

IN THE SUPREME COURT OF THE STATE OF NEVADA

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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 COURT JUDGE,

Respondents,

and

TROY A. MINTER AND JENNIFER R.
EASLER,

Real Parties in Interest.

S.C. No.: 85195
D.C. Case No.: 2023-07133
Electronically Filed
Mar 08 2023 04:19 PM
Elizabeth A. Brown
Clerk of Supreme Court

RESPONSE TO MOTION

I. INTRODUCTION

The American Academy of Matrimonial Lawyers (“AAML”), by and through its representative, Marshal S. Willick, Esq., hereby submits its Response to Mr. Falconi’s Motion filed on March 6, 2023.

The motion is substantively meaningless; just as the Court disregarded the objection made during oral argument to who was presenting, this motion should be denied. It does, however, provide a further illustration of the dangers presented by the position of the petitioners.

II. FACTS

This Court requested the assistance of amici curiae in the *Order Directing Supplement and Answer and Inviting Amici Curiae Participation*. AAML requested and received leave to file an amicus brief and to participate in the oral argument, which was expanded from 30 minutes to a full hour in light of the three consolidated writ petitions. The *Order* provided that “Counsel for amicus curiae, real parties in interest, and respondents in these matters shall decide how to divide argument time.”

Upon receipt of that order, as directed by this Court, I reached out to counsel for both Mr. Minter and Ms. Easler with the specific request that, if they were not going to appear and present, they cede their time to me.¹ In separate phone conversations, both counsel confirmed that they were not appearing and both ceded their time to me.²

After those conversations, I sent a confirming email to both counsel on February 25 at 3:06 p.m., stating:

I have spoken with each of you separately and my impression is that neither of your clients wishes to expend the resources to have you travel to Carson and argue a portion of the writ proceedings. I will do what I can to

¹ I have never met or spoken with either Mr. Minter or Ms. Easler.

² Of course, I did not record my conversations with either counsel. My notes from my short conversation with Mr. Schwab include the notation that his client (Ms. Easler) was “sympathetic” to the ACLU position (which, broadly stated, is that court proceedings should generally be open to the public).

fairly represent their position on this issue, which is, I believe, that, regardless of their disagreements between themselves, they do not want their son's medical and other conditions posted or discussed on line or made the subject of a permanent YouTube video and broadcast for his classmates to enjoy. And they do not want to open to the press and public all of their motion filings and exhibits, including their personal finances and the boy's HIPAA-protected records. I agree with them.

I would appreciate, however, if each of you would provide me with what, if anything, either of them wants said in the Falconi matters relating to opening the records, or publicizing their hearings, or about their son and why they do not want all that broadcast. I know extremely little about the case, including whatever might be in issue, and do not want to say something incorrect if I can help it. Thanks.

Marshal

Neither counsel provided any requests for anything specific that either party wanted to be said or not said on their behalf, or retracted the agreement to cede their time to me, or contradicted any of the representations in my confirming e-mail.³

³ Mr. Schwab sent a note late at night on February 27 confirming he would not

Oral Argument for the three related matters⁴ was held on March 2, 2023. At the presentation, attorneys for petitioner objected to AAML’s presenter. The Court disregarded that objection.

On March 6, 2023, petitioner filed the *Motion* making further objections to the respondent’s argument, not making any particular request for relief.

This Response follows.

be appearing and adding “Her views on the case are more in line with the ACLU position at present. That said, I don’t envision she will be participating.” This was taken as confirming what he had told me in our original conversation, including his ceding of his time to me.

⁴ Nevada Supreme Court Case Nos. 84947 and 85228.

III. ARGUMENT

The “motion” is completely baseless and meaningless. AAML’s argument would have been exactly the same, word for word, regardless of anything counsel for Mr. Minter or Ms. Easler said. As agreed by all sides, the relevant statutes and rules in Nevada make both the sealing of files and the closing of hearings the right of either party to a proceeding, and Mr. Minter requested both.

It is worth noting that Mr. Falconi was doing nothing on behalf of Ms. Easler. When he asked to broadcast the hearing below, the staff of counsel for Mr. Minter asked him in writing whether Ms. Easler had approached him to broadcast the paternity custody hearing. Mr. Falconi responded in writing, denying she was involved, stating that “nobody” asked him and that “I just find these. . . . It’s very rare to get a litigant even from non family court that asks for camera coverage.” In other words, neither Mr. Minter nor Ms. Easler requested his involvement.

The point of this kerfuffle is that Ms. Easler had nothing to do with Mr. Falconi's request to broadcast, had no known record as to her sentiments, and her attorney ceded his argument time to AAML as did counsel for Mr. Minter. Neither attorney requested any statement on their client's behalf, and the argument would have been identical no matter what either attorney might have said. Mr. Falconi's current motion serves absolutely no purpose of any kind but to waste the time of everyone involved.

But it is useful for illustration. In the several days since the oral argument, Mr. Falconi and his surrogates have flooded the internet with misinformation, false accusations, baseless conspiracy theories, and lots of other material. If those posting all that nonsense to the internet had access to the child's FERPA-protected educational records and HIPAA-protected medical records, all of it would now be irretrievably broadcast in violation of federal and Nevada law, mortifying the child

and both his parents, with no possible way to repair the damage. As noted during oral argument, such information and records fill *every* family court case.

That is the point made clear by the otherwise meaningless motion now before the Court. The motion makes no request for “relief,” and therefore does not even require an order, but if the Court does anything with it, it should be denied.⁵

⁵ Space does not permit responding to every false assertion in the motion; anything not specifically addressed is denied. This response is actually shorter than the motion, but we inserted the text of the relevant email in the text rather than attaching exhibits.

IV. CONCLUSION

The American Academy of Matrimonial Lawyers requests this Court deny Alexander Falconi's Motion, filed March 6, 2023, in its entirety.

DATED this 8th day of March, 2023.

Respectfully Submitted By:
AMERICAN ACADEMY OF MATRIMONIAL LAWYERS

//s// Marshal S. Willick
MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 2515

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Willick Law Group and that on March 8, 2023, I served a true and correct copy of the *Response to Motion* by electronically filing with the Clerk of the Nevada Supreme Court, to the following:

Hon. Charles J. Hoskin
Luke A. Busby
Frank J. Toti
Abrams & Mayo Law Firm
Legal Aid Center of Southern Nevada, Inc.
Fred Page
Evan Schwab
Joshua Aronson
McLetchie Law
Andrew Moses
Shann Winesett of Pecos Law Group
ACLU/Las Vegas, Christopher M. Peterson, Sophia A. Romero
Nevada Attorney Genl/Carson City, Jeffrey Conner
Eighth Judicial District Court
Debra A. Bookout

//s// Justin K. Johnson
Employee of WILICK LAW GROUP