

FILED

2025 SEP 22 PM 4:30

4th JUDICIAL DISTRICT COURT
CLERK _____ DEPUTY *rh*

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

Plaintiff,

vs.

Defendant.

**ORDER GRANTING REQUEST FOR
PERMISSION TO PROVIDE ELECTRONIC
COVERAGE OF STATUS HEARING SET
FOR SEPTEMBER 23, 2025**

This is a divorce action commenced on February 19, 2025 with the filing of a complaint for divorce by Plaintiff _____ against Defendant _____. Defendant filed an answer on March 13, 2025. Defendant filed an answer and counterclaim on May 28, 2025. Three minor children are involved: _____ (born _____ 2013), _____ (born _____, 2015), and _____ (born _____, 2023).

On June 12, 2025, Defendant filed an "Emergency Ex Parte Motion to Suspend Visitation." Defendant wanted an order awarding her temporary sole physical custody of the children. The court granted ex parte relief on June 13, 2025. On June 25, 2025, the court held a hearing to determine whether ex parte relief should continue. Following the hearing, the court entered its "Temporary Order After June 25, 2025 Hearing."

On February 20, 2025, Defendant filed a "Motion for Return of Separate Property Funds." Plaintiff opposed the motion on February 25, 2025.¹

¹ In previous orders, the court wrote that *Plaintiff* filed the "Motion for Return of Separate Property Funds." The court has not yet held a hearing on this motion.

1 On August 21, 2025, Defendant filed an “Ex-Parte Emergency Motion for Sole Physical Custody
2 & Child Support.” On August 25, 2025, the court granted ex parte relief and awarded Defendant
3 temporary sole physical custody of the children.

4 On August 26, 2025, the court held a hearing to determine whether the new ex parte relief should
5 continue. At the hearing, the court learned that Plaintiff has been engaging in supervised visitation at the
6 local DCFS office. At the conclusion of the hearing, the court stated it would continue ex parte relief
7 pending the outcome of the DCFS investigation. The court subsequently entered a written order: (1)
8 continuing ex parte relief; (2) directing the parties to forthwith register for and complete several courses
9 offered by Elko’s Family Resource Center; (3) setting a status hearing for September 23, 2025; and (4)
10 directing Plaintiff’s counsel to forthwith file DCFS’s letter substantiating or unsubstantiating whether
11 Plaintiff abused [REDACTED]

12 On September 11, 2025, Alex Falconi requested an order permitting Our Nevada Judges, Inc. to
13 provide electronic coverage of the status hearing.² On September 15, 2025, the court gave notice of
14 Falconi’s filing and entered a companion order granting leave for the parties to file and serve responses
15 to the request. On September 18, 2025, Plaintiff filed a response within the time set by the court. On
16 September 19, 2025, ONJ responded to Plaintiff’s response. Having now considered the pleadings and
17 other papers on file in this action, the court is granting the request to provide electronic coverage of the
18 status hearing on the condition that ONJ follow its policy for visual and aural redaction of the
19 identities/voices of the parties and the children.
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21 In Falconi v. Eighth Judicial District Court, 543 P.3d 92 (Nev. 2024), the Nevada Supreme Court
22 held that NRS 125.080 “and [complementary] court rules, which permitted closure upon a party’s request
23 in family law proceedings and precluded the district court’s exercise of discretion in closing such
24 proceedings, unconstitutionally violated the public’s presumptive right to access [the] proceedings.”
25 Nester v. Eighth Judicial District Court, 562 P.3d 1071, 1075 (Nev. 2025) (citing Falconi, 543 P.3d at
26 99). In order to overcome this presumptive right, “a party must [instead] demonstrate that ‘(1) closure
27 serves a compelling interest; (2) there is a substantial probability that, in the absence of closure, this
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² Specifically, Falconi seeks ONJ “camera access” to the status hearing. As the court understands the request, Falconi wants an order permitting ONJ access to the courtroom to make and subsequently display an audio-visual recording of the status hearing.

1 compelling interest could be harmed; and (3) there are no alternatives to closure that would adequately
2 protect the compelling interest.” Id. (quoting Falconi, 543 P.3d at 99). “Failure to consider these factors
3 on a case-by-case basis falls short of what is required in evaluating whether a proceeding should be
4 closed.” Id. (citing Falconi, 543 P.3d at 99). Considering the factors is grounded in a court’s “inherent
5 authority to ‘impose reasonable limitations on access to a trial’ when those limitations are required for
6 the fair administration of justice.” Id. at 1076 (quoting Richmond Newspapers, Inc. v. Virginia, 448 U.S.
7 555, 581 n.18 (1980)).

8 At bottom, Plaintiff claims barring ONJ from the courtroom for the status hearing would serve:
9 (1) his interests by preventing the possibility that he would be embarrassed and humiliated by media
10 coverage; and (2) the best interests of the children by protecting their privacy. In the court’s opinion, the
11 privacy of the children constitutes a compelling interest in this proceeding. The question is whether there
12 is a substantial probability that this interest could be harmed if the court does not bar ONJ from the
13 courtroom. The status hearing will cover matters that have been covered in detail in public filings in this
14 case. Therefore, the court concludes that the privacy of the children would not be compromised by
15 granting ONJ’s request. The court also fails to see how the electronic coverage sought by ONJ will
16 adversely impact the right of either party to a fair trial or the parties’ privacy, safety, and well-being.
17 SCR 230(2)(a), (b), (c). Finally, the court fails to see a likelihood that ONJ’s coverage would distract
18 participants, detract from the dignity of the proceedings, or impair the administration of justice in any
19 other way. SCR 230(2)(d), (f).

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21 To the extent ONJ wants access to the courtroom to provide electronic coverage of future
22 hearings and any trial in this case, the court shall address the issue before the next hearing (which the
23 court anticipates will occur after the effective date of SB 432—October 1, 2025). 2025 Nev. Stat., ch.
24 505, § 3, at 3330-3331.

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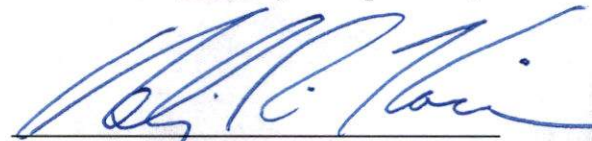
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1 **Accordingly,**

2 The request to provide electronic coverage of the status hearing set for September 23, 2025 is
3 GRANTED.

4 Our Nevada Judges, Inc. shall follow its policy for visual and aural redaction of the
5 identities/voices of the parties and the children during the status hearing.
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9 DATED this 22 day of September, 2025.

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12 The Honorable Alvin R. Kacin
13 District Judge/Department 2
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