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For Our Nevada Judges

EIGHTH JUDICIAL DISTRICT
CLARK COUNTY, NEVADA

██████████
Plaintiff,

vs.

██████████
Defendant.

Case No.: D ██████████ C
Dept. No.: I

**REPLY TO OPPOSITION TO SECOND
MOTION TO UNSEAL AND FOR
ORDER TO SHOW CAUSE;
OPPOSITION TO COUNTERMOTION
FOR SANCTIONS**

* NO HEARING REQUESTED *

COMES NOW, Alexander Falconi of Our Nevada Judges¹, appearing in proper person, and hereby files a reply to second motion to unseal and for an order to show cause and an opposition to motion for sanctions. This reply is based upon the following memorandum of points and authorities and all pleadings on file herein.

DATED THIS 5 day of May, 2022.



Alexander M. Falconi
Our Nevada Judges
Administrator

¹ 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 **Memorandum of Points and Authorities**

2 I. **Withdrawal of Motion for Order to Show Cause**

3 The docket is now² available online as requested by Our Nevada Judges. This satisfies
4 SRCR 7(a) and discloses the dates and times of the hearings as well. Because Our Nevada Judges
5 is now able to monitor the case for upcoming hearings, the portion of the motion asking for this
6 Court to order the clerk to show cause is withdrawn.
7

8 II. **Opposition to Sanctions**

9 As argued on motion, Our Nevada Judges only requested unsealing contingent on the
10 nonexistence of SRCR 3(4) findings. If these findings do exist, Our Nevada Judges did not request
11 unsealing. It appears, however, *via* his Opposition, Defendant is asserting or interposing a request
12 for findings under SRCR 3(4). Our Nevada Judges is not concerned at this time with the filings
13 Defendant is justifying for sealing, so long as this Court does to exceed the bounds imposed by the
14 Supreme Court under SRCR 7(a) and SRCR 3(5)(c). Our Nevada Judges needs to be able to
15 continue to monitor the case for hearing dates and times.
16

17 NRCP 11(a) requires a signature unless party or attorney. Our Nevada Judges is not a party,
18 and Alexander Falconi is not an attorney. However, SRCR 4(2) authorizes a filing “by a named
19 party *or another person*”. The SRCR supersede the NRCP, and rules which are subject to statutory
20 construction must be read harmoniously. *Allianz Ins. Co. v. Gagnon*³, 109 Nev. 990, 993, 860 P.2d
21 720, 723 (1993). If this Court was to accept Defendant’s interpretation, a news reporter would not
22 be able to file SCR 230(1) requests either. *Harvey v. State*⁴, 136 Nev. ___, 473 P. 3d 1015 (2020).
23 NRCP 11(a) applies, generally, to filings, with SRCR 4(2) and 230(1) creating very limited
24
25
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27 _____
28 ² At some time between the filing of the motion, and today, the Clerk caused the docket to appear.

³ Where rules are in conflict, “a harmonious interpretation is preferred.”

⁴ Rejecting interpretations that render “words or phrases [] superfluous or nugatory”.

1 exceptions for very specific purposes. As Our Nevada Judges filed its motion consistent with
2 SRCR 4(2), for the limited purpose of unsealing, there is no basis for sanctions under NRCP 11(a).

3 It does not appear that EDCR 7.60 applies either, as the second motion for unsealing
4 successfully triggered a response from the Clerk causing the docket to appear. Our Nevada Judges
5 is now able to view document titles and the dates and times of upcoming hearings. Even if Our
6 Nevada Judges had not prevailed, there is nothing frivolous about the requests made as they were
7 consistent with the mandates provided by SRCR 7(a) and SRCR 3(5)(c). For the same reasons,
8 NRS 18.010(2)(b) does not apply either.
9

10 VI. Conclusion

11 The Clerk is now in compliance with SRCR 7(a) and SRCR 3(5)(c). Our Nevada Judges
12 can monitor the case for hearing dates and times.

13 Our Nevada Judges understands Defendant's concerns on the revealing of document titles,
14 and bare minimum information, but SRCR 3(5)(c) forbids the sealing of an entire file and requires
15 the disclosure of this bare minimum information; with, SRCR 7(a) requiring preservation of the
16 docket, codes, and document titles. "[P]olicy arguments are unavailing in the face of an
17 unambiguous, controlling statute[.]" "[R]ules of statutory construction apply to court rules[.]".
18 *Randono v. CUNA Mut. Ins. Group*, 106 Nev. 371, 793 P. 2d 1324 (1990). *Webb v. Clark County*
19 *School Dist.*, 145 Nev. 47, ___, 218 P.3d 1239, 1244 (2009).
20
21

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

24 DATED THIS 5th day of May, 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 declare⁵ under penalty of perjury that the foregoing is true and correct.*

8 EXECUTED this 5 day of May, 2022.

9 

10 _____
11 Alexander M. Falconi
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14 Our Nevada Judges
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⁵ NRS 53.045 (declaration in lieu of affidavit).