conclusion, a concerted  
9 attempt to punish Plaintiff in retaliation for her protected speech as a mother criticizing  
10 government officials and others for their lack of diligence and inaction.

11 198. The Defendants, and Each of Them, Breached Confidentiality in an Effort to Chill  
12 Speech.

13 A. Permissible public statements by the NCJD against judges are narrow and  
14 designed to protect the integrity of the process and the reputation of the judge.  
15 The NCJD may issue a statement about confirming the pendency of the  
16 investigation, clarify procedural rules and explain the right to a fair hearing and  
17 advise whether the respondent denies the allegations. However, it and “its  
18 counsel and staff shall refrain from any public or private discussion about the  
19 merits of any pending or impending matter, or discussion ‘**which might**  
20 **otherwise prejudice a respondent’s reputation or right to due process.’ ”**  
21 Procedural Rules of Nevada Commission on Judicial Discipline, Rule 7 (emphasis  
22 added).

23 B. In total disregard for the mandates and intent of these regulations, the FSC  
24 contains significant superfluous and inflammatory allegations that have nothing to  
25 do with discipline, and are specifically designed to impugn the reputation of  
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1 Judge Tobiasson, her child, her parenting skills, and as a result, damage her  
2 reputation in the community and impugn her due process rights.<sup>10</sup>

3 C. This is nothing more than a bad faith, and transparent, attempt to sidestep the  
4 confidentiality restrictions to reveal otherwise impertinent (and false) information  
5 that would be confidential under the NCJD's own standards. Including such  
6 irrelevant nonsense in the FSC in a blatant attempt to damage the Plaintiff's  
7 family's reputation. The prosecutor knew this statement would be made public  
8 and included the inflammatory statement about a young woman with no legal  
9 purpose. The NCJD should not have tolerated this with impunity, but instead, it  
10 did so consistent with its endeavors to punish Plaintiff in retaliation for her  
11 protected speech as a mother criticizing government officials and others for their  
12 lack of diligence and their inaction.

13 D. These efforts to disparage the reputation of the Judge and her family continue  
14 throughout the FSC. Specifically, in paragraph 3 of the FSC, the Complainant has  
15 the arrogance to comment on the Plaintiff's parenting skills.<sup>11</sup> It evidences the  
16 breadth of the NCJD's attempt to overstep and expand its jurisdiction by stating  
17 opinions on personal, not judicial, conduct which it has no business or authority to  
18 delve into. Complainant's audacity serves no purpose as to any alleged charges in  
19 the FSC. On the contrary, this shows bias, pompousness, and a complete lack of  
20 empathy for a mother in a horribly unenviable situation trying to protect her child.  
21 It further shows total disregard for the young woman. This reprehensible behavior  
22 is a clear message not to disparage the NCJD, the police and the District Attorney.

23 E. Paragraph 3 continues by alleging that Plaintiff continued to contact Metro to  
24 investigate criminal activity. This is stated as though it was an allegation of some  
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26 <sup>10</sup>This is another earmark of bias.

27 <sup>11</sup>"Despite Plaintiff's concerns, Plaintiff continued to permit her daughter to work at  
28 and/or frequent Top Knotch."

1 improper behavior. Plaintiff would submit the failure to urge police to investigate  
2 criminal activity of sex trafficking that endangers minors would be  
3 unconscionable. The Complainant suggesting sex trafficking should get one  
4 phone call and then sit back and hope it stops is reprehensible. It also criticizes  
5 the NCJD's attempts to control the nature, volume and content of speech as it  
6 seeks to chill a judge's right to speak out on governmental inaction and lack of  
7 diligence.

8 F. Paragraphs 10 and 11 continue the efforts to disparage Plaintiff's personal  
9 reputation. There is nothing illegal or otherwise improper in having a second  
10 phone. Similarly, there is no possible way to discipline a judge for "knowing or  
11 unknowing" judicial violations because someone else gave them a nickname on  
12 their own phone. Moreover, it is laughably ridiculous to suggest judges should be  
13 subject to discipline because of what someone else calls them. Both of these facts  
14 are obvious and undisputable.

15 G. However, the FSC is about drama and disparagement and not the protection of the  
16 integrity of the judiciary (or protecting children from sex traffickers), thus, the  
17 FSC refers to the second phone as a "burner phone" and intentionally  
18 misconstrues how cell phone contacts are kept. This is punitive, prejudicial and  
19 callous. It serves no legitimate purpose and any tolerance of this conduct by the  
20 NCJD permanently undermines any credibility it has.

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22 Similarly, as to paragraph 12, there is nothing authorizing discipline for an  
23 investigation that has no finding of probable cause. This is included again, solely  
24 to publicly disparage the Plaintiff .

25 H. These efforts to disparage the Plaintiff by inserting improper, impertinent and  
26 immaterial information into the FSC continues by suggesting something improper  
27 with regard to charges dismissed by the District Attorney and falsely attributing  
28 those charges being dismissed to the Plaintiff. The NCJD has the transcript yet

1 this charge was still levied, facts notwithstanding. This conduct once in a  
2 statement of charges would be careless. This repeated conduct is intolerably  
3 abusive and would appear to be personal.

4 I. Finally, with regard to the emails referenced in paragraph 16, these emails do not  
5 suggest the Plaintiff did anything wrong but instead express the concern that the  
6 Commission would use the statements to railroad her. As is demonstrated  
7 hereinabove - the Plaintiff's concerns were more than justified.

8 J. Moreover, Defendants, and each of them, have provided, or otherwise allowed to  
9 provide Plaintiff's deposition transcript, audio of investigation interviews, and  
10 audio of hearings to a blogger to publish parts of the same to disparage her and  
11 chill Judge Tobiasson and others' free speech and conduct contrary to  
12 Government agencies.

13 199. Violation of Judiciary Due Process.

14 A. The Fourteenth Amendment of the Federal Constitution advises that no state shall  
15 "deprive any person of life, liberty, or property, without due process of law." As a  
16 predicate to determining whether a due process violation has occurred, the Nevada  
17 Supreme Court has advised that the initial step is determining whether state action  
18 impinges upon an interest in life, liberty or property. See *Mosely v. Nevada*  
19 *Commission on Judicial Discipline*, 117 Nev. 371, 659 (2001). The Nevada  
20 Supreme Court has in fact concluded that the commissioned judges in Nevada  
21 have a protected interest in their judicial offices under the Fourteenth  
22 Amendment. *Id.*

23 B. Plaintiff in the case *sub judice* has had those due process rights violated. Plaintiff  
24 concedes that under *Mosley* Plaintiff must show more than just the combination of  
25 prosecutorial, investigative, and adjudicative functions to violate this due process.  
26 However, bias does exist in this case. Bias is demonstrated through a multitude of  
27 factors, many of which have already been detailed, including the manner in which  
28 the functions in this case are commingled and the failure to comply with the

1 NCJD's own laws in an effort to proceed with formal charges against this Plaintiff  
2 all of which demonstrate a violation of due process causing incalculable damages.  
3 The NCJD has failed to comply with its own rules, regulations, statutes and  
4 adopted procedures. Further, the manner of avoidance from the intent of public  
5 disclosure limitations by including improper information in the FSC flies in the  
6 face of the intent and purpose of the NCJD itself. The violation of due process  
7 rights is engaged in to allow a proceeding to move forward which is premised on  
8 the chilling of protected speech rights because they are critical of government  
9 officials and others inaction and lack of diligence.

10 200. Violation of Parental Due Process Rights.

- 11 A. The FSC exceeds the NCJD's jurisdiction as it infringes on her due process rights  
12 as a parent. NCJD cannot undermine Judge Tobiasson's duties, assignments and  
13 rights to protect her child from sex traffickers in an effort to enforce a personal  
14 agenda for illegitimate goals.
- 15 B. The FSC attempts to prevent a parent from exercising her due process parental  
16 rights and seeks to limit her ability to stop sex traffickers from victimizing  
17 minors, including, potentially, her own child. Specifically, Plaintiff has a right,  
18 and in fact, a duty, to protect her child. Provided she exercises that right within  
19 the bounds of criminal law (and she has not been criminally indicted for any such  
20 act) her actions as a parent are protected. The Commission cannot, under the guise  
21 of the judicial canons, seek to impugn that right. Moreover, sex traffickers do not  
22 represent a protected class of people to negate Plaintiff's parental due process  
23 rights.
- 24 C. Director Dehyle acknowledged in NCJD Complaint I that Plaintiff was  
25 attempting to protect her daughter from being victimized. Similarly, the NCJD  
26 Complaint II acknowledged to FBI Special Agent Pandi that Plaintiff did not  
27 identify herself as a judge. Further, Investigator Schmidt's report acknowledges  
28 Plaintiff's activities were as a parent. Similarly, Homicide Detective Grimm

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understood Plaintiff was a concerned parent who was upset Metro botched an investigation that jeopardized her daughter’s safety and the safety of many other minors who were potential victims. The FSC seeks to bypass this undisputed fact, and the legal ramifications of the same through their delinquent filing. However, proceeding under the FSC while acknowledging that Plaintiff was acting as a parent violates her due process rights and exceeds the NCJD’s jurisdiction.

D. NRS §432B.020 defines “abuse or neglect of a child” to include: “...Sexual abuse or sexual exploitation...of a child caused or allowed by a person responsible for the welfare of the child under all circumstances which indicate the child's health or welfare is harmed or threatened with harm.” This section of the statute goes on to define the term “allow” to mean “...to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.”

E. Sexual exploitation is defined in NRS §432B.110 to include forcing, allowing or encouraging a child to solicit or engage in prostitution. NRS §432B.121 describes that a person has "reasonable cause to believe" if, in light of all the surrounding circumstances which are known or should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exist, is occurring or has occurred.

F. NRS §432B.130 makes it clear that a parent with whom a child lives is responsible for the for a child's welfare.

G. NRS §432B.140 defines negligent treatment of a child as allowing the child to be subjected to “...harmful behavior that is terrorizing, degrading, painful or emotionally traumatic...is without proper care, control or supervision...or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.”



- 1 H. NRS §432B.220 as it was delineated with effect through December 31, 2019 deals  
2 with the requirements to report abuse or neglect situations and specifically  
3 mandates that certain individuals make such reports upon learning of the existence  
4 of cases of potential abuse or neglect. Individuals who shall make such reports  
5 include "Any officer or employee of a law enforcement agency" an "an attorney".  
6 The statute directs that a report may also be made by any other person.
- 7 I. NRS §432B.230 prescribes that reports made pursuant to NRS §432B.220 may be  
8 made telephonically..."or by any other means of oral, written, or electronic  
9 communications that a reasonable person would believe, under those facts and  
10 circumstances, is a reliable and swift means of communicating information to the  
11 person who receives the report."
- 12 J. Nevada's custody and child support laws are founded upon a principle that the  
13 parent or in the parent's stead a court must always act in the best interests of the  
14 child or children involved.
- 15 K. As a parent, the Plaintiff had a legal duty and obligation to, among other things,  
16 protect her child from harm and to provide safety, supervision and control. Under  
17 Nevada state welfare standards "nonaccidental" abuse or neglect would be  
18 attributable to Plaintiff "...arising from an event or effect that a person responsible  
19 for a child's welfare could reasonably be expected to foresee, regardless of  
20 whether that person did not intend to abuse or neglect a child or was ignorant of  
21 the possible consequences of his actions or failure to act" (NAC 432B.020).
- 22 L. The Nevada Parental Responsibility Law (SB 314) which was adopted in 2013  
23 enunciated in Section one of the bill that "The liberty interest of a parent in the  
24 care, custody and management of the parent's child is a fundamental right." In  
25 *Gordon v. Geiger*, the Nevada Supreme Court held that parents have a  
26 fundamental right concerning custody of their children. *See* 402 P.3d 671, 674  
27 (Nev. 2017). "[D]ue process of law [is] guaranteed by the Fourteenth  
28 Amendment of the United States Constitution and Article 1, Section 8(5) . . . of

1 the Nevada Constitution. In the case of *In Re: The Parental Rights as to J.L.N.*,  
2 118 Nev. 621, 55 P. 3d 955 (2002) the Supreme Court ruled that the authority to  
3 make decisions concerning and affecting the care, welfare and proper  
4 development of the child is known as "parental responsibility." The Court went on  
5 to find that "the parent-child relationship is a fundamental liberty interest" and the  
6 Due Process Clause of the Fourteenth Amendment protects parents' fundamental  
7 right to care for and control their children. **Statutes that infringe upon this**  
8 **interest are...subject to strict scrutiny and must be narrowly tailored to serve**  
9 **a compelling interest.** (Emphasis added.)

10 M. In *Rico v Rodriguez* 121 Nev. 695, 120 P.3d 812 (2005), the Supreme Court of  
11 Nevada again embraced the principle that "Embedded within the Fourteenth  
12 Amendment is a substantive component that 'provides heightened protection  
13 against government interference with certain fundamental rights and liberty  
14 interests.'" Finally, the Nevada Supreme Court acknowledges that the United  
15 States Supreme Court has recognized fundamental interests including "the interest  
16 of parents in the care, custody, and control of their children." See *Troxel v*  
17 *Granville*, 530 U.S. 57, 65 (2000).

18 N. The FSC brought by the NCJD is premised in part on an attack on the conduct of  
19 the Plaintiff in seeking to use her parental discretion as a mother to affect the care  
20 and well-being of her child. It disregards Plaintiff's protected fundamental Due  
21 Process rights as to the care, custody and control of her child and disregards the  
22 fact that Plaintiff reported criminal conduct to the police who allowed it to  
23 continue rather than taking matters into her own hands. The statement all but  
24 omits consideration of standards to be applied in the case of abuse or neglect of a  
25 child, the issue of sexual exploitation and the standards of reasonable cause and  
26 reasonable reaction. All of this is particularly glaring when, as in this case,  
27 Prosecutor Bradley, a prosecuting officer engaged by the NCJD Executive  
28 Director/General Counsel, who in theory "independently reviews the evidence and

1 files a Formal Statement of Charges” and who swears that he has undertaken a  
2 reasonable inquiry and is . . . “informed and believes that the contents of the  
3 Formal Statement of Charges is true and accurate” is held out in the profession to  
4 be an expert in areas of parental rights and family law. Equally glaring is that  
5 Investigator Wagnanski, the investigator engaged and directed by Director  
6 Dehyle , is touted as starting the first Sex Offender Notification Unit in the State  
7 of Nevada and yet, he vilified Plaintiff for reporting sex trafficking activity to the  
8 police.

9 O. To file an FSC alleging that a judge, who has a legal obligation to report criminal  
10 activity, has violated ethics rules for reporting such criminal activity to the police  
11 is suspect in and of itself. It also clearly and convincingly calls into question the  
12 true motivation behind any such complaint against any such judge. It is further  
13 evidence of the lengths to which the individual Defendants and NCJD have gone  
14 to allow a proceeding to move forward which is premised on denying due process  
15 rights, denying parental rights and chilling protected speech; none of which deals  
16 with issues of attempted sexual exploitation of a minor, none of which falls within  
17 the purview of judicial discipline.

18 P. The charges brought in this particular case, in most if not all material aspects,  
19 infringe upon and abridge Plaintiff's parental rights as a mother. They force a  
20 Judge, who happens to be a parent, to choose between exercising her due process  
21 protected parental rights or staying silent for fear of being accused of engaging in  
22 conduct which may be falsely depicted, not to mention her duty to do everything  
23 within her ability to protect her child from sexual predators, amorphous standards  
24 of judicial conduct applied in a secretive process which in itself distorts and  
25 devalues the legal notion of due process.

26 Q. The Plaintiff's actions by and large were outside the courthouse and outside her  
27 role as a Judge. Though she is an elected Judge, and one who is well regarded and  
28 a credit to the bench according to evaluations vis-à-vis her and her peers, that

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doesn't mean she has to forfeit her constitutionally, statutorily and judicially protected due process rights, parental due process rights or her right to engage in speech critical of governmental inaction, or complicity, when her child's safety and well-being are at stake.

R. The Plaintiff acted reasonably as parent in this case. Plaintiff sought to protect her daughter. No charge has been filed against Plaintiff under any of the above cited statutes nor under any criminal statute, nor did Plaintiff engage in any behavior that could even under the most liberal interpretation, be construed as rising to the level of inappropriate and certainly not criminal. The Plaintiff's very reasonable and understandable reactions and conduct, as a worried parent, belie any rational claim that the Plaintiff's conduct somehow can be judged unreasonable solely because her occupation is that of Judge. Moreover, the NCJD cannot be allowed to overreach their jurisdiction and brings charges based, even in part, on Plaintiff's parenting, so long as the Plaintiff does not run afoul of criminal guidelines.

201. First Amendment Rights Have Been Chilled, Impeded and Emasculated.

A. The First Amendment of the United States Constitution states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Article 1 Section 9 of the Nevada Constitution grants liberty of speech to every citizen: "Every citizen may freely speak, write and publish his sentiments on **all subjects** being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech... In all criminal prosecutions and civil actions for libels, the truth may be given in evidence to the Jury; and if it shall appear to the Jury that the matter charged as libelous is true and was published

1 with good motives and for justifiable ends, the party shall be acquitted or  
2 exonerated.” (Emphasis added.)

3 B. Canon 3 of the Nevada Code of Judicial Conduct states that:

4 A judge shall conduct the judge's personal and extrajudicial activities to minimize the  
5 risk of conflict with the obligations of judicial office." Rule 3.1 states: "A judge may  
6 engage in extrajudicial activities, except as prohibited by law or this Code. However,  
7 when engaging in extrajudicial activities, a judge shall not: (A) participate in  
8 activities that will interfere with the proper performance of the judge's judicial duties;  
9 (B) participate in activities that will lead to frequent disqualification of the judge; (C)  
10 participate in activities that would appear to a reasonable person to undermine the  
11 judge's independence, integrity, or impartiality; (D) engage in conduct that would  
12 appear to a reasonable person to be coercive; or (E) make use of court premises, staff,  
13 stationery, equipment, or other resources, except for incidental use for activities that  
14 concern the law, the legal system, or the administration of justice, or unless such  
15 additional use is permitted by law.

16 C. Plaintiff's activities as a mother, including but not limited to, her exercise of free  
17 speech rights, did not impact the performance of her judicial duties. Plaintiff's  
18 activities, including but not limited to, her exercise of free speech rights cannot  
19 legitimately lead to her removal as a judge. There is nothing in the FSC to  
20 suggest a compromise of the Plaintiff's judicial independence, integrity,  
21 impartiality or engagement in coercive conduct as she pursued her maternal rights,  
22 including but not limited to, her exercise of free speech rights. It is crystal clear  
23 that there was no use of court personnel, premises or anything else from the court  
24 as the Plaintiff pursued her rights and obligations as a mother, including but not  
25 limited to, her exercise of free speech rights.

26 D. Judges, like all citizens, can exercise their right to freedom of expression. A judge  
27 may temper his or her speech to protect the integrity of the judicial process and  
28 public confidence in the judiciary. This does not mean however that a Judge, like  
Plaintiff, who is a mother, is to be deprived of her freedom of expression when it  
comes to a matter of dire family, and community interest. In this case, a sex  
trafficker attempting to victimize her daughter. It is also improper to second guess  
the vehicle used for the purpose of expression of Plaintiff's motherly concerns, her  
moral outrage and her frustration with the investigative process, or lack thereof.

1 Whether her statements, made purely from a mother's perspective, are done  
2 through televised investigative reporting, an interview with a blogger or published  
3 through print media, her speech is still the protected speech of a mother  
4 addressing the issue of attempts to victimize her daughter and her duty to educate  
5 and warn others about the effects such crimes and the ramifications for failures to  
6 investigate such behavior.

7 E. A judge has a legal duty to report suspected criminal activity. A judge has a moral  
8 duty to speak out about conduct that challenges the rule of law. These precepts are  
9 not incompatible with a mother, speaking as a mother who also happens to be a  
10 judge, exercising her constitutional rights to speak out on a purely personal family  
11 issue directly impacting the safety and well-being of her daughter.

12 F. The FSC filed against Plaintiff to punish Plaintiff for expressing the opinions,  
13 concerns and moral outrage of Judge Tobiasson, the mother of a daughter targeted  
14 by sex traffickers. It is a shameful and blatant misuse of the NCJD 's power and  
15 authority, in an attempt to mollify government officers and officials, who have  
16 been subjected to criticism by Plaintiff for a failure to timely act, or to act at all,  
17 and a lack of diligence.

18 G. Adoption of the NCJD's flawed claims and the application of its proffered  
19 interpretation of its rules vis-a-vis the facts of this case would result in the  
20 unconstitutional abridgement and unlawful restraint of Plaintiff's rights to free  
21 expression and speech.

22 202. Accordingly, the impertinent, improper and immaterial allegations should have never  
23 been brought forward. Moreover, the high-handed manner in which the Judge has been pursued  
24 for criticizing the NCJD, the police and/or the District Attorney's office, in conjunction within  
25 which the Defendants have sought and facilitated publicity to shame the Plaintiff, is a concerted  
26 effort by the Defendants, both in the course and scope of their duties and outside the scope and  
27 course of their duties to effectuate a personal vendetta against such criticizing and is  
28 unconstitutional and should not stand with impunity.

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**CAUSES OF ACTION**

203. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs, and incorporates the same herein by this reference.

204. The following causes of action necessitate monetary damages, declaratory relief, retainment of costs and attorney’s fees all incurred by Plaintiff as a result of the acts described herein by the Defendants, and each of them.

**COUNT ONE  
(Deprivation of Constitutional Rights in Violation of 42 USC §1983 -  
First Amendment to the United States Constitution  
Free Speech Clause Challenge to Judicial Canons)**

205. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs, and incorporates the same herein by this reference.

206. Political speech is protected by the First Amendment of the United States Constitution.

207. Criticism of judges, district attorneys, police officers, etc. is protected speech.

208. A justice of the peace, duly elected and able to run for election must receive the appropriate speech protections.

209. Speech about Government affairs, structures and forms of government, the manner in which government is operated or should operate, political processes and issues of public importance is essential speech protected by the First Amendment.

210. The speech that the NCJD is investigating is deserving of the highest Constitutional protection.

211. The First Amendment protects the free exchange of ideas and encourages debate on public issues that is uninhibited, robust and wide-open.

212. The Government’s ability to restrict political speech is extremely limited.

213. The Government may not circumscribe a duly elected official’s speech in a way that prevents the electorate from knowing the candidate’s views and being able to evaluate the candidate’s personal qualities and positions on issues of public interest.

214. The NCJD has asserted that Judicial Canon One, Rules 1.2 and 1.3, and Canon Two,

1 Rules 2.1, 2.2, 2.3 and 2.4 and Canon Three, Rule 3.1, restricts Plaintiff's ability to make public  
2 statements regarding the LVMPD and some of its officers with regard to the performance of their  
3 governmental duties, and making public statements regarding investigations the police  
4 department admits were failures and about which they admit they "dropped the ball" in  
5 investigating is a violation by Plaintiff of the Judicial Canons where instead this is a complete  
6 impingement on political speech.

7 215. The NCJD asserts that Judicial Canon One, Rules 1.1, 1.2 and 1.3, Canon Two, Rules  
8 2.2, 2.4 and Canon Three, Rule 3.1, permit them to restrict the Plaintiff's and other judges'  
9 protected conduct. Specifically, the NCJD asserts it can punish Plaintiff for observing her  
10 daughter at her daughter's place of employment for purposes of parental protection of her child  
11 wherein, in fact, these are Constitutionally protected rights of which the NCJD has no basis to  
12 infringe.

13 216. The above-referenced Canons, as written, and as sought to be applied by the NCJD, are  
14 content based restrictions on speech.

15 217. The above-referenced Canons, as written, and as sought to be applied by the NCJD, do  
16 not serve a compelling Government interest that justifies restriction on a judge's speech.

17 218. The above-referenced Canons, as written, and as sought to be applied by the NCJD, are  
18 not narrowly tailored.

19 219. The above-referenced Canons, as written, and as sought to be applied by the NCJD, are  
20 not the least restrictive means of achieving the Government's asserted interests.

21 220. The above-referenced Canons, as written, and as sought to be applied by the NCJD, are  
22 an unconstitutional content based restriction because the content of the judge's speech must be  
23 examined in order to determine if it is prohibited.

24 221. The above-referenced Canons, as written, and as sought to be applied by the NCJD, are  
25 overbroad on their face and as applied because they prohibit Constitutionally protected speech  
26 and expressive activities of the Plaintiff and third parties not before the Court.

27 222. The above-referenced Canons, as written, and as sought to be applied by the NCJD, are  
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1 overbroad on their face and as applied because they cause Plaintiff and third parties not before  
2 the Court to refrain from Constitutionally protected speech.

3 223. The above-referenced Canons, as written, and as sought to be applied by the NCJD, are  
4 overbroad on their face and as applied because they sweep within their ambit a substantial  
5 amount of Constitutionally protected speech.

6 224. The above-referenced Canons, as written, and as sought to be applied by the NCJD, are  
7 overbroad on their face, and as applied, because they prohibit speech that neither affects nor  
8 would reasonably be expected to affect the outcome or implied fairness of any judicial  
9 proceeding nor interfere with a fair trial or hearing.

10 225. The above-referenced Canons, as written, and as sought to be applied by the NCJD, are  
11 also unconstitutional because they vest unbridled discretion in government officials and entities,  
12 protected by complete immunity and lacking any form of oversight or tasked with enforcing these  
13 Canons to determine which speech is, or is not, restricted by each Canon and what expressive  
14 activity is, or is not, prohibited.

15 226. The above-referenced Canons, as written, and as sought to be applied by the NCJD, are  
16 selectively enforced and applied in an unconstitutional viewpoint and discriminatory manner.

17 227. The above-referenced Canons, as written, and as sought to be applied by the NCJD,  
18 create an impermissible restraint on constitutionally protected speech and conduct because they  
19 restrict judicial speech conduct in advance, but provide no criteria to guide decision makers in  
20 determining what speech or conduct is permissible.

21 228. As a direct and proximate result of the Defendants, and each of their actions, as alleged  
22 herein, Judge Tobiasson is chilled and deprived of her rights to free speech and free conduct.

23 229. Judge Tobiasson has suffered and will continue to suffer irreparable harm to her  
24 First Amendment rights as a direct result of the Defendants, and each of their conduct, the  
25 Defendants' ongoing prosecution under existence, enforcement and threat of enforcement of  
26 these Canons against her speech and conduct.

27 230. A properly crafted declaratory judgment and injunction ensuring that the enforcement  
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1 authority exercised by the Defendants, and each of them, would preclude these Canons from  
2 being applied in a manner inconsistent with the First Amendment. This would begin to redress  
3 JudgeTobiasson’s injury and eliminate any unjustified chilling of her speech.

4 **COUNT TWO**

5 **(Deprivation of Constitutional Rights in Violation of 42 USC §1983 -**  
6 **First Amendment of the United States Constitution**  
7 **Free Speech Clause Challenge to Nevada Canons of Judicial Ethics**  
8 **Canon One - 1.1, 1.2, 1.3; Canon Two - 2.1, 2.2, 2.3, 2.4; and Canon Three - 3.1)**

9 231. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
10 paragraphs, and incorporates the same herein by this reference.

11 232. Political speech is protected by the First Amendment of the United States Constitution.

12 233. Criticism of government officials and the conduct of the police and district attorney’s  
13 offices as well as judges is protected speech.

14 234. The speech of a duly elected judicial officer is protected speech.

15 235. Speech about government affairs, structures and forms of government, the manner in  
16 which government is operated or should operated, political processes and issued of public  
17 importance is essential speech protected by the First Amendment.

18 236. The speech that the NCJD is prosecuting is deserving of the highest constitutional  
19 protection.

20 237. The First Amendment protects the free exchange of ideas and encourages debate on  
21 public issues that is uninhibited, robust and wide-open.

22 238. The Government’s ability to restrict political speech is extremely limited.

23 239. The Government may not circumscribe a duly elected judicial officer’s speech in a way  
24 that prevents the electorate from knowing the candidate’s views and being able to evaluate the  
25 candidate’s personal qualities and positions on vital public issues.

26 240. The NCJD has asserted that Judicial Canon One, Rules 1.2 and 1.3, Canon Two, Rules  
27 2.1, 2.2, 2.3 and 2.4 and Canon Three, Rule 3.1, restrict Plaintiff’s ability to make public  
28 statements regarding the LVMPD and some of its officers with regard to the performance of their  
governmental duties, and making public statements regarding investigations the police

1 department admits were failures and about which they admit they “dropped the ball” in  
2 investigating is a violation by Plaintiff of the Judicial Canons where instead this is a complete  
3 impingement on political speech.

4 241. Judicial Canon One, Rules 1.1, 1.2 and 1.3, Canon Two, Rules 2.2, 2.4 and Canon Three,  
5 Rule 3.1, inhibit the NCJD from restricting the Plaintiff’s conduct. Specifically, Defendants seek  
6 to use these Canons to punish Plaintiff for observing her daughter at her daughter’s place of  
7 employment for purposes of parental protection of her child wherein, in fact, these are  
8 Constitutionally protected rights of which the NCJD has no basis to infringe.

9 242. The above-referenced Canons as written and as sought to be applied by the NCJD are  
10 content based restrictions on speech.

11 243. The above-referenced Canons as written and as sought to be applied by the NCJD do not  
12 serve a compelling Government interest that justifies restriction on a judge’s speech.

13 244. The above-referenced Canons as written and as sought to be applied by the NCJD are not  
14 narrowly tailored.

15 245. The above-referenced Canons as written and as sought to be applied by the NCJD are not  
16 the least restrictive means of achieving the Government’s asserted interests.

17 246. The above-referenced Canons as written and as sought to be applied by the NCJD are an  
18 unconstitutional content based restriction because the content of the judge’s speech must be  
19 examined in order to determine if it is prohibited.

20 247. The above-referenced Canons as written and as sought to be applied by the NCJD are  
21 overbroad on their face and as applied because they prohibit Constitutionally protected speech  
22 and expressive activities of the Plaintiff and third parties not before the Court.

23 248. The above-referenced Canons as written and as sought to be applied by the NCJD are  
24 overbroad on their face and as applied because they cause Plaintiff and third parties not before  
25 the Court to refrain from Constitutionally protected speech.

26 249. The above-referenced Canons as written and as sought to be applied by the NCJD are  
27 overbroad on their face and as applied because they sweep within their ambit a substantial  
28 amount of Constitutionally protected speech.

1 250. The above-referenced Canons as written and as sought to be applied by the NCJD are  
2 overbroad on their face and as applied because they prohibit speech that neither affects nor would  
3 reasonably be expected to affect the outcome or implied fairness of any judicial proceeding or  
4 interfere with a fair trial or hearing.

5 251. The above-referenced Canons as written and as sought to be applied by the NCJD are also  
6 unconstitutional because they vest unbridled discretion in government officials and entities  
7 tasked with enforcing these Canons to determine which speech is, or is not, restricted by each  
8 Canon and what expressive activity is, or is not, prohibited.

9 252. The above-referenced Canons as written and as sought to be applied by the NCJD are  
10 selectively enforced and applied in an unconstitutional viewpoint and discriminatory manner.

11 253. The above-referenced Canons as written and as sought to be applied by the NCJD create  
12 an impermissible prior restraint on constitutionally protected speech and conduct because they  
13 restrict judicial speech in advance and permissible conduct in advance, but provide no criteria to  
14 guide decision makers in determining what speech or conduct is permissible.

15 254. As a direct and proximate result of Defendants' actions, policies, practices and customs  
16 as alleged herein, Judge Tobiasson is chilled and deprived of her rights to free speech and free  
17 conduct.

18 255. Judge Tobiasson has suffered and will continue to suffer irreparable harm to  
19 her First Amendment rights as a direct result of the Defendants' conduct, the Defendants'  
20 ongoing prosecution of Judge Tobiasson and the existence, enforcement and threat of  
21 enforcement is chilling at its core protected political speech.

22 256. A properly crafted declaratory judgment and injunction ensuring that the Defendants  
23 would not enforce these Canons in a manner inconsistent with the First Amendment would begin  
24 to redress Judge Tobiasson's injury and eliminate an unjustified chilling of her speech.

25 **COUNT THREE**

26 **(Deprivation of Constitutional Rights in Violation of 42 USC §1983 -**  
27 **Fourteenth Amendment to the United States Constitution**  
28 **Free Speech and Due Process Clause**  
**Challenge to the face and application of the NCJD Canons)**

1 257. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
2 paragraphs, and incorporates the same herein by this reference.

3 258. The Fourteenth Amendment forbids the state from depriving Judge Tobiasson  
4 of her life, liberty of property without due process of law.

5 259. Judge Tobiasson possesses a constitutionally protected property interest in the  
6 office of Justice of the Peace, Las Vegas Justice Court, County of Clark, State of Nevada.

7 260. Judge Tobiasson possesses a constitutionally protected liberty interest in her  
8 reputation, good name, honor and integrity as it relates to remaining in the office as Justice of the  
9 Peace.

10 261. Judge Tobiasson, and the citizens who elected her, have an objective  
11 expectation that she would continue to function in her elected position as a Justice of the Peace  
12 for her full term.

13 262. The office in which she serves is created by the Nevada Constitution and the powers and  
14 duties of that office are set forth in the Nevada Constitution and the Nevada Statutes.

15 263. Judge Tobiasson has a legitimate claim of entitlement to remain in office for  
16 the duration of her term absent some legitimate countervailing cause or appropriate process.

17 264. No government body has unfettered discretion to remove or suspend Judge Tobiasson  
18 from the office of the Justice of the Peace.

19 265. Judge Tobiasson is threatened with being stigmatized in connection with an  
20 indefinite removal from her office as Justice of the Peace by pursuing an improper and contrived  
21 complaint against her attempting to chill her speech and the speech of others that she may have  
22 the “audacity” to comment on failed police investigations and concerns of corruption in  
23 government offices.

24 266. The application of the Nevada Constitution and Chapter 1.425 of Nevada Statutes is  
25 being effectuated in a manner to threaten to impair and burden the Constitutionally protected  
26 property and liberty interests that Judge Tobiasson has in her office by depriving her indefinitely  
27 of this office.

28 267. The NCJD action currently pending against Judge Tobiasson represents a state

1 action.

2 268. The pursuing of the FSC against Judge Tobiasson and efforts to chill the speech  
3 and activity of her as well as other third parties is an improper manner in violation of her and  
4 other justices' due process rights.

5 269. The conduct of the NCJD in this matter has demonstrated a denial of even minimal due  
6 process from an adjudicatory body, including notice and meaningful opportunity to be heard.

7 270. The loss of office of the Justice of the Peace for any period of time would constitute a  
8 grievous loss to the Plaintiff that can never be recouped.

9 271. Additional and appropriate safeguards not currently attached to the NCJD complaint  
10 would reduce the risk of erroneous deprivation of Judge Tobiasson's rights and constitutionally  
11 protected interests.

12 272. Any interest in the operation of the Court and the judicial conduct of judges does not  
13 permit the Defendants to eviscerate Judge Tobiasson's fundamental rights.

14 273. As both a judicial candidate and a sitting Judge, Judge Tobiasson possesses free  
15 speech rights protected by the First Amendment that are effectively chilled by the continued  
16 existence and enforcement of the Judicial Canons as applied by the Defendants, and each of  
17 them.

18 274. The NCJD, through the application of the FSC and their irrational actions and readings,  
19 facially and as applied of the Judicial Canons, threatens to violate the free speech and due  
20 process rights of Judge Tobiasson to continue to serve as a Justice of the Peace during the  
21 remainder of her elected term.

22 275. Judge Tobiasson has no administrative remedies available as the same has been  
23 futile.

24 276. No state law or state forum provides adequate relief from the deprivation of rights and  
25 liberties already suffered by and/or continuing to be suffered Judge Tobiasson as described  
26 hereinabove.

27 277. Judge Tobiasson has no adequate remedy at law to satisfy the harm caused to  
28 her by the actions of the Defendants, and each of them.

1 278. As detailed above, Defendants are threatening to apply and enforce the Judicial Canons  
2 against Judge Tobiasson for protected conduct and protected speech notwithstanding for property  
3 like her duly elected office.

4 279. Absent declaratory and injunctive relief, Judge Tobiasson will continue to face  
5 imminent and ongoing threats of substantial and irreparable harm resulting from the conduct of  
6 the Defendants, and each of them.

7 **COUNT FOUR**

8 **Deprivation of Rights in Violation of 42 USC §1985 -**  
9 **Conspiracy and Violation of Plaintiff's Protected Interests**

10 280. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
11 paragraphs, and incorporates the same herein by reference.

12 281. 42 U.S.C. § 1985(3) of the Civil Rights Act of 1964 provides a civil remedy for  
13 conspiracies that interfere with constitutionally or federally protected rights when motivated by  
14 insidiously discriminatory animus.

15 282. Defendants, and each of them, conspired to engage in conduct to restrict a mother, who is  
16 a sitting judge, from constitutionally protected conduct through unconstitutional and punitive  
17 means.

18 283. Defendants, and each of them, engaged in a conspiracy.

19 284. Defendants, and each of them, committed overt acts in furtherance of the object of the  
20 conspiracy.

21 285. Defendants, and each of them, intended to deprive Plaintiff of the equal protection of, or  
22 equal privileges and immunities under the law.

23 286. The actions of Defendants, and each of them, resulted in an injury or deprivation of  
24 federally protected rights to Plaintiff.

25 287. It would have been clear to a reasonable person that the Defendants' conduct was  
26 unlawful.

27 288. The actions of the individual Defendants, and each of them, were outside the scope of  
28 positions within the proper scope of the NCJD.

1 289. Plaintiff has been required to retain the services of an attorney to pursue this action and is  
2 entitled to recover attorney's fees and costs incurred.

3 **COUNT FIVE**

4 **(Gender Discrimination in Violation of 42 U.S.C. § 2000(e)-29(a)/Title VII)**

5 290. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
6 paragraphs, and incorporates the same herein by reference.

7 291. Title VII of the Civil Rights Act of 1964 forbids employment discrimination based on  
8 sex.

9 292. Plaintiff suffered disparate treatment at her employment and the prosecution of matters by  
10 the NCJD as she was singled out and treated less favorably than other similarly situated wherein  
11 she sought to assert her rights as a mother to protect her child and instead, the NCJD sought to  
12 take away her due process rights so as to restrain Plaintiff and others from criticizing the police  
13 department, the district attorney's office and/or other governmental agencies.

14 293. Plaintiff has been damaged directly and proximately from these actions.

15 **COUNT SIX**

16 **(Conspiracy )**

17 294. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
18 paragraphs, and incorporates the same herein by reference.

19 295. Upon information and belief at all times mentioned herein, Defendants, and each of them,  
20 maliciously conspired together to commit the acts set forth above, including, but not limited to,  
21 coordinating efforts to undermine and defame Plaintiff and ruin her reputation and career.

22 296. Defendants, and each of their acts of conspiracy were malicious and with intent to harm  
23 and injure Plaintiff.

24 297. As a direct and proximate result of this conspiracy, Plaintiff has been damaged in an  
25 amount to be more specifically determined at the time of trial.

26 **COUNT SEVEN**

27 **(Intentional Infliction of Emotional Distress)**

28 298. Plaintiff repeats and realleges each and every allegation contained in the foregoing



1 paragraphs, and incorporates the same herein by reference.

2 299. The acts of all Defendants, and each of them, individually and as members of or agents  
3 for the NCJD, as described herein, were extreme and outrageous.

4 300. The acts of the Defendants, and each of them, either intentionally or recklessly caused  
5 Plaintiff emotional distress.

6 301. The Plaintiff suffered severe trauma and emotional distress.

7 302. The Defendants' conduct actually and proximately caused Plaintiff's suffering.

8 303. As a result of the acts of intentional emotional distress identified hereinabove,  
9 Defendants, and each of them, breached their duty to Plaintiff and Plaintiff is entitled,  
10 directly and proximately, to damages in an amount to be more specifically determined at  
11 the time of trial.

12 304. Plaintiff has been required to retain the services of an attorney to pursue this action and is  
13 entitled to recover attorney's fees and costs incurred.

14 **COUNT EIGHT**

15 **(Negligent Infliction of Emotional Distress against all Defendants)**

16 305. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
17 paragraphs, and incorporates the same herein by reference.

18 306. As set forth herein, Defendants, and each of them, individually and as members of or  
19 agents for the NCJD, engaged in negligent conduct.

20 307. The Defendants' negligent conduct caused Plaintiff to suffer severe trauma and emotional  
21 distress.

22 308. The Defendants' conduct was the proximate cause of Plaintiff's severe trauma and  
23 emotional distress.

24 309. As a result of the negligent infliction of emotional distress identified hereinabove,  
25 Plaintiff has been directly and proximately damaged in an amount to be more specifically  
26 determined at the time of trial.

27 310. Plaintiff has been required to retain the services of an attorney to pursue this action and is  
28 entitled to recover attorney's fees and costs incurred.

**COUNT NINE**

**(Defamation)**

1  
2  
3 311. Plaintiff repeats and realleges each and every allegation contained in the foregoing  
4 paragraphs, and incorporates the same herein by reference.

5 312. Defendants, and each of them, knowingly made false and defamatory statements about  
6 Plaintiff.

7 313. The statements were unprivileged publications made to third persons.

8 314. Defendants, and each of them, published the remarks to third parties with knowledge of  
9 the falsity or with a reckless disregard for their truth or veracity. The statements were  
10 intentionally, or minimally, negligently made.

11 315. The defamatory communications imputed Plaintiff's "lack of fitness for trade, business,  
12 or profession," and injured the Plaintiff in her profession constituting defamation per se.

13 316. The publication was not privileged.

14 317. The publication is directly related to Plaintiff's business reputation.

15 318. Even if the publication was privileged, as Defendants, and each of them, knew or should  
16 have known about the falsity of the publication, their acts were reckless if not with malice.

17 319. Defendants' actions were willful, wanton, reckless, and malicious, and further show a  
18 complete and deliberate indifference to, and conscious disregard for, the rights of Plaintiff.

19 320. Plaintiff is therefore entitled to an award of punitive or exemplary damages in an amount  
20 to compensate her for mental anguish, humiliation, and outrage and to deter Defendants, and  
21 each of them, from future similar conduct.

22 321. Plaintiff has been required to retain the services of an attorney to pursue this action and is  
23 entitled to recover attorney's fees and costs incurred.

24 **WHEREFORE**, Plaintiff prays this Court for the following relief:

25 1. By declaring the acts and practices of Defendants' violations of state and federal  
26 laws prohibiting discrimination and retaliation and enjoining such prohibited conduct;

27 2. By awarding Plaintiff all damages allowed by the aforementioned state and federal  
28 statutes, and non-duplicative damages under her tort claims, including, but not limited to,



**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and that on the 5<sup>th</sup> day of March, 2021, I caused to be served a true and correct copy of the foregoing **VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT, INJUNCTIVE RELIEF, MONETARY DAMAGE AND JURY DEMAND** by the method indicated below:

- BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
- BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- BY EMAIL:** by emailing a PDF of the document(s) listed above to the email address(es) of the individual(s) listed below.
- BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- BY ELECTRONIC SUBMISSION:** submitted to the US District Court - District of Nevada via CM/ECF for electronic filing and service upon the Court's Service List for the above-referenced case.

/s/ Shannon J. Fagin  
An Employee of Cook & Kelesis, Ltd.