

1 Luke Busby, Esq.  
2 Nevada Bar No. 10319  
3 316 California Ave.  
4 Reno, Nevada 89509  
775-453-0112  
*Attorney for Our Nevada Judges*

RECORDED & FILED  
2022 JUL -6 PM 1:56

AUDREY ROWLATT  
CLERK  
BY K. PETERSON  
DEPUTY

5 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF CARSON CITY

7 STEVE EGGLESTON,  
8 Petitioner,  
9 vs.  
10 *SEALED*’,  
11 Defendants.

Case No.: 20-OC-001641B  
Dept. No.: *SEALED*’

12  
13 **MOTION TO UNSEAL**

14 COMES NOW, Alexander Falconi d/b/a/ Our Nevada Judges<sup>2</sup>, by and through the  
15 undersigned counsel, and hereby files the following motion to unseal, or in the alternative, for an  
16 order directing the Clerk of the Court to disclose information. This motion is based upon the  
17 following memorandum of points and authorities and all pleadings on file herein.

18 **Memorandum of Points and Authorities**

19 **I. Standing**

20 District Court Judges Jasmin Lilly-Spells<sup>3</sup> and Susan Johnson have allowed comprehensive  
21 electronic coverage of a related civil matter involving Mr. Eggleston currently before the Eighth  
22 Judicial District Court in docket no. D-19-600496-C. See Exhibit 1. However, the Clerk of this  
23 Court has refused to disclose any information related to the case pending before this court, citing  
24  
25

26 <sup>1</sup> The Clerk of this Court refused to disclose this information.

27 <sup>2</sup> Alexander M. Falconi owns, operates, and controls the Our Nevada Judges organization,  
including but not limited to the website, YouTube, Facebook, and Twitter platforms.

28 <sup>3</sup> Judge Jasmin Lilly-Spells issued an oral pronouncement from the bench, self-recused, and  
successor-Judge Susan Johnson entered final written order consistent with the pronouncement.

1 a sealing order. Our Nevada Judges was only able to obtain the case number. The Nevada Rules  
2 for Sealing and Redacting Court Records (“SRCR”) 4(2) allows the bringing of this motion by a  
3 non-party.

## 4 **II. Statutory Construction, Generally**

5  
6 The interpretation of statutes and rules concerning the sealing and redaction of cases and  
7 documents must be strictly construed. *Johanson v. Eighth Judicial Dist. Court of Nev.*, 124 Nev. 245,  
8 249, 182 P.3d 94, 97 (2008). The SRCR control sealing and redaction in civil cases. SRCR 1(4).  
9

## 10 **III. Requests, Unsealing Bare Minimum Information Is Mandatory**

11 Our Nevada Judges seeks and order from the Court directing the Clerk to restore public  
12 access to the docket. SRCR 3(7) describes the procedure for maintaining sealed court records,  
13 which includes SRCR 3(7)(a)(1), requiring the preservation of docket codes, document titles, and  
14 dates, “on the court’s docket.” However, the entire file and information related to the file remains  
15 inaccessible to the public. OUR NEVADA JUDGES requests that his Court order the Clerk to  
16 comply with SRCR 3(7)(a)(1) and either unseal the docket, or instruct the Clerk as on the public  
17 status of the docket consistent with SRCR 3(7)(a)(1).  
18

19 Further, SRCR 3(4), requires written findings before sealing and redaction may occur,  
20 however, the sealing order from this case is not available. The sealing order is a public document  
21 under SRCR 3(7)(a)(3). If no findings supporting sealing in compliance with SRCR 3(4) exist,  
22 the entire file should be unsealed. See *Johanson v. Dist. Ct.* at 182 P. 3d 94, 95 (finding manifest  
23 abuse of discretion when the court sealed “the entire case file” in violation of NRS 125.110  
24 without the required findings.) If, however, these findings do exist, in the alternative, Our Nevada  
25 Judges would request this Court unseal and make available to the public “the order and the written  
26  
27  
28

1 findings supporting the order to seal” under SRCR 7(a)(3) (mandating that “both shall be  
2 accessible to the public”.)

3 Our Nevada Judges also requests that this Court unseal the “entire file.” The Supreme  
4 Court seldom uses language as plain as “under no circumstances”, and the Justices articulated  
5 further under SRCR 3(5)(c) that the “[s]ealing of an entire court file [is] prohibited.” Certain  
6 mandatory minimum information must be made available to the public, including:  
7

- 8 (i) the case number(s) or docket code(s) or number(s); (ii) the date that the action  
9 was commenced; (iii) the names of the parties, counsel of record, and the assigned  
10 judge; (iv) the notation ‘case sealed’; (v) the case type and cause(s) of action, which  
11 may be obtained from the Civil Cover Sheet; (vi) the order to seal and written  
12 findings supporting the order; and (vii) the identity of the party or other person who  
13 filed the motion to seal.

14 The “presumption favoring public access to judicial records and documents is only  
15 overcome when the party requesting the sealing of a record or document demonstrates that ‘the  
16 public right of access is outweighed by a significant competing interest.’” *Howard v. State*, 128  
17 Nev. 736, 738, 291 P.3d 137, 138 (2012) (discussing SRCR 3). At this time, Our Nevada Judges  
18 is only seeking the mandatory minimum information. If, at a later date, Our Nevada Judges  
19 desires to unseal any further filings, an SRCR 3 analysis on those filings may be requested at a  
20 later date and upon the filing of a second motion.

#### 21 **IV. Coverage of Domestic Relations Matters, Generally**

22 It is not out of the norm for Our Nevada Judges to monitor and cover domestic relations  
23 matters. Family Division District Court Judges Dawn Throne<sup>4</sup>, David Gibson Jr.<sup>5</sup>, Heidi Almase,  
24  
25  
26  
27

28 <sup>4</sup> <https://youtu.be/yeoJ8pfZaes>

<sup>5</sup> <https://youtu.be/QVCN0oeLLxs>

1 Tamatha Schreinert<sup>6</sup>, Cynthia Lu<sup>7</sup>, and Shell Mercer<sup>8</sup>, are currently allowing comprehensive  
2 electronic coverage of their family court proceedings, including NRS 432B proceedings. The  
3 instant proceedings are apparently connected to civil proceedings scrutinizing the conduct of the  
4 Department of Family Services, a child protective services agency, coverage of which is not  
5 inconsistent with the purpose of Our Nevada Judges, which is to cover the entire state, both  
6 territorially and in subject-matter. This case, which in some way connects to and stems from an  
7 NRS 432B proceeding, could not possibly have been intended to be conducted in such an extreme  
8 level of secrecy, especially given the reality that the Legislature specifically enacted NRS  
9 432B.430, which confers the discretion<sup>9</sup> to allow public access to NRS 432B proceedings under  
10 certain circumstances.  
11

#### 12 **V. Conclusion**

13 "The operations of the courts and the judicial conduct of judges are matters of utmost public  
14 concern." *Id.* at 915 P.2d 249. "[S]ecret judicial proceedings pose [a threat] to public confidence  
15 in this court and the judiciary" *Id.* at 915 P.2d 248.  
16

17 The withholding of the docket, party names, attorney names, document titles, hearing dates,  
18 and the docket itself from public review is inconsistent Supreme Court's rules, the public policy  
19 of this State, and implicates First Amendment concerns.  
20

21 For these several reasons, Our Nevada Judges hereby requests the bare minimum  
22 information outline above be unsealed, and/or to the extent necessary, that the Clerk of this Court  
23 be instructed as to the public status of the bare minimum information outlined above.  
24

---

25 <sup>6</sup> <https://youtu.be/FBQz0Xt1cTk>

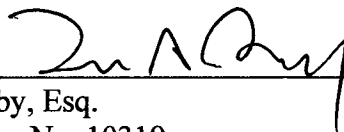
26 <sup>7</sup> <https://youtu.be/rtB4dSVrh-I>

27 <sup>8</sup> [https://youtu.be/GCW\\_9BrQ4cE](https://youtu.be/GCW_9BrQ4cE)

28 <sup>9</sup> This discretion is conferred to the actual judge presiding over the NRS 432B proceeding, and is cited as an example confronting the frequently asserted and wrongheaded notion that NRS 432B.280 forces the sealing and redacting of any proceeding that even remotely touches the underlying confidential reports.

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

2 RESPECTFULLY SUBMITTED this Friday, July 1, 2022:

3  
4 By:   
5 Luke Busby, Esq.  
6 Nevada Bar No. 10319  
7 316 California Ave.  
8 Reno, Nevada 89509  
9 775-453-0112  
10 *Attorney for Our Nevada Judges*



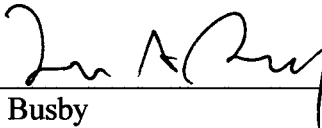
1 **NRCP 5<sup>11</sup> Certificate of Service**

2 I, Luke Busby, do hereby certify that I placed a true and correct copy of this *Motion* and  
3 placed it into a sealed envelope and mailed it, via United States Postal Service, addressed as  
4 follows:

5 Paola Armeni, Esq.  
6 3800 Howard Hughes Pkwy.  
7 Suite 500  
8 Las Vegas, NV 89169

Amity C Dorman, Esq.  
601 N. Pecos Rd.  
Building B, Room 470  
Las Vegas, NV 89101

9 EXECUTED this 1st day of July, 2022.

10   
11 \_\_\_\_\_  
12 Luke Busby

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 \_\_\_\_\_  
<sup>11</sup> SRCR 3(1) expressly requires service be made “in accordance with NRCP 5”.

**List of Exhibits**

**Exhibit 1:** *Order Granting in Part and Denying in Part Defendant's Motion for Reconsideration of Order Allowing Camera Access to Court Proceedings*

Pages: 7

**Exhibit 2:** Proposed Order

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



Exhibit 1

Exhibit 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDR

EIGHTH JUDICIAL DISTRICT  
CLARK COUNTY, NEVADA

STEVE EGGLESTON,  
Plaintiff,

vs.

GEORGINA STUART; CLARK COUNTY  
NEVADA; LISA CALLAHAN; BRIAN  
CALLAHAN; AND DOES I THROUGH 100,  
INCLUSIVE,  
DOES I-X,  
Defendants.

Case No.: A-16-748919-C  
Dept. No.: XXII

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANT'S  
MOTION FOR RECONSIDERATION OF  
ORDER ALLOWING CAMERA ACCESS  
TO COURT PROCEEDINGS**

On February 17, 2022, this Court approved a request by Our Nevada Judges to have camera access and provide electronic coverage of these proceedings to the public. On February 23, 2022, Defendants filed a motion to reconsider. On same day, Our Nevada Judges, by and through its counsel, filed opposition. On April 11, 2022, Defendants filed reply to opposition. On May 10, 2022, Parties convened before the Court for oral arguments.

Defendant argues for a total revocation of camera access, purporting it would be impossible to preserve confidentiality. Our Nevada Judges asserts it can comply with confidentiality directives, cites a history of protecting the privacy and identity of children, and recognizes a need to consider and protect the privacy and identity of children in this case.

1 **I. SCR 230(2) Findings**

2 SCR 230(2) requires this Court to “make particularized findings on the record when  
3 determining whether electronic coverage will be allowed at a proceeding”. Specifically, this Court  
4 finds that “[t]he impact of coverage upon the right of any party to a fair trial” is unlikely; “[t]he  
5 impact of coverage upon the right of privacy of any party or witness” is acceptable with the media  
6 directives outlined further in this order; “[t]he impact of coverage upon the safety and well-being  
7 of any party, witness or juror” is acceptable with the media directives outlined further in this order;  
8 it is unlikely “that coverage would distract participants or would detract from the dignity of the  
9 proceedings”; “[t]he adequacy of the physical facilities of the court for coverage” is of no concern  
10 except potentially<sup>1</sup> during any *voir dire* of a jury venire; and, no “other factor [would appear to]  
11 affect[] the fair administration of justice.”  
12

13 **II. Conclusions of Law**

14 Consistent with this Court’s prior findings on SCR 230(2)(b) and SCR 230(2)(c), specific  
15 media directives are now set forth protecting the identity and privacy of children in this case. Our  
16 Nevada Judges as an organization, and Alexander Falconi as the administrator, owner, operator,  
17 and controller, is ordered to refrain from publishing or otherwise disclosing the following:  
18

- 19 1) confidential documentation and records presented during hearings in this case;  
20 2) information concerning the Indiana guardianship proceedings;  
21 3) the names and identities<sup>2</sup> of any children in this case; and  
22 4) any documents that are sealed.  
23

24 Our Nevada Judges can have access only to public<sup>3</sup> information.  
25

26 <sup>1</sup> This Court will consider any such impact if and when jury selection is scheduled to occur. SCR  
27 231(2).

28 <sup>2</sup> This prohibition includes the rendition and publication of any likenesses of any children in this  
case.

<sup>3</sup> This includes confidential information rendered public by virtue of redactions that appropriately  
conceal from the public specific portions that are confidential.

1 In order to better ensure these privacy directives are fully complied with, live streaming of  
2 the proceedings shall be also prohibited.

3 SCR 230(2) contemplates a presumption of electronic coverage, favoring Our Nevada  
4 Judges, who's purpose as an organization is to educate the public.

5 Defendants have failed to overcome the overriding public interest making essential the  
6 need to maintain the openness of these proceedings. The media directives outlined in this Order  
7 are narrowly tailored to ensure these proceedings remain as open as possible, while simultaneously  
8 protecting the minor children and their identities.

9  
10 IT IS HEREBY ORDERED that Defendant's *Motion to Reconsider and/or Revoke Order*  
11 *Granting Media Request Allowing Camera Access to Court Proceedings* filed May 10, 2022 is  
12 GRANTED IN PART and DENIED IN PART.

13  
14 Dated this 9th day of June, 2022

15 

16 DISTRICT COURT JUDGE

17 CA8 E4D B2EE BF32  
18 Susan Johnson  
19 District Court Judge

20 Submitted by: /s/ Luke Busby  
21 Luke Busby, Esq.  
22 Counsel for Our Nevada Judges

23 Approved as to form and content by:

24 Did not respond  
25 Felicia Galati, Esq.  
26 Counsel for the Defendants

27 Did not respond  
28 Nadia Ahmed, Esq.  
Counsel for the Plaintiff

1 **CSERV**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 **Steve Eggleston, Plaintiff(s)**

**CASE NO: A-16-748919-C**

7 **vs.**

**DEPT. NO. Department 22**

8 **Georgina Stuart, Defendant(s)**

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 **Service Date: 6/9/2022**

15 **Felicia Galati**

**fgalati@ocgas.com**

16 **Steve Eggleston**

**theeggman411@gmail.com**

17 **Tanya Bain**

**tbain@clarkhill.com**

18 **Paola Armeni**

**parmeni@clarkhill.com**

19 **Steve Eggleston**

**steve@steveegglestonwrites.com**

20 **Theresa Mains**

**Theresa@TheresaMainsPA.com**

21 **Brittany Falconi**

**media@ournevadajudges.com**

22 **Nadia Ahmed**

**nahmed@clarkhill.com**

23 **Administration OurNevadaJudges**

**admin@ournevadajudges.com**

24 **Luke Busby**

**luke@lukeandrewbusbyltd.com**

25 **Ida Sedlock**

**isedlock@ocgas.com**

26

27

28

Exhibit 2

Exhibit 2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CARSON CITY

STEVE EGGLESTON,  
Petitioner,  
  
vs.  
  
\_\_\_\_\_ ,  
Defendants.

Case No.: 20-OC-001641B  
  
Dept. No.:

**ORDER GRANTING MOTION TO UNSEAL**

Before the Court is the Motion of Alexander Falconi, d/b/a/ Our Nevada Judges to unseal under SRCR 4(2), which allows non-parties to bring such a motion, recognizing non-party, public interests in matters concerning the sealing and redaction of court filings.

SRCR 3(5)(c) forbids the sealing of the “entire file” and provides this Court with “no circumstances” that would justify such an extensive sealing. Furthermore, certain information must be made available to the public, consistent with same rule. The Clerk must continue to maintain and disclose the docket to the public, consistent with SRCR 3(7), and the sealing order itself, including the findings thereof, as required by SRCR 3(7)(a)(3).

///  
  
///  
  
///  
  
///

1 The Clerk of the Court shall make the following specific information available to the  
2 public:

- 3 1) The case number(s);
- 4 2) The docket code(s);
- 5 3) The docket number(s);
- 6 4) The date that the action was commenced;
- 7 5) The names of the parties, counsel of record, and the assigned judge;
- 8 6) The notation "case sealed;"
- 9 7) The case type and cause(s) of action, which may be obtained from the Civil Cover  
10 Sheet;
- 11 8) The order to seal and written findings supporting the order; and
- 12 9) The identity of the party or other person who filed the motion to seal.

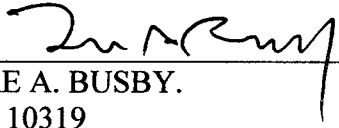
13  
14  
15 Our Nevada Judges shall serve notice of entry of this order on all parties and the Clerk of  
16 the Court within 7 days of its issuance.

17 **IT IS SO ORDERED.**

18 SIGNED THIS \_\_\_\_ day of \_\_\_\_\_, 2022.

19  
20  
21 \_\_\_\_\_  
DISTRICT COURT JUDGE

22 Submitted By:

23   
24 \_\_\_\_\_  
LUKE A. BUSBY.  
25 SBN 10319  
316 California Ave.  
26 Reno, NV 89509  
775-453-0112  
27 luke@lukeandrebustd.com  
Attorney for Our Nevada Judges  
28