

1 Case No. CV 21,682-1

2 Dept No. 02

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FILED  
2019 OCT 18 PM 3:10  
TAMI RAE SPEND  
DIST. COURT CLERK

6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
7 IN AND FOR THE COUNTY OF HUMBOLDT

8 -oOo-

9 IN THE MATTER OF

10 KRISTOPHER DANIEL,  
11 Obligor,

12 and

NOTICE OF OBJECTION TO MEDIA  
REQUEST

13 NORA DANIEL,  
14 n.k.a. NORA ALANIZ  
Obligee. /

15 To All Interested Parties:

16 Please take notice that on October 15, 2019, Obligee, NORA DANIEL n.k.a. NORA  
17 ALANIZ, represented by her attorneys, MILLER LAW, INC. and KALE M. BROCK, ESQ, filed  
18 an *Objection to Media Request*. A copy is attached hereto.

19 DATED this 17 day of October, 2019.

20 MILLER LAW, INC.

21 

22 KALE M. BROCK, ESQ.  
23 Attorney for NORA ALANIZ  
24 Nevada Bar No. 14838  
25 115 West 5th Street, Box 7  
26 Winnemucca, Nevada 89445  
27 775-623-5000  
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CERTIFICATE OF MAILING

I, CRISTAL VENZOR, hereby certify that I am a paralegal of KALE M. BROCK, ESQ., and that on the 18 day of October, 2019, I placed a true and correct copy of the foregoing or attached document in US Postal Service, prepaid, first class, entitled *Notice of Entry of Order*, to:

Steve E. Evenson, Esq.  
101 N. Maine Street  
Fallon, Nevada 89406

Humboldt County District Attorney  
Hartoch Building  
Winnemucca, Nevada

Our Nevada Judges  
Alexander Falconi  
Glenn Baker  
153 Sand Lake Street  
Henderson, Nevada 89074

DATED this 18 day of October, 2019.

  
\_\_\_\_\_  
CRISTAL VENZOR

1 Case No. CV 21,682

2 Dept No. 02

3 This document contains no  
4 Social Security Numbers

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2019 OCT 15 PM 3:05

TAMI RAE SPET  
DIST. COURT CLERK

6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
7 IN AND FOR THE COUNTY OF HUMBOLDT

8 -oOo-

9 IN THE MATTER OF THE MARRIAGE OF

10 KRISTOPHER DANIEL,  
11 Plaintiff

12 and

OBJECTION TO MEDIA REQUEST

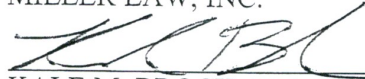
13 NORA DANIEL,  
14 k.n.a. NORA ALANIZ

15 Defendant. /

16 COMES NOW, Defendant, NORA ALANIZ, represented by their attorneys, MILLER  
17 LAW, INC. and KALE M. BROCK, ESQ., and hereby objects to the *Media Request filed by Third*  
18 *Party* – Glen Baker and Alexander Falconi. This Objection is based on the following Points and  
19 Authorities.

21 DATED this 15 day of October, 2019.

22 MILLER LAW, INC.

23 

24 KALE M. BROCK, ESQ.  
25 Attorney for NORA ALANIZ  
26 Nevada Bar No. 14838  
27 115 West 5th Street  
28 Winnemucca, Nevada 89445  
775-623-5000

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 FACTUAL HISTORY

3 The parties, Nora Alaniz and Kristopher Daniel, were granted a decree of divorce via their  
4 Petition for Dissolution of Marriage in the Sixth Judicial District Court, case number CV 21,682 on  
5 December 6<sup>th</sup>, 2018.

6 Defendant Kristopher Daniel filed a Motion for Order to Modify Child Custody in proper  
7 person on July 10, 2019. On October 1, 2019, Plaintiff Nora Daniel filed a Motion to Dismiss  
8 Defendant's Motion to Modify Child Support. A hearing is set on the child support case CV 21,682-  
9 1 for November 20, 2019 at 10:30am. This November hearing is the subject of the Third Party's  
10 media request.

11 LEGAL AUTHORITY

12 Nevada's Supreme Court Rule 230 governs and conditions the ability of news reporters to  
13 provide electronic coverage of courtroom proceedings. The rule provides:

14 **Rule 230.** Duty of news reporters to obtain permission.

- 15 1. News reporters desiring permission to provide electronic coverage  
16 of a proceeding in the courtroom shall file a written request with  
17 the judge at least 24 hours before the proceeding commences,  
18 however, the judge may grant such a request on shorter notice or  
19 waive the requirement for a written request. The attorneys of  
20 record shall be notified by the court administrator or by the clerk of  
21 the court of the filing of any such request by a news reporter. The  
22 written order of the judge granting or denying access by a news  
23 reporter to a proceeding shall be made a part of the record of the  
24 proceedings.
- 25 2. Under these rules, there is a presumption that all courtroom  
26 proceedings that are open to the public are subject to electronic  
27 coverage. A judge shall make particularized findings on the record  
28 when determining whether electronic coverage will be allowed at a  
proceeding, in whole or in part. **Specifically, the judge shall consider the following factors:**
- (a) **The impact of coverage upon the right of any party to a fair trial;**
  - (b) **The impact of coverage upon the right of privacy of any party or witness;**
  - (c) **The impact of coverage upon the safety and well-being of any party, witness or juror;**
  - (d) **The likelihood that coverage would distract participants or would detract from the dignity of the proceedings;**
  - (e) The adequacy of the physical facilities of the court for coverage; and
  - (f) Any other factor affecting the fair administration of justice.

1 Accordingly, Nevada's Courts can deny requests for media coverage in cases where the  
2 media coverage would have an impact on trial, where coverage would compromise the privacy of  
3 parties or witnesses, impact the safety of any party, witness, or juror, and/or distract participants  
4 or detract from the dignity of the proceedings.

5 Nevada's legislature has also provided participants in divorce trials with the ability to  
6 demand that their proceedings occur in private. The parties may demand that all persons be  
7 excluded from the Court with certain specific exceptions. The pertinent statute provides in whole:

8  
9 **NRS 125.080** Trial of divorce action may be private.

10 1. In any action for divorce, the court shall, upon  
11 demand of either party, direct that the trial and issue or issues of  
12 fact joined therein be private.

13 2. Except as otherwise provided in subsection 3, upon  
14 such demand of either party, all persons must be excluded from the  
15 court or chambers wherein the action is tried, except:

- 16 (a) The officers of the court;
- 17 (b) The parties;
- 18 (c) The counsel for the parties;
- 19 (d) The witnesses for the parties;
- 20 (e) The parents or guardians of the parties; and
- 21 (f) The siblings of the parties.

22 3. The court may, upon oral or written motion of  
23 either party, order a hearing to determine whether to exclude the  
24 parents, guardians or siblings of either party, or witnesses for either  
25 party, from the court or chambers wherein the action is tried. If  
26 good cause is shown for the exclusion of any such person, the  
27 court shall exclude any such person from the court or chambers  
28 wherein the action is tried.

19 This statute allows the parties to a divorce proceeding to demand privacy and exclude all  
20 persons from the court except necessary parties, family, counsel, witnesses, and personnel for the  
21 case if good cause is shown.

22 Nevada Supreme Court **Rule 229** (1)(c) defines "*news reporters*" as follows:

23 "*News reporter* shall include any person who gathers, prepares, collects, photographs,  
24 records, writes, edits, reports, or publishes news or information that concerns local, national, or  
25 international events or other matters of public interest for dissemination to the public."

26 ANALYSIS

27 Here, there are separate defenses to Third Party's Media request under both state statute and  
28 our Nevada Supreme Court rules.

1 **NSCR 230**

2 NSCR 230 (2) sets forth a presumption that those court proceedings which are open to the  
3 public are subject to electronic coverage. However, a Judge determining whether to allow such  
4 electronic coverage must also consider several factors pertaining to the effect such media  
5 coverage would have on the proceedings. In this case, NSCR 230 (2) factors A-D are at play,  
6 which pertain to the media request's impact on the fairness, privacy, safety, and dignity of the  
7 proceedings.

8 Here, those factors should weigh against the Third Party Media Request because the  
9 individuals requesting to provide this media coverage are non-parties, they are not family  
10 members, they are not journalists, and they have provided no reasoning or argument as to why  
11 they should be allowed to broadcast this proceeding. The presence of legally uninterested  
12 individuals and the electronic broadcast of a matter to which they are entirely unrelated is  
13 inappropriate. Parties will be discussing their incomes and expenses, their children's medical  
14 needs, their household debts and personal obligations, and various other private aspects of their  
15 lives.

16 Further, no part of this proceeding appears to be newsworthy or novel enough to generate  
17 media coverage. Having an electronic broadcast in this case would be disruptive, denigrating,  
18 violative, and possibly unsafe to the parties involved and their family members, all factors which  
19 must be considered under NSCR 230.

20 **NSCR 229**

21 Nevada's Supreme Court has confined the definition of "news reporters," to which NSCR  
22 230 is applicable, as those persons who gather and disseminate information which concerns local,  
23 national, or international events or other matters of public interest.

24 In this case, the requested coverage would pertain to a private matter unrelated to the  
25 public interest and could not be considered a local, national, or international event. The third  
26 Party Reply to State's Objection indicates that Our Nevada Judges is not an educational non-  
27 profit or a broadcasting corporation. In fact, the entity is a sole proprietorship owned and operated  
28 by Mr. Alexander Falconi. Mr. Falconi is not a news entity, an educational entity, or a news

1 reporter. Mr. Falconi's own website holds Mr. Falconi out as an administrator, not a journalist or  
2 media member.

3 Our Nevada Judges attempts to use *Solid v. Eighth Judicial District Court*, 133 Nev. 118,  
4 393 P. 3d 666 (2017) in support of their request to film this proceeding. This reliance is misplaced  
5 for several reasons. *Solid* involved a first-degree murder trial wherein a media coverage request  
6 was made by an actual broadcasting company, My Entertainment TV (MET), that produced the  
7 television show "Las Vegas Law." Further, MET had a formal television series agreement with  
8 the Clark County District Attorney's office pertaining to their coverage.

9 First degree murder trials covered by legitimate broadcasting companies are a far cry from  
10 the issue before this court. A first-degree murder trial can be considered an event or public affair,  
11 is more likely to be sensational or newsworthy, and pertains to a public interest in safety. A  
12 private child support hearing for a small family matches none of these criterion. Accordingly,  
13 Third Party's media request because they fail to meet the definition of "news reporter" under  
14 NSCR 229(1)(c) and the proceeding would fail to meet the standard of being a local event or  
15 public affair.

16 **NRS 125.080**

17 Nevada Revised Statute 125.080 affords participants in a divorce trial the ability to  
18 demand privacy in their proceeding. Under this law, parties can demand the exclusion of any  
19 person not explicitly listed as an exception under the statute, and sometimes even those listed  
20 exceptions can be excluded upon demand. This statute serves to protect the intimate and private  
21 nature of a divorce proceeding, which may involve deeply personal information such as  
22 individual assets, medical issues or needs, debts, and more.

23 In this case, the current child support action upon which the Media Request has been  
24 brought is a derivative of the original divorce action between the same parties. The same issues  
25 which would be exposed in a divorce trial are discussed in this child support action. The parties  
26 should be able to discuss these issues as openly and candidly as possible, something that would  
27 become extremely difficult if their entire proceeding was being broadcasted.

28

1 The purpose of NRS 125.080 is simple, it allows for parties to protect their privacy during  
2 divorce proceedings which are sure to expose intimate and private parts of their lives. Those very  
3 same intimate and private parts of a family's business are exposed in child support hearings as  
4 well.

5 CONCLUSION

6 The Third Party Media Request should be denied in this case because it could only be  
7 granted at the expense of the reasonable expectation of privacy that the parties should enjoy when  
8 deal with a personal familial issue such as child support. There are sure to be discussions regarding  
9 the children, as well as any medical issues or bills they may have. There are sure to be discussions  
10 regarding personal incomes and debts and other private financial matters.

11 Third Party's Reply to State's Objection attempts to assure this Court that they will only  
12 use their coverage to provide a minimal summary and coverage of the entire proceeding, all for  
13 educational purposes. Their request is veiled under the pretense of providing coverage to a  
14 viewership that is interested in the judicial process. If this is truly the case, there are several other  
15 proceedings available for coverage that do not cover in-depth the personal issues of a family, their  
16 children, and their private disputes and affairs.

17 The applicants in this case have provided no explanation or reasoning for their request to  
18 publicize the affairs of this family and their legal issues. The applicants describe themselves as an  
19 Administrator and Rural Coordinator of Our Nevada Judges. They do not hold themselves out as  
20 news reporters in their own application, yet the rule under which they have applied pertains to news  
21 reporters only. Electronic coverage of this matter likely serves no purpose other than the political  
22 agenda of the applicants. If they have issues regarding the way child support is administered or  
23 governed in this state, the proper avenue is to contact their elected representative and to push for  
24 political or legislative change in the properly designated arenas for those issues.

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WHEREFORE, Defendant prays for the following relief:

First. For this Court to dismiss the Motion in the above captioned case.

Second. For such other and further relief as to the Court may appear just and proper.

DATED this 15 day of ~~September~~<sup>October</sup>, 2019.

MILLER LAW, INC.



KALE M. BROCK, ESQ.  
Attorney for NORA ALANIZ  
Nevada Bar No. 14838  
115 West 5th Street  
Winnemucca, Nevada 89445  
775-623-5000

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AFFIDAVIT

STATE OF NEVADA                    )  
                                                  )ss.  
COUNTY OF HUMBOLDT            )

Comes now, NORA ALANIZ, your affiant, after having been duly sworn, under pains of penalty of perjury, under the laws of the State of Nevada, and truthfully states the following:

- 1. That your affiant is the defendant in the cases in.
- 2. That this affidavit is made in support of the *Motion to Dismiss* in the above-referenced cases.
- 3. That your affiant promises to appear for court at all mandatory court appearances and maintain contact with her attorney.
- 4. That your affiant is familiar with the above referenced matter and verily believes, upon information and belief, that the facts stated in said Opposition are true.

DATED this 15 day of ~~September~~<sup>October</sup>, 2019.

  
\_\_\_\_\_  
NORA ALANIZ

SUBSCRIBED and SWORN to before me this 15 day of ~~September~~<sup>October</sup>, 2019, by NORA ALANIZ.

  
\_\_\_\_\_  
NOTARY PUBLIC



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CERTIFICATE OF MAILING

I, MICHELLE L. MILLER, do hereby certify that I am a legal assistant to KALE M. BROCK, ESQ. and that on the 15 day of September, 2019, I placed a true and correct copy of the foregoing or attached document in the mail with the United States Postal Service in Winnemucca, Nevada, entitled *Motion to Dismiss*, to:

Steve Evenson  
101 North Main Street  
Fallon, NV 89406

DATED this 15 day of September, 2019.



\_\_\_\_\_  
MICHELLE L. MILLER