

[Name of Plaintiff's Lawyer, Esq. (Bar No. ____)
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Attorney[s] for Plaintiff

[NUMBER] JUDICIAL DISTRICT COURT
[COUNTY NAME] COUNTY, NEVADA

[Student Name],)	Case No. _____
)	Dept. No. _____
)	
Plaintiff,)	
)	COMPLAINT FOR DECLARATORY
vs.)	AND INJUNCTIVE RELIEF AND TO
)	COMPEL DISCLOSURE OF
[Entity's or Official's Name],)	PUBLIC RECORDS
)	
)	<i>ENTITLED TO PRIORITY PER</i>
Defendant.)	<i>NRS §239.011</i>
_____)	

Plaintiff [Student Name] (hereinafter "Plaintiff"), by and through [his/her] undersigned counsel, files this complaint for declaratory, injunctive, and other relief against defendant [Entity's or Official's Name] (hereinafter "Defendant") for violations of Nevada's Public Records Act, Nevada Revised Statutes ("NRS"), Chapter 239. Plaintiff alleges as follows:

INTRODUCTION

1. Plaintiff submitted a request to inspect and copy [or for copies of] public books and public records of a governmental entity, [name of governmental entity] ("Defendant"), on [date]. The requested records included [describe what records were requested here]. [If applicable: Thereafter, Defendant requested that Plaintiff pay [dollar amount] for production of the requested public records, which Plaintiff paid on [date].] Nevertheless, Defendant has

refused to produce any of the requested documents [or describe the subset of documents that was not produced]. Defendant has no basis under the Act to withhold the requested records, and has violated the Act by failing to provide access to those records. Plaintiff therefore brings this action for declaratory and injunctive relief to compel production of the improperly-withheld documents.

PARTIES

2. Plaintiff [Student Name] is a journalist, and was [title] of the student newspaper at [college or university], [newspaper name], during most of the events at issue in this action. Plaintiff is a “person” within the meaning of NRS §§ 239.010 and 239.0107, and a “requester” within the meaning of NRS § 239.011.

3. Defendant [Entity’s or Official’s name] is the [describe nature of entity or official, its/his/her function, and why it/he/she maintains the documents sought]. Defendant has legal custody or control of the records at issue in this action. Defendant is a “governmental entity” within the meaning of NRS §§ 239.010(1) and 239.005.

JURISDICTION AND VENUE

4. This action is brought pursuant to NRS §239.011.

5. This Court has jurisdiction over this action pursuant to NRS §239.011 because it concerns the denial of access to public records, and pursuant to NRS §30.030 because it seeks a declaratory judgment.

6. Venue is proper in this Court pursuant to NRS §239.011 because the requested records are located in this county, and pursuant to NRS §13.040 as this is the county where the Defendant “resides” for venue purposes.

7. Pursuant to NRS §239.011, this action is entitled to priority over all other civil actions that are not granted priority by other statutes.

FACTS

8. Defendant is a[n] [choose the applicable entity type from NRS §239.005(5)] and, as such, is governed by the public disclosure requirements of the Nevada Public Records Act (“Act”), NRS §239.001, *et seq.*

9. The Act was enacted to ensure that government documents are available to the public. The Legislature's intent was clear. As NRS §239.001 states, the Act's purpose is "to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law." The Act "must be construed liberally to carry out this important purpose," and "[a]ny exemption, exception or balancing of interests which limits or restricts access . . . must be construed narrowly." *Id.*

10. On [date], Plaintiff [hand-delivered, mailed, e-mailed or other method] a written request for access to public books or records (hereinafter, "Request") to [name of agency's director, officer or employee], [title] of Defendant [Agency Name], pursuant to the Act. The Request sought [describe documents requested]. A copy of the Request is attached hereto as **Exhibit A**.

11. The records requested in Plaintiff's Request are "public books [or] public records" within the meaning of NRS §239.010(1). The requested records are not designated confidential by law, and there is no basis to label them "confidential" that outweighs the right of the public to inspect such records.

12. [Describe any response received in response to the records request. Be sure to (a) include the dates of all correspondences and oral communications; (b) describe what types of materials the governmental entity declined to produce; and (c) describe the governmental entity's stated reasons for withholding documents. Also attach as Exhibits B, C, etc. any communications between Plaintiff and the governmental entity.]

13. Defendant's production remains incomplete and does not include all public books and records in its custody or control that are subject to the Act and responsive to Plaintiff's Request. In particular, Plaintiff knows, or believes based on the best available information, that Defendant possesses documents responsive to items [#]'s from the Request, and brief description] that it has yet to produce.

DECLARATORY AND INJUNCTIVE RELIEF

14. An actual and immediate controversy has arisen and now exists between Plaintiff and Defendant, which have genuine and opposing interests and which interests are direct and substantial. Defendant has failed and continues to fail to comply with provisions of NRS Chapter 239 for at least the reasons set forth herein. Plaintiff is, thus, entitled to a declaratory judgment as well as such other and further relief as may be ordered and may follow from the entry of such a declaratory judgment.

15. Plaintiff has no adequate remedy at law. Unless enjoined by the Court, Defendant will continue to deny Plaintiff access to government records in violation of NRS Chapter 239. This threat of injury to Plaintiff from continuing violations requires temporary, preliminary and permanent injunctive relief.

CLAIM FOR RELIEF
Violation of NRS §239.010

(Failure to disclose government records, actionable pursuant to NRS §239.011)

16. The allegations set forth in the foregoing paragraphs are incorporated herein by reference.

17. NRS §239.010(1) provides that “unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person”

18. NRS §239.011(1) provides that “[i]f a request for inspection, copying or copies of a public book or record open to inspection and copying is denied, the requester may apply to the district court in the county in which the book or record is located for an order: (a) Permitting the requester to inspect or copy the book or record; or (b) Requiring the person who has legal custody or control of the public book or record to provide a copy to the requester, as applicable.”

19. [*If applicable*: In refusing to produce the requested records, Defendant relied on [exemption]. [Describe briefly why that exemption is not applicable to the requested documents].]

20. Defendant has unlawfully denied Plaintiff access to public books and public records, which are required to be open to public inspection and are not declared by law to be confidential.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

- A. Assume jurisdiction over this action;
- B. Issue a declaratory judgment stating that Plaintiff is entitled to inspect and obtain copies of the books and records described in Plaintiff's Request, and that Defendant has violated NRS Chapter 239 by failing to give Plaintiff the opportunity to inspect and copy such records;
- C. Issue a preliminary and permanent injunction ordering Defendant to grant Plaintiff access to inspect and/or copy all requested public records;
- D. Award attorneys' fees, costs, and all other expenses to Plaintiff pursuant to NRS §239.011(2), including but not limited to all reasonable fees and expenses incurred by Plaintiff in attempting to obtain the government records prior to the filing of the instant Complaint;
- E. Retain jurisdiction over Defendant until such time as the Court is satisfied that Defendant's unlawful customs, policies, practices, rules, regulations, acts and omissions complained of herein no longer exist and will not recur; and
- F. Order such other relief as this Court deems just and proper.

Dated: [Location], [Date]

Respectfully submitted,

[Plaintiff's Attorney
Plaintiff's Law Firm Name]
Attorney[s] for Plaintiff