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8 *Plaintiff in Propria Persona*

9 **EIGHTH JUDICIAL DISTRICT**

10 **CLARK COUNTY, NEVADA**

11		) Case No. : A-21-829038-C
12	T. MATTHEW PHILLIPS)
13		) MOTION <i>for</i> RECONSIDERATION
14	<i>Plaintiff,</i>	) <i>of</i> ORDER ALLOWING CAMERA
15		) ACCESS <i>to</i> COURT PROCEEDINGS,
16	vs.	) [Supreme Court Rules 229 - 246].
17)
18	(1) JENNIFER V. ABRAMS)
19	(2) THE ABRAMS	) <i>Plaintiff Requests Oral Argument</i>
20	LAW FIRM, L.L.C.)
21	(3) MARK DICIERO)
22	(4) DAVE SCHOEN	) <u>Next Hearing Date:</u>
23	and DOES I – X	) April 13, 2021
24)
25	<i>Defendant(s).</i>	) <i>Hon. Timothy C. Williams</i>
26		) Dept. No.: "16"

27 Comes now the Plaintiff with this *Motion for Reconsideration of Order*
28 *Allowing Camera Access to Court Proceedings.*

1 **IV. PRESUMPTION RE OPEN ACCESS—**

2 Open Access—Presumption: Nevada presumes that “all courtroom proceedings
3 that are open to the public are subject to electronic coverage,” [see SCR 230.(2);
4 (underscores added)]. But still, the proposed electronic recording is superfluous because
5 these proceedings are already electronically recorded—via “Blue Jeans.”

6 The Public Already Has Open Access: Yes, public policy favors “open access,”
7 but the public already has “open access.” If *Our Nevada Judge* wishes to access a
8 hearing, they may purchase the video at the clerk’s office.

9 Our Nevada Judges—No Original Reporting: Curiously, according to its founder,
10 Alexander Falconi, *Our Nevada Judges*, (“ONJ”), does no “original reporting.” Yes,
11 this statement sounds bizarre, but it comes from an email that Falconi sent to Plaintiff.
12 And, if it’s true that *Our Nevada Judges* does no “original reporting,” then it must mean
13 that ONJ’s coverage is merely duplicative of the “Blue Jeans” version, which means the
14 proposed media coverage is entirely superfluous. Here’s Falconi bizarre explanation—

15 “We don’t actually do original reporting to summarize your case; what we
16 do instead is publish comprehensively the proceedings that are to come.”

17 [Exhibit No. “1” – Alexander Falconi’s email to Plaintiff, (March 19, 2021);
18 (underscores added)]

19 Cameras in the Courtroom: When all’s said, these proceedings are not held
20 “in-court,” but rather, “on-line.” And while it may be true that public policy favors
21 cameras “in the courtroom,” there is no “courtroom” in which to set-up cameras in the
22 first place—because Dept. 16 is not now open to the public.

23
24 **V. PLAINTIFF CANNOT GET A FAIR TRIAL—**

25 Courts May Deny Media Coverage: Judges may decide whether to allow
26 electronic coverage, [SCR 230.(2)]. Plaintiff opposes coverage by *Our Nevada Judges*,
27 (“ONJ”), because it’s just a megaphone for Defendants’ ongoing defamation campaign.
28 Defendants use ONJ to further their defamations and unfairly sway the judiciary.

1 Factors to Be Considered: In determining whether electronic coverage will be
2 allowed, (or not), judges shall consider SCR 230.(2) and the below-listed factors—

- 3 (a) The impact of coverage upon the right of any party to a fair trial;
4 (b) *The impact of coverage upon the right of privacy of any party or witness;*
5 (c) *The impact of coverage upon the safety and well-being of any party,*
6 *witness or juror;*
7 (d) The likelihood that coverage would distract participants or would detract
8 from the dignity of the proceedings;
9 (e) The adequacy of the physical facilities of the court for coverage; and
10 (f) Any other factor affecting the fair administration of justice.

11 [See SCR 230.(2); (underscores and italics added)].

12 The Right of Any Party to a Fair Trial: Courts may deny media access based on
13 “the impact of coverage upon the right of any party to a fair trial,” [SCR 230.(2)(a)]
14 Plaintiff argues that the proposed media outlet, ONJ, impacts his right to a fair trial.
15 Why? —because *Our Nevada Judges* tells lies in an effort sway public opinion.

16 Adequacy of the Facilities: Subsection (e) addresses: “the adequacy of the
17 physical facilities,” [SCR 230.(2)(e)]. This prong is difficult to analyze because there
18 are no “physical facilities.” There’s no need for cameras in an “on-line” courtroom!

19 Detract from the Dignity of the Proceedings: Plaintiff argues that granting media
20 access to outlets, such as ONJ, which broadcast gross and distorted lies about legal
21 proceedings, “detract from the dignity of the proceedings,” [SCR 230.(2)(d)].

22 Ministry of Propaganda: *Our Nevada Judges*, (“ONJ”), is *not* a legit news outlet;
23 it’s just “propaganda”—chock full of doublespeak, half-truths, libels, and innuendos.
24 Its purpose is to promote the official family court narrative, (“*Everything is A-O.K.!*”)—
25 all the while ignoring judicial corruption and heckling bereaved parents, such as Plaintiff,
26 who fight to change the “family court system.” Truth is, *Our Nevada Judges* sugar coats
27 our Nevada judges—all the while marginalizing the rights and feelings of the poor,
28 neglected, and abused.

1 Not Fair & Balanced: *Our Nevada Judges*, (“ONJ”), is in cahoots with
2 Defendants. ONJ is biased in favor of ABRAMS, SCHOEN and DICIERO—and prejudiced
3 against those who wish to change the “family court system,” including Plaintiff.

4 Alexander Falconi Works with Defendants: ONJ founder, Alexander Falconi and
5 MARK DICIERO together operate a business—hustling desperate family court litigants—
6 with a sketchy document prep service called: “*Pro Se Pros*.”

7 The Conspiracy Runs Deep: They are all “in” on it. ABRAMS uses her paralegals,
8 SCHOEN and DICIERO, along with Alexander Falconi, to publicly badmouth anyone who
9 speaks-out against the oppressive “family court system.”

10 The Right to a Fair Judiciary: *Our Nevada Judges*, (“ONJ”), and its principal,
11 Alexander Falconi, communicate with family court judges, the Nevada Judicial
12 Commission, and the Nevada Supreme Court. Falconi’s lies must not be permitted to
13 frustrate Plaintiff’s right to a fair judiciary, [14th Amendment].

14 Fair Administration of Justice: There is a substantial likelihood that Alexander
15 Falconi’s participation will blemish the “fair administration of justice” in Plaintiff’s
16 family court case—now on appeal in the Nevada Supreme Court, [SCR 230.(2)(f)].

17 Alexander Falconi—Unclean Hands: The doctrine of “unclean hands” forbids
18 persons—such as Alexander Falconi—from coming to court when they demonstrate
19 clinical symptoms of fraud, deceit, unconscionability, and bad faith.

20 21 **VI. THE ONJ PROPAGANDA VIDEO—**

22 Our Nevada Judges—Propaganda Video: *Our Nevada Judges*, (“ONJ”), and
23 its principal, Alexander Falconi, on March 19, 2021, published a corrupt and salacious
24 video concerning these proceedings. ABRAMS likely financed the video, featuring
25 Falconi, who pretends to be a reporter, (even though Falconi, technically speaking,
26 does no “original reporting”). Falconi’s real purpose is to continue ABRAMS’ defamation
27 campaign against Plaintiff in hopes of swaying public opinion—and to set an example
28 for other agitators who speak-out against the oppressive “family court system.”

1 Alexander Falconi “Re-Captions” the Lawsuit: Curiously, ONJ titled its video:
2 “T. MATTHEW PHILLIPS vs. MARK DICIERO.” But wait! —this is misleading! The true
3 and correct caption is “T. MATTHEW PHILLIPS vs. JENNIFER ABRAMS, ET.AL.” Okay, so
4 why did Alexander Falconi “re-caption” the lawsuit title?

5 Alexander Falconi Explains: In an email, [Exhibit No. “1”], Falconi explains,
6 “*As to the caption of the case, I used the name DICIERO because that Defendant seemed*
7 *most involved.*” But why does Falconi care who’s most involved? (This is pretext!)

8 The Real Reason Why Alexander Falconi Re-Captioned the Case: This lawsuit
9 is an obvious embarrassment for ABRAMS—who wishes to keep a low profile; and so,
10 Falconi removes ABRAMS’ name from the case title to minimize her involvement.

11 Alexander Falconi Minimizes Abrams’ Involvement: Alexander Falconi helps
12 to peddle ABRAMS’ alibi, *i.e.*, that she (supposedly) is not involved in her employee’s
13 defamations of bereaved family court litigants.

14 Alexander Falconi is Deceitful: The very fact that Falconi removed ABRAMS’
15 name from the case title is cause for concern because Falconi demonstrates deceitfulness,
16 as well as bias towards Defendants—and prejudice against Plaintiff.

17 18 **VII. ALEXANDER FALCONI DEFAMES PLAINTIFF—**

19 Phillips vs. Falconi: Alexander Falconi defames Plaintiff. Falconi will soon be a
20 named defendant. And, as a party, it’s impossible for Falconi to also be an objective
21 “reporter,” (regardless of whether he does any “original reporting”).

22 Falconi’s False and Defamatory Statements: In the ONJ video, (March 19, 2021),
23 Alexander Falconi falsely declares—

24 “Mr. Phillips alleges, specifically, multiple acts of defamations of his character,
25 citing, more specifically, the public posts on Nevada Court Watchers that
26 criticize him for threatening to shoot up his son’s school as well as severely
27 abusing his ex-wife.”

28 [ONJ Video featuring Alexander Falconi; (March 19, 2021); emphases added]

1 Plaintiff Sues for Falsehoods, Not Criticisms: Alexander Falconi falsely declares
2 that Plaintiff is suing because Defendants *criticized* him for ***threatening to shoot up his***
3 ***son’s school***. No! —This is a malicious lie! It never happened! Plaintiff is NOT suing
4 for *criticisms* about something he did, *e.g., threatening to shoot up his son’s school*,
5 no indeed!; rather, Plaintiff is suing for Defendants’ *falsehoods* about something that
6 never happened! This lawsuit challenges falsehoods, not criticisms!

7 Criticisms vs. Falsehoods: Alexander Falconi carefully chose the word “*criticize*”
8 to protect ABRAMS, SCHOEN and DICIERO. Falconi knows that “*criticisms*” are deemed
9 “*opinions*”—and “*opinions*” are protected by the First Amendment. But, in the real
10 world, Falconi’s statements are not fairly characterized as “*criticisms*”—unless there’s
11 some conduct to “*criticize*.” But here, there is no conduct for Defendants to “*criticize*”—
12 because the supposed conduct never happened in the first place!

13 Plaintiff Demands Retraction: Falconi accrues liability. Plaintiff thus sent an
14 email to Falconi demanding retraction. Plaintiff carefully explained “why” Falconi’s
15 statements are false and defamatory—and Plaintiff paused to give Falconi an opportunity
16 to mitigate—but Falconi refuses to retract.

17 Plaintiffs’ Demand for Retraction: In Plaintiff’s demand for retraction, (March 19,
18 2021), Plaintiff wrote the following—

- 19 ➤ “In your video, (at 1:50), you state that Plaintiff’s lawsuit alleges multiple acts
20 of defamation, citing public posts on Nevada Court Watchers: ‘that criticize
21 him for threatening to shoot-up his son’s school ...’”
- 22 ➤ “My good man, I do believe you meant to say: ‘... that criticize him for
23 ALLEGEDLY threatening to shoot-up a school.’”
- 24 ➤ “And, by the way, Plaintiff is not suing for ‘criticisms.’ Rather, Plaintiff sues
25 for ‘falsehoods.’ Know the difference.”
- 26 ➤ “But, in any case, without the adverb ALLEGEDLY, your statement is false and
27 defamatory per se.”
- 28

1 ➤ “If you pay attention to major networks, they are careful to report, for example,
2 that: “Bill Cosby was arrested for ALLEGEDLY committing rape.” Networks
3 never report: “Bill Cosby was arrested for committing rape” – because it exposes
4 them to liability for defamation and false light. And that’s why they always,
5 always, always, include the adverb, ALLEGEDLY. (Get it?)”

6 ➤ “Your inclusion of the adverb ALLEGEDLY makes all the difference in the
7 world and, frankly, saves you from certain defeat in a defamation lawsuit.”

8 [Exhibit No. “1” – Plaintiff’s email to Alexander Falconi; (March 19, 2021)]

9 Alexander Falconi Refuses to Retract: Despite the polite demand for retraction,
10 Falconi refuses to correct his falsehood by including the adverb, “allegedly.” The specter
11 of litigation does not deter Falconi—for he believes he is “protected.”

12 Alexander Falconi Lies About Defendants’ Motion to Dismiss: In the ONJ video,
13 (March 19, 2021), Alexander Falconi mischaracterizes the motion to dismiss filed by
14 SCHOEN and DICIERO. Falconi ascribes to SCHOEN and DICIERO an “additional defense”
15 theory, which Falconi leads viewers to believe is included in SCHOEN’S and DICIERO’S
16 motion to dismiss; (but it’s not!).

17 Alexander Falconi Lies About an “Additional Defense”: In the ONJ video,
18 Alexander Falconi makes the following false and misleading assertion—

19 “Mark DiCiero and Dave Schoen followed-up with joinder, bolstering
20 Ms. Abrams’ motion with the additional defense that Nevada Court Watchers
21 operates as an organization that seeks to protect good judges and inform the
22 public of outside influences and disgruntled litigants that [sic] attempt to
23 interrupt the judicial process.”

24 [ONJ Video featuring Alexander Falconi; (March 19, 2021); emphases added]

25 No “Additional Defense” Exists: Remarkably, a cursory review of Defendants’
26 motion reveals no “additional defense.” More remarkable still, a detailed word-search
27 of Defendants’ motion reveals that the words, “protect,” “good,” “judges,” “disgruntled,”
28 and “litigants”—never appear in Defendants’ brief! Falconi lacks veracity!

1 Lack of Veracity: Actually, it’s not that Alexander Falconi lacks veracity.
2 Rather, Alexander Falconi is a straight-up “LIAR”—with a capital “L!” Falconi deceives
3 the public! Knowing that his audience includes many judges, Falconi hopes to paint a
4 picture of ABRAMS, SCHOEN, and DICIERO as virtuous, goody-two-shoes, judicial
5 helpers—who valiantly stand guard to protect the “good judges!”

6 Who Paid for the ONJ Video Production?: Did ABRAMS pay Falconi for the
7 ONJ video production? And who concocted the “additional defense” theory? Plaintiff
8 believes that DICIERO is the ghost-writer and ABRAMS is the financier. Falconi should be
9 ordered to come to court and testify, [EDCR, Rule 2.21]. And, once it’s established that
10 ABRAMS financed the video production, the ONJ video may then be seen for what it is—
11 “pre-trial publicity” from ABRAMS.

12 Protecting Good Judges: Alexander Falconi pretends that Defendants are on a
13 mission to “protect good judges” from “disgruntled litigants,” (such as Plaintiff), who
14 purportedly “attempt to interrupt the judicial process.” If Falconi opposes this motion
15 with disputed facts, then the Court should order Falconi to submit to cross-examination,
16 [EDCR, Rule 2.21].

17 “Why” do Good Judges Need Protection?: Plaintiff wonders aloud—do
18 Defendants run a “protection racket?” Don’t good judges stand on their own merits?
19 The Marshal’s Office provides “protection” services for Clark County judges; so, why
20 would any judge need Defendants’ protection? —especially when the judges already
21 have professionally trained marshals at their disposal!

22 “Who” are the Good Judges?: Plaintiff wishes to know—“who” are the “good
23 judges?” Are the “good judges” the ones who purchase political advertising space at
24 Alexander Falconi’s Facebook page—*Our Nevada Judges*?

25 Which Kinds of “Protection Services” Do Defendants Offer?: Which kinds of
26 “protection services” do Defendants provide? Do the “judicial protection” services
27 include the calculated beratement of bereaved parents who call-out corrupt family
28 court judges?

1 Freudian Slip: Truth is, ABRAMS, SCHOEN and DICIERO do indeed provide
2 “protection” services to judges. Embattled judges are in no position to publicly berate
3 family court litigants who accuse them of corruption. Plaintiff believes that these judges
4 instead rely on ABRAMS, who delegates the beratement to her paralegals, SCHOEN and
5 DICIERO, and in consideration, ABRAMS receives special dispensation from the judges;
6 (it’s a practice as old as the Crucifixion!).

7 Irrelevant Topics Show Prejudice: As the ONJ video demonstrates, Alexander
8 Falconi is prejudiced against Plaintiff. Falconi’s video narrative rambles-on with
9 *irrelevant* topics calculated only to expose Plaintiff to hatred and ridicule—

10 “Publicly, DICIERO denounced PHILLIPS ... as an abusive father and
11 husband who lost custody of his child due to the multitude of egregious
12 acts of parental misconduct he was found to have committed.”

13 [ONJ Video featuring Alexander Falconi; (March 19, 2021); underscores added]

14 Objection—Relevance: Alexander Falconi publicly berates Plaintiff with
15 sordid allegations of being an “*abusive father*,” who “*lost custody of his child*” due to
16 “*egregious acts*” of “*parental misconduct*.” But Falconi’s statements are *irrelevant* to
17 this lawsuit because whether Plaintiff is an abusive father (or not) has no tendency in
18 reason to prove (or disprove) any material proposition in this case.

19 Alexander Falconi Lies About PHILLIPS’ Family Law Case: Alexander Falconi
20 prejudices Plaintiff’s family law case, now on appeal, by making extra-judicial
21 statements that have a substantial likelihood of tainting Nevada jurists, which is what
22 ABRAMS intends! In the ONJ video, Falconi utters more defamations—

23 “In response to Mr. Phillips’ lawsuit, Mr. DiCiero unashamedly reminded
24 Mr. Phillips, in a series of posts at Nevada Court Watchers ... that it was
25 not he [DiCiero], but district court judge Vincent Ochoa who, following an
26 evidentiary hearing, made findings that Mr. Phillips’ threats to shoot up a
27 school were what triggered a campus lockdown.”

28 [ONJ Video featuring Alexander Falconi; (March 19, 2021); emphases added]

1 Falconi Misrepresents: With “actual malice,” Alexander Falconi again defames
2 Plaintiff. “No!” The family court judge did *not* find that: “Mr. Phillips’ threats to shoot
3 up a school were what triggered a campus lockdown.” Falconi tells LIES!

4 Further Demands for Retraction: In his demand for retraction email, PHILLIPS
5 further demands—

- 6 ➤ “In your video, (at 3:00), you state that: ‘[the judge] ... made findings that Mr.
7 Phillips’ threats to shoot up a school were what triggered a campus lockdown.’
8 No! Ochoa never made any such findings! Your words are false and defamatory
9 per se. (And Fair Report Privilege is here no defense because your statement is
10 inaccurate.)” [Plaintiff’s email; (underscores added)]
- 11 ➤ “What triggered the campus lockdown? If you carefully read the decision,
12 Ochoa writes: ‘The school campus initiated a lockdown to ensure safety
13 for students and staff.’ Okay. All we know is that the lockdown was
14 done for safety reasons.”
- 15 ➤ “Ochoa’s decision continues: ‘This [lockdown) was taken in response to
16 an allegation that [Phillips] may “shoot-up” the school.’ Note: re-read
17 Ochoa’s words, which contain no language indicating that Phillips
18 threatened anybody with anything.”
- 19 ➤ “Okay, so, what made the school believe that Phillips “MAY” shoot-up
20 the school? Get this—according to the school’s lawyer: ‘With the
21 anniversary of October 1st looming, we had (and continue to have)
22 reasonable, credible fears of Mr. Phillips.’ [First Amended Complaint,
23 page. 26, line 25] But you omitted this passage this from your video!”
- 24 ➤ “Remarkably, the school feared Plaintiff because, (get this), October 1st
25 would mark the one-year anniversary of the Mandalay Bay conspiracy.”
- 26 ➤ “The fact remains: there is no evidence that Phillips ever threatened
27 anybody AND nobody alleges that Phillips threatened anybody.”
28 [Exhibit No. “1” – Plaintiff’s email to Alexander Falconi; (March 19, 2021)]

1 **X. THE POLICE REPORT—EVIDENTIARY CENTERPIECE**

2 Falconi Never Mentions the Police Report: Defamation plaintiffs must prove that
3 the challenged statements are objectively false. However, many defamation plaintiffs
4 have a tough time proving falsity; but here, Plaintiff can easily prove that Defendants’
5 statements are false—with a police report issued by Las Vegas Metro Police Dept.,
6 (“LVMPD”). But curiously, the ONJ video never mentions the police report.

7 LVMPD Police Report Proves the Defamation: The *First Amended Complaint*
8 includes Exhibit No. “1,” an LVMPD police report, which proves the defamation.
9 The school in question had performed a student lockdown drill—the cause of which was
10 somehow misattributed to Plaintiff. (Naturally, Plaintiff has theories about “who” was
11 responsible for the misattribution, but this lay beyond the scope...) Nevertheless, the
12 police report verifies what really happened. The LVMPD report clearly states:
13 “NEGATIVE THREATS MADE TO THE SCHOOL.” [See *First Amended Complaint*, Ex. “1”]
14 Note also, the school’s attorney corroborates that Plaintiff made no threats.

15 Alexander Falconi Commits Libel (Count One): Alexander Falconi commits
16 libel when he mischaracterizes the instant proceedings as Plaintiff suing in response to,
17 “public posts that criticize him for threatening to shoot up his son’s school.” Falconi
18 intends for viewers to conclude that it actually happened! But it didn’t. This is
19 defamation per se. Damages are presumed. Falconi’s statements *cannot* be deemed
20 “criticisms” or “opinions” because the underlying facts never happened.

21 Alexander Falconi Commits Libel (Count Two): Alexander Falconi commits a
22 second count of libel where Falconi claims that the family court judge: “made findings
23 that MR. PHILLIPS’ threats to shoot up a school were what triggered a campus lockdown,”
24 Falconi mischaracterizes the ruling. This is defamation per se. Damages are presumed.

25 Falconi Commits False Light Tort: Presumably, Falconi read the *First Amended*
26 *Complaint*, all the while ignoring the police report. Acting with reckless disregard for
27 the truth, Alexander Falconi holds Plaintiff in a false light—intentionally misleading
28 viewers to believe that Plaintiff really did threaten to shoot-up his son’s school.

1 False Light in the Public Eye: Again, PHILLIPS is not suing for “*criticisms*,”
2 rather, PHILLIPS is suing for “*falsehoods!*” In his demand for retraction, PHILLIPS
3 explains this dichotomy, (criticisms vs. falsehoods), to Falconi.

4 More from PHILLIPS’ Demand for Retraction: In his email demanding retraction,
5 [Exhibit No. “1”], PHILLIPS further writes—

6 ➤ “Most significantly, the police report, (FAC, Exhibit No. “1”), clearly proves
7 Plaintiff’s claims! Exhibit No. “1” is the centerpiece of Plaintiff’s case.
8 Exhibit No. “1” totally proves that DiCiero and Schoen are liars. And yet,
9 curiously, your video presentation conspicuously omits this public record
10 (from LVMPD). It would appear that, by omitting the police report, YOU
11 are holding Phillips in a false light.”

12 ➤ “So, why does your ONJ video omit reference to the police report? Whatever
13 happened to the “whole” truth and nothin’ but? Tell me more about your
14 ‘reckless disregard for the truth!’ [See *N.Y. Times vs. Sullivan* (1964)]”

15 ➤ “Here, because you intentionally omit the police report, you hold Plaintiff in
16 a false light. You expose yourself to a civil suit.”

17 ➤ “My good man, I must presume that you inadvertently forget to mention the
18 police report. A reasonable reporter would have mentioned that LVMPD
19 issued a written report that concludes: NEGATIVE THREATS MADE TO
20 THE SCHOOL. Read the police report—which is attached to the FAC.”

21 [Exhibit No. “1” – Plaintiff’s email to Alexander Falconi; (March 19, 2021)]

22 Plaintiff’s Specific Demands: In his email, [Exhibit No. “1”], Plaintiff demands
23 that Alexander Falconi do the following—

24 • First, you must re-do your video to include the adverb, “ALLEGEDLY”
25 (at 1:30).

26 • Second, you must reference the police report in your video—in the same
27 manner that you reference all the other public documents in your video.

28 [Plaintiff’s email to Alexander Falconi; (March 19, 2021)]

1 Notice re Liability: Plaintiff’s email advised Falconi of the consequences for
2 non-retraction. Plaintiff wrote: “Be advised, you and ONJ now accrue liability ... I will
3 not hesitate to sue you,” [see Exhibit No. “1”].

4 Falconi Refuses to Mention the Police Report: Despite Plaintiffs’ demands,
5 Falconi refuses to amend his video with reference to the police report—because, of
6 course, the police report proves the falsehood, which spells Defendants’ defeat.

7 Duty to Mitigate: Plaintiff’s email advises Falconi, “Note: your good faith
8 retraction will not be viewed as an admission of wrongdoing; (public policy rewards
9 mitigation). You may rely on this writing ... This is your opportunity to mitigate.
10 This is your opportunity to ‘do the right thing.’” [See Exhibit No. “1”]

11 Knowledge of Falsehood/ Reckless Disregard for Truth: In light of Plaintiff’s
12 demand for retraction, which carefully advises Falconi of the true and correct facts,
13 Falconi’s continued publications show his “knowledge of the falsehood and reckless
14 disregard for the truth,” [see *New York Times v. Sullivan*, 376 U.S. 254 (1964)].

15 Media Access Must be Denied to Alexander Falconi: It goes without saying;
16 the Court must deny media access to Alexander Falconi and *Our Nevada Judges* because
17 Falconi’s foul lies have already subverted the integrity of these proceedings.

18
19 **XI. ALEXANDER FALCONI—AKA “MATTHEW BUTCHER?”**

20 Alexander Falconi May Be “Matthew Butcher”: The *First Amended Complaint*,
21 at ¶ 29, alleges that Defendants’ Facebook page features many “fake” accounts,
22 maintained by persons who are obviously legal professionals, including one, “*Matthew*
23 *Butcher*,” whom Plaintiff contends is one, Alexander Falconi, [see FAC, ¶ 29].

24 Alexander Falconi—Witness/ Party: Falconi will most certainly be a defendant
25 in this case. He’s already a witness. And, if Plaintiff’s hunch is correct, Falconi is also
26 a witness in a different capacity, playing the role of “*Matthew Butcher*,” [FAC, ¶ 29].

27 ////

1 **XII. SUMMARY & CONCLUSION—**

2 Appearance of Impropriety: Falconi has already lied about these proceedings,
3 (and defamed Plaintiff). The Court must forbid media access. Traditional notions of
4 fundamental fairness, [14th Amendment], preclude courts from supporting organizations
5 that lie about court proceedings. Where judicial officers grant media access to those
6 with unclean hands it creates glaring “appearances of improprieties.”

7 Falconi Believes He is “Protected”: *Our Nevada Judges* openly defames Plaintiff
8 but only because Falconi is confident that our Nevada judges will protect him. But to
9 allow media access to Falconi serves no purpose other than to promote and foster
10 ABRAMS’ agenda to berate bereaved parents such as Plaintiff.

11 Our Nevada Judges: If the court allows a known liar to be in-charge of media
12 coverage, Plaintiff will not get a fair trial, nor will he get a fair appeal of his family court
13 case—because *Our Nevada Judges* broadcasts lies to our Nevada judges.

14 Order to Show Cause: The Court is wise to issue an O.S.C. to give Falconi an
15 opportunity to come to court and explain why his media request should *not* be denied.

16 Conclusion: This Court must rescind the media order issued on March 17, 2021.
17 This Court must DENY media access to Alexander Falconi and *Our Nevada Judges*.

18
19 Dated: **March 30, 2021**

LAW OFFICES OF T. MATTHEW PHILLIPS

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23 _____
24 T. Matthew Phillips, Esq.
25 *In Propria Persona*
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œ AFFIDAVIT of T. MATTHEW PHILLIPS, Esq. œ

My name is T. MATTHEW PHILLIPS. I am the Plaintiff herein. I authored the instant motion. All the within allegations are true and correct of my own personal knowledge. If called upon to testify, I could and would give competent and truthful evidence.

I hereby declare under penalty of perjury under the laws of the State of Nevada the foregoing is both true and correct.

Dated: **March 30, 2021**

T. Matthew Phillips

T. Matthew Phillips, Esq.
Affiant.

~~**-CERTIFICATE-OF-SERVICE-**~~

1
2 I am an individual over the age of eighteen and not a
3 party to the within action. My business address is 4894 W.
4 Lone Mtn. Rd., No. 132, Las Vegas, Nev. 89130. My phone
5 number is (323) 314-6996.

6 On **March 30, 2021**, I served the following:

7 **Motion for Reconsideration of Order;**

8 on an interested party in the above-entitled action by
9 X via e-mail transmission,
10 _____ personal service on the person below listed,
11 X depositing it in the U.S. Mail, postage prepaid,
12 and addressed to the person below listed,

13
14 **JOSHEPH P. GARIN, ESQ.**
LIPSON NEILSON PC
15 **9900 Covington Cross Dr. Ste 120**
Las Vegas, Nev. 89144
16 **jgarin@lipsonneilson.com**

17
18 **MARC S. CWIK, ESQ.**
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23 I declare under penalty of perjury under Nevada law,
24 the foregoing is true and correct.

25 Dated: **March 30, 2021**

26
27 /s/ T. Matthew Phillips .
28 Declarant.