

CLERK OF THE COURT

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

<p>11 [REDACTED], 12 Plaintiff, 13 vs. 14 [REDACTED], 15 Defendant.</p>	<p>16 CASE NO: D-20-[REDACTED]-D 17 DEPT NO: D</p>
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18 **ORDER GRANTING MOTION TO UNSEAL CERTAIN J.A.V.S. VIDEOS**

19 Before the Court is the unopposed¹ Motion of Our Nevada Judges, Inc.
20 (hereinafter 'ONJ') to unseal certain J.A.V.S. videos. ONJ is requesting the release of
21 J.A.V.S. videos for each and every hearing on and after July 27, 2021.

22 ONJ is an SCR 229(1)(c) non-party news reporter. A non-party may file a
23 motion to unseal. SRCR 4(2). See also *United States v. James*, 663 F. Supp. 2d
24 1018, 1020 (W.D. Wash. 2009) (“[d]omestic press outlets unquestionably have
25 standing to challenge access to court documents.”) (citation omitted). SRCR 1(4)
26 provides the scope of the rules on sealing and redaction. NRS 125.110(2) would
27 ordinarily obligate this Court to deny the motion, and EDCR 5.212(e) confers
28 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 Plaintiff filed *Notice of Non-Opposition* August 27, 2024. Defendant did not respond.

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).

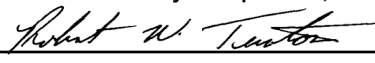
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5 The *Falconi* Court broadly expanded the scope of the ruling in *Stephens*
6 *Media, LLC. v. Eighth Judicial District Court*, 125 Nev. 849, 221 P. 3d 1240 (2009)
7 from criminal proceedings to all civil proceedings, including family law
8 proceedings. 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*. Compare *State v. Castaneda*, 126 Nev. 478, 481, 245 P.3d 550, 553
15 (2010).

16 This Court may also construe the lack of any opposition as a consent to
17 granting the motion. EDCR 2.20(e). DCR 13(3).

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

20 IT IS FURTHER ORDERED that the September 19, 2024 hearing is hereby
21 VACATED.

Dated this 4th day of September, 2024



DISTRICT COURT JUDGE
498 BE4 9065 6A42
Robert W. Teuton
District Court Judge

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23
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