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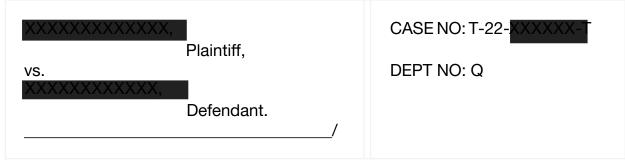
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Attorney for Our Nevada Judges, Inc.

## DISTRICT COURT **CLARK COUNTY, NEVADA FAMILY DIVISION**



## ORDER GRANTING MOTION TO UNSEAL CERTAIN J.A.V.S. VIDEOS

Before the Court is the unopposed Motion of Our Nevada Judges, Inc. (hereinafter 'ONJ') to unseal certain J.A.V.S. videos. ONJ is requesting the release of J.A.V.S. videos for each and every hearing, to date.

ONJ is an SCR 229(1)(c) non-party news reporter. A non-party may file a motion to unseal. SRCR 4(2). 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.") (citation omitted). SRCR 1(4) provides the scope of the rules on sealing and redaction. "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

<sup>&</sup>lt;sup>1</sup> Plaintiff was served electronically on September 27, 2024. Defendant was served by mail on October 19, 2024.

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 J.A.V.S. videos are a distillation of preceding motion practice and actual records of the hearings themselves. 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).

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

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that each and every hearing from the date of filing to November 4, 2024, inclusive, be unsealed and released to Our Nevada Judges, Inc.

Dated this 14th day of November, 2024

DISTRICT COURT JUDGE

<del>4D1 C25</del> 3149 9B4D

Bryce C. Duckworth District Court Judge

Submitted By: /s/ Luke Busby

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