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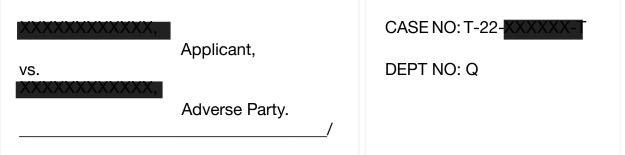
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luke@lukeandrewbusbyltd.com Attorney for Our Nevada Judges, Inc.

EIGHTH JUDICIAL DISTRICT COURT, FAMILY DIVISION **CLARK COUNTY, NEVADA**



ORDER GRANTING LIMITED MOTION TO UNSEAL

On August 23, 2024, a non-party, Our Nevada Judges, Inc. ('ONJ'), filed a limited motion to unseal. SRCR 4(2). Parties did not file oppositions.

The Court finds that ONJ's request to unseal the court index is the most reasonable and efficient manner in which to comply with SRCR 3(5)(c), as doing so would offer ONJ's news reporters the information necessary to attend hearings while affording Parties and the child a broad level of privacy. See also *United States* v. James, 663 F. Supp. 2d 1018, 1020 (W.D. Wash. 2009) ("[d]omestic press outlets unquestionably have standing to challenge access to court documents.")

"A court's authority to limit or preclude public access to judicial records and documents stems from three sources: constitutional law, statutory law, and common law." Howard v. State, 128 Nev. 736, 291 P. 3d 137 (2012). The Supreme Court held that a First Amendment right of access to these proceedings exists.

Falconi v. Eighth Jud. Dist. Ct., 543 P.3d 92, 97 (Nev. 2024). The Falconi Court broadly expanded the scope of the ruling in Stephens Media, LLC. v. Eighth Judicial District Court, 125 Nev. 849, 221 P. 3d 1240 (2009) from criminal proceedings to all civil proceedings, including family law proceedings. The Stephens Media Court recognized that there was a distinction between oral proceedings and documentation that "merely facilitate[s] and expedite[s]" one of those oral proceedings. The registry of actions or docket index is a manifestation of the proceedings themselves, as it includes upcoming hearing dates and times as well as the type and titles of important papers and pleadings. This Court is forced to reject any construction that would not incorporate and include the strict scrutiny test mandated by the Falconi Court. Compare State v. Castaneda, 126 Nev. 478, 481, 245 P.3d 550, 553 (2010)

The restoration of the court index¹ would reveal to the public and ONJ the mandatory minimum information required by SRCR 3(5)(c)(i), (ii), (iii), (iv), and (v). This Court will also order the unsealing of each and every sealing order in this matter, if any there are, which is required by SRCR 3(5)(c)(vi) and (vii).

The restoration of the court index would also disclose dates and times of hearings, which would avoid any potential constitutional violations resulting from constructively closing this court. *Falconi v. Eighth Jud. Dist. Ct.*, 140 Nev., Advance Opinion No. 8 (2024).

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

¹ https://www.clarkcountycourts.us/portal

1	THEREFORE, it is HEREBY ORDERED that the Clerk of the Court unseal the	ne
2	court index such that it be available for public viewing; and,	
3	IT IS FURTHER ORDERED that the Clerk of the Court unseal each and eve	ry
4	sealing order in this matter.	
5	Dated this 27th day of September, 2024	
7	DISTRICT COURT JUDGE	
8	(ND)	
9	Respectfully Submitted, 126 4CA 0568 774A Bryce C. Duckworth District Court Judge	
10	By: /s/ Luke Busby	
11	LUKE A. BUSBY, ESQ.	
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13	Reno, Nevada 89509 775-453-0112	
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