

LUKE A. BUSBY, ESQ.
SBN 10319
316 California Ave.
Reno, Nevada 89509
775-453-0112
luke@lukeandrewbusbyltd.com
Attorney for Our Nevada Judges

Electronically Filed
Jul 03 2024 09:08 AM
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

OUR NEVADA JUDGES, INC.,
a Nevada Non-Profit Corporation,
Petitioner,

Vs.

Case No. 88412

EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND
FOR THE COUNTY OF CLARK; AND
THE HONORABLE CHARLES HOSKIN,
DISTRICT COURT JUDGE
Respondent.

D. Ct. Case: D-08-402901-C

TROY MINTER and JENNIFER EASLER,
Real Parties In Interest.

REPLY TO ANSWER TO PETITION FOR WRIT OF MANDAMUS

COMES NOW, Our Nevada Judges, Inc., a Nevada Non-Profit Corporation (hereinafter "ONJ") by and through the undersigned counsel, and hereby files the following Reply to *Answer to Petition for Writ of*

Mandamus filed July 1, 2024. This Reply is based on the following memorandum of points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Respondent Judge Charles Hoskin claims that the original motion, which was denied without explanation, did not include the more extensive arguments that are now being presented to this Court. However, this occurred due to Judge Hoskin's summary denial of ONJ's motion on the grounds that the Nevada Rules for Sealing and Redacting Court Records ("SRCR") are categorically inapplicable to because SRCR 1(4) specifies that the SRCR do not apply to sealing or redacting court records governed by specific statutes.

Judge Hoskin is the only judge to come to the conclusion that the SRCR are entirely inapplicable to family court proceedings, with Family Court Judges in Case Nos. D-14-500815-C, D-19-600841-C, D-18-570436-C, D-20-603091-C, and D-23-661332-R in the Eighth Judicial District Court properly applying the SRCR and NRS 126.211 harmoniously.

Judge Hoskin argues that the instant writ petition includes points that may have assisted the court in reaching a different determination; but, without ordering additional briefing below, or at the very least requesting that the Parties in the underlying case file a response so that Petitioner could reply, Judge Hoskin at least aided in the error now under review by this Court without the benefit of a extensive briefing or record, about which

he now complains. See EDCR 5.502(f) and DCR 13(4), which permit a reply memorandum within 7 days of receiving the opposition. There was no opposition to the Motion, so no reply was necessary. See PA 1-15, generally.

If the opposing parties had filed a response addressing the points Judge Hoskin raised in his Answer, the Petitioner would have addressed these issues in their reply. Alternatively, Judge Hoskin could have expressed his concerns and requested additional arguments from both sides before denying the Motion. This process would have allowed for a full discussion of the issues Judge Hoskin raised, and that he had other options to address his concerns, rather than simply denying the motion. As none of this occurred, and because Judge Hoskin summarily denied the motion on the entirely unexpected basis that the SRCR are wholly inapplicable, Petitioner was required to bring this Petition before this Court. It is Petitioner's sole remedy as there is no plain, speedy, and adequate remedy otherwise available to Falconi. See NRS 34.160.

The limitations on sealing and redacting records in SRCR 3(5)(c) apply in this case, and NRS 126.211 cannot possibly be read to justify sealing of a record that is so extensive that entire case files are rendered wholly invisible to the press.

Petitioner takes this opportunity to bring to this Court's attention the reply filed in Supreme Court docket No. 88678 in *Nester v. Dist. Ct. (Gamble)*, which raises important points on the irreversible damage

arbitrary and summary case file sealing practices are having on public and press access.

The writ should be issued.

DATED this Jul 3, 2024

By: /s/ Luke Busby, Esq.

LUKE A. BUSBY, ESQ.

SBN 10319

316 California Ave.

Reno, Nevada 89509

775-453-0112

luke@lukeandrewbusbyltd.com

VERIFICATION OF ALEXANDER FALCONI

I, Alexander M. Falconi, state that I am the Founding Director of Our Nevada Judges, Inc., and that I have read this *Reply* and that the contents are true and correct of my own personal knowledge, except for those matters I have stated that are not of my own personal knowledge, but that I only believe them to be true, and as for those matters, I do believe they are true.

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

EXECUTED this Jul 3, 2024



Alexander M. Falconi
Our Nevada Judges, Inc.
Founding Director
admin@ournevadajudges.com

CERTIFICATE OF COMPLIANCE

I, Luke Busby, declare and certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Google Docs in 14-point Helvetica. I further certify that this brief complies with the type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionally spaced, has a typeface of 14 points or more and contains 1018 words.

EXECUTED this Jul 3, 2024

By: /s/ Luke Busby, Esq.
LUKE A. BUSBY, ESQ.
SBN 10319
316 California Ave.
Reno, Nevada 89509
775-453-0112
luke@lukeandrewbusbyltd.com

NRAP 25(5)(c)(1)(B) Certificate of Service

I, Luke Busby, do hereby declare that I served a true and correct copy of this *Petition* by placing it into a sealed envelope and mailing it, postage prepaid, *via* United States Postal Service, addressed as follows:

The Hon. Charles Hoskin
Eighth Judicial District Court
75 Court St.
Reno, NV 89507

Evan Schwab, Esq.
7455 Arroyo Crossing Pkwy
Suite 220
Las Vegas, NV 89113
Attorney for Jennifer Easler

Fred Page, Esq.
6930 S Cimarron Rd
Suite 140
Las Vegas, NV 89113
Attorney for Troy Minter

... and *via* email to: fpagelaw@pagelawoffices.com, evan@schwablawnv.com, deptelc@clarkcountycourts.us.

SERVED this Jul 3, 2024

By: /s/ Luke Busby, Esq.
LUKE A. BUSBY, ESQ.
SBN 10319
316 California Ave.
Reno, Nevada 89509
775-453-0112
luke@lukeandrewbusbyltd.com