FILED Electronically CV22-02015 2022-12-15 12:35:43 PM Alicia L. Lerud Clerk of the Court ransaction # 9411793 : csulezic

1	\$1425		Alicia L. Lerud Clerk of the Court
	Adam Hosmer-Henner (NSBN 12779)	Т	ransaction # 9411793 : csulez
2	Chelsea Latino (NSBN 14227) Philip Mannelly (NSBN 14236)		
4	Jane Susskind (NSBN 15099) McDONALD CARANO LLP		
	100 West Liberty Street, Tenth Floor		
5	Reno, Nevada 89501 Telephone: (775) 788-2000		
6	ahosmerhenner@mcdonaldcarano.com clatino@mcdonaldcarano.com		
7 8	pmannelly@mcdonaldcarano.com jsusskind@mcdonaldcarano.com		
9	Counsel for Hillary Schieve		
10	IN THE SECOND JUDICIAL DISTR	ICT COURT OF THE S	TATE OF NEVADA
11	IN AND FOR THE	COUNTY OF WASHO	ЭE
12			
13	HILLARY SCHIEVE, an individual,	Case No.:	
14	Plaintiff,	Dept. No.	
15	V.		
16	DAVID MCNEELY, an individual, 5		
17	ALPHA INDUSTRIES, LLC, a Nevada limited-liability company, and DOES 1		
18	through X and ROES 1 through X, inclusive	2,	
19	Defendants.	1	
20			
21		<u>MPLAINT</u> •ial Demanded)	
22	(Exempt from Arbitration – N.A.R. 3 – Declaratory Relief, Amount in Controversy)		
23	Hillary Schieve ("Plaintiff" or "Schie	eve") complains and alleg	es against David McNeely
24	("McNeely") and 5 Alpha Industries, LLC (	5 Alpha Industries" and	collectively "Defendants")
25	as follows:		
26	NATURE (	OF THE ACTION	
27	1. In a time of heightened pol	itical tumult, the recent	revelation of Defendants'
28	actions still managed to shock the conscience	e. Private investigator Dav	vid McNeely, at the request

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

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

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

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

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

## PARTIES

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

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

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

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

28

//

1	JURISDICTION AND VENUE
2	9. This Court has jurisdiction over this action because the events giving rise to this
3	action occurred in Washoe County, Nevada, and Schieve seeks recovery of damages in excess of
4	\$15,000.
5	10. Venue is proper in this Court under NRS 13.010.
6	GENERAL ALLEGATIONS
7	11. McNeely and 5 Alpha Industries, acting on behalf of a presently unidentified third
8	party, trespassed on Schieve's private property in order to install a sophisticated GPS tracking
9	device on her personal vehicle, without her consent or knowledge.
10	12. The GPS tracking device transmitted constant signals of Schieve's exact location,
11	regardless of whether the vehicle was on public or private property.
12	13. This information was used, upon information and belief, to photograph and surveil
13	Schieve.
14	14. The United States Supreme Court held that the "Government's installation of a
15	GPS device on a target's vehicle, and its use of that device to monitor the vehicle's movements,
16	constitutes a 'search.'" United States v. Jones, 565 U.S. 400, 404 (2012) (five Justices concluding
17	that privacy concerns would be raised by GPS tracking).
18	15. The District of Nevada explicitly held that the installation of a GPS tracker
19	implicates the tort of invasion of privacy. Ringelberg v. Vanguard Integrity ProsNevada, Inc.,
20	No. 217CV01788JADPAL, 2018 WL 6308737, at *8–9 (D. Nev. Dec. 3, 2018). In Ringelberg,
21	the plaintiff pleaded a claim for invasion of privacy based on allegations that, among other things,
22	a tracking device was placed on his car. Id. The district court rejected the defense's argument that
23	plaintiff "had no reasonable expectation of privacy on the public or private streets he traveled or
24	in his driveway" and held that there was no basis to grant summary judgment against plaintiff on
25	the privacy claim. <i>Id</i> .

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

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

1	FIRST CAUSE OF ACTION
2	(Invasion of Privacy – Intrusion upon Seclusion)
3	18. Plaintiff incorporates the allegations contained in the preceding and following
4	paragraphs as if set forth verbatim herein.
5	19. Plaintiff had an objective and subjective expectation of privacy in the information
6	obtained by Defendants, including in her location and in the movement of her personal vehicle.
7	20. Plaintiff did not consent to Defendants' actions.
8	21. Defendants' disclosure of the private information obtained from the GPS tracking
9	device was offensive and objectionable to a reasonable person.
10	22. The disclosed information was not public and was not capable of determination
11	from public sources.
12	23. As a direct and proximate result of Defendants' actions, Plaintiff has been damaged
13	in excess of \$15,000.00 and has suffered anguish and distress. Defendants' actions entailed
14	oppression, fraud, or malice warranting the imposition of exemplary and punitive damages.
15	24. It has been necessary for Plaintiff to retain attorneys to bring this Complaint.
16	Accordingly, Plaintiff is entitled to recover her reasonable attorney's fees and costs incurred
17	herein.
18	SECOND CAUSE OF ACTION
19	(Invasion of Privacy – Public Disclosure of Private Facts)
20	25. Plaintiff incorporates the allegations contained in the preceding and following
21	paragraphs as if set forth verbatim herein.
22	26. Plaintiff had an objective and subjective expectation of privacy in the information
23	obtained by Defendants, including in her location and in the movement of her personal vehicle.
24	27. Plaintiff did not consent to Defendants' actions.
25	28. Defendants published private information about Plaintiff.
26	29. No legitimate public interest was served by having these private facts disclosed.
27	30. Defendants' disclosure of the private information obtained from the GPS tracking
28	device was offensive and objectionable to a reasonable person.
	4

1

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

24

31. The disclosed information was not public and was not capable of determination 2 from public sources.

32. 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.

33. 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.

## THIRD CAUSE OF ACTION

## (Violation of NRS Chapter 200, Anti-Doxxing)

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

35. Defendants obtained and disseminated personal identifying information and sensitive information about Plaintiff in violation of NRS Chapter 200 and AB 296 (2021).

36. Plaintiff did not consent to Defendants' actions.

Defendants intended to cause harm to Plaintiff and knew or recklessly disregarded 37. the reasonable likelihood that the dissemination of Plaintiff's location could lead to death, bodily injury, harassment, stalking, financial loss, or a substantial life disruption.

19 38. The dissemination of the information obtained by Plaintiff would cause a 20 reasonable person to fear death, bodily injury, harassment, stalking, financial loss, or a substantial life disruption. 21

22 39. The information obtained by Defendants did identify and could be used to identify and track Plaintiff. 23

> 40. No justification or privilege protects Defendants' conduct.

41. 25 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. 26

27 42. 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. 28

1		FOURTH CAUSE OF ACTION
2		(Negligence and Negligence Per Se)
3	43.	Plaintiff incorporates the allegations contained in the preceding and following
4	paragraphs as	s if set forth verbatim herein.
5	44.	Defendants had a duty to exercise reasonable care in acting as a private investigator
6	in complianc	e with Nevada law.
7	45.	Defendants violated multiple Nevada statutes including NRS 200.575, NRS
8	199.300, and	others.
9	46.	Defendants are jointly and severally liable to Plaintiff.
10	47.	Defendants' failure to exercise reasonable care was the actual and proximate cause
11	of Plaintiff's	injuries, damages, and losses, which are in excess of \$15,000.00.
12	48.	It has been necessary for Plaintiff to retain attorneys to bring this Complaint.
13	Accordingly,	Plaintiff is entitled to recover her reasonable attorney's fees and costs incurred herein.
14		FIFTH CAUSE OF ACTION
15		(Trespass)
16	49.	Plaintiff incorporates the allegations contained in the preceding and following
	12.	i manifestation and antigenesis commute in the processing and tone wing
17		s if set forth verbatim herein.
17 18		
	paragraphs as	s if set forth verbatim herein.
18	paragraphs as 50.	s if set forth verbatim herein.
18 19	paragraphs as 50. was stored. 51.	s if set forth verbatim herein. Plaintiff was the lawful owner of her vehicle and the private property on which it
18 19 20	paragraphs as 50. was stored. 51.	s if set forth verbatim herein. Plaintiff was the lawful owner of her vehicle and the private property on which it Defendants intentionally entered on Plaintiff's private property to place a GPS
18 19 20 21	paragraphs as 50. was stored. 51. tracking devi	s if set forth verbatim herein. Plaintiff was the lawful owner of her vehicle and the private property on which it Defendants intentionally entered on Plaintiff's private property to place a GPS ce on Plaintiff's vehicle.
18 19 20 21 22	paragraphs as 50. was stored. 51. tracking devi 52. 53.	s if set forth verbatim herein. Plaintiff was the lawful owner of her vehicle and the private property on which it Defendants intentionally entered on Plaintiff's private property to place a GPS ce on Plaintiff's vehicle. Defendants caused actual or nominal damage to Plaintiff's property.
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	paragraphs as 50. was stored. 51. tracking devi 52. 53.	s if set forth verbatim herein. Plaintiff was the lawful owner of her vehicle and the private property on which it Defendants intentionally entered on Plaintiff's private property to place a GPS ce on Plaintiff's vehicle. Defendants caused actual or nominal damage to Plaintiff's property. Defendants' actions entailed oppression, fraud, or malice warranting the imposition
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	paragraphs as 50. was stored. 51. tracking devi 52. 53. of exemplary 54.	s if set forth verbatim herein. Plaintiff was the lawful owner of her vehicle and the private property on which it Defendants intentionally entered on Plaintiff's private property to place a GPS ce on Plaintiff's vehicle. Defendants caused actual or nominal damage to Plaintiff's property. Defendants' actions entailed oppression, fraud, or malice warranting the imposition and punitive damages.
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	paragraphs as 50. was stored. 51. tracking devi 52. 53. of exemplary 54.	s if set forth verbatim herein. Plaintiff was the lawful owner of her vehicle and the private property on which it Defendants intentionally entered on Plaintiff's private property to place a GPS ce on Plaintiff's vehicle. Defendants caused actual or nominal damage to Plaintiff's property. Defendants' actions entailed oppression, fraud, or malice warranting the imposition and punitive damages. It has been necessary for Plaintiff to retain attorneys to bring this Complaint.
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>	paragraphs as 50. was stored. 51. tracking devi 52. 53. of exemplary 54. Accordingly,	s if set forth verbatim herein. Plaintiff was the lawful owner of her vehicle and the private property on which it Defendants intentionally entered on Plaintiff's private property to place a GPS ce on Plaintiff's vehicle. Defendants caused actual or nominal damage to Plaintiff's property. Defendants' actions entailed oppression, fraud, or malice warranting the imposition and punitive damages. It has been necessary for Plaintiff to retain attorneys to bring this Complaint.
<ol> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> </ol>	paragraphs as 50. was stored. 51. tracking devi 52. 53. of exemplary 54. Accordingly, //	s if set forth verbatim herein. Plaintiff was the lawful owner of her vehicle and the private property on which it Defendants intentionally entered on Plaintiff's private property to place a GPS ce on Plaintiff's vehicle. Defendants caused actual or nominal damage to Plaintiff's property. Defendants' actions entailed oppression, fraud, or malice warranting the imposition and punitive damages. It has been necessary for Plaintiff to retain attorneys to bring this Complaint.

1	SIXTH CAUSE OF ACTION
2	(Civil Conspiracy)
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.
14	SEVENTH CAUSE OF ACTION
15	(Aiding and Abetting)
10	(Along and Abetting)
16	61. Plaintiff incorporates the allegations contained in the preceding and following
16	61. Plaintiff incorporates the allegations contained in the preceding and following
16 17	61. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.
16 17 18	<ul> <li>61. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.</li> <li>62. Defendants, and each of them, were aware of the conduct against Plaintiff and</li> </ul>
16 17 18 19	<ul> <li>61. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.</li> <li>62. Defendants, and each of them, were aware of the conduct against Plaintiff and actively or passively participated in the conduct by aiding one or more of the other named or</li> </ul>
16 17 18 19 20	<ul> <li>61. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.</li> <li>62. Defendants, and each of them, were aware of the conduct against Plaintiff and actively or passively participated in the conduct by aiding one or more of the other named or unnamed Defendants.</li> </ul>
16 17 18 19 20 21	<ul> <li>61. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.</li> <li>62. Defendants, and each of them, were aware of the conduct against Plaintiff and actively or passively participated in the conduct by aiding one or more of the other named or unnamed Defendants.</li> <li>63. Defendants substantially assisted one another to accomplish the wrongful acts</li> </ul>
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	<ul> <li>61. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.</li> <li>62. Defendants, and each of them, were aware of the conduct against Plaintiff and actively or passively participated in the conduct by aiding one or more of the other named or unnamed Defendants.</li> <li>63. Defendants substantially assisted one another to accomplish the wrongful acts committed against Plaintiff.</li> </ul>
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	<ul> <li>61. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.</li> <li>62. Defendants, and each of them, were aware of the conduct against Plaintiff and actively or passively participated in the conduct by aiding one or more of the other named or unnamed Defendants.</li> <li>63. Defendants substantially assisted one another to accomplish the wrongful acts committed against Plaintiff.</li> <li>64. Defendants, and each of them, were aware of the conduct and intentions of the other</li> </ul>
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	<ul> <li>61. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.</li> <li>62. Defendants, and each of them, were aware of the conduct against Plaintiff and actively or passively participated in the conduct by aiding one or more of the other named or unnamed Defendants.</li> <li>63. Defendants substantially assisted one another to accomplish the wrongful acts committed against Plaintiff.</li> <li>64. Defendants, and each of them, were aware of the conduct and intentions of the other</li> </ul>
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	<ul> <li>61. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.</li> <li>62. Defendants, and each of them, were aware of the conduct against Plaintiff and actively or passively participated in the conduct by aiding one or more of the other named or unnamed Defendants.</li> <li>63. Defendants substantially assisted one another to accomplish the wrongful acts committed against Plaintiff.</li> <li>64. Defendants, and each of them, were aware of the conduct and intentions of the other Defendants.</li> <li>65. Through their concerted action, Defendants caused damages to Plaintiff as set forth</li> </ul>
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>	<ul> <li>61. Plaintiff incorporates the allegations contained in the preceding and following paragraphs as if set forth verbatim herein.</li> <li>62. Defendants, and each of them, were aware of the conduct against Plaintiff and actively or passively participated in the conduct by aiding one or more of the other named or unnamed Defendants.</li> <li>63. Defendants substantially assisted one another to accomplish the wrongful acts committed against Plaintiff.</li> <li>64. Defendants, and each of them, were aware of the conduct and intentions of the other Defendants.</li> <li>65. Through their concerted action, Defendants caused damages to Plaintiff as set forth by all the facts as stated herein.</li> </ul>

1	67.	Plaintiff is entitled to exemplary and punitive damages as a result of Defendants'
2	oppression, fr	raud, or malice.
3		EIGHTH CAUSE OF ACTION
4		(Declaratory Relief)
5	68.	Plaintiff incorporates the allegations contained in the preceding and following
6	paragraphs as	s if set forth verbatim herein.
7	69.	A justiciable controversy exists between Plaintiff and Defendants.
8	70.	Plaintiff's interests are adverse to Defendants' interests in this dispute and are ripe
9	for judicial de	etermination.
10	71.	Plaintiff is entitled to a judicial determination that Defendants' conduct violates
11	the Nevada st	tatutes identified in this Complaint.
12	//	
13	//	
14	//	
15	//	
16	//	
17	//	
18	//	
19	//	
20	//	
21	//	
22	//	
23	//	
24	//	
25	//	
26	//	
27	//	
28	//	
		8
		0

1	WH	EREFORE, Plaintiff requests relief as follows:
2	1.	For judgment in favor of Plaintiff and against Defendants;
3	2.	For preliminary and permanent injunctive relief and declaratory relief;
4	3.	For damages in an amount in excess of \$15,000.00 for each cause of action to be
5	determined	at trial;
6	4.	For exemplary and punitive damages in an amount no less than three times the
7	amount awa	rded to Plaintiff for compensatory damages;
8	5.	For pre-judgment and post-judgment interest as provided by law;
9	6.	For an award of attorney's fees and costs as special damages;
10	7.	For an award of Plaintiff's costs, disbursements, and attorney's fees incurred in
11	this action; a	and
12	8.	For such other and further relief as the Court may deem just and proper.
13		AFFIRMATION PURSUANT TO NRS 239B.030
14	The	undersigned does hereby affirm that this document does not contain the social security
15	number of a	ny person.
16	Date	d: December 15, 2022
17		McDONALD CARANO LLP
18		
19 20		By: <u>/s/ Adam Hosmer-Henner</u> Adam Hosmer-Henner (NSBN 12779) Chelsea Latino (NSBN 14227)
20		Philip Mannelly (NSBN 14236) Jane Susskind (NSBN 15099)
21		100 West Liberty Street, Tenth Floor
22		Reno, Nevada 89501
23		Counsel for Hillary Schieve
25		
26		
27		
28		
20		
		9
	•	