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8 **FIRST JUDICIAL DISTRICT COURT**

9 **CARSON CITY, NEVADA**

10  
11 AMERICAN CIVIL LIBERTIES UNION OF  
NEVADA,  
12  
13 *Petitioner,*  
14 vs.  
15 THE STATE OF NEVADA, DEPARTMENT OF  
MOTOR VEHICLES, a governmental entity,  
16 *Respondent.*

Case No.: 25 EW 00026 1B  
Department: II  
**Petition for Writ of Mandamus  
pursuant to NRS 239.001 et seq.**  
**Expedited Matter Pursuant to  
NRS 239.011**  
**Hearing requested**

17  
18 Petitioner, American Civil Liberties Union (ACLU) of Nevada hereby submits this Petition  
19 for Writ of Mandamus pursuant to the Nevada Public Records Act (NPRO). NRS 239.001.  
20 Petitioner requests this Court order Respondent, Nevada Department of Motor Vehicles (DMV),  
21 to provide ACLU of Nevada with the public records detailed in this petition without delay, an  
22 award for all fees and costs associated with efforts to obtain the withheld public records pursuant  
23 to NRS 239.011(2), and statutory penalties pursuant to NRS 239.340 against the DMV for each of  
24

1 the ways the DMV has willfully violated the NPRA. Petitioner requests the Court expedite this  
2 matter pursuant to NRS 239.011(2).

3 This Petition is supported by the pleadings and papers filed with this Court, and any  
4 attached exhibits.

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 1. ACLU of Nevada brings this Petition pursuant to NRS 239.011 which states: “[i]f  
7 a request for inspection, copying or copies of a public book or record open to inspection and  
8 copying is denied or unreasonably delayed... the requester may apply to the district court in the  
9 county in which the book or record is located for an order: (a) Permitting the requester to inspect  
10 or copy the book or record; (b) Requiring the person who has legal custody or control of the public  
11 book or record to provide a copy to the requester; or (c) Providing relief relating to the amount of  
12 the fee.”

13 2. This Petition for a Writ of Mandamus is the proper means to secure compliance  
14 with the NPRA. NRS 239.011; *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 884, 266 P.3d  
15 623, 630 n.4 (2011); *see also DR Partners v. Bd. of Cty. Comm’rs of Clark Cty.*, 116 Nev. 616,  
16 621, 6 P.3d 465, 468 (2000) (citing *Donrey of Nev. v. Bradshaw*, 106 Nev. 630, 798 P.2d 144  
17 (1990) (writ of mandamus is the appropriate procedural remedy to compel compliance with the  
18 NPRA).

19 3. ACLU of Nevada is entitled to an expedited hearing on this matter. NRS 239.011(2)  
20 (“the court shall give this matter priority over other civil matters to which priority is not given by  
21 other statutes.”)

22 4. Should ACLU of Nevada prevail in this matter, it is entitled to an award of fees and  
23 costs associated with pursuing this matter. NRS 239.011(2) (“If the requester prevails, the  
24

1 requester is entitled to recover from the governmental entity that has legal custody or control of  
2 the record his or her costs and reasonable attorney's fees in the proceeding.”)

3 5. Should this Court find that the DMV willfully failed to comply with the NPRA, this  
4 Court should impose the requisite civil penalty. NRS 239.340.

### 5 **PARTIES**

6 6. Petitioner, ACLU of Nevada is a domestic Nevada based nonprofit entity that works  
7 to defend and advance the civil liberties and civil rights of all Nevadans.

8 7. Respondent, Nevada Department of Motor Vehicles, is a governmental entity  
9 within the State of Nevada and subject to the Nevada Public Records Act. NRS 239.005(5)(b).

### 10 **JURISDICTION AND VENUE**

11 8. This Court has jurisdiction to issue writs of mandamus. Nev. Const. art. VI, § 6;  
12 NRS 34.160; NRS 34.330.

13 9. This Court has jurisdiction as the court of Carson City where all relevant public  
14 records sought are held. NRS 239.011.

15 10. Venue is proper in the First Judicial District Court of Nevada as all relevant actions  
16 to this matter were and are in Carson City, Nevada. NRS 239.011.

### 17 **STANDING**

18 11. ACLU of Nevada has standing to pursue this Petition as public records requested  
19 by ACLU of Nevada have been unjustly withheld. NRS 239.011.

### 20 **STATEMENT OF FACTS**

21 12. ACLU of Nevada made four similar submissions for public records to the DMV  
22 via the DMV's online "Public Records Center" portal located at  
23 [https://dmvnev.govqa.us/WEBAPP/\\_RS/\(S\(1gw4gwvpnd3slh2emlsmuefr\)\)/SUPPORTHOME.AS](https://dmvnev.govqa.us/WEBAPP/_RS/(S(1gw4gwvpnd3slh2emlsmuefr))/SUPPORTHOME.AS)  
24 PX.

1 13. As discussed below, the respective requests were submitted on February 3, 2025,  
2 February 11, 2025, March 8, 2025, and April 10, 2025.

3 14. By June 6, 2025, the DMV refused to produce any records responsive to ACLU of  
4 Nevada's requests.

5 15. In an effort to avoid litigation, ACLU of Nevada sent a demand letter via email to  
6 the chief deputy attorney at the Nevada Attorney General Transportation Division, who serves as  
7 DMV's counsel.

8 16. In response to the demand letter, the DMV produced some of the records requested  
9 by ACLU of Nevada but has refused to turn over others, including records that are known to be in  
10 DMV's custody because the records are directly referenced in email communications provided by  
11 the DMV to ACLU of Nevada six months after the ACLU's initial request.

12 17. Time is of the essence in this matter.

13 **February 3, 2025 Request**

14 18. On February 3, 2025, the ACLU of Nevada submitted a request for public records  
15 to the DMV ("February 3 Request"). Exhibit 1.

16 19. In this request, the ACLU of Nevada sought "[c]opies of any departmental policies  
17 and/or procedures relating to sharing information about an individual's immigration status with  
18 federal or state agencies." *Id.*

19 20. On February 3, 2025, DMV's public records portal sent an automatically generated  
20 email confirming the receipt of the request and assigned a reference number R001750-020325. Ex.  
21 2.

22 21. On February 4, 2025, the DMV formally responded to the ACLU of Nevada's  
23 February 3 Request with a screenshot of NRS 481.063(11). Ex. 3.

1           22.       In its email, the DMV stated that it provided this screenshot because the information  
2 in NRS 481.063(11) “are the guidelines for release immigration information.” *Id.*

3           23.       The screenshot of NRS 418.063(11) provided by the DMV via email states:

4                   “The Director shall not release any personal information from a file or  
5 record relating to a license, identification card or title or registration of a  
6 vehicle to any person or to any federal, state or local governmental entity  
7 for any purpose relating to the enforcement of immigration laws unless the  
8 requester submits a written release from the person about whom the  
9 information is requested or the Director releases the personal information  
10 pursuant to a lawful order, subpoena or warrant issued by a court of  
11 competent jurisdiction. If the Director releases personal information  
12 pursuant to this subsection in response to an order, subpoena or warrant, the  
13 Director shall not release personal information beyond what is specifically  
14 required to comply with the order, subpoena or warrant.” *Id.*

15           24.       The DMV did not explain in this email whether it had responsive documentation  
16 relating to NRS 418.063(11) that it intended to release at a later date or was withholding the records  
17 pursuant to a privilege recognized under Nevada law.

18           **February 11, 2025 Request**

19           25.       On February 11, 2025, the ACLU of Nevada submitted another request for public  
20 records to the DMV (“February 11 Request”). Ex. 4.

21           26.       The ACLU of Nevada submitted the request due to the DMV’s apparent confusion  
22 as to what records would be responsive to the ACLU of Nevada’s February 3 Request.

23           27.       In its February 11 Request, the ACLU of Nevada requested:

- 24                   “1. Any memoranda, policies, trainings, or guidelines currently in effect  
related to NRS 481.063 and immigration-related information sharing;  
2. Any memoranda, policies, trainings, or guidelines currently in effect  
related to cancellation of driver’s licenses due to a license holder’s  
immigration status;  
3. Any memoranda, policies, trainings, or guidelines currently in effect  
related to collaborating with Immigration and Customs Enforcement (ICE)  
officers;  
4. Any communications with ICE between January 1, 2024, to present  
relating to an individual’s immigration status. For help narrowing down the  
request, please utilize the following key words in your search: “ICE,”

1 “ERO,” “DHS,” “Deportation Officer,” “illegal aliens,” “privilege card,”  
2 “immigration status,” “Driver Authorization Card,” “DAC,” “deport,”  
3 “illegally present,” “illegally in the United States,” “removal order,”  
4 “immigration judge”;

5 5. Any communications with ICE between January 1, 2024, to present  
6 relating to verifying information against a file or record including, but not  
7 limited to, current and previous address of an individual, names of family  
8 members, and license plate numbers.” *Id.*

9 28. On February 11, 2025, DMV’s public records portal sent an automatically  
10 generated email confirming the receipt of the request and assigned the reference number R001770-  
11 021125. Ex. 5.

12 29. On February 19, 2025, the DMV formally responded to the ACLU of Nevada’s  
13 February 11 Request directing ACLU of Nevada to review the response to the February 3 Request  
14 and stated that the request had been completed and closed. Ex. 6.

15 30. ACLU of Nevada contacted the DMV on February 20, 2025, via phone to determine  
16 whether the DMV had responsive records or, if it intended to withhold responsive records, what if  
17 any privileges it intended to assert to justify that withholding. Ex. 7.

18 31. The DMV representative on the phone stated that there are no policies and that  
19 “employees just know to follow the statute.” *Id.*

20 32. After asking multiple times, the DMV still could not answer the question about  
21 whether the DMV had any responsive records documenting or discussing the DMV’s procedures  
22 related to NRS 418.063(11). *Id.*

23 33. After ACLU of Nevada again explained that this record was not responsive to the  
24 request, the DMV representative on the phone said that they would reopen the request. *Id.*

25 34. On February 28, 2025, the DMV provided the following response via email:

26 “1. The Nevada DMV is prohibited from releasing any information related  
27 to immigration, nationality or citizenship to any person or to any federal,  
28 state or local government entity for any purposes related to immigration  
29 enforcement per NRS 481.063.

1 2. The Nevada DMV does not share Driver Authorization Card information  
2 with the United States Citizenship and Immigration Services (USCIS) or  
3 Immigration and Customs Enforcement (ICE).

3 3. The Nevada DMV does not have access to information related to criminal  
4 history or outstanding immigration issues.

4 4. It is the responsibility of the DMV to guard against fraud and protect the  
5 driving public through licensing and intervention practices while ensuring  
6 privacy protection of DMV records.” Ex. 8.

5 35. ACLU of Nevada contacted the DMV on March 3, 2025, via phone to again  
6 determine whether the DMV had responsive records or, if it intended to withhold responsive  
7 records, what if any privileges it intended to assert to justify that withholding. Ex. 7.

8 36. On March 3, 2025, after the phone conversation, ACLU of Nevada received the  
9 following email from the DMV memorializing the explanations the DMV representative provided  
10 on the phone call:

11 “1. There are no record of memoranda, policies, trainings or guidelines in  
12 effect for NRS 481.063. We only use the statue when it comes to a request  
13 that comes through the department.

13 2. There are no records of memoranda, policies, trainings or guidelines  
14 related to cancelling a driver license due to a license holders immigration  
15 status. The reason there is [sic] no policies is because we do not determine,  
16 change or adjust an immigration status. We will receive the immigration  
17 document from the individuals that want to apply for a license, and we will  
18 send the documents to immigration. The federal government is who tells the  
19 department if they are allowed a license or not. DMV does not have any  
20 involvement with the status of a driver license immigration status.

17 3. There are no records of memoranda, policies, trainings or guidelines in  
18 effect related to collaboration with immigration and customers enforcement  
19 (ICE) officers. The reason there are no policies is because we do not work  
20 with ICE.

20 4. Any communication with ICE between Jan. 1st, 2024 to current is under  
21 review. The only emails we have are pertaining to an ongoing case with our  
22 department. We cannot release any information if a case is ongoing and has  
23 not been completed. Once the case has been completed the communication  
24 is going to our District Attorney General for review, please be aware that  
this information may not be able to be released, at this time it is  
undetermined, until we hear further notice.” Ex. 9.

1           37.       On March 10, 2025, to clarify statements made by the DMV concerning  
2 collaboration with ICE that the ACLU of Nevada perceived to be contradictory, ACLU of Nevada  
3 responded to the March 3, 2025, update by email. The email contained the following questions:

4                   “1. For number 2, is it possible to get some more information on your  
5 process? You mentioned that you receive immigration documents from  
6 applicants and send them to immigration. What documents do you send to  
7 the federal government and what information is sent with the documents?  
8 2. For number 4, per NRS 239.0107(c)(1), is it possible to get an estimated  
9 date on which you expect to complete your review and share and releasable  
10 records?” Ex. 10.

11           38.       The DMV never responded to these questions.

12           39.       On April 3, 2025, ACLU of Nevada called the DMV and left a voicemail requesting  
13 a response to the questions in the email. Ex.7.

14           40.       The DMV never returned ACLU of Nevada’s call. *Id.*

15           41.       On April 7, 2025, the DMV sent an email to ACLU of Nevada which stated:

16                   “The information that you are requesting was reviewed for ICE  
17 communications is not something that is not [sic] considered public  
18 information and cannot be released, any communication we have to ICE is  
19 only for investigations purposes.” Ex. 11.

20           42.       The DMV did not explain in this email whether it had responsive documentation  
21 that it intended to release at a later date.

22           43.       The DMV did not identify what, if any, records it had in its possession which were  
23 being used for “investigation purposes.”

24           44.       The DMV did not cite to a specific statute or other legal authority as required by  
NRS 239.0107(1)(d) that justifies its withholding of these records.

          45.       The DMV did not provide redacted, concealed, or separated records as required  
under NRS 239.010(3).

1 **March 10, 2025 Request**

2 46. On March 10, 2025, the ACLU of Nevada submitted another request for public  
3 records to the DMV (“March 10 Request”). Ex. 12.

4 47. On March 10, 2025, the DMV’s public records portal sent an automatically  
5 generated email confirming receipt of the request and assigned the reference number R001871-  
6 031025. Ex. 13.

7 48. On March 12, 2025, ACLU of Nevada received an email from the DMV asking  
8 ACLU of Nevada to clarify what information it was seeking in the March 10 Request. Ex. 14.

9 49. On April 3, 2025, ACLU of Nevada called the DMV to ask what information in  
10 the March 10 request needed to be clarified and left a voicemail requesting for a call back. Ex.7.

11 50. ACLU of Nevada never received a call back. *Id.*

12 51. On April 8, 2025, ACLU of Nevada responded via email to the March 12, 2025,  
13 inquiry of the DMV for clarification. Ex. 15.

14 52. In the email, the ACLU of Nevada explained that it was seeking all current DMV  
15 policy and procedure manuals and provided a link to an example of another agency’s policy and  
16 procedure manuals. *Id.*

17 53. On April 8, 2025, the DMV formally responded to the ACLU of Nevada’s March  
18 10 Request via email advising the ACLU of Nevada to speak with the ACLU of Nevada employee  
19 who made the previous public records requests because “this is a duplicate request.” Ex. 16.

20 54. In this email, the DMV did not cite to a specific statute or other legal authority as  
21 required by NRS 239.0107(1)(d) that justifies its withholding of these records.

22 55. That same day, ACLU of Nevada responded via email. Ex. 17.

23 56. In this email, ACLU of Nevada informed the DMV that the March 10 Request was  
24 not duplicative, and even if it was, it is not a legal basis to deny a public records request. *Id.*

1           57.     In this email, the ACLU of Nevada informed the DMV that its records reflecting  
2 that the March 10 Request is “complete” is inaccurate as no responsive documents were provided.  
3 *Id.*

4           58.     ACLU of Nevada requested that the records be provided no later than April 16,  
5 2025. *Id.*

6           59.     On April 10, 2025, the DMV responded: “The Nevada Department of Motor  
7 Vehicles has reviewed your request and has determined that the records requested are exempt from  
8 disclosure for the following reasons: The DMV policy and procedures are not public Records.”  
9 Ex. 18.

10          60.     On April 10, 2025, the ACLU of Nevada sent an email requesting that the DMV  
11 clarify whether: 1) it had written policies and procedures in its custody; 2) it is refusing to turn  
12 over those documents; and 3) it is withholding the documents because it doesn’t consider them  
13 be public records. Ex. 19.

14          61.     On April 11, 2025, DMV responded: “Upon further review this request will not be  
15 considered Public Records (NRS Chapter 239). Please complete an Individual Record request  
16 through the GovQA site and complete the form and required attached documents.” Ex. 20.

17          62.     The link provided for the “Individual Record request” corresponds to a webpage  
18 for submitting requests for information related to a particular individual.

19          63.     The DMV did not explain in this email whether it had responsive documentation  
20 that it intended to release at a later date.

21          64.     The DMV did not cite to a specific statute or other legal authority as required by  
22 NRS 239.0107(1)(d) that justifies its withholding of these records.

23          65.     The DMV did not provide redacted, concealed, or separated records as required  
24 under NRS 239.010(3).

1 April 8, 2025 Request

2 66. On April 8, 2025, the ACLU of Nevada submitted another request for public  
3 records to the DMV (“April 8 Request”). Ex. 21.

4 67. The request sought “all email communications between DMV employees and email  
5 addresses ending in ‘@ice.dhs.gov.’”

6 68. On April 8, 2025, DMV’s public records portal sent an automatically generated  
7 email confirming receipt of the request and assigned the reference number R001968-040825. Ex.  
8 22.

9 69. On April 8, 2025, the DMV formally responded via email that the request will be  
10 closed because it is a “duplicate request”. Ex. 23.

11 70. Additionally, this email referenced back to the April 7 email from the DMV  
12 denying the February 11 Request which stated: “[t]he information that you are requesting was  
13 reviewed for ICE communications is not something that is not [sic] considered public information  
14 and cannot be released, any communication we have to ICE is only for investigations purposes.”  
15 *Id.*

16 71. The same day, ACLU of Nevada explained via email that the request was not a  
17 “duplicate request” and even if it was, it is not a legal basis to deny a public records request. Ex.  
18 24.

19 72. Additionally, the ACLU of Nevada reminded the DMV of its obligations under  
20 NRS 239.0107(d)(2) and NRS 239.010(3) to provide specific legal authority for denying a request  
21 and to provide redacted records if possible. *Id.*

22 73. On April 10, 2025, the DMV responded via email denying the April 8 Request. Ex.  
23 25.

24 74. The DMV cited to NRS 481.063 and quoted:

1 “The Director shall not release any personal information from a file or  
2 record relating to a license, identification card or title or registration of a  
3 vehicle to any person or to any federal, state or local government entity for  
4 any purpose relating to the enforcement of immigration laws unless the  
5 requester submits a written release from the person about whom the  
6 information is requested or the Director releases the personal information  
7 pursuant to a lawful order, subpoena or warrant issued by a court of  
8 competent jurisdiction.” *Id.*

9 75. The email further stated, “[w]e have also taken legal advice where we’ve asked if  
10 we can share any communication regarding immigration, and we were advised that we cannot  
11 proceed in doing so. Please consider this case denied.” *Id.*

12 76. The DMV did not explain in this email whether it had responsive documents.

13 77. The DMV cited to NRS 481.063 to justify withholding of the documents, but the  
14 statute is inapplicable to the April 8 Request.

15 78. The DMV did not cite to any other specific statute or other legal authority as  
16 required by NRS 239.0107(1)(d) that justifies withholding the records.

17 79. The DMV did not provide redacted, concealed, or separated records as required  
18 under NRS 239.010(3).

19 **Demand Letter**

20 80. After the DMV refused to produce any records responsive to ACLU of Nevada’s  
21 requests, on June 6, 2025, ACLU of Nevada sent a demand letter via email to the chief deputy  
22 attorney at the Nevada Attorney General Transportation Division, who serves as DMV’s counsel.  
23 Ex. 26.

24 81. The demand letter described the requests that were submitted by ACLU of Nevada,  
included DMV’s responses to the requests, outlined the DMV’s legal obligations under the NPRA,  
provided explanations to why the legal authority the DMV relied on to deny the requests was  
inapplicable, and demanded that the records be produced within 10 days of the letter. *Id.*

1 82. DMV's counsel responded to the email on June 9, 2025, and stated that they would  
2 reach out to the DMV about the demand letter. Ex. 27.

3 83. On June 16, 2025, DMV's counsel reached out to ACLU of Nevada via telephone.

4 84. DMV's counsel informed ACLU of Nevada that he had spoken to a DMV public  
5 records representative and the DMV would work on providing supplemental responses to the  
6 public records requests.

7 85. During the same correspondence, ACLU of Nevada narrowed the February 11  
8 Request, March 10 Request, and April 8 Request for the DMV to provided responses as  
9 expeditiously as possible.

10 86. DMV's counsel did not provide a timeline for the responses during this call, but he  
11 stated that he would relay the narrower requests to the DMV and ask them to provide a timeline  
12 based on the adjustments.

13 87. Emails memorializing this conversation were sent by DMV's counsel and ACLU  
14 of Nevada. Ex. 28.

15 88. By June 26, 2025, the DMV had not provided a timeline for responding to the  
16 records, and ACLU of Nevada emailed DMV's counsel. Ex. 29.

17 89. DMV's counsel responded the same day via email. Ex. 30.

18 90. In his email, DMV's counsel stated that the DMV had mistakenly sent an email to  
19 another ACLU of Nevada staff member on June 16, 2025, which provided an estimated turnaround  
20 time of two weeks. *Id.*

21 91. In his email, DMV's counsel informed ACLU of Nevada that after speaking with  
22 the DMV, the time frame provided by the DMV in the June 16, 2025, email was no longer accurate,  
23 and additional time was needed to produce the records. *Id.*

1 92. DMV's counsel did not provide a date by which the records would be available and  
2 stated that the DMV would "provide another status update in the coming days". *Id.*

3 93. By July 8, 2025, ACLU of Nevada had not received an update from the DMV or  
4 DMV's counsel.

5 94. ACLU of Nevada emailed DMV's counsel and requested an update and a date by  
6 which the DMV reasonably believed to have the records available. Ex. 31.

7 **Subsequent Responses**

8 95. On July 10, 2025, the DMV sent an email to ACLU of Nevada. Ex. 32.

9 96. The email contained an attachment of the DMV's policy titled "Media Access". *Id.*

10 97. No other records were produced. *Id.*

11 98. In the email, the DMV stated that it was still reviewing the requests for  
12 communications with ICE and it would provide an update on July 25, 2025. *Id.*

13 99. That same day, ACLU of Nevada emailed the DMV seeking clarification on  
14 outstanding policies and procedures. Ex. 33.

15 100. On July 14, 2025, the DMV provided additional documents containing policies and  
16 procedures related to the public records requests and informed ACLU of Nevada that it did not  
17 know if the email communications between the DMV and ICE would be available by July 25,  
18 2025. Ex. 34.

19 101. On July 23, 2025, the DMV produced redacted email communications sent and  
20 received by DMV employees. Ex. 35.

21 102. The DMV did not cite to a specific statute or other legal authority as required by  
22 NRS 239.0107(1)(d) that justified redacting the records. Ex. 35, 36.

23

24

1           103.     Some of the emails referenced communications between ICE and the DMV that  
2 were not produced by the DMV, including group emails, faxes, and Signal chats.<sup>1</sup> Ex 36.

3           104.     The DMV did not otherwise identify these documents and cite to a specific statute  
4 or other legal authority as required by NRS 239.0107(1)(d) that justified withholding the records.  
5 Ex 35-36.

6           105.     On July 29, 2025, ACLU of Nevada emailed DMV's counsel. Ex. 37.

7           106.     In the email, ACLU of Nevada requested that the DMV: 1) provide a legal basis for  
8 the redactions; 2) produce the responsive records referenced in the emails that were provided by  
9 the DMV to ACLU of Nevada on July 23, 2025; 3) produce Signal group messages and faxes  
10 referenced in the emails that were provided by the DMV to ACLU of Nevada on July 23, 2025;  
11 and 4) preserve documents concerning Signal groups and faxes. *Id.*

12          107.     On July 31, 2025, the DMV responded to the ACLU of Nevada. Ex. 38.

13          108.     In the email, the DMV cited to NRS 481.063 and stated: "the department cannot  
14 release personal information unless your agency has written consent from each individual, or  
15 specific individuals, that give you authorization to receive such information." *Id.*

16          109.     In the email, the DMV did not address ACLU of Nevada's request to provide email  
17 communications between the DMV and ICE referenced in the DMV's disclosed emails. *Id.*

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18  
19 <sup>1</sup> Signal is a text messaging application that offers end-to-end encryption for communications. *Why*  
20 *use Signal?*, Signal (available at [signal.org](https://signal.org)). Users can set their chats to "disappear" so that text  
21 messages are automatically deleted and cannot be recovered. *Set and manage disappearing*  
22 *messages*, Signal (available at [https://support.signal.org/hc/en-us/articles/360007320771-Set-and-](https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages)  
23 [manage-disappearing-messages](https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages)). Government use of Signal raises serious concerns that officials  
24 are avoiding transparency and compliance with public records laws. *See* Noble Brigham, *Are high-*  
*ranking Las Vegas police officials using Signal app too?*, Las Vegas Review-Journal (March 28,  
2025), available at [https://www.reviewjournal.com/local/local-las-vegas/records-high-ranking-](https://www.reviewjournal.com/local/local-las-vegas/records-high-ranking-las-vegas-police-officials-used-controversial-app-3343480/)  
[las-vegas-police-officials-used-controversial-app-3343480/](https://www.reviewjournal.com/local/local-las-vegas/records-high-ranking-las-vegas-police-officials-used-controversial-app-3343480/); Rebecca Boone & Claudia Lauer,  
*Encrypted messaging apps promise privacy. Government transparency is often the price*, AP News  
(March 24, 2025), available at [https://www.ap.org/news-highlights/spotlights/2025/encrypted-](https://www.ap.org/news-highlights/spotlights/2025/encrypted-messaging-apps-promise-privacy-government-transparency-is-often-the-price/)  
[messaging-apps-promise-privacy-government-transparency-is-often-the-price/](https://www.ap.org/news-highlights/spotlights/2025/encrypted-messaging-apps-promise-privacy-government-transparency-is-often-the-price/).

1           110.     Additionally, the DMV instructed ACLU of Nevada to submit a separate request  
2 for communications that are not emails despite ACLU of Nevada requesting the records in the  
3 February 11 Request and the July 29, 2025, email. *Id.*

4           111.     The DMV closed out the request deeming it fulfilled. *Id.*

5           112.     On August 1, 2025, ACLU of Nevada emailed the DMV and its counsel and  
6 outlined why NRS 481.063 is inapplicable to the redactions, requested that the DMV provide a  
7 response to ACLU of Nevada's request for the outstanding emails referenced in the  
8 communications that were provided, and to provide a legal basis for requiring ACLU of Nevada  
9 to submit a new request for records through its DMV portal. Ex. 39.

10          113.     On August 11, 2025, the DMV responded via email. Ex. 40.

11          114.     The DMV did not produce records in this email. *Id.*

12          115.     The DMV did not address ACLU of Nevada's request to provide email  
13 communications between the DMV and ICE referenced in the disclosed emails. *Id.*

14          116.     The DMV did not cite to a specific statute or other legal authority as required by  
15 NRS 239.0107(1)(d) that justified redacting the names of the federal employees. *Id.*

16          117.     For the names of the DMV employees, the DMV claimed, again without citing to  
17 a specific statute or legal authority, that the redactions are warranted because disclosure would  
18 violate the officers' privacy and safety. *Id.*

19          118.     The DMV explained that disclosing the names of the officers could in turn reveal  
20 which state vehicles the officers drive which could potentially reveal the officers' home address.  
21 *Id.*

22          119.     The DMV stated that it would not be releasing "un-redacted attachments" due to  
23 people's privacy concerns. *Id.*

1           120.     To ACLU of Nevada’s knowledge, the DMV did not provide copies to ACLU of  
2 Nevada, redacted or otherwise, of the attachments referenced in the disclosed emails.

3           121.     Furthermore, the DMV stated that it “opened up an additional search with [their]  
4 data team to adhere to [ACLU of Nevada’s] statement of obtaining “all communications,” which  
5 include signal chats and faxes.” *Id.*

6           122.     However, the next day, the DMV sent an email to ACLU of Nevada stating:

7  
8                   “After conducting a thorough review of our records, we have confirmed that  
9 there are no faxes or Signal messages responsive to your request. Our  
10 research indicates that Signal is not a DMV-managed application and one of  
11 which our agency has never had access to, therefore no additional  
12 communications would be stored there. In regard to faxes, our investigations  
13 team does not use fax, so it cannot be considered a source of normal DHS  
14 communications (other than the email conversations we have supplied to  
15 you).” Ex. 41.

16  
17  
18                                   **LEGAL STANDARD AND AUTHORITY**

19           123.     The NPRA sets forth that records of governmental entities belong to the public.  
20 Nevada Revised Statute § 239.010(1) mandates that, unless a record is confidential, all public  
21 books and public records of a governmental entity must be open at all times during office hours to  
22 inspection by any person, and may be fully copied[.]”

23           124.     The purpose of the NPRA “is to foster democratic principles by providing members  
24 of the public with access to inspect and copy public books and records to the extent permitted by  
law.” NRS 239.001.

          125.     The provisions mandating access to public records "must be construed liberally to  
carry out this important purpose[.]" NRS 239.001(1) and (2).

1 126. “Any exemption, exception or balancing of interests which limits or restricts access  
2 to public books and records by members of the public must be construed narrowly.” NRS  
3 239.001(3).

4 127. When a government agency claims confidentiality of a record or a portion of a  
5 record, they must provide notice of the denial of the request and “a citation to the specific statute  
6 or other legal authority that makes . . . the records, or part thereof, confidential.” *Reno Newspapers,*  
7 *Inc. v. Gibbons*, 127 Nev. 873, 885, 266 P.3d 623, 631 (2011); NRS 239.0107(1)(d).

8 128. Only if the entirety of the record contains confidential information can a record be  
9 withheld entirely rather than redacted. *See Republican Att'ys Gen. Ass'n v. Las Vegas Metro. Police*  
10 *Dep't*, 136 Nev. 28, 36, 458 P.3d 328, 335 (2020) (stating that redaction of records should be  
11 favored over withholding records unless all portions of the record is confidential).

12 129. Any “analysis of claims of confidentiality under the Act” begins “with a  
13 presumption in favor of disclosure.” *PERS v. Reno Newspapers Inc.*, 129 Nev. 833, 837, 313 P.3d  
14 221, 223–24 (2013).

15 130. The burden of proving that a record is confidential is on the government agency.  
16 *Gibbons*, 127 Nev. 873 at 880; NRS 239.0113.

17 131. A government agency must prove the confidentiality of records by a preponderance  
18 of the evidence. NRS 239.0113(2).

19 132. If a governmental entity seeks to withhold or redact a public record in its control  
20 under the balancing test, it must first prove by a preponderance of the evidence that the record or  
21 portion thereof that it seeks to redact is of a type that entitles the governmental entity to a balancing  
22 test. *See Nev. Rev. Stat. § 239.0113; see also Gibbons*, 127 Nev. at 880, 266 P.3d at 629; *accord*  
23 *Nevada Policy Research Inst., Inc. v. Clark Cty. Sch. Dist.*, No. 64040, 2015 WL 3489473, at \*2  
24 (D. Nev. May 29, 2015).

P. 18

1 133. Even if the governmental entity meets this initial burden that a balancing test  
2 applies, the entity must then establish that the interest in withholding records or portions thereof  
3 in question “clearly outweighs the public’s right to access.” *Gibbons*, 127 Nev. at 880, 266 P.3d  
4 at 628 (citation omitted) *see also id.* at 127 Nev. 873, 879, 266 P.3d 623, 627 (holding there is,  
5 under the NPRA, a “general policy in favor of open government”); *Pub. Employees’ Ret. Sys. of*  
6 *Nevada v. Nevada Policy Research Inst., Inc.*, 134 Nev. 669, 676, 429 P.3d 280, 286 (2018) (noting  
7 “the strong presumption in favor of disclosure” of public records in Nevada).

8 134. A government agency’s failure to comply with the Nevada Public Records Act  
9 allows the requesting party to recover attorney’s fees and costs from the government agency. NRS  
10 239.011.

11 135. A government agency’s willful failure to adhere to the Nevada Public Records Act  
12 imposes penalties upon that agency. NRS 239.340.

13  
14 **FIRST CLAIM FOR RELIEF**  
15 **Violation of Nev. Rev. Stat. § 239.0107(1)(c)**  
16 **(failure to respond to the public records request)**

17 136. ACLU of Nevada re-alleges and incorporates by reference each and every  
18 allegation contained in the paragraphs above as if fully set forth herein.

19 137. DMV is required to respond to any “written or oral request” for public records  
20 within five (5) business days. Nev. Rev. Stat. § 239.0107(1). p.

21 138. The Nevada Supreme Court has held that “a rule is mandatory and requires strict  
22 compliance when its language states a ‘specific time and manner for performance.’” *Markowitz v.*  
23 *Saxon Special Servicing*, 129 Nev. 660, 664, 310 P.3d 569, 572 (2013) (quoting *Leven v. Frey*,  
24 123 Nev. 399, 407 n. 27, 408, 168 P.3d 712, 717 n. 27 (2007)); *see also Einhorn v. BAC Home*  
*Loans Servicing, LP*, 128 Nev. 689, 696, 290 P.3d 249, 254 (2012)(“In general, ‘time and manner’  
requirements are strictly construed”).

1           139.     The plain language of Nev. Rev. Stat. § 239.0107(1) sets forth strict time and  
2 manner requirements a governmental entity must follow in responding to a records request. These  
3 strict time and manner requirements are intended to facilitate the NPRA’s purpose of “further[ing]  
4 the democratic ideal of an accountable government by ensuring that public records are broadly  
5 accessible.” *Gibbons*, 127 Nev. 877–78, 266 P.3d at 626.

6           140.     Pertaining to the April 8 Request, the DMV has not responded to ACLU of  
7 Nevada’s request to provide all email communications between DMV employees and email  
8 addresses ending in “@ice.dhs.gov.”

9           141.     On July 29, 2025, ACLU of Nevada emailed DMV’s counsel and requested that  
10 the DMV produce responsive communications records referenced in the emails that were provided  
11 by the DMV to ACLU of Nevada on July 23, 2025. Ex. 37.

12           142.     DMV’s counsel informed ACLU of Nevada that the email was forwarded to the  
13 DMV. Ex. 44.

14           143.     The DMV was required to respond to this request within 5 business days, which  
15 would have been August 5, 2025.

16           144.     The DMV has not responded to this request.

17           145.     This clear violation of the NPRA follows significant delays by the DMV as  
18 described above, and based on the DMV’s assertion that it had closed out the request because it  
19 deemed it fulfilled, ACLU of Nevada does not believe that the DMV will respond to the request.

20           146.     DMV’s failure to respond timely and provide relevant records is a willful violation  
21 of the NPRA.

1 **SECOND CLAIM FOR RELIEF**

2 **Violation of Nev. Rev. Stat. § 239.0107(1)(d) and 239.010(3)**  
3 **(assertion of inapplicable confidentiality provisions and failure to redact)**

4 147. ACLU of Nevada re-alleges and incorporates by reference each and every  
5 allegation contained in the paragraphs above as if fully set forth herein.

6 148. The DMV, in its responses to ACLU of Nevada regarding the April 8 Request for  
7 all email communications between DMV employees and email addresses ending in  
8 “@ice.dhs.gov”, cites confidentiality provisions which are inapplicable to ACLU of Nevada.

9 149. The DMV, in its responses to ACLU of Nevada regarding the April 8 Request for  
10 all email communications between DMV employees and email addresses ending in  
11 “@ice.dhs.gov”, cites confidentiality provisions which are inapplicable to the requested records.

12 150. Initially, before ACLU of Nevada sent a demand letter, DMV cited NRS  
13 481.063(11) as a justification for withholding *all* email communications. Ex. 25.

14 151. While the DMV provided some email communications after the demand letter was  
15 sent, the records were heavily redacted.

16 152. The redactions included names and email addresses of the sender and recipient of  
17 the emails, full blocks of content within the emails, and information on attachments to the emails.  
18 Ex. 36.

19 153. After ACLU of Nevada asked the DMV to provide a legal basis for the redactions,  
20 the DMV cited to NRS 481.063(11) again.

21 154. NRS 481.063(11) states:

22 "The Director shall not release any personal information from a file or  
23 record relating to a license, identification card or title or registration of a  
24 vehicle to any person or to any federal, state or local government entity for  
any purpose relating to the enforcement of immigration laws unless the  
requester submits a written release from the person about whom the  
information is requested or the Director releases the personal information  
pursuant to a lawful order, subpoena or warrant issued by a court of  
competent jurisdiction."

1 155. NRS 481.063(14)(a) defines “personal information” as:

2 “[i]nformation that reveals the identity of a person, including, without  
3 limitation, his or her photograph, social security number, individual  
4 taxpayer identification number, driver’s license number, identification card  
5 number, name, address, telephone number or information regarding a  
6 medical condition or disability. The term does not include the zip code of a  
7 person when separate from his or her full address, information regarding  
8 vehicular crashes or driving violations in which he or she has been involved  
9 or other information otherwise affecting his or her status as a driver.”

10 156. The public records request did not seek personal information *relating to a license,*  
11 *identification card or title or registration of a vehicle.*

12 157. The April 8 Request sought email communications between DMV employees and  
13 email addresses ending in “@ice.dhs.gov”.

14 158. Communications with a federal agency are not personal information as defined in  
15 NRS 418.063(14)(a).

16 159. Although personal information encompasses the identity of a person, NRS  
17 481.063(11) requires that the personal information be related to a license, identification card or  
18 title or registration of a vehicle.

19 160. The redactions of names of government officials therefore do not fall within the  
20 scope of NRS 481.063(11).

21 161. Additionally, the April 8 Request is not seeking information for the purposes of  
22 immigration enforcement.

23 162. The ACLU of Nevada is not engaged in immigration enforcement.

24 163. As such, NRS 481.063(11) is inapplicable to the public records request described  
herein.

164. There are limited instances in which some records, or at least portions of them, can  
be withheld if a government entity meets its burden under a balancing test.

1 165. The DMV has not met this burden because it has not asserted to the ACLU of  
2 Nevada that it has any interest justifying non-disclosure of the requested records which clearly  
3 outweighs the public's right to access.

4 166. The DMV continued to withhold records responsive to the ACLU of Nevada's  
5 requests despite ACLU of Nevada repeatedly reminding the DMV of its obligations under the  
6 NPRA, including through a demand letter prior to filing this writ of mandamus.

7 167. The DMV's actions are a willful violation of the NPRA that warrant a civil penalty  
8 being levied.

9 **THIRD CLAIM FOR RELIEF**

10 **Violation of Nev. Rev. Stat. § 239.0107(1)(d) and § 239.0107(1)(c)(2)**  
11 **(failure to cite legal authority and failure to assist the requester)**

12 168. ACLU of Nevada re-alleges and incorporates by reference each and every  
13 allegation contained in the paragraphs above as if fully set forth herein.

14 169. Pursuant to NRS 239.0107(1)(d), if a governmental entity denies a request for  
15 public records on the grounds that the records or some part thereof are confidential, the  
16 governmental entity must provide the requester written notice of that fact along with citation to  
17 the specific statute or other legal authority.

18 170. The DMV failed to comply with the requirements in NRS 239.0107(1)(d).

19 171. As to the February 11 Request, the DMV initially refused to turn over any  
20 documents and asserted two separate justifications at different points:

- 21 1. The only emails we have are pertaining to an ongoing case with our  
22 department. We cannot release any information if a case is ongoing  
23 and has not been completed.
- 24 2. ICE communications is not something that is not [sic] considered  
public information and cannot be released, any communication we  
have to ICE is only for investigations purposes.

1           172. Neither of the justifications cited to specific statutes or other legal authority as  
2 required by NRS 239.0107(1)(d).

3           173. There is no “investigation purposes” privilege or “ongoing case” privilege that  
4 justifies nondisclosure in any Nevada statute, regulation, or case law that the ACLU of Nevada is  
5 aware of.

6           174. After ACLU of Nevada sent a demand letter to DMV’s counsel, the DMV produced  
7 redacted email communications on July 23, 2025. Ex. 35-36.

8           175. The DMV did not cite to a specific statute or other legal authority as required by  
9 NRS 239.0107(1)(d) that justified redacting the records. *Id.*

10           176. After ACLU of Nevada reminded the DMV of its obligation to provide legal  
11 authority for all redactions, the DMV responded via email on July 31, 2025, and stated that “the  
12 department cannot release personal information unless your agency has written consent from each  
13 individual, or specific individuals, that give you authorization to receive such information,” and  
14 cited to NRS 481.063. Ex. 38.

15           177. The DMV provided no explanation as to why NRS 481.063 supported its position  
16 that the redacted information was confidential, and it failed to identify which redactions it was  
17 asserting the privilege against. *Id.*

18           178. ACLU of Nevada expressed these concerns in an email sent to the DMV on August  
19 1, 2025, including the inapplicability of NRS 481.063 to most redactions such as the names of  
20 government officials. Ex. 39.

21           179. The DMV responded on August 11, 2025, but again failed to cite to specific statutes  
22 or other legal authority as required by NRS 239.0107(1)(d) to justify redacting the names of  
23 government officials and the contents in the emails. Ex. 40.

1           180. After reviewing the responses provided by the DMV on July 23, 2025, ACLU of  
2 Nevada became aware that additional communications, including group emails and Signal chats,  
3 existed between the DMV and ICE.

4           181. ACLU of Nevada subsequently contacted the DMV and requested that the  
5 communications be provided. Ex. 37.

6           182. The DMV responded that all email communications have been provided to the  
7 ACLU of Nevada and closed out the records request. Ex. 38.

8           183. The DMV did not address the discrepancy between its position that all emails  
9 between ICE and the DMV were provided to ACLU of Nevada and the fact that emails directly  
10 referenced in the communications the DMV had disclosed were not produced.

11           184. Additionally, the DMV's position is inconsistent with the fact that the email threads  
12 provided are incomplete, as the initiating emails and responses are missing. Ex. 36.

13           185. The DMV did not cite to a specific statute or other legal authority as required by  
14 NRS 239.0107(1)(d) that justified withholding the records.

15           186. For the remaining communications, the DMV stated, "If you are looking for other  
16 means of communication, in which there are none, that would be a separate request that you would  
17 have to submit." Ex. 38.

18           187. The DMV took this position despite ACLU of Nevada's February 11 Request  
19 seeking all communications between ICE and the DMV, not just emails, and ACLU of Nevada's  
20 request on July 29, 2025, via email for faxes and Signal group communications. Ex. 4, Ex. 37.

21           188. After ACLU of Nevada asked the DMV to provide a legal basis for requiring ACLU  
22 of Nevada to submit a new request for records, the DMV responded that it would run a search for  
23 faxes and Signal chats. Ex. 39-40.

24           189. To date, the DMV has not provided copies of the faxes and Signal chats.

1           190. In its email on August 12, 2025, the DMV stated that there are no Signal messages  
2 responsive to ACLU of Nevada’s request because “Signal is not a DMV-managed application and  
3 one of which our agency has never had access to, therefore no additional communications would  
4 be stored there.” Ex. 41.

5           191. The DMV claimed that no faxes exist because the “investigations team does not  
6 use fax, so it cannot be considered a source of normal DHS communications (other than the email  
7 conversations we have supplied to you).” *Id.*

8           192. The DMV’s statement that no additional communications exist is directly at odds  
9 with records provided by the DMV. Ex. 36.

10          193. An email dated August 6, 2024, requested that a new investigative specialist be  
11 included “in future *group emails and Signal groups.*” Ex. 43. (emphasis added).

12          194. While the names of the recipient and the sender are redacted, the email originated  
13 outside the State of Nevada and is presumably from ICE to the DMV given that the email was  
14 provided to the ACLU of Nevada in response to its request for “all email communications between  
15 DMV employees and email addresses ending in “@ice.dhs.gov.” *Id.*

16          195. This is a clear indication that the DMV is using Signal to communicate with ICE  
17 and the makeup of the groups, as well as the messages themselves, are within the control of the  
18 DMV.

19          196. An email dated June 9, 2025, from Christopher Clark, an ICE deportation officer,  
20 to Tami Clark, presumably a DMV employee, informed the DMV that ICE had a new mission  
21 support specialist and future emails and “faxes for registration” will be coming from her. Ex. 42.  
22 (emphasis added).

1 197. After receiving the public records requests from ACLU of Nevada, the DMV was  
2 required to assist ACLU of Nevada in narrowing or rewording the request in a way that would  
3 allow disclosure as expeditiously as possible but failed to do so.

4 198. Even after ACLU of Nevada reminded the DMV of its obligations under the NPRA,  
5 the DMV still provided no relevant legal authority warranting redactions and denial of the records  
6 requests.

7 199. For these reasons, LVMPD's actions are a willful violation of the NPRA that  
8 warrant a civil penalty being levied.

9  
10 **PRAYER FOR RELIEF**

11 The DMV, as a Nevada governmental agency, has a duty to provide the public copies of  
12 public books or records upon request. NRS 239.008(2); NRS 239.0107(1). If the request is denied  
13 or unreasonably delayed, the requester may apply to the district court in the county in which the  
14 book or record is located for an order permitting the requester to inspect or copy the book or record  
15 or requiring the person who has legal custody or control of the public book or record to provide a  
16 copy to the requester. NRS 239.011(1). Such matters are given priority over other civil matters to  
17 which priority is not given by other statutes. NRS 239.011(2).

18 If a court determines that a governmental entity willfully failed to comply with the  
19 provisions of Chapter 239 of the Nevada Revised Statutes concerning a request to inspect, copy or  
20 receive a copy of a public book or record, the court *must* impose on the governmental entity a civil  
21 penalty” for each violation. NRS 239.340. A \$1,000 penalty is imposed for the first willful  
22 violation of the Nevada Public Records Act within a 10-year period; a \$5,000 penalty is imposed  
23 for the second willful violation of the Nevada Public Records Act within a 10-year period; and,  
24

1 after the second willful violation of the Nevada Public records within a 10-year period, a \$10,000  
2 penalty is imposed for each subsequent willful violation within a 10-year period.

3 As such, Petitioner requests the following relief:

- 4 1. That the Court resolve this matter on an expedited basis as mandated by Nev. Rev. Stat.  
5 § 239.011 (2).
- 6 2. An order directing the Nevada Department of Motor Vehicles to provide copies of all  
7 documents requested by ACLU of Nevada on February 11, 2025, April 8, 2025, and  
8 July 29, 2025;
- 9 3. An order finding that DMV willfully violated the Nevada Public Records Act and  
10 therefore must pay the mandated civil penalties for each and every violation as outlined  
11 in Nev. Rev. Stat. § 239.340;
- 12 4. Reasonable costs and attorney's fees pursuant to Nev. Rev. Stat. § 239.011(2);
- 13 5. All relief necessary to secure ACLU of Nevada's access to records and Department of  
14 Motor Vehicles' compliance with the Nevada Public Records Act; and
- 15 6. Any further relief the Court deems appropriate.

16 Dated this 15<sup>th</sup> day of August, 2025.

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

19 **AMERICAN CIVIL LIBERTIES  
20 UNION OF NEVADA**

21 

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