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6 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR CARSON CITY**
8

9 **FRED KRAUS, an individual**
10 **registered to vote in Clark County,**
11 **Nevada, DONALD J. TRUMP FOR**
12 **PRESIDENT, INC.; the NEVADA**
13 **REPUBLICAN PARTY,**

CASE NO. 20 OC 00142 1B

DEPT. 2

14 **Petitioners,**

15 **vs.**

16 **BARBARA CEGAVSKE, in her official**
17 **capacity as Nevada Secretary of**
18 **State, JOSEPH P. GLORIA, in his**
19 **official capacity as Registrar of**
20 **Voters for Clark County, Nevada,**

21 **Respondents.**

22 _____ /

23 **ORDER GRANTING NEWS REPORTERS ACCESS**

24 **Procedural Background**

25 THIS MATTER comes before the Court on a request by **Alexander Falconi**, to
26 be granted permission to hear and observe the video-conference hearing on **October**
27 **28, 2020 at 9:00 a.m.** (PST) under SCR 230(1). The court administrator notified the
28 attorneys of record of the request.

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1 **Applicable Rules**

2 Supreme Court Rules (SCR) 229 through 246 govern the coverage of a proceeding
3 by a news reporter. SCR 229(2).

4 There is a presumption that all courtroom proceedings open to the public are
5 subject to electronic coverage. SCR 230(2).

6 A written request for permission to provide electronic coverage must be filed 24
7 hours before the proceeding commences, but a judge may grant a request on shorter
8 notice or waive the request requirement. SCR 230(1).

9 In determining whether electronic coverage will be allowed a judge shall consider
10 the following factors:

- 11 a) The impact of coverage upon the right of any party to a fair trial;
- 12 b) The impact of coverage upon the right of privacy of any party or witness;
- 13 c) The impact of coverage upon the safety and well-being of any party, witness or
14 juror;
- 15 d) The likelihood that coverage would distract participants or would detract from
16 the dignity of the proceedings;
- 17 e) The adequacy of the physical facilities of the court for coverage; and
- 18 f) Any other factor affecting the fair administration of justice.

19 SCR 230(2).

20 If any news reporter fails to comply with the conditions prescribed by the judge,
21 the judge may revoke that individual's permission to provide electronic coverage of the
22 proceeding. Rule 231(1).

23 This authorization may be revoked at any time without prior notice when, in the
24 judge's discretion, it appears that electronic coverage of the judicial proceedings is
25 interfering in any way with the proper administration of justice. Rule 231(2).

26 News reporters shall not interrupt a court proceeding with a technical or
27 equipment problem. SCR 233(6).

28 The decorum and dignity of the court, the courtroom, and the proceedings must

1 be maintained at all times. SCR 236(2).

2 Video, photography or audio reproductions may only be used for educational or
3 informational purposes, and may not be used for unrelated advertising purposes. SCR
4 241(1).

5 The official court record of any proceeding is the transcript of the original notes
6 of the court reporter or court recorder made in open court. Videos, photographs or audio
7 reproductions made in a court proceeding as a result of these rules shall not be
8 considered as part of the official court record. SCR 241(2).

9 News reporters shall have no greater rights of access than the public. SCR 242(2).

10 The judge who knows that the proceeding will be covered by news reporters shall
11 advise the attorneys and parties in the proceeding of this fact and call these rules to the
12 attention of the attorneys, unrepresented parties and the pool coordinator or designee.
13 It shall be the responsibility of attorneys to notify their witnesses. SCR 245.

14 15 **Findings of Fact**

16 **Alexander Falconi** wants to observe and hear the proceedings regarding the
17 **Kraus v. Cegavske** and other's motion for a **preliminary injunction**.

18 19 **Analysis**

20 Under the circumstances it does not appear:

- 21 a) The coverage will have any impact upon the right of any party to a fair trial;
- 22 b) The coverage will not adversely affect the right of privacy of any party or
23 witness;
- 24 c) The coverage will not adversely affect the safety or well-being of any party,
25 witness or juror;
- 26 d) The coverage will distract participants or detract from the dignity of the
27 proceedings;
- 28 e) The physical facilities of the court are adequate for the coverage; and

1 f) No other factor affects the fair administration of justice.
2

3 **Conclusions of Law**
4

5 The Petition should be granted.

6 **Order**
7

8 IT IS ORDERED:

9 The request to observe and hear the proceedings is granted

- 10 1. If any news reporter fails to comply with the conditions prescribed by the
11 judge, the judge may revoke that individual's permission to provide
12 electronic coverage of the proceeding.
- 13 2. This authorization may be revoked at any time without prior notice when,
14 in the judge's discretion, it appears that electronic coverage of the judicial
15 proceedings is interfering in any way with the proper administration of
16 justice.
- 17 3. The decorum and dignity of the court, the courtroom, and the proceedings
18 must be maintained at all times.
- 19 4. Video, photography or audio reproductions may only be used for
20 educational or informational purposes, and may not be used for unrelated
21 advertising purposes.
- 22 5. The official court record of any proceeding is the transcript of the original
23 notes of the court reporter or court recorder made in open court. Videos,
24 photographs or audio reproductions made in a court proceeding as a result
25 of these rules shall not be considered as part of the official court record.
- 26 6. The judicial assistant will provide the attorneys and parties in the
27 proceeding a copy of this order. It shall be the responsibility of attorneys to
28 notify their witnesses.

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7. The hearing scheduled on **October 28, 2020 at 9:00 a.m.** shall be held **telephonically or through video conferencing**. The parties shall appear either telephonically or through video conferencing by following these steps:

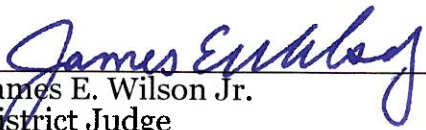
a) To join telephonically dial in with a phone to **1-571-317-3112** with the access code **641-554-157**.

b) To join through video conferencing by using a computer, tablet, or smart phone with both video and audio capabilities use the following link -

<https://global.gotomeeting.com/join/641554157>

8. The reporters will mute their phone/computer during all of the proceedings.

October 26, 2020.


James E. Wilson Jr.
District Judge

CERTIFICATE OF SERVICE

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I certify that I am an employee of the First Judicial District Court of Nevada; that on October 26, 2020 I served a copy of this document by:

- Deposited for mailing at Carson City, Nevada;
- Faxed/emailed; and/or
- Caused to be delivered by messenger service,

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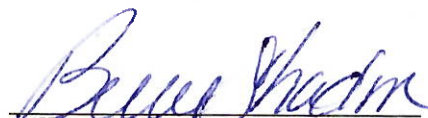
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