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**DISTRICT COURT
CLARK COUNTY, NEVADA
FAMILY DIVISION**

<div><div></div><div>Petitioner,</div><div>vs.</div><div></div><div>Respondent.</div><div>/</div></div>	<div>CASE NO: D-19-<div>-C</div></div> <div>DEPT NO: U</div> <div><u>REPLY TO OPPOSITION TO LIMITED MOTION TO UNSEAL</u></div>
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COMES NOW, Our Nevada Judges, Inc., a Nevada non-profit corporation, by and through the undersigned counsel, and hereby replies Petitioner's opposition to motion to unseal filed March 13, 2024.

This reply is based upon the following memorandum of points and authorities, and the exhibits attached hereto.

MEMORANDUM OF POINTS AND AUTHORITIES

Alexander Falconi is an SCR 229(1)(c) news reporter who directs Our Nevada Judges, Inc. ('ONJ'), a Nevada non-profit corporation recognized by the IRS as a Section 501(c)(3) organization.

1. This Court Must Order Compliance With SRCR 3(5)(c)

It does not appear that Petitioner is actually opposed to ONJ's request. ONJ is requesting the information in Petitioner's opposition at 3:8-14. To the extent the

1 word “docket index” confused Petitioner, the rule uses the phrase “court indices”
2 and the information that must be made available can be readily found on Odyssey.
3 Exhibit 1. An order by this court unsealing it, and directing the Clerk to make the
4 “court indices” available, will suffice.
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6 ONJ is also entitled to review of any sealing orders. SRCR 3(5)(c)(vi). If
7 Petitioner is indeed arguing that ONJ should not be allowed to know when hearings
8 are occurring, such would be repugnant to the First Amendment. *Falconi v. Eighth*
9 *Jud. Dist. Ct.*, 140 Nev., Advance Opinion 8 (2024). In essence, Petitioner’s
10 interpretation that the rule allows concealing from ONJ the dates of hearings
11 presents this Court with questions of statutory construction, the rules of which
12 “require[] neither argument nor reference to authorities to show that when the
13 language of a statute admits of two constructions, one of which would render it
14 constitutional and valid and the other unconstitutional and void, that construction
15 should be adopted which will save the statute. *State v. Castenada*, 126 Nev. 478,
16 ___, 245 P.3d 550, 552 (2024). The decision in *Falconi* is broad; it applies to “local
17 rules and statutes” that “require” closure. Rendering secret the dates and times of
18 hearings constructively closes the court. This Court must exercise the discretion
19 constitutionally mandated by the First Amendment to determine whether and how a
20 proceeding may be closed to the press, and any other “local rules and statutes” that
21 “bypass [this] exercise of judicial discretion” are as unconstitutional as NRS
22 125.080, EDCR 5.207, and EDCR 5.212 are.
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26 The *Falconi* Court mandated a First Amendment analysis by broadly
27 expanding it from criminal proceedings to civil proceedings. The *Falconi* Court
28

expressly held “there is no reason to distinguish family law proceedings from civil proceedings[.]” Petitioner may seek to close these proceedings from the press, but hiding the dates and times of hearings is not the proper way to do so. The First Amendment analysis must occur. The reasons our society demands “open court proceedings” are profound. “[S]ecret judicial proceedings pose [a threat] to public confidence in this court and the judiciary” because “secrecy encourages misunderstanding, distrust, and disrespect for the courts.” *Del Papa v. Steffen*, 112 Nev. 369, 374, 915 P.2d 245, 249 (1996).

2. Conclusion

"People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing." *Richmond Newspapers*, 448 U. S., at 572.

For these several reasons, this Court should order the Clerk to unseal the court indices, any sealing orders, and the notices of hearing which are 1-page pieces of paper that are non-substantive to the case and merely disclose hearing dates.

NRS 239B.030(4) AFFIRMATION

Pursuant to NRS 239B.030 the undersigned hereby affirms that this document does not contain the social security number of any person.

DATED this Mar 14, 2024

By: /s/ Luke Busby

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I declare under penalty of perjury that the foregoing is true and correct.

Alexander Felsow

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CERTIFICATE OF SERVICE

I certify that on the date shown below, I caused service to be completed of a true and correct copy of the foregoing document by:

_____ personally delivering;

_____ delivery via Reno/Carson Messenger Service;

_____ sending via Federal Express (or other overnight delivery service);

_____ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto;

or,

 x delivery via electronic means (fax, eflex, NEF, etc.) to:

Richard Schonfeld, Esq.

Gina Fiore

DATED this Mar 15, 2024

By: /s/ Luke Busby

LIST OF EXHIBITS

Exhibit 1: Screenshot
Pages: 1

EXHIBIT 1

EXHIBIT 1

Case Information

D-21-639924-D | Leanne Nester, Plaintiff vs. Cody Gamble, Defendant.

Case Number	Court	Judicial Officer
D-21-639924-D	Department Q	Duckworth, Bryce C.
File Date	Case Type	Case Status
12/23/2021	Divorce - Complaint	Reopened

Party

Subject Minor
Gamble, Zion Leanne

DOB
XX/XX/XXXX

Plaintiff
Nester, Leanne

DOB
XX/XX/XXXX

Active Attorneys ▼
Pro Se

Counter Defendant
Nester, Leanne

DOB
XX/XX/XXXX

Active Attorneys ▼
Pro Se

Other (Participant)
Our Nevada Judges, Inc.

Active Attorneys ▼
Lead Attorney
Busby, Luke A.
Retained

Inactive Attorneys ▼
Pro Se