

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL SOLID,

Petitioner,

v.

EIGHTH JUDICIAL DISTRICT  
COURT, THE HONORABLE  
VALERIE ADAIR,

AND

MY ENTERTAINMENT TV,  
THE STATE OF NEVADA,

Real Parties in Interest.

Supreme Court Case No. 71089

District Court Case No.:

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**MY ENTERTAINMENT TV'S RESPONSE TO EMERGENCY PETITION  
FOR WRIT OF MANDAMUS, OR, IN THE ALTERNATIVE, WRIT OF  
PROHIBITION**

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## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to NRAP 26.1, Real Party in Interest, My Tupelo Entertainment LLC d/b/a My Entertainment LLC, through its undersigned counsel, states:

My Tupelo Entertainment LLC d/b/a My Entertainment LLC is a privately held limited liability company with no publicly traded ownership.

The following law firms have represented Real Party in Interest in this litigation:

Greenberg Traurig, LLP

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Real Party in Interest, MY ENTERTAINMENT TV, (“My Entertainment”)<sup>1</sup>, through its counsel of record, Greenberg Traurig, LLP, and pursuant to this Court’s order dated August 23, 2016, respectfully submits its Response Brief to the Emergency Petition for Writ of Mandamus or, in the Alternative, Writ of Prohibition.

### **INTRODUCTION**

This Court should deny the Petition for writ relief. Mr. Solid’s objections to My Entertainment’s coverage of his trial are based on factors that are simply not relevant to the determination of My Entertainment’s eligibility to film the trial. The educational and informational value of coverage and dissemination of courtroom proceedings has long been accepted in this country’s jurisprudence. Mr. Solid failed to demonstrate that the District Court’s factual finding that My Entertainment satisfied the rule’s definition of “news reporter” was clearly erroneous. Nor did Mr. Solid establish that the District Court’s findings that the relevant factors to be considered favored granting My Entertainment access to film Mr. Solid’s trial were not supported by sufficient evidence. As the District Court did not abuse its discretion in granting access, the petition should be denied.

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<sup>1</sup> Real Party in Interest’s actual name is My Tupelo Entertainment, LLC d/b/a My Entertainment LLC.

## **ROUTING STATEMENT**

Pursuant to NRAP 17(a)(13), and (14), this matter should be retained by the Nevada Supreme Court, as it involves matters of first impression, and does not fall within any of the categories for which cases may be presumptively assigned to the Court of Appeals.

## **STATEMENT OF THE ISSUES PRESENTED FOR REVIEW**

- I. The District Court properly determined that My Entertainment TV satisfied this Court's definition of "news reporter" as set forth in Nevada Supreme Court Rule 229.
- II. The District Court properly determined that the SCR\$ 230(2)(a-f) factors weighed in favor of allowing access.
- III. The Agreement between the County and My Entertainment does not prohibit courtroom filming in the absence of consent from County employees.

## **STATEMENT OF THE CASE**

Petitioner Michael Solid seeks writ relief from this court to exclude Real Party in Interest My Entertainment from filming the trial of charges against Mr. Solid. Mr. Solid's trial.

## **STATEMENT OF THE FACTS**

My Entertainment is a producer of television programming. **APP 30.** Its work is aired on such educational channels as National Geographic Channel, Travel Channel, Discovery Channel, and others. *Id.* As relevant

here, My Entertainment produces a docu-series that airs on Investigation Discovery, entitled Las Vegas Law. *Id.*

On July 27, 2016, My Entertainment submitted its Media Request and Order Allowing Camera Access to Court Proceedings. **APP 1.** On the same day, the District Court granted the request, executing the order and notifying the prosecution and defense counsel by facsimile. **APP 2. *Id.***

On August 16, 2016, at 2:21 P.M., Mr. Solid filed his *Motion to Reconsider and Deny My Entertainment TV's Request to Record all Hearings in this Case, on Order Shortening Time*. **APP 3.** While the District Attorney's Office was included within the certificate of service, My Entertainment TV was not. **APP 13.**

Pursuant to the order shortening time, the hearing was scheduled for August 18, 2016. After learning of the Motion, My Entertainment TV had no opportunity to submit briefing in support of its position, but it did attend the August 18, 2016 hearing to present its position. My Entertainment requested the opportunity to present evidence in support of its position if the Court deemed such evidence necessary. **SUP APP 17:20-24.**<sup>2</sup>

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<sup>2</sup> The Supplemental Appendix did not contain page numbers. However, the transcript contained within was numbered, and those page numbers are cited herein.



At the hearing, Mr. Solid presented no evidence, but instead, merely offered the arguments of counsel. **SUP APP, 12:18-16:1**. Following the hearing, the District Court issued a three page, thoroughly supported order denying Petitioner's request to deny My Entertainment access to trial. **APP 35**. The District Court found:

1. My Entertainment TV is a news reporter as defined by Supreme Court Rule 229(c).
2. There is a presumption that all courtroom proceedings that are open to the public are subject to electronic coverage. SCR 230(2).
3. Filming by My Entertainment TV will have no greater impact on the proceedings than filming by any other media outlet.
4. The factors set forth in Supreme Court Rule 230(2) favor coverage by My Entertainment TV:
  - a. Coverage by My Entertainment TV will not impact the parties' right to a fair trial. Defense counsel, Robert Arroyo's claim that he will be distracted with concern over how he is being portrayed in the My Entertainment TV docudrama is not sufficient to overcome the presumption in favor of coverage. As experienced trial counsel who has defended other murder cases, Mr. Arroyo should have the professional competence to overcome this distraction.
  - b. Coverage by My Entertainment TV will have no greater impact on the privacy of any party or witness than coverage by any other outlet.
  - c. Coverage by My Entertainment TV will have no impact on the safety and well-being of any party, witness or juror. My Entertainment TV is prohibited from filming the jurors and prospective jurors.

d. Filming by My Entertainment TV, subject to the same rules and restrictions imposed upon other media outlet, should have no impact upon the dignity of the proceedings. Participants, other than court personnel, the Defendant and the attorneys should be unaware of My Entertainment TV's presence as their cameras should be indistinguishable from those of any other television station or program. Defendant's concern that defense witnesses will refuse to testify if My Entertainment TV is allowed to cover the trial can be addressed by instructing My Entertainment TV not to film those witnesses.

e. The physical facilities of the Court are adequate for coverage.

5. The contract between Clark County and My Entertainment TV<sup>3</sup> does not give defense counsel, Randall Pike and Robert Arroyo, as county employees, a right of consent in this instance. As licensed Nevada attorneys appearing as counsel in a public proceeding, they are subject to the same rules as any other attorney."

**APP. 35-37.**

Mr. Solid attached a copy of the November 5, 2014 agreement between My Entertainment and Clark County to his Motion to Reconsider ("Agreement"). **APP 15.** As relevant here, that Agreement governs the terms of My Entertainment's ability to engage in certain "Filming Activity," as defined in that contract. **APP 15-16, ¶ 1.** The Agreement precludes My Entertainment from disparaging the County **APP 17-18, ¶ 7.**

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<sup>3</sup> See also Nev. Sup. Ct. R. 239 & 240 expressly stating consent of participants is not required. The contract referenced by Petition in the companion request for Writ is a text book red herring for this reason; moreover, the contract relates to filming *outside the courtroom*.

The Agreement prohibits My Entertainment from casting the County into a false light or defamatory way. **APP 18, ¶ 9.**

The Office of the Clark County Public Defender is an arm of Clark County. NRS 260.010.

### **STANDARD OF REVIEW**

This Court has not previously set forth a standard of review for a decision permitting electronic recording access. However, the Supreme Court's rules governing electronic coverage access refer numerous times decisions being in the discretion of the District Court. *See* SCR 23, 240, 242. Accordingly, the appropriate standard of review is likely for an abuse of discretion. Additionally, to the extent the lower court's ruling is dependent upon factual findings, this Court gives deference to factual finding made by the trial court, and overturns such factual findings only when clearly erroneous. *See e.g., State v. McKellips*, 118 Nev. 465, 469, 49 P.3d 655, 658–59 (2002).

### **SUMMARY OF THE ARGUMENT**

Mr. Solid has failed to demonstrate that the District Court's grant of coverage access to My Entertainment was an abuse of discretion. He presented no evidence to rebut the presumption favor electronic coverage access. He fails to show that My Entertainment does not satisfy the statutory definition of "news

reporter” or that the factors relevant to the determination do not favor coverage. He further failed to show that the contractual agreement between the County and My Entertainment precludes courtroom filming in the absence of defense counsel’s consent.

### **LEGAL ARGUMENT**

*If the public is going to judge the resulting cascade of information, it must be given the tools and information necessary to decide for itself whom to believe. We must let cameras into the courtroom for the same reason that we kicked them out 75 years ago: to advance the public's understanding of the justice system.*

Alex Kozinski, Robert Johnson,  
*Of Cameras and Courtrooms*,  
20 Fordham Intell. Prop. Media & Ent. L.J. 1107, 1129 (2010)

As noted by Alex Kozinski, Chief Judge of the Ninth Circuit Court of Appeals, allowing recording of the actual events that occur within the courtroom is the best way to insure that the public is not given a misleading or biased report of the occurrences. Indeed, courts have long recognized that the public interest is served by allowing electronic recording in the courtrooms, precisely because such recording allows the public to be informed as to what occurs in the courtrooms, and to be educated regarding legal procedure. For this reason, along with the rights afforded by both the First and Sixth Amendments, it is actually presumed that electronic coverage of courtroom proceedings will be permitted. *See* SCA 230(2).

Mr. Solid's objections here appear not to be based on any actual concern about the presence of electronic coverage itself, but instead, is based on his pre-conceived notions of possible editorial perspectives that could be conveyed when the courtroom recordings are aired. However, not only are such fears not actually relevant to the determination of whether electronic recording should be permitted during the trial, but he presented no evidence to show that such concern is actually reasonable. Indeed, the contract that Mr. Solid contends guarantees that the prosecution looking like heroes, from which he assumes the defense will be portrayed as villains, actually protects the County, which includes both the prosecutors and the public defenders, from being cast "in a false light [or] in a defamatory way likely to bring the County into disrepute . . ." **APP 4, ¶ 9.**

Because Mr. Solid has failed to show that the District Court's decision was clearly erroneous, the writ petition should be denied.

**I. THE DISTRICT COURT PROPERLY DETERMINED THAT MY ENTERTAINMENT IS A "NEWS REPORTER."**

The District Court properly determined that My Entertainment TV was a "News Reporter," as defined by Supreme Court Rule 229(c). That rule provides that :

"News reporter" shall include any person who gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

SCR 229(1)(c). Here, Mr. Solid does not present any argument that My Entertainment does not, in fact, photograph, record, edit, report, and publish information of public interest for dissemination to the public. Accordingly, the District Court properly determined that My Entertainment had satisfied the requirements of SCR 229(1)(c).

Mr. Solid contends that My Entertainment representatives cannot be considered “news reporters” under SCR 229(1)(c), because the website descriptions of My Entertainment’s programming does not use the words “news” or “media.” **Petition, p. 15.** However, nothing in SCR 229(1)(c) provides that a “news reporter” must describe its own programming as “news” or “media.” Moreover, this Court, in adopting SCR 229(1)(c), did not define “news reporter” as a person who works for a newspaper or a local television news station. Mr. Solid simply ignores the actual definition that this Court adopted to determine who may qualify for electronic recording access to court proceedings.

Mr. Solid also contends that My Entertainment’s representative cannot be a “news reporter under SCR 229(c) because the company has the word “entertainment” in its name, and because its programming is entertaining, and therefore, cannot qualify as “informational or educational” as required by SCR 241. Thus, Mr. Solid appears to assert that news, educational, or informational programming cannot, as a matter of law, also be entertaining. But Mr. Solid offers

no support for this conclusion, and indeed, is unlikely to find any such support. To the contrary, the United States Supreme Court long ago held that distinctions between information and entertainment cannot be made for constitutional purposes:

We do not accede to appellee's suggestion that the constitutional protection for a free press applies only to the exposition of ideas. The line between the informing and the entertaining is too elusive for the protection of that basic right. Everyone is familiar with instances of propaganda through fiction. What is one man's amusement, teaches another's doctrine.

*Winters v. New York*, 68 S. Ct. 665, 667 (1948).

Other courts have similarly found the lines between entertainment and news too blurred for distinction. *Trump v. O'Brien*, 958 A.2d 85, 95 (N.Y. App. Div. 2008) (“But we find a danger, recognized in the allied areas of privacy law and defamation, in simply weighing the entertainment value against the news value of a non-fiction publication and according Shield Law protection or not on our essentially subjective view of which is the weightier.”); *Jenkins v. Dell Publ'g Co.*, 251 F.2d 447, 451 (3d Cir.) (“Once the character of an item as news is established, it is neither feasible nor desirable for a court to make a distinction between news for information and news for entertainment in determining the extent to which publication is privileged.”). The simple truth is that the public is more receptive to information presented in an entertaining way.

Indeed, there is little doubt that “news” programming must, of necessity also be entertaining. News programming is a for-profit industry, generating billions of dollars in advertising revenue. News programming strive for ratings, and in so doing , package their news programs in a way designed to attract viewers. Thus, in their efforts to “document” and “disseminate information” to the public, programs such as “48 Hours”, “Dateline,” and “20/20” employ techniques such as dramatizations or suggestive imagery to tell their stories, techniques *not* used for Las Vegas Law. Additionally, producers of these programs use tense audio stings and mysterious sounding music to heighten the drama. *See. e.g.,* <http://abcnews.go.com/2020/video/mom-conspire-son-brother-murder-plot-23109174>, last viewed, August 30, 3016.

Moreover, this Court has *not* excluded “entertainment” from the use to which recordings proceedings may be put. Instead, this Court permits that courtroom recordings be used for “education and informational purposes,” while defining *only* unrelated advertising as a prohibited use.

Significantly, the Supreme Court of the United States has long endorsed the notion that recordings of courtroom proceedings are, by their very nature, ***both educational and informational***. For example, in *Estes v. State of Tex.*, 85 S. Ct. 1628, 1663 (1965), Justice Harlan stated :

Many trials are newsworthy, and televising them might well provide the most accurate and comprehensive means of conveying their



content to the public. Furthermore, television is capable of performing an educational function by acquainting the public with the judicial process in action.

*Estes v. State of Tex.*, 85 S. Ct. 1628, 1663 (1965) (Harlan, J, concurring). Fifteen years later, Chief Justice Burger noted:

[I]t is not unrealistic even in this day to believe that public inclusion affords citizens a form of legal education and hopefully promotes confidence in the fair administration of justice. Instead of acquiring information about trials by firsthand observation or by word of mouth from those who attended, people now acquire it chiefly through the print and electronic media. . . . While media representatives enjoy the same right of access as the public, they often are provided special seating and priority of entry so that they may report what people in attendance have seen and heard. This contribute[s] to public understanding of the rule of law and to comprehension of the functioning of the entire criminal justice system”

*Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572 (1980) (internal quotations and citations omitted).

Ultimately, Mr. Solid’s disdain for My Entertainment’s status as a “news reporter” is based upon nothing more than his counsel’s personal dislike of six episodes of Las Vegas Law counsel reviewed, and his counsel’s fear that defense counsel will be portrayed as “villains.” **Petition, 16.** At the hearing, Mr. Solid’s counsel also spoke of concern that the Clark County Prosecutor had control over any editorial content, implying that the DA’s office would demand the removal of anything that would portray the prosecution in a uniformly positive and successful light.

As noted above, news programs frequently present their courtroom coverage from a specific point of view, and nothing in this Court's rules precludes this. However, Mr. Solid did not even include any evidence of the purported slanted coverage in Las Vegas Law into evidence with his Motion to support his claims. Such failure could well be explained by the fact that such submission would necessarily have included episodes wherein there were cases that did *not* result in a conviction, thus belying the notion that the prosecution is uniformed portrayed as superheroes, while the defense team is portrayed as villainous.<sup>4</sup>

Mr. Solid bore the burden of showing that My Entertainment was not qualified for electronic coverage access under SCR 229(1)(c). However, Mr. Solid

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<sup>4</sup> In one such episode, which was devoted entirely to the case of *State of Nevada v. Lee Zheng*, Mr. Zheng was acquitted of all seven charges against him. It is difficult to imagine defense counsel who helped to establish the accused's innocence were portrayed as villains. Similarly, in an episode that included the case of *State of Nevada v. James Brian Goins*, Las Vegas Law shows a Las Vegas Metro Police Detective stating on the stand that in his opinion, "there was no crime." Upon request of this Court, My Entertainment would be happy to seek supplementation of the record so that the Court may see the educational and informational value to which My Entertainment puts its courtroom recordings. My Entertainment's goal for Las Vegas Law has been to show the viewer the inner workings of the District Attorney's office, the criminal court system, and the defense, both private and public, thereby revealing the perspective of both the prosecution and the defense. The "heroes" in these programs are *all* of those public servants—police, prosecutors, and public defenders—who devote themselves to achieving justice.

presented neither evidence nor argument to show that My Entertainment did not meet the necessary criteria set forth in that Rule.

## **II. THE DISTRICT COURT PROPERLY DETERMINED THAT THE SCR 230(2)(A-F) FACTORS WEIGHED IN FAVOR OF ALLOWING ACCESS.**

Supreme Court Rule 230(2) creates a presumption that electronic recording of a trial will be permitted. The Judge is required to make particularized factual findings as to each of the factors listed in SCR 230(2)(a-f). Those factors include:

- (a) The impact of coverage upon the right of any party to a fair trial;
- (b) The impact of coverage upon the right of privacy of any party or witness;
- (c) The impact of coverage upon the safety and well-being of any party, witness or juror;
- (d) The likelihood that coverage would distract participants or would detract from the dignity of the proceedings;
- (e) The adequacy of the physical facilities of the court for coverage;  
and
- (f) Any other factor affecting the fair administration of justice.

SCR 230(2).

Because of the presumption that electronic recording access is appropriate, the party seeking to prevent such access must submit evidence that shows that the above factors weigh against allowing the coverage. *Yeager v. Harrah's Club, Inc.*,

111 Nev. 830, 834, 897 P.2d 1093, 1095 (1995) (“A presumption not only fixes the burden of going forward with evidence, but it also shifts the burden of proof.”).

Here, Mr. Solid failed to submit evidence sufficient to satisfy that burden.

Indeed, in addressing these factors, Mr. Solid posited only the following theories for consideration:

- Mr. Solid’s counsel would be distracted by how he might be portrayed in the program;
- A penalty phase witness would refuse to testify if My Entertainment were filming; and
- The dignity of the court would be affronted because My Entertainment pays the County royalties.

However, none of the above are sufficient to overcome the presumption in favor of coverage access, especially in this case when Mr. Solid does not object to other news cameras, only My Entertainment’s cameras.

Indeed, claims that cameras in the courtroom would adversely impact the parties or witnesses, or harm the dignity of the court, have been disproven by numerous studies. See *Judicial Council Study Comm., Utah State Courts, Final Report: Technology Brought Into The Courtroom*, 7-8, (2012), available at <http://commcns.org/1nRFpu0>, citing, Kelli L. Sager, & Karen N. Fredericksen,

Televising the Judicial Branch: In Furtherance of the Public's First Amendment Right, 69 Cal. L. Rev. 1519, 1543 (1996).

**A. There Was No Evidence That My Entertainment's Access Would Have an Impact On Mr. Solid's Right To A Fair Trial.**

The District Court found that Mr. Solid was represented by experienced trial counsel, who should be able to overcome any concern regarding how he might be portrayed in a future broadcast.<sup>5</sup> **APP 36, ¶ 4 a.** Since the only evidence of such concern was counsel's own statements made during the hearing, this ruling is essentially a factual finding regarding the credibility of the objection. As the District Court is in the best position to judge credibility, this ruling must stand. *State v. Rincon*, 122 Nev. 1170, 1177, 147 P.3d 233, 238 (2006).

**B. There Was No Evidence That My Entertainment's Access Would Have An Adverse Impact On The Privacy, Safety Or Wellbeing Of Any Witness Or Juror.**

Mr. Solid expressed concern because a penalty phase witness has refused to testify if My Entertainment was filming. However, since the Court ruled that My Entertainment would be instructed not to film any witness who objected, such concern is moot. **APP 36, ¶ 4.** Furthermore, the District Court expressly held that My Entertainment would not be permitted to film jurors or prospective jurors.

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<sup>5</sup> My Entertainment does not air its programming while the trial is still underway. Here, any airing of the Mr. Solid's trial would not occur until long after the verdict had been entered.

Accordingly, the District Court properly concluded that these two factors favor coverage.

**C. There Was No Evidence That My Entertainment's Access Would Have an Adverse Impact On The Dignity Of The Proceedings.**

Mr. Solid's argument that because My Entertainment pays royalties to the county, the dignity of the courtroom proceedings is adversely affected simply lacks a logical connection. The proceedings themselves will not be impacted in any way by My Entertainment's filming, as it is required to comply with the same rules as would any other entity granted coverage access by the Court. The District Court found that participants other than Mr. Solid, the attorneys, and court personnel would not be able to distinguish My Entertainment personnel from any other camera personnel who might have filmed the trial. The fact that royalties are paid to the County, as reflected in the Agreement approved by the Clark County Commission, does not conflict with any of this Court's rules. Such payments are consideration for the County's allowing access to facilities under its control, such as the D.A's, office. These payments do not in any way reflect negatively upon the court systems.

**D. There Was No Evidence That The Courtroom Facilities Are Inadequate To Allow Coverage Access.**

Mr. Solid did not challenge the adequacy of the district court's physical facilities. Moreover, the District Court may be presumed to be sufficient familiar

with its own courtroom to determine whether is is adequate to permit the presence of cameras. Accordingly, the Court properly determined that this factor favored coverage access.

As Mr. Solid did not present sufficient evidence to show that the presumption favoring coverage access was rebutted, the District Court's denial of the Motion to Reconsider should be affirmed.

**III. THE DISTRICT COURT PROPERLY DETERMINED THAT THE CONTRACT BETWEEN THE COUNTY AND MY ENTERTAINMENT DOES NOT PREVENT MY ENTERTAINMENT FROM FILMING IN THE COURTROOM.**

The District Court ruled that the agreement between the county and My Entertainment cannot dictate the terms under which My Entertainment may film within a courtroom, as SCR 229-247 govern such access. APP 36-37, ¶ 5. The District Court's ruling is correct, as NRS 240 expressly states that permission by participants in the courtroom proceedings is not required for electronic coverage.

Furthermore, contrary to Mr. Solid's contention, the contract between the County and My Entertainment does not require consent to be filmed by anyone during courtroom proceedings. Instead, the provision upon which Mr. Solid relies governs filming in the DA's Offices. The provision cited by Mr. Solid states, as follows:

1. ACCESS TO PERSONNEL AND PROPERTY. *Subject to the terms and conditions of this Agreement, County agrees to allow the Producer to enter the DA' s Office with personnel and equipment (including props) for the purpose of recording, filming, taping and/or photographing (recording, filming, taping and/or photographing are collectively referred to as "Filming Activity")* in connection with the Program and to remove the same after completion of its use. All access and Filming Activity is subject to the approval of the DA's Office. Producer agrees that the DA 's Office may restrict the Filming Activity of any of its premises or personnel in any manner including, but not limited to, refusing to allow certain facilities to be filmed or photographed, refusing the Filming Activity of confidential, proprietary, or information not of public record or open to inspection, as solely determined by the County.

(a) In regards to *Filming Activity* directly involving County Personnel, County facilities, and County Property, Producer agrees that:

(i) Whether a County employee is to be recorded, filmed, taped, or photographed is a personal decision of each individual county employee. All *Filming Activity* of County employees shall be undertaken only with each individual employee's written consent . . . .

APP 15, ¶ 1 (**emphasis added**). By its express terms, "Filming Activity" is defined as "recording, filming, taping and/or photographing" that occurs within the DA's Office.

Nothing in the Agreement purports to govern My Entertainment's access to courtroom proceedings, or to limit its eligibility to receive access pursuant to SCR 229, *et. seq.* To the contrary, the Agreement acknowledges that My Entertainment is relieved of any obligation to obtain consents deemed "unnecessary pursuant to



legal and entertainment industry standards.” APP 17, ¶ 6. Furthermore, My Entertainment was expressly bound to comply with Nevada state law, which would necessarily include SCR 229, *et seq.* **Id. at 3.**

Because electronic coverage access is governed by the Supreme Court Rules, and because the Agreement does not prohibit My Entertainment from obtaining courtroom coverage access in the absence of defense counsel consent, the District Court properly denied the Motion to Reconsider.

### **CONCLUSION**

For the reasons set forth above, Appellant requests the Court deny the Emergency Petition for writ relief.

Respectfully submitted this 30<sup>th</sup> day of August, 2016.

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## **CERTIFICATE OF COMPLIANCE WITH NRAP 28 AND 32**

I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using MS Word 2003 in Times New Roman 14.

I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more, and contains 5167 words.

Finally, I hereby certify that I have read this appellate brief, 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 brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 30<sup>th</sup> day of August 2016.

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*My Entertainment TV*

## **CERTIFICATE OF SERVICE**

This is to certify that on the 30<sup>rd</sup> day of August, 2016, a true and correct copy of the foregoing Opposition was served via this Court's e-filing system, on counsel of record for all parties to the action below in this matter, as follows:

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### **BY UNITED STATES FIRST CLASS MAIL TO:**

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**BY HAND DELIVERY TO:**

The Honorable Judge Valerie Adair  
200 Lewis Ave., 11th Floor, Dept. 21  
Las Vegas NV 89101

/s/ Joyce Heilich  
An employee of Greenberg Traurig LLP