

1 Case No. CV 21,682-1  
2 Dept. No. 2

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4 **IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
**IN AND FOR THE COUNTY OF HUMBOLDT**

5 NORA ALANIZ, )  
6 Plaintiff, )

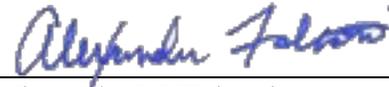
7 vs. )

8 KRISTOPHER DANIEL, )  
9 Defendant. )

**REPLY TO STATE OF NEVADA'S**  
**OBJECTION TO MEDIA REQUEST**

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11 COMES NOW, Our Nevada Judges<sup>1</sup>, appearing in proper person, and hereby files a reply  
12 to the *State of Nevada's Objection to Media Request* filed October 9, 2019. This reply is based  
13 upon the following memorandum of points and authorities and all pleadings on file herein.

14 DATED this 11 day of October, 2019.

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17 Alexander M. Falconi  
18 Our Nevada Judges  
19 Administrator

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<sup>1</sup> This organization is not a business entity; it is a sole proprietorship, owned, operated, and controlled by the individual, Alexander M. Falconi.

**Memorandum of Points and Authorities**

**1. Procedure on Request**

The State of Nevada (‘State’) asserts “no support or argument” was cited in Our Nevada Judges’ media request. The request is consistent with 230(1) and the procedure filed in other judicial districts, and has been acknowledged by the Supreme Court of Nevada. *Solid v. Eighth Judicial District Court*, 133 Nev. 118, 393 P. 3d 666 (2017). A media request is filed, the Court may grant or deny. If approved, a motion for reconsideration may be filed. *Id.* If denied, media may seek writ relief. Compare *Id.* See also SCR 243. On reconsideration, either party may seek writ relief. Compare *Id.* See also SRC 243.

**2. Entitlement to Provide Electronic Coverage of Judicial Proceedings Is Presumed**

State seeks revocation generally under SCR 230(2), with two exceptions which will be addressed specifically in the following section. State cites circumstances virtually identical to a subset of those considered by the *Solid* Court (contemplating the “[SCR] governing media in the courtroom.”)

The *Solid* Court thoroughly addressed SCR 230(2) and emphasized the “presumption that all courtroom proceedings that are open to the public are subject to electronic coverage.” *Id.* State would “fail[] to overcome the presumption” for the same reasons Mr. *Solid* failed; namely, that “[t]he record does not support this argument.” *Id.* Like Mr. *Solid*, State has not “present[ed] evidence showing how [Our Nevada Judges’s] cameras affect the fairness of the [hearing], [or] the dignity of the proceedings[.]” *Id.* Our Nevada Judges has already provided coverage of several<sup>2</sup> proceedings to the public in a professional, courteous, and dignified manner, all of which has been published, and none of which has been offered by State as proof<sup>3</sup> implicating

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<sup>2</sup> E.g. *State of Nevada v. Michael McDonald*, Eighth Jud. Dist. Ct., Case No: C-18-335284-1.

<sup>3</sup> *Nev. Ass'n Servs., Inc. v. Eighth Judicial Dist. Court*, 130 Nev. 949, 957, 338 P.3d 1250, 1255 (2014) (noting that arguments of counsel are not evidence and do not establish [] facts).

1 anything that might rebut the presumption our high court has set forth in favor of providing  
2 electronic coverage of judicial proceedings to the public.

### 3 **3. On Relevance and The Privacy Interests of Children and Parties Finances**

4 Typically, media entities record proceedings, but summarize a “story” and provide  
5 snippets of footage to the public. This is an information first, education secondary, approach,  
6 which usually amounts to coverage of “sensational” cases, but is nevertheless consistent with  
7 SCR 241(1). Our Nevada Judges provides a minimal summary, no “story”, and coverage of the  
8 entire proceeding to the public. This is an education first, information secondary, approach,  
9 while unusual, is also consistent with SCR 241(1). While State is not accustomed to this type of  
10 comprehensive coverage, it nonetheless does not run afoul of the public policy of this State and  
11 is as meaningful if not more so to a viewership that is interested in understanding the judicial  
12 process in this State. Trial coverage of the *State of Nevada vs. Michael Lee McDonald*<sup>4</sup>  
13 emphasized the educational approach, providing detailed overlays such as the phase of trial,  
14 whether the jury was present, the specific judicial district and department being covered, as well  
15 as names and roles of counsel, judicial officers, and witnesses. This same approach is taken in all  
16 cases, and can be taken by this case, whilst taking precautions that protect the identities of the  
17 children, and Parties financial details. Our Nevada Judges will abide by restrictions imposed by  
18 this Court consistent with protecting a child’s privacy interests, and a family’s detailed finances.  
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23 Our Nevada Judges, which provides information and statistic analysis on every judicial  
24 district and their corresponding judicial departments of this State, including candidates, back to  
25 1864, was founded in 2014 and has, throughout the entirety of its existence, maintained a fact-  
26 intensive focus on the information provided to the public. Coverage of judicial proceedings is an  
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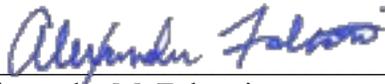
<sup>4</sup> A number of other cases have been covered, but this case provides the most comprehensive example of the aim and objective of Our Nevada Judges.

1 extension of this aim. Public interest in these proceedings is substantial, with analytics indicated  
2 an excess of 72,800 views and 935,600 watch-time minutes in a mere two months.

3 **4. Conclusion**

4 While it is the SCR that specifically entitled Our Nevada Judges to cover these  
5 proceedings, what is truly at stake here is the right of the public to view them. A revocation of  
6 media access' does little harm to Our Nevada Judges, but would constitute a disservice to the  
7 citizenry of this State.  
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9 DATED THIS 11 day of October, 2019.

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11 \_\_\_\_\_  
12 Alexander M. Falconi

13 **Declaration of Alexander M. Falconi**

14 I, Alexander M. Falconi, do hereby that I am over the age of 18 and have read the  
15 foregoing reply, and the factual averments it contains are true and correct to the best of my  
16 knowledge, except as to those matters based on information and belief, and as to those matters, I  
17 believe them to be true.  
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19 *I declare under penalty of perjury that the foregoing is true and correct.*

20 EXECUTED THIS 11 day of October, 2019.

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23 Alexander M. Falconi