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Elizabeth A. Brown  
Clerk of Supreme Court

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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

Case No.: 85195

**MOTION**

COMES NOW, Petitioner Alexander Falconi d/b/a/ Our Nevada Judges, by and through the undersigned counsel, and hereby moves that this Court find that counsel for the American Academy of Matrimonial Lawyers (“AAML”) was not authorized by Real-Party in Interest JENNIFER EASLER to participate in the March 2, 2023 oral argument on her behalf.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

This Motion is made pursuant to the provisions of NRAP 27(a)(1).

The underlying matter involves a Petition for Writ of Mandamus filed by Our Nevada Judges where it sought access to provide electronic coverage of a hearing involving a child custody dispute between Real-Parties in Interest TROY A MINTER, JENNIFER R EASLER.

NRAP 46(a)(2) provides:

Counsel for each party shall file a formal written notice of appearance as counsel of record on appeal within 14 days after service of the notice of appeal. A notice of appeal signed by an attorney will be treated as a notice of appearance by that attorney. An attorney who will participate in oral argument of a case must have filed a written notice of appearance with the clerk of the Supreme Court no later than 7 days before the date set for oral argument.

NRAP 46(e)(1) provides that, “[a]fter the filing of a notice of appeal, any stipulation or motion that effects a change in the representation of a party to the appeal must be filed with the clerk of the Supreme Court.” NRAP 46(e)(2) provides that, “[a] substitution or change of counsel may be effected by serving and filing a substitution with the clerk of the Supreme Court, signed by the client, the withdrawing attorney and the substituted attorney.” A notice of appearance “serves important purposes” assuring courts that “there is no ambiguity as to who has been given, and who has accepted, the responsibility of representing a party before it.” *See Singh v. Ins*, 315 F.3d 1186, 1189 (9th Cir. 2003) (discussing the significance of “notice of appearance” requirements in the context of immigration court). Filing a notice of appearance under Rule 46(a)(2) is an affirmative statement to this Court that counsel has been authorized by the party to represent that party’s interests and are responsible to that party’s interests until relieved; without such notice, or even if the notice filed within 7 days of oral argument, counsel is barred from speaking on that party’s behalf.

At the March 2, 2023 oral argument before this Court *en banc*, counsel for Amicus Curiae AAML Mr. Marshall Willick represented that he was authorized to speak for both real parties in interest, Mr. Minter and Ms. Easler. Willick then

argued that the parties he represented were opposed to Our Nevada Judges' request to provide media coverage of the underlying custody dispute. On its face, this representation was made in violation of NRAP 46(a)(2), 46(e)(1), and 46(e)(2), as no notice or motion was filed indicating that Mr. Willick was authorized to represent Mr. Minter or Ms. Easler.

In regards to Ms. Easler, Mr. Willick's claim to represent both real-parties-in-interest without filing a notice of appearance is particularly concerning. On February 27, 2023, prior to the hearing, Christopher Peterson, the Legal Director of the American Civil Liberties Union, was contacted by Ms. Easler's attorney in the family court case, Evan Schwab, via email. See Exhibit 1. Schwab informed Peterson that his client supported Mr. Falconi's position in that email, confirmed that information in a subsequent phone conversation, and then agreed to have his client sign a declaration of support. Exhibit 1. Minutes prior to the hearing, Peterson informed Mr. Willick of Mr. Schwab's representations and told Mr. Willick those representations had been documented in an email. Exhibit 1. Immediately after oral argument, Ms. Easler's counsel confirmed that Mr. Willick was never authorized to speak for Ms. Easler. Exhibit 1. To the contrary, Ms. Easler supported the petition (See the Declaration of Ms. Easler, attached

hereto as Attachment 2 to Exhibit 1) and has made public statements expressing dismay at Mr. Willick's representation that he spoke for her at oral argument. See Facebook Posts in Exhibit 2.

Mr. Willick was on notice that he was not authorized to represent Ms. Easler at the proceeding, or at least that there was ambiguity regarding authorization that a notice of appearance is meant to prevent.

WHEREFORE, Petitioner moves that the Court find that counsel for the American Academy of Matrimonial Lawyer ("AAML") was not authorized by Real-Party in Interest JENNIFER EASLER to participate in the March 2, 2023 oral argument on her behalf, and impose whatever remedy the Court finds appropriate under the circumstances.

DATED this: Monday, March 6, 2023

By:  /s/ Luke Busby, Esq. \_\_\_\_\_  
LUKE A. BUSBY, ESQ.  
SBN 10319  
316 California Ave.  
Reno, Nevada 89509  
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[luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)

## Exhibit List

1. Declaration of Chris Peterson, Esq.
  - a. February 27, 2023 email from Mr. Schwab
  - b. February 28, 2023 Declaration of Jennifer Easler
2. Declaration of Alexander Falconi
  - a. Jennifer Easler Facebook Post

**Certificate of Service**

I, Luke Busby, certify that I served a true and correct copy of this *Motion*

by electronic service as follows:

Frank Toti  
Shann Winesett  
Fred Page  
Debra Bookout  
Luke Busby  
Marshal Willick

And via US Mail to:

The Hon. Charles Hoskin  
Eighth Judicial District Court  
601 N. Pecos Rd.  
Las Vegas, NV 89101

SERVED this: Monday, March 6, 2023

By: /s/ Luke Busby, Esq.  
LUKE A. BUSBY, ESQ.  
SBN 10319  
316 California Ave.  
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# Exhibit 1

# Exhibit 1



## DECLARATION OF CHRISTOPHER PETERSON, ESQ.

I, Christopher Peterson, Esq., under penalty of perjury declare:

1. I am over 18 years of age and competent to testify.
2. I am the current Legal Director of the American Civil Liberties Union of Nevada.
3. I am counsel of record to Mr. Alexander Falconi in Case No. 84947, which is related to this matter.
4. On February 27, 2023, I received an email from Mr. Evan Schwab, an attorney with Schwab Law Firm PLLC.
5. **Attachment A** is a true and correct copy of the email I received from Mr. Schwab on February 27, 2023.
6. In that email, Mr. Schwab informed me that he represented Ms. Jennifer Easler, the real party of interest in Case No. 89159, in the underlying family law matter.
7. In that email, Mr. Schwab explained that Ms. Easler's position aligned with Mr. Alexander Falconi's in Case No. 89159, and that he wanted to speak with me via telephone.
8. That same day I spoke with Mr. Schwab by telephone.
9. During that telephone call, Mr. Schwab confirmed what he said in his email.

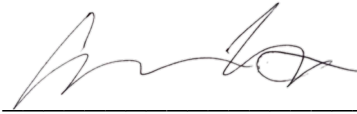
10. In addition to what was stated in his email, Mr. Schwab explained that the Court had contacted him as to whether Ms. Easler would participate in oral argument but that Ms. Easler could not afford representation for the hearing.
11. We agreed that I would follow up with Mr. Schwab the next day via telephone regarding how Ms. Easler's position could be presented to the Court without having her incur the expense of hiring counsel.
12. On February 28, 2023, after discussing the matter with Mr. Luke Busby, I spoke with Mr. Schwab again via telephone.
13. We agreed that Ms. Easler would provide a signed declaration stating why she was not participating in the argument scheduled for March 2, 2023, and that she supported Mr. Falconi's position.
14. On March 2, 2023, within thirty minutes prior to the Court's hearing in this matter, I heard Mr. Marshall Willick, counsel for amicus American Academy of Matrimonial Lawyers, claim that Ms. Easler's counsel had "conceded" Ms. Easler's time to him during argument.
15. Concerned that Mr. Willick would claim that he represents Ms. Easler's interests during the argument, I explained to Mr. Willick at that (1) I had spoken with Mr. Schwab prior to the hearing, (2) Mr. Schwab represented to me that Ms. Easler supported Petitioner Falconi's position, and (3) the representation that Ms. Easler supported Petitioner's position was memorialized in an email from her counsel.
16. Mr. Willick did not ask to see that email prior to the hearing.
17. Based upon what I heard during the March 2, 2023 hearing and later review of the recording from that hearing, it is my understanding that Mr. Willick

- represented to this Court during oral argument that he was authorized to represent Ms. Easler's position in this matter.
18. Within thirty minutes after the hearing concluded, I contacted Mr. Schwab again via telephone to determine whether he had authorized Mr. Willick to represent Ms. Easler.
  19. During that phone call, Mr. Schwab informed me that Mr. Willick had asked Mr. Schwab to "concede" Ms. Easler's time prior to the hearing.
  20. When Mr. Willick made this request, Mr. Schwab agreed that Ms. Easler would not be participating in oral argument and that she would concede her time to any party participating in the argument as needed.
  21. When I asked Mr. Schwab whether he had authorized Mr. Willick to represent Ms. Easler during the hearing, Mr. Schwab made clear that he in no way gave such an authorization.
  22. Mr. Schwab explained he would not have authorized Mr. Willick to represent Ms. Easler because he knew that (1) Ms. Easler supported Petitioner's position and (2) Mr. Willick was arguing against the position that she supported.
  23. On March 3, 2023, I received from Mr. Schwab via email a declaration signed by Ms. Easler that she did not have representation for the hearing because she could not afford counsel and that she supported the position of Petitioner Falconi.
  24. **Attachment B** is a true and correct copy of the signed declaration I received from Mr. Schwab on behalf of Ms. Easler.

25. Immediately upon receiving Ms. Easler's declaration via email from Mr. Schwab, I forwarded that email to Mr. Luke Busby, counsel for Petitioner Falconi in this matter, with the declaration attached.

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

Dated March 5, 2023 – Executed in Clark County, Nevada.



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Christopher Marshall Peterson, Bar No. 13932  
Legal Director  
American Civil Liberties Union of Nevada

Attachment A

Attachment A

**From:** [Evan Schwab](#)  
**To:** [Chris Peterson](#)  
**Cc:** [Evan Schwab](#); [Dana Schwab](#)  
**Subject:** Falconi etc.  
**Date:** Monday, February 27, 2023 1:07:50 PM

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**This Message Is From an Untrusted Sender**

You have not previously corresponded with this sender.

Christopher,

Hopefully this email finds you well. I represent one of the family court litigants in the case (Easler) and would like to chat with you for a quick five minutes if you have a moment. My understanding is that oral argument is March 2, 2023 and that my client doesn't want to pay the money to participate herself or have us do so. I do understand that her position aligns with yours.

Evan D. Schwab, Esq.  
c/o Schwab Law Firm PLLC  
7455 Arroyo Crossing Parkway, Suite 220  
Las Vegas, Nevada 89113  
E: [evan@schwablawnv.com](mailto:evan@schwablawnv.com)  
T: 702-761-6438  
F: 702-921-6443

Attachment B

Attachment B

**DECLARATION OF IN SUPPORT OF PETITIONERS**

I, Jennifer R. Easler, under penalty of perjury declare:

1. I am over the age of 18 and I am competent to testify.
2. I am a real party in interest in this matter, Case No. 85105.
3. While I do not have the financial means to afford representation before this Court on this matter, I agree with the positions taken by Petitioners Mr. Alexander Falconi.

Dated February 28, 2023.

  
\_\_\_\_\_  
Jennifer R. Easler



# Exhibit 2

# Exhibit 2

**DECLARATION OF ALEXANDER FALCONI**

I, Alexander Falconi, under penalty of perjury declare:

1. I am over the age of 18 and I am competent to testify.
2. I am the Petitioner in this matter.
3. On March 3, 2023, it was brought to my attention that Real-Party in Interest, Jennifer Easler, shared the video of oral arguments held before this Court in this matter on March 2, 2023 on Facebook.
4. On March 3, 2023, I contacted Ms. Easler to verify that this was her post and she confirmed that it was. Attached hereto as Attachment A is a true and correct copy of Ms. Easler's Facebook Post.

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

DATED this 3/5/2023

Executed in CLARK County, Nevada.

By: Alexander Falconi

Attachment A

Attachment A



Write something to Jennifer...

Photo/video

Tag people

Feeling/activity

Posts

Filters



Jennifer Easler

5h · 👥



<https://www.youtube.com/watch?v=4AbZmTCmuNI>

Parts of my custody case is in the supreme court. I have been rather quiet on fb due to all the stress of this situation. I've been dealing with this court system since 2009 and it needs to be revamped so I wanted to post this to bring further light to what is happening in our family courts. Families are being bankrupted, children are not being helped, and juvie is packed with lost/abused/oppressed children....especially in Las Vegas. When folks were yelling about cops, I was yelling about what's happening in the court rooms because decisions made there can affect a family for generations. We need to applaud the attorneys and judges that truly care and make sure we don't bankroll/elect the ones who don't because these judges and attorneys are really the one's who shape our society from the ground up.

After watching the vid a few times, I have to say that I'm livid that Mr. Willick tried to speak for me and say that I don't want media in the courts. I absolutely want media to document what happens and Mr. Willick's statements are a prime example of why. I didn't have the money to be present during the session and wouldn't have known what happened if it wasn't documented by the media. The law is black and white but what happens in the courtroom is not.

**PETITIONER**

**RESPONDENT**

OUR NEVADA JUDGES

Our Nevada Judges vs 8th Jud. Dist. Cour