



1 **OPP**

2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]

5 Henderson, NV 89152  
6 (702)596-6892  
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8 *Self-Represented **Objectors***

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

12 *In the matter of the petition of*

13 [REDACTED]

14 Case No.: D-12-[REDACTED]-C

15 Dept.: N

16 Honorable Kerri Maxey

17 Hearing date: **February 28, 2025**

18 Time: **In Chambers**

19 **ORAL ARGUMENT REQUESTED**

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

27 **OPPOSITION TO MR. FALCONI MOTION TO UNSEAL CERTAIN**  
28 **J.A.V.S. IN [REDACTED]'S PETITION SEEKING PATERNITY.**

1 [REDACTED] and [REDACTED] Objectors in proper person,  
2 hereby oppose Mr. Falconi’s motion seeking to unseal certain J.A.V.S. in *The*  
3 *Matter of the Petition By* [REDACTED] *This opposition is* brought upon the  
4 pleadings and papers on file and any exhibits attached to this opposition.  
5

6 **DATED** this 4<sup>th</sup> day of February 2025.

7  
8 RESPECTFULLY SUBMITTED BY:

9 [REDACTED]  
10 [REDACTED]

11  
12  
13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 **I.**

15 **OPPOSITION AND LEGAL ARGUMENT.**

16 In his pleadings, Falconi asserts “The entire case file is not sealed as Plaintiff  
17 asserts it is”. In the current appeal, docket no. 89180, [REDACTED]’s entire district court  
18 record seeking paternity was transmitted to the Supreme Court of Nevada on  
19 August 19, 2024 **under seal**—where every volume is labeled ‘sealed’.  
20

21  
22 Additionally, this court only has to look at the central issue in her petition—  
23 [REDACTED] is seeking paternity under NRS 126—a statute reserved solely for biological  
24 fathers. On appeal, based upon the *vacate and remand* order issued June 27, 2017,  
25 in docket no. 67368 the prior court (Judge Gaudet) conducted an evidentiary  
26 hearing to determine which two of the three parties are to appear on [REDACTED]’s birth  
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28

1 certificate under 2012 statutes—The moment the court looks at the “birth  
2 certificate issue” automatically opens the door to *paternity*. **The instrument that**  
3 **corrects a child’s birth certificate is a decree of *paternity***. On November 21,  
4 2023 in an attempt to conserve judicial resources prior to trial, [REDACTED]  
5 submitted their Affidavit in Support of Request for Summary Disposition of  
6 Decree as well as their Request for Summary Disposition of Decree (proposed  
7 decree of paternity), however, they were completely ignored. The case went to trial  
8 and [REDACTED] failed to prove she was [REDACTED]’s biological mother or gave birth to  
9 [REDACTED]. She also failed to prove she was married to [REDACTED] at the time of  
10 [REDACTED]’s birth. Judge Gaudet did not issue a decree of paternity, but instead issued  
11 an order that all three litigants can appear on [REDACTED]’s birth certificate with no  
12 designation of mother or father. The major problem with his May 1, 2024 ruling is  
13 no paternity law in Nevada allows the court to bypass the strict statutory  
14 requirements of paternity [NRS 126--DNA findings] and ‘decide’ *on its own*  
15 *motion* for a child to have three (3) parents. To do so is theft of parental rights.

16 Today, [REDACTED]’s rights are being violated because there is no decree of  
17 paternity to remove the erroneous name listed as father on her birth certificate and  
18 add the correct father’s name. For this reason, both [REDACTED]’s petition [D469416] and  
19 [REDACTED]’s petition [D545288] are on appeal competing for paternity rights to  
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1 [REDACTED] And paternity cases in Nevada have sealed court proceedings as well  
2 **as a sealed court record.**

3 Mr. Falconi states “SRCR 1(4) is not categorically inapplicable to the unsealing  
4 of actions filed under NRS Chapters 126, but rather, **could yield** to certain  
5 “specific” statutes like NRS 126.111. Nevertheless, this is not a paternity  
6 action....”  
7  
8

9 In his attempt to mislead this Court, Mr. Falconi incorrectly captions his  
10 pleading [REDACTED] as if it is a custody case. The district  
11 court record reflects the caption is In the Matter of the Petition by [REDACTED]  
12 [REDACTED] recognizing that Nev. Rev. Stat. §125C only allows legally established  
13 parents to bring an action to seek an award of legal and/or physical *custody* over  
14 his or her child, and to establish support orders. **The caption was corrected to**  
15 **reflect that Mrs. [REDACTED] is still petitioning the court for parentage under**  
16 **NRS 126 and that she does not have a decree of paternity.** Also, the prior court  
17 under Judge Harter sealed the petition on September 17, 2020 as paternity; And the  
18 Supreme Court of Nevada determined the case to be **paternity** and explains why  
19 the entire record was transmitted, under seal, last August.  
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24 Alexander Falconi intentionally mischaracterizes XXXX’s petition seeking  
25 paternity as “*an unmarried child custody*” case. The case was erroneously treated  
26 as ‘custody’ for many years until the court was forced to comply with the remand  
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1 instructions and join [redacted] to [redacted]'s action. This occurred on September 26,  
2 2023. The act of joining [redacted] reset the entire case to paternity. And invoked  
3 *Jackson v. Hoagland*, En Banc Decision No. 63427 (Nev. Jan. 2016) which  
4 requires all prior orders are *void*, as a matter of law, because all custody orders  
5 stem from an erroneous award of paternity. [Note: [redacted] are married  
6 to each other. And [redacted] are married to each  
7 other (since 1988)]. Mr. Falconi expects this court to believe that [redacted]  
8 are the natural (biological) parents and because they are not married this case  
9 somehow becomes an “unmarried child custody” case. This is ludicrous.

13 Objectors bring to this court’s attention that Mr. Falconi filed a similar motion  
14 one year ago, as follows,

- 16 1. February 18, 2024 Falconi’s letter to seek vacatur of sealing orders.
- 17 2. February 28, 2024 [redacted]’s objection to the February 20, 2024 order.
- 18 3. March 11, 2024 Falconi’s reply to [redacted]’s objection and exhibits.

20 Objectors, [redacted] are unsure of Mr. Falconi’s motives to unseal  
21 the J.A.V.S. videos on or after January 20, 2020. However, **they are 100%**  
22 **positive he is not [redacted]’s father, guardian, or adoptive parent and has no**  
23 **‘standing’ to interfere in either [redacted]’s paternity petition. He is**  
24 also *not* an attorney representing any party in either case. This Court should

1 sanction Mr. Falconi for his repeated attempts to mislead this court. Further, it  
2 should barr him from filing into this case.

3 The rule of law expanded in **XXXXXs** prior objection [see EXHIBIT 1] requires  
4 this court to deny Falconi's motion due to the following,

- 6 1. **Restricted by Custody Statutes NRS 125C.004** Award of Custody a  
7 person other than a parent. Item 3. "The court may exclude the public from  
8 any hearing on this issue."
- 10 2. **Restricted by Adoption Statutes NRS 127.140**, "all hearings held in  
11 proceedings under this chapter are confidential and must be held in a closed  
12 court".
- 14 3. **Restricted by Paternity Statutes NRS 126.211**, "parentage must be held in  
15 a closed court."
- 17 4. **Restricted by SCR 240** where consent of the parties is required.
- 19 5. **Restricted by Nevada Rules Governing Sealing & Redacting Court**  
20 **Records**, RULE 4: "a sealed court record in a civil case shall be unsealed  
21 *only* upon stipulation of all parties".

23 All of the above are grounds to deny Mr. Falconi's motion, in toto. In addition,  
24 there is no agreement or stipulation for the records to be unsealed.

26 IN CONCLUSION, objectors, **XXXXXXXXXXXX** seek to have Falconi's motion  
27 requesting the unsealing of all J.A.V.S. videos for any hearings that occurred on or  
28

1 after January 20, 2020 be **denied**, with prejudice. If this court sees fit, to barr Mr.  
2 Falconi from filing into this case and sanction him for putting forth a false record  
3 and attempting to mislead this Court. Objectors also seek for this Court to use the  
4 **correct caption on its' order which is, In the matter of the petition by**  
5 **XXXXXXXXXXXX** and was corrected by the clerk of the court.

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7  
8 **II.**  
9 **OVERVIEW OF XXXX'S PETITION SINCE 2012**

10 **XXXX**'s petition is an ongoing PATERNITY dispute between a biological mother  
11 and father (**XXXXXXXXXXXXXXXXXXXXXXXXXXXX**) and an unrelated third-party  
12 (**XXXXXXXXXX**) who was sua sponte awarded parenting rights with legal and  
13 physical custody over **XXXX**'s daughter in controvert with existing state and federal  
14 law. **The nature of the action and subject matter of paternity raises Questions**  
15 **of Law as to** the legality of the prior courts' December 20, 2012 paternity  
16 judgment, issued sua sponte under NRS 126, by 'the stroke of a pen', and based  
17 *only* upon review of the pleadings, in chambers. The prior court did not conduct a  
18 hearing or evidentiary hearing on 'standing' as to the existence of a parent-child  
19 relationship between **XXXXXXXXXXXXXXXXXXXXXXXXXXXX** (**XXXX**'s daughter) despite  
20 **X's** objection and opposition. When the prior court awarded paternity to Mrs.  
21 **XXXXXXXXXX** it failed to join the minor child and all presumed fathers mandated by  
22 Nevada law in 2012 [*See Jackson v. Hoagland*, En Banc Decision No. 63427 (Nev.  
23 Jan. 2016)]; And due to **XXXXXXXXXX** collecting state welfare benefits for her

1 daughter, it also prevented the District Attorney from performing their  
2 administrative duties prescribed by Nevada's statutes to serve as guardian ad litem  
3 for the minor child and adjudicate her paternity, *legally*.  
4

5 While the prior court was on notice as to question of legality of its paternity  
6 proceedings in Clark County, on October 7, 2013 it demanded Nye county *void* its  
7 true and correct decree of paternity (naming [REDACTED]) and dismiss the  
8 sealed action initiated by both biological parents, case no. CV35024.  
9

10 Appeal no. 82977 stems from the prior court's REFUSAL to vacate the void  
11 paternity judgment issued December 20, 2012 and all subsequent orders. For eleven  
12 years, the case had been running without subject matter jurisdiction, without  
13 jurisdiction over the parties, and never acquired personal jurisdiction mandated  
14 under *paternity and custody laws*.  
15  
16

17 Due to the many judicial errors, this case is currently on appeal, docket no.  
18 89180, where [REDACTED] are challenging the prior court's May 1<sup>st</sup>, 2024  
19 ruling on paternity that made [REDACTED] a mother to [REDACTED] erroneously using NRS  
20 126.041 as a basis to justify giving her [REDACTED]'s paternity rights for over twelve  
21 years. Today, there is still no decree of paternity naming either [REDACTED]  
22 [REDACTED] as father to [REDACTED]. Due to this fact, there is  
23 no order granting or denying [REDACTED]'s petition (D545288) or [REDACTED]'s petition  
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1 (D469416). And [REDACTED]'s birth certificate still remains erroneous, listing the  
2 wrong father's name.

### 3 PROCEDURAL HISTORY

4  
5 In the October 25, 2012 hearing, the prior court determined this case is "*like a*  
6 *grandparent's rights case*" under NRS 125C; And that "[REDACTED] has no  
7 *parental rights*". Despite this fact, the court issued a sua sponte ruling making  
8 [REDACTED] a parent on December 20, 2012 without conducting a hearing or  
9 an evidentiary hearing.

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11  
12 On June 27, 2017, the Supreme Court of Nevada, docket no. 67368, ordered an  
13 evidentiary hearing to be conducted on *paternity* and to join the minor child to  
14 present argument and testimony. Judge Gaudet finally complied with their request  
15 on September 26, 2023 (6 yrs. later) and joined the minor child [REDACTED] when she  
16 was 17 1/2 years old. The paternity trial was conducted on December 13, 2023 and  
17 April 24, 2024. However, **in direct violation of Nevada law and in violation of**  
18 **the 2017 remand order:**

- 19  
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22 1. The minor child, [REDACTED] was not allowed to appear at trial to present  
23 argument or testimony. Further, the court never obtained [REDACTED]'s written  
24 consent on or after September 26, 2023 for the court to proceed with [REDACTED]'s  
25 petition and is required under NRS § 127.020(1)(b). Guardian ad litem,  
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1 Laura A. Deeter, Esq. appeared, however, she did not obtain written consent  
2 from [REDACTED] and is required for children over the age of 14.

3  
4 2. The District Attorney was prevented from appearing at trial by Judge Gaudet  
5 when **NRS § 126.101(1) (2007)** requires their testimony and argument.

6  
7 3. The Attorney Generals office for Vital Statistics was also prevented from  
8 appearing at trial. The 2017 remand order states, as follows,

9 We note that if the district court’s decision may mandate a change  
10 to the child’s birth certificate, it may be appropriate to permit the  
11 State Registrar of Vital Statistics to present argument on the issue  
12 as well.

13 4. Judge Gaudet modified [REDACTED]’s birth certificate to reflect three parents  
14 with no designation of mother or father. Vital Statistics reviewed the May  
15 1<sup>st</sup>, 2024 order and sent the following email dated August 19, 2024,

16  
17 [*see* **EXHIBIT 2**]

18 “we will need to go back to court to remove the current father listed and  
19 add ***the biological one***, ***only two parents can be listed on the birth***  
20 ***certificate***”.

21 Vital Statistics confirmed that current findings of facts and conclusions of law  
22 do not allow them to correct [REDACTED]’s birth certificate. The May 16, 2024 order  
23 giving [REDACTED] three parents as well as the July 10, 2024 order denying [REDACTED] and  
24 [REDACTED]’s tolling motion are on direct appeal.

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26  
27 ///

28 **DATED** this 4<sup>th</sup> day of February 2025.