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12 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE**

13 In the Matter of THE DOE 1 TRUST,  
14 \_\_\_\_\_/

15 CASE NO: PR23-00813  
16 DEPT NO: PR

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19 **LIMITED MOTION TO UNSEAL**

20 COMES NOW, Our Nevada Judges, Inc., a Nevada non-profit corporation  
21 (“ONJ”), by and through the undersigned counsel, and hereby files a limited motion  
22 to unseal.

23 This motion is based upon the following memorandum of points and  
24 authorities, and the exhibits attached hereto.

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27 **MEMORANDUM OF POINTS AND AUTHORITIES**

28 Under SRCR 4(2), a non-party news reporter may file a motion to unseal. SCR  
29 229(1)(c).

30 Our Nevada Judges, Inc. (hereinafter ‘ONJ’) requests that this Court bring the  
31 case file into compliance with SRCR 3(5)(c)<sup>1</sup> so that the public and press can  
32 independently monitor it. A request to deploy high-definition cameras has been  
33 submitted and is pending. SCR 230(1). The Clerk should be directed to restore

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38 <sup>1</sup> SRCR 3(5)(c): “Under no circumstances shall the court seal an entire court file.”

1 access to the court indices<sup>2</sup>, which would most efficiently reveal the case numbers,  
2 docket codes, docket numbers, and date that the action was commenced; and, the  
3 names of the parties, counsel of record, and the assigned judge; the case type and  
4 cause(s) of action; and, sealing orders (hereinafter ‘Court Access Information’).  
5

6 ONJ can only assume that the extensive seal imposed in this case directed the  
7 clerk to refuse to disclose not only the hearing dates and times, but also the  
8 existence of the case entirely, and the names of counsel of record and the parties,  
9 as none of this information is publicly available for this case. If so, the selling order  
10 unconstitutionally interferes with press access to the courtroom and violates SRCR  
11 3(5)(c). See *Falconi v. Eighth Jud. Dist. Ct.*, 140 Nev., Advance Op. 8 (2024). Each  
12 and every sealing order in this case must also be unsealed. SRCR 3(5)(c)(vi).  
13

14 SRCR 1(4) provides the scope of the rules on sealing and redacting court  
15 records. A list of NRS Chapters is provided, but the list is not exclusive<sup>3</sup> and  
16 actually manifests the harmonious construction<sup>4</sup> principle of statutory construction  
17 with the additional caveat that the court rules<sup>5</sup> give way to any “specific” statute  
18 governing sealing and redaction.  
19

20 There are, however, limits to what information statutes and court rules may  
21 hide from public view. “A court's authority to limit or preclude public access to  
22 judicial records and documents stems from three sources: constitutional law,  
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24 <sup>2</sup> <https://www.washoecourts.com/Query/CaseInformation/PR23-00813>

25 <sup>3</sup> SRCR 1(4): “These rules do not apply to the sealing or redacting of court records under  
26 **specific** statutes, **such as...**” (emphasis added).

27 <sup>4</sup> *Simmons Self-Storage vs Rib Roof, Inc.*, 130 Nev. 540, 546, 331 P.3d 850, 854 (2014)  
28 (“[T]his court interprets `provisions within a common statutory scheme harmoniously with  
one another in accordance with the general purpose of those statutes' to avoid  
unreasonable or absurd results and give effect to the Legislature's intent.”)

<sup>5</sup> *Weddell v. Stewart*, 127 Nev. 645, 650, 261 P.3d 1080, 1084 (2011) (“[R]ules of  
statutory construction apply to court rules.”)

1 statutory law, and common law.” *Howard v. State*, 128 Nev. 736, 291 P. 3d 137  
2 (2012). In *Howard*, the Court pointed out that the common law generally favors  
3 public access but gives way to statutes and court rules. The *Howard* Court's  
4 analysis did not involve any constitutional considerations at the time of its  
5 decision. However, in a later case, the *Falconi* Court established that the First  
6 Amendment guarantees a right of access to the underlying legal proceedings.

7 The *Falconi* Court expanded the scope of the ruling in *Stephens Media, LLC.*  
8 *v. Eighth Judicial District Court*, 125 Nev. 849, 221 P. 3d 1240 (2009) from criminal  
9 proceedings to include all civil proceedings, including family law proceedings.  
10 Importantly, the *Stephens Media* Court recognized the distinction left untouched  
11 by the *Howard* Court; namely, that there was a distinction between oral  
12 proceedings and documentation that “merely facilitate[s] and expedite[s]” one of  
13 those oral proceedings, specifically, jury questionnaires and *voir dire*. Here's a  
14 clearer restatement of that information: The *Stephens Media* Court determined that  
15 jury questionnaires were closely linked to and facilitated the *voir dire* process.  
16 Because of this direct connection, accessing these questionnaires was essentially  
17 equivalent to accessing the *voir dire* proceedings themselves. Consequently, the  
18 Court ruled that access to jury questionnaires raised First Amendment  
19 considerations. Analogously, the court indices and Court Access Information ONJ  
20 seeks here go beyond mere court records, and are required for monitoring and  
21 seeking the right to access any court file - implicating the First Amendment right of  
22 the press to access Court proceedings and to challenge, where necessary,  
23 unlawful closure.

24 Even if this Court came to the conclusion that certain interpretations of law  
25 could allow Court Access Information to be hidden from the press, this Court must  
26 adopt an interpretation consistent with the Constitution. “[W]hen the language of a  
27 statute admits of two constructions, one of which would render it constitutional  
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DECLARATION OF ALEXANDER FALCONI

I, Alexander M. Falconi, declare that I have read the forgoing *Motion* 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 Aug 16, 2024



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Alexander M. Falconi  
205 N. Stephanie St.  
Suite D#170  
Henderson, NV 89074  
Our Nevada Judges  
admin@ournevadajudges.com

**CERTIFICATE OF SERVICE**

I certify that on the date shown below, I caused service to be completed of a true and correct copy of the foregoing document by:

\_\_\_\_\_ personally delivering;

\_\_\_\_\_ delivery via Reno/Carson Messenger Service;

\_\_\_\_\_ sending via Federal Express (or other overnight delivery service);

\_\_\_\_\_ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto;

or,

\_\_\_\_\_ delivery via electronic means (fax, eflex, NEF, etc.) to:

NAMES OF COUNSEL WITHHELD FROM COURT DOCKET

**DATED** this Aug 16, 2024

By: /s/ Luke Busby