

Hartzler, Angela

From: nvmemorialfund@aol.com
Sent: Monday, September 08, 2014 5:07 PM
To: Hartzler, Angela
Subject: I just filed a complaint with the AG's office for violation of open meeting against Board of Prison Commissions for blocking inmates and private citizen's from accessing public documents.
Attachments: 2014_Letter_to_Hickman_to_Answer_Plaintiff's_interrogatorries..docx; image.jpg; image.jpg; image.jpg

Dear Ms. Hartzler;

Thank you for getting back to me regarding the documents that I had submitted to be placed on the record of the September 12, 2014 ACAJ meeting.

Please have your legal counsel cite the NRS that states that I cannot present these documents for the public record. These documents are public record and I'm submitting them as a public record.

These documents support the reasons why the Advisory Commission on the Administration of Justice should make the recommendations for NDOC test for Hep C and to have an Independent Ombudsman, something, Nevada Cure and I have been advocating for years.

As you may recall I presented to the ACJC the information regarding the computer glitch in 2012. I was still in litigation at that time and my documents were accepted and are now on the public record.

Please submit all of my attachments to the Advisory Commission, including these that are attached.

Thank You,

Tonja Brown
671-5071

Hartzler, Angela

From: nvmemorialfund@aol.com
Sent: Tuesday, August 26, 2014 9:57 PM
To: Hartzler, Angela
Subject: Please submit this one. Not the other one Fwd: To be placed on the record for the September 12, 2014 ACAJ NRS 209.385 to Require Testing for Hep C Interrogatories to Governor Brian Sandoval, Attorney General Katherine Cortez Masto, SOS Ross Miller NDO...
Attachments: UPDATED_AUTOPSY_REPORT_Death_certificate_ON_NOLAN_12-15-09.doc; UPDATED_AUTOPSY_REPORT_ON_NOLAN_12-15-09_PG_3.doc; UPDATED_AUTOPSY_REPORT_ON_NOLAN_12-15-09_PG_2.doc; image.jpg; image.jpg; image.jpg; 2014_(2)_INTERROGATORIES_Governor_Brian_Sandoval.docx; 2014_(2)_INTERROGATORIES_ATTORNEY_GENERAL_KATHERINE_CORTEZ-MASTO.docx; 2014_(2)_INTERROGATORIES_SECRETARY_OF_STATE_ROSS_MILLER..docx; 2014_PLAINTIFF'S_ANSWERS_TO_DEFENDANT_GREG_COX'S_INTERROGATORIES.docx; 2014_(2)_INTERROGATORIES_DAG_WILLIAM_GEDDES.docx; 2014_Plaintiff's_Motion_in_Opposition_to_Defendant's_Motion_for_Judgment_onthe_Pleadings_edit..docx; 2014_PLAINTIFF'S_ANSWERS_TO_DEFENDANT_GREG_COX'S_INTERROGATORIES.docx

Sent from AOL Mobile Mail

-----Original Message-----

From: nvmemorialfund <nvmemorialfund@aol.com>
To: ahartzler <ahartzler@lcb.state.nv.us>
Sent: Tue, Aug 26, 2014 09:45 PM
Subject: To be placed on the record for the September 12, 2014 ACAJ NRS 209.385 to Require Testing for Hep C Interrogatories to Governor Brian Sandoval, Attorney General Katherine Cortez Masto, SOS Ross Miller NDOC Director Grg Cox, DAG Willaim Geddes

Dear Ms. Hartzler;

I support Nevada Cure in their efforts to have legislation created for Hep C testing The Ombudsman bill that passed in 2011 was nothing more than looking good on paper. I recall Mr. Brent Kandt in 2013 having to tell a legislative committee that the AG's had no money for the Ombudsman. There is no doubt in my mind that they had no intention of ever finding money for that position.

Please submit these documents and email to the Commissioners for the ACAJ September 12, 2014 record.

The attachments of the File Stamp Copy supports the other Attachments of my Interrogatories questions to Governor Brian Sandoval, Attorney General Katherine Cortez-Masto, Secretary of State Ross Miller, DAG William Geddes. Their answers are due by the end of the month. Interrogatories. NDOC Director Cox are due the end of the first week of September. These attachments are not confidential they were placed on the public record as an attachment to my Motions.

I have a breach of Settlement Agreement claim in the wrongful death suit of Nolan Klein. I Discovered during the Discovery Process that the Attorney General's Office is withholding evidence in inmates cases, Nolan Klein's was one of them. I have a trial date set for April 6, & 8 2015.

The Attorney General's office has stated in a Motion that it is not a crime to withhold evidence from civil cases. Really?????? Our laws say it is a crime.

I will speaking.

Thank You,

Tonja Brown

882-2744

STATE OF NEVADA
CERTIFICATION OF VITAL RECORD

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH
VITAL STATISTICS

CERTIFICATE OF DEATH

2009013835
STATE FILE NUMBER

TYPE OF DEATH 1. TYPE OF DEATH 2. PERMANENT 3. CLINICAL	1. DECEASED NAME (FIRST, MIDDLE, LAST, SUFFIX) Nolan Edward KLEIN		2. DATE OF DEATH (Month, Day, Year) September 20, 2009		3. COUNTY OF DEATH Carson City	
	4. CITY, TOWN, OR LOCATION OF DEATH Carson City		5. ADDRESS OF DEATH (Street, Apt. No., Box, P.O., etc.) 1724 E. Snyder Ave		6. MARITAL STATUS (at time of death) Married	
DECEDENT	7. DATE OF BIRTH (Month, Day, Year) 1934		8. SEX Male		9. RACE Caucasian	
	10. STATE OF BIRTH (two-letter code) California		11. US CITIZENSHIP (Yes or No) Yes		12. DATE OF DEATH (Month, Day, Year) September 20, 2009	
13. DEPTH OF DEATH 14. DEPTH OF DEATH 15. DEPTH OF DEATH	16. US SOCIAL SECURITY NUMBER 330-62-7813		17. US USUAL OCCUPATION (Name and title) Paralegal		18. US USUAL RESIDENCE (Name and title) Law	
	19. US USUAL RESIDENCE (Name and title) Law		20. US USUAL RESIDENCE (Name and title) Law		21. US USUAL RESIDENCE (Name and title) Law	
PARENTS	22. FATHER'S NAME (First, Middle, Last) Johnny KLEIN		23. MOTHER'S NAME (First, Middle, Last) Eunice WILKINSON		24. DATE OF BIRTH (Month, Day, Year) 1934	
	25. FATHER'S ADDRESS (Street, Apt. No., Box, P.O., etc.) 2807 Leland Lane Carson City, Nevada 89706		26. MOTHER'S ADDRESS (Street, Apt. No., Box, P.O., etc.) 2807 Leland Lane Carson City, Nevada 89706		27. DATE OF DEATH (Month, Day, Year) September 20, 2009	
DISPOSITION	28. US USUAL OCCUPATION (Name and title) Paralegal		29. US USUAL RESIDENCE (Name and title) Law		30. US USUAL RESIDENCE (Name and title) Law	
	31. US USUAL RESIDENCE (Name and title) Law		32. US USUAL RESIDENCE (Name and title) Law		33. US USUAL RESIDENCE (Name and title) Law	
TRADE CALL	34. US USUAL RESIDENCE (Name and title) Law		35. US USUAL RESIDENCE (Name and title) Law		36. US USUAL RESIDENCE (Name and title) Law	
	37. US USUAL RESIDENCE (Name and title) Law		38. US USUAL RESIDENCE (Name and title) Law		39. US USUAL RESIDENCE (Name and title) Law	
CERTIFIER	40. US USUAL RESIDENCE (Name and title) Law		41. US USUAL RESIDENCE (Name and title) Law		42. US USUAL RESIDENCE (Name and title) Law	
	43. US USUAL RESIDENCE (Name and title) Law		44. US USUAL RESIDENCE (Name and title) Law		45. US USUAL RESIDENCE (Name and title) Law	
REGISTRAR	46. US USUAL RESIDENCE (Name and title) Law		47. US USUAL RESIDENCE (Name and title) Law		48. US USUAL RESIDENCE (Name and title) Law	
	49. US USUAL RESIDENCE (Name and title) Law		50. US USUAL RESIDENCE (Name and title) Law		51. US USUAL RESIDENCE (Name and title) Law	
CAUSE OF DEATH	52. US USUAL RESIDENCE (Name and title) Law		53. US USUAL RESIDENCE (Name and title) Law		54. US USUAL RESIDENCE (Name and title) Law	
	55. US USUAL RESIDENCE (Name and title) Law		56. US USUAL RESIDENCE (Name and title) Law		57. US USUAL RESIDENCE (Name and title) Law	

RECEIVED
SEP 24 2009



294556 CERTIFIED COPY OF VITAL RECORDS
This is a true and correct reproduction of the document as filed in the office of the State Registrar and Vital Records.
DATE ISSUED: OCT 6 1 2009
This copy is not valid unless accompanied by a certified copy of the original document.

2. d. White
State Registrar



OPINION

It is my opinion that the death of Nolan Edward Klein is due to respiratory arrest due to hepatic coma due to cirrhosis due to hepatitis C with other significant conditions including hemochromatosis and hypertensive and arteriosclerotic cardiovascular disease. The manner of death is natural.

Piotr A. Kubiczek MD
Piotr Kubiczek, M.D.
Forensic Pathologist

12/15/09
Date Signed

EXTERNAL EXAMINATION

AUTOPSY: The postmortem examination of the body of a Caucasian male identified as Nolan Edward Klein, is performed at the Waltons's Funeral Home on September 25, 2009. The examination is conducted by Piotr Kubiczek, M.D., Forensic Pathologist and is begun at 1305 hours.

IDENTIFICATION TAGS: There is a Walton's Funeral Home identification tag around the right ankle and inscribed with the decedent's name Nolan Klein.

GENERAL DESCRIPTION:

The body is that of well-developed, somewhat cachetic adult male, with weight estimated about 140 pounds, 70 and 1/2 inches, with an appearance consistent with the stated age of 50 years. The refrigerated body is cold. Rigor mortis is absent. Livor mortis extends over the posterior surfaces of the body and blanches with pressure. There are mild decomposition changes that include green discoloration of the abdomen and focal skin slippage.

The scalp hair is brown. The skull, nose and facial bones are well developed. The irides are hazel. The sclerae and conjunctivae are well developed. The ears and nose are within normal limits. There is an upper denture in place. The remaining natural teeth are in adequate repair. The neck is well developed and symmetrical with a midline trachea.

The chest is well developed and symmetrical. The abdomen is soft and flat. The genitalia are those of a normal adult male.

The surface of the skin is yellow, dark tan.

AUTOPSY PROTOCOL

KLEIN, Nolan Edward

PAK5-09

DATE OF DEATH: September 20, 2009

DATE OF AUTOPSY: September 25, 2009; 1305 Hours

AUTOPSY PERFORMED AT: Walton's Funeral Home

FORENSIC PATHOLOGIST: Piotr Kubiczek, M.D.

*Hemochromatosis
is done
Section for
contributed
in his
donor*

FINAL PATHOLOGICAL DIAGNOSES

- I. Respiratory arrest due to hepatic coma due to cirrhosis due to hepatitis C.
- A. Reported clinical history of hepatic coma.
 - B. Gross and histologic evidence of liver cirrhosis.
 - C. ~~Reported clinical history of hepatitis C and hemochromatosis.~~
 - D. ~~Severe congestion and edema of lungs.~~
 - E. Reported clinical history of refractory hepatic encephalopathy.
 - F. Reported clinical history of hemorrhage from esophageal varices treated by banding.
 - G. Ascites of about 500 ml of yellow fluid, and effusion fluid in both pleural cavities (the right side about 1,500 ml of yellow effusion fluid, on the left side about 250 ml of yellow effusion fluid).
 - H. Reported clinical history of previous methicillin-resistant *Staphylococcus aureus* infection.
- II. Hemochromatosis:
- A. Reported clinical history of hemochromatosis.
 - B. Histologic evidence of iron deposits in viscera.
- III. Hypertensive and arteriosclerotic cardiovascular disease:
- A. Reported clinical history of hypertensive and arteriosclerotic cardiovascular disease.
 - B. Reported clinical history of hypertension.
- Severe atherosclerosis of coronary arteries:
- 1. The left anterior descending coronary artery is up to 99% narrowed by the calcified atherosclerotic plaque in its proximal and mid section.
 - 2. The right coronary artery is 50% to 60% narrowed by the calcified atherosclerotic plaque in its mid section.
 - 3. The circumflex coronary artery is about 20% to 30% narrowed by the atherosclerotic plaque in its mid section.
- Severe arteriosclerosis of the aorta and its major branches.

*was would 34.11
be 34.11
15 records
see for Hemochromatosis*

*Heart
checked
calculated by
high blood pressure
and high cholesterol
what went wrong?*

TONJA BROWN, pro se
2907 LUKENS LANE
CARSON CITY, NV 89706
775-882-2744

REC'D & FILED

2014 AUG 20 AM 11:08

ALAN GLOVER

BY C. COOPER CLERK

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,

) Case No 13 TRT 00054 1B

In the Matter of the Estate of Nolan Edward Klein
Plaintiff,

)
) Dept. No 2
)
)
)

vs

STATE OF NEVADA ex. rel.)
NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)
GOVERNOR BRIAN SANDOVAL,)
ATTORNEY GENERAL KATHERINE CORTEZ-MASTO,)
SECRETARY OF STATE ROSS MILLER,)
DEPUTY ATTORNEY GENERAL WILLIAM GEDDES,)
DEPUTY ATTORNEY GENERAL KARA KRAUSE,)
DEFENDANTS IN THEIR OFFICIAL CAPACITY,)
AND AS AN INDIVIDUAL, JOHN DOES A-Z)

Defendant.

**MOTION FOR AN EXTENSION OF TIME TO FILE PLAINTIFF'S MOTION IN
OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS.**

Plaintiff, TONJA BROWN, in proper person, as Administratrix of the Estate of Nolan Klein, hereby submits her Motion for an Extension of Time to file "MOTION FOR AN EXTENSION OF TIME TO FILE PLAINTIFF'S MOTION IN OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS".

TONJA BROWN, pro se
2907 LUKENS LANE
CARSON CITY, NV 89706
775-882-2744

REC'D & FILED

2014 AUG 20 AM 11:08

ALAN GLOVER

BY C. COOPER CLERK

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,

In the Matter of the Estate of Nolan Edward Klein
Plaintiff,

vs

STATE OF NEVADA ex. rel.)
NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)
GOVERNOR BRIAN SANDOVAL,)
ATTORNEY GENERAL KATHERINE CORTEZ-MASTO,)
SECRETARY OF STATE ROSS MILLER,)
DEPUTY ATTORNEY GENERAL WILLIAM GEDDES,)
DEPUTY ATTORNEY GENERAL KARA KRAUSE,)
DEFENDANTS IN THEIR OFFICIAL CAPACITY,)
AND AS AN INDIVIDUAL, JOHN DOES A-Z)

) Case No 13 TRT 00054 1B

) Dept. No 2

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IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,

) Case No 13 TRT 00054 1B

In the Matter of the Estate of Nolan Edward Klein
Plaintiff,

)

vs

) Dept. No 2

)

)

)

STATE OF NEVADA ex. rel.)
NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)
HOWARD SKOLNIK)
DONALD HELLING)
JAMES BENEDETTI)
INSPECTOR GENERAL)
ATTORNEY GENERAL KATHERINE CORTEZ-MASTO)
DEPUTY ATTORNEY GENERAL WILLIAM GEDDES)
DEPUTY ATTORNEY GENERAL KARA KRAUSE)
GOVERNOR BRIAN SANDOVAL)
SECRETARY OF STATE ROSS MILLER)
DEFENDANTS IN THEIR OFFICIAL CAPACITY,)
AND AS AN INDIVIDUAL)
JOHN DOES A - Z)
Defendant.

PLAINTIFF'S
INTERROGATORIES TO
DEFENDANT GOVERNOR
BRIAN SANDOVAL
SET NO: 1
NOs.: 1-12

Plaintiff, TONJA BROWN, in proper person, as Administratrix of the Estate of Nolan Klein, hereby submits her Interrogatories 1-12 to Defendants.

SET NO: ONE(Interrogatories 1-12)

Plaintiff requests that Defendants answer under oath, within (30) days, in accordance with NRCP 16.1 Rule 33, the following Interrogatories:

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,) Case No 13 TRT 00054 1B

In the Matter of the Estate of Nolan Edward Klein)
Plaintiff,)

) Dept. No 2

vs)

STATE OF NEVADA ex. rel.)
NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)
HOWARD SKOLNIK)
DONALD HELLING)
JAMES BENEDETTI)
INSPECTOR GENERAL)

ATTORNEY GENERAL KATHERINE CORTEZ-MASTO)
DEPUTY ATTORNEY GENERAL WILLIAM GEDDES)
DEPUTY ATTORNEY GENERAL KARA KRAUSE)
GOVERNOR BRIAN SANDOVAL)
SECRETARY OF STATE ROSS MILLER)
DEFENDANTS IN THEIR OFFICIAL CAPACITY,)
AND AS AN INDIVIDUAL)
JOHN DOES A – Z)

Defendant.

PLAINTIFF'S
INTERROGATORIES TO
DEFENDANT GOVERNOR
BRIAN SANDOVAL
SET NO: 1
NOs.: 1-12

Plaintiff, TONJA BROWN, in proper person, as Administratrix of the Estate of Nolan Klein, hereby submits her Interrogatories 1-12 to Defendants.

SET NO: ONE(Interrogatories 1-12)

Plaintiff requests that Defendants answer under oath, within (30) days, in accordance with NRCP 16.1 Rule 33, the following Interrogatories:

1. **DEFINITIONS**

1. “YOU/YOUR”: As may be used in these interrogatories, the term “YOU” or “YOUR” refers to the natural person, a named Defendant Governor Brian Sandoval in the above – captioned legal action, and anyone acting on Defendant’s behalf, including their agents, assistants, and attorney’s if any.

2. “GOVERNOR BRIAN SANDOVAL”: As may be used in these Interrogatories, the term “DEFENDANT,” refers to the natural personal “BRIAN SANDOVAL”, who is named defendant in the above –captioned legal action, ;

3. “DEFENDANT”: As may be used in these Interrogatories, the term “DEFENDANT,” refers to the named defendant in the above-captioned legal action, GOVERNOR BRIAN SANDOVAL;

4. “PLAINTIFF”; As may be used in these Interrogatories, the term “PLAINTIFF” whether used in the singular or plural form, refers to any named plaintiff in the above-captioned legal action, be it PLAINTIFF ESTATE OF NOLAN KLEIN, or, TONJA BROWN, as Administratrix for Plaintiff Estate of NOLAN KLEIN or as an individually named plaintiff in the above-captioned action, and when used in the plural form, any combination of these person;.

5. “NOLAN KLEIN”: As may be used in these Interrogatories, the term “NOLAN KLEIN” refers to the natural person NOLAN KLEIN, now deceased, for whom PLAINTIFF acts as an Administratrix of the Estate of NOLAN KLEIN, in the above legal action;

6. “TONJA BROWN: As may be used in these interrogatories, the term “TONJA BROWN” refers to the natural person, a named Plaintiff in the above –captioned legal action;

7. “FRED HUSTON”: As may be used in these Interrogatories, the term “FRED HUSTON” refers to the natural person FRED HUSTON, now deceased, for whom PLAINTIFF was the Trustee of the FRED HUSTON TRUST that is mention in PLAINTIFF’s second Amended COMPLAINT in the above-captioned matter, Case No.

13 TRT 00054 1B;

8. "DOCTOR KAREN GEDNEY": As may be used in these Interrogatories, the term "DOCTOR KAREN GEDNEY" refers to the natural person KAREN GEDNEY, a NDOC PERSONNEL, for whom PLAINTIFF was in possession of the DOCUMENT IDENTIFIED as the Deposition of DOCTOR KAREN GEDNEY that is mention in PLAINTIFF's Second Amended COMPLAINT in the above-captioned matter, Case No.

13 TRT 00054 1B;

9. "DONALD HELLING": As may be used in these Interrogatories, the term "DONALD HELLING" refers to the natural person "DONALD HELLING", a NDOC PERSONNEL, for whom PLAINTIFF was in possession of the DOCUMENT IDENTIFIED as the Deposition of "DONALD HELLING" that is mention in PLAINTIFF's Second Amended COMPLAINT in the above-captioned matter, Case No.

13 TRT 00054 1B;

10. "COMPLAINT": As may be used in these Interrogatories, the term "COMPLAINT" refers to PLAINTIFF second amended complaint in the above-captioned matter, Case No. 13 TRT 00054 1B;

11. "CLAIM": As may be used in these Interrogatories, the term "CLAIM" refers to any allegation, assertion, claim, count, averment, complaint, accusation, theory, hypothesis, or defense asserted by PLAINTIFFS, in the COMPLAINT, pursuant to which, or for which, PLAINTIFFS claim entitlement to, or seek, relief of any kind, in the COMPLAINT;

12. "NDOC" As may be used in these Interrogatories, the term "NDOC" refers to the Nevada Department of Corrections;

13. "NDOC PERSONNEL" As may be used in these Interrogatories, the term "NDOC PERSONNEL" refers to any NDOC employee or agent ostensibly action on behalf of

the NDOC, including its board members, board directors, its executive officers, and its employees, including but not limited to any directors, wardens, case workers, correctional officers, medical personnel, investigators, (including the Office of the Inspector General and its staff) support staff, clerical staff, ministry staff and culinary staff;

14. “NDOC FACILITY” As may be used in these Interrogatories, the term “NDOC FACILITY” refers to any jail, prison, detention center, correctional center, medical center, treatment center, institution, or other complex, building operated by or within the NDOC system, including any location within any such facility or the premises of the same, including, but not limited, to any inmate cell, inmate unit, inmate segregation area, segregated unit, administrative office, case worker’s office, canteen, shower, common area, medical triage, or inspection room infirmary, extended care unit, regional medical facility, a tier, a yard, a chapel, a library, a culinary, a worksite, a visitor center, an inspection area, and/or receiving area, wherein NDOC INMATES (below defined), are confined, detained, incarcerated, treated, examined, inspected, housed, and/or pursue recreation, work free time, or interact with visitors, for any duration of time, and wherein, any NDOC PERSONNEL, or NDOC REPRESENTATIVE perform work, are stationed, have access, or are present.

15. “NDOC INMATE”: As may be used in these Interrogatories, the term “NDOC INMATE” refers to any person incarcerated or detained in any NDOC FACILITY, who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law or the terms and conditions of parole, probation, pre-trial release, or court-diversionary program.

16. “UNDER THE COLOR OF LAW”: As may be used in these Interrogatories, the term “UNDER THE COLOR OF LAW” refers to acts or omissions taken by a person in the course and scope of his or her official duties, including acts or omissions taken by a person

pursuant to authority, or a claim of authority, arising from any statute, ordinance, regulation, custom, or usage of the State of Nevada;

17. “POLICY AND PROCEDURE”: As may be used in these Interrogatories, the term “POLICY AND PROCEDURE” refers to the Policy and Procedures implemented by any of the Board of Prison Commissioners, NDOC, Inspector General, Attorney General Office, Department of Aging and Disability Services, Pardons Board, Parole Board facility or agency, State Bar of Nevada, Nevada Supreme Court regulations, Federal Court, the Nevada Rule of professional Conduct;

18. “Nevada Administrative Code” As may be used in these Interrogatories, the term “Nevada Administrative Code aka NAC ” refers to the NAC implemented by any of the Board of Prison Commissioners, NDOC facility, Inspector General, Attorney General Office, Department of Aging and Disability Services, Pardons Board, Parole Board state agencies;

19. “Operating Procedure” As may be used in these Interrogatories, the term “Operating Procedure ” refers to the Operating Procedures implemented by any of the NDOC facility, Inspector General, Attorney General Office, Nevada Supreme Court;

20. “ADMINISTRATIVE REGULATIONS”: As may be used in these Interrogatories, the term “ADMINISTRATIVE REGULATIONS” refers to the NDOC ADMINISTRATIVE REGULATIONS;

21. “INSTITUTIONAL PROCEDURES”: As may be used in these Interrogatories, the term “INSTITUTIONAL PROCEDURES” refers to the procedures and policies implemented by any NDOC facility.

22. “IDENTIFY”: As may be used in these Interrogatories, the term “IDENTIFY” means to describe the particular subject matter in question (including, but not limited to, any

person, place, thing, object, DOCUMENT (as herein defined), event, occurrence, act, omission, statement, claim, harm, damage, loss, idea, time, or theory), with sufficient detail so as to enable the parties to investigate the matter further, conduct further discovery on the matter, and/or obtain evidence on the matter. When used in conjunction with a person please IDENTIFY the person's first and last name, last known address, and telephone number if known. When used in conjunction with a DOCUMENT, author, of the DOCUMENT,(as herein defined), please IDENTIFY the type of DOCUMENT, date of the DOCUMENT, author of the DOCUMENT, recipient or addressee of the DOCUMENT, and subject matter of the DOCUMENT, if known;

23. "DOCUMENTS": As may be used in these Interrogatories, the term "DOUCMENTS" refers to any writing, document, or image, whether stored in electronic form, binary form, digital form, magnetic form, photographic form, photographic-negative form, computer stored form, including, but not limited to public meetings minutes and documents, medical records, inmate records, Institutional Records, of any Correctional Facility, contracts, correspondence, voicemail, E-mails, Email attachments, invoices, charts, drawings, tables, reports, proposals, canceled checks, photographs, videotapes, printouts of data on any type of computer storage device, audio cassettes, compact disks, computer disks, logs, pen registers, reports, forms, grievances, "kites" investigation documents, bank account statements, legal documents, notices, witness statements, depositions, Inmate Institutional record files, C-files, NOTIS files, Confidential records that is kept at Central Office or Administrative Office, C-files that is Confidential Records, Offender Management, Nevada Administrative Code, evidentiary documents, exculpatory evidence, statutes, web sites, audio CD, investigative reports, Procedure and policies, customs and practices, Administrative Regulations, Operating Procedures, Policy and Procedures, Nevada Administrative Code, Nevada Revised Statutes, the Nevada Rule of professional Conduct, Nevada Supreme Court Regulation;

2005 to present written personnel/employee manuals;

24. “PLURAL USE OF SINGULAR TERMS AND PHRASES”: Where the terms and phrases, defined herein, are listed in the singular, but, not the plural, the plural use of the same term and phrase in these Interrogatories shall be construed to carry the same meaning and definition as that provided herein for the singular use of the same term and phrase, except for quantity;

25. “SINGULAR USE OF PLURAL TERMS AND PHRASES”: Where the terms and phrases, defined herein, are listed in the plural, but, not the singular, the singular use of the same term and phrase in these Interrogatories shall be construed to carry the same meaning and definition as that provided herein for the plural use of the same term and phrase, except for quantity;

26. “GERUNDS, CONJUGATED FORM, AND VERB FORMS OF TERMS AND PHRASES: Where the terms and phrases, defined herein are listed in a particular verb form, conjugated form, verb-noun-gerund form, such as a word ending in “ing” or “es” (e.g., IDENTIFYING of IDENTIFIED), such altered forms shall be construed to carry the same meaning and definition as that provided herein, without the altered forms of the term and Phrase.(e.g., IDENTIFY)

II.

INTERROGATORIES

INTERROGATORY NO. 1:

Please identify all of your jobs YOU have held within the last 20 years

Including at the present time and;

(a) Please IDENTIFY Your title(s) you hold or held in your position as Governor and any Boards, Commission, Committees or subcommittees that you may sit on.

(b) Please IDENTIFY the DOCUMENT that shows Your responsibilities in your position as the Governor or any Boards, Commissions, Committees or subcommittees you may sit on.

(c) Please IDENTIFY the DOCUMENT that shows Your duties that you are capable of enacting and carrying out within that YOUR position or any Boards, Commissions, Committees, subcommittees you may sit on.

(d) Please IDENTIFY the DOCUMENT that You are responsible to report to in your position as the Governor or any Boards or Commission you may sit on.

(e) Please IDENTIFY the DOCUMENT that describes YOUR responsibility you have as the GOVERNOR/NDOC PERSONNEL to act upon on behalf of information provided to you by way of Public Comment, DOCUMENTS of an illegal act being committed by an Employee employed by the State of Nevada;

(f) Please IDENTIFY the DOCUMENT that YOU as the Governor or any Boards or Commission you may sit on has the power to call for or instruct another State Agency to conduct an investigation into a Nevada State Agencies or contact an outside the State of Nevada agency for assistance.

(g) Please IDENTIFY the DOCUMENT that YOU as the Governor have a responsibility to protect and serve the tax payers and citizens of the State of Nevada from having their protected rights being infringed upon by any State of Nevada employee, Representative or elected Official.

INTERROGATORY NO. 2:

PLAINTIFFS contend that YOU and PLAINTIFFS TONJA BROWN NOLAN KLEIN and FRED HUSTON communicated with each other in any manner whatsoever, including directly or indirectly with the assistance of intermediaries or third parties, including TONJA BROWN, for each such alleged communication. Please state all facts supporting each and every such contention concluding:

(a) whether the communications was direct or indirect;

(b) if the communication was indirect IDENTIFY all intermediaries and third-parties, to each such communication;

(c) the date of each such communication;

(d) whether the communication was actually received by the target of the communication, be it DEFENDANT GOVERNOR BRIAN SANDOVAL, or TONJA BROWN, NOLAN KLEIN;

- (e) the purpose of the communication;
- (f) the method of such communication;
- (g) was there was a resolution to the communication;
- (e) what was the resolution to the communication;

INTERROGATORY NO. 3:

Please IDENTIFY as a Licensed Attorney with The State Bar Of Nevada;

(a) As a licensed Attorney in the State of Nevada IDENTIFY the DOCUMENT, as set forth, in the above DEFINITION # 23 described as "DOCUMENTS" as to YOUR responsibility that you have as an Attorney to act upon information provided to you of an alleged illegal act being committed by someone other than under the attorney client privilege;

INTERROGATORY NO. 4:

Please IDENTIFY the DOCUMENT(s) that allows the State of Nevada exempt from

turning over Discovery of any exculpatory evidence/evidence in any litigation where the State is the named as the Defendant;

INTERROGATORY NO. 5:

Please IDENTIFY the “DOCUMENT(s)” “UNDER THE COLOR OF LAW” that allows the State of Nevada to be exempt from immunity, as set forth, in the above DEFINITION # 23 described as “DOCUMENTS”;

INTERROGATORY NO. 6:

Please IDENTIFY the “DOCUMENT(s)” “UNDER THE COLOR OF LAW” that allows the State of Nevada exempt from, but not limited to, the Nevada Revised Statute 199 CRIMES AGAINST PUBLIC JUSTICE set forth in the above DEFINITION # 23 described as “DOCUMENTS”;

INTERROGATORY NO. 7:

Please IDENTIFY the DOCUMENT(s) that exempts YOU and Your Employees of the State of Nevada from having immunity set forth in the above DEFINITION # 23 described as “DOCUMENTS”;

INTERROGATORY NO. 8:

As a BOARD OF PRISON COMMISSIONER, “YOU” must work to ensure Nevada’s Prison System is Operated in a manner that Protects the Safety and rights of correctional facility employees, as well as the humane treatment and legally protected rights of inmates to receive adequate medical care, religious freedom, ensure their rights to due process and regress from retaliatory behavior, legal access by way of the NDOC Facility law libraries, Discovery, mail room; Please IDENTIFY the DOCUMENTS that ensure these rights;

(a) inmates have access to DOCUMENTS in their Discovery in their legal litigation whether their litigation is against the State of Nevada, its Agencies, its employees or any Nevada governmental agency, private person, or a corporation;

(b) inmates have access to their DOCUMENTS, such as, but not limited to NDOC Files, NOTIS files, IG files, Confidential file, Central Office or Administrative Office files, Parole Board, Pardons Board, state agencies to check for accuracies,

(c) inmates and those being investigated in connection with that investigation, who would have received and reviewed these DOCUMENT(s);

(d) Please IDENTIFY the DOCUMENT(s) of what becomes of all the investigative reports once all of the Investigations has been completed and the inmate or those being investigated as part of the inmates investigation have been exonerated of any wrong doing that resulted in the initial investigation to be conducted;

(e) what responsibility as described in the above INTERROGATORY # 1 (e), (f), (g), (h), (i) do you have to those individuals involved in any such investigation to see to that the their rights are not being infringed upon by any State employee;

INTERROGATORY NO. 9:

AS the Commissioner for the Board of Prison Commissioners and also as a "NDOC PERSONNEL" please IDENTIFY the DOCUMENTS, but not limited to those set forth in the above DEFINITION # 23 described as "DOCUMENTS" that applies to YOU in your position pertaining to Public Comment;

(a) the procedure for which you do receive testimony, information and documentation submitted under public comment.

(b) Please IDENTIFY the PERSON(s) from January 1, 2011 through December 31, 2013 who is PERSON(s) responsible for placing on the public website the DOCUMENT(S) that was given under public comment by TONJA BROWN or TONYA BROWN.

(c) Please IDENTIFY the DOCUMENT(s) that public comment can be stricken and removed from the record that is not deemed to be a Confidential record.

(d) Please IDENTIFY the DOCUMENT(s) that the Board of Prison Commissioners, and in the Position YOU hold as an elected official in your capacity is exempt from investigating allegations of misconduct brought to YOU by and through concerned citizens regarding NDOC PERSONNEL, and State Agencies;

(e) Please IDENTIFY the DOCUMENT(s) that the Board of Prison Commissioners, and in the Position YOU hold as an elected official in your capacity is exempt from investigating allegations of violations under NRS 199 Crimes Against Public Justice brought to YOU Through Public Comment;

(g) Please IDENTIFY the DOCUMENT(s) regarding any action to be taken when YOU are informed and provided documents that support the allegations being made under the Public Comment of such misconduct be committed by State Personnel violating an inmate's and private citizens protected rights.

INTERROGATORY NO. 10:

Please IDENTIFY the responsibilities YOU have as a Board of Prison Commissioner when you are given evidence of misconduct by a state employee that resulted in an adverse effect, whether it be an inmate or a private citizen;

INTERROGATORY NO. 11:

Please IDENTIFY Your responsibilities YOU, as a member of the Nevada Pardons Board has to ensure the information provided to you is accurate;

(a) Please IDENTIFY the DOCUMENT(s) you used to inform the Nevada Pardons Board of the documentation provided to YOU by TONJA BROWN on or about November 16, 2011, December 5, 2011, May 17, 2012, March 19, 2013, July 10, 2013

regarding the NOLAN KLEIN, FRED HUSTON, TONJA BROWN, NDOC, Department of Aging Services, Inspector General, investigations into the Fred Huston Trust that were conducted in the years 2005 and 2007 that were disseminated to the October 29, 2008 Pardons Board.

INTERROGATORY NO 12:

Please IDENTIFY the “DOCUMENT(s) that allows You as the Governor or any Boards or Commission you may sit on from informing others, others being, such as, but not limited to NDOC, Inmates, Personnel, Visitors, and the Public of the dangers of being exposed to any infectious, contiguous diseases as set forth in the above DEFINITION # 23 described as “DOCUMENTS” ;

Dated: July 29, 2014.

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

CERTIFICATE OF SERVICE

I certify that I, TONJA BROWN, on the ____ day of July, 2014, I hand delivered to the Attorney General's Office a true and correct copy of the foregoing PLAINTIFFS INTERROGATORIES TO DEFENDANT GOVERNOR BRIAN SANDOVAL SET NO. 1 NO'S. 1-12, PLAINTIFF'S INTERROGATORIES TO DEFENDANT ATTORNEY GENERAL KATHERINE COREZ-MASTO, SET NO. 1 NO'S 1-12, PLAINTIFF'S INTERROGATORIES TO DEFENDANT SECRETARY OF STATE ROSS MILLER SET NO. 1- NO'S 1-12, PLAINTIFF'S INTERROGATORIES, DEPUTY ATTORNEY GENERAL WILLIAM GEDDES SET NO. 1 NO'S 1- 14, PLAINTIFF'S INTERROGATORIES TO DEFENDANT DEPUTY ATTORNEY GENERAL KARA KRAUSE SET NO. 1 NO'S 1-11,

addressed as follows:

Hand Delivered to:

Ms. BETH HICKMAN
Senior Deputy Attorney General
Bureau of Litigation, Public Safety- NDOC
100 North Carson Street Carson City, NV

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,) Case No 13 TRT 00054 1B

In the Matter of the Estate of Nolan Edward Klein)
Plaintiff,)

) Dept. No 2

vs)

STATE OF NEVADA ex. rel.)

NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)

HOWARD SKOLNIK)

DONALD HELLING)

JAMES BENEDETTI)

INSPECTOR GENERAL)

ATTORNEY GENERAL KATHERINE CORTEZ-MASTO)

DEPUTY ATTORNEY GENERAL WILLIAM GEDDES)

DEPUTY ATTORNEY GENERAL KARA KRAUSE)

GOVERNOR BRIAN SANDOVAL)

SECRETARY OF STATE ROSS MILLER)

DEFENDANTS IN THEIR OFFICIAL CAPACITY,)

AND AS AN INDIVIDUAL)

JOHN DOES A – Z)

Defendant.

PLAINTIFF'S
INTERROGATORIES TO
DEFENDANT ATTORNEY GENERAL
KATHERINE CORTEZ-MASTO

SET NO: 1

NOs.: 1-12

Plaintiff, TONJA BROWN, in proper person, as Administratrix of the Estate of Nolan Klein, hereby submits her Interrogatories 1-12 to Defendant Attorney General Katherine Cortez-Masto.

SET NO: ONE(Interrogatories 1-12)

Plaintiff requests that Defendants answer under oath, within (30) days, in accordance with NRCPC 16.1 Rule 33, the following Interrogatories:

1. **DEFINITIONS**

1. “YOU/YOUR”: As may be used in these interrogatories, the term “YOU” or “YOUR” refers to the natural person, a named Defendant Attorney General Katherine Cortez-Masto. in the above –captioned legal action, and anyone acting on Defendant’s behalf, including their agents, assistants, and attorney’s if any.

2. “ATTORNEY GENERAL KATHRINE CORTEZ-MASTO”: As may be used in these Interrogatories, the term “DEFENDANT,” refers to the natural personal “KATHERINE CORTEZ-MASTO”, who is named defendant in the above –captioned legal action, ;

3. “DEFENDANT”: As may be used in these Interrogatories, the term “DEFENDANT,” refers to the named defendant in the above-captioned legal action, ATTORNEY GENERAL KATHERINE CORTEZ-MAST;

4. “PLAINTIFF”; As may be used in these Interrogatories, the term “PLAINTIFF” whether used in the singular or plural form, refers to any named plaintiff in the above-captioned legal action, be it PLAINTIFF ESTATE OF NOLAN KLEIN, or, TONJA BROWN, as Administratrix for Plaintiff Estate of NOLAN KLEIN or as an individually named plaintiff in the above-captioned action, and when used in the plural form, any combination of these person;.

5. “NOLAN KLEIN”: As may be used in these Interrogatories, the term “NOLAN KLEIN” refers to the natural person NOLAN KLEIN, now deceased, for whom PLAINTIFF acts as an Administratrix of the Estate of NOLAN KLEIN, in the above legal action;

6. “TONJA BROWN: As may be used in these interrogatories, the term “TONJA BROWN” refers to the natural person, a named Plaintiff in the above –captioned legal action;

7. “FRED HUSTON”: As may be used in these Interrogatories, the term “FRED HUSTON” refers to the natural person FRED HUSTON, now deceased, for whom PLAINTIFF was the Trustee of the FRED HUSTON TRUST that is mention in

PLAINTIFF's second Amended COMPLAINT in the above-captioned matter, Case No.

13 TRT 00054 1B;

8. "DOCTOR KAREN GEDNEY": As may be used in these Interrogatories, the term "DOCTOR KAREN GEDNEY" refers to the natural person KAREN GEDNEY, a NDOC PERSONNEL, for whom PLAINTIFF was in possession of the DOCUMENT IDENTIFIED as the Deposition of DOCTOR KAREN GEDNEY that is mention in PLAINTIFF's Second Amended COMPLAINT in the above-captioned matter, Case No. 13 TRT 00054 1B;

9. "DONALD HELLING": As may be used in these Interrogatories, the term "DONALD HELLING" refers to the natural person "DONALD HELLING", a NDOC PERSONNEL, for whom PLAINTIFF was in possession of the DOCUMENT IDENTIFIED as the Deposition of "DONALD HELLING" that is mention in PLAINTIFF's Second Amended COMPLAINT in the above-captioned matter, Case No. 13 TRT 00054 1B;

10. "COMPLAINT": As may be used in these Interrogatories, the term "COMPLAINT" refers to PLAINTIFF second amended complaint in the above-captioned matter, Case No. 13 TRT 00054 1B;

11. "CLAIM": As may be used in these Interrogatories, the term "CLAIM" refers to any allegation, assertion, claim, count, averment, complaint, accusation, theory, hypothesis, or defense asserted by PLAINTIFFS, in the COMPLAINT, pursuant to which, or for which, PLAINTIFFS claim entitlement to, or seek, relief of any kind, in the COMPLAINT;

12. "NDOC" As may be used in these Interrogatories, the term "NDOC" refers to the Nevada Department of Corrections;

13. "NDOC PERSONNEL" As may be used in these Interrogatories, the term

“NDOC PERSONNEL” refers to any NDOC employee or agent ostensibly acting on behalf of the NDOC, including its board members, board directors, its executive officers, and its employees, including but not limited to any directors, wardens, case workers, correctional officers, medical personnel, investigators, (including the Office of the Inspector General and its staff) support staff, clerical staff, ministry staff and culinary staff;

14. “NDOC FACILITY” As may be used in these Interrogatories, the term “NDOC FACILITY” refers to any jail, prison, detention center, correctional center, medical center, treatment center, institution, or other complex, building operated by or within the NDOC system, including any location within any such facility or the premises of the same, including, but not limited, to any inmate cell, inmate unit, inmate segregation area, segregated unit, administrative office, case worker’s office, canteen, shower, common area, medical triage, or inspection room infirmary, extended care unit, regional medical facility, a tier, a yard, a chapel, a library, a culinary, a worksite, a visitor center, an inspection area, and/or receiving area, wherein NDOC INMATES (below defined), are confined, detained, incarcerated, treated, examined, inspected, housed, and/or pursue recreation, work free time, or interact with visitors, for any duration of time, and wherein, any NDOC PERSONNEL, or NDOC REPRESENTATIVE perform work, are stationed, have access, or are present.

15. “NDOC INMATE”: As may be used in these Interrogatories, the term “NDOC INMATE” refers to any person incarcerated or detained in any NDOC FACILITY, who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law or the terms and conditions of parole, probation, pre-trial release, or court-diversionary program.

16. “UNDER THE COLOR OF LAW”: As may be used in these Interrogatories, the term “UNDER THE COLOR OF LAW” refers to acts or omissions taken by a person in the

course and scope of his or her official duties, including acts or omissions taken by a person pursuant to authority, or a claim of authority, arising from any statute, ordinance, regulation, custom, or usage of the State of Nevada;

17. “POLICY AND PROCEDURE”: As may be used in these Interrogatories, the term “POLICY AND PROCEDURE” refers to the Policy and Procedures implemented by any of the Board of Prison Commissioners, NDOC, Inspector General, Attorney General Office, Department of Aging and Disability Services, Pardons Board, Parole Board facility or agency, State Bar of Nevada, Nevada Supreme Court regulations, Federal Court, the Nevada Rule of professional Conduct;

18. “Nevada Administrative Code” As may be used in these Interrogatories, the term “Nevada Administrative Code aka NAC ” refers to the NAC implemented by any of the Board of Prison Commissioners, NDOC facility, Inspector General, Attorney General Office, Department of Aging and Disability Services, Pardons Board, Parole Board state agencies;

19. “Operating Procedure” As may be used in these Interrogatories, the term “Operating Procedure ” refers to the Operating Procedures implemented by any of the NDOC facility, Inspector General, Attorney General Office, Nevada Supreme Court;

20. “ADMINISTRATIVE REGULATIONS”: As may be used in these Interrogatories, the term “ADMINISTRATIVE REGULATIONS” refers to the NDOC ADMINISTRATIVE REGULATIONS;

21. “INSTITUTIONAL PROCEDURES”: As may be used in these Interrogatories, the term “INSTITUTIONAL PROCEDURES” refers to the procedures and policies implemented by any NDOC facility.

22. "IDENTIFY": As may be used in these Interrogatories, the term "IDENTIFY" means to describe the particular subject matter in question (including, but not limited to, any person, place, thing, object, DOCUMENT (as herein defined), event, occurrence, act, omission, statement, claim, harm, damage, loss, idea, time, or theory), with sufficient detail so as to enable the parties to investigate the matter further, conduct further discovery on the matter, and/or obtain evidence on the matter. When used in conjunction with a person please IDENTIFY the person's first and last name, last known address, and telephone number if known. When used in conjunction with a DOCUMENT, author, of the DOCUMENT,(as herein defined), please IDENTIFY the type of DOCUMENT, date of the DOCUMENT, author of the DOCUMENT, recipient or addressee of the DOCUMENT, and subject matter of the DOCUMENT, if known;

23. "DOCUMENTS": As may be used in these Interrogatories, the term "DOUCMENTS" refers to any writing, document, or image, whether stored in electronic form, binary form, digital form, magnetic form, photographic form, photographic-negative form, computer stored form, including, but not limited to public meetings minutes and documents, medical records, inmate records, Institutional Records, of any Correctional Facility, contracts, correspondence, voicemail, E-mails, Email attachments, invoices, charts, drawings, tables, reports, proposals, canceled checks, photographs, videotapes, printouts of data on any type of computer storage device, audio cassettes, compact disks, computer disks, logs, pen registers, reports, forms, grievances, "kites" investigation documents, bank account statements, legal documents, notices, witness statements, depositions, Inmate Institutional record files, C-files, NOTIS files, Confidential records that is kept at Central Office or Administrative Office, C-files that is Confidential Records, Offender Management, Nevada Administrative Code, evidentiary documents, exculpatory evidence, statutes, web sites, audio CD, investigative reports, Procedure and policies, customs and practices, Administrative Regulations, Operating Procedures,

Policy and Procedures, Nevada Administrative Code, Nevada Revised Statutes, the Nevada Rule of professional Conduct, Nevada Supreme Court Regulation;
2005 to present written personnel/employee manuals;

24. “PLURAL USE OF SINGULAR TERMS AND PHRASES”: Where the terms and phrases, defined herein, are listed in the singular, but, not the plural, the plural use of the same term and phrase in these Interrogatories shall be construed to carry the same meaning and definition as that provided herein for the singular use of the same term and phrase, except for quantity;

25. “SINGULAR USE OF PLURAL TERMS AND PHRASES”: Where the terms and phrases, defined herein, are listed in the plural, but, not the singular, the singular use of the same term and phrase in these Interrogatories shall be construed to carry the same meaning and definition as that provided herein for the plural use of the same term and phrase, except for quantity;

26. “GERUNDS, CONJUGATED FORM, AND VERB FORMS OF TERMS AND PHRASES: Where the terms and phrases, defined herein are listed in a particular verb form, conjugated form, verb-noun-gerund form, such as a word ending in “ing” or “es” (e.g., IDENTIFYING of IDENTIFIED), such altered forms shall be construed to carry the same meaning and definition as that provided herein, without the altered forms of the term and Phrase.(e.g., IDENTIFY)

II.

INTERROGATORIES

INTERROGATORY NO. 1:

Please identify all of your jobs YOU have held within the last 20 years

Including at the present time and;

(a) Please IDENTIFY Your title(s) you hold or held in your position as Attorney General and any Boards, Commission, Committees or subcommittees that you may sit on.

(b) Please IDENTIFY the DOCUMENT that shows Your responsibilities in your position as the Attorney General or any Boards, Commissions, Committees or subcommittees you may sit on.

(c) Please IDENTIFY the DOCUMENT that shows Your duties that you are capable of enacting and carrying out within that YOUR position or any Boards, Commissions, Committees, subcommittees you may sit on.

(d) Please IDENTIFY the DOCUMENT that You are responsible to report to in your position as the Attorney General or any Boards or Commission you may sit on.

(e) Please IDENTIFY the DOCUMENT that describes YOUR responsibility you have as the ATTORNEY GENERAL/NDOC PERSONNEL to act upon on behalf of information provided to you by way of Public Comment, DOCUMENTS of an illegal act being committed by an Employee employed by the State of Nevada;

(f) Please IDENTIFY the DOCUMENT that YOU as the Attorney General or in your position as an NDOC PERSONNEL has the power to call for or instruct another State Agency to conduct an investigation into a Nevada State Agencies or contact an outside the State of Nevada agency for assistance.

(g) Please IDENTIFY the DOCUMENT that YOU as the Attorney General have a responsibility to protect and serve the tax payers and citizens of the State of Nevada from having their protected rights being infringed upon by any State of Nevada employee, Representative or elected Official.

INTERROGATORY NO. 2:

PLAINTIFFS contend that YOU and PLAINTIFFS TONJA BROWN NOLAN KLEIN and FRED HUSTON communicated with each other in any manner whatsoever, including directly or indirectly with the assistance of intermediaries or third parties, including TONJA BROWN, for each such alleged communication. Please state all facts supporting each and every such contention concluding:

- (a) whether the communications was direct or indirect;
- (b) if the communication was indirect IDENTIFY all intermediaries and third-parties, to each such communication;
- (c) the date of each such communication;
- (d) whether the communication was actually received by the target of the communication, be it DEFENDANT ATTORNEY GENERAL, or TONJA BROWN, NOLAN KLEIN;
- (e) the purpose of the communication;
- (f) the method of such communication;
- (g) was there was a resolution to the communication;
- (e) what was the resolution to the communication;

INTERROGATORY NO. 3:

Please IDENTIFY as a Licensed Attorney with The State Bar Of Nevada;

- (a) As a licensed Attorney in the State of Nevada IDENTIFY the DOCUMENT, as set forth, in the above DEFINITION # 23 described as “DOCUMENTS” as to YOUR responsibility that you have as an Attorney to act upon information provided to you of an alleged illegal act being committed by someone other than under the attorney client privilege;

INTERROGATORY NO. 4:

Please IDENTIFY the DOCUMENT(s) that allows the State of Nevada exempt from turning over Discovery of any exculpatory evidence/evidence in any litigation where the State is the named as the Defendant;

INTERROGATORY NO. 5:

Please IDENTIFY the “DOCUMENT(s)” “UNDER THE COLOR OF LAW” that allows the State of Nevada to be exempt from immunity, as set forth, in the above DEFINITION # 23 described as “DOCUMENTS”;

INTERROGATORY NO. 6:

Please IDENTIFY the “DOCUMENT(s)” “UNDER THE COLOR OF LAW” that allows the State of Nevada exempt from, but not limited to, the Nevada Revised Statute 199 CRIMES AGAINST PUBLIC JUSTICE set forth in the above DEFINITION # 23 described as “DOCUMENTS”;

INTERROGATORY NO. 7:

Please IDENTIFY the DOCUMENT(s) that exempts YOU and Your Employees of the State of Nevada from having immunity set forth in the above DEFINITION # 23 described as “DOCUMENTS”;

INTERROGATORY NO. 8:

AS A BOARD OF PRISON COMMISSIONER, “YOU” must work to ensure Nevada’s Prison System is Operated in a manner that Protects the Safety and rights of correctional facility employees, as well as the humane treatment and legally protected rights of inmates to receive adequate medical care, religious freedom, ensure their rights to due process and regress from retaliatory behavior, legal access by way of the NDOC Facility law libraries, Discovery, mail room; Please IDENTIFY the DOCUMENTS that ensure these rights;

(a) inmates have access to DOCUMENTS in their Discovery in their legal litigation whether their litigation is against the State of Nevada, its Agencies, its employees or any Nevada

governmental agency, private person, or a corporation;

(b) inmates have access to their DOCUMENTS, such as, but not limited to NDOC Files, NOTIS files, IG files, Confidential file, Central Office or Administrative Office files, Parole Board, Pardons Board, state agencies to check for accuracies,

(c) inmates and those being investigated in connection with that investigation, who would have received and reviewed these DOCUMENT(s);

(d) Please IDENTIFY the DOCUMENT(s) of what becomes of all the investigative reports once all of the Investigations has been completed and the inmate or those being investigated as part of the inmates investigation have been exonerated of any wrong doing that resulted in the initial investigation to be conducted;

(e) what responsibility as described in the above INTERROGATORY # 1 (e), (f), (g), (h), (i) do you have to those individuals involved in any such investigation to see to that the their rights are not being infringed upon by any State employee;

INTERROGATORY NO. 9:

AS the Commissioner for the Board of Prison Commissioners and as a “NDOC PERSONNEL” please IDENTIFY the DOCUMENTS, but not limited to those set forth in the above DEFINITION # 23 described as “DOCUMENTS” that applies to YOU in your position pertaining to Public Comment;

(a) the procedure for which you do receive testimony, information and documentation submitted under public comment.

(b) Please IDENTIFY the PERSON(s) from January 1, 2011 through December 31, 2013 who is PERSON(s) responsible for placing on the public website the DOCUMENT(S) that was given under public comment by TONJA BROWN or TONYA BROWN.

(c) Please IDENTIFY the DOCUMENT(s) that public comment can be stricken and

removed from the record that is not deemed to be a Confidential record.

(d) Please IDENTIFY the DOCUMENT(s) that the Attorney General or any Boards or Commission you may sit on in the Position YOU hold as an elected official in your capacity is exempt from investigating allegations of misconduct brought to YOU by and through concerned citizens regarding NDOC PERSONNEL, and State Agencies;

(e) Please IDENTIFY the DOCUMENT(s) that the Attorney General or any Boards or Commission you may sit on in the Position YOU hold as an elected official in your capacity is exempt from investigating allegations of violations under NRS 199 Crimes Against Public Justice brought to YOU Through Public Comment;

(g) Please IDENTIFY the DOCUMENT(s) regarding any action to be taken when YOU are informed and provided documents that support the allegations being made under the Public Comment of such misconduct be committed by State Personnel violating an inmate's and private citizens protected rights.

INTERROGATORY NO. 10:

Please IDENTIFY the responsibilities YOU as the Attorney General or any Boards or Commission you may sit on when YOU are given evidence of misconduct by a state employee that resulted in an adverse effect whether it be an inmate or a private citizen;

INTERROGATORY NO. 11:

Please IDENTIFY Your responsibilities YOU, as a member of the Nevada Pardons Board has to ensure the information provided to you is accurate;

(a) Please IDENTIFY the DOCUMENT(s) you used to inform the Nevada Pardons Board of the documentation provided to YOU by TONJA BROWN on or about

November 16, 2011, December 5, 2011, May 17, 2012, March 19, 2013, July 10, 2013 regarding the NOLAN KLEIN, FRED HUSTON, TONJA BROWN, NDOC, Department of Aging Services, Inspector General investigations, into the Fred Huston Trust that were conducted in the years 2005 and 2007 that were disseminated to the October 29, 2008 Pardons Board.

INTERROGATORY NO 12:

Please IDENTIFY the “DOCUMENT(s) that allows You, Attorney General or any Boards or Commission you may sit on from informing others, others being, such as, but not limited to NDOC, Inmates, Personnel, Visitors, and the Public of the dangers of being exposed to any infectious, contagious diseases as set forth in the above DEFINITION # 23 described as “DOCUMENTS” ;

Dated: July _____, 2014.

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

CERTIFICATE OF SERVICE

I certify that I, TONJA BROWN, on the ____ day of July, 2014, I hand delivered to the Attorney General's Office a true and correct copy of the foregoing PLAINTIFFS INTERROGATORIES TO DEFENDANT GOVERNOR BRIAN SANDOVAL SET NO. 1 NO'S. 1-12, PLAINTIFF'S INTERROGATORIES TO DEFENDANT ATTORNEY GENERAL KATHERINE COREZ-MASTO, SET NO. 1 NO'S 1-12, PLAINTIFF'S INTERROGATORIES TO DEFENDANT SECRETARY OF STATE ROSS MILLER SET NO. 1- NO'S 1-11, PLAINTIFF'S INTERROGATORIES, DEPUTY ATTORNEY GENERAL WILLIAM GEDDES SET NO. 1 NO'S 1- 20, PLAINTIFF'S INTERROGATORIES TO DEFENDANT DEPUTY ATTORNEY GENERAL KARA KRAUSE SET NO. 1 NO'S 1-12, PLAINTIFF'S INTERROGATORIES TO DEFENDANT NDOC GREG COX SET NO.1 NO'S 1- 14,

addressed as follows:

Hand Delivered to:

Ms. BETH HICKMAN
Senior Deputy Attorney General
Bureau of Litigation, Public Safety- NDOC
100 North Carson Street Carson City, NV

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,) Case No 13 TRT 00054 1B

In the Matter of the Estate of Nolan Edward Klein)

Plaintiff,)

) Dept. No 2

vs)

STATE OF NEVADA ex. rel.)

NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)

HOWARD SKOLNIK)

DONALD HELLING)

JAMES BENEDETTI)

INSPECTOR GENERAL)

ATTORNEY GENERAL KATHERINE CORTEZ-MASTO)

DEPUTY ATTORNEY GENERAL WILLIAM GEDDES)

DEPUTY ATTORNEY GENERAL KARA KRAUSE)

GOVERNOR BRIAN SANDOVAL)

SECRETARY OF STATE ROSS MILLER)

DEFENDANTS IN THEIR OFFICIAL CAPACITY,)

AND AS AN INDIVIDUAL)

JOHN DOES A – Z)

Defendant.

PLAINTIFF'S
INTERROGATORIES TO
DEFENDANT SECRETARY OF STATE

SET NO: 1

NOs.: 1-12

Plaintiff, TONJA BROWN, in proper person, as Administratrix of the Estate of Nolan Klein, hereby submits her Interrogatories 1-12 to Defendant Secretary of State Ross Miller

SET NO: ONE(Interrogatories 1-11)

Plaintiff requests that Defendants answer under oath, within (30) days, in accordance with NRCP 16.1 Rule 33, the following Interrogatories:

1. **DEFINITIONS**

1. “YOU/YOUR”: As may be used in these interrogatories, the term “YOU” or “YOUR” refers to the natural person, a named Defendant Secretary of State Ross Miller in the above – captioned legal action, and anyone acting on Defendant’s behalf, including their agents, assistants, and attorney’s if any.

2. “SECRETARY OF STATE”: As may be used in these Interrogatories, the term “DEFENDANT,” refers to the natural personal “ROSS MILLER”, who is named defendant in the above –captioned legal action, ;

3. “DEFENDANT”: As may be used in these Interrogatories, the term “DEFENDANT,” refers to the named defendant in the above-captioned legal action, SECRETARY OF STATE ROSS MILLER;

4. “PLAINTIFF”; As may be used in these Interrogatories, the term “PLAINTIFF” whether used in the singular or plural form, refers to any named plaintiff in the above-captioned legal action, be it PLAINTIFF ESTATE OF NOLAN KLEIN, or, TONJA BROWN, as Administratrix for Plaintiff Estate of NOLAN KLEIN or as an individually named plaintiff in the above-captioned action, and when used in the plural form, any combination of these person;.

5. “NOLAN KLEIN”: As may be used in these Interrogatories, the term “NOLAN KLEIN” refers to the natural person NOLAN KLEIN, now deceased, for whom PLAINTIFF acts as an Administratrix of the Estate of NOLAN KLEIN, in the above legal action;

6. “TONJA BROWN: As may be used in these interrogatories, the term “TONJA BROWN” refers to the natural person, a named Plaintiff in the above –captioned legal action;

7. “FRED HUSTON”: As may be used in these Interrogatories, the term “FRED HUSTON” refers to the natural person FRED HUSTON, now deceased, for whom PLAINTIFF was the Trustee of the FRED HUSTON TRUST that is mention in PLAINTIFF’s second Amended COMPLAINT in the above-captioned matter, Case No.

13 TRT 00054 1B;

8. "DOCTOR KAREN GEDNEY": As may be used in these Interrogatories, the term "DOCTOR KAREN GEDNEY" refers to the natural person KAREN GEDNEY, a NDOC PERSONNEL, for whom PLAINTIFF was in possession of the DOCUMENT IDENTIFIED as the Deposition of DOCTOR KAREN GEDNEY that is mention in PLAINTIFF's Second Amended COMPLAINT in the above-captioned matter, Case No.

13 TRT 00054 1B;

9. "DONALD HELLING": As may be used in these Interrogatories, the term "DONALD HELLING" refers to the natural person "DONALD HELLING", a NDOC PERSONNEL, for whom PLAINTIFF was in possession of the DOCUMENT IDENTIFIED as the Deposition of "DONALD HELLING" that is mention in PLAINTIFF's Second Amended COMPLAINT in the above-captioned matter, Case No.

13 TRT 00054 1B;

10. "COMPLAINT": As may be used in these Interrogatories, the term "COMPLAINT" refers to PLAINTIFF second amended complaint in the above-captioned matter, Case No. 13 TRT 00054 1B;

11. "CLAIM": As may be used in these Interrogatories, the term "CLAIM" refers to any allegation, assertion, claim, count, averment, complaint, accusation, theory, hypothesis, or defense asserted by PLAINTIFFS, in the COMPLAINT, pursuant to which, or for which, PLAINTIFFS claim entitlement to, or seek, relief of any kind, in the COMPLAINT;

12. "NDOC" As may be used in these Interrogatories, the term "NDOC" refers to the Nevada Department of Corrections;

13. "NDOC PERSONNEL" As may be used in these Interrogatories, the term "NDOC PERSONNEL" refers to any NDOC employee or agent ostensibly action on behalf of

the NDOC, including its board members, board directors, its executive officers, and its employees, including but not limited to any directors, wardens, case workers, correctional officers, medical personnel, investigators, (including the Office of the Inspector General and its staff) support staff, clerical staff, ministry staff and culinary staff;

14. "NDOC FACILITY" As may be used in these Interrogatories, the term "NDOC FACILITY" refers to any jail, prison, detention center, correctional center, medical center, treatment center, institution, or other complex, building operated by or within the NDOC system, including any location within any such facility or the premises of the same, including, but not limited, to any inmate cell, inmate unit, inmate segregation area, segregated unit, administrative office, case worker's office, canteen, shower, common area, medical triage, or inspection room infirmary, extended care unit, regional medical facility, a tier, a yard, a chapel, a library, a culinary, a worksite, a visitor center, an inspection area, and/or receiving area, wherein NDOC INMATES (below defined), are confined, detained, incarcerated, treated, examined, inspected, housed, and/or pursue recreation, work free time, or interact with visitors, for any duration of time, and wherein, any NDOC PERSONNEL, or NDOC REPRESENTATIVE perform work, are stationed, have access, or are present.

15. "NDOC INMATE": As may be used in these Interrogatories, the term "NDOC INMATE" refers to any person incarcerated or detained in any NDOC FACILITY, who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law or the terms and conditions of parole, probation, pre-trial release, or court-diversionary program.

16. "UNDER THE COLOR OF LAW": As may be used in these Interrogatories, the term "UNDER THE COLOR OF LAW" refers to acts or omissions taken by a person in the course and scope of his or her official duties, including acts or omissions taken by a person

pursuant to authority, or a claim of authority, arising from any statute, ordinance, regulation, custom, or usage of the State of Nevada;

17. “POLICY AND PROCEDURE”: As may be used in these Interrogatories, the term “POLICY AND PROCEDURE” refers to the Policy and Procedures implemented by any of the Board of Prison Commissioners, NDOC, Inspector General, Attorney General Office, Department of Aging and Disability Services, Pardons Board, Parole Board facility or agency, State Bar of Nevada, Nevada Supreme Court regulations, Federal Court, the Nevada Rule of professional Conduct;

18. “Nevada Administrative Code” As may be used in these Interrogatories, the term “Nevada Administrative Code aka NAC ” refers to the NAC implemented by any of the Board of Prison Commissioners, NDOC facility, Inspector General, Attorney General Office, Department of Aging and Disability Services, Pardons Board, Parole Board state agencies;

19. “Operating Procedure” As may be used in these Interrogatories, the term “Operating Procedure ” refers to the Operating Procedures implemented by any of the NDOC facility, Inspector General, Attorney General Office, Nevada Supreme Court;

20. “ADMINISTRATIVE REGULATIONS”: As may be used in these Interrogatories, the term “ADMINISTRATIVE REGULATIONS” refers to the NDOC ADMINISTRATIVE REGULATIONS;

21. “INSTITUTIONAL PROCEDURES”: As may be used in these Interrogatories, the term “INSTITUTIONAL PROCEDURES” refers to the procedures and policies implemented by any NDOC facility.

22. “IDENTIFY”: As may be used in these Interrogatories, the term “IDENTIFY” means to describe the particular subject matter in question (including, but not limited to, any

person, place, thing, object, DOCUMENT (as herein defined), event, occurrence, act, omission, statement, claim, harm, damage, loss, idea, time, or theory), with sufficient detail so as to enable the parties to investigate the matter further, conduct further discovery on the matter, and/or obtain evidence on the matter. When used in conjunction with a person please IDENTIFY the person's first and last name, last known address, and telephone number if known. When used in conjunction with a DOCUMENT, author, of the DOCUMENT,(as herein defined), please IDENTIFY the type of DOCUMENT, date of the DOCUMENT, author of the DOCUMENT, recipient or addressee of the DOCUMENT, and subject matter of the DOCUMENT, if known;

23. "DOCUMENTS": As may be used in these Interrogatories, the term "DOUCMENTS" refers to any writing, document, or image, whether stored in electronic form, binary form, digital form, magnetic form, photographic form, photographic-negative form, computer stored form, including, but not limited to public meetings minutes and documents, medical records, inmate records, Institutional Records, of any Correctional Facility, contracts, correspondence, voicemail, E-mails, Email attachments, invoices, charts, drawings, tables, reports, proposals, canceled checks, photographs, videotapes, printouts of data on any type of computer storage device, audio cassettes, compact disks, computer disks, logs, pen registers, reports, forms, grievances, "kites" investigation documents, bank account statements, legal documents, notices, witness statements, depositions, Inmate Institutional record files, C-files, NOTIS files, Confidential records that is kept at Central Office or Administrative Office, C-files that is Confidential Records, Offender Management, Nevada Administrative Code, evidentiary documents, exculpatory evidence, statutes, web sites, audio CD, investigative reports, Procedure and policies, customs and practices, Administrative Regulations, Operating Procedures, Policy and Procedures, Nevada Administrative Code, Nevada Revised Statutes, the Nevada Rule of professional Conduct, Nevada Supreme Court Regulation;

2005 to present written personnel/employee manuals;

24. “PLURAL USE OF SINGULAR TERMS AND PHRASES”: Where the terms and phrases, defined herein, are listed in the singular, but, not the plural, the plural use of the same term and phrase in these Interrogatories shall be construed to carry the same meaning and definition as that provided herein for the singular use of the same term and phrase, except for quantity;

25. “SINGULAR USE OF PLURAL TERMS AND PHRASES”: Where the terms and phrases, defined herein, are listed in the plural, but, not the singular, the singular use of the same term and phrase in these Interrogatories shall be construed to carry the same meaning and definition as that provided herein for the plural use of the same term and phrase, except for quantity;

26. “GERUNDS, CONJUGATED FORM, AND VERB FORMS OF TERMS AND PHRASES: Where the terms and phrases, defined herein are listed in a particular verb form, conjugated form, verb-noun-gerund form, such as a word ending in “ing” or “es” (e.g., IDENTIFYING of IDENTIFIED), such altered forms shall be construed to carry the same meaning and definition as that provided herein, without the altered forms of the term and Phrase.(e.g., IDENTIFY)

II.

INTERROGATORIES

INTERROGATORY NO. 1:

Please identify all of your jobs YOU have held within the last 20 years

Including at the present time and;

(a) Please IDENTIFY Your title(s) you hold or held in your position as Secretary of State and any Boards, Commission, Committees or subcommittees that you may sit on.

(b) Please IDENTIFY the DOCUMENT that shows Your responsibilities in your position as the Secretary of State or any Boards, Commissions, Committees or subcommittees you may sit on.

(c) Please IDENTIFY the DOCUMENT that shows Your duties that you are capable of enacting and carrying out within that YOUR position or any Boards, Commissions, Committees, subcommittees you may sit on.

(d) Please IDENTIFY the DOCUMENT that You are responsible to report to in your position as the Secretary of State or any Boards or Commission you may sit on.

(e) Please IDENTIFY the DOCUMENT that describes YOUR responsibility you have as the Secretary of State or any Boards or Commission you may sit on.

to act upon on behalf of information provided to you by way of Public Comment, DOCUMENTS of an alleged illegal act being committed by an Employee employed by the State of Nevada;

(f) Please IDENTIFY the DOCUMENT that YOU as the Secretary of State or any Boards or Commission you may sit on has the power to call for or instruct another State Agency to conduct an investigation into a Nevada State Agencies or contact an outside the State of Nevada agency for assistance.

(g) Please IDENTIFY the DOCUMENT that YOU as the Secretary of State or any Boards or Commission you may sit on have a responsibility to protect and serve the tax payers and citizens of the State of Nevada from having their protected rights being infringed upon by any State of Nevada employee, Representative or elected Official.

INTERROGATORY NO. 2:

PLAINTIFFS contend that YOU and PLAINTIFFS TONJA BROWN NOLAN KLEIN and FRED HUSTON communicated with each other in any manner whatsoever, including directly or indirectly with the assistance of intermediaries or third parties, including TONJA BROWN, for each such alleged communication. Please state all facts supporting each and every such contention concluding:

- (a) whether the communications was direct or indirect;
- (b) if the communication was indirect IDENTIFY all intermediaries and third-parties, to each such communication;
- (c) the date of each such communication;
- (d) whether the communication was actually received by the target of the communication, be it DEFENDANT SECRETARY OF STATE, or TONJA BROWN, NOLAN KLEIN;
- (e) the purpose of the communication;
- (f) the method of such communication;
- (g) was there was a resolution to the communication;
- (e) what was the resolution to the communication;

INTERROGATORY NO. 3:

Please IDENTIFY as a Licensed Attorney with The State Bar Of Nevada;

- (a) As a licensed Attorney in the State of Nevada IDENTIFY the DOCUMENT, as set forth, in the above DEFINITION # 23 described as "DOCUMENTS" as to YOUR responsibility that you have as an Attorney to act upon information provided to you of an alleged illegal act being committed by someone other than under the attorney client privilege;

INTERROGATORY NO. 4:

Please IDENTIFY the DOCUMENT(s) that allows the State of Nevada exempt from turning over Discovery of any exculpatory evidence/evidence in any litigation where the State is the named as the Defendant;

INTERROGATORY NO. 5:

Please IDENTIFY the “DOCUMENT(s)” “UNDER THE COLOR OF LAW” that allows the State of Nevada to be exempt from immunity, as set forth, in the above DEFINITION # 23 described as “DOCUMENTS”;

INTERROGATORY NO. 6:

Please IDENTIFY the “DOCUMENT(s)” “UNDER THE COLOR OF LAW” that allows the State of Nevada exempt from, but not limited to, the Nevada Revised Statute 199 CRIMES AGAINST PUBLIC JUSTICE set forth in the above DEFINITION # 23 described as “DOCUMENTS”;

INTERROGATORY NO. 7:

Please IDENTIFY the DOCUMENT(s) that exempts YOU and Your Employees of the State of Nevada from having immunity set forth in the above DEFINITION # 23 described as “DOCUMENTS”;

INTERROGATORY NO. 8:

AS A BOARD OF PRISON COMMISSIONER, “NDOC PERSONNEL”, “YOU” must work to ensure Nevada’s Prison System is Operated in a manner that Protects the Safety and rights of correctional facility employees, as well as the humane treatment and legally protected rights of inmates to receive adequate medical care, religious freedom, ensure their rights to due process and regress from retaliatory behavior, legal access by way of the NDOC Facility law libraries, Discovery, mail room; Please IDENTIFY the DOCUMENTS that ensure these rights;

(a) inmates have access to DOCUMENTS in their Discovery in their legal litigation whether their litigation is against the State of Nevada, its Agencies, its employees or any Nevada

governmental agency, private person, or a corporation;

(b) inmates have access to their DOCUMENTS, such as, but not limited to NDOC Files, NOTIS files, IG files, Confidential file, Central Office or Administrative Office files, Parole Board, Pardons Board, state agencies to check for accuracies,

(c) inmates and those being investigated in connection with that investigation, who would have received and reviewed these DOCUMENT(s);

(d) Please IDENTIFY the DOCUMENT(s) of what becomes of all the investigative reports once all of the Investigations has been completed and the inmate or those being investigated as part of the inmates investigation have been exonerated of any wrong doing that resulted in the initial investigation to be conducted;

(e) what responsibility as described in the above INTERROGATORY # 1 (e), (f), (g), (h), (i) do you have to those individuals involved in any such investigation to see to that their rights are not being infringed upon by any State employee;

INTERROGATORY NO. 9:

AS the Commissioner for the Board of Prison Commissioners and also as a “NDOC PERSONNEL” please IDENTIFY the DOCUMENTS, but not limited to those set forth in the above DEFINITION # 23 described as “DOCUMENTS” that applies to YOU in your position pertaining to Public Comment;

(a) the procedure for which you do receive testimony, information and documentation submitted under public comment.

(b) Please IDENTIFY the PERSON(s) from January 1, 2011 through December 31, 2013 who is PERSON(s) responsible for placing on the public website the DOCUMENT(S) that was given under public comment by TONJA BROWN or TONYA BROWN.

(c) Please IDENTIFY the DOCUMENT(s) that public comment can be stricken and

removed from the record that is not deemed to be a Confidential record.

(d) Please IDENTIFY the DOCUMENT(s) that the Board of Prison Commissioners, and in the Position YOU hold as an elected official in your capacity is exempt from investigating allegations of misconduct brought to YOU by and through concerned citizens regarding NDOC PERSONNEL, and State Agencies;

(e) Please IDENTIFY the DOCUMENT(s) that the Board of Prison Commissioners, and in the Position YOU hold as an elected official in your capacity is exempt from investigating allegations of violations under NRS 199 Crimes Against Public Justice brought to YOU Through Public Comment;

(g) Please IDENTIFY the DOCUMENT(s) regarding any action to be taken when YOU are informed and provided documents that support the allegations being made under the Public Comment of such misconduct be committed by State Personnel violating an inmate's and private citizens protected rights.

INTERROGATORY NO. 10:

Please IDENTIFY the responsibilities YOU have as a Board of Prison Commissioner when you are given evidence of misconduct by a state employee that resulted in an adverse effect whether it be an inmate or a private citizen;

INTERROGATORY NO. 11:

Please IDENTIFY Your responsibilities YOU, as a member of the Nevada Board of Prison Commissioners you have to ensure the information provided to you is accurate;

(a) Please IDENTIFY the DOCUMENT(s) you used to inform the Nevada

Pardons Board of the documentation provided to YOU by TONJA BROWN on or about November 16, 2011, December 5, 2011, May 17, 2012, March 19, 2013, July 10, 2013 regarding the NOLAN KLEIN, FRED HUSTON, TONJA BROWN, NDOC, Department of Aging Services, Inspector General investigations, into the Fred Huston Trust that were conducted in the years 2005 and 2007 that were disseminated to the October 29, 2008 Pardons Board.

INTERROGATORY NO 12:

Please IDENTIFY the “DOCUMENT(s) that allows You/NDOC PERSONEL from informing others, others being, such as, but not limited to NDOC, Inmates, Personnel, Visitors, and the Public of the dangers of being exposed to any infectious, contiguous diseases as set forth in the above DEFINITION # 23 described as “DOCUMENTS” ;

Dated: July _____, 2014.

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,	)	Case No	<u>13 TRT 00054 1B</u>
<u>In the Matter of the Estate of Nolan Edward Klein</u>)		
Plaintiff,	)	Dept. No	<u>2</u>
)		
vs)		
)		
STATE OF NEVADA ex. rel.)		
NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)			
HOWARD SKOLNIK)		
DONALD HELLING)		
JAMES BENEDETTI			
INSPECTOR GENERAL)		
ATTORNEY GENERAL KATHERINE CORTEZ-MASTO)			
DEPUTY ATTORNEY GENERAL WILLIAM GEDDES)			<u>PLAINTIFF'S ANSWERS TO</u>
DEPUTY ATTORNEY GENERAL KARA KRAUSE)			<u>DEFENDANT GREG COX'S</u>
GOVERNOR BRIAN SANDOVAL)			<u>INTERROGATORIES TO PLAINTIFF</u>
SECRETARY OF STATE ROSS MILLER)			<u>TONJA BROWN</u>
DEFENDANTS IN THEIR OFFICIAL CAPACITY,	)	SET NO:	1
AND AS AN INDIVIDUAL	)	REQUEST NOS.:	1-3
<u>JOHN DOES A – Z</u>)		
Defendant.			

**PLAINTIFF'S ANSWERS TO DEFENDANT GREG COX'S INTERROGATORIES TO
PLAINTIFF TONJA BROWN Set No: 1, Request No's: 1-3**

Plaintiff, TONJA BROWN, in proper person, as Administratrix of the Estate of Nolan Klein, hereby submits Plaintiff's answers to defendant Greg Cox's Interrogatories to Plaintiff Tonja Brown Set No: 1, Request NOs: 1-3

Interrogatory No. 1: Please describe each document that you have submitted to the Board of Prison Commissioners to be posted on the public record since March 30, 2012, but that has not been posted on the public record.

ANSWER: On April 3, 2012 Plaintiff emailed the Governor's attorney, Mr. Lucas Foletta and asked that the of the documents Plaintiff requested to be on the record to be placed on the record of the December 5, 2011 Board of Prison Commissioners. The records not placed on the December 5, 2011 Board of Prison Commissioners were the following: **Interrogatories exhibits # 1**

Print out of NDOC 00028 **Interrogatories Exhibits # 2**

Plaintiff's Discovery H&H 1084-1089, Letter from NDOC Rev. Jane Thompson to Deputy Attorney General Janet Traut pointing out the NDOC retaliatory behavior against certain earth based religions. **Interrogatories Exhibits # 3**

Plaintiff's Emails November 30, 2011, December 4, 2011, NDOC Donald Helling's deposition attached to Defendant Cox and Mr. Foletta asking to have her emails placed on the record. **Interrogatories Exhibits #'s 4, Interrogatories exhibits # 1**

Donald Helling Deposition , Dr. Karen Gedney's deposition **Interrogatories Exhibits # 5 Don Helling deposition & 6 Dr. Karen Gedney**) As to save time and duplicating documents on the record Plaintiff refers to the Donald Helling Deposition in Plaintiff's February 18, 2014 "Plaintiff's Motion in Opposition to Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint" Attachment 1, 2 **and** See PLAINTIFFS PRODUCTION OF DOCUMENTS TO DEFENDANTS' REQUEST FOR THE PRODUCTION OF DOCUMENTS (Set No. 1 Request No. 1) Interrogatories exhibits 1

Plaintiff's email January 16, 2012 to Defendant Cox and Mr. Foletta discussing Mr. Carpino's Power of Attorney and Plaintiff notifying the First Judicial District Court Judge Todd Russell regarding Defendant Geddes actions regarding the Settlement Agreement and attachment The Power of Attorney of Joe Carpino , **Interrogatories Exhibits # 7**

First Judicial District Court In the Matter of the Estate of Nolan Edward Klein

Interrogatories Exhibits # 8

On May 13, 2012 Plaintiff emailed for the record information regarding MRSA and Dr. Karen Gedney's deposition **Interrogatories Exhibits # 9**

On May 14, 2012 Plaintiff emailed to Defendant Cox, Ms. Cynthia Keller, Mr. Foletta regarding the computer glitch to be placed on the May 17, 2012 Board of Prison Commissioners record. **Interrogatories Exhibits # 10**

Nolan Klein's Civil Rights complaint filed on April 28, 2009 case NO: 3:09-cv-00221 Klein v Bisbee, **Interrogatories Exhibits # 11**

Nolan Klein's Civil Rights complaint filed on July 22, 2009, Case NO. 3:09-cv-00387-LRH-RAM, Klein v Corda, **Interrogatories Exhibits # 12**

The Klein v Helling case No. 3:05-CV-0390-PMP January 17, 2007 Report and Recommendation of U.S. Magistrate Judge, **Interrogatories Exhibits # 13**

May 17, 2012 Board of Prison Commissioners meeting minutes and Plaintiff's documents **Interrogatories Exhibits # 14**

On May 17, 2012 Plaintiff submitted her documents for the record of the Board of Prison Commissioners meeting the following documents . Defendant Krause was given the documents along with 91 additional documents. The 91 documents were placed on the record the following were not. **Interrogatories Exhibits # 3, 6, 9, 10, 11,12, 13,**

On March 19, 2013 Plaintiff personally submitted for the record of the Board of Prison Commissioners meeting the following and it was not placed on the record until after Plaintiff filed her July 18, 2014a "MOTION FOR AN EMERGENCY EX-PARTE MOTION FOR AN ORDER TO SHOW CAUSE WHY DEFENDANTS SHOULD NOT BE HELD IN CONTEMPT OF COURT" "MOTION FOR NOTICE TO SET FOR HEARING EMERGENCY EX-PARTE FOR AN ORDER TO SHOW CAUSE": Documents were not

placed on the record until Plaintiff filed her Motions on July 18, 2014. Plaintiff's February 28, 2013 email addressed to the Senate Judiciary regarding the audit conducted on the computer glitch and how the audit is incomplete, KRNK news story "Prison Officials Say Computer Adds Crimes to Inmates Records" NDOC 00028 NOTIS file Nolan Klein showing June 5, 2007 false felony conviction, June 10, 2010 letter from law office of Hager and Hearne regarding future legislation on Nolan's Law, February 1, 2012 Letter from Nevada Board of Parole Commissioners, Nolan Klein's letter September 28, 2007 letter to Parole Chairman Dorla Salling regarding his recent September 27, 2007 parole hearing and treatment and the July 10, 2007 parole hearing. **Interrogatories Exhibits # 16**

NDOC inmate search is still active because it is showing Mr. Klein an age of 59 years old when Mr. Klein died when he was 54 years old. It shows that Mr. Klein never had a July 10, 2007 Parole Hearing which questions Plaintiff's credibility as to Mr. Klein appearing before the Parole Board on July 10, 2007, NDOC files are still active and in Mr. Donald Helling's affidavit all of this information will remain in the NDOC files. Ultimately the information will contain the Fred Huston investigations, the computer glitch. This will damage any chance for a Posthumous Pardon for Klein. **Interrogatories Exhibits # 17**

Plaintiff's Emails from Plaintiff for the record and the John Witherow documents
Interrogatories # 18

INTERROGATORY 2: As to each document identified in response to Interrogatory No. 1, please state the date, the means (e.g. by email, submitted in hard copy during public comment) and to whom you submitted the document.

ANSWER: After November 16, 2011 and before November 29, 2011 Plaintiff personally called the Governor's Office and was then directed to contact Mr. Lucas Foletta. Plaintiff spoke to Mr. Foletta and he became the point of contact for Plaintiff to submit document, information and concerns to the Board of Prison Commissioners.

Plaintiff sent emails to Defendant Cox and Mr. Lucas Foletta on November 30, 2011, asking to have her email asking the Board of Prison Commissioners for a letter of apology from NDOC, The Board of Prison Commissioners file a complaint with the State Bar against certain DAG's for withholding evidence in cases and asking for an outside investigation into the Attorney General's Office and having Plaintiff's email placed on the record of the December 5, 2011 Board of Prison Commissioners meeting

Plaintiff emailed on December 4, 2011 emails and documents to Defendant's Cox and Mr. Foletta that would include the Deposition of Donald Helling.

On December 5, 2011 Plaintiff appeared before the Board of Prison Commissioners meeting and spoke regarding her documents. Plaintiff provided Mr. Marcher Letters from Fred Huston, Documents **NDOC 00028**, 3811, 03854, 03855, 03856, 03856, 03857, 03935, 03911, 03912, 03935, **H & H 1084- 1089**, 2007 Reports and Recommendations also refers to John Witherow and the illegally listening in on attorney/client privilege November 21, 2011 emails and attachments.

Plaintiff emailed to Defendant Cox and Mr. Foletta a December 28, 2011 email from Mr. John Witherow giving his permission for Plaintiff to have his documents that Plaintiff submitted to Mr. Foletta on November 21, 2011 for the December 5, 2011 Board of Prison Commissioners to be placed on the record.

Plaintiff Emailed Mr. Lucas Foletta, the Governor's Attorney on April 3, 2012 to regarding the December 5, 2011 Draft minutes are now on line. Plaintiff discusses the documents she presented to the December 5, 2011 Board of Prison Commissioners meeting for the record and she is asking to have the documents placed back onto the record that was not previously placed there. These would include the emails and documents she provided to Defendant Cox, and Mr. Foletta that was to be placed on the December 5, 2011 Board of Prison Commissioners and did not do so.

Plaintiff emailed May 13, 2012 to Defendant Cox, Mr. Foletta for the Board of Prison Commissioners regarding MRSA a highly infectious deadly disease, the 2007 MRSA outbreak in northern Nevada Dr. Karen Gedney's deposition. **Interrogatories Exhibits # 9**

On May 17, 2012 Plaintiff appeared before the Board of Prison Commissioners meeting And asked to have her documents placed on the record. Plaintiff's documents indicated Plaintiff asks the Governor, Board of Prison Commissioners, for an outside investigation to be conducted into the Attorney General's Office for withholding evidence in cases, a State Bar complaint to be filed against Defendant Geddes, a letter of apology for Plaintiff, Plaintiff's records to be placed on the December 5, 2011 Board of Prison Commissioners meeting **Interrogatories**

Exhibits # , 14

May 17, 2012 sat and spoke to Mr. Foletta regarding what she needed to have done to exonerate Klein's name for a Posthumous Pardon and to clear Brown's name too. Plaintiff sent Mr. Foletta an email after the Board of Prison Commissioners meeting. **Interrogatories**

Exhibits # 15

Plaintiff emailed to Mr. Lucas Foletta on November 21, 2011 regarding John Witherow pending case against NDOC on illegally listening in on inmates and their attorney's phone calls and having Mr. Witherow's documents placed on the record of the December 5, 2011 Board of Prison Commissioners meeting. **Interrogatories Exhibits # 18**

Plaintiff emailed on January 16, 2012 to Defendant Cox and Mr. Foletta emails and documents of Mr. Joe Carpino Power of Attorney and NDOC 003811 the December 2, 2007 Letter from the Attorney General's Office exonerating Plaintiffs to be placed on the record. Plaintiff informs Defendant Cox and Mr. Foletta that she has filed Documents with the First Judicial District Court regarding Mr. Geddes actions and within 2 hours of Plaintiff filing the court documents in the Estate of Nolan Edward Klein the judge had issued an order and I sent it

to the AG's office **Interrogatories Exhibits # 7**

Plaintiff emailed Mr. Foletta on April 3, 2012 regarding the signing of the Settlement Agreement asking to have all of her documents placed back onto the December 5, 2011 Board of Prison Commissioners meeting. Mr. Foletta emailed Plaintiff back and cc: Defendant Cox and Secretary of State. **Interrogatories Exhibits #**

On May 13, 2012 Plaintiff emailed Defendant Cox, Mr. Foletta an email pertaining to Prison Board of Prison Commissioners MRSA and Re:Issues for Agenda of 5/30/12 NV-CURE Meeting- DUE 5/18/12. **Interrogatories Exhibits #**

Plaintiff submitted in person for the record to Defendants NDOC, Sandoval, Masto, Miller who then turned over the documents. Documents were to be reviewed by DAG Kara Krause the depositions of Dr. Karen Gendney and Don Helling, Klein v Helling 2007 Reports and Recommendation, Klein v Bisbee civil complaint, Klein v Corda civil complaint, Plaintiff's discovery H & H 1084- 1089 Letter from Rev. Jane to DAG Janet Traut, along with 91 documents to Defendants NDOC, Sandoval, Masto and Miller for the record of the May 17, 2012 Board of Prison Commissioners

On March 19, 2013 Plaintiff's submitted her documents in person to the Defendants NDOC, Sandoval, Masto, Miller, for the record of March 19, 2013 Board of Prison Commissioners meeting the following:

February 28, 2013 email addressed to the Senate Judiciary regarding the audit conducted on the computer glitch and how the audit is incomplete. **Interrogatories Exhibits # 16**

When Plaintiff was preparing for her Discovery in her civil litigation the March 19, 2013 attachments presented for the record Attachment 2 was blocked from anyone accessing it. Brown filed her Motions on July 18, 2014 and it is unclear who unblocked her documents and now they are now available for viewing.

It is clear to Plaintiff that from the time she spoke before the December 5, 2011 Board of Prison Commissioners meeting her documents and testimony has been manipulated to discredit Brown, hide her evidence that supports her testimony. Prior to the Plaintiff's wrongful death suit Brown's documents and testimony were never hidden from the record or removed.

INTERROGATORY 3: As to each document identified in response to Interrogatory No. 1, please with particularity all facts supporting your contention the document was not posted public record because one or more defendants determined it was confidential under a settlement agreement.

ANSWER: Defendant Geddes claimed the documents that Plaintiff submitted to the December 5, 2011 Board of Prison Commissioners were deemed confidential by the Settlement Agreement reached on November 29, 2011. Defendant Governor Sandoval referred to the Attorney General's Office Mr. Marcher on the confidentiality of the Settlement Agreement.

None of the documents provided by the Plaintiff through emails, hard copies were placed on the record until after all of the Defendants had been sued and served on July 10, 2013. Then some, but, not all of the documents that were deemed NOT CONFIDENTIAL were placed on the record.

Defendant Cox and Mr. Lucas Foletta received emails and documents by Plaintiff's to be submitted for the December 5, 2011 record of the Board of Prison Commissioners meeting and never placed on the record any of the documents deemed not confidential by the settlement agreement even after he had signed the March 30, 2012 Settlement Agreement

On May 17, 2012 Plaintiff personally presented to the Board of Prison Commissioners her documents. These documents contained the official December 5, 2011 Board of Prison Commissioners meeting Minutes that Plaintiff had professionally transcribed. Plaintiff again brought to the attention of the Defendants Sandoval, Masto, Miller, Cox, Krause, NDOC, and Mr. Lucas Foletta the withholding of evidence by the Attorney General's office and Geddes

withholding evidence in Klein's federal case. Plaintiff again asked for an outside investigation to be conducted into the Attorney General's Office for withholding evidence, Plaintiff asked for a complaint to be filed against Defendant Geddes, Plaintiff demanded an apology.

Plaintiff provided Defendant's Sandoval, Masto, Miller, NDOC a copy of the signed March 30, 2012 Settlement Agreement. Defendants knew that the depositions of Dr. Karen Gedney, Donald Helling, the 2007 Reports and Recommendations, Klein v Bisbee, Klein v Corda civil complaint, H&H 1084- 1085 Letter from NDOC Rev, Jane Thompson to DAG Janet Traut were all deemed NOT CONFIDENTIAL by the settlement agreement and refused to have the documents placed on the record.

Defendant Krause stepped up during the meeting and referred to the Settlement Agreement but she not had read it. These documents were not placed on the record.

On May 17, 2012 Plaintiff sat down and personally spoke to Mr. Foletta Defendant Sandoval's attorney and point of contact for the Governor detailing the settlement agreement, in which, Plaintiffs Klein and Brown needed to have their names exonerated from the Fred Huston investigations, and Mr. Klein's false felony charge of June 5, 2007 Battery w/intent to commit crime, and burglary. Plaintiff informed Mr. Foletta that Plaintiff hired a private investigator and found the Sparks Police's prime suspect whose theory was that, Mr. Rickey Lee Zarsky, was the perpetrated of the Payless Shoe store crime that Mr. Klein was convicted of committing. Mr. Zarsky admitted that he had knowledge of the crime Mr. Klein was convicted of and he had knowledge of the 3 other crimes as well. Mr. Klein was never convicted of those 3 other crimes because those victims had cleared Mr. Klein prior to his trial and this was all hidden by the prosecutor Ron Rachow.

Plaintiff informed Mr. Foletta that she wanted to seek a Posthumus Pardon for Mr. Klein was being prevented from doing so because of the false felony charge from the computer glitch and the Fred Huston investigations reports that had been disseminated to the July 2007

Parole Board and the 2008 Pardons Board unless our names have been exonerated and the 2007 Parole Board and 2008 Pardons Board needed to be informed with this new evidence Plaintiff discovered in the Discovery of the wrongful death suit of Nolan Klein. Plaintiff was assured by Mr. Foletta that he relayed all of my information that Plaintiff had provided to him to Defendant Sandoval.

Plaintiff informed Mr. Foletta that all she really needed was an apology from NDOC or an investigation into Mr. Geddes dealing with Mr. Klein's federal Klein v Helling case and the withholding of the evidence exonerating Plaintiffs of any wrong doing. Plaintiff emailed additional information and documents regarding Mr. Zarsky to Mr. Foletta .

On March 19, 2013 Plaintiff submitted in person her documents to Defendants NDOC, Sandoval, Masto, Miller for the record of the Board of Prison Commissioners meeting.

It is unclear to Plaintiff why her March 19, 2013 documents were the only ones being BLOCKED from public view. It is unclear to Plaintiff why they refused to put her documents on the record. It is unclear why Plaintiff's documents that are listed as "ATTACHMENT 2 SUBMITTALS" are treated differently than all of the other documents listed only as "ATTACHMENT 1, Attachment 3, Attachment 4 etc.

It is unclear to Plaintiff why NDOC is still disseminating information through the public NDOC website on Mr. Klein who is now deceased. The NDOC website still has Mr. Klein information listed including his age of 59 years old when Mr. Klein died when he was 54 years old. Mr. Klein is still continuing to have birthday's however, Mr. Bishop does not and he is deceased. **Interrogatories Exhibits # 16**

It is unclear to Plaintiff if this is due to NOTIS and when NOTIS software was installed on June 5, 2007 it flipped placing new felony charges in Mr. Klein's files and other in inmates files.

It is unclear to Plaintiff if this will be an ongoing problem and the false information will

be disseminated again to a future Pardons Board when Plaintiff seeks a Posthumous Pardon.

It is clear to Plaintiff that there is a problem within the NDOC computer system and it will ultimately effect Mr. Klein's chances for any Posthumous Pardon in the future without the Defendants' notifying the 2007 Parole Board, 2008 Pardons Board of what Plaintiff has repeatedly tried to resolve and all defendants' have refused to correct the problem that was agreed upon by Defendant's Cox, and Geddes during the March 5, 2012 Court hearing.

It is unclear to Plaintiff who the defendants' are who are responsible for disallowing her public records to be blocked, or not presented for the public record since she exposed what she discovered in the wrongful death suit of Nolan Klein's discovery.

DATED August 23, 2014.

Tonja Brown
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,) Case No 13 TRT 00054 1B

In the Matter of the Estate of Nolan Edward Klein)

Plaintiff,)

) Dept. No 2

vs)

STATE OF NEVADA ex. rel.)

NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX))

HOWARD SKOLNIK)

DONALD HELLING)

JAMES BENEDETTI)

INSPECTOR GENERAL)

ATTORNEY GENERAL KATHERINE CORTEZ-MASTO)

DEPUTY ATTORNEY GENERAL WILLIAM GEDDES)

DEPUTY ATTORNEY GENERAL KARA KRAUSE)

GOVERNOR BRIAN SANDOVAL)

SECRETARY OF STATE ROSS MILLER)

DEFENDANTS IN THEIR OFFICIAL CAPACITY,)

AND AS AN INDIVIDUAL)

JOHN DOES A – Z)

Defendant.

**PLAINTIFFS PRODUCTION OF DOCUMENTS TO DEFENDANTS' REQUEST
FOR THE PRODUCTION OF DOCUMENTS (Set No. 1 Request No. 1)**

Plaintiff, TONJA BROWN, in proper person, as Administratrix of the Estate of Nolan Klein, hereby submits **PLAINTIFFS PRODUCTION OF DOCUMENTS TO DEFENDANTS' REQUEST FOR THE PRODUCTION OF DOCUMENTS (Set No. 1**

Request No. 1)

Plaintiff's 4-3-12 email to Governor Brian Sandoval's attorney Mr. Foletta	1-2
NDOC 00028 NOTIS Nolan Klein computer glitch	3
Plaintiff's Discovery H & H 1084- 1089	4-9
11- 30-2011, 12-4-11 emails to Defendant Cox, Mr. Foletta	10-13
Deposition of NDOC Donald Helling pgs 237	14- 251
Deposition of NDOC Dr. Karen Gedney pgs 177	252- 429
Email 1-16-12 Defendant Cox, Mr. Foletta, Power of attorney, Judge Russell	430- 432
Plaintiff's 1-6-12 Motion and Order in the Estate of Nolan Edward Klein	433- 442
Email 5-13-12 Board of Prison Commissioners MRSA Dr. Gedney depo	443- 444
Email 5-14-12 regarding KRNv computer glitch story	445
Klein v Bisbee 2009 civil complaint	446- 458
Klein v Corda 2009 civil complaint	459-464
2007 Klein v Helling Report and Recommendations of US Magistrate Judge	465 – 488
May 17, 2012 Board of Prison Commissioners minutes	489 – 534
Email & attachments 5-17-12 to Mr. Foletta the BOP meeting he attended	535 –541
March 19, 2013 BoPC Plaintiffs docs intentionally blocked	542- 552
July 14, 2014 NDOC inmate search Nolan Klein age 59. Klein died at 54	553
Witherow emails and documents for the December 5, 2011 BoPC meeting	554 - 63
Dated <u>August 23</u> , 2012	

Tonja Brown
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

CERTIFICATE OF SERVICE

I certify that I, TONJA BROWN, on the 25th day of August, 2014, I hand delivered to the Attorney General's Office a true and correct copy of the foregoing **PLAINTIFF'S ANSWERS TO DEFENDANT GREG COX'S INTERROGATORIES TO PLAINTIFF TONJA BROWN set NO 1. Request Nos: 1-3" "DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS (Set No. 1, Request No. 1)"**

addressed as follows:

Hand Delivered to:

Ms. BETH HICKMAN
Senior Deputy Attorney General
Bureau of Litigation, Public Safety- NDOC
100 North Carson Street Carson City, NV

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,) Case No 13 TRT 00054 1B

In the Matter of the Estate of Nolan Edward Klein
Plaintiff,

)
) Dept. No 2

vs

)
)
)

STATE OF NEVADA ex. rel.)
NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)
HOWARD SKOLNIK)
DONALD HELLING)
JAMES BENEDETTI)
INSPECTOR GENERAL)

ATTORNEY GENERAL KATHERINE CORTEZ-MASTO)

DEPUTY ATTORNEY GENERAL WILLIAM GEDDES)

DEPUTY ATTORNEY GENERAL KARA KRAUSE)

GOVERNOR BRIAN SANDOVAL) **DEFENDANT Deputy Attorney General**

SECRETARY OF STATE ROSS MILLER) **WILLIAM GEDDES**

DEFENDANTS IN THEIR OFFICIAL CAPACITY,) **SET NO: 1**

AND AS AN INDIVIDUAL) **NOs.: 1-14**

JOHN DOES A – Z)

Defendant.

PLAINTIFF'S
INTERROGATORIES TO

Plaintiff, TONJA BROWN, in proper person, as Administratrix of the Estate of Nolan Klein, hereby submits her Interrogatories 1-14 to Defendants.

SET NO: ONE(Interrogatories 1-14)

Plaintiff requests that Defendants answer under oath, within (30) days, in accordance with NRCP 16.1 Rule 33, the following Interrogatories:

1. **DEFINITIONS**

1. “YOU/YOUR”: As may be used in these interrogatories, the term “YOU” or “YOUR” refers to the natural person, a named Defendant Governor Brian Sandoval in the above – captioned legal action, and anyone acting on Defendant’s behalf, including their agents, assistants, and attorney’s if any.

2. “GOVERNOR BRIAN SANDOVAL”: As may be used in these Interrogatories, the term “DEFENDANT,” refers to the natural personal “BRIAN SANDOVAL”, who is named defendant in the above –captioned legal action, ;

3. “DEFENDANT”: As may be used in these Interrogatories, the term “DEFENDANT,” refers to the named defendant in the above-captioned legal action, GOVERNOR BRIAN SANDOVAL;

4. “PLAINTIFF”; As may be used in these Interrogatories, the term “PLAINTIFF” whether used in the singular or plural form, refers to any named plaintiff in the above-captioned legal action, be it PLAINTIFF ESTATE OF NOLAN KLEIN, or, TONJA BROWN, as Administratrix for Plaintiff Estate of NOLAN KLEIN or as an individually named plaintiff in the above-captioned action, and when used in the plural form, any combination of these person;.

5. “NOLAN KLEIN”: As may be used in these Interrogatories, the term “NOLAN KLEIN” refers to the natural person NOLAN KLEIN, now deceased, for whom PLAINTIFF acts as an Administratrix of the Estate of NOLAN KLEIN, in the above legal action;

6. “TONJA BROWN: As may be used in these interrogatories, the term “TONJA BROWN” refers to the natural person, a named Plaintiff in the above –captioned legal action;

7. “FRED HUSTON”: As may be used in these Interrogatories, the term “FRED HUSTON” refers to the natural person FRED HUSTON, now deceased, for whom PLAINTIFF was the Trustee of the FRED HUSTON TRUST that is mention in PLAINTIFF’s second Amended COMPLAINT in the above-captioned matter, Case No.

13 TRT 00054 1B;

8. “DOCTOR KAREN GEDNEY”: As may be used in these Interrogatories, the term “DOCTOR KAREN GEDNEY” refers to the natural person KAREN GEDNEY, a NDOC PERSONNEL, for whom PLAINTIFF was in possession of the DOCUMENT IDENTIFIED as the Deposition of DOCTOR KAREN GEDNEY that is mention in PLAINTIFF’s Second Amended COMPLAINT in the above-captioned matter, Case No.

13 TRT 00054 1B;

9. “DONALD HELLING”: As may be used in these Interrogatories, the term “DONALD HELLING” refers to the natural person “DONALD HELLING”, a NDOC PERSONNEL, for whom PLAINTIFF was in possession of the DOCUMENT IDENTIFIED as the Deposition of “DONALD HELLING” that is mention in PLAINTIFF’s Second Amended COMPLAINT in the above-captioned matter, Case No.

13 TRT 00054 1B;

10. “COMPLAINT”: As may be used in these Interrogatories, the term “COMPLAINT” refers to PLAINTIFF second amended complaint in the above-captioned matter, Case No. 13 TRT 00054 1B;

11. “CLAIM”: As may be used in these Interrogatories, the term “CLAIM” refers to any allegation, assertion, claim, count, averment, complaint, accusation, theory, hypothesis, or defense asserted by PLAINTIFFS, in the COMPLAINT, pursuant to which, or for which, PLAINTIFFS claim entitlement to, or seek, relief of any kind, in the COMPLAINT;

12. “NDOC” As may be used in these Interrogatories, the term “NDOC” refers to the Nevada Department of Corrections;

13. “NDOC PERSONNEL” As may be used in these Interrogatories, the term “NDOC PERSONNEL” refers to any NDOC employee or agent ostensibly action on behalf of

the NDOC, including its board members, board directors, its executive officers, and its employees, including but not limited to any directors, wardens, case workers, correctional officers, medical personnel, investigators, (including the Office of the Inspector General and its staff) support staff, clerical staff, ministry staff and culinary staff;

14. “NDOC FACILITY” As may be used in these Interrogatories, the term “NDOC FACILITY” refers to any jail, prison, detention center, correctional center, medical center, treatment center, institution, or other complex, building operated by or within the NDOC system, including any location within any such facility or the premises of the same, including, but not limited, to any inmate cell, inmate unit, inmate segregation area, segregated unit, administrative office, case worker’s office, canteen, shower, common area, medical triage, or inspection room infirmary, extended care unit, regional medical facility, a tier, a yard, a chapel, a library, a culinary, a worksite, a visitor center, an inspection area, and/or receiving area, wherein NDOC INMATES (below defined), are confined, detained, incarcerated, treated, examined, inspected, housed, and/or pursue recreation, work free time, or interact with visitors, for any duration of time, and wherein, any NDOC PERSONNEL, or NDOC REPRESENTATIVE perform work, are stationed, have access, or are present.

15. “NDOC INMATE”: As may be used in these Interrogatories, the term “NDOC INMATE” refers to any person incarcerated or detained in any NDOC FACILITY, who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law or the terms and conditions of parole, probation, pre-trial release, or court-diversionary program.

16. “UNDER THE COLOR OF LAW”: As may be used in these Interrogatories, the term “UNDER THE COLOR OF LAW” refers to acts or omissions taken by a person in the course and scope of his or her official duties, including acts or omissions taken by a person

pursuant to authority, or a claim of authority, arising from any statute, ordinance, regulation, custom, or usage of the State of Nevada;

17. “POLICY AND PROCEDURE”: As may be used in these Interrogatories, the term “POLICY AND PROCEDURE” refers to the Policy and Procedures implemented by any of the Board of Prison Commissioners, NDOC, Inspector General, Attorney General Office, Department of Aging and Disability Services, Pardons Board, Parole Board facility or agency, State Bar of Nevada, Nevada Supreme Court regulations, Federal Court, the Nevada Rule of professional Conduct;

18. “Nevada Administrative Code” As may be used in these Interrogatories, the term “Nevada Administrative Code aka NAC ” refers to the NAC implemented by any of the Board of Prison Commissioners, NDOC facility, Inspector General, Attorney General Office, Department of Aging and Disability Services, Pardons Board, Parole Board state agencies;

19. “Operating Procedure” As may be used in these Interrogatories, the term “Operating Procedure ” refers to the Operating Procedures implemented by any of the NDOC facility, Inspector General, Attorney General Office, Nevada Supreme Court;

20. “ADMINISTRATIVE REGULATIONS”: As may be used in these Interrogatories, the term “ADMINISTRATIVE REGULATIONS” refers to the NDOC ADMINISTRATIVE REGULATIONS;

21. “INSTITUTIONAL PROCEDURES”: As may be used in these Interrogatories, the term “INSTITUTIONAL PROCEDURES” refers to the procedures and policies implemented by any NDOC facility.

22. “IDENTIFY”: As may be used in these Interrogatories, the term “IDENTIFY” means to describe the particular subject matter in question (including, but not limited to, any

person, place, thing, object, DOCUMENT (as herein defined), event, occurrence, act, omission, statement, claim, harm, damage, loss, idea, time, or theory), with sufficient detail so as to enable the parties to investigate the matter further, conduct further discovery on the matter, and/or obtain evidence on the matter. When used in conjunction with a person please IDENTIFY the person's first and last name, last known address, and telephone number if known. When used in conjunction with a DOCUMENT, author, of the DOCUMENT,(as herein defined), please IDENTIFY the type of DOCUMENT, date of the DOCUMENT, author of the DOCUMENT, recipient or addressee of the DOCUMENT, and subject matter of the DOCUMENT, if known;

23. "DOCUMENTS": As may be used in these Interrogatories, the term "DOUCMENTS" refers to any writing, document, or image, whether stored in electronic form, binary form, digital form, magnetic form, photographic form, photographic-negative form, computer stored form, including, but not limited to public meetings minutes and documents, medical records, inmate records, Institutional Records, of any Correctional Facility, contracts, correspondence, voicemail, E-mails, Email attachments, invoices, charts, drawings, tables, reports, proposals, canceled checks, photographs, videotapes, printouts of data on any type of computer storage device, audio cassettes, compact disks, computer disks, logs, pen registers, reports, forms, grievances, "kites" investigation documents, bank account statements, legal documents, notices, witness statements, depositions, Inmate Institutional record files, C-files, NOTIS files, Confidential records that is kept at Central Office or Administrative Office, C-files that is Confidential Records, Offender Management, Nevada Administrative Code, evidentiary documents, exculpatory evidence, statutes, web sites, audio CD, investigative reports, Procedure and policies, customs and practices, Administrative Regulations, Operating Procedures, Policy and Procedures, Nevada Administrative Code, Nevada Revised Statutes, the Nevada Rule of professional Conduct, Nevada Supreme Court Regulation;

2005 to present written personnel/employee manuals;

24. “PLURAL USE OF SINGULAR TERMS AND PHRASES”: Where the terms and phrases, defined herein, are listed in the singular, but, not the plural, the plural use of the same term and phrase in these Interrogatories shall be construed to carry the same meaning and definition as that provided herein for the singular use of the same term and phrase, except for quantity;

25. “SINGULAR USE OF PLURAL TERMS AND PHRASES”: Where the terms and phrases, defined herein, are listed in the plural, but, not the singular, the singular use of the same term and phrase in these Interrogatories shall be construed to carry the same meaning and definition as that provided herein for the plural use of the same term and phrase, except for quantity;

26. “GERUNDS, CONJUGATED FORM, AND VERB FORMS OF TERMS AND PHRASES: Where the terms and phrases, defined herein are listed in a particular verb form, conjugated form, verb-noun-gerund form, such as a word ending in “ing” or “es” (e.g., IDENTIFYING of IDENTIFIED), such altered forms shall be construed to carry the same meaning and definition as that provided herein, without the altered forms of the term and Phrase.(e.g., IDENTIFY)

II.

INTERROGATORIES

INTERROGATORY NO. 1:

Please identify all of your jobs YOU have held within the last 20 years

Including at the present time and;

(a) Please IDENTIFY the DOCUMENT that describes YOUR responsibility you have as the Deputy Attorney General to act upon on behalf of information provided to you by way of Public Comment, DOCUMENTS of an alleged illegal act being committed by STATE EMPLOYEE;

(b) Please IDENTIFY the DOCUMENT that YOU as the Deputy Attorney General have a responsibility to protect and serve the tax payers and citizens of the State of Nevada from having the their protected rights being infringed upon by any State of Nevada employee, Representative or elected Official.

INTERROGATORY NO. 2:

PLAINTIFFS contend that YOU and PLAINTIFFS TONJA BROWN and NOLAN KLEIN, communicated with each other in any manner whatsoever, including directly or indirectly with the assistance of intermediaries or third parties, including TONJA BROWN, NOLAN KLEIN for each such alleged communication. Please state all facts supporting each and every such contention concluding:

- (a) whether the communications was direct or indirect;
- (b) if the communication was indirect IDENTIFY all intermediaries and third-parties, to each such communication;
- (c) the date of each such communication;
- (d) whether the communication was actually received by the target of the communication, be it DEFENDANT DEPUTY ATTORNEY GENERAL WILLIAM GEDDES, or TONJA BROWN, NOLAN KLEIN,
- (e) the purpose of the communication;
- (f) the method of such communication;
- (g) was there was a resolution to the communication;

- (h) what was the resolution to the communication

INTERROGATORY NO. 3:

PLAINTIFFS contend that YOU and PLAINTIFFS TONJA BROWN and NOLAN KLEIN, communicated with each other in any manner whatsoever, including directly or indirectly with the assistance of intermediaries or third parties, including TONJA BROWN, for each such alleged communication. Please state all facts supporting each and every such contention concluding: Please Identify every Person(s) you communicated with regarding the NOLAN KLEIN v DONALD HELLING case NO: 3:05-CV-0390-PMP-(vpc)

- (a) whether the communications was direct or indirect;
- (b) if the communication was indirect IDENTIFY all intermediaries and third-parties, to each such communication;
- (c) the date of each such communication;
- (d) whether the communication was actually received by the target of the communication, be it DEFENDANT DEPUTY ATTORNEY GENERAL WILLIAM GEDDES, or TONJA BROWN, NOLAN KLEIN;
- (e) the purpose of the communication;
- (f) the method of such communication;
- (g) was there was a resolution to the communication;
- (e) what was the resolution to the communication

INTERROGATORY NO. 4:

PLAINTIFFS contend that YOU and PLAINTIFFS TONJA BROWN and NOLAN KLEIN, communicated with each other in any manner whatsoever, including directly or indirectly with the assistance of intermediaries or third parties, including TONJA BROWN, for each such alleged communication. Please state all facts supporting each and every such contention concluding: Please Identify every Person(s) you communicated

with regarding the BROWN v SKONIK case NO: 3:10-00679-ECR (VPC) and;

(a) what was the resolution to the communication on March 5, 2012 that was held in federal District court regarding the Fred Huston, Nolan Klein, Tonja Brown investigations

(b) person(s) who put together the Discovery of the Nolan Klein v Donald Helling Case that was turned over as Discovery on August 12, 2011 during the Howard Skolnik deposition.

INTERROGATORY NO. 5

Please IDENTIFY every Person(s) and DOCUMENT(s) that supported your comment on August 5, 2011 during the Deposition of Donald Helling page 173, regarding the Fred Huston, Nolan Klein investigation;

“MR. GEDDES: Not only do I agree to produce what I can find to be available, so whether documents exist, I don’t know about them, or are unavailable to me, that’s what I am talking about, documents that I have, can get to, not only do I agree to produce them but I think you will be extremely surprised in the adverse interests to your client as to what these documents contain.” “And the reason why I say that is I personally worked on the underlying litigations, and at one time I had access to these documents, and I believe the evidence is extremely helpful.

INTERROGATORY NO. 6:

Please IDENTIFY every Person(s) who assisted you in the NOLAN KLEIN v DONALD HELLING case NO: 3:05-CV-0390-PMP-(vpc)”

(a) Identify the person who submitted the Discovery in “CAMERA”

INTERROGATORY NO. 7:

IDENTIFY the Person(S) who had YOU contact Angela Clark-Hartzler , a state employee who accepted the documents from the Plaintiff for the record of the Advisory Commission on the Administration of Justice.

INTERROGATORY NO. 8:

As a licensed Attorney in the State of Nevada Please IDENTIFY the DOCUMENT(s),

such as, but limited to The State Bar of Nevada rules and regulations, policy and procedures, Ethics, NRS statues as to YOUR responsibility that you have as an Attorney have to act upon information provided to you of an alleged illegal act being committed by someone other than under the attorney client privilege;

(a) Please IDENTIFY the DOCUMENT(s) that exempts YOU from the Nevada Supreme Court ADKT 427 regulation;

(b) Please IDENTIFY the DOCUMENT(s) that exempts YOU from the Nevada Rule of professional Conduct,

INTERROGATORY NO. 9:

Please IDENTIFY the DOCUMENT(s) that allows the State of Nevada, its agencies, its personnel , representatives, elected officials, Executive Officers, judicial Officers that are exempt from turning over Discovery of any exculpatory evidence/evidence in any litigation where the State is the named as the Defendant;

INTERROGATORY NO. 10:

Please IDENTIFY the “DOCUMENT(s)” “UNDER THE COLOR OF LAW” that allows the State of Nevada, its agencies, its personnel and Representatives that are exempt from any of the Nevada Revised Statutes, Nevada Administrative Code aka NAC, Ethics Commission, written manuals, policies and procedures set forth the State of Nevada’s employees, Executor Officers, elected Officials, Judicial Officers;

INTERROGATORY NO. 11:

Please IDENTIFY the “DOCUMENT(s)” “UNDER THE COLOR OF LAW” that allows YOU from being exempt from the Nevada Revised Statutes 199 Crimes against Public Justice, NAC;

INTERROGATORY NO. 12:

Please IDENTIFY the DOCUMENT(s) that exempts YOU from any of the Nevada Revised Statutes, NAC from having immunity from having violated any of the DOCUMENT(S) NRS, NAC, Administrative Regulations, Operating Procedures, policy and procedures;

INTERROGATORY NO. 13:

As the Deputy Attorney General, “YOU” must work to ensure Nevada’s Prison System is Operated in a manner that Protects the Safety and rights of correctional facility employees, as well as the humane treatment and legally protected rights of inmates to receive adequate medical care, religious freedom, and legal access by way of the NDOC Facility law libraries, Discovery, mail room; Please IDENTIFY the DOCUMENTS that ensure these rights;

INTERROGATORY NO. 14:

Please IDENTIFY the responsibilities YOU have as the Deputy Attorney General when you are given evidence of misconduct by a state employee, such as, but not Limited to;

(a) to calling for an investigation to be conducted into any alleged misconduct of State of Nevada Personnel violating inmates and private citizens protected rights;

(b) Contacting state Agencies to conduct further investigations into the alleged misconduct brought to your attention;

(c) Contacting state agencies or federal agencies into the misconduct and redacting the information that had been disseminated to them due to the misconduct that was committed by an State employee.

(d) The actions YOU in YOUR position to be taken to correct the harm done to those who have been harmed or will be harmed by the misconduct caused by an State employee;

Dated: July 29, 2014.

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

TONJA BROWN, pro se
2907 LUKENS LANE
CARSON CITY, NV 89706
775-882-2744

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,) Case No 13 TRT 00054 1B

In the Matter of the Estate of Nolan Edward Klein
Plaintiff,

)
) Dept. No 2

vs

)

)

STATE OF NEVADA ex. rel.)
NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)
GOVERNOR BRIAN SANDOVAL,)
ATTORNEY GENERAL KATHERINE CORTEZ-MASTO,)
SECRETARY OF STATE ROSS MILLER,)
DEPUTY ATTORNEY GENERAL WILLIAM GEDDES,)
DEPUTY ATTORNEY GENERAL KARA KRAUSE,)
DEFENDANTS IN THEIR OFFICIAL CAPACITY,)
AND AS AN INDIVIDUAL, JOHN DOES A-Z)

Defendant.

PLAINTIFF'S MOTION IN OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS

Plaintiff, TONJA BROWN, in proper person, as Administratrix of the Estate of Nolan Klein, hereby submits her "Plaintiff's Motion in Opposition to Defendants' motion for judgment on the Pleadings. This Motion is based Nevada Rule of Civil Procedure 12 (c), NRS Chapter 199, NRS Chapter 41, Chapter 17, NRS 17.245, Chapter 199, Chapter 200, Chapter 241, Chapter 41, Chapter 42, Chapter 17, Chapter 30, Chapter 31, Chapter 33, ADK 427, Code of professional conduct, the Memorandum of Points and Authorities attached hereto as well as all of the papers, documents and pleadings on file herein,

MEMORANDUM OF POINTS AND AUTHORITIES

I. Statement of Case

Remaining in this lawsuit is Plaintiff's single breach of Settlement Agreement claim arising from the alleged breach of the confidentiality terms of the Settlement Agreement entered on March 30, 2012, by not including every document Brown presented to the Board of Prison Commissioners during public comment, exonerating Plaintiff's name in the Fred Huston investigation(s) reports that were disseminated and the false felony June 5, 2007 computer glitch that was revealed through the deposition of Donald Helling in that continue to remain within the NDOC files, 2007 Parole Board files, 2008 Pardons Board files. On January 21, 2014 Plaintiff filed her Second Amended Civil Complaint pursuant to Order January 7, 2014 pgs 3-6, pgs 9-11, pg 10 # 18, pgs 12-15, pgs 21 -28, pg 30 #'s 123, 124, 125, 126, pg 35 #'s 139, 140, 141, 143, pg 37 # 149, pg 38 # 151, 152, Pg 39 #'s 156, 157, pg 46 #185, pg 52 #'s 207, 208, 209, 210, pg 53, pg 55 # 217, pg 56 # 218, Pg 58 #227, Pg 59 # 228 Pg 60 #'s 231, 232, 233, 234, pg 61 #'s 235, 237, 238, pg 62 # 241, pg 63 # 244, , pg 65-70.

Plaintiff's realizes that she may not be alive the day that Mr. Klein's case will be heard before the Nevada Pardons Board and the documents that Plaintiff presented for the record could be removed from the record after 5 years. Defendants have already done this despite a Settlement Agreement and continue to do so. Plaintiff realizes there is always the possibility that there will be no documentation for Brown's family or attorney's representing Mr. Klein if they are removed and Plaintiff's documents get lost or accidentally destroyed. A Letter of Apology would have been sufficient to exonerate Brown and Klein's name, but Defendants refused to do so. An outside investigation would have been sufficient to exonerate Brown and Klein's name, but, Defendants refused to so. Brown has no documentation that says she and Klein have been exonerated from the Fred Huston(s) regarding the 2007 Department of Aging Services and Tonja Brown, because no investigation was conducted into the Fred Huston investigations Plaintiff requested before and after the March 30, 2012 signed settlement Agreement.

The documents that support Brown's testimony that showed just how the Audit conducted on the computer glitch was incomplete could disappear again, thereby, leaving a future Pardons Board to believe the Audit and its findings are complete and accurate, when they are not by Plaintiff's documents that Defendants had blocked.

II. Nature of the Motion

Defendants are not entitled to judgment as a matter of law on the Plaintiff's breach of Settlement claim

First, Defendant Geddes established that the Board of Prison Commissioners are in fact "NDOC Personnel" in Brown v Skolnik case No. 3:10-00679-ECR_(VPC). Attachment 1, pg 3 # 10, Brown sued NDOC Personnel because they have no immunity.

Second, Plaintiff while in the presence of her attorneys during the Settlement Conference held on November 29, 2011 The Federal Magistrate Court Judge Valerie Cook said that the Discovery documents were not confidential based on that Plaintiff took her documents to the Board of Prison Commissioners on December, 5, 2011. Defendant Geddes informed the Board my documents were confidential and Defendants Sandoval, Masto and Miller had Brown's documents and testimony stricken from the record. Plaintiff in her advocacy has used her public comment and phone calls that resulted in immediate action and by the Former Governor Kenny Quinn and Former Robert Miller.

Third, Plaintiff filed with the First Judicial District Court Department 1, (Attachment 5, Exhibit 8)

Fourth, On March 5, 2012 Plaintiff with her counsel, Defendant Geddes were brought back into court on Mr. Geddes Motions. Plaintiff used the email for what was being agreed to be released Court. After several hours the Court came back and we all agreed that all of the Fred Huston, Nolan Klein, Tonja Brown investigations were released. Prior to appearing in Court Mr. Geddes agreed to release some of the Fred Huston investigations (Attachment 2, 3, 4). Plaintiff's attorney's staff submitted the wrong signed Settlement Agreement to Geddes who had Defendant Cox sign it and then filed it. Attachment 4 Statement of Tonja Brown. Plaintiff signed I. GOOD FAITH SETTLEMENT in accordance with NRS 17.245 pg 10 of signed Settlement Agreement.

Fifth, Defendant NDOC, Secretary of State Ross Miller and unknown defendants went above and beyond the scope of their professional duty to hide the March 19, 2013 documents Brown's presented for the record that revealed the audit was incomplete by preventing anyone from having access to her documents regarding the computer glitch. They were only released after Brown filed her July 18, 2014 Motion. Continue to withhold documents that were deemed released by the settlement Agreement and continue to withhold documents that Brown presented for the record that were not a part of Brown's civil litigation against the State. Defendants went outside the scope of their professional duty. (see Attachment 5, Exhibit 16) Defendants did not do this with anyone else attending the

public meeting.

Sixth, On March 19, 2013 Plaintiff appeared before the Board of Prison Commissioners with her documents that the Audit that the Advisory Commission on the Administration of Justice on the computer glitch that was ordered to be investigated by the Advisory Commission on the Administration of Justice Defendants Sandoval, Masto, Miller, Cox, 5, 2007 false felony charge of Battery w/intent t commit crime and burglary, **See January 21, 2014 Second Amended Civil Complaint pursuant to Order January 7, 2014. Computer glitch pg 11 # 29, Pg 21 # 82, Pg 41 #'s 169, 170, pg 46 # 185, pg 47 # 187, 189, pg 48 # 195, pg #196, 198**

III. ARGUMENT

A. The Members of the Board of Prison Commissioners aka NDOC Personnel are not entitled to absolute immunity.

Defendants' Sandoval and Masto had prior knowledge of Defendant Geddes actions and NDOC regarding the Computer glitch on November 16, 2011 while they were there in the position as a Pardons Board member, 13 days before the November 29, 2011 Settlement Conference. Brown's documents were placed on the Pardon's Board public record, (Attachment 6). Defendants continued to breach the Settlement Agreement See (Attachment 5 Exhibit 14 pgs marked 490, 491, 492, 500 503, 504, 505, 506, 529, 530, 531, 532, 533 and Exhibit 16)

December 5, 2011 Plaintiff appeared before the Board of Prison Commissioners . She informed the Board of what she discovered regarding Defendant Geddes and NDOC. Geddes claimed that Plaintiff and Defendant had Settle and the documents were confidential. Geddes made several attempts to circumvent the the Settlement Agreement by now placing a confidentiality clause on docments and not being able for Brown to discuss what she found beginning after the Board of Prison Commissioners meeting. Plaintiff filed with the First Judicial District Court. (Attachment Exhibit 8)

Plaintiff on May 17, 2012 appeared before the Defendants reiterating the December 5, 2011 Board of Prison Commissioners " I am requesting that I ask for an outside investigation into the Attorney General's office for constitutional violations. Example, withholding exculpatory evidence, Brady violations. It is apparent that the Attorney General cannot conduct any kind of an investigation into its own office because it would be conflict of interest. I am demanding a letter of apology from NDOC, the Inspector General's office and the AG's office. Attached are the letters from Fred Huston, NDOC, and Bates numbers that are now public record" So everything I provided dealing with the Fred Huston and Tonya Brown and Nolan Klein are public record."

"I'm asking that the Board of Prison Commissioners file a complaint with the State Bar of Nevada against certain DAG's William Geddes and Janet Traut for what I believe to be violations of inmates constitutional rights, Brady violations. For example, H & H, which means Hager and Hearne, document 1084- 1089, a 2000 letter to Janet Traut from Deputy DAG from the Reverend Jane. Regarding Inmate Michael Spenser and his suit. This letter details the NDOC discriminatory and retaliatory acts made in certain interfaced religions, aka Wiccan." (Attachment 5, Exhibit 14 pg 520-530)

Plaintiff's documents the deposition of Donald Helling, Deposition of Karen Gedney, the Klein's civil complaints Klein v Bisbee, Klein v Corda, H&H 1084-1089, Klein v Helling Reports and Recommendations, have not been produced for the record that would have supported Brown's testimony and were not a part of any settlement agreement.

Plaintiff called for an investigation into the attorney General's office employees, a letter of apology from NDOC, Inspector General Office, Attorney Generals office. Defendants did not comply with Brown's request. By not complying with Brown's request Brown and Klein's names were not exonerated that she would have needed to proceed forward for a Posthumous Pardon. Defendant Sandavol was kept informed as to what Brown was attempting to do by way of the Governor's attorney, Mr. Lucas Foletta. Attachment 5 and Exhibit 1.

Brown and her attorney's Hager and Hearne could not move forward for a Posthumous Pardon for Klein without it. Brown's attorney's closed their law firm and Brown no longer has the law firm on retainer for \$ 1.50. Defendants actions will financially cost monies Plaintiff does not have nor will not have to pursue a Posthumous Pardon for Klein. Plaintiff cannot seek a Posthumous Pardon for Klein, because, Defendants have been sued by Brown and Defendants Sandoval, Mast are members of the Pardons Board.

Plaintiff's documents presented to the Defendants Sandoval, Mastro, Miller, for the March 19, 2013 Board of Prison Commissioners record showing that the Audit on the computer glitch was an incomplete audit and Brown's documents were blocked from anyone accessing them until Plaintiff filed her Motion July 18, 2014. Defendants continue to manipulate the Settlement Agreement Plaintiff signed in Good Faith.

NRS 241. 0353 Prior to December 5, 2011 Plaintiff's has attended public meetings and Defendants' have allowed all of the documents presented under public comment by members of the public to be admitted including Plaintiff without any interference by Defendants. Plaintiff has submitted documents not a part of any settlement agreement and defendants have blocked anyone from accessing them and continue to manipulate the publicrecord. Plaintiff's documents that the NDOC protocol of treating MRSA a highly infectious deadly disease does not conform with the outside medical professionals for the treatment of MRSA. (Attachment 5,

Exhibit 14 pgs. See (Attachment 5, Exhibit 3, 5, 6, 9, 11, 12, 13, 14 pgs. 490, 491, 492, 500 503, 504, 505, 506, 529, 530, 531, 532, 533 and Exhibit 16 .)

B. Defendants are not entitled to judgment on the pleadings because, the terms of the confidentiality terms of the Settlement agreement do grant the Plaintiff the right to act in access of state law when appearing before a public body.

NRS 199.300 Intimidating public officer, public employee, juror, referee, arbitrator, appraiser, assessor or similar person.

Similar person, would include Brown. Brown is an Advocate for the Inmates and the Innocent. She represents inmates on their behalf to create new laws, a mediator, so to speak, between NDOC Personnel and Inmates at times to prevent future lawsuits or enforce settlement agreements made by inmates and State, etc.

NRS 199.300 (2) (4)

NRS 199.305 Preventing or dissuading victim, person acting on behalf of victim, or witness from reporting crime, commencing prosecution or causing arrest.

1. A person who, by intimidating or threatening another person, prevents or dissuades a victim of a crime, a person acting on behalf of the victim or a witness from:
(a) (4) (5), (b), (c)

NRS 199.340 Criminal contempt. "Every person who shall commit a contempt of court of any

7. Publication of a false or grossly inaccurate report of its proceedings; or"

Defendant Geddes submitted information in "Camera" and information for the record which resulted in a false and grossly inaccurate 2007 Reports and Recommendation (Attachment 5 Exhibit 13), . Plaintiff's attachment 7, pg 10 # 29, pg. 13 # 36,) Plaintiff informed Defendants of Attachment 8 and her requests. Defendants' made no attempt to correct or hold Mr. Geddes or NDOC actions accountable, thereby, not exonerating the Brown and Klein as to the terms of the Settlement Agreement made before the US District Court Magistrate Judge on March 10, 2012.

NRS 199.290 Compounding crimes 1. and 2. As the Administratrix, **Plaintiff informed the Honorable Todd Russell as to the November 29, 2011 Settlement Conference** and what was agreed to, how Mr. Geddes was now **attempting to have Plaintiff to commit fraud against the Estate of Nolan Edward Klein and Plaintiff would not do so.** Plaintiff signed the Settlement Agreement on March 30, 2012, Defendants Geddes documents would show he was already releasing some of the Fred Huston investigations, when compared to the signed

Settlement Agreement those documents are not released thereby supporting Plaintiff's Motion(s) . (Attachment #'s 2, 4, 5 Exhibit 8.)

NRS 41.745 Liability of employer for intentional conduct of employee; limitations.

1. An employer is not liable for harm or injury caused by the intentional conduct of an employee if the conduct of the employee:

- (a) Was a truly independent venture of the employee;
- (b) Was not committed in the course of the very task assigned to the employee; and
- (c) Was not reasonably foreseeable under the facts and circumstances of the case considering the nature and scope of his or her employment.

For the purposes of this subsection, conduct of an employee is reasonably foreseeable if a person of ordinary intelligence and prudence could have reasonably anticipated the conduct and the probability of injury.

2. Nothing in this section imposes strict liability on an employer for any unforeseeable intentional act of an employee.

3. For the purposes of this section:

(a) "Employee" means any person who is employed by an employer, including, without limitation, any present or former officer or employee, immune contractor, an employee of a university school for profoundly gifted pupils described in chapter 392A of NRS or a member of a board or commission or Legislator in this State.

(b) "Employer" means any public or private employer in this State, including, without limitation, the State of Nevada, a university school for profoundly gifted pupils described in chapter 392A of NRS, any agency of this State and any political subdivision of the State.

(c) "Immune contractor" has the meaning ascribed to it in subsection 3 of NRS 41.0307.

(d) "Officer" has the meaning ascribed to it in subsection 4 of NRS 41.0307.

Defendants' Sandoval, Masto, Miller, were given testimony and documents to support Plaintiff's demands for an investigation into the Attorney General's Office, a letter of apology, a complaint filed with the State Bar of Nevada against Defendant Geddes and did absolutely nothing. Attachment 5, Exhibit 14 pgs 528, 229, 530, 531,532,533. Instead, Defendants' continue to employee Geddes, manipulate Plaintiff's Settlement Agreement, her documents to discredit Plaintiff's testimony as to the **wrong doings of the attorney General's office and NDOC.** (Attachment 5 Exhibits 1-17)

NRS 41.03475 No judgment against State or political subdivision permitted for acts outside scope of public duties or employment; exception. (Attachment 5, Exhibits 1- 17)

NRS 41.03475 No judgment against State or political subdivision permitted for acts outside scope of public duties or employment; exception. Except as otherwise provided in NRS 41.745, no judgment may be entered against the State of Nevada or any agency of the State or against any political subdivision of the State for any act or omission of any present or former officer, employee, immune contractor, member of a board or commission or State Legislator which was outside the course and scope of the person's public duties or employment

NRS 41.0348 - Special verdict required.

In every action or proceeding in any court of this state in which both the State or political subdivision and any present or former officer, employee, immune contractor or member of a board or commission thereof or any present or former State Legislator are named defendants, the court or jury in rendering any final judgment, verdict, or other disposition shall return a special verdict in the form of written findings which determine whether:

1. The individual defendant was acting within the scope of the defendant's public duty or employment; and
2. The alleged act or omission by the individual defendant was wanton or malicious.

NRS 41.0349 Indemnification of present or former public officer, employee, immune contractor or State Legislator. In any civil action brought against any present or former officer, employee, immune contractor, member of a board or commission of the State or a political subdivision or State Legislator, in which a judgment is entered against the person based on any act or omission relating to the person's public duty or employment, the State or political subdivision shall indemnify the person unless:

1. The person failed to submit a timely request for defense;
2. The person failed to cooperate in good faith in the defense of the action;
3. The act or omission of the person was not within the scope of the person's public duty or employment; or
4. The act or omission of the person was wanton or malicious.

NRS 241.0353 Absolute privilege of certain statements and testimony.

1. "Any statement which is made by a member of a public body during the course of a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action."

2. "A witness who is testifying before a public body is absolutely privileged to publish defamatory matter as part of a public meeting, except that it is unlawful to misrepresent any fact knowingly when testifying before a public body."

Brown submitted evidence to support her testimony and Defendants, Sandoval, Masto, Miller, blocked anyone from viewing her documents that NDOC is endangering the health of inmates, visitors to NDOC, and the outside community. Anyone who could have been possibly been affected by the computer glitch and spent more

time incarcerated because of the false felony charges,

Defendants have allowed the false felony charge to remain in Mr. Klein's NDOC files, the 2005, 2007 Fred Huston investigation(s) that were disseminated to the 2007 Parole Board and 2008 Pardons Board to remain as true that Brown and Klein when in fact, exonerated and will cause problems for Brown or her family seeking a Posthumous Pardon for Klein. (Attachment 5, Exhibits 1, 2, 5, 6, 8, 10, 11, 13, 16, 17).

NRS 241.035 Public meetings: Minutes; aural and visual reproduction; transcripts.

NRS 241.035 Public meetings: Minutes; aural and visual reproduction; transcripts.

NRS 241.0353 Absolute privilege of certain statements and testimony.

NRS 241.036 Action taken in violation of chapter void.

NRS 241.0365 Action taken by public body to correct violation of chapter; timeliness of corrective action; effect.

NRS 241.040 Criminal and civil penalties; members attending meeting in violation of chapter not accomplices.

NRS 241.035 Public meetings: Minutes; aural and visual reproduction; transcripts.

NRS 241.020 Meetings to be open and public; limitations on closure of meetings; notice of meetings; copy of materials; exceptions. [Effective through December 31, 2013.]

NRS 241.016 Application of chapter; exempt meetings and proceedings; specific exceptions; circumvention of chapter.

C. The members of the Board of Prison Commissioners are not entitled to discretionary act immunity.

As to save time in duplicating same answers Plaintiffs refers to A and B above. Defendants Sandoval, Masto, Miller discretionary act immunity defense is flawed by the fact the Plaintiff has made several attempts after the signed the March 30, 2012 Settlement Agreement to get the all defendants to adhere to the Settlement Agreement and her requests and they have not. Defendants have a pattern of not allowing public documents on the public record that could and does raise questions as to what is truly going on within the NDOC, and the State of Nevada.

Defendants actions are not discretionary but, retaliatory. (Attachment 5, Exhibit 11, 2, 5, 6, 8, 10, 11, 13, 16, 17, 18.)

Defendant counsel states "to Receive discretionary act immunity, a defendant's decision must (1) involve an element of individual judgment or choice."

(1) (a) "involve an element of individual judgment or choice".

(a) Defendant Sandoval judgment should be more acute because socially he was a judge. He was legislator and the Nevada Attorney General and a lawyer.

(b) “involve an element of individual judgment or choice. Defendant Masto judgment should be more acute because socially she is Attorney General, an attorney,

© “involve an element of individual judgment or choice. Defendant Miller judgment should be more acute because socially he is an attorney.

(2) Defendants counsel states “Be based on considerations of social, economic, or political policy.”

(a) Defendant Sandoval is considered more egregious because of his political standard and abuse of absolute immunity to cover his bad decision or protecting others under his employee.

(b) Be based on considerations of social, economic, or political policy. Defendant Masto is considered more egregious because of her political standard and abuse of absolute immunity to cover his bad decision or protecting others under her employee.

(c) Be based on considerations of social, economic, or political policy. Defendant Miller is considered more egregious because of his political standard and abuse of absolute immunity to cover his bad decision or protecting others under his employee.

Defendants Counsel states pg 6, lines 21-24 “The Settlement Agreement does not supersede State Law And under state law, the Board of Prison Commissioners had discretion regarding what documents were included in the official minutes.” In good faith Plaintiff accepted the terms of the Settlement Agreement on March 5, 2012 in Federal District Court, that the Fred Huston, Nolan Klein, Tonja Brown investigations were released to exonerate their names and all documents pertaining to Nolan Klein with the exception of documents with inmates names that would have to be redacted. Defendants knew this on May 17, 2012 when Brown provided them with the signed settlement agreement. It clearly showed that all of Plaintiff’s discovery was public record, all depositions were public record . Had Plaintiff known that Defendants were going to do this Plaintiff would never agreed to settle and would have gone to trial where everything would have been exposed. Defendant Geddes perpetrated a fraud on Plaintiff in order to get Plaintiff to sign the Settlement Agreement and Defendants Sandoval, Masto and Miller condoned his actions.

Plaintiff on May 17, 2012 stated “ I am requesting that I ask for an outside investigation into the Attorney General’s office for constitutional violations. Example, withholding exculpatory evidence, Brady violations. It is apparent that the Attorney General cannot conduct any kind of an investigation into its own office because it would

be conflict of interest. I am demanding a letter of apology from NDOC, the Inspector General's office and the AG's office. Attached are the letters from Fred Huston, NDOC, and Bates numbers that are now public record" So everything I provided dealing with the Fred Huston and Tonya Brown and Nolan Klein are public record."

"I'm asking that the Board of Prison Commissioners file a complaint with the State Bar of Nevada against certain DAG's William Geddes and Janet Traut for what I believe to be violations of inmates constitutional rights, Brady violations. For example, H & H, which means Hager and Hearne, document 1084- 1089, a 2000 letter to Janet Traut from Deputy DAG from the Reverend Jane. Regarding Inmate Michael Spenser and his suit. This letter details the NDOC discriminatory and retaliatory acts made in certain interfaced religions, aka Wiccan." (Attachment 5, Exhibit 14 pg 520-530)

Defendants responsibilities are to set the Administrative regulations for NDOC, oversee NDOC and **"work to ensure Nevada's Prison System is Operated in a manner that Protects the Safety and rights of correctional facility employees, as well as the humane treatment and legally protected rights of inmates."** Plaintiff exposed the flaws within the NDOC and Attorney General's office who represents the state against inmates lawsuits, NDOC protocol on the highly infectious deadly disease MRSA and defendants want to silence Brown's documents that support her testimony then circumvent their actions by claiming they have discretionary act immunity.

D. Plaintiff's waives this.

IV. Conclusion

Plaintiff refers to I. Statement of the Case, II. Nature of the Motion, III. Argument A., B., C, Memorandum of Points and Authorities attached hereto, foregoing PLAINTIFF'S ANSWERS TO DEFENDANT GREG COX'S INTERROGATORIES TO PLAINTIFF TONJA BROWN set NO 1. Request Nos: 1-3" "DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS (Set No. 1, Request N and refers to Plaintiff's Second Amended Civil Complaint, as well as all of the papers, documents , Attachments and pleadings on file herein,

Defendants' Sandoval, Masto, Miller, were given testimony and documents to support Plaintiff's demands for an investigation into the Attorney General's Office, a letter of apology, a complaint filed with the State Bar of Nevada against Defendant Geddes and did absolutely nothing. (Attachment 5, Exhibit 14 pgs 528, 229, 530, 531,532,533.)

Instead, Defendants' continue to employee Geddes, manipulate Plaintiff's Settlement Agreement, her documents to discredit Plaintiff's testimony as to the wrong doings of the attorney General's office and NDOC.

(Attachment 5, Exhibits 1-17)

Plaintiff is not an attorney. Plaintiff has done research through the Second Judicial District Court law library, she spoken with Westlaw research division and they cannot find any cases similar to Plaintiffs.

Plaintiff has been to the Nevada Supreme Court and has not been able to find cases similar to hers to compare this Motion to. So she cites to her January 21, 2014 Second Amended Civil Complaint

(a). **"Because the Plaintiff is pro se**, the Court has a higher standard when faced with a motion to dismiss, *White v. Bloom*, 621 F.2d 276 makes this point clear and states: A court faced with a motion to dismiss a pro se complaint must read the complaint's allegations expansively, *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 596, 30 L. Ed. 2d 652 (1972), and take them as true for purposes of deciding whether they state a claim. *Cruz v. Beto*, 405 U.S. 319, 322, 92 S. Ct. 1079, 1081, 31 L. Ed. 2d 263 (1972)".

(b) **"Pro se litigants'** court submissions are to be construed liberally and held to less stringent standards than submissions of lawyers. If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with rule requirements. *Boag v. MacDougall*, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982); *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976)(quoting *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)); *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); *McDowell v. Delaware State Police*, 88 F.3d 188, 189 (3rd Cir. 1996); *United States v. Day*, 969 F.2d 39, 42 (3rd Cir. 1992)(holding pro se petition cannot be held to same standard as pleadings drafted by attorneys); *Then v. I.N.S.*, 58 F.Supp.2d 422, 429 (D.N.J. 1999)."

(c) **"The courts provide pro se parties** wide latitude when construing their pleadings and papers. When interpreting pro se papers, the Court should use common sense to determine what relief the party desires. **S.E.C. v. Elliott, 953 F.2d 1560, 1582 (11th Cir. 1992)**. See also, *United States v. Miller*, 197 F.3d 644, 648 (3rd Cir. 1999) (Court has special obligation to construe pro se litigants' pleadings liberally); *Poling v. K.Hovnanian Enterprises*, 99 F.Supp.2d 502, 506-07 (D.N.J. 2000)."

(d) "Defendant has the right to submit pro se briefs on appeal, even though they may be in artfully drawn but the court can reasonably read and understand them. See, *Vega v. Johnson*, 149 F.3d 354 (5th Cir. 1998). Courts will go to particular pains to protect pro se litigants against consequences of technical errors if injustice would otherwise result. *U.S. v. Sanchez*, 88 F.3d 1243 (D.C.Cir. 1996)."

(e) "Moreover, "the court is under a duty to examine the complaint to determine if the allegations provide for relief on any possible theory." ***Bonner v. Circuit Court of St. Louis, 526 F.2d 1331, 1334 (8th Cir. 1975) (quoting Bramlet v. Wilson, 495 F.2d 714, 716 (8th Cir. 1974))***. Thus, if this court were to entertain any motion to dismiss this court would have to apply the standards of *White v. Bloom*. Furthermore, if there is any possible theory that would entitle the Plaintiff to relief, even one that the Plaintiff hasn't thought of, the court cannot dismiss this case."

(f) **"HAINES v. KERNER, ET AL. 404 U.S. 519, 92 S. Ct. 594, 30 L. Ed. 2d 652.**

(g) **"ESTELLE, CORRECTIONS DIRECTOR, ET AL. v. GAMBLE 29 U.S. 97, 97 S. Ct. 285, 50 L. Ed. 2d 251.** We now consider whether respondent's complaint states a cognizable 1983 claim. The handwritten pro se document is to be liberally construed. As the Court unanimously held in *Haines v. Kerner*, 404 U.S. 519 (1972), a pro se complaint, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove

no set of facts in support of his claim which would entitle him to relief." *Id.*, at 520-521, quoting *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957)."

(h) ***“WILLIAM MCNEIL, PETITIONER v. UNITED STATES*** 113 S. Ct. 1980, 124 L. Ed. 2d 21, 61 U.S.L.W. 4468. Moreover, given the clarity of the statutory text, it is certainly not a "trap for the unwary." It is no doubt true that there are cases in which a litigant proceeding without counsel may make a fatal procedural error, but the risk that a lawyer will be unable to understand the exhaustion requirement is virtually nonexistent. Our rules of procedure are based on the assumption that litigation is normally conducted by lawyers. While we have insisted that the pleadings prepared by prisoners who do not have access to counsel be liberally construed, see *Haines v. Kerner*, 404 U.S. 519 (1972); *Estelle v. Gamble*, 429 U.S. 97, 106 (1976), and have held that some procedural rules must give way because of the unique circumstance of incarceration, see *Houston v. Lack*, 487 U.S. 266 (1988) (pro se prisoner's notice of appeal deemed filed at time of delivery to prison authorities), we have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel. As we have noted before, "in the long run, experience teaches that strict adherence to the procedural requirements specified by the legislature is the best guarantee of evenhanded administration of the law." *Mohasco Corp. v. Silver*, 447 U.S. 807, 826 (1980).

(i) ***“BALDWIN COUNTY WELCOME CENTER v. BROWN*** 466 U.S. 147, 104 S. Ct. 1723, 80 L. Ed. 2d 196, 52 U.S.L.W. 3751. Rule 8(f) provides that " pleadings shall be so construed as to do substantial justice." We frequently have stated that pro se pleadings are to be given a liberal construction."

(j) ***“HUGHES v. ROWE ET AL.*** 449 U.S. 5, 101 S. Ct. 173, 66 L. Ed. 2d 163, 49 U.S.L.W. 3346. Petitioner's complaint, like most prisoner complaints filed in the Northern District of Illinois, was not prepared by counsel. It is settled law that the allegations of such a complaint, "however in artfully pleaded" are held "to less stringent standards than formal pleadings drafted by lawyers, see *Haines v. Kerner*, 404 U.S. 519, 520 (1972). See also *Maclin v. Paulson*, 627 F.2d 83, 86 (CA7 1980); *French v. Heyne*, 547 F.2d 994, 996 (CA7 1976). Such a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. *Haines*, *supra*, at 520-521. And, of course, the allegations of the complaint are generally taken as true for purposes of a motion to dismiss. *Cruz v. Beto*, 405 U.S. 319, 322 (1972)." WILLIAM ERICKSON v. BARRY J. PARDUS et al.

(k) Specific facts are not necessary; the statement need only " 'give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.' " *Bell Atlantic Corp. v. Twombly*, 550 U. S. ___, ___ (2007) (slip op., at 7-8) (quoting *Conley v. Gibson*, 355 U. S. 41, 47 (1957)). In addition, when ruling on a defendant's motion to dismiss, a judge must accept as true all of the factual allegations contained in the complaint. *Bell Atlantic Corp.*, *supra*, at ___ (slip op., at 8-9) (citing *Swierkiewicz v. Sorema N. A.*, 534 U. S. 506, 508, n. 1 (2002); *Neitzke v. Williams*, 490 U. S. 319, 327 (1989); *Scheuer v. Rhodes*, 416 U. S. 232, 236 (1974))."

(l) "The Court of Appeals' departure from the liberal pleading standards set forth by Rule 8(a)(2) is even more pronounced in this particular case because petitioner has been proceeding, from the litigation's outset, without counsel. A document filed *pro se* is "to be liberally construed," *Estelle*, 429 U. S., at 106, and "a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers," *ibid.* (internal quotation marks omitted). Cf. Fed. Rule Civ. Proc. 8(f) ("All pleadings shall be so construed as to do substantial justice")."

(m) “Whether petitioner’s complaint is sufficient in all respects is a matter yet to be determined, for respondents raised multiple arguments in their motion to dismiss. In particular, the proper application of the controlling legal principles to the facts is yet to be determined. The case cannot, however, be dismissed on the ground that petitioner’s allegations of harm were too conclusory to put these matters in issue., *Blair v. City of Pomona*, 223 F.3d 1074, 1079 (9th Cir., FLOYD v. Calibretta April 2004, 9th Circuit Court of Appeals.

Dated: August 24th, 2014.

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IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,) Case No 13 TRT 00054 1B

In the Matter of the Estate of Nolan Edward Klein
Plaintiff,

)
) Dept. No 2

vs

)
)

STATE OF NEVADA ex. rel.)
NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)
GOVERNOR BRIAN SANDOVAL,)
ATTORNEY GENERAL KATHERINE CORTEZ-MASTO,)
SECRETARY OF STATE ROSS MILLER,)
DEPUTY ATTORNEY GENERAL WILLIAM GEDDES,)
DEPUTY ATTORNEY GENERAL KARA KRAUSE,)
DEFENDANTS IN THEIR OFFICIAL CAPACITY,)
AND AS AN INDIVIDUAL, JOHN DOES A-Z)

_____)

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION IN OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS

Before the Court is Plaintiff's Motion for PLAINTIFF'S MOTION IN OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS. Having fully briefed the briefing, Attachments, the Court grants Plaintiff's Motion.

The only remaining claim asserted in Plaintiff's Second Amended Complaint is a Settlement Agreement entered on March 30, 2012. After the Settlement Agreement was entered, Plaintiff alleges it was breached when Defendants failed to include every document Plaintiff presented to the Board of Prison Commissioners during public comment in the minutes of the public meeting that would exonerate their names from the 2005- 2007 Fred Huston investigation(s), an outside investigation to be conducted into the Attorney General's Office for withholding evidence, identified as NDOC 03811 December 2, 2005 letter written from Deputy Attorney General Dale Liebherr

to Inspector General Patrick Conmay Attachment 8. . The document refers to Plaintiff Brown regarding the Fred Huston investigation and the investigation “revealed no criminal activity existed” with regard to Ms. Brown as the Trustee of the Fred Huston Trust Account.

Plaintiff alleges in Mr. Klein’s U.S. District Court District of Nevada, Nolan Klein v Donald Helling Case No: 3:05-CV-0390-PMP-(VPC) wherein, a January 17, 2007 Report and Recommendation of U.S. Magistrate Judge was written where a grossly inaccurate report was made regarding Brown and Klein and requested the Board of Prison Commissioners to contact the Federal Court with her newly discovered evidence.

Plaintiff alleges in her complaint that Defendants have not exonerated Brown and Klein’s name, have not contacted any of the State and Federal Agencies regarding the Fred Huston investigations and the false felony charge placed in the NDOC file on Mr. Nolan Klein. Plaintiff alleges this will have an adverse effect when she or her family moves forward for a Posthumous Pardon for Mr. Nolan Klein.

Plaintiff alleges Defendants did not place on the record any of the December 5, 2011 Board of Prison Commissioners until after the Plaintiff had filed suit and served them nearly 19 months after the December 5, 2011. Plaintiff alleges that the Defendant’s continue to withhold the documents from the record. Blocking anyone from ever viewing the record that was deemed by the Settlement Agreement were not confidential records from the March 19, 2013 Board of Prison Commissioners meeting when she presented the Defendants with her documents that supported her testimony that the Audit was incomplete.

Plaintiff alleges Defendants have treated her differently because she discovered the “**wrong doings**” by the Attorney General’s Office of withholding evidence in inmates cases and Mr. Klein’s US federal Case Nolan Klein v Donald Helling USDC Case No: 3:05-CV-0390-PMP-(VPC) .

Plaintiff alleges that the June 5, 2007 false felony charge due to the software installation resulted in the computer glitch placing false charges in Mr. Klein’s NDOC files and remains in Mr. Klein’s NDOC files, 2007 Parole Board Files, 2008 Pardons Board files when Mr. Klein appeared for a Compassionate Release Pardon, because, Mr. Klein had less than one year to live. Plaintiffs states that these files will be disseminated to a future Pardons Board when the Brown family moves forward for a Posthumous Pardon from Mr. Klein’s alleged 1989 criminal conviction. Attachment 5, Exhibit 17.

(a). "Because the Plaintiff is pro se, the Court has a higher standard when faced with a motion to dismiss, *White v. Bloom*, 621 F.2d 276 makes this point clear and states: A court faced with a motion to dismiss a pro se complaint must read the complaint's allegations expansively, *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 596, 30 L. Ed. 2d 652 (1972), and take them as true for purposes of deciding whether they state a claim. *Cruz v. Beto*, 405 U.S. 319, 322, 92 S. Ct. 1079, 1081, 31 L. Ed. 2d 263 (1972)".

(b) "Pro se litigants' court submissions are to be construed liberally and held to less stringent standards than submissions of lawyers. If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with rule requirements. *Boag v. MacDougall*, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982); *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976)(quoting *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)); *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); *McDowell v. Delaware State Police*, 88 F.3d 188, 189 (3rd Cir. 1996); *United States v. Day*, 969 F.2d 39, 42 (3rd Cir. 1992)(holding pro se petition cannot be held to same standard as pleadings drafted by attorneys); *Then v. I.N.S.*, 58 F.Supp.2d 422, 429 (D.N.J. 1999)."

(c) "The courts provide pro se parties wide latitude when construing their pleadings and papers. When interpreting pro se papers, the Court should use common sense to determine what relief the party desires. *S.E.C. v. Elliott*, 953 F.2d 1560, 1582 (11th Cir. 1992). See also, *United States v. Miller*, 197 F.3d 644, 648 (3rd Cir. 1999) (Court has special obligation to construe pro se litigants' pleadings liberally); *Poling v. K.Hovnanian Enterprises*, 99 F.Supp.2d 502, 506-07 (D.N.J. 2000)."

(d) "Defendant has the right to submit pro se briefs on appeal, even though they may be in artfully drawn but the court can reasonably read and understand them. See, *Vega v. Johnson*, 149 F.3d 354 (5th Cir. 1998). Courts will go to particular pains to protect pro se litigants against consequences of technical errors if injustice would otherwise result. *U.S. v. Sanchez*, 88 F.3d 1243 (D.C.Cir. 1996)."

(e) "Moreover, "the court is under a duty to examine the complaint to determine if the allegations provide for relief on any possible theory." *Bonner v. Circuit Court of St. Louis*, 526 F.2d 1331, 1334 (8th Cir. 1975) (quoting *Bramlet v. Wilson*, 495 F.2d 714, 716 (8th Cir. 1974)). Thus, if this court were to entertain any motion to dismiss this court would have to apply the standards of *White v. Bloom*. Furthermore, if there is any possible theory that would entitle the Plaintiff to relief, even one that the Plaintiff hasn't thought of, the court cannot dismiss this case."

(f) "*HAINES v. KERNER, ET AL.* 404 U.S. 519, 92 S. Ct. 594, 30 L. Ed. 2d 652. Whatever may be the limits on the scope of inquiry of courts into the internal administration of prisons, allegations such as those asserted by petitioner, however in artfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Conley v. Gibson*, 355 U.S. 41, 45-46, 1957 (See Note Below). See *Dioguardi v. Durning*, 139 F.2d 774 (CA2 1944)."

(g) "*ESTELLE, CORRECTIONS DIRECTOR, ET AL. v. GAMBLE* 29 U.S. 97, 97 S. Ct. 285, 50 L. Ed. 2d 251. We now consider whether respondent's complaint states a cognizable 1983 claim. The handwritten pro se document is to be liberally construed. As the Court unanimously held in *Haines v. Kerner*, 404 U.S. 519 (1972), a pro se complaint, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove no set of

facts in support of his claim which would entitle him to relief." *Id.*, at 520-521, quoting *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957)."

(h) "***WILLIAM MCNEIL, PETITIONER v. UNITED STATES*** 113 S. Ct. 1980, 124 L. Ed. 2d 21, 61 U.S.L.W. 4468. Moreover, given the clarity of the statutory text, it is certainly not a "trap for the unwary." It is no doubt true that there are cases in which a litigant proceeding without counsel may make a fatal procedural error, but the risk that a lawyer will be unable to understand the exhaustion requirement is virtually nonexistent. Our rules of procedure are based on the assumption that litigation is normally conducted by lawyers. While we have insisted that the pleadings prepared by prisoners who do not have access to counsel be liberally construed, see *Haines v. Kerner*, 404 U.S. 519 (1972); *Estelle v. Gamble*, 429 U.S. 97, 106 (1976), and have held that some procedural rules must give way because of the unique circumstance of incarceration, see *Houston v. Lack*, 487 U.S. 266 (1988) (pro se prisoner's notice of appeal deemed filed at time of delivery to prison authorities), we have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel. As we have noted before, "in the long run, experience teaches that strict adherence to the procedural requirements specified by the legislature is the best guarantee of evenhanded administration of the law." *Mohasco Corp. v. Silver*, 447 U.S. 807, 826 (1980).

(i) "***BALDWIN COUNTY WELCOME CENTER v. BROWN*** 466 U.S. 147, 104 S. Ct. 1723, 80 L. Ed. 2d 196, 52 U.S.L.W. 3751. Rule 8(f) provides that " pleadings shall be so construed as to do substantial justice." We frequently have stated that pro se pleadings are to be given a liberal construction."

(j) "***HUGHES v. ROWE ET AL.*** 449 U.S. 5, 101 S. Ct. 173, 66 L. Ed. 2d 163, 49 U.S.L.W. 3346. Petitioner's complaint, like most prisoner complaints filed in the Northern District of Illinois, was not prepared by counsel. It is settled law that the allegations of such a complaint, "however in artfully pleaded" are held "to less stringent standards than formal pleadings drafted by lawyers, see *Haines v. Kerner*, 404 U.S. 519, 520 (1972). See also *Maclin v. Paulson*, 627 F.2d 83, 86 (CA7 1980); *French v. Heyne*, 547 F.2d 994, 996 (CA7 1976). Such a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. *Haines*, *supra*, at 520-521. And, of course, the allegations of the complaint are generally taken as true for purposes of a motion to dismiss. *Cruz v. Beto*, 405 U.S. 319, 322 (1972)." WILLIAM ERICKSON v. BARRY J. PARDUS et al.

(k) Specific facts are not necessary; the statement need only " 'give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.' " *Bell Atlantic Corp. v. Twombly*, 550 U. S. ___, ___ (2007) (slip op., at 7-8) (quoting *Conley v. Gibson*, 355 U. S. 41, 47 (1957)). In addition, when ruling on a defendant's motion to dismiss, a judge must accept as true all of the factual allegations contained in the complaint. *Bell Atlantic Corp.*, *supra*, at ___ (slip op., at 8-9) (citing *Swierkiewicz v. Sorema N. A.*, 534 U. S. 506, 508, n. 1 (2002); *Neitzke v. Williams*, 490 U. S. 319, 327 (1989); *Scheuer v. Rhodes*, 416 U. S. 232, 236 (1974))."

(l) "The Court of Appeals' departure from the liberal pleading standards set forth by Rule 8(a)(2) is even more pronounced in this particular case because petitioner has been proceeding, from the litigation's outset, without counsel. A document filed *pro se* is "to be liberally construed," *Estelle*, 429 U. S., at 106, and "a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers," *ibid.* (internal quotation marks omitted). Cf. Fed. Rule Civ. Proc. 8(f) ("All pleadings shall be so construed as to do substantial justice")."

(m) “Whether petitioner’s complaint is sufficient in all respects is a matter yet to be determined, for respondents raised multiple arguments in their motion to dismiss. In particular, the proper application of the controlling legal principles to the facts is yet to be determined. The case cannot, however, be dismissed on the ground that petitioner’s allegations of harm were too conclusory to put these matters in issue.

***Blair v. City of Pomona*, 223 F.3d 1074, 1079 (9th Cir.**

Plaintiff has meet the burden of proof.

IT IS HEREBY ORDERED that PLAINTIFF’S MOTION IN OPPOSITION TO DEFENDANTS’
MOTION FOR JUDGMENT ON THE PLEADINGS is GRANTED.

Dated: _____

DISTRICT COURT JUDGE

Submitted by:

Tonja Brown, pro se
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

PLAINTIFF'S ATTACHMENTS

1. Defendant's Interrogatories to Plaintiff Tonya Brown
2. Defendant Geddes 2012 Motion –Confidential- DEFENDANT'S STATEMENT AND EXHIBITS REGARDING CONFIDENTIAL DOCUMENTS. Plaintiff does not have Defendant's statement. Only the Exhibit list. (PRODUCED AT THE HEARING)
3. January 30, 2012 email from M. Bohlke to Mr. Geddes regarding Plaintiff's documents she wants not to be confidential.
4. Statement of Tonja Brown, clerical error regarding wrong settlement agreement submitted.
5. Plaintiff's August 24, 2014 PLAINTIFF'S ANSWERS TO DEFENDANT GREG COX'S INTERROGATORIES TO PLAINTIFF TONJA BROWN set NO 1. Request Nos: 1-3" and attachments "DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS (Set No. 1, Request No. 1)" on August 25th, 2014.
6. November 16, 2011 documents placed on the record of the Pardons Board, where Defendants Sandoval, Masto, were members of and Plaintiff spoke to them regarding the Attorney General office withholding evidence, Fred Huston investigation, Petition for Exoneration, computer glitch,
7. December 27, 2006 Affidavit of Don Helling to the Court in Klein v Helling regarding the Fred Huston investigation, NDOC keeps all investigations in the NDOC files.
8. December 2, 2005 NDOC 03811 Brown discovered during the Discovery process in the 2010 wrongful death suit,

CERTIFICATE OF SERVICE

I certify that I, TONJA BROWN, on the 25th day of August, 2014, I hand delivered to the Attorney General's Office a true and correct copy of the foregoing PLAINTIFF'S MOTION IN OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS, ORDER GRANTING PLAINTIFF'S MOTION IN OPPOSITION TO DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS,

Plaintiff did not provide a copy of the Attachment 5 to Defendants, because, Plaintiff discussed with Defendants' counsel previously referring to the record instead of repeated duplicates. Plaintiff hand delivered a copy of **PLAINTIFF'S ANSWERS TO DEFENDANT GREG COX'S INTERROGATORIES TO PLAINTIFF TONJA BROWN set NO 1. Request Nos: 1-3" and attachments "DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS (Set No. 1, Request No. 1)" on August 25th, 2014.**

addressed as follows:

Hand Delivered to:

Ms. BETH HICKMAN
Senior Deputy Attorney General
Bureau of Litigation, Public Safety- NDOC
100 North Carson Street Carson City, NV

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
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IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,	)	Case No	<u>13 TRT 00054 1B</u>
<u>In the Matter of the Estate of Nolan Edward Klein</u>)		
Plaintiff,	)	Dept. No	<u>2</u>
)		
vs)		
)		
STATE OF NEVADA ex. rel.)		
NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)			
HOWARD SKOLNIK)		
DONALD HELLING)		
JAMES BENEDETTI			
INSPECTOR GENERAL)		
ATTORNEY GENERAL KATHERINE CORTEZ-MASTO)			
DEPUTY ATTORNEY GENERAL WILLIAM GEDDES)		<u>PLAINTIFF'S ANSWERS TO</u>	
DEPUTY ATTORNEY GENERAL KARA KRAUSE)		<u>DEFENDANT GREG COX'S</u>	
GOVERNOR BRIAN SANDOVAL)		<u>INTERROGATORIES TO PLAINTIFF</u>	
SECRETARY OF STATE ROSS MILLER)		<u>TONJA BROWN</u>	
DEFENDANTS IN THEIR OFFICIAL CAPACITY,	)	SET NO: 1	
AND AS AN INDIVIDUAL	)	REQUEST NOs.: 1-3	
<u>JOHN DOES A – Z</u>)		
Defendant.			

**PLAINTIFF'S ANSWERS TO DEFENDANT GREG COX'S INTERROGATORIES TO
PLAINTIFF TONJA BROWN Set No: 1, Request No's: 1-3**

Plaintiff, TONJA BROWN, in proper person, as Administratrix of the Estate of Nolan Klein, hereby submits Plaintiff's answers to defendant Greg Cox's Interrogatories to Plaintiff Tonia Brown Set No: 1, Request NOs: 1-3

Interrogatory No. 1: Please describe each document that you have submitted to the Board of Prison Commissioners to be posted on the public record since March 30, 2012, but that has not been posted on the public record.

ANSWER: On April 3, 2012 Plaintiff emailed the Governor's attorney, Mr. Lucas Foletta and asked that the of the documents Plaintiff requested to be on the record to be placed on the record of the December 5, 2011 Board of Prison Commissioners. The records not placed on the December 5, 2011 Board of Prison Commissioners were the following: **Interrogatories exhibits # 1**

Print out of NDOC 00028 **Interrogatories Exhibits # 2**

Plaintiff's Discovery H&H 1084-1089, Letter from NDOC Rev. Jane Thompson to Deputy Attorney General Janet Traut pointing out the NDOC retaliatory behavior against certain earth based religions. **Interrogatories Exhibits # 3**

Plaintiff's Emails November 30, 2011, December 4, 2011, NDOC Donald Helling's deposition attached to Defendant Cox and Mr. Foletta asking to have her emails placed on the record. **Interrogatories Exhibits #'s 4, Interrogatories exhibits # 1**

Donald Helling Deposition , Dr. Karen Gedney's deposition **Interrogatories Exhibits # 5 Don Helling deposition & 6 Dr. Karen Gedney**) As to save time and duplicating documents on the record Plaintiff refers to the Donald Helling Deposition in Plaintiff's February 18, 2014 "Plaintiff's Motion in Opposition to Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint" Attachment 1, 2 **and** See PLAINTIFFS PRODUCTION OF DOCUMENTS TO DEFENDANTS' REQUEST FOR THE PRODUCTION OF DOCUMENTS (Set No. 1 Request No. 1) Interrogatories exhibits 1

Plaintiff's email January 16, 2012 to Defendant Cox and Mr. Foletta discussing Mr. Carpino's Power of Attorney and Plaintiff notifying the First Judicial District Court Judge Todd Russell regarding Defendant Geddes actions regarding the Settlement Agreement and attachment The Power of Attorney of Joe Carpino , **Interrogatories Exhibits # 7**

First Judicial District Court In the Matter of the Estate of Nolan Edward Klein

Interrogatories Exhibits # 8

On May 13, 2012 Plaintiff emailed for the record information regarding MRSA and Dr. Karen Gedney's deposition **Interrogatories Exhibits # 9**

On May 14, 2012 Plaintiff emailed to Defendant Cox, Ms. Cynthia Keller, Mr. Foletta regarding the computer glitch to be placed on the May 17, 2012 Board of Prison Commissioners record. **Interrogatories Exhibits # 10**

Nolan Klein's Civil Rights complaint filed on April 28, 2009 case NO: 3:09-cv-00221 Klein v Bisbee, **Interrogatories Exhibits # 11**

Nolan Klein's Civil Rights complaint filed on July 22, 2009, Case NO. 3:09-cv-00387-LRH-RAM, Klein v Corda, **Interrogatories Exhibits # 12**

The Klein v Helling case No. 3:05-CV-0390-PMP January 17, 2007 Report and Recommendation of U.S. Magistrate Judge, **Interrogatories Exhibits # 13**

May 17, 2012 Board of Prison Commissioners meeting minutes and Plaintiff's documents **Interrogatories Exhibits # 14**

On May 17, 2012 Plaintiff submitted her documents for the record of the Board of Prison Commissioners meeting the following documents . Defendant Krause was given the documents along with 91 additional documents. The 91 documents were placed on the record the following were not. **Interrogatories Exhibits # 3, 6, 9, 10, 11,12, 13,**

On March 19, 2013 Plaintiff personally submitted for the record of the Board of Prison Commissioners meeting the following and it was not placed on the record until after Plaintiff filed her July 18, 2014a "MOTION FOR AN EMERGENCY EX-PARTE MOTION FOR AN ORDER TO SHOW CAUSE WHY DEFENDANTS SHOULD NOT BE HELD IN CONTEMPT OF COURT" "MOTION FOR NOTICE TO SET FOR HEARING EMERGENCY EX-PARTE FOR AN ORDER TO SHOW CAUSE": Documents were not

placed on the record until Plaintiff filed her Motions on July 18, 2014. Plaintiff's February 28, 2013 email addressed to the Senate Judiciary regarding the audit conducted on the computer glitch and how the audit is incomplete, KRNV news story "Prison Officials Say Computer Adds Crimes to Inmates Records" NDOC 00028 NOTIS file Nolan Klein showing June 5, 2007 false felony conviction, June 10, 2010 letter from law office of Hager and Hearne regarding future legislation on Nolan's Law, February 1, 2012 Letter from Nevada Board of Parol Commissioners, Nolan Klein's letter September 28, 2007 letter to Parole Chairman Dorla Salling regarding his recent September 27, 2007 parole hearing and treatment and the July 10, 2007 parole hearing. **Interrogatories Exhibits # 16**

NDOC inmate search is still active because it is showing Mr. Klein an age of 59 years old when Mr. Klein died when he was 54 years old. It shows that Mr. Klein never had a July 10, 2007 Parole Hearing which questions Plaintiff's credibility as to Mr. Klein appearing before the Parole Board on July 10, 2007, NDOC files are still active and in Mr. Donald Helling's affidavit all of this information will remain in the NDOC files. Ultimately the information will contain the Fred Huston investigations, the computer glitch. This will damage any chance for a Posthumous Pardon for Klein. **Interrogatories Exhibits # 17**

Plaintiff's Emails from Plaintiff for the record and the John Witherow documents
Interrogatories # 18

INTERROGATORY 2: As to each document identified in response to Interrogatory No. 1, please state the date, the means (e.g. by email, submitted in hard copy during public comment) and to whom you submitted the document.

ANSWER: After November 16, 2011 and before November 29, 2011 Plaintiff personally called the Governor's Office and was then directed to contact Mr. Lucas Foletta. Plaintiff spoke to Mr. Foletta and he became the point of contact for Plaintiff to submit document, information and concerns to the Board of Prison Commissioners.

Plaintiff sent emails to Defendant Cox and Mr. Lucas Foletta on November 30, 2011, asking to have her email asking the Board of Prison Commissioners for a letter of apology from NDOC, The Board of Prison Commissioners file a complaint with the State Bar against certain DAG's for withholding evidence in cases and asking for an outside investigation into the Attorney General's Office and having Plaintiff's email placed on the record of the December 5, 2011 Board of Prison Commissioners meeting

Plaintiff emailed on December 4, 2011 emails and documents to Defendant's Cox and Mr. Foletta that would include the Deposition of Donald Helling.

On December 5, 2011 Plaintiff appeared before the Board of Prison Commissioners meeting and spoke regarding her documents. Plaintiff provided Mr. Marcher Letters from Fred Huston, Documents **NDOC 00028**, 3811, 03854, 03855, 03856, 03857, 03935, 03911, 03912, 03935, **H & H 1084- 1089**, 2007 Reports and Recommendations also refers to John Witherow and the illegally listening in on attorney/client privilege November 21, 2011 emails and attachments.

Plaintiff emailed to Defendant Cox and Mr. Foletta a December 28, 2011 email from Mr. John Witherow giving his permission for Plaintiff to have his documents that Plaintiff submitted to Mr. Foletta on November 21, 2011 for the December 5, 2011 Board of Prison Commissioners to be placed on the record.

Plaintiff Emailed Mr. Lucas Foletta, the Governor's Attorney on April 3, 2012 to regarding the December 5, 2011 Draft minutes are now on line. Plaintiff discusses the documents she presented to the December 5, 2011 Board of Prison Commissioners meeting for the record and she is asking to have the documents placed back onto the record that was not previously placed there. These would include the emails and documents she provided to Defendant Cox, and Mr. Foletta that was to be placed on the December 5, 2011 Board of Prison Commissioners and did not do so.

Plaintiff emailed May 13, 2012 to Defendant Cox, Mr. Foletta for the Board of Prison Commissioners regarding MRSA a highly infectious deadly disease, the 2007 MRSA outbreak in northern Nevada Dr. Karen Gedney's deposition. **Interrogatories Exhibits # 9**

On May 17, 2012 Plaintiff appeared before the Board of Prison Commissioners meeting And asked to have her documents placed on the record. Plaintiff's documents indicated Plaintiff asks the Governor, Board of Prison Commissioners, for an outside investigation to be conducted into the Attorney General's Office for withholding evidence in cases, a State Bar complaint to be filed against Defendant Geddes, a letter of apology for Plaintiff, Plaintiff's records to be placed on the December 5, 2011 Board of Prison Commissioners meeting **Interrogatories**

Exhibits # , 14

May 17, 2012 sat and spoke to Mr. Foletta regarding what she needed to have done to exonerate Klein's name for a Posthumous Pardon and to clear Brown's name too. Plaintiff sent Mr. Foletta an email after the Board of Prison Commissioners meeting. **Interrogatories**

Exhibits # 15

Plaintiff emailed to Mr. Lucas Foletta on November 21, 2011 regarding John Witherow pending case against NDOC on illegally listening in on inmates and their attorney's phone calls and having Mr. Witherow's documents placed on the record of the December 5, 2011 Board of Prison Commissioners meeting. **Interrogatories Exhibits # 18**

Plaintiff emailed on January 16, 2012 to Defendant Cox and Mr. Foletta emails and documents of Mr. Joe Carpino Power of Attorney and NDOC 003811 the December 2, 2007 Letter from the Attorney General's Office exonerating Plaintiffs to be placed on the record. Plaintiff informs Defendant Cox and Mr. Foletta that she has filed Documents with the First Judicial District Court regarding Mr. Geddes actions and within 2 hours of Plaintiff filing the court documents in the Estate of Nolan Edward Klein the judge had issued an order and I sent it

to the AG's office **Interrogatories Exhibits # 7**

Plaintiff emailed Mr. Foletta on April 3, 2012 regarding the signing of the Settlement Agreement asking to have all of her documents placed back onto the December 5, 2011 Board of Prison Commissioners meeting. Mr. Foletta emailed Plaintiff back and cc: Defendant Cox and Secretary of State. **Interrogatories Exhibits #**

On May 13, 2012 Plaintiff emailed Defendant Cox, Mr. Foletta an email pertaining to Prison Board of Prison Commissioners MRSA and Re:Issues for Agenda of 5/30/12 NV-CURE Meeting- DUE 5/18/12. **Interrogatories Exhibits #**

Plaintiff submitted in person for the record to Defendants NDOC, Sandoval, Masto, Miller who then turned over the documents. Documents were to be reviewed by DAG Kara Krause the depositions of Dr. Karen Gendney and Don Helling, Klein v Helling 2007 Reports and Recommendation, Klein v Bisbee civil complaint, Klein v Corda civil complaint, Plaintiff's discovery H & H 1084- 1089 Letter from Rev. Jane to DAG Janet Traut, along with 91 documents to Defendants NDOC, Sandoval, Masto and Miller for the record of the May 17, 2012 Board of Prison Commissioners

On March 19, 2013 Plaintiff's submitted her documents in person to the Defendants NDOC, Sandoval, Masto, Miller, for the record of March 19, 2013 Board of Prison Commissioners meeting the following:

February 28, 2013 email addressed to the Senate Judiciary regarding the audit conducted on the computer glitch and how the audit is incomplete. **Interrogatories Exhibits # 16**

When Plaintiff was preparing for her Discovery in her civil litigation the March 19, 2013 attachments presented for the record Attachment 2 was blocked from anyone accessing it. Brown filed her Motions on July 18, 2014 and it is unclear who unblocked her documents and now they are now available for viewing.

It is clear to Plaintiff that from the time she spoke before the December 5, 2011 Board of Prison Commissioners meeting her documents and testimony has been manipulated to discredit Brown, hide her evidence that supports her testimony. Prior to the Plaintiff's wrongful death suit Brown's documents and testimony were never hidden from the record or removed.

INTERROGATORY 3: As to each document identified in response to Interrogatory No. 1, please with particularity all facts supporting your contention the document was not posted public record because one or more defendants determined it was confidential under a settlement agreement.

ANSWER: Defendant Geddes claimed the documents that Plaintiff submitted to the December 5, 2011 Board of Prison Commissioners were deemed confidential by the Settlement Agreement reached on November 29, 2011. Defendant Governor Sandoval referred to the Attorney General's Office Mr. Marcher on the confidentiality of the Settlement Agreement.

None of the documents provided by the Plaintiff through emails, hard copies were placed on the record until after all of the Defendants had been sued and served on July 10, 2013. Then some, but, not all of the documents that were deemed NOT CONFIDENTIAL were placed on the record.

Defendant Cox and Mr. Lucas Foletta received emails and documents by Plaintiff's to be submitted for the December 5, 2011 record of the Board of Prison Commissioners meeting and never placed on the record any of the documents deemed not confidential by the settlement agreement even after he had signed the March 30, 2012 Settlement Agreement

On May 17, 2012 Plaintiff personally presented to the Board of Prison Commissioners her documents. These documents contained the official December 5, 2011 Board of Prison Commissioners meeting Minutes that Plaintiff had professionally transcribed. Plaintiff again brought to the attention of the Defendants Sandoval, Masto, Miller, Cox, Krause, NDOC, and Mr. Lucas Foletta the withholding of evidence by the Attorney General's office and Geddes

withholding evidence in Klein's federal case. Plaintiff again asked for an outside investigation to be conducted into the Attorney General's Office for withholding evidence, Plaintiff asked for a complaint to be filed against Defendant Geddes, Plaintiff demanded an apology.

Plaintiff provided Defendant's Sandoval, Masto, Miller, NDOC a copy of the signed March 30, 2012 Settlement Agreement. Defendants knew that the depositions of Dr. Karen Gedney, Donald Helling, the 2007 Reports and Recommendations, Klein v Bisbee, Klein v Corda civil complaint, H&H 1084- 1085 Letter from NDOC Rev, Jane Thompson to DAG Janet Traut were all deemed NOT CONFIDENTIAL by the settlement agreement and refused to have the documents placed on the record.

Defendant Krause stepped up during the meeting and referred to the Settlement Agreement but she not had read it. These documents were not placed on the record.

On May 17, 2012 Plaintiff sat down and personally spoke to Mr. Foletta Defendant Sandoval's attorney and point of contact for the Governor detailing the settlement agreement, in which, Plaintiffs Klein and Brown needed to have their names exonerated from the Fred Huston investigations, and Mr. Klein's false felony charge of June 5, 2007 Battery w/intent to commit crime, and burglary. Plaintiff informed Mr. Foletta that Plaintiff hired a private investigator and found the Sparks Police's prime suspect whose theory was that, Mr. Rickey Lee Zarsky, was the perpetrated of the Payless Shoe store crime that Mr. Klein was convicted of committing. Mr. Zarsky admitted that he had knowledge of the crime Mr. Klein was convicted of and he had knowledge of the 3 other crimes as well. Mr. Klein was never convicted of those 3 other crimes because those victims had cleared Mr. Klein prior to his trial and this was all hidden by the prosecutor Ron Rachow.

Plaintiff informed Mr. Foletta that she wanted to seek a Posthumus Pardon for Mr. Klein was being prevented from doing so because of the false felony charge from the computer glitch and the Fred Huston investigations reports that had been disseminated to the July 2007

Parole Board and the 2008 Pardons Board unless our names have been exonerated and the 2007 Parole Board and 2008 Pardons Board needed to be informed with this new evidence Plaintiff discovered in the Discovery of the wrongful death suit of Nolan Klein. Plaintiff was assured by Mr. Foletta that he relayed all of my information that Plaintiff had provided to him to Defendant Sandoval.

Plaintiff informed Mr. Foletta that all she really needed was an apology from NDOC or an investigation into Mr. Geddes dealing with Mr. Klein's federal Klein v Helling case and the withholding of the evidence exonerating Plaintiffs of any wrong doing. Plaintiff emailed additional information and documents regarding Mr. Zarsky to Mr. Foletta .

On March 19, 2013 Plaintiff submitted in person her documents to Defendants NDOC, Sandoval, Masto, Miller for the record of the Board of Prison Commissioners meeting.

It is unclear to Plaintiff why her March 19, 2013 documents were the only ones being BLOCKED from public view. It is unclear to Plaintiff why they refused to put her documents on the record. It is unclear why Plaintiff's documents that are listed as "ATTACHMENT 2 SUBMITTALS" are treated differently then all of the other documents listed only as "ATTACHMENT 1, Attachment 3, Attachment 4 etc.

It is unclear to Plaintiff why NDOC is still disseminating information through the public NDOC website on Mr. Klein who is now deceased. The NDOC website still has Mr. Klein information listed including his age of 59 years old when Mr. Klein died when he was 54 years old. Mr. Klein is still continuing to have birthday's however, Mr. Bishop does not and he is deceased. **Interrogatories Exhibits # 16**

It is unclear to Plaintiff if this is due to NOTIS and when NOTIS software was installed on June 5, 2007 it flipped placing new felony charges in Mr. Klein's files and other in inmates files.

It is unclear to Plaintiff if this will be an ongoing problem and the false information will

be disseminated again to a future Pardons Board when Plaintiff seeks a Posthumous Pardon.

It is clear to Plaintiff that there is a problem within the NDOC computer system and it will ultimately effect Mr. Klein's chances for any Posthumous Pardon in the future without the Defendants' notifying the 2007 Parole Board, 2008 Pardons Board of what Plaintiff has repeatedly tried to resolve and all defendants' have refused to correct the problem that was agreed upon by Defendant's Cox, and Geddes during the March 5, 2012 Court hearing.

It is unclear to Plaintiff who the defendants' are who are responsible for disallowing her public records to be blocked, or not presented for the public record since she exposed what she discovered in the wrongful death suit of Nolan Klein's discovery.

DATED August 23, 2014.

Tonja Brown
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY

TONJA BROWN, as an Individual,) Case No 13 TRT 00054 1B

In the Matter of the Estate of Nolan Edward Klein
Plaintiff,

)
) Dept. No 2

vs

)
)
)

STATE OF NEVADA ex. rel.)
NEVADA DEPARTMENT OF CORRECTIONS DIRECTOR GREG COX)
HOWARD SKOLNIK)
DONALD HELLING)
JAMES BENEDETTI
INSPECTOR GENERAL)
ATTORNEY GENERAL KATHERINE CORTEZ-MASTO)
DEPUTY ATTORNEY GENERAL WILLIAM GEDDES)
DEPUTY ATTORNEY GENERAL KARA KRAUSE
GOVERNOR BRIAN SANDOVAL)
SECRETARY OF STATE ROSS MILLER)
DEFENDANTS IN THEIR OFFICIAL CAPACITY,)
AND AS AN INDIVIDUAL)
JOHN DOES A – Z)
Defendant.

**PLAINTIFFS PRODUCTION OF DOCUMENTS TO DEFENDANTS' REQUEST
FOR THE PRODUCTION OF DOCUMENTS (Set No. 1 Request No. 1)**

Plaintiff, TONJA BROWN, in proper person, as Administratrix of the Estate of Nolan Klein, hereby submits **PLAINTIFFS PRODUCTION OF DOCUMENTS TO
DEFENDANTS' REQUEST FOR THE PRODUCTION OF DOCUMENTS (Set No. 1**

Request No. 1)

Plaintiff's 4-3-12 email to Governor Brian Sandoval's attorney Mr. Foletta	1-2
NDOC 00028 NOTIS Nolan Klein computer glitch	3
Plaintiff's Discovery H & H 1084- 1089	4-9
11- 30-2011, 12-4-11 emails to Defendant Cox, Mr. Foletta	10-13
Deposition of NDOC Donald Helling pgs 237	14- 251
Deposition of NDOC Dr. Karen Gedney pgs 177	252- 429
Email 1-16-12 Defendant Cox, Mr. Foletta, Power of attorney, Judge Russell	430- 432
Plaintiff's 1-6-12 Motion and Order in the Estate of Nolan Edward Klein	433- 442
Email 5-13-12 Board of Prison Commissioners MRSA Dr. Gedney depo	443- 444
Email 5-14-12 regarding KRNV computer glitch story	445
Klein v Bisbee 2009 civil complaint	446- 458
Klein v Corda 2009 civil complaint	459-464
2007 Klein v Helling Report and Recommendations of US Magistrate Judge	465 – 488
May 17, 2012 Board of Prison Commissioners minutes	489 – 534
Email & attachments 5-17-12 to Mr. Foletta the BOP meeting he attended	535 –541
March 19, 2013 BoPC Plaintiffs docs intentionally blocked	542- 552
July 14, 2014 NDOC inmate search Nolan Klein age 59. Klein died at 54	553
Witherow emails and documents for the December 5, 2011 BoPC meeting	554 - 63
Dated <u>August 23</u> , 2012	

Tonja Brown
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

CERTIFICATE OF SERVICE

I certify that I, TONJA BROWN, on the 25th day of August, 2014, I hand delivered to the Attorney General's Office a true and correct copy of the foregoing **PLAINTIFF'S ANSWERS TO DEFENDANT GREG COX'S INTERROGATORIES TO PLAINTIFF TONJA BROWN set NO 1. Request Nos: 1-3" "DEFENDANTS' REQUEST FOR PRODUCTION OF DOCUMENTS (Set No. 1, Request No. 1)"**

addressed as follows:

Hand Delivered to:

Ms. BETH HICKMAN
Senior Deputy Attorney General
Bureau of Litigation, Public Safety- NDOC
100 North Carson Street Carson City, NV

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

September 3, 2014

Beth Heckman, Deputy Attorney General
100 N. Carson Street
Carson City, NV 89706

Dear Ms. Hickman;

Thank you for calling me back yesterday. As you know I am not an attorney. I received your Defendants answers to Plaintiff's First set of Interrogatories and exhibits. I would like to resolve this as soon as possible. You stated that you have not read my Answers to Defendant Cox Interrogatories that I submitted to you on Monday August 25, 2014. I can also assume you have not looked at the documents I have produced as well.

If you would have first read my answers to Answers to the Defendant Greg Cox's Interrogatories to Plaintiff Tonja Brown Set No. :1, Request No: 1 and my Motion in Opposition and Exhibits I submitted to you on Monday August 25 before you answered my Plaintiff's First Set of Interrogatories my questions are relevant without any objection or your refusal to answer. My questions need to be answered.

I believe it is a stall maneuver not to answer my questions and they need to be answered. After all, you yourself, in I believe in your first Motion to Dismiss my Civil Complaint **you stated it was not a crime if Mr. Geddes withheld evidence in Mr. Klein's Federal Civil case, however, all of the NRS show otherwise. It is apparent that is the policy of the Attorney's General's Office.**

It is also apparent to me that the Attorney Generals Office withholds evidence from Plaintiff's civil cases, whether , they are an inmate or a private citizen as in the case we are dealing with in the wrongful death case of Nolan Klein.

After I wrote my Interrogatory questions, a few days ago I recall seeing information that mentions you were involved in part, of the wrongful death case this new claim is about. I do not know the particulars of your what involvement was. **In questions # 3 and 4 (b) to Mr. Geddes could apply to you as well.**

My questions show a pattern within the Attorney General's Office of withholding evidence in cases, including, the wrongful death suit. I refer to the 2007 Reports and Recommendations was not turned over in Discovery by Mr. Geddes after August 5, 2011.

. This 2007 Report and Recommendation was grossly inaccurate report caused by Mr. Geddes and NDOC and they knew this. Mr. Geddes had withheld the document identified as NDOC 03811 a letter dated December 2, 2007 that stated NO CRIMINAL ACTIVITY EXHISITED with regard to the Fred

Huston Investigation from the federal Court even when she asking where is the investigation that was conducted in the Fred Huston, Nolan Klein investigations? Fortunately, I had that in my Discovery and yet again the Attorney General's Office did not over this in Discovery that was part of the Klein V Helling case that Mr. Geddes agreed to turn over everything in that Case in August 2011. It shows a pattern of withholding evidence by the Attorney General's Office.

As you may recall during our first our meeting at the Nevada Supreme Court you informed that I must turn over all of my evidence and I informed you I would and I have thus far. It's a double standard for the State of Nevada. If you are the State of Nevada you do not have to turn it over, but, if you're the Plaintiff against the State you do. You even stated this in I believe your first Motion to dismiss my civil complaint, that Hypothetically, If Mr Geddes had withheld the evidence in Mr. Klein's federal case, it's not a crime to withhold evidence in civil cases. **This goes against the Policy of the Board of Prison Commissioners duty "that protects the safety and rights, as well as, the humane and legally mandated treatment of inmates."**

The State of Nevada wants it both ways and our laws say differently and you refuse to have the Defendants answer my Interrogatories claiming Objection. Vague and ambiguous, Not reasonably lead to the discovery of admissible evidence that Defendants have violated a Settlement Agreement, so and so forth to nearly every question I have asked for an answer to .

In my Second Amended Complaint remaining is single breach of Settlement Agreement claim arising from the alleged breach of the confidentiality terms of the Settlement Agreement entered on March 30, 2012, by not including every document Brown presented to the Board of Prison Commissioners during public comment, exonerating Plaintiffs name in the Fred Huston investigation(s) reports that were disseminated and the false felony June 5, 2007 computer glitch that was revealed through the deposition of Donald Helling in that continue to remain within the NDOC files, 2007 Parole Board files, 2008 Pardons Board files. Second Amended Civil Complaint pursuant to Order January 7, 2014 pgs 3-6, pgs 9-11, pg 10 # 18, pgs 12-15, pgs 21 -28, pg 30 #'s 123, 124, 125, 126, pg 35 #'s 139, 140, 141, 143, pg 37 # 149, pg 38 # 151, 152, Pg 39 #'s 156, 157, pg 46 #185, pg 52 #'s 207, 208, 209, 210, pg 53, pg 55 # 217, pg 56 # 218, Pg 58 #227, Pg 59 # 228 Pg 60 #'s 231, 232, 233, 234, pg 61 #'s 235, 237, 238, pg 62 # 241, pg 63 # 244, , pg 65-70.

Defendants, the Board of Prison Commissioners who oversee NDOC and they must, as a part of their Duties "Worked to ensure" **Nevada's prison system is operated in a manner that protects the safety and rights of the Correctional facility employees, as well, as the humane and legally mandated treatment of inmates."** This statement was made by Board of Prison Commissioner Secretary of State Ross Miller on his campaign web site for Attorney General, Attached.

So, yes my questions are relevant based on the POLICY SET BY Secretary of State Ross Miller for the Board of Prison Commissioners. Their policy does not allow the Defendants to have my testimony and evidence stricken and removed from the record that I submitted as evidence to support my testimony of the inhumane and illegally mandated treatment of inmates, blocked anyone from viewing or making or receiving copies of the documents the March 19, 2013 and my Attachment of mine to show the computer glitch Audit finding was incomplete.

I have had inmates families contact me regarding the Audit and I referred them to those documents only to learn a few weeks ago that Defendants blocked anyone from accessing them. After I filed with the Court on August 18, 2014 my Motions the documents were released by unknown person.

The Defendants behavior is being done under the guise of my documents are confidential to the Settlement Agreement signed on March 30, 2012, which as they know the documents were not deemed confidential by the Settlement Agreement because they personally received them and we discussed them during the May 17, 2012 Board of Prison Commissioners meeting, and again, Defendant have refused to place on the record the all of the documents, exonerate our names that was a part of the Settlement Agreement. This falls under the DUTY as defined by Secretary State Ross Miller. They had a duty for everyone to review the testimony of Dr. Karen Gedney that I submitted under an AR regarding contagious diseases that was being discussed. Instead, they claimed that was document was confidential when they had the Settlement Agreement in their hands and was being discussed. My evidence has yet to see the light day on the Board of Prison Commissioners website for inmates and families and citizens can review it. So yes, my questions are relevant and need to be answered by them.

I presented this evidence to the Board of Prison Commissioners during my public comment of the Board of Prison Commissioners meetings. My documents supported that crimes are being committed against inmates, the false computer glitch was incomplete and inmates were affected by it, the withholding of evidence by the Attorney General's Office in inmates civil cases against the State of Nevada, being exposed to highly infectious deadly diseases and the treatment that was being provided was not a proper treatment thereby, exposing it the visitors and the outside community. The Defendants have prevented any of my documents that is evidence to be placed on the record that supported my testimony.

My documents is my evidence and they withheld my evidence from view claiming confidentiality. Defendants did not contact state agencies to redact the information regarding the 2005 -2007 Fred Hustons that we were exonerated from. Those investigations still remain in the files that will ultimately effect a Posthumous Pardon For Mr. Klein from his wrongful 1989 conviction, because the of the Washoe County District Attorney's Office had withheld all of the 200 + documents mostly exculpatory evidence from the defense found in 2009 just to Mr. Klein's death. If you would have read this my Answers first you would have known that I was dealing Governor's attorney and Director Cox prior to and after the signed March 30, 2012 Settlement Agreement.

My answers and documents support a breach of Settlement Agreement after the March 30, 2012 signed Settlement Agreement when I, again, on May 17, 2012 placed onto the record in my attachment. This would include and discussed what happened at the December 5, 2011 Board of Prison Commissioners meeting and having documents placed on the record, calling for an investigation into Mr. Geddes and Ms. Traut withholding evidence from inmates federal cases, a complaint to be filed with the State Bar of Nevada against Mr. Geddes for his actions in the 2005 Klein v Helling case where Mr. Geddes withheld the exculpatory evidence exonerating Mr. Klein and I. Mr. Geddes actions resulted in a grossly inaccurate reporting regarding Mr. Nolan Klein and Tonja Brown to be made and Spencer's federal civil cases

My answers also pointed out that after the signed the Settlement Agreement the Mr. Geddes went to Ms. Angela Hartzler at the LCB and informed that Dr. Karen Gedney Deposition was confidential and could not be placed on the record of the April 2012 Advisory Commission of the Administration of Justice. It was confirmed that it was deemed by the legal division of LCB that the Settlement Agreement was not a confidential record and was then placed on the record. When Brown brought this document that pertained to the treatment of inmates that was a part of the discussion for passing the Administrative Regulation, this refused to have this document placed on the record claiming confidentiality which it was not. This is in the record with in the May 17, 2012 Board of Prison Commissioners and again have not complied with the terms of the Settlement Agreement.

This was not done until 16 months after that meeting and I sued Defendants. Again, I provided you all of the documents that have not been placed on the record as of today.

I reiterated my requests again for all of the documents I submitted for the December 5, 2011 Board of Prison Commissioners meeting to be placed on the at the May 17, 2012 Board of Prison Commissioners meeting the December 5, 2011 meeting and requested that they conduct an investigation into the Attorney General's Office for withholding evidence in Mr. Klein's case. I provided several documents of the record including the Professionally transcribed Minutes that Brown paid a service to transcribed. Therefore, it was placed before the Board of Prison Commissioners again after the March 30, 2012 Settlement Agreement was signed.

I presented my documents, my evidence that showed that the computer glitch was incomplete, not due to the LCB, but, Assemblyman Horne who asked for an investigation that only touched the service of the computer glitch. Defendants blocked my attachment that I submitted for the people to review. It's only been released recently. Defendants as the Board of Prison Commissioners went out side the scope of their professional duties. You claim they have immunity and I claim they do not. I'm not an attorney but I have common sense and this is what it tells me and I believe that citizens would agree with me. I guess well see what the Judge says. Rest assure, one way the other, the truth is going to be told in the updated version of my 2005 of the my book To Prove His Innocence. The release will be called "To Prove His Innocence, A Sister's love" Detailing **everything** since 2005 to present.

Ms. Hickman, you have **10 days** to read my Answers to your Interrogatories to me, Exhibits, and Opposition and refer to them in answering my Interrogatories. Then I will file a Motion to Compel to Answer my questions to the Court.

Sincerely,

Tonja Brown
2907 Lukens Lane
Carson City, NV 89706
882-2744

CERTIFICATE OF SERVICE

I certify that I, TONJA BROWN, on September 3, 2014, hand delivered to the Attorney General's Office a true and correct copy of the Letter to Deputy Attorney General Beth Hickman addressed as follows:

Hand Delivered to:

Ms. BETH HICKMAN
Senior Deputy Attorney General
Bureau of Litigation, Public Safety- NDOC
100 North Carson Street Carson City, NV

TONJA BROWN
2907 Lukens Lane
Carson City, NV 89706
775-882-2744



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

100 N. Carson St.
Carson City, NV 89701
Phone: 775-684-1100
Fax: 775-684-1108

www.ag.nv.gov

SEP 05 2014

For official use only.

Received by: _____

Date Received: _____

Complaint Type: _____

Referred to: ☐ BCP ☐ GL
☐ IFU ☐ COM ☐ MFU
☐ MFCU ☐ MU ☐ WOPU
[Signature]

OPEN MEETING LAW COMPLAINT FORM

The information you report on this form may be used to help us investigate alleged violations of Nevada's Open Meeting Law – NRS chapter 241. When completed, mail or fax your form and supporting documents (if any) to the office location listed above. Upon receipt, your complaint will be reviewed by a member of our staff. The length of this process can vary depending on the circumstances and information you provide with your complaint. The Attorney General's Office may contact you if additional information is needed. If you have a claim against the State of Nevada, complete the Tort Claim Form found on our website.

INSTRUCTIONS: Please TYPE/PRINT your complaint in dark ink. You must write LEGIBLY. All fields MUST be completed.

SECTION 1.

COMPLAINANT INFORMATION

Salutation: ☐ Mr. ☐ Mrs. ☒ Ms. ☐ Miss

Your Name: Brown Tonja F
Last First MI

Your Address: 2907 Lukens Lane Carson City, NV 89706
Address City State Zip

Your Phone Number: 775-882-2744 775-(21)-5037
Home Cell Work Fax

Email: NUMemorialFund@aol.com

Call me between 8am-5pm at: ☐ Home ☒ Cell ☐ Work

Age: ☐ Under 18 ☐ 18-29 ☐ 30-39 ☐ 40-49 ☒ 50-59 ☐ 60 or older

ALLEGED OPEN MEETING LAW VIOLATION IS AGAINST

Name of Public Body: Board of Prison Commissioners, Governor Brian Sandoval, Attorney General Katherine Carter, Secretary of State Ross Miller
(i.e., specific board, commission, agency, or person(s) etc.)

Date of meeting where alleged violation occurred (mm/dd/yyyy): 03-19-13 discovered they blocked access to
July 12, 2014 to my documents on OR about July
12, 2014.

SECTION 2.

Please detail the specific violations against the board, commission, or agency or person listed in Section 1. Include the who, what, where, when, and why of your complaint. You may use additional sheets if necessary. Remember the Open Meeting Law applies only to public bodies (see NRS 241.015 for definition) and only to members of public bodies.

My complaint is: Please read Letter to Deputy Attorney General Beth Mickman, attached, and Secretary of State Ross Miller campaign for Attorney General, attached.

On or about July 12, 2014 I went to the Nevada Department of Correction website, Board of Prison Commissioners Link to retrieve the evidence I submitted as a document to show how the Audit on the computer glitch was incomplete and it was flawed, not by the LCB who conducted the Audit, because they were only suppose to do what they were instructed to do by Assemblyman William Horne. My documents showed there was an adverse consequence to inmate Nolan Klein. I received calls, emails, mail, Internet questions, about the computer glitch that put false felon charges in inmates files when the software program NOTIS was installed on June 5, 2007. I instructed them to go to the 3-19-2013 Board of Prison Commissioners documents. Unbeknownst to me it was blocked. Great One made inquiry and it was released by unknown person.

SECTION 3.

Sign and date this form. The Attorney General's Office cannot process any unsigned, incomplete, or illegible complaints.

I understand that the Attorney General is **not my private attorney**, but rather represents the public. I am filing this complaint to notify the Attorney General's Office of alleged violations of the Open Meeting law by public bodies or individual members of a public body. I understand that the information contained in this complaint may be used by the Attorney General to investigate the public body named in my complaint. I understand that the Attorney General has statutory authority to require public bodies to comply with the Open Meeting Law. In order to resolve your complaint, we may send a copy of this form to the public body about whom you are complaining. I authorize the Attorney General's Office to send my complaint and supporting documents to the public body identified in this complaint.

Signature

09-05-2014

Date (mm/dd/yyyy)

Print Name

Tonja F Brown

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

100 N. Carson St.
Carson City, NV 89701
Phone: 775-684-1100
Fax: 775-684-1108
www.ag.nv.gov

For official use only.
Received by _____
Date Received _____
Complaint _____
Type _____
Related to ☐ BGP ☐ a
☐ IPV ☐ DMZ ☐ DMU
☐ MPOU ☐ MU ☐ WCRU
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PE/PRINT your complaint in dark ink. You must write LEGIBLY.

IDENTIFICATION

☒ Mr. ☐ Miss ☐ F

Tonya First MI Zip
Lukens Lane Carson City, NV 89706
City State Zip

888-2744, 775-671-5037 Work Fax

Cell Phone # 775-671-5037

all ☐ Home ☒ Cell ☐ Work

29 ☐ 30-39 ☐ 40-49 ☒ 50-59 ☐ 60 or older

VIOLATING LAW IS AGAINST

P.O. Box 151515, Las Vegas, NV 89115
Bureau of Prisons, Federal Corrections Institute, P.O. Box 151515, Las Vegas, NV 89115

September 3, 2014

Beth Heckman, Deputy Attorney General
100 N. Carson Street
Carson City, NV 89706

Dear Ms. Hickman:

Thank you for calling me. I received Plaintiff's First set of Interrogatories and Defendants answers to Plaintiff's First set of Interrogatories on Monday August 25, 2014. I can also assume you have soon as possible. You stated that you have not read my Answers to Defendant I submitted to you on Monday August 25, 2014. I can also assume you have documents I have produced as well.

[illegible]

I believe it is a stall maneuver.
I believe in your first Motion to Dismiss
all, you yourself, in I believe in your first Motion to Dismiss
crime if Mr. Geddes withheld evidence in Mr. Klein's Federal Civil
otherwise. It is apparent that is the policy of the Attorney's General
to me that the Attorney Generals Office
citizen as in

It is also apparent that, whether in criminal or civil cases, whether they are an inmate or a prisoner, they are an inmate or a prisoner.

After I wrote my interrogatory questions, a few days later I received a letter from the Attorney General's office. It mentioned that you were involved in part, of the wrongful death case of Nolan. In questions mentions of your what involvement was. In questions the particulars of your what involvement was. In questions you as well.

My questions show a pattern within the 20 wrongful death suits. I refer to the 20 cases, including the wrongful death suit by Mr. Geddes after August 5, 20