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Emily McFarling, Esq.
Nevada Bar Number 8567
MCFARLING COHEN FIC & SQUIRES
6230 W. Desert Inn Road
Las Vegas, NV 89146
(702) 565-4335 phone
(702) 732-9385 fax
eservice@mcfarlinglaw.com
Attorney for Our Nevada Judges, Inc.

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

XXXXXXXXXXXXXXXXXXXX

Plaintiff,

vs.

XXXXXXXXXXXXXXXXXXXX

Defendant.

Case Number: D-18-XXXXXX-C

Department: X

Oral Argument Requested: ☐ Yes ☒ No

MOTION TO UNSEAL CASE FILE INDICES ONLY

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1 NOTICE: YOU MAY FILE A WRITTEN RESPONSE TO THIS MOTION WITH
2 THE CLERK OF THE COURT AND PROVIDE THE UNDERSIGNED WITH A
3 COPY OF YOUR RESPONSE WITHIN 14 DAYS OF YOUR RECEIPT OF THIS
4 MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK
5 OF THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION
6 MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE
7 COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING
8 DATE.

9 COMES NOW, Our Nevada Judges, Inc., a Nevada non-profit
10 corporation, by and through the undersigned counsel, and hereby files a
11 motion to unseal case file indices only.

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

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 An SCR 229(1)(c) non-party news reporter may file a motion to
16 unseal. SRCR 4(2). The aforementioned cases are monitored for electronic
17 coverage by Our Nevada Judges, Inc. (hereinafter ‘ONJ’). The process of
18 sending manual email inquiries to monitor these dockets is unnecessarily
19 wasteful of judicial and non-profit resources. These cases are already
20 accessible, but the Clerk should be directed to restore access to the court
indices¹, which District Court Judges Vincent Ochoa, Mari Parlade, and

¹ <https://www.clarkcountycourts.us/Anonymous/default.aspx> and
<https://www.clarkcountycourts.us/portal>

1 Robert Teuton, have already ordered in similarly covered cases, D-25-
2 703770-P, D-20-607245-C, and D-21-621154-P; respectively.

3 This judicial district justified its conversion of unmarried child
4 custody actions to paternity actions via EDCR 5.207. But this court
5 rule was struck down as unconstitutional. *Falconi v. Eighth Jud. Dist.*
6 *Ct.*, 140 Nev., Advance Op. 8 (2024). The Supreme Court admonished this
7 judicial district in a writ petition granted on September 12, 2024, in docket no.
8 88412, rejecting the application of EDCR 5.207 because “this matter is a
9 child custody action, arising under NRS Chapter 125C where the SRCR
10 would apply[.]” Indeed, even the Second Judicial District Court ended its
11 practice of electronically concealing *bona fide* paternity actions. **Exhibit 1.**

12 **Exhibit 2.**

13 Press access to the courtroom is a constitutional issue. See *Falconi*
14 *v. Eighth Jud. Dist. Ct.*, 140 Nev., Advance Op. 8 (2024). “A court's
15 authority to limit or preclude public access to judicial records and documents
16 stems from three sources: constitutional law, statutory law, and common law.”
17 *Howard v. State*, 128 Nev. 736, 291 P. 3d 137 (2012). “[D]omestic press
18 outlets unquestionably have standing to challenge access to court
19 documents.” *United States v. James*, 663 F. Supp. 2d 1018, 1020 (W.D.
20 Wash. 2009) (citation omitted). The *Falconi* Court broadly expanded the
scope of the ruling in *Stephens Media, LLC v. Eighth Judicial District Court*,

1 125 Nev. 849, 221 P. 3d 1240 (2009) from criminal proceedings to all civil
2 proceedings, including family law proceedings. Analogously, electronic
3 court indices go beyond mere court records and are preliminarily required for
4 efficient monitoring and accessing any court file.

5 Even if this Court came to the conclusion that certain interpretations
6 of law could allow electronic court indices to be hidden from the press, this
7 Court must adopt the interpretation that is constitutional. This is because
8 “when the language of a statute admits of two constructions, one of which
9 would render it constitutional and valid and the other unconstitutional and
10 void, that construction should be adopted which will save the statute.” *State*
11 *v. Castaneda*, 126 Nev. 478, 481, 245 P.3d 550, 553 (2010).

12 For these several reasons, ONJ hereby requests that the Court order
13 the Clerk to reveal the electronic court indices to the public.

14 DATED this 10th day of December, 2025.

15 **McFARLING COHEN FIC &
16 SQUIRES**

17 /s/ Emily McFarling

18 Emily McFarling, Esq.

19 Nevada Bar Number 8567

20 6230 W. Desert Inn Road

Las Vegas, NV 89146

(702) 565-4335

Attorney for Our Nevada Judges, Inc

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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 USC § 1746), that the foregoing is true and correct.

Alexander Folson

Alexander M. Facloni
205 N. Stephanie Street
Suite D#170
Henderson, NV 89074
Our Nevada Judges
admin@ournevadajudges.com