



OBJ
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[REDACTED]

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

[REDACTED]

CASE NO.: D-23-[REDACTED]-D
DEPT. O

Plaintiff,

vs.

[REDACTED]

Defendant.

PLAINTIFF, [REDACTED] S, OBJECTION TO THE MEDIA REQUEST
AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS

COMES NOW, Plaintiff, [REDACTED] by and through her counsel, Michelle A. Hauser, of Hauser Family Law, and hereby submits this Objection to the Media Request and Order for Camera Access to Court Proceedings. (the Objection).

Dated this 5th day of March, 2024.

Hauser Family Law

/s/ Michelle Hauser
Michelle A. Hauser, Esq.
Attorneys for Plaintiff

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2 **I. INTRODUCTION**

3 On February 15, 2024, the Nevada Supreme Court issued its decision in
4 *Falconi v. Eighth Judicial District Court*, 140 Nev. Adv. Op. 8 (2024). In *Falconi*,
5 the Nevada Supreme Court held, “EDCR 5.207, EDCR 5.212, and NRS 125.080 are
6 unconstitutional to the extent they permit closed family court proceedings without
7 the exercise of judicial discretion.” *Id.* at 2. Accordingly, this Court (and every other
8 Family Court in Nevada), may not automatically close family court proceedings, but
9 must instead, make particularized finding to determine, “(1) if and when to order
10 closure in any proceeding,” and “(2) to what extent such closure should apply.” *Id.*
11 at 14.

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15 After the issuance of the *Falconi* decision, on February 16, 2024, a Media
16 Request and Order for Camera Access to Court proceedings was logged into
17 Department O’s inbox. *See* Minute Order issued February 20, 2024. To date, Mr.
18 Falconi has not provided Plaintiff with a copy of the “Media Request and Order for
19 Camera Access to Court” (“Media Request”) submitted to the Department.
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21
22 According to the Minute Order issued on February 20, 2024, any party
23 objecting to Mr. Falconi’s request must be filed by Thursday, March 7, 2023, at 5:00
24 p.m. *Id.* Plaintiff hereby submits her objection.
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1 **II. OBJECTION.**

2 First of all, the *Falconi* decision did not make any ruling regarding NRS
3 125.110 or any other statute that allows or requires the sealing of Family Court cases.
4
5 In sealed cases, the parties are still entitled to have all the hearings closed and no
6 media requests or camera access should be considered. Nothing in the *Falconi*
7
8 decision changes this legal reality.

9 This case was properly sealed by an Order entered on July 17, 2023. The prior
10 Media Request made in this case by Our Nevada Judges was denied for that same
11
12 reason on November 14, 2023, by Chief Judge Jerry Weise.

13 However, to the extent Our Nevada Judges argues that it is allowed to have
14 media access to cases that are sealed by Order or by operation of statute, then, in this
15 case, closure is essential to preserve a higher value, specifically the safety of Plaintiff
16 and the parties' child. Plaintiff is a sitting District Court Judge in the Family
17 Division. As part of her job, Plaintiff is a target of harassment and threats of violence
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19 toward herself, her child, other family members, and her staff. That is why the
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21 Nevada legislature has specifically provided for the ability of certain classes of
22
23 people, including, but not limited to, Judges, Justices, Hearing Masters, court
24 administrators, court clerks, and attorneys employed by the district attorneys' offices
25 and public defenders' office to maintain the confidentiality of their personal
26
27 information, including home address, phone numbers, and email addresses. *See for*
28 example NRS 293.908.

1 Plaintiff has already shown this Court through Defendant's own written
2 statements and actions that it is his objective to harass Plaintiff and throw false
3 allegations against her that have nothing to do with the merits of this divorce case to
4 try an extort money from her that he is not entitled to. Defendant wants to turn what
5 should be a very simple divorce case into a circus for his nefarious purposes. On the
6 one hand, allowing media access might help Plaintiff by showing that the allegations
7 Defendant is making against her are absolutely 100% false and showing that she is
8 a victim of attempted extortion, but nothing can be more important than the safety
9 of the parties' child, which is necessarily tied to the safety of Plaintiff since the child
10 lives solely with her.
11

12 One of the contested issues, in this case, is the characterization of the home
13 Plaintiff and the parties' child reside in so that discussion of that address will be
14 repeated many times in the papers and pleadings and the arguments of counsel. The
15 parties have also already disclosed information regarding their child's name, school,
16 and other circumstances in the record and these are likely to come up again in
17 hearings. There is also a rental home that Plaintiff owns at issue in this case and her
18 tenants should not be subject to harassment or threats because someone upset at
19 Plaintiff thinks she may live at that address.
20

21 Our Nevada Judges may argue that they can redact information from the
22 hearings regarding Plaintiff's address and personally-identifying information
23 regarding the parties' child before it is posted on their various platforms on the
24

1 internet, but no one should be allowed to have Plaintiff’s home address due the very
2 real threats to her safety and the safety of the parties’ child who lives there. This
3
4 Court can enter orders restricting what information is published from the hearings,
5 but there is no real way for the Court to enforce those orders once someone is
6 allowed to observe the hearings or record the hearings. Even if the Court in theory
7
8 could sanction the media outlet for violating the orders, no possible sanctions can
9 give Plaintiff and their child back the safety provided by the ability to keep their
10 home address confidential and Plaintiff would be forced to move to protect herself
11 and the parties’ child.
12

13 In summary, Plaintiff has shown:

- 14 1. Closure in this case serves a compelling interest – the safety of Plaintiff
15 and the parties’ child;
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- 17 2. There is a substantial probability that, in the absence of closure, Plaintiff’s
18 safety and the safety of the parties’ child could be jeopardized; and
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3. There is no alternative to closure that would adequately protect the compelling interest in this case. Once Plaintiff’s home address is known by someone outside this case, there is no way to prevent disclosure by someone with that knowledge.

Therefore, the Media Request should be denied.

Dated this 5th day of March, 2024.

Hauser Family Law

/s/ Michelle Hauser
Michelle A. Hauser, Esq.
Attorneys for Plaintiff