

1 **OPPN**

XXXXXXXXXXXXXXXXXX

2 XXXXXXXXXXXXXXXXXXXX

3 Las Vegas, NV, 89131

702-XXXXXXXXXX

4 XXXXXXXXXXXXXXXXXXXX@yahoo.com

In Proper Person

5
6 **EIGHTH JUDICIAL DISTRICT COURT**
7 **FAMILY DIVISION**
8 **CLARK COUNTY, NEVADA**

8 XXXXXXXXXXXXXXXXXXXX

9 Plaintiff,

10 vs.

11 XXXXXXXXXXXXXXXXXXXX

12 Defendant.

Case No.: D-21-XXXXXXXX-D

Dept. No.: Q

Hearing Date: 2-18-25

Heating Time:10:00 AM

Oral Argument Requested: No

13
14
15 **DEFENDANT'S OPPOSITION TO MOTION TO CONTINUE**
16 **CALENDAR CALL PURSUANT TO THE WRIT OF MANDAMUS AND**
17 **OPINION ISSUED JANUARY 30, 2025 AND TO ACCOMMODATE**
18 **SCHEDULING CONFLICT**

18 TO:

XXXXXXXXXXXXXXXXXX

19 5012 Soaring Springs Ave
20 Las Vegas, NV 89131

XXXXXXXXXXXXXXXXXXXX

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Attorney for Plaintiff


21
22
23
24 //

1 COMES NOW Defendant, [REDACTED] (hereinafter, [REDACTED], in proper
2 person, and respectfully submits this Opposition To Motion To Continue Calendar Call
3 Pursuant To The Writ Of Mandamus And Opinion Issued January 30, 2025 And To
4 Accommodate Scheduling Conflict. [REDACTED] moves this Honorable Court to:

- 5
- 6 1) Permit open proceedings, with narrowly tailored restrictions to safeguard any
7 compelling interests, as necessary and appropriate and
 - 8 2) for any other relief the Court deems necessary and appropriate.
- 9

10 This application is based on NRS 125C.0035 (4), *Falconi* (2024), *Nester v Eighth*
11 *Jud. Dist. Ct.*, 141 Nev Adv. Op 4 (Jan 2025), SCR 230, the SRCR, and the points and
12 authorities attached hereto, the pleadings and papers on file, the unsworn declaration
13 of Defendant [REDACTED] set forth below , and any exhibits, evidence, or oral
14 argument this Court may entertain.

15
16 DATED this 10th day of February, 2025.

17 
18 [REDACTED]
19 [REDACTED]
20 Las Vegas, NV, 89131
21 702-[REDACTED]
22 [REDACTED]@yahoo.com
23 *In Proper Person*

24
25
MEMORANDUM OF LAW AND POINTS AND AUTHORITIES

Defendant [REDACTED] (hereinafter [REDACTED] respectfully submits this
Opposition To Plaintiff's Motion To Continue Calendar Call Pursuant To The Writ Of

1 Mandamus And Opinion Issued January 30, 2025 And To Accommodate Scheduling
2 Conflict. Plaintiff's filing, hereinafter "Motion to Continue Calendar Call," seeks to
3 delay proceedings based on (1) the January 30, 2025 Writ of Mandamus issued by the
4 Nevada Supreme Court and (2) an alleged scheduling conflict¹. For the reasons outlined
5 below, neither argument justifies *undue* delay. (3) Most importantly, she incorporates, by
6 reference, all her arguments from her Motion for Reconsideration filed 3-14-24²
7 ("Motion to Close Hearing") and adds new argument purportedly pursuant to *Nester v*
8 *EDJC*, 141 Adv Op 4 (Jan 2025) and the Writ. Motion to Continue Calendar Call at
9 11:19. [REDACTED] now comprehensively opposes.

11 I. INTRODUCTION

12 This case goes beyond acrimonious high conflict—it involves alienating
13 behaviors at their worst, with [REDACTED] making unsubstantiated³ claims targeting the
14 entire minor sibling group. Her shift in strategy, among other things, from seeking
15 primary custody⁴ to subtly manipulating the children into rejecting their father and
16

17
18 ¹ Moot as of the Court's rescheduling to 2-18-25 at 10AM.

19 ² And her Reply filed 3-22-25

20 [REDACTED]
21 provided false claims that specifically targeted the sibling group. Additionally, there is
22 ongoing concern regarding the use of the children as focal points for conflict through
various means.

23 ⁴ Through her Plaintiff's Opposition To Defendant's Motion To Modify Child Custody;
24 Motion For An Order To Enforce And/Or An Order To Show Cause Regarding
25 Decree Of Divorce; For Issuance Of A Behavior Order; For An Injunction Against
Harassment; For Attorneys' Fees And Costs; And For Related Relief And Plaintiff's

1 siblings, reveals a deliberate and harmful misuse of the legal system.

2 When privacy is used as a shield, it becomes a weapon—hiding misconduct and
3 allowing alienation to continue unchecked. In such cases, speculative concerns about
4 future harm under global privacy protections cannot outweigh the need for
5 **transparency and accountability** to uncover the truth and safeguard the children’s
6 relationships and emotional well-being.⁵ By rejecting global closure and applying
7 targeted, limited closures only where necessary, the court can ensure the children are
8 protected from long-term, undetected harm. See *Westmoreland v. Columbia Broad. Sys.,*
9 *Inc.*, 752 F.2d 16, 23 (2d Cir. 1984) (determining among other things, that “[P]ublic
10 access to civil trials enhances the quality and safeguards the integrity of the factfinding
11 process...”); *Young v. Young*, 212 A.D.2d 114, 115 (1995) (recognizing subtle forms of
12 interference that could constitute “psychological poisoning.” through the “constant and
13 consistent single-minded teaching of the children that their father is dangerous.”):

16 Counter-motion For Primary Physical Custody Of Minor Children, For Attorney’s Fees
17 And Costs, And For Such Other Relief As The Court Deems Just And Proper filed 12-
18 27-22

19 ⁵ Since filing his November 2022 Motion to Modify Child Custody and related relief,
20 [REDACTED] has been consistent and clear in raising concerns about the ongoing issues
21 affecting the children. He has repeatedly flagged the harms resulting from these issues,
22 but instead of resolution, the case has faced repeated delays. As a result, the underlying
23 problems driving his motions have been left to fester, causing continued harm to the
24 children. See e.g. 1-29-24 Calendar Call JAVS at 10:38:00-10:42:25; 11:00:00-11:03:00 of
25 10:53:00-10:54:50 OC/ [REDACTED] admission re. her allegations that “The facts don’t
matter [in this case]...”; Petition For Orders Compelling Release Of Confidential
Agency Records Pursuant To NRS 432B.290 (6), JAVS 11-5-24 Hearing on same, and
his Motion To Temporarily Suspend Video And Telephonic Communications; Or In
The Alternative, To Certify Intent To Terminate filed recently, and contemporaneous
filed witness Declarations.

1 transparency and accountability for the long-term welfare of the kids. By rejecting global
2 closure and applying targeted, limited closures only where necessary, the court can
3 protect the children’s fundamental liberty interest to loving relationships with both
4 parents⁷ and uphold the integrity of the factfinding process, as recognized in *Nester*, the
5 *Falconi* framework, and case law emphasizing that public access is critical in safeguarding
6 the truth.
7

8 **II. RELEVANT FACTUAL BACKGROUND**

9
10 [REDACTED] incorporates by reference all arguments raised in her Motion for
11 Reconsideration and supplements them with new argument. [REDACTED] now updates the
12 Court: He has less than six months remaining as an active Army Reservist and has not
13 homeschooled the children for the past 1.5 years. From the moment he was made aware
14 of [REDACTED] claims, [REDACTED] turned his full attention to protecting his children. As a result,
15 he faced a Hobson’s choice and quietly left flying duties as a pilot at his Unit and is
16 transitioning to the Individual Ready Reserve (IRR) with no active duties or
17 responsibilities.
18

19 [REDACTED] completed the Triple P Positive Parenting in -person class offered by the
20

21
22 [REDACTED]
23 knowing how vital that connection is to their emotional well-being. Without a doubt,
24 research shows that children thrive when they have strong, healthy relationships with
25 both parents, fostering stability and resilience. [REDACTED] is committed to ensuring the boys
maintain that bond, recognizing that any harm to it would ultimately affect their
happiness and development. Kelly, J. B., & Emery, R. E. (2003). Children’s Adjustment
Following Divorce: Risk And Resilience Perspectives. *Journal of Family Psychology*.

1 Clark County Department of Family Services for young children and voluntarily
2 attended the online class for teens. Since the May 25, 2023 CPS investigation, three of
3 his children (excluding the youngest, ZMG) have been actively engaged in therapy with
4 a clinical psychologist to address the emotional challenges arising from the allegations.
5 All members of [REDACTED] household are also participating in therapy to help create a
6 supportive and stable home environment for the children.
7

8 During the course of these proceedings, [REDACTED] exhausted his Family and Medical
9 Leave Act (FMLA) leave through the Fire Department and was removed from his unit's
10 roster as a pilot due to his inability to maintain the required flight hours and the mental
11 duress attendant to such allegations.
12

13 The details from [REDACTED] Motion for Reconsideration, presently up before the
14 Court to re-review and apply *Falconi*, are mischaracterized. Motion for Reconsideration,
15 pp. 2-5. [REDACTED] will summarize: The parties negotiated a divorce decree and concurrent
16 with or even before, [REDACTED] began recording ZALG (then 2 years old) while asking her
17 leading questions related to child sexual abuse. [REDACTED] had no knowledge of these
18 recordings. The parties settled the decree, and just days later, [REDACTED] behavior
19 escalated rapidly. She began involving the children in the conflict in more concerning
20 ways⁸, which prompted [REDACTED] to file the underlying Motion to Modify Custody. [REDACTED]
21

22
23 ⁸ Illustrated in Defendant's Motion To Modify Child Custody; Motion For An Order
24 To Enforce And/Or An Order To Show Cause Regarding Decree Of Divorce; For
25 Issuance Of A Behavior Order; For An Injunction Against Harassment; For Attorneys'
Fees And Costs; And For Related Relief

1 | opposed the motion, counter-moved for primary custody, and during the child custody
2 | evaluation, sent even more videos of her questioning ZALG along the same vein,
3 | introducing yet more previously unreported claims of abuse to both the evaluator and
4 | CPS.^{9 10} The CPS investigation found the claims to be unsubstantiated.

5 |
6 | The court-appointed Child Custody Evaluator (CCE) ultimately recommended
7 | that [REDACTED] time with the children be increased, but [REDACTED] refused to stipulate. What
8 | is particularly concerning is that during this period, [REDACTED] conduct—including her
9 | early recordings of ZALG—evaded detection by [REDACTED] scrutiny by the custody
10 | evaluator¹¹, and investigation by CPS— despite relevance to the children’s welfare, the
11 |
12 |
13 |
14 |

15 | [REDACTED]
16 | of [REDACTED] statements contained in the CPS Report as the copy he was privy to, having
17 | been received under NRS 432B.280 and NRS432B.290 (q) (information limited to one’s
18 | own statements) prior to this Court’s granting of his 432B.290 (6) Petition on 11-17-25
(Release of an Unsubstantiated Report after a reasonable suspicion is established that
the allegations giving rise to the investigation were in bad faith).

19 | ¹⁰ Alan D. Blotcky Ph.D, *The Weaponization of False Allegations of Abuse*, Forensic Practice,
20 | Psychiatric Times, (July 26, 2022), [https://www.psychiatrictimes.com/view/the-
weaponization-of-false-allegations-of-abuse](https://www.psychiatrictimes.com/view/the-weaponization-of-false-allegations-of-abuse) (last checked 2-9-25)

21 | ¹¹ Of further concern, the matter was sealed under NRS 125.110 *pendente lite* before
22 | [REDACTED] claims of abuse, and both parties counsel submitted filings to the evaluator.
23 | This created an opportunity for [REDACTED] to present one narrative to the Court and a
24 | different one to the Evaluator, with neither having visibility into the nexus between
25 | them. As the matter was super sealed above the constraints of the SRCR 3(5) [REDACTED]
was unable to call attention to issue. CCE Conclusion and Recommendations Section
re Evaluator’s concerns filed in the Court and not shared with the Evaluator.

1 charge of the civil-domestic arena. It wasn't until post-judgment discovery that XXX
2 first became aware of these videos, some of which dated back to March 2022.¹²
3

4 These events highlight a pattern of escalating and covert behavior that fueled the
5 ongoing custody dispute and reflect the need for the safeguards and protections
6 emphasized in *Westmorland*, *Falconi*, and now unanimously in *Nester*.

7 8 **III. LEGAL ARGUMENT**

9 **A. Open Hearings, Privacy, and the Best Interest of Children**

10
11 *Falconi* (4-3) and now *Nester* (unanimously supporting *Falconi* and the author of
12 the dissent now penning the Opinion) simply delegate power to the judicial officers
13 familiar with the case before them to exercise discretion in accordance with a First
14 Amendment balancing test. *Nester v. Eighth Judicial Dist. Court*, 141 Nev. Advance
15 Opinion 4 (Jan. 30, 2025) and at fn 5. XXXXXX serial demands for blanket closure fails
16 under this strict scrutiny standard. As *Falconi* mandates, public access is the default, and
17 closure must be narrowly tailored to address specific, compelling interests. *Nester*
18 clarifies that judicial officers have the discretion to order either closure or openness,
19

20
21 _____
22 [REDACTED]
23 recorded 3-1-22 and referenced in the CCE pg 67 Factor (d)) or PLTF001271 (photo
24 of XXXXX following him to his Army unit). Both were disclosed 3 -22- 23. [Regarding
25 the Child Custody Evaluation, XXXX cites to his handwritten notes as he was barred a
copy of the report at the 1-29-25 Calendar Call.] Opposing Counsel was directed to
issue an order but failed to do so. JAVS 11:13:40-11:14:00. The matter is -involved in
88678 in the NVSC.

1 but they must do so by making the necessary findings in accordance with the First
2 Amendment. ██████████ generalized privacy concerns, which even ██████████—who is
3 intimately familiar with the issues—cannot identify as a basis for global closure of the
4 case or trial, fall far short of the required standard. Her reliance on circular arguments,
5 like claiming that compliance with the Writ must be completed before any action can
6 proceed, creates the possibility of yet more manufactured standstills.
7

8 It’s like a man approaching the village well, demanding exclusive private access,
9 and telling the elder, “I need it to protect my family.” But before the elder can respond,
10 the village council steps in, reminding the elder that the well is shared by the entire
11 community and instructing him to investigate the man’s claims. The elder turns back to
12 the man, who simply repeats, “I need it to protect my family.”
13

14 Courts routinely handle sensitive matters using targeted measures, such as
15 redactions, anonymization, and limited access to specific testimony. As SRCR 3(4) and
16 *Solid v. Eighth Judicial Dist. Ct.*, 133 Nev. 118, 393 P.3d 666 (2017), require, any
17 restrictions must be supported by evidentiary findings and limited to the least restrictive
18 means necessary.
19

20 The Writ, *Falconi*, and *Nester’s* purpose are procedural guidance, not a tool for
21 indefinite delays or secrecy. Public scrutiny, as emphasized in the above decisions,
22 prevents manipulation and ensures accountability, which is essential to protecting the
23 children’s long-term welfare and their right to maintain healthy bonds with both sides
24
25

1 of their family. With these protections, and in light of the facts of the underlying case,
2 no extraordinary circumstances justify closing the entire proceeding.

3
4 **B. Transparency Protects Family Bonds by Exposing Falsehoods, Preventing**
5 **Manipulation, and Preserving Justice**

6
7 Transparency and public access ensure accountability and prevent misuse of false
8 allegations. Public observation alone does not harm the children—excessive secrecy
9 does—as illustrated above. Counsel’s own statements on record (this Opp’s fn 5) and
10 pending before the NVSC in both *Gamble v. EJDC and Nester* (Jan 2025), *prior* to the
11 issuance of *Falconi* (Feb. 15 2024) illustrate her own beliefs regarding the claims central
12 to case.¹³

13
14 In cases of this nature, speculative concerns about potential harm under global
15 privacy protections cannot outweigh the urgent need for transparency and
16 accountability, applied to both officers of the court and witnesses, to protect the
17 children’s best interests. Transparency and accountability serve as essential safeguards,
18 ensuring that the truth is fully revealed, further manipulation is prevented, and the
19 children’s relationships and emotional well-being are preserved. Excessive privacy
20 would only conceal misconduct, enabling parental alienation to fester unchecked. *See*

21
22 _____
23 [REDACTED]
24 who may be similarly affected. While he understands that family court counsel will
25 vigorously advocate for their clients, he recognizes that there may be instances where
ethical boundaries could be crossed in ways that impact his ability—and that of
others—to safeguard children.

1 *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 569 (“Open court proceedings assure
2 that the proceedings are conducted fairly and discourage perjury, misconduct by
3 participants, and biased decision making.”). By rejecting global closure and applying
4 limited, targeted closures only where necessary—such as for sensitive CPS-related
5 testimony etc.—the court can create an environment where truth prevails, and the
6 children’s emotional stability is truly protected from lasting harm. *See e.g. Del Papa v.*
7 *Steffen*, 112 Nev. 369, 374, 915 P2d 245, 248 (1996). “Openness promotes public
8 understanding, confidence, and acceptance of judicial processes and results, while
9 secrecy encourages misunderstanding, distrust, and disrespect....” (*Id.* citing *Richmond*
10 448 U.S at 569-73).

11
12 It is not a stretch to imagine a courtroom where severe allegations—like child
13 abuse or parental alienation—are examined under public scrutiny. Open proceedings
14 ensure that claims are fully tested, witnesses are held accountable, and judges exercise
15 heightened diligence, knowing their rulings are subject to public review.¹⁴ This
16 transparency strengthens the integrity of the fact-finding process, preventing false
17 narratives from distorting outcomes and protecting the long-term welfare of children
18 and families.

19
20 Excessive secrecy like the kind [REDACTED] demands, is tantamount to walking down
21 a dim alley with children when someone yells out to cut the lights, leaving you
22

23 ¹⁴ Matthew I. Fraidin, *Stories Told and Untold: Confidentiality Laws and the Master Narrative*
24 *of Child Welfare*, 63 Me. L. Rev. 1 (2010) at pg. 3.
25 <https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1569&context=facpub> (Last Checked 2-9-25)

1 vulnerable to unseen dangers. Without light, threats remain hidden, and each step risks
2 harm. But in a well-lit alley, obstacles and risks are exposed, allowing you to navigate
3 safely. Open courtrooms function the same way—they keep the light on, exposing
4 falsehoods, preventing manipulation, and ensuring that decisions are based on truth,
5 not fear or deception. *Stories Told and Untold: Confidentiality Laws and the Master Narrative*
6 *of Child Welfare*, 63 Me. L. Rev. 1 (2010) at pg. 38 Section IV (blanket confidentiality
7 laws shield the dominant narrative from scrutiny, distorting justice by suppressing
8 alternative truths essential to accurate fact-finding and protecting children.)
9

10 For families like [REDACTED] this light is essential to preserving justice and family
11 bonds.
12

13 **C. Presence of Undetected and Persistent Alienating Behavior Tips The Scales** 14 **From Privacy To Protection**

15
16 [REDACTED] conduct is more than high conflict—it is a deliberate and manipulative
17 misuse of the public court system, designed to fabricate a narrative of abuse and sever
18 the children’s familial bonds.¹⁵ This raises serious concerns about misconduct,
19 particularly against a pro se litigant, and the abusive use of sealing statutes *pendente lite*
20

21 ¹⁵ Cf. Strep, Peg, Parental Alienation Is Real but Remains Hard to Prove.
22 [https://www.psychologytoday.com/us/blog/tech-support/202304/parental-](https://www.psychologytoday.com/us/blog/tech-support/202304/parental-alienation-is-real-but-remains-hard-to-prove)
23 [alienation-is-real-but-remains-hard-to-prove](https://www.psychologytoday.com/us/blog/tech-support/202304/parental-alienation-is-real-but-remains-hard-to-prove) (last checked 2-9-25); National
24 Children’s Advocacy Center. False Allegations in Cases of Child Sexual Abuse: A
25 Bibliography. <https://files.calio.org/BIBS/false-allegations-child-sexual-abuse.pdf>
(2020) (last checked 2-9-25)

1 to hide false allegations from scrutiny. The stipulated text message record, spanning
2 thousands of pages and four years, reveals not a single instance of either parent
3 disparaging the other. This undermines any claim that the children are being harmed by
4 parental acrimony.¹⁶ Instead, when privacy is wielded as a shield against oversight, it
5 becomes a weapon—allowing continued manipulation, unchecked alienation, and
6 future harm to go undetected.
7

8 **D. [REDACTED] Attempt to Justify Blanket Closure in her Motion to Reconsider Is**
9 **Legally and Factually Flawed**

10 [REDACTED] reliance on NRS 125.110(2) to justify closing these proceedings is
11 flawed and cannot survive constitutional scrutiny under *Falconi*. [REDACTED] does acknowledge
12 that NRS 125.110 allows for sealing a wide swathe of records 17, [REDACTED] attempt to
13 broadly seal proceedings bypasses the First Amendment analysis required by law.
14
15

16 [REDACTED]
17 to [REDACTED] prior to the first trial continuance, which stated: “Nail her on this – she’s
18 filed unverified things into court on purpose i.e. she was shown how to do it on January
19 1, 2024 and then revised her ROGs and FILED them unverified. Counsel has been
20 assisting her drafting her responses w/o signing!” However, this reference is unlikely to
21 be persuasive. The statement, though informal and intended as a self-reminder,
22 highlights [REDACTED] central argument: that the use of sealing (case was super sealed at the
23 time) and excessive secrecy in custody proceedings often serves as a weapon, shielding
24 tactics that undermine procedural fairness and allowing the welfare of children to be
25 subordinated to abstract notions of privacy. This concern is not unique to [REDACTED] case
but reflects a broader issue affecting similarly situated litigants and families. [REDACTED]
focus is on exposing this imbalance to protect his children and others from harm hidden
behind procedural walls.

¹⁷ This is the subject of *Gamble v. EJDC* in 88678, currently under *en banc* review in the NVSC.

1 As *Falconi* makes clear, “local rules and statutes [that] require the district court to
2 close the proceeding [unconstitutionally] eliminate the process by which a judge should
3 evaluate and analyze the factors” necessary for closure. *Falconi v. Eighth Jud. Dist. Ct.*,
4 543 P.3d 92 (2024). NRS 125.110(2), like NRS 125.080, cannot mandate closure without
5 judicial discretion. Further, the principle of harmonious construction requires
6 interpreting NRS 125.110 in a way that preserves its constitutionality, not renders it
7 void. See *State v. Castenada*, 126 Nev. ____ (2010). [REDACTED] interpretation would
8 transform it into the same unconstitutional mandate as NRS 125.080, which was
9 expressly struck down. Her argument is circular.

11 [REDACTED] argument for broad closure under the statute and the SRCR due to
12 medical records also fails. The limited testimony involves general topics—vaccination
13 records, appointment dates, and [REDACTED] statements to doctors—none of which justify
14 sweeping closure. Sensitive material tied to the May 25th CPS investigation can be
15 addressed with narrowly tailored closure, which [REDACTED] does not oppose. Alternatives,
16 including redaction both physical (already done as to the bindered exhibits) and
17 electronic, exclusion of recording devices, and controlled access, are sufficient to
18 protect any sensitive information. Broad closure is neither necessary nor
19 constitutionally valid and, as [REDACTED] explained, undermines the children’s long-term
20 welfare. Secrecy and procedural abuse have been [REDACTED] primary tools to disrupt
21 familial bonds. Her claim that protecting sibling bonds justifies blanket closure is
22 spurious, as she actively undermines those same bonds outside of court. See [REDACTED]

1 claims in his 432B.290 (6) Petition filed 9-20-24 and granted on or about 11-17-24.

2 [REDACTED] acknowledges that the Child Custody Evaluation contains psychological
3 testing data related to both parties. However, since no severe scales were elevated and
4 the testing was not for diagnostic purposes but to assist the evaluator in understanding
5 the issues, such testimony holds minimal relevance to the Best Interest Factors. Any
6 questions related to this section would be general and should not require extensive
7 closure.
8

9 [REDACTED] attempt to justify broad closure under NRS 125.110(2) fails
10 constitutional scrutiny under *Falconi* and ignores the requirement for judicial discretion.
11 Narrower alternatives, including targeted redaction and limited closure, sufficiently
12 protect sensitive information without undermining transparency or the children's long-
13 term welfare.
14

15 **E. Rebuttal to [REDACTED] Arguments under SCR 230(2)(a-f) from Plaintiff's Reply**
16 **In Support Of Her Motion For Reconsideration**
17

18 [REDACTED] support for media access demonstrates his commitment to transparency
19 and a fair judicial process—not a trial by media. The hallmarks of a trial by media are
20 strategic leaks and one-sided narratives designed to influence public opinion, sometimes
21
22
23
24
25

1 | justly— as in whistleblowing¹⁸, and sometimes unjustly—as in *In Re. T.R*¹⁹ and *In Re*
2 | *M.B.* [REDACTED]
3 | proceedings where both sides’ arguments can be fully examined under judicial
4 | oversight. Unlike [REDACTED] who seeks to shield her actions behind closed doors, [REDACTED]
5 | position promotes the best interests of the children through openness, accountability,
6 | and a process that prioritizes truth, anonymization, redaction, and limited closures over
7 | secrecy.
8 |

9 | [REDACTED] Rebutts her arguments incorporated by reference in her Reply to ONJ’ s s
10 | Opposition To Motion For Reconsideration [Motion to Continue Calendar Call 11:19]
11 | as set forth below:
12 |

13 | ¹⁸ As exhibited by federal whistleblower protection laws. See e.g.
14 | <https://www.whistleblowers.gov/> (Last Checked 2-10-25)

15 | ¹⁹ *In re T.R.*, 52 *Ohio St.* 3d 6, 556 *N.E.2d* 439 (Ohio 1990), referenced by [REDACTED] but
16 | not in *Nester*, involved extreme, nationally publicized circumstances. The mother
17 | issued press releases, disclosed the child’s personal information, and appeared on
18 | major media outlets, including Fox and Geraldo. Experts testified in support of
19 | closure due to the intense media attention, which contributed to the case’s volatility,
20 | culminating in the mother murdering the father after the trial. Tamar Lewin, *Custody*
21 | *Case in Ohio Ends in Slaying and Prison Term*, *The New York Times*,
22 | [https://www.nytimes.com/1990/12/08/us/custody-case-in-ohio-ends-in-slaying-](https://www.nytimes.com/1990/12/08/us/custody-case-in-ohio-ends-in-slaying-and-prison-term.html)
23 | [and-prison-term.html](https://www.nytimes.com/1990/12/08/us/custody-case-in-ohio-ends-in-slaying-and-prison-term.html) (Last Checked 2-10-25, now behind paywall).

24 | ²⁰ *Nester* references *In re M.B.*, 819 A.2d 59 (2003) as an example case displaying
25 | interconnected details that were inextricable from testimony and thus justly requiring
complete closure. The case involved the murder of two minors' sister and a horrendous
coerced-and-parentally-enabled prior sexual relationship between M.B. and the
murderer, and the names of the children were widely publicized. Multiple experts
testified that continued media exposure would cause severe psychological harm to the
children, already traumatized by the events, leading the court to close the juvenile
dependency proceedings, as no less restrictive alternative could protect the children's
privacy and well-being.

1 **(a) The impact of coverage upon the right of any party to a fair trial:**

2 This is not a criminal case, and the unsubstantiated CPS report cannot justify
3 closure. With no jury to protect, it is the children’s right to a fair trial at stake if
4 transparency is denied. Public access is essential to fully examine [REDACTED] allegations
5 and behavior aimed at severing the children’s bonds with [REDACTED] and their siblings. As
6 the Nevada Supreme Court held in *Falconi*, fairness in family court relies on the
7 accountability public observation ensures, and *Del Papa*, 112 Nev. 369, 374, 915 P.2d
8 245, 249 (1996), warned that secrecy fosters “misunderstanding, distrust, and disrespect
9 for the courts.” *Id.*

10
11 The court should find that transparency protects the children’s long-term welfare
12 by preventing manipulation and promoting their right to love and maintain strong ties
13 with both sides of their family.

14
15 **(b) The impact of coverage upon the right of privacy of any party or**
16 **witness:**

17 Electronic redactions and anonymization measures will safeguard the identities
18 of the lay witnesses, children, and parties. [REDACTED] privacy concerns can be addressed
19 through narrowly tailored restrictions, such as limiting access to sensitive testimony
20 regarding the CPS Report and related exhibits under SRCR 3(4). Courts routinely
21 manage sensitive information without full closure, and [REDACTED] generalized concerns
22 fall short of the extraordinary circumstances required to justify sealing the entire
23 proceeding.
24

1 **(c) The impact of coverage upon the safety and well-being of any party,**
2 **witness, or juror:**

3 There is no credible threat to the safety or well-being of any party or witness,
4 and any speculative risks remain unsupported by evidence. As previously discussed,
5 names, faces, and identifying details will be redacted, making the likelihood of
6 reputational harm minimal. Plaintiff’s suggestion that labels such as “child abuse
7 accuser” or “accused child abuser” will haunt the parties indefinitely ignores the critical
8 role public oversight plays in exposing false claims and ensuring the fact-finding process
9 is thorough and impartial. Protecting the long-term welfare of the children requires
10 transparency to prevent unfounded allegations from permanently damaging family
11 relationships.
12

13 **(d) The likelihood that coverage would distract participants or detract**
14 **from the dignity of the proceedings:**

15 Camera coverage won’t distract participants, as media presence typically involves
16 one or two professionals, as shown by Our Nevada Judges’ past coverage in this case.
17 XXXXX has provided no evidence of specific or extraordinary disruptions, making her
18 concerns about dignity insufficient to justify limiting public access.
19

20 **(e) The adequacy of the physical facilities of the court for coverage:**

21 There is no issue with the adequacy of the courtroom facilities.
22

23 **(f) Any other factor affecting the fair administration of justice:**

24 XXXXXX arguments regarding the CPS report and allegations of abuse do not
25

1 justify full closure. Any testimony or exhibits directly related to the CPS investigation
2 can be addressed in a closed session. However, blanket closure of the entire proceeding
3 is unwarranted and contrary to the long-term welfare of the children. Transparency is
4 critical to preventing the weaponization of false allegations, as it ensures that
5 manipulation and parental alienation tactics are identified and corrected.
6

7 **Conclusion re SCR 230 (2) Access**

8 The court should deny [REDACTED] request for full closure. Transparency, with
9 targeted safeguards, will protect privacy while ensuring public accountability, exposing
10 false claims, and preventing manipulation. The long-term welfare of the children
11 depends on maintaining openness, which promotes truth, preserves family bonds, and
12 prevents the misuse of secrecy as a weapon to sever those ties.
13

14 **F. Unlike *In re M.B.*, No Compelling Privacy or Psychological Harm Warrants** 15 **Blanket Closure in This Case**

16
17 In *In re M.B.*, the trial court conducted a comprehensive analysis balancing the
18 public's First Amendment right to access court proceedings against the compelling
19 privacy and psychological needs of the minor children, M.B. and J.B., who had suffered
20 the traumatic loss of their sister and faced the spectre of testifying about that loss and
21 the coerced relationship the murderer had with the remaining minor children. The court
22 emphasized that protecting minors from such trauma is a compelling state interest and
23 "set out factors to be weighed when determining if closure is necessary to protect a
24
25

1 minor victim from further trauma or embarrassment,” as recognized in *Nester v. Eighth*
2 *Jud. Dist. Ct.* 141 Nev. Adv Op. 4 citing *Globe Newspaper Co. v. Super. Ct. for Norfolk Clay.,*
3 457 U.S. 596. 607-08 (1982). The lower court determined that publicity would cause
4 significant psychological harm to the children due to their young ages and future
5 testimony requirements, while also discouraging witnesses and foster parents from
6 participating. The non adversarial nature of the juvenile proceedings, designed for
7 rehabilitation and protection, further supported closure, as public access risked
8 stigmatizing the children and undermining the fairness of the process. A key factor was
9 the ongoing media exposure following their sister’s murder, which heightened the need
10 for strict closure to prevent additional harm.. This distinguishes *In re M.B.* from *Nester*
11 *v. Gamble*, where minors are not testifying,²¹ the case involves family law rather than
12 juvenile court proceedings, and there is less demonstrated risk of psychological harm
13 tied to public access.
14
15

16 **G. The Nester Decision Did Not Grant [REDACTED] Request for Global Closure**
17

18 Privacy claims and speculative future harm do not overcome the reality of
19 damage occurring in real time nor does it supersede the best-interest of the children. It
20 is telling that the Nevada Supreme Court, despite granting the Writ, did not grant
21

22 ²¹ Concerningly, on 12-6-23, ahead of the 1-29-23 Calendar Call, Opposing Counsel
23 designated N.G. (then 14)—the primary target of [REDACTED] tactics to disrupt sibling
24 bonds—as a witness regarding “the facts and circumstances of the allegations contained
25 in the pleadings, motions, and other papers on file.” However, at the hearing, as noted
in fn 5, Opposing Counsel retreated from this position (and others) following [REDACTED]
objection. Despite this court’s directive, no resulting order was ever entered.

1 XXXXX request for global closure to avoid public scrutiny. This omission reflects the
2 court's recognition that transparency in family law proceedings generally promotes
3 accurate factfinding and accountability.

4 Under NRS 125C.0035(4)(h), the court must evaluate the nature of the children
5 with each parent. Public scrutiny, with appropriate redactions and/or closures, will help
6 expose the source (or sources) of high conflict and the alienating behaviors XXXXX
7 alleges.
8

9 **H. The Easiest Solution: Limited Closure(s) for CPS Testimony with Redactions**
10 **and/or Anonymizing Orders**
11

12 The court can adopt the simplest and most efficient solution—close the
13 proceedings only to the extent necessary to protect sensitive CPS-related testimony,
14 with appropriate redactions accounting for the rest. The court may retain the option to
15 spontaneously close the proceedings in real time as well as needed. This approach
16 strikes a balance between XXXXXX privacy concerns and the public's right to access
17 court proceedings, consistent with the Falconi framework.
18

19 **IV. CONCLUSION**
20

21 XXXXX serial motions for broad closure fails under Falconi and now Nester and
22 highlights her ongoing misuse of secrecy to hide alienating tactics. In this high-conflict
23 case, where even XXXXX and her counsel have admitted key facts tied to manipulation,
24 only one party—XXXXXXXXXXXX—has consistently advocated for excessive secrecy.
25

1 Transparency, with targeted safeguards, is critical to exposing false claims,
2 preventing further alienation, and protecting the children's right to maintain loving
3 bonds with both parents.. Privacy concerns can be addressed through limited closures,
4 anonymization, and redactions without further delaying this high-conflict custody
5 matter.


6 For the foregoing reasons, [REDACTED] respectfully requests that this Honorable Court:

- 7
- 8 1) Permit open proceedings, with narrowly tailored restrictions to safeguard any
 - 9 compelling interests, as necessary and appropriate, and for
 - 10 2) any other relief the Court deems necessary and appropriate.

11

12 Respectfully submitted this 10th day of February, 2025.

13

14 

15

16 [REDACTED]

17 [REDACTED]

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20 *Pro Se*

21 ...

22 ...

23 ...

24 ...

25 ...