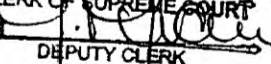


IN THE SUPREME COURT OF THE STATE OF NEVADA

OUR NEVADA JUDGES, INC.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
CHARLES J. HOSKIN, DISTRICT
JUDGE,
Respondents,
and
TROY A. MINTER; AND JENNIFER R.
EASLER,
Real Parties in Interest.

No. 88412

FILED
SEP 12 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER GRANTING PETITION FOR A WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges an order denying a limited motion to unseal the court records in a child custody action. Mandamus is used to compel the performance of a legal duty or to correct a manifest abuse of discretion or arbitrary or capricious action by a lower court, when there is no other adequate remedy at law. *See* NRS 34.160; *Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 680, 476 P.3d 1194, 1196 (2020). Those requirements are satisfied here.

In the underlying child custody proceeding, petitioner Our Nevada Judges, Inc. filed a media request for camera access, which was opposed by real party in interest Troy A. Minter. Thereafter, the district court entered an order sealing the record in the case pursuant to NRS 125.110(2). That statute permits the sealing of the record in divorce actions upon a party's request. The court then denied the media request. Our Nevada Judges filed a petition for a writ of mandamus with this court

challenging the denial of the media request. We granted the petition and directed the district court to vacate its order denying media access. *Falconi v. Eighth Jud. Dist. Ct.*, 140 Nev., Adv. Op. 8, 543 P.3d 92 (2024).¹ In that opinion, we recognized a constitutional right of access to family court proceedings, and held that EDCR 5.207, EDCR 5.212, and NRS 125.080 were unconstitutional. *Id.* at 99-100.

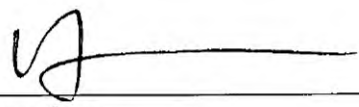
Our Nevada Judges then filed a limited motion to unseal the docket index in the underlying matter. No party opposed the motion. Nevertheless, the district court denied the motion concluding that the Supreme Court Rules Governing Sealing and Redacting Court Records (SRCR) do not apply because either NRS Chapter 125 (dissolution of marriage) or 126 (parentage) applies. Our Nevada Judges then filed this petition challenging the district court's order. In its answer to the petition, the district court asserted that the matter was presumptively closed as a parentage action.


While limited supporting documents were filed in both this petition and the *Falconi* petition, it appears this matter is a child custody action, arising under NRS Chapter 125C where the Supreme Court rules on sealing would apply. It thus is concerning that the district court sealed the record under NRS 125.110(2), when the matter is not a divorce action. And then in its answer to this writ petition, the district court asserts that the

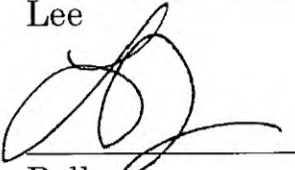
¹Alexander Falconi does business as Our Nevada Judges, Inc. Thus, even though the opinion lists a different party's name, they are one and the same.

matter is a parentage action, governed by NRS Chapter 126.² Further, the district court order sealing the record did not include specific written findings as required by SRCR 3(4) that support a conclusion that a compelling privacy or safety interest outweighs the public interest in access to the court record. Additionally, “[u]nder no circumstances shall the court seal an entire court file.” SRCR 3(5)(c). Thus, because the district court erroneously determined that the SRCR do not apply to this matter and because it sealed the entire underlying file in violation of SRCR 3(5)(c), we conclude that the district court acted arbitrarily and capriciously in denying Our Nevada Judges’ unopposed, limited motion to unseal the docket index. Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to grant Our Nevada Judges’ March 4, 2024, Limited Motion to Unseal.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Bell

²To the extent the district court is concluding that NRS Chapter 126 applies under EDCR 5.207, we recently held that rule was unconstitutional. *Falconi*, 543 P.3d at 99-100.

cc: Hon. Charles J. Hoskin, District Judge, Family Division
Luke A. Busby
Schwab Law Firm PLLC
Page Law Firm
Eighth District Court Clerk