

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEXANDER M. FALCONI,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
CHARLES J. HOSKIN, DISTRICT
JUDGE,
Respondents,
and
TROY A. MINTER; AND JENNIFER R.
EASLER,
Real Parties in Interest.

No. 85195

FILED

AUG 23 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER DIRECTING SUPPLEMENT AND ANSWER
AND INVITING AMICI CURIAE PARTICIPATION*

This emergency, original petition for a writ of mandamus challenges an August 19, 2022, district court order denying petitioner's request for media access to real parties in interest's child custody hearing on August 23, 2022. In denying the media request, the district court summarily cited NRS 125.110(2); EDCR 5.207 and EDCR 5.212; and the SCR. Petitioner asserts that NRS 125.110(2) does not apply in this nondivorce family law matter and that, even if it did apply, it does not provide a basis on which to deny media access. He further asserts that the media has First Amendment rights to access the courts and that SCR 230 trumps any local rules but the district court failed to make findings under that rule. The petition does not otherwise address whether the court properly denied access under the Eighth Judicial District Court Rules, as amended effective June 10, 2022.

This writ petition raises significant court-access questions and issues of statutory interpretation. Although petitioner appears to have filed it at the earliest opportunity, this court has insufficient time to meaningfully review and address the important issues raised by petitioner within the timeframe requested. Therefore, we must deny relief as to the August 23 hearing. Nevertheless, petitioner also urges this court to recognize an exception to the mootness doctrine should we be unable to address this matter before August 23, and it appears that such an exception might apply here. Accordingly, we decline to dismiss this petition at this time and proceed to briefing.


Petitioner shall have 7 days from the date of this order to file and serve a supplement to his petition addressing the district court's reliance on local court rules, including EDCR 5.207 and 5.212. Real parties in interest shall have 21 days from the date that petitioner's supplement is served to file and serve an answer, including authorities and addressing both the mootness argument and the merits of the petition, against issuance of the requested writ. NRAP 21(b)(1). Petitioner may file and serve any reply within 14 days from the date when the answer is served.

Additionally, it appears that this court's resolution of the issues presented in this writ petition may be assisted by the participation of, and briefing by, amici curiae. Thus, the court requests that the Family Law Section of the State Bar of Nevada and legal aid services participate in this appeal as amici curiae for the purpose of filing a brief containing points and authorities addressing their positions concerning the court-access issues raised in this matter. Should the Family Law Section and any legal aid service consent to participate as amicus curiae, they shall have 28 days from the date of this order to file and serve any amicus brief that complies with


NRAP 29; they should otherwise notify this court that they intend to decline the invitation to participate as amici curiae in this matter within that same timeframe.

This matter raises issues similar to those asserted in *Falconi v. Eighth Judicial District Court*, Docket No. 84947, and thus, upon completion of briefing, these cases may be clustered to ensure that they are resolved in a consistent and efficient manner. IOP 2(c)(2).

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Stiglich


_____, J.
Herndon

cc: Hon. Charles J. Hoskin, District Judge, Family Court Division
Luke A. Busby
The Law Offices of Frank J. Toti, Esq.
The Abrams & Mayo Law Firm
Family Law Section, State Bar of Nevada
Nevada Legal Services
Northern Nevada Legal Aid
Legal Aid Center of Southern Nevada
Volunteer Attorneys for Rural Nevadans
Eighth District Court Clerk