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6 *For Our Nevada Judges*

EIGHTH JUDICIAL DISTRICT  
CLARK COUNTY, NEVADA

7 [REDACTED]  
8 Plaintiff,  
9 vs.  
10 [REDACTED]  
11 Defendant.

Case No.: D [REDACTED] C  
Dept. No.: I

**REPLY TO OPPOSITION TO MOTION  
TO UNSEAL**

\* NO HEARING REQUESTED \*

12  
13 COMES NOW, Alexander Falconi of Our Nevada Judges<sup>1</sup>, appearing in proper person,  
14 and hereby files a reply to Defendant's opposition to motion to unseal filed March 4, 2022. This  
15 reply is based upon the following memorandum of points and authorities and all pleadings on file  
16 herein.

17 DATED THIS 7 day of March, 2022.



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19  
20 Alexander M. Falconi  
21 Our Nevada Judges  
22 Administrator

**Memorandum of Points and Authorities**

**I. Inapplicability of EDCR 5.210, 5.301**

23 Defendant cites SRCR 4 in support of sealing, but Our Nevada Judges ('ONvJ') is not  
24 trying to unseal everything, only force the revealing of the mandatory information as required by  
25  
26

27  
28 <sup>1</sup> Alexander M. Falconi owns, operates, and controls the Our Nevada Judges organization,  
including but not limited to the website, YouTube, Facebook, and Twitter platforms.

1 SRCR 3(5)(c). ONvJ requests this mandatory minimum information, as well as upcoming hearing  
2 dates and times which will appear on the docket as well as in any filed notices of hearing.

3 EDCR 5.210 does not control. At this time, ONvJ is not seeking to appear at and/or record  
4 a proceeding. No SCR 230(1) request is pending at this time.

5 EDCR 5.301 applies only to “lawyers and litigants”; not the public nor the press. In any  
6 event, ONvJ redacts family information; ONvJ’s primary function is to provide coverage of the  
7 operation of the courts.  
8

9 The referenced “allegations” are unknown in violation of SRCR 3(7)(a)(3). For this reason,  
10 ONvJ cannot address them on reply.

## 11 **II. Statutory Construction**

12 Mr. Willick’s opinions are appreciated and respected, and he is a frequent participant in  
13 ONvJ interviews. But what public policy should be (according to an attorney) is not necessarily  
14 what public policy actually is. “[P]olicy arguments are unavailing in the face of an unambiguous,  
15 controlling statute[.]” *Randono v. CUNA Mut. Ins. Group*, 106 Nev. 371, 793 P. 2d 1324 (1990).  
16 “We must assume that the legislature, when it enacted the statute, was aware of the various policy  
17 considerations and purposely drafted the statute to read as it does.” *Id.* Statutes and court rules are  
18 different in some sense; but, “rules of statutory construction apply to court rules[.]” *Webb v. Clark*  
19 *County School Dist.*, 145 Nev. 47, \_\_\_, 218 P.3d 1239, 1244 (2009). Some day, the legislature  
20 may fashion a statutory scheme, or the judiciary may promulgate rules, that are consistent with  
21 Defendant’s position. Today is not that day, right now, SRCR 3(5)(c) and SRCR 3(7)(a)(3) control.  
22

23 “When the language of a statute is clear on its face, this court will not go beyond the  
24 statute’s plain language.” *J.E. Dunn Nw., Inc. v. Corus Constr. Venture, LLC*, 127 Nev. 72, 79, 249  
25 P.3d 501, 511 (2011). Seldom does the Supreme Court (or the legislature for that matter) use  
26 language like “under no circumstances”. “Under no circumstances” means “under no  
27  
28

1 circumstances”. The sealing of the entire file is a flagrant violation of SRCR 3(5)(c) that must be  
2 rectified. The findings supporting sealing must be disclosed in accordance with SRCR 3(7)(a)(3).  
3 The EDCR do not supersede the SCR nor the SRCR. Such conflict in the rules should resolve in  
4 favor of the Supreme Court’s rules.

5 Defendant’s reliance on SRCR 4 fails, as his interpretation is in conflict with SRCR 3(5)(c).  
6 Where rules are in conflict, “a harmonious interpretation is preferred.” *Allianz Ins. Co. v. Gagnon*,  
7 109 Nev. 990, 993, 860 P.2d 720, 723 (1993). A harmonious interpretation of SRCR 4 and SRCR  
8 3(5)(c) would confer discretion to this Court on the redaction and sealing of information generally,  
9 except for the bare minimum information listed under SRCR 3(5)(c), which “under no  
10 circumstances” is to be concealed. To conclude otherwise, would render SRCR 3(5)(c) nugatory.  
11 *Harvey v. State*, 136 Nev. \_\_\_, 473 P. 3d 1015 (2020) (rejecting interpretations that render “words  
12 or phrases [] superfluous or nugatory”).  
13  
14

### 15 III. Conclusion

16 The Supreme Court has included language in the SRCR recognizing public, media, and  
17 non-party interests. See also SRCR 4 (“The parties’ agreement alone does not constitute a  
18 sufficient basis for the court to seal or redact court records.”) Likewise, same rules confer upon  
19 this Court the authority to take matters into its own hands. SRCR 4(1) (*sua sponte* unsealing).  
20 SRCR 6 (imposition of sanctions). ONvJ would urge this court to unseal the file and reveal the  
21 bare minimum information required by SRCR 3(5)(c).  
22

23 **AFFIRMATION:** This document does not contain a social security number of any person.

24 DATED THIS 7 day of March, 2022.

25 

26 \_\_\_\_\_  
27 Alexander M. Falconi  
28 Our Nevada Judges  
Administrator

1 **DECLARATION OF ALEXANDER FALCONI**

2 I, Alexander M. Falconi, state that I have read this *Reply* and that the contents are true and  
3 correct of my own personal knowledge, except for those matters I have stated that are not of my  
4 own personal knowledge, but that I only believe them to be true, and as for those matters, I do  
5 believe they are true.  
6

7 *I declare<sup>2</sup> under penalty of perjury that the foregoing is true and correct.*

8 EXECUTED this 7 day of March, 2022.

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28 \_\_\_\_\_  
<sup>2</sup> NRS 53.045 (declaration in lieu of affidavit).