

**IN THE SUPREME COURT FOR THE STATE OF NEVADA**

IN THE MATTER OF SUBJECT MINOR:

W.Z. – DATE OF BIRTH: 04/24/2018;  
PETITIONER,

Vs.

EIGHTH JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA, in and for, CLARK  
COUNTY, NEVADA; THE HONORABLE  
ROBERT TEUTON, Department D;  
RESPONDENT.

and

CLARK COUNTY DEPARTMENT OF FAMILY  
SERVICES; RYAN Z.; AND KELLY H.  
REAL PARTIES IN INTEREST

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Clerk of Supreme Court

Supreme Court No.  
District Court No. D-19-593376-C

**PETITION FOR WRIT OF MANDAMUS**

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### **NRAP 26.1 DISCLOSURE STATEMENT**

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

Petitioner W.Z. is a minor child.

Legal Aid Center of Southern Nevada, Inc., appeared on Petitioner's behalf in the district court, and is representing the minor child during these proceedings.

Dated: August 28, 2025

LEGAL AID CENTER OF SOUTHERN NEVADA

By: /s/ Ellie Roohani

ELLIE ROOHANI, ESQ.

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## **ROUTING STATEMENT**

This case is presumptively retained by the Supreme Court as it raises as a principal issue a question of statewide public importance. *See* NRAP 17(a)(12).

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## **INTRODUCTION**

This writ has been necessitated by the Clerk of the Eighth Judicial District Court refusing to comply with an order commanding that it correct its unconstitutional super-sealing practices for child custody cases. What should have been automatic compliance with this Court's *repeated* directives regarding a presumptive First Amendment right<sup>1</sup> has instead turned into open defiance by the Clerk of the Eighth Judicial District Court. Despite an unambiguous order from a district court judge, the Clerk of the Eighth Judicial District Court refuses to remedy its unconstitutional practice of classifying custody cases as parentage actions and super-sealing the entire case dockets on that basis. The Clerk of the Eighth Judicial District Court's refusal to obey the district court's order is arbitrary and capricious, necessitates this Court's intervention, and requires extraordinary relief.

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<sup>1</sup> *Falconi v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 140 Nev. Adv. Op. 8, 543 P.3d 92, 96, *cert. denied sub nom. Minter v. Falconi*, 145 S. Ct. 445 (2024); *Our Nevada Judges, Inc. v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 555 P.3d 777 (Nev. 2024).

### **RELIEF SOUGHT**

Petitioner asks that the Nevada Supreme Court issue a Writ of Mandamus directing the Clerk of the Eighth Judicial District Court to:

(1) reclassify its electronic dockets to properly reflect a custody designation for all currently-filed solely custody cases, including in this case;

(2) to remove all super-sealing designations from all currently-filed custody cases in compliance with the United States and Nevada Constitutions and Nevada Supreme Court precedent, including in this case, and;

(3) to cease its unconstitutional practice of classifying solely custody cases as parentage actions for all future filed cases.

### **ISSUE PRESENTED**

Did the Clerk of the Eighth Judicial District Court act arbitrarily and capriciously when it failed to comply with a validly issued legal order of the district court commanding it to conform its sealing practices for child custody cases to this Court's binding authority in *Falconi v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 140 Nev. Adv. Op. 8, 543 P.3d 92 (2024)?

## **STATEMENT OF THE FACTS**

On July 23, 2019, Ryan Z. filed a Complaint for Custody under NRS 125C (“Custody Case”) against Kelly H., with respect to minor child W.Z.<sup>2</sup> Paternity was not disputed by Ryan Z. or Kelly H.<sup>3</sup> At the time of filing, the Clerk of the Court designated the case as a custody action as shown by the “-C” suffix trailing the case number.

At some point between 2019 and 2025, in reliance on EDCR 5.207,<sup>4</sup> the Clerk of the Court re-categorized the Custody Case, a purely child custody matter in which parentage has never been in question, as a Parentage matter (originating under NRS 126).<sup>5</sup> Because of this incorrect classification, the Custody Case is super-sealed to the point of not even being located as a case on the Eighth Judicial District Court’s Portal with attorney-level access.<sup>6</sup>

In April 2025, Clark County Family Services filed a case under NRS 432B

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<sup>2</sup> “Petitioner’s Appendix: Volume I,” PET 0016.

<sup>3</sup> PET 0016, 0018, 0031.

<sup>4</sup> In June 2022, Eighth Judicial District Court amended its Rule of Practice, EDCR 5.207, to read in relevant part: “Unless otherwise ordered, a case involving a complaint for custody or similar pleading addressing child custody or support between unmarried parties shall be construed as proceeding pursuant to NRS Chapter 126 (Parentage) . . .” This Court declared ECDR 5.207 unconstitutional in *Falconi*.

<sup>5</sup> PET 0004.

<sup>6</sup> PET 0005.



(“Dependency Case”) with respect to W.Z.<sup>7</sup> Ryan Z.’s appointed counsel in the Dependency Case made comments during various hearings suggesting that she was privy to information from the Custody Case, to which CAP counsel and counsel for CCFS were not.<sup>8</sup> With no objection from all relevant counsels, District Court Judge Robert Teuton ordered that all counsels in the Dependency Case to have full access to the docket and filings in the Custody Case.<sup>9</sup>

Judge Teuton reasoned that the Nevada Supreme Court found EDCR 5.207 to be unconstitutional,<sup>10</sup> and had reprimanded the Eighth Judicial District Court for continuing to classify child custody actions (arising under NRS 125C) as parentage actions (arising under NRS 126).<sup>11</sup> Judge Teuton found that notwithstanding these clear admonishments, the Eighth Judicial District Court persisted in its unconstitutional practice and had not corrected the designations on existing child custody cases, such as the Custody Case.<sup>12</sup>

Judge Teuton ordered the Clerk of the Court to do four things within 3 judicial days of his July 7, 2025 order:

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<sup>7</sup> PET 0004.

<sup>8</sup> PET 0005.

<sup>9</sup> PET 0005. The undersigned is court-appointed CAP counsel for W.Z.

<sup>10</sup> PET 0005 (citing *Falconi v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 140 Nev. Adv. Op. 8, 543 P.3d 92, 96, *cert. denied sub nom. Minter v. Falconi*, 145 S. Ct. 445 (2024)).

<sup>11</sup> PET 0005 (citing *Our Nevada Judges, Inc. v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark (Minter)*, 555 P.3d 777 (Nev. 2024) (unpublished)).

<sup>12</sup> PET 0006.

1. Re-designate the Custody Case to properly reflect that it is a child custody case under NRS 125C and not a parentage case under NRS 126;
2. Remove any super-sealing designations on the Custody Case in compliance with the Nevada Supreme Court's decisions;
3. Give the attorneys in the Dependency Case equal attorney-level access in the Custody Case; and
4. File a notice of compliance.<sup>13</sup>

To date, the Clerk of the Court has not fully complied with Judge Teuton's order. The Custody Case remains incorrectly classified as a paternity case with unconstitutional super-sealing designations, and there has been no notice of compliance filed. This writ follows.

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<sup>13</sup> PET 0007 – 0008.

## **POINTS AND LEGAL AUTHORITIES**

### **1. Writ Standard**

This Court’s constitutional power to issue a writ is committed to its sound discretion.<sup>14</sup> Writ relief is available when there is no “plain, speedy and adequate remedy in the ordinary course of law,” or “when the circumstances reveal urgency and strong necessity.”<sup>15</sup> For a writ to issue, petitioners must show: (1) a legal right to have the act sought by the writ done; (2) the lower court had a plain legal duty to perform the act without discretion to do or refuse; and (3) that the writ would provide the remedy.<sup>16</sup>

Often there is significant overlap between the first and second requirements because the legal right to compel a lower court’s action turns on whether the action is within the lower court’s discretion and whether that discretion was exercised appropriately.<sup>17</sup> In other words, this Court can grant writ relief when the lower court has committed “clear and indisputable legal error,” or an “arbitrary or capricious abuse of discretion.”<sup>18</sup> To determine whether writ relief will lie, this Court asks

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<sup>14</sup> *Walker v. Second Jud. Dist. Ct. in & for Cnty. of Washoe*, 136 Nev. 678, 679–81, 476 P.3d 1194, 1196–97 (2020); *Segovia v. Eighth Judicial Dist. Court*, 133 Nev. 910, 911, 407 P.3d 783, 785 (2017).

<sup>15</sup> *Segovia*, 133 Nev. at 911, 407 P.3d at 785 (quoting references omitted).

<sup>16</sup> *Walker*, 136 Nev. at 679–81, 476 P.3d at 1196–97.

<sup>17</sup> *Id.*

<sup>18</sup> *Archon Corporation v. Eighth Judicial Dist. Court*, 133 Nev. 816, 819–20, 407 P.3d 702, 706 (2017) (quotation marks omitted).

whether the lower court’s judgment was “manifestly unreasonable or the result of partiality, prejudice, bias or ill will[?]”<sup>19</sup> If this Court answers in the affirmative, writ relief may issue.

Finally, this Court considers “the absence of any alternative legal remedy,” and whether “considerations of sound judicial economy and administration” require intervention to prevent a “gross miscarriage of justice.”<sup>20</sup>

## **2. Standard of Review**

An exercise of discretion is arbitrary or capricious if it a “clearly erroneous interpretation of the law or a clearly erroneous application of a law or rule.”<sup>21</sup> A clearly erroneous interpretation or application of a law or rule is a manifest abuse of discretion.<sup>22</sup> This Court reviews issues of law *de novo*.<sup>23</sup>

## **3. This Court should entertain the requested Writ and grant the Petition.**

There is no “plain, speedy and adequate remedy in the ordinary course of

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<sup>19</sup> *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 932, 267 P.3d 777, 780 (2011) (quoting reference omitted); *see also Segovia*, 133 Nev. at 912, 407 P.3d at 785.

<sup>20</sup> *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004); *Smith v. Eighth Jud. Dist. Ct. In & For Cnty. of Clark*, 113 Nev. 1343, 1345, 950 P.2d 280, 281 (1997).

<sup>21</sup> *Armstrong*, 127 Nev. at 931–32, 267 P.3d at 780.

<sup>22</sup> *Id.*

<sup>23</sup> *Int’l Game Tech., Inc. v. Second Jud. Dist. Ct. ex rel. Cnty. of Washoe*, 124 Nev. 193, 198, 179 P.3d 556, 559 (2008).

law,”<sup>24</sup> because the district court’s order is not substantively appealable.<sup>25</sup>

A writ of mandamus is available here to compel the Clerk of the Eighth Judicial District Court to comply with the valid legal order issued by Judge Teuton, and to cease its impertinent reliance on EDCR 5.207 in open defiance of this Court’s binding decisions in *Falconi*,<sup>26</sup> *Nester*,<sup>27</sup> and guidance in *Minter*.<sup>28</sup>

A district court acts arbitrarily and capriciously when it disobeys the orders of the Nevada Supreme Court.<sup>29</sup> Upon receiving the remittitur and remand in *Falconi*,<sup>30</sup> as far back as 18 months ago, it was incumbent on the Eighth Judicial District Court to enter “all orders” to give effect to the decisions.<sup>31</sup> Instead, despite continued litigation, all reiterating the same legal conclusion that EDCR 5.207 is plainly unconstitutional,<sup>32</sup> the Eighth Judicial District Court persists in flouting this Court’s authority with contemptuous defiance and bold disrespect. The Eighth Judicial

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<sup>24</sup> *Segovia*, 133 Nev. at 911, 407 P.3d at 785 (quoting references omitted).

<sup>25</sup> See NRAP 3A.

<sup>26</sup> *Falconi*, 140 Nev. Adv. Op. 8, 543 P.3d at 100 (holding EDCR 5.207 “violate[s] the constitutional right to access court proceedings.”).

<sup>27</sup> *Nester v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 141 Nev. Adv. Op. 4, 562 P.3d 1071, 1075 (2025) (holding EDCR 5.207 was “unconstitutional” because it “required closure of proceedings without ensuring the closure was reasonable or otherwise unavoidable.”)

<sup>28</sup> *Minter*, 555 P.3d at 777 (reiterating that EDCR 5.207 is “unconstitutional”).)

<sup>29</sup> *State v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark (Christman)*, 537 P.3d 134 (Nev. 2023) (unpublished).

<sup>30</sup> *Falconi*, 140 Nev. Adv. Op. 8, 543 P.3d at 100.

<sup>31</sup> NRS 177.305; see also *Butler v. Superior Court*, 128 Cal. Rptr. 2d 403, 405 (Ct. App. 2002).

<sup>32</sup> *Nester*, 141 Nev. Adv. Op. 4, 562 P.3d at 1075; *Minter*, 555 P.3d at 777.

District Court's strained interpretation of *Falconi* and its progeny has led to the absurd result that hearings, *i.e.* "proceedings" are open, but the records, *i.e.* the docket and filings, are super-sealed. It is wholly unclear how the Eighth Judicial District Court reconciles the fact that the mere existence of the case cannot be confirmed because of the super-sealing, but the proceedings of that super-sealed case are somehow "open."

Now, the Clerk of the Eighth Judicial District Court has gone further and directly disobeyed the order of the district judge who was abiding by this Court's binding authority. The Clerk of the Eighth Judicial District Court had a plain legal duty to comply with Judge Teuton's order without any discretion to refuse, but instead has exercised discretion it axiomatically does not possess. That is fundamentally willful, unreasonable, arbitrary and capricious.

While it should be unnecessary, writ relief is the only form of relief available to Petitioner, and granting the writ would provide the exclusive remedy.<sup>33</sup> Moreover, this matter presents a substantial issue of public policy, warranting this Court's extraordinary consideration and intervention. It is in the interest of fundamental fairness, equal justice, judicial efficiency, the First Amendment, and the best interests of the minor child that this Court grant the Petition.

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<sup>33</sup> *Walker*, 136 Nev. at 679–81, 476 P.3d at 1196–97.

## **CONCLUSION**

Based on the foregoing, this Court should grant this Writ of Mandamus, directing the Clerk of the Eighth Judicial District Court to: (1) reclassify its electronic dockets to properly reflect a custody designation for all currently-filed purely custody cases, including in this case; (2) to remove all super-sealing designations from all currently-filed custody cases in compliance with the United States and Nevada Constitutions and Nevada Supreme Court precedent, including in this case, and; (3) to cease its unconstitutional practice of classifying custody cases as parentage actions for all future filed cases.

Dated: August 28, 2025

LEGAL AID CENTER OF SOUTHERN NEVADA

By: /s/ Ellie Roohani

ELLIE ROOHANI, ESQ.

NEVADA BAR NO. 12080

725 East Charleston Blvd

Las Vegas, NV 89104

*Attorney for Petitioner*

## VERIFICATION

I, Ellie Roohani, Esq., being first duly sworn, deposes and says:

1. I am an attorney licensed to practice law in the State of Nevada and counsel for W.Z.
2. That I have read the foregoing Petition for Writ of Mandamus, and knows the contents of this pleading; that the pleading is true of her own knowledge, except as to those matters stated upon information and belief, and that, as to such matters, she believes them to be true.
3. That counsel signs this verification on behalf of W.Z. and under their direction.
4. This verification is made pursuant to NRS 15.010 and NRAP 21(a)(5).

Further Affiant sayeth naught.

  
Ellie Roohani, Esq.

State of Nevada  
County of Clark

SUBSCRIBED AND SWORN to  
before me this 28<sup>th</sup> day of August 2025.

  
NOTARY PUBLIC





## **ATTORNEY'S CERTIFICATE**

5. This Petition for Writ of Mandamus complies with the formatting requirements of NRS 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the typestyle requirements of NRAP 32(a)(6) because it has been prepared in proportionally-spaced typeface using Microsoft Word in Times New Roman in size 14-point font.
6. I further certify that this Petition for Writ of Mandamus complies with the type-volume limitations of NRAP 32(a)(7) because, excluding parts of the brief exempted by NRAP 32(a)(7)(C), it contains approximately 3,104 words, which is less than the 7,000 word count available for an opening brief.
7. Finally, I certify that I have read this Petition for Writ of Mandamus and, to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this Petition for Writ of Mandamus complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion regarding matters in the record to be supported by reference to the page of the record on appeal where the matter relied upon is to be found.

## **CERTIFICATE OF SERVICE**

I certify that, on August 28, 2025, a copy of the foregoing **PETITION FOR WRIT OF MANDAMUS** was sent via electronic means to the following at their last known email addresses pursuant to NEFCR 9 and NRAP 25(c):

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I further certify that on August 28, 2025, I served a copy of this document by mailing a true and correct copy thereof, postage prepared, to the following:

**Clerk of the Eighth Judicial District Court**  
Family Court and Services Center  
601 North Pecos Road  
Las Vegas, Nevada 89101

/s/ Kimli Nguyen  
Legal Aid of Southern Nevada, Inc.