



CLERK OF THE COURT

1 LUKE A. BUSBY, ESQ.
2 SBN 10319
3 316 California Ave.
4 Reno, Nevada 89509
5 775-453-0112
6 luke@lukeandrewbusbyltd.com
7 Attorney for Our Nevada Judges, Inc.

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

10 [REDACTED] 11 Applicant, 12 vs. 13 [REDACTED] 14 Adverse Party. 15 _____/	16 CASE NO: T-22-[REDACTED] 17 DEPT NO: Q
---	--

16 **ORDER GRANTING LIMITED MOTION TO UNSEAL**

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

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

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

1 *Falconi v. Eighth Jud. Dist. Ct.*, 543 P.3d 92, 97 (Nev. 2024). The *Falconi* Court
2 broadly expanded the scope of the ruling in *Stephens Media, LLC. v. Eighth Judicial*
3 *District Court*, 125 Nev. 849, 221 P. 3d 1240 (2009) from criminal proceedings to all
4 civil proceedings, including family law proceedings. The *Stephens Media* Court
5 recognized that there was a distinction between oral proceedings and
6 documentation that “merely facilitate[s] and expedite[s]” one of those oral
7 proceedings. The registry of actions or docket index is a manifestation of the
8 proceedings themselves, as it includes upcoming hearing dates and times as well
9 as the type and titles of important papers and pleadings. This Court is forced to
10 reject any construction that would not incorporate and include the strict scrutiny test
11 mandated by the *Falconi Court*. Compare *State v. Castaneda*, 126 Nev. 478, 481,
12 245 P.3d 550, 553 (2010)

13
14
15 The restoration of the court index¹ would reveal to the public and ONJ the
16 mandatory minimum information required by SRCR 3(5)(c)(i), (ii), (iii), (iv), and (v). This
17 Court will also order the unsealing of each and every sealing order in this matter, if
18 any there are, which is required by SRCR 3(5)(c)(vi) and (vii).

19
20 The restoration of the court index would also disclose dates and times of
21 hearings, which would avoid any potential constitutional violations resulting from
22 constructively closing this court. *Falconi v. Eighth Jud. Dist. Ct.*, 140 Nev., Advance
23 Opinion No. 8 (2024).

24
25 This Court may also construe the lack of any opposition as a consent to
26 granting the motion. EDCR 2.20(e). DCR 13(3).

27
28 ¹ <https://www.clarkcountycourts.us/portal>

1 THEREFORE, it is HEREBY ORDERED that the Clerk of the Court unseal the
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 every
4 sealing order in this matter.

Dated this 27th day of September, 2024

5
6 
7 _____

DISTRICT COURT JUDGE
(ND)

126 4CA 0568 774A
Bryce C. Duckworth
District Court Judge

8
9 Respectfully Submitted,

10 By: /s/ Luke Busby

11 LUKE A. BUSBY, ESQ.
12 Nevada Bar No. 10319
13 316 California Ave.
14 Reno, Nevada 89509
15 775-453-0112
luke@lukeandrewbusbyltd.com
Attorney for the Our Nevada Judges