



1 **ANS**
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9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 OUR NEVADA JUDGES, INC. and
ALEXANDER MICHAEL FALCONI,
12
13 Petitioners,
14 v.
15 THE STATE OF NEVADA ex rel.,
DEPARTMENT OF MOTOR VEHICLES,
16
17 Respondent.

Case No. A-25-914630-W
Dept. No. 4

HEARING DATE: April 24, 2025
HEARING TIME: 10:15 a.m.

18 **RESPONDENT'S ANSWER TO EX-PARTE PETITION FOR WRIT OF**
19 **MANDAMUS/APPLICATION FOR ORDER**

20 Respondent State of Nevada Department of Motor Vehicles, ("DMV"), by and
21 through counsel of record, AARON D. FORD, Attorney General, and ADAM D. HONEY,
22 Deputy Attorney General, hereby submits this Answer to Petitioners' Ex-Parte
23 Petition for Writ of Mandamus/Application for Order.

24 This Response is based on the attached Points and Authorities, the Exhibits attached
25 hereto, and the papers and pleadings on file with this Court.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. PROCEDURAL HISTORY**

3 Petitioners Our Nevada Judges (“ONJ”) and Andrew Falconi (“FALCONI”) filed an
4 ex-parte application for writ of mandamus seeking this Court to direct DMV to deem ONJ
5 and FALCONI as a “member of the press” and issue a plate in accordance with the
6 requirements of NRS 482.3672. Pet. at 5:11-13.

7 On March 14, 2025, this Court ordered DMV to answer within 14 days of being
8 served.

9 On March 17, 2024, DMV and the Office of the Attorney were each served.

10 This Answer now follows.

11 **II. ARGUMENT**

12 The writ should be denied because neither ONJ or FALCONI are “a resident of this
13 State and who is regularly employed or engaged as an editor, reporter or photographer by
14 a newspaper or television or radio station” under NRS 482.3672.

15 **A. ONJ, As An Online Entity, Does Not Fall Under The Plain Meaning Of**
16 **NRS 482.3672 As It Is Not A Newspaper Or Television Or Radio**
Station

17 Under the plain meaning rule of statutory interpretation, ONJ does not meet the
18 basic requirement of “a newspaper or television or radio station” under NRS 482.3672.

19 Under the “plain meaning” rule, “[w]here the language [of a statute] is plain and admits of
20 no more than one meaning the duty of interpretation does not arise, and the rules which
21 are to aid doubtful meanings need no discussion.” *Smallwood v. Allied Van Lines, Inc.*, 660
22 F.3d 1115, 1121 (9th Cir. 2011) citing *Carson Harbor Vill., Ltd. v. Unocal Corp.*, 270 F.3d
23 863, 878 (9th Cir.2001) (en banc) (quoting *Caminetti v. United States*, 242 U.S. 470, 485,
24 37 S.Ct. 192, 61 L.Ed. 442 (1917)).

25 The language of NRS 482.3672 is plain and admits of no more than one meaning and
26 therefore there is no duty of interpretation by the Court. If the legislature wanted to
27 expand NRS 482.3672 to include internet websites, they could do so. Yet to date, the
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1 legislature has not taken this step despite amendments to the statute in 2013 and 2021
2 and all other legislative sessions.

3 Finally, “[a]lthough the Legislature's law-making authority is considerable, it
4 is not unlimited.” *Clean Water Coal. v. The M Resort, LLC*, 127 Nev. 301, 310, 255 P.3d
5 247, 253 (2011) citing *Galloway v. Truesdell*, 83 Nev. 13, 20, 422 P.2d 237, 242 (1967).
6 “Under constitutional checks and balances principles, courts are obligated to enforce the
7 limitations that the constitution imposes upon legislative acts.” *Clean Water Coal* at 310.
8 However, in this case Petitioner does not allege nor is there any constitutional right to a
9 press license plate. This court has no obligation to enforce any constitutional limitations.

10 **B. Petitioners’ Case Citations Are Without Merit**

11 Petitioners first claim FALCONI was recognized as running the “press organization”
12 ONJ in the matter captioned, *Falconi v. Eighth Judicial Dist. Ct.*, 543 P.3d 92, 94 (2024),
13 and the Nevada Supreme Court expressed this opinion again in *Nester v. Eighth Judicial*
14 *Dist. Ct.*, 141 Nev. Adv. Op 4 (2025). Pet. at 2:4-6.

15 In the first matter, *Falconi*, the holdings pertained to first amendment rights
16 regarding family law proceedings and child custody actions. The case was about courtroom
17 media access for cameras and the objection was regarding the age of a child and their best
18 interest regarding personal information being broadcast to the general public not whether
19 or not FALCONI or ONJ were “press organizations” and the decision did not make any
20 rulings whether ONJ or FALCONI work for a “newspaper or television or radio station”
21 under NRS 482.3672. *Falconi* at 94. The decision simply does not support an order that
22 DMV issue a press license plate under NRS 482.3672.

23 Once again in *Nester* the issue was about courtroom camera access during a family
24 law issue of custody modification and a district court’s conclusion that under the
25 aforementioned *Falconi* case that family law proceedings cannot be closed to the public.
26 *Nester* at 2. Nowhere in the advanced opinion is NRS 482.3872 at issue or mentioned.
27 The advance opinion does not make any ruling that FALCON or ONJ are for a “newspaper
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1 or television or radio station” under NRS 482.3672. Once again, the citation relied upon by
2 Petitioners does not support the relief sought in their writ.

3 Next cites to unpublished opinion, *Our Nev. Judges, Inc. v. Eighth Judicial Dist. Ct.*,
4 555 P.3d 777 (Nev. 2024) though it is unclear what the point is as the writ mentions “sole
5 proprietorship and post-incorporation” neither of which are relevant to NRS 482.3672. Pet.
6 at 2:7-9. This unpublished opinion involves the same matter as *Falconi*, 543 P.3d 92 (2024),
7 previously cited by Petitioner. The preceding statement is based on the fact the parties to
8 the family law matter in both case numbers are Troy Minter and Jennifer Easler. The
9 difference appears to be the unpublished opinion issue is sealing or unsealing of the family
10 court records in the case as opposed to camera access to the proceedings. Regardless, this
11 unpublished opinion fails to be of any use to this Court because again it does not involve
12 NRS 482.3672, and therefore does not support the issuing of the writ.

13 Finally, Petitioners cites to *Toll v. Wilson*, 135 Nev. 430, 435, 453 P.3d 1215, 1219
14 (2019) (declining to make “a fortress out of the dictionary” in limiting newspapers to “those
15 cop[ied] by impressing paper against an inked printing surface” because “[d]rafter of every
16 era know that technological advances will proceed apace and that the rule they create will
17 one day apply to all sorts of circumstances that they could not possibly envision[.]”)

18 Here, Petitioners provide no context for this Court. In *Toll* the court was dealing
19 with a fifty-year-old statute, the news shield statute, NRS 49.275. *Toll* at 430. This is
20 essentially a freedom of the press issue of the first amendment. The *Toll* court further goes
21 on to compare the issue before it to unreasonable search and seizures such as thermal
22 imaging that could not have been contemplated when the fourth amendment was drafted.
23 *Toll* at 434-35. But in the present case no constitutional amendment is at issue. And
24 without a constitutional amendment the plain meaning rule applies and this Court should
25 not legislate by interpreting this plain language to have a more broad meaning. Unlike the
26 news shield statute that hadn’t been amended in fifty years, NRS 482.3672 has been
27 amended in 1987, 1997, 2013 and 2021 and of course it could have been amended in any
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1 other legislative session including the current session if the legislature wanted to expand
2 press plates to additional entities such as ONJ or FALCONI.

3 **III. CONCLUSION**

4 For the reasons herein, Respondent respectfully requests that this honorable
5 Court deny the petition.

6 DATED this 31st day of March, 2025.

7 AARON D. FORD
8 Attorney General

9 By: /s/ Adam D. Honey
10 Adam D. Honey (Bar No. 9588)
11 Deputy Attorney General
12 *Attorneys for Nevada Department of*
13 *Motor Vehicles*

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney General,
3 and that on March 31, 2025, I electronically filed the foregoing **RESPONDENTS**
4 **ANSWER TO EX-PARTE PETITION FOR WRIT OF MANDAMUS/APPLICATION**
5 **FOR ORDER**, via this Court’s electronic filing system. Parties who are registered with
6 this Court’s electronic filing system will be served electronically.

7 Luke A. Busby, Esq.
8 316 California Ave.
9 Reno, Nevada 89509

10 *Attorney for Petitioner and*
11 *Our Nevada Judges, Inc.*

12 /s/ S. Regalado
13 An employee of the Office
14 of the Attorney General