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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of THE DOE 1 TRUST,
_____ /

CASE NO: PR23-00813
DEPT NO: PR

REQUEST FOR JUDICIAL REVIEW AND OBJECTION TO PROBATE

COMMISSIONER'S ORDER TO FILE

COMES NOW, Our Nevada Judges, Inc., a Nevada non-profit corporation ("ONJ"), by and through the undersigned counsel, and hereby files the following *Request for Judicial Review and Objection to the Probate Commissioner's Order to File* filed March 13, 2026.

This case presents a situation that calls to mind the Steely Dan classic "Do It Again" — ONJ, a Nevada non-profit corporation acting in its capacity as a non-party news organization, finds itself compelled to justify its right to do what SRCR 4(2) authorizes: file an opposition to a motion to seal without being required to intervene

1 as a party. The Probate Commissioner's Order to File dated March 13, 2026,
2 requiring ONJ to file a motion to intervene by March 18, 2026 — a deadline that had
3 already passed before the undersigned counsel was even served with the order on
4 March 19, 2026 — runs contrary to the plain language of SRCR 4(2), which is
5 self-executing and authorizes non-party filings in civil cases without intervention,
6 and should be rejected by the Probate Judge pursuant to WDCR 57.3.
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8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 Probate Commissioner Gorman entered an order on March 13, 2026 requiring
10 ONJ to file a motion to intervene by March 18, 2026. The undersigned counsel was
11 not served with the order until March 19, 2026. ONJ's request for WDCR 57.3 review
12 by the Probate Judge follows. To the extent ONJ is excluded by WDCR 57.3(7) by
13 virtue of its non-party status, ONJ alternatively requests the Probate Judge consider
14 this objection via WDCR 57.3(9) as a procedural irregularity.
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17 The Probate Commissioner ruled that ONJ's non-party filing is to be stricken
18 unless intervention is sought. SRCR 4(2) authorizes the non-party filing. This Court
19 should construe the rule to allow a non-party to file an opposition to a motion to
20 seal, as if it were a motion to unseal.
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22 In the alternative, the paper can be construed as a motion to unseal to affect
23 the principle of SRCR 4(2) which is self-executing in that it allows non-parties to
24 unseal in civil cases without intervention. If it is instead the Probate Commissioner's
25 ruling that non-party news reporters must intervene to file papers, regardless of a
26 rule authorizing the filing, ONJ poses the question: where does one draw the line? If
27 a non-party must file a motion to intervene before seeking to unseal *via* SRCR 4(2),
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1 would that not suggest that an SCR 229(1)(c) non-party news reporter must likewise
2 file a motion to intervene before filing an SCR 230(1) camera access request?

3 What of any non-party witness subjected to subpoena; must that non-party
4 intervene in order to file NRCP 45(c)(3) motion to quash? What of a non-party filing
5 under NRS 31.070? Intervention is required in civil proceedings as outlined by NRS
6 12.130; but what “claim” is a non-party news reporter seeking in merely unsealing
7 papers? NRCP 24(c) requires ONJ to assert “...grounds for intervention and be
8 accompanied by a pleading that sets out the claim or defense for which intervention
9 is sought.” What pleading as defined under NRCP 7(a) would ONJ file?
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12 *Stephens Media, LLC v. Eighth Jud. Dist. Ct.*, 125 N ev. 849, 221 P.3d 1240
13 (2009) does appear to require a non-party news reporter to seek “limited
14 intervention” in a criminal proceeding for the purposes of securing access to jury
15 questionnaires, and it is arguable that where unauthorized by statute or rule, the
16 same would be required in a civil case; but it cannot be the policy of the judiciary
17 nor the legislature to require non-parties to intervene to file camera access requests,
18 motions to quash subpoenas, garnishment challenges, nor motions to unseal, where
19 the plain language of SCR 230(1), NRCP 45(c)(3), NRS 31.070, SRCR 4(2) allow the
20 non-party filings. The Probate Commissioner’s requirement that ONJ become a
21 party, if sustained, would require a kaleidoscope of interventions across myriad
22 proceedings merely over the press’s efforts to unseal papers and deploy cameras.
23 This embodies Steely Dan-esque “pretzel logic,” — twisting the plain language of
24 SRCR 4(2), which self-executingly authorizes non-party filings in civil cases to
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1 dispute the sealing of records, into a requirement that ONJ become a party to the
2 very proceeding it seeks only to illuminate through the public's right of access.

3 To the extent the Probate Commissioner relies upon the \$208 filing fee, ONJ
4 paid this fee to facilitate consideration of its motion because the clerk demanded it,
5 and arguing over it when time was of the essence would have been
6 counterproductive. No other clerk of any other judicial district has ever required this
7 filing fee on a non-party filing. To the extent the Probate Judge is able, ONJ
8 requests, in addition to countermanding the Probate Commissioner's
9 recommendation, that the Clerk of the Second Judicial District Court be ordered to
10 refund the \$208 filing fee to ONJ, as ONJ is not a party to this action, has not filed
11 an appearance, a pleading of any kind as the term is strictly defined in NRCP 7(a),
12 nor did it intend to.

15 WHEREFORE, ONJ requests the Probate Judge reject the Probate
16 Commissioner's Order to File and consider ONJ's opposition to motion to seal.

17 *Pursuant to NRS 239B.030 the undersigned hereby affirms that this document*
18 *does not contain the social security number of any person.*

19 **DATED** this Mar 24, 2026

20
21 By: /s/ Luke Busby
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DECLARATION OF ALEXANDER FALCONI

I, Alexander M. Falconi, declare that I have read the forgoing *Objection* and that the facts are true and correct of my own personal knowledge, except for those matters I have stated that are not of my own personal knowledge, but that I only believe them to be true, and as for those matters, I do believe they are true.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this Mar 24, 2026



Alexander M. Falconi
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CERTIFICATE OF SERVICE

I certify that on the date shown below, I caused service to be completed of a true and correct copy of the foregoing document by:

_____ personally delivering;

_____ delivery via Reno/Carson Messenger Service;

_____ sending via Federal Express (or other overnight delivery service);

_____ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto;

or,

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21 **DATED** this Mar 24, 2026

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