Docket No. 88597

IN THE SUPREME COURT STATE OF NEVADA

LEANNE NESTER, an individual

Petitioner,

v.

The EIGHTH JUDICIAL DISTRICT COURT – FAMILY DIVISON Of The STATE Of NEVADA, In and for the COUNTY of CLARK; and the HONORABLE BRYCE C. DUCKWORTH, DISTRICT JUDGE,

Respondent,

And

CODY GAMBLE, an individual,

Real Party In Interest.

REPLY IN SUPPORT OF PETITION FOR A WRIT OF MANDAMUS

Honorable Bryce C. Duckworth, District Court Judge, Department Q
Eight Judicial District Court – Family Division, Clark County
Case No. D-21-639924-D

Shannon R. Wilson (9933)
HUTCHISON & STEFFEN, PLLC
10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
swilson@hutchlegal.com
(702) 385-2500
Attorney for Petitioner Leanne Nester

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Rules

REPLY IN SUPPORT OF PETITION FOR WRIT RELIEF

I. INTRODUCTION

This writ concerns the overriding interests of minor children and parents to custody proceedings that will be prejudiced by an open hearing. Petitioner Leanne Nester (hereinafter "Leanne") seeks relief in the alternative. First and foremost, Leanne requests this Court issue a writ directing the district court to close the evidentiary hearing, originally set for February 29, 2024, continued to May 2, 2024, and presently stayed. Alternatively, Leanne requests that this Court issue a writ directing the district court to exclude cameras and recording devices from the courtroom during that hearing. Or, as a further alternative, remand with a directive that the district court's expressed concerns in its April 9, 2024, Order (PA0045-52) regarding the best interest of children, together with still other facts raised by Leanne and summarily dismissed by the district court, constitute overriding interests to those of the press and public that are likely to be prejudiced by an open and/or broadcast hearing.

This Court recognized in *Falconi* that "the closure of various family law proceedings can and will be warranted in various instances" and ruled:

> [B]efore a district court can close those proceedings '(1) the party seeking to close the hearing must advance an overriding interest that is likely to be prejudiced; and (2) the closure must be no broader than necessary to protect the overriding interest; (3) the trial court must consider reasonable alternatives to closing the proceeding; and (4)

> the trial court must make findings adequate to support the closure.

Falconi v. Eighth Jud. Dist. Ct., 140 Nev. Adv. Op. 8, 543 P.3d 92, 99 (2024). The district court manifestly abused its discretion in failing to recognize the overriding interests advanced by Leanne's request to close the hearing are the very grounds this Court observed would warrant closure. Indeed, footnotes of the district court's order recognized the existence of some of those overriding interests in the underlying case and also recognized the prejudice and harm likely to befall the subject minor children, but incorrectly concluded they are not an overriding interest. PA0045-52. Therefore, a writ clarifying Nevada law with respect to the *Falconi* decision and directing the district court to close the hearing consistent therewith is warranted.

II. STATEMENT OF FACTS

Real Party in Interest Cody Gamble's ("Cody") Answer to Leanne's writ petition alleges that no medical professional is testifying. Ans. at p. 1-2. He appears to argue that Dr. Bergquist, the custody evaluator, is not a medical professional; however, a licensed clinical social worker is a medical professional, and Dr. Bergquist's custody evaluation incorporates the psychological testing of Stephanie Holland, Psy.D. PA0241, PA0290-302. Therefore, Dr. Bergquist is expected to testify to *inter alia* how the conclusions drawn from Dr. Holland's testing informed her opinions. Dr. Bergquist's evaluation also includes summaries of discussions with therapists who treated the parties together and individually, consequently her

report and testimony will feature information that includes protected health information. PA0274-277. Her evaluation includes other deeply personal information of the parties and their children to which she or the parties *may* testify and, if so, would include information and subjects, that no reasonable person would want their friends, family, coworkers, employers, children, or complete strangers to observe either in real-time in a courtroom or to subsequently access on the internet and remain there forever, which is precisely what they will be able to do.[1] Amicus's promises of anonymity, and Cody's belief in those promises, may be most generously described as naïve.

Cody argues he released other witnesses from his subpoenas, *e.g.*, the children's physician and representatives of Clark County Child Protective Services ("CPS"); however, nothing prohibits him from recalling them. Ans. at 2. Additionally, Leanne identified CPS as parties in her disclosure; therefore, if Cody is not going to call them, then presumably, she could. Regardless, the parties will testify about the subject matters contained within the custody evaluation (PA0241-605), the subject matters contained within the records of CPS (PA0241-605), and

[1] Even if the Court does not perceive a litigant's own interest in keeping personal information private is an overriding interest to that of the public and press, there remains the issue that much of that information should remain private to protect the best interest of children. *See e.g*, KAREN BONNELL, ARNP, MS AND KRISTIN LITTLE, MS, MA, LMHC, THE CO-PARENTING HANDBOOK, RAISING WELL-ADJUSTED AND RESILIENT KIDS FROM LITTLE ONES TO YOUNG ADULTS THROUGH DIVORCE OR SEPARATION (2017).

the children's medical care and subject matters contained within the children's medical records identified as exhibits by either or both parties. These will feature prominently in this particular case because Cody argues he should have primary physical custody of the parties' children and sole legal decision making authority regarding the children's medical care or at least some aspects of it. PA005; *see also* PA0629.

Cody also argues Leanne "inferred" that children would be testifying, but he says they are not. Ans. at p. 2. Indeed, it was Cody who identified his own children as witnesses he expected to testify (not Leanne who, as noted in the transcript Cody produced and cited to, identified them only as persons with information, not as witnesses to testify (RA26), and consequently, he could still call them if he chooses.[2]

As explained here and in Leanne's writ petition with citations to the record, with or without any of the foregoing witnesses, the testimony of the parties alone will feature such things as protected health information of the parties *and their children*; deeply personal details of their relationship with each other; the relationships of each party to their children; and the relationships of their children to each other. While no longer spouses, highly relevant to the analysis is the fact that

[2] This is the kind of stretched -- "poison the well against Leanne" -- argument Cody frequently resorts to because the facts do not support his claims. Notably, his older son is over the age of fourteen, and therefore, not subject to the Uniform Child Witness Testimony by Alternative Methods Act. RA26-27.

the parties remain parents to minor children. This, on its face, coupled with the district court's articulation of a few, but by no means all, of the facts of this particular case that are likely to harm the best interest of the children should justify the closure of these proceedings or at least an order prohibiting cameras and recording by the press.

However, Amicus broadly argues that no set of generic facts can ever support closing a hearing or denying press coverage, but the facts only appear generic to Amicus. The case is sealed per NRS 125.110; therefore, Leanne and Cody have each submitted exhibits under seal and to which Leanne has pointed this Court to show case-specific facts support what is "generically" stated in her petition so-as to not let the 'genie out of the bottle.'

III. STANDARD OF REVIEW

Cody's Answer does not state a standard of review; his argument simply cites a California Court of Appeal case for the proposition that "[e]xtraordinary writs are extraordinary." Ans. at p. 5. Amicus argues the district court did not abuse its discretion, citing *Jackson v. State*, 117 Nev. 116, 120, 17 P.3d 998, 1000 (2001), and dismisses the contradictions between the body of the district court order and the footnotes as an expression of frustration with the *Falconi* decision. Amicus at p. 3. As stated in Leanne's Petition, the standard of review is an abuse of discretion, which occurs when a district court makes"[a] clearly erroneous interpretation of law or a

clearly erroneous application of a law or rule." Petition at p. 8. An erroneous interpretation of the law is precisely what the contradictions between the body of the district court's April 9, 2024, order and the footnotes make out. *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 932, 266 P.3d 777, 780 (2011) (quoting *Steward v. McDonald*, 958 S.W.2d 297, 300 (Ark. 1997) (alteration in original)). Moreover, no plain, speedy, or adequate remedy exists in the ordinary course of the law. Once the hearing occurs, correcting the error (and harm) on a potential appeal will be insufficient. The harm will be incurable.

IV. DICUSSION

A. <u>Procedure for camera access</u>

The procedure for camera access is addressed by the Amicus brief; therefore, Leanne will briefly respond . Amicus argues news reporters are required to submit *ex parte* requests for camera access, and to support its argument Amicus cites SCR 229(1)(c) and SCR 230(1). Nothing within these rules supports the argument. SCR 229(1)(c) is merely the definition of a news reporter.[3] SCR 230(1) provides:

> News reporters desiring permission to provide electronic coverage of a proceeding in the courtroom ***shall file*** a written request with the judge at least 24 hours before the proceeding commences, however, the judge may grant such a request on shorter notice or waive the requirement

[3] SCR 229(1)(c) states that "[n]ews reporter' shall include any person who gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public."

> for a written request. ***The attorneys of record shall be notified by the court administrator or by the clerk of the court of the filing*** of any such request by a news reporter. The written order of the judge granting or denying access by a news reporter to a proceeding shall be made a part of the record of the proceedings.

SCR 230(1) (emphasis added). Here, the rule clearly contemplates *filing,* not an email submission or hand delivery to the judge, which is what Amicus did here. SCR 230(1)(c)contemplates notification to the attorneys by the court administrator or clerk of the court of *the filing*, but neither of those individuals are aware of the request when it is not *filed* and is submitted directly to the judicial department, as was done here. Amicus used a form, apparently created by the *general division* of the Eighth Judicial District Court following its procedures, and not the procedures of the *family division* which are different.

Violation of EDCR 5.211(a) is a separate issue and is not superseded by SCR, as Amicus argues. Amicus at p. 4. There is no conflict between EDCR 5.211(a) and SCR, the former merely states *any* written communication with the court shall be contemporaneously copied to all other parties. EDCR 5.211(a). By its terms, EDCR 5.211(a) is not limited to communication initiated by parties. *See e.g.,* EDCR 5.211(d) (applying the rule to "any person," and where "party" is defined in EDCR 1.12(e) and "person" is separately defined in EDCR 1.12(f).) It is customary in the *family division* of the Eighth Judicial District Court that even motions or requests

styled *ex parte* are filed with notice, unless the object of the relief sought would be lost if notice were given. *See e.g.*, EDCR 5.711 (stating a different procedure for true *ex parte* requests). It follows that parties should have notice of the press's intentions at the earliest possible opportunity to avoid delays and increased expense.

B. The district court's interpretation of *Falconi* was clearly erroneous.

In *Falconi*, this Court recognized that the public's interest in access to the courts extends to family law proceedings and struck down a statute and court rules which called for the automatic non-discretionary closing of hearings in the family court. *See Falconi v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 140 Nev. Adv. Op. 8, 543 P.3d 92, 94 (2024). This Court reasoned that the closure of family law proceedings cannot be automatic but must instead be left to the sound discretion of the district court. *See id*. at 94 ("[W]e hold that EDCR 5.207, EDCR 5.212, and NRS 125.080 are unconstitutional *to the extent they permit closed family court proceedings without the exercise of judicial discretion*." (emphasis added)).

The district court's April 9, 2024, order denying Leanne's motion for reconsideration and closed hearing (the "Order") shows that the district court fundamentally misinterpreted *Falconi* by reasoning that *Falconi* placed the interest in public access above other competing interests, such as the best interests of children and by failing to recognize its inherent common law authority to close hearings absent an express statutory provision or court rule allowing for such

closure. PA 49–51. As a result of these clearly erroneous misinterpretations, the district court manifestly abused its discretion by failing to properly apply the factual circumstances of this case to determine if closure or other less restrictive alternatives, such as a restriction on electronic recording, were appropriate. Thus, writ relief is necessary here. Leanne respectfully asks this Court to grant her writ petition and order the hearing to be closed or, alternatively, to remand the matter for further proceedings in the district court.

1. ***Falconi did not definitively place the interest in public access above the best interests of the children.***

In the Order, the district court refused to consider the impact public access may have on the children based on a notion that that *Falconi* placed the interest in public access above the best interests of the children. Specifically, it stated:

> [M]any custody proceedings necessarily include sensitive discussions of mental health and the emotional well-being of children. Apart from restricting access to specific mental health records, however, the Nevada Supreme Court has made it clear that this is not a basis to close the hearing—regardless of the consequences to the children outside these proceedings.

PA 51. The district court further notes that it "appreciates and understands" Leanne's concerns and her arguments that public access "is deleterious to the children's best interests," but goes on to state that "personal feelings, must necessarily be set aside" because "appellate decisions routinely place a child's best

interest secondary to other interests (including paramount deference to the rights of parents and access by the press)." PA 51–52, n.8.

Although this Court found that the interest in public access extends to family law proceedings, it did not hold that the interest is absolute; to the contrary, this Court "noted that the closure of various family law proceedings can and will be warranted in various instances." *Falconi*, 140 Nev. Adv. Op. 8, 543 P.3d at 99; *see also Howard v. State*, 128 Nev. 736, 742, 291 P.3d 137, 141 (2012) ("Concomitant with the common-law right to public access to such information is the recognition that the right is not absolute."). This Court also did not assert that the best interests of children are "secondary" to access by the press.

While this Court also noted that in "the majority of jurisdictions . . . when there are no extraordinary circumstances present, the public's right to access family law proceedings outweighs the litigants' privacy interests," those privacy interests are distinct from the children's best interest. So, for example, while a spouse's desire to say avoid publicization of their custody disputes to protect their own reputation, standing alone, may be insufficient to overcome the interest in access, the protection of the children's best interests from those disputes is a compelling interest that may support closure on its own. *See Com. v. Martin*, 629 N.E.2d 297, 302 (Mass. 1994) (noting that "a minor complainant's psychological wellbeing is a compelling interest which may warrant closure."). Therefore, the district court committed clear error by

concluding that *Falconi* placed the interest in public access above the best interest of the children.

2. <u>The district court may close proceedings under common law.</u>

The district court began its legal analysis in the Order by citing *Falconi's* abrogation of NRS 125.080, EDCR 5.207, and EDCR 5.212; and then proceeds to analyze another statute and court rule to determine if either one allows for the closure of divorce proceedings. PA 49–51. First, the district court states that "NRS 125.110(2) [which governs the sealing of certain records in divorce proceedings] does not offer a 'lawful basis for closing divorce hearings to the press.'" PA 49. Next, the Court addresses SRCR 2(6) noting that it allows the district court to restrict access to specific documents offered into the record but does not otherwise allow the district court to deny access to the proceedings. PA 51. The district court also states that a different result would be reached if this was a proceeding to establish paternity because such hearings are mandatorily closed under NRS 126.111. PA 50, n.3.

Having found no statute or rule which expressly allows for the closure of a hearing in a divorce proceeding, the district court concludes that "[b]ecause NRS 125.080, EDCR 5.207, and EDCR 5.212 offer no judicial discretion, there is not a sufficient statutory or rule basis to close the hearing." PA 50. The lack of a statute or court rule which expressly allow for the closure of divorce proceedings appears

to lead the district court to the conclusion that it may only limit access to the hearing to the extent allowed under SRCR 2(6). PA 52 (limiting access to information covered by SRCR2(6) but denying the motion for reconsideration in all other respects). This was clear error—a district court is not stripped of all discretion in all instances by *Falconi*.

In *Falconi*, this Court expressly recognized "that the closure of various family law proceedings can and will be warranted in various instances" and held that the "test that district courts apply on a case-by-case basis in closing proceedings in all other matters in Nevada can and will sufficiently protect family court parties' privacy interests." *Falconi*, 140 Nev. Adv. Op. 8, 543 P.3d at 99. This test and the court's authority to close hearings is not a creature of statute, but of common law.

It is well established that courts have inherent authority to manage their own records and files. *See Howard*, 128 Nev. at 743, 291 P.3d at 142. Under the common law, a court may exercise this inherent authority to deny public access to judicial records and *proceedings* so long as the court "strik[es] a balance between the public's right of access to judicial records and competing privacy interests." *Id*. Therefore, to the extent the district court interpreted *Falconi* as eliminating all legal mechanisms for closing a hearing in a divorce proceeding, it was mistaken. This was clear error because the district court has inherent common law authority to restrict public access to family law proceedings so long as it undertakes the necessary

factual analysis to determine whether such closure is warranted. As further detailed below, the district court manifestly abused its discretion because it failed to undertake that analysis.

C. The district court manifestly abused its discretion by dismissing as commonplace the very facts that form the 'overriding interests' articulated in *Falconi*.

In *Falconi*, this Court emphasized "the role thoughtful, reasoned judicial decision-making plays in identifying the compelling interests at stake and determining; (1) if and when to order closure in any proceeding, be it family, civil, or criminal in nature; and (2) to what extent such closure should apply" and concluded that "[t]he test that district courts apply on a case-by-case basis in closing proceedings in all other matters in Nevada can and will sufficiently protect family court parties' privacy interests." *Falconi*, 140 Nev. Adv. Op. 8, 543 P.3d at 99. "In any other proceedings in Nevada, before a district court can close those proceedings '(1) the party seeking to close the hearing must advance an overriding interest that is likely to be prejudiced; (2) the closure must be no broader than necessary to protect the overriding interest; (3) the trial court must consider reasonable alternatives to closing the proceeding; and (4) the trial court must make findings adequate to support the closure.'" *Id*. (quoting *Feazell v. State*, 111 Nev. 1446, 1449, 906 P.2d 727, 729 (1995)).

The district court did not apply (and did not even mention) either the test articulated in *Falconi* to close a hearing *or* the test required by SRCR 230(2) that requires particularized findings on the record when determining whether electronic coverage will be allowed in whole or in part,[4] and did not take into consideration still other relevant facts particular to this case. Instead, it improperly rejected Leanne's arguments with which the district court actually agreed, but couched it's agreement as personal opinion, when in fact those opinions form the facts that meet the elements of *Falconi* and SCR 230(2).[5] Specifically, the district court summarily dismissed arguments that the hearing should be closed based on the anticipated testimony regarding counseling for the children and their mental health, because "these mental health considerations are prevalent in most custody cases . . . " PA 49. By concluding its analysis there and failing to further explore the specific nature

[4] Indeed, when the district court signed the media request and order granting ONJ access, it did not check either box stating whether ONJ's presence would or would not run afoul of SCR 230(2)(a-f). PA0001. However, the body of the order and footnotes make clear the district court thinks the privacy and best interest of the children would be adversely impacted by the presence of the media. PA00048 at *fn.* 4; PA0049 at 10:11-13 and *fn.* 3; PA0051 at *fn. 6.* Leanne analyzed both the test under *Falconi* and the factors in SCR 230(2) in her Motion and Reply. *See e.g.*, PA0015-17; PA0034; PA0036-42.

[5] Leanne does not address ONJ's argument that there is no "set of generic facts" would universally allow for the closure of a family court proceedings, because she does not argue generic facts, she argues specific facts by reference to a record to which ONJ does not have access by virtue of this being a sealed proceeding per NRS 125.110.

of the evidence and testimony that would be presented and taking into consideration what impact public access could have on the children, if not also the parties, the district court failed to properly identify the compelling interests in support of closure as it is required to do under *Falconi* and SCR 230(2).

For example, in a criminal proceeding involving a living victim, it is commonplace for the victim to testify at trial. The fact that the victim is hesitant to testify, without more, generally does not establish a basis for closing the trial to the public. If, however, the victim's hesitancy is based upon a concern for her safety, the district court could properly exercise its discretion to limit public access as necessary to protect the victim. *See Feazell*, 111 Nev. at 1449, 906 P.2d at 729 (upholding a district court's decision to partially close a hearing during a victim's testimony to avoid potential harm to the victim).

The same general principle applies here. The fact that testimony regarding mental health and other similarly sensitive topics is commonplace in family law proceedings, does not necessarily indicate that closure is unwarranted. If such testimony pertains to, *inter alia*, parental neglect or allegations of abuse between siblings, as it does here, closure may be appropriate when taking into consideration, the nature of the testimony and the impact its publication is likely have on the children. The district court acknowledged the harm the children could face, but nonetheless, rejected Leanne's arguments based on its conclusory finding that the

best interests of the children cannot overcome the public's interest to access the courts. This was a manifest abuse of discretion.

The United States Supreme Court opined on the importance of balancing these interests on a case-by-case basis in *Globe Newspaper*, a case cited by ONJ in its amicus brief. *See Globe Newspaper Co. v. Superior Ct. for Norfolk Cnty.*, 457 U.S. 596 (1982). In *Globe Newspaper*, the United States Supreme Court struck down a Massachusetts law which "require[d], under all circumstances, the exclusion of the press and general public during the testimony of a minor victim in a sex-offense trial." *Id.* at 602. The United States Supreme Court reasoned that "safeguarding the physical and psychological well-being of a minor—is a compelling" interest, but that such an interest "does not justify a *mandatory* closure rule, for it is clear that the circumstances of the particular case may affect the significance of the interest." *Id.* at 607–08 (emphasis added). Like this Court's opinion in *Falconi*, *Globe Newspaper* did not place the interest in public access above the best interests of children, instead it reinforced the need for court to evaluate the competing interests on a case-by-case basis to fashion an appropriate solution that balances these interests. *See id.*; *see also State v. Guajardo*, 605 A.2d 217, 219 (N.H. 1992) (upholding the closure of a trial during the testimony of 14-year old victim to avoid the "emotional or psychological trauma" of public testimony).

In re T.R. provides an example of how the scales may tip in favor of closure when balancing these interests in the context of family law matters. *See In re T.R.*, 556 N.E.2d 439, 452 (Ohio 1990). In that case, which concerned a highly publicized dispute regarding custody of a minor child, the Ohio Supreme Court upheld a trial court order restricting public access to the hearing based on findings that such access "could psychologically harm" the minor child under the specific circumstances of that case.[6] *See id*. at 452.

The protection of the children's best interest can also implicate other constitutional rights such as a parent's Fourteenth Amendment right "to make decisions concerning the care, custody, and control of their children." *See Troxel v. Granville*, 530 U.S. 57, 69 (2000). In *Troxel*, the United States Supreme Court abrogated an overbroad Washington statute which allowed any individual to request

[6] Attempts by Cody and ONJ to distinguish *In re T.R.* are unavailing because this case provides an example of a circumstance where the best interests of the child *in a custody dispute* overcame the interest of public access. ONJ incorrectly identified *In re T.R.* as a juvenile delinquency case. Amicus at p. 6. Cody incorrectly identified it as an adoption proceeding. Ans. at 4. It was a custody dispute between a divorced husband and wife and the surrogate with whom they contracted, which was consolidated with a dependency proceeding in the juvenile dependency court. *In re T.R.*, 556 N.E.2d at 452-53. The *T.R.* Court did recognize other court's holdings of presumptively open divorce proceedings, but expressly declined to decide whether they would reach a different holding if the case originated or were lodged there instead. *Id*. at fn. 9. Leanne submits whether the proceeding originates as an adoption, a paternity action, a dependency proceeding, original divorce, or post-divorce custody action, and no matter in what court it may be lodged, it is a difference without a distinction. This was also the point made in the district court's order in footnote 6. PA0050.

visitation at any time, and provided that the court may grant such visitation rights whenever visitation may be serve the best interest of the child." *See id*. In so holding, the United States Supreme Court did not place the parent's rights above the best interests of the child, rather it relied on the presumption that a parent acts in the best interest of a child and the "sweeping breadth" of the statute to strike it down. *See id*. at 73.

Likewise, the parental preference presumption addressed by this Court in *Locklin*, did not concern a law which takes precedence over the child best interests, it concerned a presumption that the best interests of the child lied with a fit parent, but allowed the presumption to be overcome upon a showing that the best interests of the children must be served through custody with another. *Locklin v. Duka*, 112 Nev. 1489, 1494, 929 P.2d 930, 933 (1996). So, contrary to Amicus's argument, this case does not show that the children's best interests must be aside in favor of constitutional rights, it establishes that protection of the children's best interests incorporates various rights under the law which the Court should consider in conducting its detailed closure analysis.

Amicus also cites *Heller* in support of its position; however, this case is entirely unrelated to the facts at issue here. *See* Amicus at 6. In *Heller*, the United States Supreme Court struck statutory provisions controlling firearms as unconstitutional, however, the majority opinion makes no reference to children or

their best interests in the decision. *D.C. v. Heller*, 554 U.S. 570 (2008). In sum, the district court misinterpreted and misapplied *Falconi*, failing to recognize and consider the competing interests expressed by Leanne are the overriding interests that justify closure of family court proceedings. This was a manifest abuse of discretion necessitating extraordinary writ relief by this Court.

V. CONCLUSION

Interests of open courts cannot properly outweigh the best interests of children in all instances. Leanne respectfully asks this Court to issue a writ petition directing the district to close the custody hearing or to prohibit electronic recording devices. Alternatively, Leanne asks this Court to remand this matter for further proceedings and with additional guidance and direction on how to interpret and apply *Falconi* consistent with her arguments.

DATED: June 25, 2024.

HUTCHISON & STEFFEN, PLLC

By: /s/ Shannon R. Wilson
Shannon R. Wilson (9933)

VERIFICATION

I, Shannon R. Wilson, hereby declare pursuant to NRAP 21(a)(5) as follows:

1. I am an attorney actively licensed with the Nevada State Bar (9933), and an attorney with the law firm Hutchison & Steffen, PLLC.

2. I verify that I have read the foregoing REPLY IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS and that it is true to my own knowledge, except for matters therein stated on information and belief, and as to those matters, I believe them to be true and correct to the best of my knowledge.

DATED: June 25, 2024.

HUTCHISON & STEFFEN, PLLC

By: */s/ Shannon R. Wilson*
Shannon R. Wilson (9933)

CERTIFICATE OF COMPLIANCE

I hereby certify that this REPLY IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS 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). This petition has been prepared in a proportionally spaced typeface using Microsoft Word, Times New Roman 14-point type. I further certify that this petition complies with the type-volume limitations of NRAP 32(a)(7) and NRAP 21(d) because, it is proportionally spaced, has a typeface of 14-point type, and contains **4,824** words, excluding the table of contents, disclosure, verification, and certifications. I have read this petition, and to the best of my knowledge, information, and belief, it is not frivolous or for an improper purpose.

This petition complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(c)(1), which requires every assertion in this petition regarding matters in the record to be supported by a reference to the page of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions if the accompanying petition is not in conformity with the requirements of the Nevada Rules of Appellate Procedures.

DATED: June 25, 2024.

HUTCHISON & STEFFEN, PLLC

By: */s/* Shannon R. Wilson
Shannon R. Wilson (9933)

CERTIFICATE OF SERVICE

I certify that this REPLY IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS was served upon all counsel of record and the district court by electronically filing the document using the Nevada Supreme Court's electronic filing system and via U.S. mail to the following:

Honorable Bryce C. Duckworth,
District Judge
Eighth Judicial District Court – Family Division, Department Q
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

Respondent

Cody J. Gamble
7710 Villa de la Paz
Las Vegas, NV 89131
(702) 413-8768

Real Party In Interest in Proper Person

A courtesy copy was e-mailed to the following:

Michael Burton Esq. (14351)
BURTON & VAZQUEZ
7878 W. Sahara Ave., Ste. 110
Las Vegas, NV 89117
eservice@BVlawyers.com

District Court Counsel for Respondent

A courtesy copy was e-mailed to the following:

Alexander Falconi of Our Nevada Judges, Inc.
c/o Luke A. Busby, Esq. (10319)
316 California Ave.,
Reno, NV 89509
luke@lukeandrewbusbyltd.com

Attorney for Our Nevada Judges, Inc., a non-party

DATED: June 25, 2024.

By: */s/ Kaylee Conradi*

An employee of Hutchison & Steffen, PLLC