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IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR STOREY COUNTY

SAM TOLL,
Plaintiff,

CASE NO. 20 TRT 00002 1E
DEPT. 2

vs.

LANCE GILMAN,
Defendant.

ORDER GRANTING NEWS REPORTERS ACCESS

Procedural Background

THIS MATTER comes before the Court on a request by **Christine Tosti of Our Nevada Judges**, to be granted permission to hear and observe the hearing on November 19, 2021 at 10:00 a.m. under SCR 230(1). The court administrator notified the attorneys of record of the request.

Applicable Rules

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

There is a presumption that all courtroom proceedings open to the public are

1 subject to electronic coverage. SCR 230(2).

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

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

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

15 SCR 230(2).

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

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

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

24 The decorum and dignity of the court, the courtroom, and the proceedings must
25 be maintained at all times. SCR 236(2).

26 Video, photography or audio reproductions may only be used for educational or
27 informational purposes, and may not be used for unrelated advertising purposes. SCR
28 241(1).

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

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

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

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Findings of Fact

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Christine Tosti wants to observe and hear the proceedings regarding the Order
Directing Defendant Lance Gilman to Appear and Show Cause Why He Should Not Be
Sanctioned Or Held In Contempt Of Court For Failure to Comply With A Court Order
which is set for hearing on November 19, 2021 at 10:00 a.m.

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Analysis

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Under the circumstances it does not appear:

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a) The coverage will have any impact upon the right of any party to a fair trial;

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b) The coverage will not adversely affect the right of privacy of any party or
witness;

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c) The coverage will not adversely affect the safety or well-being of any party,
witness or juror;

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d) The coverage will distract participants or detract from the dignity of the
proceedings;

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e) The physical facilities of the court are adequate for the coverage; and

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

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Conclusions of Law

The Petition should be granted.


Order

IT IS ORDERED:

The request to observe and hear the proceedings is granted

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

November 3, 2021.



James E. Wilson Sr.
District Judge

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of The First Judicial District Court and I certify that on November 3, 2021:


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

a true and correct copy of the foregoing order and addressed to the following:

Alexander M. Falconi
153 Sand Lake St.
Henderson, NV 89074
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Billie Shadron
Judicial Assistant