



1 OPP

2 [REDACTED]
3 [REDACTED]

4 Defendant in Proper Person

5
6 DISTRICT COURT
7 CLARK COUNTY, NEVADA

8 [REDACTED]

9 Plaintiff,

) Case No. D-
) Dept No. I

-C

10
11 [REDACTED]

12 Defendant.

13
14 **OPPOSITION TO OUR NEVADA JUDGES SECOND MOTION TO**
15 **UNSEAL THIS CASE; OPPOSITION TO OSC AND**
16 **COUNTERMOTION FOR FINDINGS OF COMPELLING PRIVACY**
17 **AND/OR SAFETY REASONS THAT OUTWEIGH PUBLIC ACCESS**
18 **PURSUANT TO SRCR 3(4) AS DETAILED HEREIN; MOTION TO**
19 **STRIKE PURSUANT TO RULE 12F BASED UPON RULE 11A;**
20 **FOR SANCTIONS PURSUANT TO EDCR 7.60; AND RELATED RELIEF**

21 COMES NOW Defendant, in Proper Person, and respectfully responds to
22 OUR FAMILY JUDGES' SECOND MERITLESS MOTION TO UNSEAL THE
23 CASE, indicating as follows:

24 1. That the court deny OUR NEVADA JUDGES' second motion to unseal
25 this case, and that this court provide findings of compelling privacy and/or safety
26 reasons that outweigh public access as set forth herein by Defendant.

27 2. That the court deny this SECOND motion to unseal this case, as
28 Defendant is a private citizen, not a public figure, and he wholly opposes
Plaintiff's false allegations against him to be in the public forum.

3. That the court acknowledge NRS 125.110 DOES NOT APPLY, as the

1 motion acknowledges, because this is NOT a divorce action.

2 4. That the OSC be denied, as procedurally and factually deficient.

3 5. That this motion be stricken pursuant to Rule 12 F, based upon Rule
4 11A.

5 6. That the court award Defendant fees and costs for having to respond to
6 this SECOND motion, and that OUR FAMILY JUDGES be sanctioned pursuant
7 to EDCR 7.60.

8 This Opposition is based upon all the records and files in this action, Points
9 and Authorities, Declaration of the Defendant, and any argument that may be
10 adduced at the time of hearing of this Motion.

11 Dated this 2nd day of May, 2022.

12 [REDACTED]
13 [REDACTED]
14 Defendant in Proper Person

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **I. STATEMENT OF FACTS**

17 Plaintiff, [REDACTED], and Defendant, [REDACTED]
18 [REDACTED], have never been married. However, they had a romantic
19 relationship which produced a minor child, to wit: [REDACTED]
20 [REDACTED]. [REDACTED] initially filed to have this litigation sealed on December 13, 2019,
21 due to [REDACTED] employment and the sensitive nature of allegations involved.
22 [REDACTED] Motion was granted by Judge Moss on January 8, 2020.

23 However, on August 23, 2020, [REDACTED] filed a Motion with this Court
24 making false allegations of [REDACTED] on an infant and abuse on his children in
25 a prior divorce matter against [REDACTED] that were ultimately determined to be
26 unfounded. These false allegations are of such a nature that even the implication
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1 of the same could be seriously detrimental to a party if made public. Moreover,
2 should such allegations be made public, and [REDACTED] were exposed to same at a
3 later date, there is foreseeable harm to [REDACTED] relationship with both parties,
4 and certainly psychological damage.

5 During the evidentiary hearing in this matter, sensitive topics were further
6 addressed, and testimony given related to said topics that could be
7 detrimental to both the parties and the minor child should it be made
8 public. And this is a private custody action; not a divorce pursuant to NRS 125.
9 Therefore, NRS 125.110 does not apply. There is no compelling public interest in
10 this case, and due to the nature of Plaintiff's false allegations, Defendant is
11 concerned for his safety.

12 Defendant does not desire the false allegations of Plaintiff to be viewed and
13 misconstrued - nor does he desire the child to know his mother climbed through a
14 DOGGIE DOOR to commit trespassing and domestic violence against her father.
15 The child should be shielded from ALL of this. Defendant is certainly not a
16 public figure, and he has a right to his privacy.

17 This Opposition follows.

18 Defendant does not believe it is appropriate to unseal this case. Pursuant to
19 SCRC 1(3) and (4) all court records in civil actions are available to the public
20 EXCEPT as otherwise provided in the rules or by statute. Specifically Rule 4 lists
21 the scope of cases that are not available to the public.

22 Mr. Falconi cited NRS 125.110, and acknowledged this was NOT a divorce
23 action. In fact, this is a parentage and custody action, and is more akin to NRS
24 126, Parentage - which specifically is stated that "These rules do not apply to the
25 sealing or redacting of court records under these statutes, and specifically citing
26 Chapters 122, 125, and 126 therein.

1 The only thing clear on its face is the fact that certain family law cases are
2 exempt from being opened.

3 II. LAW AND ARGUMENT

4 **SRCR Rule 1. Nevada Rules for Sealing and Redacting Court Records; 5 purpose, policy, and scope of rules.**

6 1. Title. These rules may be known and cited as Nevada Rules for Sealing and
7 Redacting Court Records, or abbreviated SRCR.

8 2. Purpose. These rules provide a uniform procedure for the sealing and
9 redacting of court records in civil actions.

10 **3. Policy. All court records in civil actions are available to the public,
11 EXCEPT as otherwise provided in these rules or by statute.**

12 4. Scope. These rules apply to all court records in civil actions, regardless of
13 the physical form of the court record, the method of recording the court record, or
14 the method of storage of the court record. These rules do not apply to the sealing
15 or redacting of court records under specific statutes, such as NRS Chapter 33,
16 NRS Chapter 179, juvenile cases pursuant to NRS Chapters 62 and 63, or
17 domestic relations matters pursuant to NRS Chapters 122 (Marriage), 123 (Rights
18 of Husband and Wife), 125 (Dissolution), **126 (Parentage)**, 127 (Adoption), 128
19 (Termination of Parental Rights), 129 (Minors' Disabilities), 130 (Child Support),
20 453 (Treatment and Rehabilitation of Addicts), 433, 433A (Admission to Mental
21 Health Facilities/Sealing of Records), 433B (Provisions Relating to Children), 435
22 (Retarded Persons), and 436 (Community Programs for Mental Health) or to NRS
23 Title 13 (Guardianships; Conservatorships; Trusts). These rules do not provide for
24 the retention or destruction of court records or files.

25 Additionally, **EDCR 5.301** prohibits lawyers and litigants from discussing
26 family court issues, proceedings, pleadings, or papers with any minor child; or
27 allowing any child to review such materials; or "*leaving such materials in a place
28 where it is likely or FORESEEABLE that any minor child will access those
materials*", or knowingly permitting any other person to do any of the things
prohibited by the rule. As noted by Attorney Marshal Willick, the potential and
actual harm to a child who is exposed to their parents' litigation via the internet is
hard to overstate. [See: [https://www.willicklawgroup.com/vol-73-closed-
hearings-sealed-files-privacy-and-publicaccess-why-the-rules-are-the-way-they-a-
re-and-what-they-should-be-going-forward/](https://www.willicklawgroup.com/vol-73-closed-hearings-sealed-files-privacy-and-publicaccess-why-the-rules-are-the-way-they-are-and-what-they-should-be-going-forward/)]

1 When the litigation includes allegations of a sensitive nature directly
2 involving the minor child, the harm increases exponentially. Allegations have
3 been made in this case which would be detrimental to BOTH the parties and the
4 minor child should they be made public, regardless of the veracity of same.
5 Therefore, it is imperative that the seal remain on the instant litigation for the
6 privacy of not only the parties, but for the sake of the minor child.

7 Defendant believes this case is a case that has specific language that does
8 not allow for the case to be unsealed.

9 Additionally, Defendant desires this court to make specific findings
10 pursuant to SRCR 3(4), which states:

11 **Rule 3. Process and grounds for sealing or redacting court records.**

12

13 4. Grounds to seal or redact; written findings required. The court may order
14 the court files and records, or any part thereof, in a civil action to be sealed or
15 redacted, provided the court makes and enters written findings that the specific
16 sealing or redaction is justified by identified compelling privacy or safety interests
17 that outweigh the public interest in access to the court record. The parties'
18 agreement alone does not constitute a sufficient basis for the court to seal or redact
19 court records. The public interest in privacy or safety interests that outweigh the
20 public interest in open court records include findings that:

21 (a) The sealing or redaction is permitted or required by federal or state law;

22 (b) The sealing or redaction furthers an order entered under NRCP 12(f) or
23 JCRCP 12(f) or a protective order entered under NRCP 26(c) or JCRCP 26(c);

24 (c) The sealing or redaction furthers an order entered in accordance with
25 federal or state laws that serve to protect the public health and safety;

26 (d) The redaction includes only restricted personal information contained in
27 the court record;

28 (e) The sealing or redaction is of the confidential terms of a settlement
agreement of the parties;

 (f) The sealing or redaction includes medical, mental health, or tax records;

 (g) The sealing or redaction is necessary to protect intellectual proprietary or
property interests such as trade secrets as defined in NRS 600A.030(5); or

 (h) The sealing or redaction is justified or required by another identified

1 compelling circumstance.

2 Defendant believes that even citing the titles of the documents violates his
3 privacy and raises safety concerns. As this court is aware, when the evidence of
4 the Plaintiff first trespassed, and then breaking and entering via the DOGGIE
5 DOOR and attacking Defendant was presented, Plaintiff made false allegations
6 against Defendant that were ultimately unsubstantiated. However, Plaintiff made
7 false and derogatory allegations against Defendant in the TITLES of the motions,
8 oppositions, etc., in retaliation for Defendant pursuing the domestic violence that
9 was documented against Plaintiff. These document titles could lead to retaliation
10 against Defendant based upon the false allegations of Plaintiff. Thus, Defendant
11 requests a finding that unsealing this case, or any portion thereof not mandatory to
12 be unsealed, could present a danger to Defendant. The Clerk and Falconi's exhibit
13 examples have failed to adhere to Court Order. Currently titles ARE viewable to
14 the public in spite of the fact the current court order does not say Titles are
15 unsealed, but only the case type should be unsealed.

16 Further, Defendant requests the court make a finding that the sealing
17 protects the privacy of Defendant, Plaintiff, and the minor child.

18 Finally, Defendant requests that the court make a finding pursuant to SRCR
19 3(4)(a), that this sealing is permitted by state law, including but not limited to NRS
20 126.

21 Contrary to the representations of Mr. Falconi, Defendant believes even
22 unsealing the court dates may subject him to danger, given that Plaintiff's false
23 allegations of inappropriate acts appears in the titles of Plaintiff's documents.

24 Further, this entire motion is brought in bad faith. There are no compelling
25 public interests in this matter. Defendant is not a public figure.

26 Additionally, Defendant asks this court to apply Rule 11A and only allow
27 proper parties and/or attorneys to file in this case, and to strike Falconi's first and
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1 second motions to unseal pursuant to Rule 12F.

2 Nev. R.Civ.P. 11(a) states:

3 (a) Signature. Every pleading, written motion, and other paper must
4 be signed by **at least one attorney of record in the attorney's**
5 **name-or by a party personally if the party is unrepresented.** The
6 paper must state the signer's address, email address, and telephone
7 number. Unless a rule or statute specifically states otherwise, a
8 pleading need not be verified or accompanied by an affidavit. The
9 court must strike an unsigned paper unless the omission is promptly
10 corrected after being called to the attorney's or party's attention.

11 Falconi is neither a litigant nor an attorney. He is not the Plaintiff, nor the
12 Defendant and cannot seek relief nor effect a judgement on this case.

13 Due to Falconi's lack of standing and lack of understanding of this matter,
14 Defendant requests the court strike both motions to unseal.

15 Nev. R.Civ. 12(f) states:

16 (f) Motion to Strike. The court may strike from a pleading an
17 insufficient defense or any redundant, immaterial, impertinent, or
18 scandalous matter. The court may act:

- 19 (1) on its own; or
20 (2) on motion made by a party either before responding to the
21 pleading or, if a response is not allowed, within 21 days after being
22 served with the pleading.

23 **NO PENDING SCR 230(1) REQUEST PENDING**

24 Defendant is not moved by the recitation that five or six of the 50 or so
25 judges in Clark County allow "comprehensive electronic coverage" of their
26 proceedings. Further these judges would be in the *minority*.

27 This matter is not even about electronic coverage, and there is not SCR
28 230(1) request pending - as stated in the ORIGINAL Motion to Unseal, which
states:

"At this time, no SCR 230(1) request is pending. If Parties are
opposed to electronic coverage, a separate opportunity to object will
arise if and when an SCR 230(1) is filed. *Solid v. Eighth Judicial*
Dist. Court, 133 Nev. 118, 393 P.3d 666 (2017)."

1 CONCLUSION

2 Based on the forgoing, Defendant requests this court make specific findings
3 demonstrating the compelling privacy and safety interest that outweigh the public
4 access pursuant to SRCR 3(4).

5 Dated this 2nd day of May, 2022.



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1 served time for the issues alleged - the allegations against me were FALSE.

2 6. That I should be awarded fees and costs for having to respond to such a
3 meritless motion, including attorney fees, as I intent to retain counsel at this time.

4 Pursuant to NRS 53.045, I declare under penalty of perjury under the laws
5 of the State of Nevada that the foregoing is true and correct.

6 Dated this 2nd day of May, 2022.

7 [REDACTED]
8 [REDACTED]

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