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CASE NO: A-25-914630-W
Department 4

DISTRICT COURT

CLARK COUNTY, NEVADA

7 OUR NEVADA JUDGES, INC. and
8 ALEXANDER MICHAEL FALCONI,
9 Petitioners,
10 vs.
11 THE STATE OF NEVADA ex rel.
12 DEPARTMENT OF MOTOR VEHICLES,
13 Respondent.

Case No.:
Dept. No.:

EX-PARTE PETITION FOR WRIT OF MANDAMUS/APPLICATION FOR ORDER

11 COMES NOW, Our Nevada Judges, Inc., a Nevada Non-Profit Corporation
12 (hereinafter "ONJ"); and, Alexander Michael Falconi by and through the undersigned
13 counsel, and hereby files the following petition for writ of *mandamus*.

14 This petition is based on the following memorandum of points and authorities
15 and all exhibits on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

16
17 On March 10, 2025, Mr. Falconi attended an appointment at the Department of
18 Motor Vehicles (hereinafter 'DMV'), at 1399 American Pacific Dr., Henderson, NV, and
19 requested a press plate. Exhibit 1. The assigned clerk, L. Hackett, asked Mr. Falconi
20 to send her an email with a letter from admin@ournevadajudges.com, a request which
21 he complied with. NRS 482.3672(2). Exhibit 2.

1 Ms. Hackett then processed the application and returned with her manager,
2 who advised Mr. Falconi that Our Nevada Judges, Inc., did not constitute a “member
3 of the press” and that no press plate could issue.

4 Mr. Falconi was recognized as running the “press organization” now
5 incorporated as ONJ. *Falconi v. Eighth Judicial Dist. Court*, 543 P.3d 92, 94 (2024)
6 (hereinafter “*Falconi*”). The Supreme Court, unanimously, expressed this opinion again
7 in *Nester vs Eighth Judicial Dist. Ct.*, 141 Nev. Adv. Op. 4 (2025).

8 Indeed, the Supreme Court linked ONJ’s work both before as Mr. Falconi’s sole
9 proprietorship and post-incorporation as the entity now formally established as ONJ.
10 *Our Nev. Judges, Inc. v. Eighth Judicial Dist. Court*, 555 P.3d 777 (Nev.
11 2024)(unpublished) (“even though the opinion lists a different party’s name, [Mr.
12 Falconi and ONJ] are one and the same.”)

13 ONJ is thus a member¹ of the press and Mr. Falconi is “engaged” as an
14 “editor” as defined by NRS 482.3672(1). To the extent that the DMV is excluding
15 online or internet media from the definition of a “newspaper or television or radio
16 station”, this notion has already been rejected by the Supreme Court. *Toll v. Wilson*,
17 135, Nev. 430, 435, 453 P.3d, 1215, 1219 (2019) (declining to make “a fortress out of
18 the dictionary” in limiting newspapers to those “cop[ied] [] by impressing paper
19 against an inked printing surface” because “[d]rafters of every era know that
20 technological advances will proceed apace and that the rules they create will one day
21 apply to all sorts of circumstances that they could not possibly envision[.]”)

¹ To the extent this statute confers the right upon the person individually, Mr. Falconi is included as a petitioner in his individual capacity.

1 Mr. Falconi has also been recognized² as a “news reporter” under SCR
2 229(1)(c), and has provided electronic coverage of so many judicial proceedings that
3 this Court may take judicial notice of it. NRS 47.130. See also *Our Nev. Judges, Inc. v.*
4 *Second Judicial Dist. Court*, 553 P.3d 445 (Nev. 2024) (unpublished). *Our Nev.*
5 *Judges, Inc. v. Eighth Judicial Dist. Court*, 555 P.3d 777 (Nev. 2024) (unpublished).

6 Falconi is entitled to a press plate under NRS 482.3672, having met all
7 statutory requirements. The statute, under subsection 1, requires that an applicant be
8 "regularly employed or engaged as an editor, reporter or photographer by a
9 newspaper or television or radio station" and submit "a signed application on a form
10 prescribed and provided by the Department" with "(a) [t]he fee charged for
11 personalized prestige license plates in NRS 482.367 in addition to all other required
12 registration fees and taxes; and (b) [a] letter from the news director, editor or
13 publisher" of the employing entity. Falconi, a Nevada resident and editor for Our
14 Nevada Judges, Inc. (ONJ)—a press entity recognized by the Nevada Supreme Court
15 (*Falconi v. Eighth Judicial Dist. Court*, 543 P.3d 92, 94 (2024))—attended a DMV
16 appointment on March 10, 2025, provided a signed application, and submitted a
17 letter from admin@ournevadajudges.com as requested, fulfilling the documentation
18 and fee mandates. Subsection 2 allows one set of plates for a "private passenger
19 vehicle or a noncommercial truck," and Falconi’s application complied with this use
20 restriction. Despite meeting these clear criteria, the DMV rejected his request,
21 absurdly claiming ONJ is not a member of the press.

Falconi has no adequate remedy at law because the DMV’s refusal to issue him
a press plate under NRS 482.3672, despite overwhelming legal recognition of his

² ONJ has provided electronic coverage of the First, Second, Fifth, Sixth, Seventh, Eighth, Ninth,
and Tenth Judicial District Courts; and, the Supreme Court and Court of Appeals; and, the
Commission on Judicial Discipline; and, the Las Vegas, North Las Vegas, Reno, Henderson,
Beatty, Virginia, and Dayton Justice Courts; and, the Las Vegas, Henderson, and Reno Municipal
Courts; and, the Division of Parole and Probation.

1 status as a member of the press through ONJ, cannot be effectively challenged
2 through ordinary legal channels. The DMV's arbitrary denial—despite Falconi
3 complying with procedural requests—deprives him of a statutory right without a clear
4 appellate path, as direct judicial review is often unavailable to the press in such
5 administrative denials. Monetary damages or subsequent lawsuits would neither
6 compel the DMV to perform its legally mandated duty nor provide the timely access
7 to press privileges Falconi is entitled to, rendering a writ of mandamus under NRS
8 34.160 and NRS 34.170 the only plain, speedy, and adequate means to address this
9 violation of this established right.

10 This Court has jurisdiction to issue writs of mandamus. Nevada Constitution
11 Article VI Section 6; NRS 34.160. When the Writ is applied for without notice, and the
12 Writ is allowed by the Court, an Alternative Writ shall be first issued. NRS 34.200. In
13 this regard, NRS 34.190(2) provides: “The alternative writ shall state generally the
14 allegation against the party to whom it is directed, and command such party,
15 immediately after receipt of the writ, or at some other specified time, to do the act
16 required to be performed, or to show cause before the court, at a specified time and
17 place, why the party has not done so.” “[T]he scope of the press's and public's
18 access to courts is an important issue of law, as well as a substantial issue of public
19 policy, warranting [] extraordinary consideration [because] direct appellate review is
20 often not available to the press, and thus, writs for extraordinary relief may be
21 necessary to challenge a denial of access.”

22 A writ of mandamus is available to compel the performance of an act that the
law requires as a duty resulting from an office, trust or station, see NRS 34.160, **or to
control an arbitrary or capricious exercise of discretion**. See *Round Hill Gen. Imp.
Dist. v. Newman*, 97 Nev. 601, 637 P.2d 534 (1981).

1 ONJ has only ever sought peremptory writs, but this specific case presents an
2 opportunity for this Court to issue an alternative writ. NRS 34.190(2). This is because,
3 upon reading this petition and this Court's alternate writ, it is unlikely the DMV will
4 resist the overwhelming authority in favor of Mr. Falconi constituting a "member of the
press", which will conserve judicial and non-profit resources. NRS 34.190(2).

5 An application for Writ may be made without notice to the adverse party and a
6 hearing on the Writ may be had at any time. NRS 34.180 and NRS 34.200. When the
7 Writ is applied for without notice and the Writ is allowed by the Court, an Alternative
8 Writ shall be first issued. NRS 34.200. In this regard, NRS 34.190(2) provides: "The
9 alternative writ shall state generally the allegation against the party to whom it is
10 directed, and command such party, immediately after receipt of the writ, or at some
11 other specified time, to do the act required to be performed, or to show cause before
the court, at a specified time and place, why the party has not done so."

12 THEREFORE, Petitioners ask this Court to issue an alternate writ of mandamus
13 directing the DMV to deem ONJ and³ Mr. Falconi a "member of the press" and issue a
14 press plate in accordance with the requirements of NRS 482.3672, or appear before
this court and show cause, if any it has, why the peremptory writ should not issue.

15 ***AFFIRMATION:*** *This document does not contain a social security number
of any person.*

16 Dated this Mar 13, 2025

17 By: /s/ Luke Busby, Esq.

18 LUKE A. BUSBY, ESQ.

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21 ³ This clarity would assist the DMV by allowing it to issue press plates to ONJ
personnel.

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VERIFICATION

I, Alexander M. Falconi, state that I have read this *Petition* 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 declare⁴ under penalty of perjury that the foregoing is true and correct.

EXECUTED this Mar 13, 2025



Alexander M. Falconi
Founding Director
Our Nevada Judges, Inc.
admin@ournevadajudges.com

⁴ NRS 53.045 (declaration in lieu of affidavit).

List of Exhibits

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Exhibit 1: Application
Pages: 1

Exhibit 2: Letter
Pages: 1