

1 **WMAN**

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6 DISTRICT COURT

7 CLARK COUNTY, NEVADA

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

Case No.: A-25-914630-W

Dept. No.: 4

11 **ORDER GRANTING PETITION FOR WRIT OF MANDAMUS**

12 Petitioners Our Nevada Judges, Inc. ('ONJ') and Alexander Falconi ('Falconi')
13 obtained an alternative writ of *mandamus*, entered by this Court on March 14, 2025.
14 The writ directed the DMV to issue press plates to ONJ and Falconi or in the
15 alternative appear before this Court and show cause why a peremptory writ should
16 not issue.

17 The Department of Motor Vehicles ('DMV'), declined to issue press plates and
18 instead filed an answer on March 31, 2025. ONJ and Falconi filed a reply on March
19 31, 2025. Parties appeared before this Court for oral arguments on the matter on April
20 24, 2025.

1 Before the Court is a single question of law; specifically, a question of statutory
2 construction; namely, whether ONJ constitutes a “member of the press” as defined
3 pursuant to NRS 482.3672(1). The DMV hinges its argument that ONJ does not fit
4 within this statutory definition by asserting that ONJ does not broadcast to literal
5 television nor print literal ink to a physical newspaper. This Court disagrees with the
6 DMV’s argument.

6 **I. Findings of Fact**

7 Falconi attended an appointment at the DMV and requested a press plate. The
8 DMV denied this request on the basis that he and ONJ did not constitute a member
9 of the press. The DMV has not disputed or otherwise controverted any facts
10 concerning the propriety of Falconi’s compliance with the application procedure.

11 Mr. Falconi was recognized as running the “press organization” now
12 incorporated as ONJ. *Falconi v. Eighth Judicial Dist. Court*, 543 P.3d 92, 94 (2024)
13 (hereinafter “*Falconi*”). The Supreme Court, unanimously, expanded this opinion
14 recognizing ONJ in *Nester vs Eighth Judicial Dist. Ct.*, 141 Nev. Adv. Op. 4 (2025). See
15 also *Our Nev. Judges, Inc. v. Eighth Judicial Dist. Court*, 555 P.3d 777 (Nev. 2024)
(unpublished). See also *Our Nev. Judges, Inc. v. Second Judicial Dist. Court*, 553 P.3d
445 (Nev. 2024) (unpublished).

16 ONJ provides what is tantamount to a “Nevada Court TV” to the citizens of this
17 State, as well as statistical analysis of judiciary and discussions involving judges and
18 lawyers on important legal topics.

18 **II. Conclusions of Law**

19 Falconi is entitled to a press plate under NRS 482.3672. The statute, under
20 subsection 1, requires that an applicant be "regularly employed or engaged as an
21 editor, reporter or photographer by a newspaper or television or radio station" The
DMV’s argument that the internet does not constitute a newspaper or television or

1 radio station fails, because virtually identical arguments over virtually identical
2 language was contemplated by the Supreme Court when interpreting NRS 49.275.
3 *Toll v. Wilson*, 135, Nev. 430, 435, 453 P.3d, 1215, 1219 (2019) (declining to make “a
4 fortress out of the dictionary” in limiting newspapers to those “cop[ied] [] by
5 impressing paper against an inked printing surface” because “[d]rafters of every era
6 know that technological advances will proceed apace and that the rules they create
7 will one day apply to all sorts of circumstances that they could not possibly
8 envision[.]”)

8 The DMV’s assertion that the difference as to when the underlying statutes
9 were enacted and amended by the Legislature lack authoritative support.

9 The DMV’s assertion that a constitutional backdrop was considered by the *Toll*
10 *Court* and is thus sufficiently distinguishing to the issues before this Court is
11 unavailing because the constitutional analysis considered by the *Toll Court* was
12 merely an ancillary analysis on principles of statutory construction. In other words, the
13 right to a press plate and “news shield” privilege have no constitutional support
14 whatsoever and are wholly creatures of statute; specifically NRS 482.3672 and NRS
15 49.275. *Newburn v. Howard Hughes Med. Inst.*, 95 Nev. 368, 594 P. 2d 1146 (1979).
16 See also *Diaz v. Eighth Jud. Dist. Ct.*, 116 Nev. 88, 94, 99, 993 P.2d 50, 54, 57. See
17 also *Branzburg v. Hayes*, 408 U.S. 665 (1972).

16 The DMV’s refusal to recognize ONJ and Falconi as a member of the press
17 under these circumstances is a manifest abuse of discretion. Falconi lacks an
18 adequate remedy at law; NRS 34.160 and NRS 34.170 empower this Court to rectify
19 the DMV’s arbitrary and capricious abuse of discretion by issuing a peremptory writ of
20 mandamus. Nevada Constitution Article VI Section 6. See also *Round Hill Gen. Imp.*
21 *Dist. v. Newman*, 97 Nev. 601, 637 P.2d 534 (1981).



Alexander Falconi <admin@ournevadajudges.com>

Proposed Order

Luke Busby <luke@lukeandrewbusbyltd.com>
To: Alexander Falconi <admin@ournevadajudges.com>

Tue, Apr 29, 2025 at 7:56 AM

Cheers!

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From: **Adam D. Honey** <AHoney@ag.nv.gov>
Date: Tue, Apr 29, 2025, 7:19 AM
Subject: RE: Proposed Order
To: Luke Busby <luke@lukeandrewbusbyltd.com>
Cc: Sheri L. Regalado <SRegalado@ag.nv.gov>

Mr. Busby,

You may affix my signature to the first attachment titled, Order Granting Petition for Writ of Mandamus.

Sincerely,

Adam Honey

From: Luke Busby <luke@lukeandrewbusbyltd.com>
Sent: Monday, April 28, 2025 1:31 PM
To: Adam D. Honey <AHoney@ag.nv.gov>
Subject: Proposed Order

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1 **CSERV**

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Our Nevada Judges Inc.,
7 Plaintiff(s)

CASE NO: A-25-914630-W

8 vs.

DEPT. NO. Department 4

9 Nevada Department of Motor
10 Vehicles, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Writ of Mandamus was served via the court's electronic eFile system to
all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 4/29/2025

16 Adam Honey

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19 ONvJ Media

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