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14 *Counsel for Hillary Schieve*

15 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
16 **IN AND FOR THE COUNTY OF WASHOE**

17 HILLARY SCHIEVE, an individual, Case No.:
18 Plaintiff, Dept. No.
19 v.
20 DAVID MCNEELY, an individual, 5
21 ALPHA INDUSTRIES, LLC, a Nevada
22 limited-liability company, and DOES 1
23 through X and ROES 1 through X, inclusive,
24 Defendants.
25 _____/

26 **COMPLAINT**
27 **(Jury Trial Demanded)**
28 **(Exempt from Arbitration – N.A.R. 3 – Declaratory Relief, Amount in Controversy)**

29 Hillary Schieve (“Plaintiff” or “Schieve”) complains and alleges against David McNeely
30 (“McNeely”) and 5 Alpha Industries, LLC (“5 Alpha Industries” and collectively “Defendants”)
31 as follows:

32 **NATURE OF THE ACTION**

33 1. In a time of heightened political tumult, the recent revelation of Defendants’
34 actions still managed to shock the conscience. Private investigator David McNeely, at the request

1 of a presently unidentified third party, surreptitiously installed a sophisticated GPS tracking device
2 on the personal vehicle of Schieve, monitoring her every movement.

3 2. Defendants, acting in concert with third parties, trespassed upon Schieve’s private
4 property to install the tracking device and then received minute-by-minute updates of her location,
5 in a continuous violation of her privacy. By tracking her, Defendants exposed Schieve to an
6 unjustified and unwarranted risk of harassment, stalking, and bodily harm.

7 3. The GPS tracking device was only discovered by chance when a mechanic noticed
8 it while working on Schieve’s personal vehicle.

9 4. Upon information and belief, Defendants not only installed GPS tracking devices
10 on Schieve’s vehicle, but also installed similar tracking devices on the vehicles of multiple other
11 prominent community members.

12 **PARTIES**

13 5. Schieve is an individual who is a resident of Washoe County, Nevada and the duly
14 elected mayor of the City of Reno. Schieve has been elected as Reno’s Mayor three times, most
15 recently in 2022.

16 6. Defendant McNeely is an individual who works as a private investigator and is a
17 resident of Washoe County, Nevada.

18 7. 5 Alpha Industries is a Nevada company that is registered to do business in Nevada
19 as a domestic limited-liability company. Its registered agent is located at 2115 Parkway Drive,
20 Reno, Nevada 89502.

21 8. There are other persons or entities, whether individuals, corporations, associations,
22 or otherwise, who are legally responsible for the acts, omissions, circumstances, happenings,
23 and/or the damages or other relief requested by this Complaint. The true names and capacities of
24 Does 1 through 10 and Roe Entities 11 through 20, inclusive, are currently unknown to Plaintiff,
25 who sues those defendants by such fictitious names. Plaintiff intends to amend this Complaint to
26 insert the proper names of the Doe and Roe defendants when such names and capacities become
27 known to Plaintiff.

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JURISDICTION AND VENUE

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9. This Court has jurisdiction over this action because the events giving rise to this action occurred in Washoe County, Nevada, and Schieve seeks recovery of damages in excess of \$15,000.

10. Venue is proper in this Court under NRS 13.010.

GENERAL ALLEGATIONS

11. McNeely and 5 Alpha Industries, acting on behalf of a presently unidentified third party, trespassed on Schieve’s private property in order to install a sophisticated GPS tracking device on her personal vehicle, without her consent or knowledge.

12. The GPS tracking device transmitted constant signals of Schieve’s exact location, regardless of whether the vehicle was on public or private property.

13. This information was used, upon information and belief, to photograph and surveil Schieve.

14. The United States Supreme Court held that the “Government’s installation of a GPS device on a target’s vehicle, and its use of that device to monitor the vehicle’s movements, constitutes a ‘search.’” *United States v. Jones*, 565 U.S. 400, 404 (2012) (five Justices concluding that privacy concerns would be raised by GPS tracking).

15. The District of Nevada explicitly held that the installation of a GPS tracker implicates the tort of invasion of privacy. *Ringelberg v. Vanguard Integrity Pros.-Nevada, Inc.*, No. 217CV01788JADPAL, 2018 WL 6308737, at *8–9 (D. Nev. Dec. 3, 2018). In *Ringelberg*, the plaintiff pleaded a claim for invasion of privacy based on allegations that, among other things, a tracking device was placed on his car. *Id.* The district court rejected the defense’s argument that plaintiff “had no reasonable expectation of privacy on the public or private streets he traveled or in his driveway” and held that there was no basis to grant summary judgment against plaintiff on the privacy claim. *Id.*

16. The tracking and surveillance of Schieve caused her, as it would cause any reasonable person, significant fear and distress.

17. Based on the foregoing facts, Schieve is entitled to the relief set forth below.

FIRST CAUSE OF ACTION

(Invasion of Privacy – Intrusion upon Seclusion)

18. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.

19. Plaintiff had an objective and subjective expectation of privacy in the information obtained by Defendants, including in her location and in the movement of her personal vehicle.

20. Plaintiff did not consent to Defendants’ actions.

21. Defendants’ disclosure of the private information obtained from the GPS tracking device was offensive and objectionable to a reasonable person.

22. The disclosed information was not public and was not capable of determination from public sources.

23. As a direct and proximate result of Defendants’ actions, Plaintiff has been damaged in excess of \$15,000.00 and has suffered anguish and distress. Defendants’ actions entailed oppression, fraud, or malice warranting the imposition of exemplary and punitive damages.

24. It has been necessary for Plaintiff to retain attorneys to bring this Complaint. Accordingly, Plaintiff is entitled to recover her reasonable attorney’s fees and costs incurred herein.

SECOND CAUSE OF ACTION

(Invasion of Privacy – Public Disclosure of Private Facts)

25. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.

26. Plaintiff had an objective and subjective expectation of privacy in the information obtained by Defendants, including in her location and in the movement of her personal vehicle.

27. Plaintiff did not consent to Defendants’ actions.

28. Defendants published private information about Plaintiff.

29. No legitimate public interest was served by having these private facts disclosed.

30. Defendants’ disclosure of the private information obtained from the GPS tracking device was offensive and objectionable to a reasonable person.

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FOURTH CAUSE OF ACTION

(Negligence and Negligence Per Se)

43. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.

44. Defendants had a duty to exercise reasonable care in acting as a private investigator in compliance with Nevada law.

45. Defendants violated multiple Nevada statutes including NRS 200.575, NRS 199.300, and others.

46. Defendants are jointly and severally liable to Plaintiff.

47. Defendants' failure to exercise reasonable care was the actual and proximate cause of Plaintiff's injuries, damages, and losses, which are in excess of \$15,000.00.

48. It has been necessary for Plaintiff to retain attorneys to bring this Complaint. Accordingly, Plaintiff is entitled to recover her reasonable attorney's fees and costs incurred herein.

FIFTH CAUSE OF ACTION

(Trespass)

49. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.

50. Plaintiff was the lawful owner of her vehicle and the private property on which it was stored.

51. Defendants intentionally entered on Plaintiff's private property to place a GPS tracking device on Plaintiff's vehicle.

52. Defendants caused actual or nominal damage to Plaintiff's property.

53. Defendants' actions entailed oppression, fraud, or malice warranting the imposition of exemplary and punitive damages.

54. It has been necessary for Plaintiff to retain attorneys to bring this Complaint. Accordingly, Plaintiff is entitled to recover her reasonable attorney's fees and costs incurred herein.

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SIXTH CAUSE OF ACTION

(Civil Conspiracy)

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3 55. Plaintiff incorporates the allegations contained in the preceding and following
4 paragraphs as if set forth verbatim herein.

5 56. Defendants purposefully and maliciously acted in concert with each other, and with
6 others, to invade the privacy of Plaintiff.

7 57. Defendants purposefully and maliciously intended to harm Plaintiff.

8 58. Through their concerted action, Defendants caused damages to Plaintiff as set forth
9 by all the facts as stated herein.

10 59. Plaintiff has sustained and will continue to suffer damages in excess of \$15,000.00
11 as a direct and proximate result of Defendants' conspiracy.

12 60. Plaintiff is entitled to exemplary and punitive damages as a result of Defendants'
13 oppression, fraud, or malice.

SEVENTH CAUSE OF ACTION

(Aiding and Abetting)

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16 61. Plaintiff incorporates the allegations contained in the preceding and following
17 paragraphs as if set forth verbatim herein.

18 62. Defendants, and each of them, were aware of the conduct against Plaintiff and
19 actively or passively participated in the conduct by aiding one or more of the other named or
20 unnamed Defendants.

21 63. Defendants substantially assisted one another to accomplish the wrongful acts
22 committed against Plaintiff.

23 64. Defendants, and each of them, were aware of the conduct and intentions of the other
24 Defendants.

25 65. Through their concerted action, Defendants caused damages to Plaintiff as set forth
26 by all the facts as stated herein.

27 66. Plaintiff has sustained and will continue to suffer damages in excess of \$15,000.00
28 as a direct and proximate result of Defendants' aiding and abetting.

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WHEREFORE, Plaintiff requests relief as follows:

1. For judgment in favor of Plaintiff and against Defendants;
2. For preliminary and permanent injunctive relief and declaratory relief;
3. For damages in an amount in excess of \$15,000.00 for each cause of action to be determined at trial;
4. For exemplary and punitive damages in an amount no less than three times the amount awarded to Plaintiff for compensatory damages;
5. For pre-judgment and post-judgment interest as provided by law;
6. For an award of attorney’s fees and costs as special damages;
7. For an award of Plaintiff’s costs, disbursements, and attorney’s fees incurred in this action; and
8. For such other and further relief as the Court may deem just and proper.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that this document does not contain the social security number of any person.

Dated: December 15, 2022

McDONALD CARANO LLP

By: /s/ Adam Hosmer-Henner
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Chelsea Latino (NSBN 14227)
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