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

SEALED-UNKNOWN,

Plaintiff,

vs.

SEALED-UNKNOWN,

Defendant.

CASE NO: D-21-XXXXXX-P

DEPT NO: D

NO HEARING REQUESTED

MOTION TO UNSEAL CASE FILE

NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

I. INTRODUCTION

COMES NOW, Our Nevada Judges, Inc., a Nevada non-profit corporation, (“ONJ”), by and through the undersigned counsel, Lorien K. Cole, Esq. of the Cole

1 Family Law Firm, Staff Attorney for ONJ, and hereby files the following *Motion to*
2 *Unseal Case File*.

3
4 This motion is based upon the following memorandum of points and authorities,
5 and the exhibits attached hereto.

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8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **II. STATEMENT OF FACTS**

10 District Court Judge Jasmin Lilly-Spells has allowed ONJ to provide
11 comprehensive electronic coverage of criminal proceedings brought against one of the
12 parties to this paternity action.¹ The Defendant, Christiann Ault, appeared for
13 arraignment, which was filmed and published. Consistent with ONJ's serial and
14 clustered case coverage models, limited access to this matter is requested pursuant to
15 SCRCR 4(2).²

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18 ONJ is primarily interested in deploying high-definition cameras. Problematically,
19 paternity cases are so extensively sealed that even the existence of the cases, as well
20 as the hearing dates and times, are rendered invisible. This unconstitutionally interferes
21 with ONJ's presumptive right of access. This *Motion* follows.
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27 ¹ Exhibit 1: *Order* filed on July 22, 2025 in Case no. C-25-392832-1 signed by District Court Judge
28 Jasmin Lilly-Spells granting media access.

² SCRCR 4(2) allows a non-party news reporter to file a *Motion to Unseal*.

III. LEGAL ARGUMENT

SRCR 1(4) provides the scope of the rules on sealing and redaction of court records in civil actions. A list of NRS Chapters are provided as examples, but the list is not exclusive³ and manifests the harmonious construction⁴ principle of statutory interpretation, with the additional caveat that court rules⁵ give way to any “specific” statute governing sealing and redaction. NRS 126.211 does not wholly render the SRCR inapplicable, it would supersede only insofar as its language conflicts with a rule.

Even if this Court were to deem the SRCR inapplicable, it would not necessarily render the case file unsealable. “A court’s authority to limit or preclude public access to judicial records and documents stems from three sources: constitutional law, statutory law, and common law.”⁶ The *Howard* case held that the common law generally favors public access but gives way to statutes and court rules.⁷ While there

³ SRCR 1(4): “These rules do not apply to the sealing or redacting of court records under **specific** statutes, **such as...**” (emphasis added).

⁴ *Simmons Self-Storage vs Rib Roof, Inc.*, 130 Nev. 540, 546, 331 P. 3d 850, 854 (2014) (“[T]his court interprets provisions within a common statutory scheme harmoniously with one another in accordance with the general purpose of those statutes' to avoid unreasonable or absurd results and give effect to the Legislature's intent.”)

⁵ *Weddell v. Stewart*, 127 Nev. 645, 650, 261 P.3d 1080, 1084 (2011) (“[R]ules of statutory construction apply to court rules.”)

⁶ *Howard v. State*, 128 Nev. 736, 291 P. 3d 137 2012). *See also United States v. James*, 663 F. Supp. 2d 1018, 1020 (W.D. Wash. 2009) (“domestic press outlets unquestionably have standing to challenge access to court documents.”) (citation omitted).

⁷ *Id.*

1 were no constitutional issues relevant to the *Howard* Court’s analysis at the time, the
2 Supreme Court later clarified in the *Falconi* case that a First Amendment right of
3 access to the underlying proceedings, including family law proceedings, exists.⁸ NRS
4 126.211 is even more draconian than the nullified NRS 125.080 because its plain
5 language wholly bars access to the courtroom.
6

7
8 NRS 126.211 also unconstitutionally interferes with access to access-related
9 records.⁹ The *Falconi* case broadly expanded the scope of the ruling in *Stephens Media*
10 from criminal proceedings to all civil proceedings, including family law proceedings.¹⁰
11 Importantly, the *Stephens Media* case recognized a powerful distinction left untouched
12 by the *Howard* case; namely, that there was a distinction between oral proceedings and
13 documentation that “merely facilitate[s] and expedite[s]” one of those oral
14 proceedings, specifically, jury questionnaires and *voir dire*.¹¹ The *Stephens Media* case
15 recognized that the purpose of the jury questionnaires was their direct connection to
16 and facilitation of *voir dire* proceedings such that they constituted access to the
17 proceedings themselves and thus implicated First Amendment concerns. Obviously,
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23 ⁸ *Falconi v. Eighth Jud. Dist. Ct.*, 140 Nev., Advance Op. 8 (2024).

24 ⁹ *Stephens Media, LLC. v. Eighth Judicial District Court*, 125 Nev. 849, 221 P. 3d 1240 (2009).

25 ¹⁰ *Falconi v. Eighth Jud. Dist. Ct.*, 140 Nev., Advance Op. 8 (2024) (“We take this opportunity to
26 expand our discussion in *Stephens Media*, which concluded that there is a right to access criminal
27 proceedings, and hold that the right to access also applies in civil proceedings, including family law
28 proceedings.”)

¹¹ *Stephens Media, LLC. v. Eighth Judicial District Court*, 125 Nev. 849, 221 P. 3d 1240 (2009).

1 the actual records of the hearing dates and times themselves would constitute access
2 to the proceedings.

3
4 The federal judiciary has recently elaborated that rules providing for the
5 automatic sealing of records by a court clerk, based upon the clerk's interpretation of
6 a statute or rule, without "further order of a judge [is] unconstitutionally overbroad."¹²
7
8 In other words, a closing of the courtroom and a statutory sealing under NRS 126.211
9 without the exercise of judicial discretion is unconstitutional.

10 NRS 126.211 contains language allowing this Court to unseal for "good cause".
11
12 This provides the necessary discretion for this Court to apply the *Falconi* case's strict
13 scrutiny analysis. Any construction of this statute that provides otherwise must be
14 rejected because it has been held that "when the language of a statute admits of two
15 constructions, one of which would render it constitutional and valid and the other
16 unconstitutional and void, that construction should be adopted which will save the
17 statute."¹³
18

19
20 The extensive sealing of this case renders ONJ unable to monitor the case as
21 even the dates and times of hearings are rendered invisible. For this reason, ONJ
22 hereby moves this Court to order the case file unsealed. To the extent there may be a
23 basis to seal records and close the Court, ONJ is open to discussion but has been unable
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27 ¹² *Civil Beat Law Ctr. for the Pub. Int., Inc. v. Maile*, 113 F.4th 1168, 1180 (9th Cir. 2024).

28 ¹³ *State v. Castaneda*, 126 Nev. 478, 481, 245 P.3d 550, 553 (2010).

1 to independently verify the extent of any proper sealing and redaction because the
2 entire case file is sealed.

3
4 For these several reasons, ONJ hereby requests:

- 5 1. That the Court deem NRS 126.211 unconstitutional to the extent that it bars
6 access to the courtroom without the exercise of judicial review and discretion.
7
8 2. That the case file be unsealed.
9
10 3. That public access to the portal¹⁴ be restored so that ONJ can monitor hearing
11 dates and times.

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

14 **DATED** this 6 day of August, 2025.

15 COLE FAMILY LAW FIRM

16
17 */s/ Lorien K. Cole*

18 _____
19 LORIEN K. COLE, ESQ.

20 Nevada Bar No. 11912

21 2980 Sunridge Heights Parkway, Ste. 100

22 Henderson, Nevada 89052

23 (702) 720-0114

24 Staff Attorney for Our Nevada Judges, Inc.

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28 _____
¹⁴ <https://www.clarkcountycourts.us/portal>

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I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.

/s/ Lorian Cole

~ 7 ~

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Cole Family
3 Law Firm and that on this 6 day of August, 2025, I caused the above and foregoing
4 document to be served as follows:

- 5
- 6 ☒ the E-Service Master List in the Eighth Judicial District Court E-Filing
7 System, by electronic service in accordance with the mandatory
8 electronic service requirements of Administrative Order 14-2 and the
9 Nevada Electronic Filing and Conversion Rules.
- 10 ☐ by placing same to be deposited for mailing in the United States Mail, in
11 a sealed envelope upon which first class postage was prepaid in Las
12 Vegas, Nevada;
- 13 ☐ pursuant to EDCR 7.26, to be sent via facsimile, by duly executed
14 consent for service by electronic means;
- 15 ☐ by hand delivery with signed Receipt of Copy.
- 16 ☐ by First Class, Certified U.S. Mail.

17 To the address, email address, and/or facsimile number indicated below:

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19 

20 _____
21 Founding Director
22 Our Nevada Judges, Inc.
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