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3 316 California Ave.  
4 Reno, Nevada 89509  
5 775-453-0112  
6 [luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)  
7 Attorney for Our Nevada Judges, Inc.

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**  
10 **FAMILY DIVISION**

<p>11 [REDACTED] Petitioner, 12 vs. 13 [REDACTED] Respondent.</p>	<p>14 CASE NO: D-08-[REDACTED] C 15 DEPT NO: E  16 NO HEARING REQUESTED</p>
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17 **MOTION TO UNSEAL CASE FILE**

18 NOTICE: YOU MAY FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE  
19 CLERK OF THE COURT AND PROVIDE THE UNDERSIGNED WITH A COPY OF  
20 YOUR RESPONSE WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION.  
21 FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT  
22 WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE  
23 REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING  
24 PRIOR TO THE SCHEDULED HEARING DATE.

25 COMES NOW, Our Nevada Judges, Inc., a Nevada non-profit corporation, by  
26 and through the undersigned counsel, and hereby files the following Motion to  
27 Unseal Case File.

28 This motion is based upon the following memorandum of points and  
authorities, and the exhibits attached hereto.

**MEMORANDUM OF POINTS AND AUTHORITIES**

An SCR 229(1)(c) non-party news reporter may file a motion to unseal. SRCR  
4(2). SRCR 1(4) provides the scope of the rules on sealing and redaction. NRS

1 125.110 does not apply. NRS 126.211 does not apply. EDCR 5.207 has been  
2 nullified. The law of the case mandates this Court apply the SRCR. *Order Granting*  
3 *Petition for Writ of Mandamus* filed on September 12, 2024 in Supreme Court  
4 docket no. 88412, hereinafter ('The Writ'). *Estate of Adams ex rel. Adams v. Fallini*,  
5 132 Nev. 814, 819, 386 P.3d 621, 624 (2016) ("The mandate rule generally requires  
6 lower courts to effectuate a higher court's ruling on remand."); see also *State Eng'r*  
7 *v. Eureka Cty.*, 133 Nev. 557, 559, 402 P.3d 1249, 1251 (2017) (recognizing that the  
8 district court on remand must follow the appellate court's mandate and that the  
9 appeal establishes the law of the case); 5 Am. Jur. 2d Appellate Review § 684  
10 (explaining that the mandate rule is an application of the law-of-the-case doctrine  
11 that prevents relitigating matters decided by the appellate court, requiring the lower  
12 court to "implement both the letter and the spirit of the mandate").  
13  
14

15 The Clerk of this Court refused a request to release the order filed in this  
16 matter on December 8, 2022. See Exhibit 1. Exhibit 2. ONJ could ask this Court to  
17 direct just the release of this order, but the more efficient solution is to simply direct  
18 the Clerk to cease and desist from erroneously treating this case as a paternity case  
19 under NRS Chapter 126 when "this matter is a child custody action, arising under  
20 NRS Chapter 125C where the [SRCR] would apply[.]" *The Writ, Id* at page 2.  
21  
22

23 Once directed to do so, the entire case file should<sup>1</sup> be unsealed and ONJ will  
24 be able to retrieve what is needed. See also *Civil Beat Law Ctr. for the Pub. Int., Inc.*  
25 *v. Maile*, 113 F.4th 1168, 1180 (9th Cir. 2024) (Hawai'i Court rules requiring all  
26

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27 <sup>1</sup> ONJ understands that there is a possibility that there may be some other sealing  
28 order it is unaware of because, as paradoxically occurs with the sealing of entire case  
files, the sealing orders themselves invariably end up sealed. Compare SRCR 3(5)(c)(vi).

1 medical and health records be filed under seal without further order of a judge are  
2 unconstitutionally overbroad). See also *Howard v. State*, 128 Nev. 736, 291 P. 3d  
3 137 (2012). See also *United States v. James*, 663 F. Supp. 2d 1018, 1020 (W.D.  
4 Wash. 2009).

5  
6 To the extent this Court finds other statutes and rules that may justify  
7 forbidding release, this Court is urged to seal individual filings in a manner  
8 consistent with the Constitution. This is because “when the language of a statute  
9 admits of two constructions, one of which would render it constitutional and valid  
10 and the other unconstitutional and void, that construction should be adopted  
11 which will save the statute.” *State v. Castaneda*, 126 Nev. 478, 481, 245 P.3d 550,  
12 553 (2010). See also *Falconi v. Eighth Jud. Dist. Ct.*, 140 Nev., Advance Op. 8  
13 (2024) (nullifying NRS 125.080 for lack of language conferring discretion to conduct  
14 strict scrutiny test.)

15 To the extent the Court or Parties would like to request that certain filings or  
16 hearing videos remain under seal, but allow the release of the requested order,  
17 ONJ suggests doing so and holding this Motion in abeyance rather than requiring  
18 supplemental briefing or the appearance at hearings, which may needlessly  
19 increase the costs of litigation to the parents and to ONJ.

20 Pursuant to NRS 239B.030 the undersigned hereby affirms that this document  
21 does not contain the social security number of any person.

22  
23 **DATED** this Dec 13, 2024

24 By:  /s/ Luke Busby  
25 LUKE A. BUSBY, ESQ.  
26 Nevada Bar No. 10319  
27 316 California Ave.  
28 Reno, Nevada 89509  
775-453-0112  
[luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)

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DECLARATION OF ALEXANDER FALCONI

I, Alexander M. Falconi, declare that I have read the forgoing *Motion* 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 Dec 13, 2024



\_\_\_\_\_  
Alexander M. Falconi  
205 N. Stephanie St.  
Suite D#170  
Henderson, NV 89074  
Our Nevada Judges  
admin@ournvadajudges.com

**EXHIBIT 1**

**EXHIBIT 1**



Our Nevada Judges, Inc.  
205 N. Stephanie St.  
Suite D #170  
Henderson, NV 89074  
(702) 374-3530  
[admin@ournevadajudges.com](mailto:admin@ournevadajudges.com)

To: Clerk of the Court  
Attn: Records  
[recordsrequest@clarkcountycourts.us](mailto:recordsrequest@clarkcountycourts.us)

I am requesting the following:

**Request #1:** the Order (Findings of Fact, Conclusions of Law, and Order) filed December 8, 2022 in D-08-402901-C, Eighth Judicial District Court, Family Division.

**Request #2:** the media request and order filed November 27, 2024 in D-18-578142-D, Eighth Judicial District Court, Family Division.

Sincerely,

A handwritten signature in blue ink that reads 'Alexander Falconi'.

Alexander M. Falconi  
Our Nevada Judges, Inc.  
Founding Director

**EXHIBIT 2**

**EXHIBIT 2**



Alexander Falconi &lt;admin@ournevadajudges.com&gt;

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**Non-Urgent: Records Request: [Ticket-91544]**

7 messages

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**courthelpdesk@clarkcountycourts.us** <courthelpdesk@clarkcountycourts.us>

Thu, Dec 12, 2024 at 1:54 PM

Reply-To: courthelpdesk@clarkcountycourts.us

To: admin@ournevadajudges.com

Hello,

Attached is a plain copy of the document requested in D578142. As for D402901, unfortunately I won't process your request without a court order releasing the document.

Thank you,

District Court Records Division

Note: This email is sent with reference to Ticket #91544. Please mention reference number '[Ticket-91544]' for further email communications.

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**2 attachments** **D-18-578142-D (MEDIA REQUEST AND ORDER).pdf**  
594K **RecordsRequestSIGNED.pdf**  
467K

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**Alexander Falconi** <admin@ournevadajudges.com>

Thu, Dec 12, 2024 at 2:07 PM

To: courthelpdesk@clarkcountycourts.us

Cc: "Campbell, Chloe" &lt;deptelc@clarkcountycourts.us&gt;, Fred Page &lt;fpagelawoffices.com&gt;, schwablawnv@gmail.com, dana@schwablawnv.com, evan@schwablawnv.com

Good afternoon:

Judge Hoskin vacated the sealing order hereto. See attached. If you're relying on the paternity statute, the Supreme Court order (also attached) states clearly that this is not a paternity case and that EDCR 5.207 is unconstitutional and cannot be relied upon.

I cc:ed District Court Judge Charles Hoskin's department in case assistance with interpreting these court orders is needed.

I could direct one of the corporation's lawyers to file another motion if need be but it seems like the necessary orders are already in place so I'm trying to save everyone's time if possible.

[Quoted text hidden]

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**Alexander Falconi****Founding Director**<https://www.ournevadajudges.com>


Our Nevada Judges, Inc. is a [non-profit corporation](#) recognized by the IRS as a [Section 501\(c\)\(3\)](#) organization.

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**2 attachments**



 **Supreme Court Order.pdf**  
592K

 **D-08-402901-C (ORDER).pdf**  
369K

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**Dixon, Chloe** <DeptELC@clarkcountycourts.us>

Thu, Dec 12, 2024 at 4:47 PM

To: Alexander Falconi <admin@ournevadajudges.com>, Court Help Desk <CourtHelpDesk@clarkcountycourts.us>

Cc: Fred Page <fpage@pagelawoffices.com>, "schwablawnv@gmail.com" <schwablawnv@gmail.com>, "dana@schwablawnv.com" <dana@schwablawnv.com>, "evan@schwablawnv.com" <evan@schwablawnv.com>

Hello all,

If it is necessary for Judge Hoskin to make a determination on this request, please note he is out of the jurisdiction until next week. Once he has returned, I am more than happy to bring this to his attention.

In regards to the *Order Granting Limited Motion to Unseal*, the Clerk of the Court was directed to restore access to the **docket index** to permit Our Nevada Judges, Inc. to independently monitor this case, **"including titles of filings and upcoming hearing dates and times."**

As I was not copied on the original request for release on D-08-402901-C, I cannot provide clarification on the same without further information.

Thank you!

Kind Regards,

Chloe Dixon



**CHLOE DIXON**

Eighth Judicial District Court | Family Court Division

Law Clerk to the Honorable Judge Charles J. Hoskin | Department E

601 N. Pecos Rd., Las Vegas, NV 89101

702.455.5105 | [deptelc@clarkcountycourts.us](mailto:deptelc@clarkcountycourts.us)

**From:** Alexander Falconi <[admin@ournevadajudges.com](mailto:admin@ournevadajudges.com)>  
**Sent:** Thursday, December 12, 2024 2:07 PM  
**To:** Court Help Desk <[CourtHelpDesk@clarkcountycourts.us](mailto:CourtHelpDesk@clarkcountycourts.us)>  
**Cc:** Dixon, Chloe <[DeptELC@clarkcountycourts.us](mailto:DeptELC@clarkcountycourts.us)>; Fred Page <[fpage@pagelawoffices.com](mailto:fpage@pagelawoffices.com)>; [schwablawnv@gmail.com](mailto:schwablawnv@gmail.com); [dana@schwablawnv.com](mailto:dana@schwablawnv.com); [evan@schwablawnv.com](mailto:evan@schwablawnv.com)  
**Subject:** Re: Non-Urgent: Records Request: [Ticket-91544]

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

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**Alexander Falconi** <[admin@ournevadajudges.com](mailto:admin@ournevadajudges.com)> Fri, Dec 13, 2024 at 8:44 AM  
To: "Dixon, Chloe" <[DeptELC@clarkcountycourts.us](mailto:DeptELC@clarkcountycourts.us)>  
Cc: Court Help Desk <[CourtHelpDesk@clarkcountycourts.us](mailto:CourtHelpDesk@clarkcountycourts.us)>, Fred Page <[fpage@pagelawoffices.com](mailto:fpage@pagelawoffices.com)>, "[schwablawnv@gmail.com](mailto:schwablawnv@gmail.com)" <[schwablawnv@gmail.com](mailto:schwablawnv@gmail.com)>, "[dana@schwablawnv.com](mailto:dana@schwablawnv.com)" <[dana@schwablawnv.com](mailto:dana@schwablawnv.com)>, "[evan@schwablawnv.com](mailto:evan@schwablawnv.com)" <[evan@schwablawnv.com](mailto:evan@schwablawnv.com)>

Thanks Ms. Dixon. Here's the request (attached).

The viewers are asking for the disposition because they've watched the hearing videos and aren't certain as to the outcome. It appears the clerk is still treating this like a paternity case for some reason.

In any event it looks like this might turn into the opposite of what I intended (less work for everyone involved.) I can just have Luke file another motion if this isn't as clear to me as it seems to be.

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## 2 attachments



**image001.png**  
27K

**RecordsRequestSIGNED (1).pdf**  
467K

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**Dixon, Chloe** <[DeptELC@clarkcountycourts.us](mailto:DeptELC@clarkcountycourts.us)> Fri, Dec 13, 2024 at 9:00 AM  
To: Alexander Falconi <[admin@ournevadajudges.com](mailto:admin@ournevadajudges.com)>  
Cc: Court Help Desk <[CourtHelpDesk@clarkcountycourts.us](mailto:CourtHelpDesk@clarkcountycourts.us)>, Fred Page <[fpage@pagelawoffices.com](mailto:fpage@pagelawoffices.com)>, "[schwablawnv@gmail.com](mailto:schwablawnv@gmail.com)" <[schwablawnv@gmail.com](mailto:schwablawnv@gmail.com)>, "[dana@schwablawnv.com](mailto:dana@schwablawnv.com)" <[dana@schwablawnv.com](mailto:dana@schwablawnv.com)>, "[evan@schwablawnv.com](mailto:evan@schwablawnv.com)" <[evan@schwablawnv.com](mailto:evan@schwablawnv.com)>, "Harris, Chricy" <[HarrisCh@clarkcountycourts.us](mailto:HarrisCh@clarkcountycourts.us)>

Mr. Falconi,

Thank you so much for including the requested information. After clarifying the same alongside the *Order Granting Limited Motion to Unseal*, at this time, the Court does not have the jurisdiction to release the requested pleading.

As previously stated and ordered, the Clerk of the Court was directed to restore access to the **docket index** of the case. The docket index includes titles of filings and upcoming hearing dates and times. If you are seeking access to the contents of a specific Order or document, the same must be specifically pled for in a Motion.

If you have any questions, please do not hesitate to reach out.

Thank you so much!

[Quoted text hidden]

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**Alexander Falconi** <admin@ournevadajudges.com>

Fri, Dec 13, 2024 at 9:00 AM

To: "Dixon, Chloe" <DeptELC@clarkcountycourts.us>

Cc: Court Help Desk <CourtHelpDesk@clarkcountycourts.us>, Fred Page <fpage@pagelawoffices.com>,

"schwablawnv@gmail.com" <schwablawnv@gmail.com>, "dana@schwablawnv.com" <dana@schwablawnv.com>,

"evan@schwablawnv.com" <evan@schwablawnv.com>, "Harris, Chrissy" <HarrisCh@clarkcountycourts.us>

I understand, we'll take care of it the usual way.

Appreciate your quick responses.

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image001.png  
27K

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**Alexander Falconi** <admin@ournevadajudges.com>

Fri, Dec 13, 2024 at 9:25 AM

To: Fred Page <fpage@pagelawoffices.com>, "schwablawnv@gmail.com" <schwablawnv@gmail.com>

Cc: "evan@schwablawnv.com" <evan@schwablawnv.com>

Good morning Mr. Page, Mr. Schwab, if there are any filings or hearings you'd like to remain under seal please let me know. I realize I may be aware of certain sensitive issues or details because they themselves are under seal.

Luke will probably file a motion to unseal today or tomorrow but reach out any time including after filing and I'll see what we can do about keeping especially sensitive issues sealed.

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