



CLERK OF THE COURT

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8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**
10 **FAMILY DIVISION**

11 [REDACTED]

12 Plaintiff,

13 vs.

14 [REDACTED]

15 Defendant.

16 CASE NO: D-22-[REDACTED]-D

17 DEPT NO: Q

18 NO HEARING REQUESTED

19 **ORDER GRANTING MOTION TO UNSEAL CERTAIN J.A.V.S. VIDEOS**

20 Before the Court is the unopposed Motion of Our Nevada Judges, Inc.
21 (hereinafter 'ONJ') to unseal certain J.A.V.S. videos. The Court has granted a
22 request by ONJ to provide comprehensive electronic coverage of the proceedings.
23 ONJ is now requesting the release of J.A.V.S. videos for each and every hearing.

24 ONJ is an SCR 229(1)(c) non-party news reporter. A non-party may file a
25 motion to unseal. SRCR 4(2). See also *United States v. James*, 663 F. Supp. 2d
26 1018, 1020 (W.D. Wash. 2009) ("Domestic press outlets unquestionably have
27 standing to challenge access to court documents.") (citation omitted). SRCR 1(4)
28 provides the scope of the rules on sealing and redaction. NRS 125.110(2) would
ordinarily obligate this Court to deny the motion, and EDCR 5.212(e) confers
discretion to do same. However, "[a] court's authority to limit or preclude public
access to judicial records and documents stems from three sources: constitutional

1 law, statutory law, and common law.” *Howard v. State*, 128 Nev. 736, 291 P. 3d 137
2 (2012). The Supreme Court held that a First Amendment right of access to these
3 proceedings exists. *Falconi v. Eighth Jud. Dist. Ct.*, 543 P.3d 92, 97 (Nev. 2024).

4
5 The *Falconi* Court broadly expanded the scope of the ruling in *Stephens*
6 *Media, LLC. v. Eighth Judicial District Court*, 125 Nev. 849, 221 P. 3d 1240 (2009)
7 from criminal proceedings to all civil proceedings, including family law
8 proceedings. The *Stephens Media* Court recognized that there was a distinction
9 between oral proceedings and documentation that “merely facilitate[s] and
10 expedite[s]” one of those oral proceedings. The J.A.V.S. videos are a distillation of
11 preceding motion practice and actual records of the hearings themselves. This
12 Court is forced to reject any construction of NRS 125.110(2) and EDCR 5.212(e)
13 that would not incorporate and include the strict scrutiny test mandated by the
14 *Falconi Court. State v. Castaneda*, 126 Nev. 478, 481, 245 P.3d 550, 553 (2010).

15 This Court may also construe the failure to file opposition as a consent to
16 granting the motion. EDCR 2.20(e). DCR 13(3).

17 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that
18 each and every J.A.V.S. video to date of this Order’s entry is unsealed.

19
20 Dated this 23rd day of August, 2024

21 
22 _____
DISTRICT COURT JUDGE

23 **E88 F79 0F22 594B**
24 **Bryce C. Duckworth**
25 **District Court Judge**

26 Submitted By: /s/ Luke Busby
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