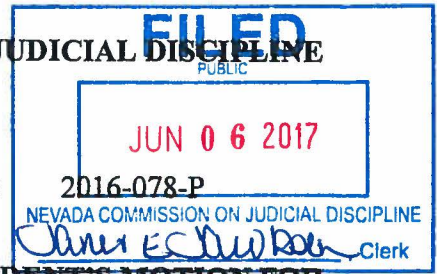


BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE

STATE OF NEVADA



In the Matter of the  
HONORABLE DAWN HAVILAND  
Justice of the Peace, Goodsprings Township  
County of Clark, State of Nevada,  
  
Respondent.

Case Nos: 2016-078-P  
NEVADA COMMISSION ON JUDICIAL DISCIPLINE  
RESPONDENT'S MOTION FOR  
LEAVE TO TAKE VIDEO DEPOSITION  
OF JEFF WELLS

Respondent, the Honorable Dawn Haviland, through her attorney, Albert G. Marquis, Esq., of Marquis Aurbach Coffing, hereby moves the Commission for leave to take the video deposition of Assistant County Manager Jeff Wells on June 21, 2017 at 1:30 p.m. at the law offices of Marquis Aurbach Coffing, 10001 Park Run Drive, Las Vegas, Nevada, and to present such video deposition testimony at the hearing in this matter which is now scheduled for the week of August 7, 2017. As set forth herein, Mr. Wells has personal knowledge of relevant evidence pertaining to the charges brought against the Respondent, but he is unable to appear at the August 7 hearing because he and his family will be on a pre-paid cruise during that period of time.

**I. MEMORANDUM IN SUPPORT OF MOTION.**

Jeff Wells is the Assistant County Manager for Clark County, Nevada. One of Mr. Well's duties includes budgetary and managerial oversight of the courts including all the Justice Courts in Clark County which includes the Goodsprings court. As set forth in the Declaration of Albert G. Marquis attached hereto as Exhibit A, Mr. Wells has personal knowledge of relevant evidence pertaining to the charges brought against Respondent. For example, one of the charges against Respondent is that she "precipitously" removed the Goodsprings court from the group of rural Justice Courts which led to "administrative problems." Mr. Wells was in charge of that separation procedure in June and July of 2016. He will testify that the separation was not done precipitously and that no uncommon administrative problems were encountered.

Mr. Wells will also testify concerning Count Eight which deals with citations issued to drivers and owners of commercial vehicles. Mr. Wells will testify that after Dawn Haviland was

1 reprimanded by this Commission in the spring of 2016, Judge Haviland wanted to dismiss all of  
2 these cases and asked repeatedly for the list of cases so she could do so. However, the person  
3 with the list, Gina Timberlake, did not give the list to Judge Haviland because one of the  
4 complainants, Becki Driskel, told her not to. Therefore, Judge Haviland was prevented from  
5 addressing the issue. After Judge Haviland was suspended, Mr. Wells demanded that Gina give  
6 him the list, which she did. Mr. Wells acted in accordance with Judge Haviland's wishes and  
7 had all cases dismissed. Mr. Wells will also testify that there were no new cases after Judge  
8 Haviland was reprimanded in the spring of 2016, thus contradicting the allegation and the formal  
9 statement of charges that Judge Haviland continued the practicing of fining owners even after  
10 she was reprimanded.

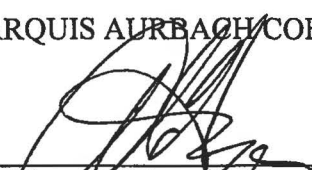
11 Because he works so closely with the Goodsprings Court, Mr. Wells undoubtedly has  
12 other relevant information which can be gathered in a video deposition.

13 Mr. Wells has informed Mr. Marquis that he cannot attend the August 7 hearing because  
14 he will be on a cruise. His entire family is going, and they have already purchased tickets.  
15 Therefore, the only way to present this valuable testimony will be to take Mr. Wells' video  
16 deposition and to present his deposition at the time of the hearing. On this basis, the Respondent  
17 requests leave of the Commission to take Mr. Wells' video deposition on June 21, 2017 or,  
18 barring that, at the earliest mutually convenient time for counsel and Mr. Wells.

19 Dated this 6 day of June, 2017.

20 MARQUIS AURBACH COFFING

21  
22 By \_\_\_\_\_

  
Albert C. Marquis, Esq.  
Nevada Bar No. 1919  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
*Attorney for the Honorable  
Dawn Haviland*


1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 16<sup>th</sup> day of June, 2017, I served a copy of the foregoing  
3 **RESPONDENT'S MOTION FOR LEAVE TO TAKE VIDEO DEPOSITION OF JEFF**  
4 **WELLS** upon each of the parties via email and by depositing a copy of the same in a sealed  
5 envelope in the United States Mail, Las Vegas, Nevada, First-Class Postage fully prepaid, and  
6 addressed to:

7 Paul C. Deyhle, General Counsel & Executive Director  
8 Commission on Judicial Discipline  
9 P.O. Box 48  
Carson City, NV 89702  
*ncjinfo@judicial.state.nv.us*

10 Kathleen M. Paustian, Esq. SBN 3785  
11 Law Office of Kathleen M. Paustian  
12 3205 Skipworth Drive  
Las Vegas, NV 89107  
*kathleenpaustian@cox.net*

13 and that there is a regular communication by mail between the place of mailing and the place(s)  
14 so addressed.

15   
16 \_\_\_\_\_  
17 KIM DEAN, an employee of  
18 Marquis Aurbach Coffing

MARQUIS AURBACH COFFING

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

# **EXHIBIT A**

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**DECLARATION OF ALBERT G. MARQUIS**

ALBERT G. MARQUIS, declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. Jeff Wells is the Assistant County Manager for Clark County, Nevada. One of Mr. Well’s duties includes budgetary and managerial oversight of the courts including all the Justice Courts in Clark County which includes the Goodsprings court. As set forth in the Declaration of Albert G. Marquis attached hereto as Exhibit A, Mr. Wells has personal knowledge of relevant evidence pertaining to the charges brought against Respondent. For example, one of the charges against Respondent is that she “precipitously” removed the Goodsprings court from the group of rural Justice Courts which led to “administrative problems.” Mr. Wells was in charge of that separation procedure in June and July of 2016. He will testify that the separation was not done precipitously and that no uncommon administrative problems were encountered.

3. Mr. Wells will also testify concerning Count Eight which deals with citations issued to drivers and owners of commercial vehicles. Mr. Wells will testify that after Dawn Haviland was reprimanded by this Commission in the spring of 2016, Judge Haviland wanted to dismiss all of these cases and asked repeatedly for the list of cases so she could do so. However, the person with the list, Gina Timberlake, did not give the list to Judge Haviland because one of the complainants, Becki Driskel, told her not to. Therefore, Judge Haviland was prevented from addressing the issue. After Judge Haviland was suspended, Mr. Wells demanded that Gina give him the list, which she did. Mr. Wells acted in accordance with Judge Haviland’s wishes and had all cases dismissed. Mr. Wells will also testify that there were no new cases after Judge Haviland was reprimanded in the spring of 2016, thus contradicting the allegation and the formal statement of charges that Judge Haviland continued the practicing of fining owners even after she was reprimanded.

**EXHIBIT A**

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4. Because he works so closely with the Goodsprings Court, Mr. Wells undoubtedly has other relevant information which can be gathered in a video deposition.

5. Mr. Wells has informed Mr. Marquis that he cannot attend the August 7 hearing because he will be on a cruise. His entire family is going, and they have already purchased tickets. Therefore, the only way to present this valuable testimony will be to take Mr. Wells' video deposition and to present his video deposition at the time of the hearing.

6. Pursuant to NRS § 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 4 day of June, 2017.



ALBERT G. MARQUIS