Electronically Filed 7/16/2022 3:07 PM Steven D. Grierson CLERK OF THE COURT **MOT** 1 Kerry J. Doyle 2 Nevada Bar No. 10571 kdoyle@DoyleLawGroupLV.com 3 **DOYLE LAW GROUP** 7375 S. Pecos Rd., #101 4 Las Vegas, NV 89120 Co-Counsel for Plaintiffs 5 6 Kurt K. Harris, Esq. Nevada Bar No.: 5354 7 4730 S. Fort Apache Rd., Suite 300 Las Vegas, NV 89147 8 (702) 252-3838 9 kharris@702law.com Attorney for Plaintiffs, 10 Kurt Harris and Kurt K. Harris, Esq., P.C. 11 12 13 DISTRICT COURT 14 **CLARK COUNTY, NEVADA** 15 KURT K. HARRIS, ESQ. P.C., a Nevada corporation; and, KURT HARRIS, CASE NO.: A-18-781255-C 16 an individual, DEPT NO.: 29 17 Plaintiffs, 18 MOTION TO REVOKE MEDIA **REQUEST AND ORDER** VS. 19 **ALLOWING CAMERA ACCESS** ERNEST DEL CASAL, an individual; MICHAEL TO COURT PROCEEDINGS 20 FRANKLIN, JR., an individual; MCNW MARKETING, an unknown entity or tradename; 21 DOES I through X and ROE Corporations or 22 Business Entities I through X. inclusive, 23 Defendants. 24 COMES NOW, Plaintiffs, Kurt Harris and Kurt K. Harris, Esq., P.C., by and through 25 counsel, Kurt Harris, Esq., and hereby moves this Honorable Court for an Order Granting the 26 Motion to Revoke the Order Granting the Media Request Allowing Camera Access to Court 27 Proceedings as follows: 28

This Motion is made and based upon the attached points and authorities, Supreme Court Rules 229-246, the papers and pleadings on file herein and such oral argument as the Court may deem appropriate at the hearing on this Motion.

DECLARATION IN SUPPORT OF MOTION TO STRIKE

STATE OF NEVADA)	
)	SS
COUNTY OF CLARK)	

KURT K. HARRIS, ESQ., being first duly sworn, deposes and says:

- 1. That I am a duly licensed and practicing attorney of the State of Nevada, with Harris Law Office, maintaining offices at 4730 S. Fort Apache Road, Suite 700, Las Vegas, NV 89147;
- 2. That I am one of the attorneys of record for the Plaintiffs in the above-entitled matter and am competent to testify herein;
- 3. That on or about September 19, 2019, the Honorable Judge Rob Bare, Department 32 granted a Media Request and Order Allowing Camera Access to Court Proceedings
- 4. That since that time, it has come to my attention that Defendant, ERNEST DEL CASAL, invited Our Nevada Judges, which is not a lawful company or corporation, to come and film and broadcast the proceedings.
- 5. That it is my belief that Defendant, ERNEST DEL CASAL wants to cause a maximum amount of embarrassment not only to himself but to others and desires to have a production.
- 6. The based upon my observations, Defendant, MICHAEL FRANKLIN just goes along with whatever Defendant, DEL CASAL tells him to do.
- 7. That no prior objection was made or motion for an order as the hearings involved only myself and the Defendants. Based upon the comments on Youtube, Defendants have been lost in the court of public opinion.
 - 8. That a Jury Trial is now set to commence on July 18, 2022.
- 9. That the members of the Jury are entitled to privacy and should not become part of

 Motion to Revoke Media Request Order

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the Defendant's production as they have requested the cameras there.

- 10. That although I am a party, my witnesses did not bargain and request to be filmed and should not be put on the internet for being pulled into this case by the Defendants.
- 11. That Gerald Sufleta is currently retired and would like to live his life in peace without being put on the internet and have details of his personal life published on youtube or any other venue. This man has earned his peace.
- 12. That Cam Harris has four young children and a wonderful family and should not be required to testify in front of a camera which he did not request and for which the Defendants have cased and created the situation.
- 13. That Oliver Melgar, Esq., is a respected attorney and should not be forced to have his testimony published on the internet because he is a friend and colleague. Mr. Del Casal testified at his deposition that he was not fond of Mr. Melgar and seemed to take a personal, perhaps religious issue with him. Mr. Melgar did not request the opportunity to testify but was asked.
- 14. That Scott Caterer lives a quiet and private life and should not be subjected to DEL CASAL's goal of attempting to embarrass him with more insults to be published on the internet which will mirror the lies and insults contained in Defendant, DEL CASAL's publication.
- 15. That George Boyer is a good man. He lives a quiet life and should not be subjected to DEL CASAL's goal of attempting to embarrass him with more insults to be published on the internet which will mirror the lies and insults contained in Defendant, DEL CASAL's publication.
- 16. That during his deposition, Defendant, DEL CASAL became angry with questions of his marijuana use and objected saying it "was not Utah" taking a swipe at me and my religious convictions. I would prefer to not provide him with filmed platform to spew his angst and statements about very personal matters.
- 17. None of these witnesses asked for this. The publication is admitted to be done by FRANKLIN and all witnesses will testify that DEL CASAL is the author.
 - 18. That their wrongful conduct caused and created this case.
- 19. That pursuant to the order of the Court, the original request was granted at the discretion of the Court.

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20.	That pursuant to the order, predicated upon Supreme Court Rules 229-246, inclusive
the motion is s	ubject to reconsideration upon motion.

- 21. Additionally, the request could be revoked by the court if the access will be distracting to the participants or which may impair the dignity of the court or interfere with the administration of justice.
- 22. That the cameras and filming are distracting to the Jury and the Witnesses and it is lawfully requested that the Motion to Revoke be granted in order to facilitate the administration of justice.
- 23. The Original Notice was mailed to my office on September 18, 2019 and was signed by the Judge on September 19, 2019 before I had any opportunity to be heard.

FURTHER YOUR DECLARANT SAYETH NAUGHT.

DATED this 16th day of July, 2022.

/s/ Kurt Harris

KURT HARRIS

I. ARGUMENT

Pursuant to Supreme Court Rule 230.2:

A judge shall make particularized findings on the record 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.

It is believed that the camera in the courtroom will impact the privacy rights of the witnesses involved. They did not ask for this. This case was brought on by Defendant's wrongful conduct. With the matter being a jury trial, it is believed that the coverage would only be a distraction to all involved, especially the jury and the witnesses.

1	Pursuant to Supreme Court Rule 231, this court has the authority to revoke the permission				
2 3	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.				
4	Plaintiffs request the Court make specific findings that the case would be disrupted by the				
5	media coverage and that it would be disruptive to the witnesses and jury involved.				
6	II. <u>CONCLUSION</u>				
7 8	Based upon the foregoing, Plaintiffs respectfully requests that the Court grant the Motion				
9	to Revoke the Order Allowing Camera Access.				
10	DATED this 16 th day of July, 2022.				
11	DATED this 10 day of sury, 2022.	/s/ Kurt Harris			
12		Kurt K. Harris, Esq.			
13		4730 S. Fort Apache Road, Suite 300 Las Vegas, NV 89147			
14		<u>kharris@702law.com</u> Attorney for Plaintiffs			
15	CERTIFICATE	E OF SERVICE			
16	Pursuant to NRCP 5(b) I hereby certify that I am an employee of HARRIS LAW OFFICE, and that on the 16 th day of July, 2022, I served a true and correct copy of the Motion to Revoke the Order Granting the Media Request Allowing Camera Access to Court Proceedings serving the same through the court's efile system in Clark County, Nevada.				
17 18					
19		Alexander Falconi			
20	ALAN NEEDHAM, ESQ. 3216 W. Charleston Blvd., Ste. A	Our Nevada Judges Via eservice			
21		via escivice			
22	Alda Anderson, Esq.				
23	700 S. Fourth Street Las Vegas, Nevada 89102				
24		/s/ Kurt Harris			
25		An employee of HARRIS LAW OFFICE			
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