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

XXXXXXXXXXXXXXXXXX

Plaintiff,

vs.

JORDAN CRISTOS,

Defendant.

CASE NO: D-20-XXXXXX-C
DEPT NO: A

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 Our Nevada Judges would like to file an SCR 230(1) media request in this matter,
10 which is connected to Eighth Jud. Dist. Ct. case no. C-25-392959-1, which District
11 Court Judge Monica Trujillo is allowing media coverage of. The case involves
12 Respondent's conviction and impending sentencing over criminally threatening
13 District Court Judge Regina McConnell. An SCR 229(1)(c) non-party news reporter
14 may file a motion to unseal. SRCR 4(2).

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17 SRCR 1(4) provides the scope of the rules on sealing and redaction of court
18 records in civil actions. A list of NRS Chapters is provided as examples, but the list is
19 not exclusive¹ and manifests the harmonious construction² principle of statutory
20

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

27 ² *Simmons Self-Storage vs Rib Roof, Inc.*, 130 Nev. 540, 546, 331 P. 3d 850, 854 (2014) ("[T]his
28 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.")

1 interpretation, with the additional caveat that court rules³ give way to any “specific”
2 statute governing sealing and redaction.
3

4 No other sealing rule is applicable. NRS 125.110 (sealing of certain records in
5 divorce cases) does not apply. NRS 126.211 (sealing of records in paternity cases)
6 does not apply. To the best of the undersigned counsel’s knowledge, no paternity
7 request was made. In fact, it appears this matter was plead indicating paternity was not
8 in question.
9

10 EDCR 5.207 has been ruled unconstitutional and cannot serve as a basis to
11 convert this action.⁴
12

13 Further, federal courts have held that a rule providing for the automatic sealing
14 of records by a court clerk, based upon the clerk’s interpretation of a statute or rule,
15 without “further order of a judge [is] unconstitutionally overbroad.”⁵
16

17 Even if this Court were to deem the SRCR inapplicable, it would not necessarily
18 render the case file unsealable, but rather, would implicate *Howard v. State*.⁶ The
19

20
21 ³ *Weddell v. Stewart*, 127 Nev. 645, 650, 261 P.3d 1080, 1084 (2011) (“[R]ules of statutory
22 construction apply to court rules.”)

23 ⁴ *Falconi v. Eighth Jud. Dist. Ct.*, 140 Nev., Advance Op. 8 (2024). *See also Order Granting*
24 *Petition for Writ of Mandamus* filed on September 12, 2024 in Supreme Court docket no. 88412,
25 hereinafter (rejecting the application of EDCR 5.207 because “this matter is a child custody action,
arising under NRS Chapter 125C where the [SRCR] would apply[.]”)

26 ⁵ *Civil Beat Law Ctr. for the Pub. Int., Inc. v. Maile*, 113 F.4th 1168, 1180 (9th Cir. 2024).

27 ⁶ *Howard v. State*, 128 Nev. 736, 291 P. 3d 137 (2012) (delineating constitutional, statutory, and
28 common law basis to unseal, in that order.) (“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.”) *Id.* at P. 3d 137. *See also United States v. James*, 663 F. Supp. 2d 1018, 1020

1 *Howard* case held that the common law generally favors public access but gives way
2 to statutes and court rules. While there were no constitutional issues relevant to the
3
4 *Howard* case’s analysis at the time, the Supreme Court later clarified that a First
5 Amendment right of access to the underlying proceedings, including family law
6 proceedings, exists.⁷
7

8 To the extent this Court finds other statutes and rules may justify forbidding
9 release, this Court is required to make individuated determinations regarding sealing
10 in a manner consistent with the Constitution, i.e. to narrowly tailor sealing to further
11 the compelling privacy interest in closure. This is because “when the language of a
12 statute admits of two constructions, one of which would render it constitutional and
13 valid and the other unconstitutional and void, that construction should be adopted
14 which will save the statute.”⁸
15
16

17 The extensive sealing of this case renders ONJ unable to monitor the case as
18 even the dates and times of hearings are rendered invisible. For this reason, ONJ
19 hereby moves this Court to order the case file unsealed.
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25 (W.D. Wash. 2009) (“domestic press outlets unquestionably have standing to challenge access to
26 court documents.”) (citation omitted).

26 ⁷ *Falconi, Id.*

27 ⁸ *State v. Castaneda*, 126 Nev. 478, 481, 245 P.3d 550, 553 (2010). *Falconi, Id.* (nullifying NRS
28 125.080 for the automatic closure of family law proceedings without an analysis under the First Amendment).

1 Pursuant to NRS 239B.030 the undersigned hereby affirms that this document
2 does not contain the social security number of any person.
3

4 For these several reasons, ONJ hereby requests:

- 5 1. That the case file be unsealed.
- 6 2. That public access to the portal⁹ be restored so that ONJ can monitor hearing
7 dates and times.
- 8 3. That ONJ has permission to broadcast, record, photograph or televise
9 proceedings in the undersigned case.
10
11

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 23rd day of October 2025.

15 COLE FAMILY LAW FIRM

16
17 */s/ Lorien K. Cole*

18 _____
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⁹ <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/ *Lorien K. Cole*

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