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8 *Appearing for Our Nevada Judges*

9 EIGHTH JUDICIAL DISTRICT
10 CLARK COUNTY, NEVADA

11 KURT K. HARRIS,
12 Plaintiff,

13 vs.

14 ERNEST DEL CASAL, et. al.,
15 Defendants.

16 Case No.: A-18-781255-C
17 Dept. No.: 29

18 **OPPOSITION TO MOTION TO
19 REVOKE MEDIA REQUEST**

20 * NO HEARING REQUESTED *

21 COMES NOW, Alexander M. Falconi d.b.a. Our Nevada Judges¹, by and through his
22 counsel, Michancy M. Cramer, Esq., and hereby files opposition to Plaintiff's motion to revoke
23 media request and order allowing camera access to court proceedings filed A-18-781255-C. This
24 opposition is based upon the following memorandum of points and authorities and all pleadings
25 on file herein.

26 DATED THIS 16th day of July, 2021.

27 *//s//MichancyM. Cramer*

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Michancy M Cramer, Esq.
For Our Nevada Judges

¹ Alexander M. Falconi owns, operates, and controls Our Nevada Judges.

1 **Memorandum of Points and Authorities**

2 Administrator Alexander Falconi ('Falconi') of Our Nevada Judges has been authorized to
3 provide electronic coverage of these proceedings. The Supreme Court has established a
4 presumption favoring electronic coverage of judicial proceedings. Plaintiff fails to overcome this
5 presumption. The motion should be denied.
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7 A request was made pursuant to SCR 230(1). The procedure has been discussed² on writ
8 review. *Solid v. Eighth Jud. Dist. Ct.*, 133 Nev. 118, 393 P.3d 666 (2017).

9 Plaintiff's motion is disappointing as it contains a number of blatant falsehoods. Ernest Del
10 Casal did not "invite" Our Nevada Judges to provide electronic coverage of the proceedings. Our
11 Nevada Judges has never used courtroom coverage to embarrass, but only to educate and inform.
12 Plaintiff's objection, filed 2 days prior to trial, is also highly prejudicial as any review of an order
13 revoking or restricting camera access by this Court will not reach the Supreme Court in time for
14 review. SCR 243.
15

16 Plaintiff's insinuation that Our Nevada Judges need operate as a business entity is
17 unavailing. SCR 229(1)(c), which defines a "news reporter", contains no such requirement.
18 Compare *Toll v. Wilson*, 453 P.3d 1215 (2019) (extending "news shield" protections beyond
19 conventional media). Our Nevada Judges has been recognized as a news reporter by Districts 1, 2,
20 5, 6, 8, 9, and 10; and, the Court of Appeals and Supreme Court; and, the Commission on Judicial
21 Discipline; and, the Las Vegas, Reno, Beatty, Pahrump, Dayton, Sparks, and Virginia City Justice
22 Courts; and, the Reno and Henderson Municipal Courts. Multiple lawyers and judges have also
23 made voluntary appearances on Our Nevada Judges Perspectives Programs, including Chief Judge
24 Michael Gibbons and Judge Bonnie Bulla.
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28 ² *Solid v. Eighth Jud. Dist. Ct.*, 393 P. 3d 666, 670 (2017): "Following the district court's order denying his motion for reconsideration, Solid filed the instant writ petition seeking interpretation of the Supreme Court Rules involving media in the courtroom."

1 SCR 238(2) forbids camera coverage of the jury, which Our Nevada Judges has never
2 recorded, and has no intention to record.

3 SCR 240(1) expressly states that the coverage of the participants is not required. Generic
4 assertions of privacy and distraction are unavailing and fail to overcome the presumption. *Solid* at
5 393 P.3d 666, 672. This Court has the discretion to prohibit the filming of witnesses. Our Nevada
6 Judges would consent to an order forbidding video zoom-in on the following witnesses: Cam
7 Harris, Scott Caterer, and, George Boyer ('The Private Witnesses'). The Court could alternatively
8 order video coverage off, but allow audio recording only of The Private Witnesses. SCR 243. Our
9 Nevada Judges would emphatically oppose an order totally prohibiting video and audio recording
10 of The Private Witnesses, as this would utterly destroy the purpose of electronic coverage of this
11 jury trial. Gerald Sufleta and Oliver Melgar are licensed attorneys, who's conduct is a matter of
12 public concern. *Abrams v Sanson*, 136 Nev. ___, 458 P.3d 1062 (2020) (on the public interest in
13 attorney courtroom conduct). As such, any restrictions on coverage of Mr. Sufleta and Mr. Melgar
14 is opposed.
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17 Allegations of misconduct by Mr. Del Casal's are disregarded as Our Nevada Judges is not
18 informed or interested in it; Our Nevada Judges has never expressed interest in the specific
19 outcome in any covered case. The role of Our Nevada Judges is to provide electronic coverage for
20 public consumption, to educate and inform. SCR 241(1).
21

22 Our Nevada Judges has already provided coverage of three³ (3) jury trials. Plaintiff points
23 to no instances or examples of media misconduct, because no such misconduct exists.

24 Our Nevada Judges has garnered more than 20 million watch-time-minutes and educated
25 the public on the judicial process in a way that impacted the 2020 election and furthered a number
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³ Eighth Judicial District Court, docket nos. C-18-335284-1, C-18-333684-1, and C-19-341767-1.

1 of important discussions⁴. Should this Court find cause to take evidence on the issues, Alexander
2 Falconi is willing to appear and provide⁵ testimony.

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

4 DATED THIS 16th day of July, 2022.

5 *//s//Michancy M. Cramer*

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7 Michancy M. Cramer, Esq.
8 *For Our Nevada Judges*

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27 ⁴ This includes the American Civil Liberties Union’s representation of Our Nevada Judges in a major
28 dispute against this District, and the Las Vegas Review Journal, This Is Reno, and The Nevada
Independent’s coverage of the case. Supreme Court docket no. 84947.

⁵ Plaintiff should be advised that the “News Shield” statute confers privilege to news reporters protecting
the confidentiality of their sources. NRS 49.275. *Toll v. Wilson*, 453 P.3d 1215 (2019).

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DECLARATION OF ALEXANDER FALCONI

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

I declare⁶ under penalty of perjury that the foregoing is true and correct.

EXECUTED this 16 day of July, 2022.

Alexander M. Falconi

⁶ NRS 53.045 (declaration in lieu of affidavit).

CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I declare under penalty of perjury, under the law of the State of Nevada, that I served a true and correct copy of OPPOSITION TO MOTION TO REVOKE MEDIA REQUEST, on July 16, 2022, as follows:

- Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCp 5(b)(2)(D), and Administrative Order 14-2 captioned “*In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court,*” by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system;
- By depositing a copy of same in a sealed envelope in the United States Mail, postage pre-paid, in Las Vegas, Nevada;
- Pursuant to EDCR 7.26, sent via facsimile by duly executed consent for service by electronic means.

To the following address:

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//s//Michancy M. Cramer

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Attorney for Our Nevada Judges