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

In the matter of THE DOE 1 TRUST

Case No. PR23-00813

Dept. No. _____

**AMENDED REQUEST AND ORDER RE ELECTRONIC
COVERAGE OF COURT PROCEEDINGS**

(Please email this Electronic Media Coverage Request to the Second Judicial District Court (“SDJC”) Court Administrator at courtadmin@washoecourts.us no less than twenty-four (24) hours before the date and time of the proceeding for which coverage is requested.)

ALEX FALCONI (name) (“Requester”) of OUR NEVADA JUDGES (organization), requests permission to (check all that are applicable):

- Video record Audio record Live broadcast
 Photograph Other: _____

proceedings in this action in the Second Judicial District Court, Dept. No. 4 on
9/10/2024, 9/16/2024, 9/17/2024, 9/18/2024, 9/19/2024, 9/20/2024.

Requester certifies I am, and any person who participates in the requested
coverage (“Media Participant”) will be, familiar with and will comply with Nevada Supreme

1 Court Rules, Part IV. Rules on Electronic Coverage of Court Proceedings (“SCR”) 229
2 through 246, inclusive. (SCR do not apply to reporters who are not using a camera or
3 electronic equipment.).

4 If this request made is less than twenty-four (24) hours before the proceedings
5 commence, the following facts support good cause for the Court to grant the request on
6 short notice:

7 N/A

8
9 Requester confirms any camera pooling arrangements required by SCR 233 shall
10 be the sole responsibility of the Media Participant and must be arranged prior to coverage,
11 without asking for the Court to mediate disputes.

12 DATED: August 1, 2024.

13 Requester: (Signature) Alexander Falsco

14 (Phone number) 702-374-3530

15 (Email) admin@ournevadajudges.com

16
17 **RECOMMENDATION FOR ORDER**

18 The Court has considered the presumption that all courtroom proceedings that are
19 open to the public are subject to electronic coverage pursuant to SCR 230(2). The Court
20 has also considered the following factors: (a) the impact of coverage upon the right of any
21 party to a fair trial; (b) the impact of coverage upon the right of privacy of any party or
22 witness; (c) the impact of coverage upon the safety and well-being of any party, witness or
23 juror; (d) the likelihood that coverage would distract participants or would detract from the
24 dignity of the proceedings; (e) the adequacy of the physical facilities of the court for
25 coverage; and (f) any other factor affecting the fair administration of justice. Good cause
26 appearing therefor,
27
28

1
2 **IT IS HEREBY RECOMMENDED:**

3 The request for electronic media coverage is **DENIED** for the following reason(s):
4

5 _____
6 See Findings of Fact and Conclusions of Law attached as Exhibit "1".
7

8 DATED: _____, 20____.

9 ~~The request for electronic media access is **GRANTED**. This order is made in~~
10 ~~accordance with SCR 229.246, inclusive, and is subject to revocation pursuant to SCR~~
11 ~~231.~~

12 ~~Any electronic coverage equipment must be in place in the courtroom and tested no~~
13 ~~later than fifteen (15) minutes before the start of any proceeding and may not be removed~~
14 ~~from the courtroom except during a natural break in proceedings.~~

15 **OTHER:** _____.

16 **IT IS FURTHER ORDERED** this Request and Order shall be made a part of the
17 record of the proceedings in this case.

18 DATED: August 21, 2024.

19 Nunc pro tunc from August 19, 2024.

20 
21 PROBATE COMMISSIONER

Exhibit 1

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Exhibit 1

1 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

2 This case was initiated by a *Verified Petition to Assume Jurisdiction Over*
3 *Trust and for Declaratory Relief* filed October 30, 2023. In that petition, the
4 Petitioner invoked the right to seal all “confidential information” as permitted
5 under NRS 164.041 and NRS 669A.256.

6 In accordance with the petitioner’s request, which request was assented to
7 by all appearing parties in this case, the Court entered an *Order Sealing*
8 *Proceedings and Closing Court Hearings* on January 26, 2024. That order directed
9 the sealing of the court file and the closing of hearings to the public because “the
10 pleadings and documents filed in these proceedings, and the proceedings
11 themselves will reveal confidential personal, financial, and business information
12 of the Trust and its beneficiaries or other family members who the Trustee
13 serves.”¹

14 On August 16, 2024, a *Request and Order Re Electronic Coverage of Court*
15 *Proceedings* was submitted to the Court on the court-provided form by Alex
16 Falconi of Our Nevada Judges. Alex Falconi is seeking permission to video record
17 certain hearings in this case scheduled for September 10 and September 16
18 through September 20. The hearing of September 10 is a pretrial conference,
19 while the hearing beginning September 16, 2024 is an evidentiary hearing.

20 Under SCR 230(2), “there is a presumption that all courtroom proceedings
21 that are open to the public are subject to electronic coverage.” When determining
22

23 ¹ Because the records sealed in this case are sealed in accordance with specific statutes, Part VII of Supreme Court Rules, “Rules Governing Sealing and Redacting Court Records” do not apply. See SCRC 1(4).

1 whether electronic coverage will be allowed, “[a] judge shall make particularized
2 findings on the record when determining whether electronic coverage will be
3 allowed at a proceeding, in whole or in part.” A “judge must consider the following
4 factors:

- 5 *(a) The impact of coverage upon the right of any party to a fair trial;*
- 6 *(b) The impact of coverage upon the right of privacy of any party or witness;*
- 7 *(c) The impact of coverage upon the safety and well-being of any party,*
witness or juror;
- 8 *(d) The likelihood that coverage would distract participants or would detract*
from the dignity of the proceedings;
- 9 *(e) The adequacy of the physical facilities of the court for coverage; and*
- 10 *(f) Any other factor affecting the fair administration of justice. Id.*

11 The Court’s January 26, 2024 order closed all hearings in this case to the
12 public in order to protect “confidential information” under NRS 164.041 and NRS
13 669A.256, and so the presumption under SCR 230(2) does not, by its terms,
14 apply in this case. Even so, the Court finds SCR 230(2) is an adequate guide to
15 assist the Court in weighing the impacts of electronic coverage against the right
16 of the media to cover court proceedings.

17 The Court finds that the impact of electronic coverage of the subject
18 hearings would not substantially impact the right of the parties to this case to a
19 fair trial, nor would it distract participants or detract from the dignity of the
20 proceedings. Further, the Court finds that the Court’s physical facilities are
21 adequate for electronic coverage.

22 The Court does find that electronic coverage would infringe on the parties’
23 rights to privacy as protected under NRS 164.041 and NRS 669A.256, however.

Furthermore, the Court finds that electronic coverage could have an impact on

1 the safety and well-being of the parties and witnesses. Taking up this latter
2 factor, certain parties and witnesses in this case are nationally prominent figures
3 who have received significant media attention in the past. Electronic coverage of
4 the hearings in this case could expose these persons' whereabouts, travel plans,
5 and other information that could be exploited by malicious actors. This factor,
6 then, weighs against electronic coverage more than it would in a case where the
7 parties were persons unknown to the general public, and by itself could be
8 sufficient grounds to deny the instant request.

9 The factor that weighs most heavily against electronic coverage of the
10 subject proceedings, however, is the parties' rights to privacy which are protected
11 by Nevada Revised Statutes.

12 Under NRS 164.041, "Confidential information relating to trusts that is
13 contained in petitions and subsequent related findings under this title or title 12
14 of NRS may be redacted and filed under seal without a prior court order . . ."
15 "Confidential information" includes, among other matters: "Trust instruments";
16 "The names and addresses of trust settlors and beneficiaries"; "Trust dispositive
17 terms, including . . . [t]he identity and amount of distributions or gifts";
18 "Corporate and company records relating to trust"; "Personally identifying
19 information"; and "Any other information the court deems confidential, if the
20 interest in protecting the confidentiality of the information outweighs the public
21 interest in accessing such information." NRS 164.041(4).

22 Similarly, NRS 669A.256 protects certain "confidential information" in a
23 case involving a "Family Trust Company", as this case does. This information

1 includes, among other matters: “The names of stockholders, members or other
2 owners”; “Ownership information”; “Capital contributions;” “Addresses”; “Business
3 affiliations”; “Information obtained from the family trust company”; “Any
4 information or agreement relating to any merger, consolidation or transfer”; and
5 “Any information or agreement relating to any relationship with a contracting
6 trustee”.

7 The parties and witnesses in this case include settlors, beneficiaries, and a
8 family trust company in a dispute over trust terms, including dispositive terms, any
9 hearing on which is certain to reveal the names and personally identifying
10 information of the settlor(s) and beneficiaries. Any evidentiary hearing will also
11 reveal certain of the trustee’s business records, ownership information, personally
12 identifying information, information relating to the relationship with a contracting
13 trustee, and other types of “confidential information” protected under NRS
14 164.041 and NRS 669A.256. The parties in this case brought their case in this
15 jurisdiction and invoked their rights under the Nevada Revised Statutes under the
16 expectation that this “confidential information” would remain confidential. The
17 closed hearings in this case, if covered by the media, will certainly and necessarily
18 reveal this confidential information to the public. Doing so would render the
19 protections of NRS 164.041 and NRS 669A.256 meaningless and would subvert
20 the intent of the legislature in enacting those statutes, not to mention the
21 reasonable expectation of the parties.² The parties’ rights to the privacy of this
22

23 ² The initial petition in this case, and the Court’s order sealing these proceedings, were filed prior to the Nevada Supreme Court’s ruling in *Falconi v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 140 Nev. Adv. Op. 8, (2024), which otherwise might have affected the parties’ expectation of privacy in the confidential information in this case.

1 “confidential information” protected by statute outweighs the public’s interest, if
2 any, in such confidential information. This evaluation is what caused the Court to
3 close the hearings in this case to the public in its January 26 order, and provides
4 good grounds to deny the instant request for electronic coverage of the same
5 hearings. Accordingly, the undersigned recommends that the *Request and Order*
6 *Re Electronic Coverage of Court Proceedings* be **denied**.

7 DATED this 21 day of August, 2024.

8 **IT IS SO RECOMMENDED.**

9 
10 _____
11 PROBATE COMMISSIONER