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Elizabeth A. Brown  
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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

OUR NEVADA JUDGES, INC.,  
a Nevada Non-Profit Corporation,  
Petitioner,

Vs.  
CV24-00231

Case No.

SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA IN AND  
FOR THE COUNTY OF WASHOE; AND  
THE HONORABLE KATHLEEN SIGURDSON,  
DISTRICT COURT JUDGE  
Respondent.

D. Ct. Case: CV24-00231

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COUNTY OF WASHOE and  
ROBERT CONRAD,  
Real Parties In Interest.

\_\_\_\_\_/

**PETITION FOR WRIT OF MANDAMUS**

COMES NOW, Our Nevada Judges, Inc., a Nevada Non-Profit Corporation (hereinafter "ONJ") by and through the undersigned counsel, and hereby files the following Petition for Writ of Mandamus. This Petition

is based on the following memorandum of points and authorities and on the petitioner’s appendix (hereinafter ‘PA’) on file.

**I. Routing Statement**

This matter should be diverted to the Court of Appeals under Nevada Rules of Appellate Procedure (“NRAP”) 17(b) because it is not retained by the Supreme Court under NRAP 17(a) as it involves a single question of law.

**II. NRAP 26.1 Disclosure**

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed. These representations are made in order that the Justices of this Court may evaluate possible disqualification and recusal.

Petitioner does not have a parent corporation.

DR. ROBERT A. CONRAD, an individual d/b/a THISISRENO.COM.

CONRAD COMMUNICATIONS, LLC, a Nevada S-Corporation.

WASHOE COUNTY, a political subdivision of the State of Nevada.

Luke Busby, Esq., is counsel for Dr. Conrad.

The undersigned attorney is the only attorney appearing on behalf of Petitioner in this matter.

Dated this Oct 9, 2024

By:     /s/ Luke Busby, Esq.      
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### **III. Summary**

ONJ filed a request to provide electronic coverage of a civil proceeding in Second Judicial District Court Case No. CV24-00231. PA-003. Respondent denied camera access without explanation. PA-005. In response, this Court, in Case No. 88483, issued a Writ of Mandamus compelling vacatur with instructions to make particularized findings. PA-006. Respondent complied, but nevertheless denied camera access with conclusory findings that wholly lack particularity. PA-009. Petitioner now seeks review of this second denial of camera access.

### **IV. Parties**

Petitioner is Our Nevada Judges, a Nevada Non-Profit Corporation recognized by the IRS as a Section 501(c)(3) organization.

Respondents are the Second Judicial District Court and the Honorable Kathleen Sigurdson.

Real Parties in Interest are Washoe County and Robert Conrad.

### **V. Jurisdiction & Standing**

This Court has original jurisdiction. Article 6, Section 4 of the Nevada Constitution. See also NRS 34.330.

### **VI. Relief Requested**

Petitioner requests this Court issue a writ of mandamus directing Respondent to grant the SCR 230(1) request. Or, in the alternative, if the Court finds the issue moot, the Court should still issue a decision in this case because the issue is capable of repetition but evading review.

*Valdez-Jimenez v. Eighth Judicial Dist. Court of Nev.*, 136 Nev. 155, 158, 460 P.3d 976, 982 (2020).

## **VII. Issues Presented**

Whether the District Court abused its discretion in denying ONJ's SCR 230(1) request.

## **VIII. Facts**

On April 11, 2024 at 10:40 a.m., ONJ submitted an SCR 230(1) request. PA-001. On same date, at 11:38 a.m., the request was provided to Judge Sigurdson. PA-002. On April 16, 2024, Judge Sigurdson denied the request summarily and without any explanation. PA-003. ONJ filed a petition for writ of mandamus in Supreme Court Case No. 88483. This Court issued the writ. PA-006. Respondent vacated her order denying camera access. PA-019.

On September 26, 2024, Judge Sigurdson issued an order granting Washoe County's *Motion to Adjudicate the Petition on the Papers*. PA-021. This ruling effectively renders the issue of camera access to the proceeding moot. By deciding to adjudicate the petition based solely on the written submissions, without holding the hearing, the District Court has eliminated the opportunity for the Petitioner to film any proceedings related to this case. This decision effectively bypasses the previous order regarding camera access and the Nevada Supreme Court's Writ of Mandamus to reconsider the media request, as there will no longer be a hearing to potentially record. Notwithstanding, on September 26, 2024,

Judge Sigurdson issued an order that denied camera access again, citing conclusory findings lacking in particularity. PA-009.

## **IX. Reasons Why the Writ Should Issue**

### ***a. Mandamus is the only available remedy***

Alexander Falconi was recognized by the *Falconi* Court as running<sup>1</sup> the “press organization,” which is now incorporated as a Nevada Non-Profit Corporation, ONJ. Mr. Falconi continues his important work bridging the gap between the public and the judiciary.

This Court has provided that a news reporter may only seek relief by extraordinary writ. SCR 243.

This Court has further ruled that participant conduct in proceedings are a matter of public interest. *Abrams v. Sanson*, 136 Nev. 83, 87, 458 P.3d 1062, 1067 (2020). Likewise, “[t]he operations of the courts and the judicial conduct of judges are matters of utmost public concern.” *Del Papa v. Steffen*, 112 Nev. 369, 374, 915 P.2d 245, 249 (1996).

A writ of mandamus may be issued “to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station; or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled and from which

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<sup>1</sup> ONJ has been recognized as a news reporter by Districts 1, 2, 5, 6, 7, 8, 9, and 10; and, the Court of Appeals and Supreme Court; and, the Commission on Judicial Discipline; and, the North Las Vegas, Las Vegas, Reno, Beatty, Pahrump, Dayton, Sparks, Goodsprings, Sparks, and Virginia Justice Courts; and, the Reno, Las Vegas, and Henderson Municipal Courts. ONJ has recorded and published over 1000 hearings.

the party is unlawfully precluded by such inferior tribunal, corporation, board or person,” when there is no plain, speedy, and adequate remedy. NRS 34.160; NRS 34.170. “[T]he scope of the press's and public's access to courts is an important issue of law, as well as a substantial issue of public policy, warranting [] extraordinary consideration [because] direct appellate review is often not available to the press, and thus, writs for extraordinary relief may be necessary to challenge a denial of access.”

*Falconi v. Eighth Judicial Dist. Court*, 543 P.3d 92, 95 (Nev. 2024).

***b. Presumption of Camera Access: Requirement for Particularized Findings in Denial***

It is not in dispute that the underlying proceedings are open to the public and that physical access is available. At issue is solely the question of camera access, which Judge Sigurdson denied citing conclusory, speculative, and non-particularized basis. Judge Sigurdson’s denial constitutes an arbitrary and capricious abuse of discretion and fails to comport with the guidelines articulated in *Solid v. Eighth Judicial District Court*, 133 Nev. 118, 393 P. 3d 666 (2017).

"It is not unrealistic even in this day to believe that public inclusion affords citizens a form of legal education and hopefully promotes confidence in the fair administration of justice." *State v. Schmit*, 273 Minn. 78, 87-88, 139 N. W. 2d 800, 807 (1966). "Instead of acquiring information about trials by firsthand observation or by word of mouth from those who attended, people now acquire it chiefly through the print and electronic

media. In a sense, this validates the media claim of functioning as surrogates for the public.” *Richmond Newspapers*, 448 U. S. 525, 573 (1980).

Firstly, Judge Sigurdson’s findings that a jury may be contaminated are not particular to the case. PA-015:9-15. Without a particular reason as to why a jury would be contaminated, Judge Sigurdson’s finding amounts to nothing more than an abstract principle which would apply to jury trials categorically. There is no jury trial scheduled in this case and the hearing ONJ sought to cover did not involve a jury. The *Solid Court* requires particularized findings for a reason; absent such particular findings, the Supreme Court Rules on electronic coverage would amount to nothing more than guidelines wherein the judge’s opinions alone determine camera access.

Secondly, Judge Sigurdson’s reliance on the possibility of human error is not particular to the case. PA-015:16-24. Again, these grounds would provide a basis to deny camera access to all hearings from all media outlets because human error is always a possibility when it comes to redaction.

Thirdly, Judge Sigurdson’s reliance on the issue of subject-matter occurring in a residential home is not particular to the case. PA 015:26-PA-016:3 Judge Sigurdson’s finding amounts to nothing more than an abstract principle that would categorically bar camera access to any

case involving events that occurred in a residence, and no law supports this conclusion.

Fourthly, Judge Sigurdson's reliance on the possibility that the community might try to exact "revenge" on a person that is a subject of disputed public records is not only not particular to the case but is also purely speculative. PA-016:7-19. Judge Sigurdson has taken no evidence that would support any particular reason as to why Mr. Thornley is in danger any more than any other person that is the subject of a police investigation or report. Judge Sigurdson's fear that the jury would be in danger is no different. PA-016:11-19, PA-017:5-9. Without a particular reason in place, Judge Sigurdson's speculative fear would justify barring access to all hearings where a jury may theoretically hear an issue in any given case in the future.

Fifthly, Judge Sigurdson's reliance on potential distractions to witnesses is purely speculative. PA-016:22-28. There has been no evidence that any particular witness would be distracted. Judge Sigurdson's concern would apply to all cases involving witnesses categorically.

Lastly, and most importantly, most of Judge Sigurdson's concerns are not extinguished by barring camera access. If a news reporter had physical access to the proceedings, Judge Sigurdson's concerns regarding jury tampering and the dangers the jury and defendant would be exposed to persist regardless of whether or not a camera is used within



the courtroom. Judge Sigurdson's concerns are not related to the visual and audio footage recorded by the camera, but rather, the information itself. If Judge Sigurdson were to address the issues raised in her order, she would have to bar physical access to the proceedings. An SCR 230(2) analysis is unavailing as barring physical access implicates First Amendment principles and would require Judge Sigurdson to conduct the strict scrutiny test mandated by the *Falconi Court*.

ONJ was seeking to provide camera coverage for a hearing in the underlying case that were summarily vacated. Therefore, the issue before the Court in the Petition is arguably moot. Generally, this Court decides only actual controversies and does not give opinions on moot questions or abstract issues. *Univ. & Cmty. Coll. Sys. of Nev. v. Nevadans for Sound Gov't*, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004) quoting *NCAA v. University of Nevada*, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981). However, where an issue is arguably moot, the Court should still consider such an issue “[i]f it involves a matter of widespread importance that is capable of repetition, yet evading review.” *Solid v. Eighth Judicial Dist. Court*, 133 Nev. at 120 (2017), quoting *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010), citing *Traffic Control Servs. v. United Rentals*, 120 Nev. 168, 171-72, 87 P.3d 1054, 1057 (2004). “The party seeking to overcome mootness must prove ‘that (1) the duration of the challenged action is relatively short, (2) there is a likelihood that a similar issue will arise in the future, and (3) the matter is important.’” *Valdez-Jimenez v.*

*Eighth Judicial Dist. Court of Nev.*, 136 Nev. 155, 158, 460 P.3d 976, 982 (2020) quoting *Bisch v. Las Vegas Metro. Police Dep't*, 129 Nev. 328, 334-35, 302 P.3d 1108, 1113 (2013).

The present case warrants an exception to the mootness doctrine as it meets all three criteria outlined in *Valdez-Jimenez*. The denial of camera access in court proceedings is inherently brief, often lasting only for the duration of a single case or hearing. This short timeframe makes it difficult to fully litigate the issue before it becomes moot. As recognized in *Solid*, "...episodes on any future seasons, will present many of the same issues of widespread importance". *Solid v. Eighth Judicial Dist. Court*, 133 Nev. at 120 (2017). Similarly, Judge Sigurdson's basis for denying camera access would apply to any upcoming cases involving juries, witnesses, defendants, residential homes, or domestic violence. It is highly probable that District Courts will continue to rely on the same sweeping principles to bar camera access in future proceedings. The issue of camera access in courtrooms is of significant public importance, touching on fundamental principles of judicial transparency and the public's right to access court proceedings. This case is particularly concerning as it allows a judge to rely solely on opinion to preclude cameras in the courtroom, rather than adhering to the objective standards set forth by this Court in SCR 230.

Furthermore, ONJ has encountered the problem of mootness regarding camera access on multiple occasions, as evidenced by

Supreme Court Case Nos. 80033<sup>2</sup> and 87296<sup>3</sup>. This recurring issue underscores the need for clarity to prevent improper denial of camera access. This case presents an opportunity for this Court to clarify that objective determinations based on facts particular to the presence of cameras in a particular case are required. Failure to address this issue now will likely result in continued arbitrary denials of camera access, undermining the principles of open justice and public scrutiny of court proceedings.

For these reasons, we respectfully request that this Court apply the mootness exception and decide this case on its merits, thereby providing much-needed guidance on the proper application of rules governing camera access in courtrooms.

## **XI. Conclusion**

Judge Sigurdson's denial is an arbitrary and capricious and an abuse of discretion that could impact policy decisions not only of ONJ but that of any other media outlet seeking camera access.

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<sup>2</sup> District Court focused on the non-consent of the attorneys, in violation of SCR 240, and ultimately failed to cite any particularized findings.

<sup>3</sup> District Court's denial categorically barred camera access to the evidentiary portion of a trial and was lacking in particular findings.

THEREFORE, a writ of mandamus should issue ordering Judge Sigurdson to vacate her order denying camera access.

DATED this Oct 9, 2024

By: /s/ Luke Busby, Esq.

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## **VERIFICATION OF ALEXANDER FALCONI**

I, Alexander M. Falconi, state that I am the Founding Director of Our Nevada Judges, Inc., and that I have read this *Petition* 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 Oct 9, 2024



Alexander M. Falconi  
Our Nevada Judges, Inc.  
Founding Director  
admin@ournevadajudges.com

## **CERTIFICATE OF COMPLIANCE**

I, Luke Busby, declare and certify that this brief 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) because this brief has been prepared in a proportionally spaced typeface using Google Docs in 14-point Helvetica. I further certify that this brief complies with the type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionally spaced, has a typeface of 14 points or more and contains 2696 words.

EXECUTED this Oct 9, 2024

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**NRAP 25(5)(c)(1)(B) Certificate of Service**

I, Luke Busby, do hereby declare that I served a true and correct copy of this *Petition* by placing it into a sealed envelope and mailing it, postage prepaid, *via* United States Postal Service, addressed as follows:

The Hon. Kathleen Sigurdson  
Second Judicial District Court  
75 Court St.  
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Lindsay Liddell, Esq.  
1 S Sierra St.  
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*Attorney for Washoe County*

... and *via* email to: lliddell@da.washoecounty.gov,  
Michael.Decker@washoecourts.us.

SERVED this Oct 9, 2024

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