

1 **NOAS**

2 MARGARET A. MCLETCHIE, Nevada Bar No. 10931

3 ALINA M. SHELL, Nevada Bar No. 11711

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5 701 East Bridger Avenue, Suite. 520

6 Las Vegas, NV 89101

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9 *Counsel for Petitioner*

Electronically Filed  
Jun 20 2017 03:48 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

10 **EIGHTH JUDICIAL DISTRICT COURT**  
11 **CLARK COUNTY, NEVADA**

12 LAS VEGAS REVIEW-JOURNAL

13 Petitioner,

14 vs.

15 CITY OF HENDERSON,

16 Respondent.

Case No.: A-16-747289-W

Dept. No.: XVIII

**NOTICE OF APPEAL**

17 PLEASE TAKE NOTICE that Plaintiff/Petitioner, the Las Vegas Review-Journal  
18 (“Review-Journal”), pursuant to Nevada Rule of Appellate Procedure 4(a)(2), hereby timely  
19 appeals to the Supreme Court of Nevada from the final judgment entered in this case on May  
20 15, 2017.

21 DATED this 9<sup>th</sup> day of June, 2017.

22 /s/ Margaret A. McLetchie

23 MARGARET A. MCLETCHIE, Nevada Bar No. 10931

24 ALINA M. SHELL, Nevada Bar No. 11711

25 MCLETCHIE SHELL LLC

26 701 East Bridger Avenue, Suite. 520

27 Las Vegas, NV 89101

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*Counsel for Petitioner*

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**CERTIFICATE OF SERVICE**

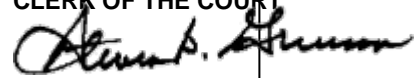
Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on this 9<sup>th</sup> day of June, 2017, I did cause a true copy of the foregoing NOTICE OF APPEAL in *Las Vegas Review-Journal v. City of Henderson.*, Eight Judicial District Court Case No. A-16-747289-W, to be served electronically using the Odyssey File&Serve system, to all parties with an email address on record.

Pursuant to NRCP 5(b)(2)(B) I hereby further certify that on the 9<sup>th</sup> day of June, 2017, I mailed a true and correct copy of the foregoing NOTICE OF APPEAL by depositing the same in the United States mail, first-class postage pre-paid, to the following:

Josh M. Reid, City Attorney  
Brandon P. Kemble, Asst. City Attorney  
Brian R. Reeve, Asst. City Attorney  
**CITY OF HENDERSON'S ATTORNEY OFFICE**  
240 Water Street, MSC 144  
Henderson, NV 89015

Dennis L. Kennedy  
Sarah P. Harmon  
Kelly B. Stout  
**BAILEY KENNEDY**  
8984 Spanish Ridge Avenue  
Las Vegas, NV 89148  
*Counsel for Respondent, City of Henderson*

/s/ Pharan Burchfield  
An Employee of MCLETCHE SHELL LLC



ASTA  
MARGARET A. MCLEATCHIE, Nevada Bar No. 10931  
ALINA M. SHELL, Nevada Bar No. 11711  
MCLEATCHIE SHELL LLC  
701 East Bridger Avenue, Suite. 520  
Las Vegas, NV 89101  
Telephone: (702)-728-5300  
Email: maggie@nvlitigation.com  
*Counsel for Petitioner*

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

LAS VEGAS REVIEW-JOURNAL

Petitioner,

vs.

CITY OF HENDERSON,

Respondent.

Case No.: A-16-747289-W

Dept. No.: XVIII

**CASE APPEAL STATEMENT**

- Name of appellant filing this case appeal statement:*  
Petitioner Las Vegas Review-Journal.
- Identify the judge issuing the decision, judgment, or order appealed from:*  
The Honorable J. Charles Thompson.
- Identify each appellant and the name and address of counsel for each appellant:*

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931  
ALINA M. SHELL, Nevada Bar No. 11711  
MCLEATCHIE SHELL LLC  
701 East Bridger Ave., Suite 520  
Las Vegas, NV 89101  
*Counsel for Petitioner Las Vegas Review-Journal*

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4. *Identify each respondent and the name and address of appellate counsel, if known, for each respondent:*

Josh M. Reid, City Attorney  
Brandon P. Kemble, Asst. City Attorney  
Brian R. Reeve, Asst. City Attorney  
**CITY OF HENDERSON'S ATTORNEY OFFICE**  
240 Water Street, MSC 144  
Henderson, NV 89015

Dennis L. Kennedy  
Sarah P. Harmon  
Kelly B. Stout  
**BAILEY KENNEDY**  
8984 Spanish Ridge Avenue  
Las Vegas, NV 89148  
*Counsel for Respondent, City of Henderson*

5. *Indicate whether any attorney identified above in 3 or 4 is not licensed to practice law in Nevada and, if so, whether the District Court granted that attorney permission to appear under SCR 42 (and attach a copy of any District Court order granting such permission):*

Not applicable. All attorneys are licensed in Nevada.

6. *Indicate whether appellant was represented by appointed or retained counsel in the District Court:*

Appellant is represented by retained counsel.

7. *Indicate whether appellant is represented by appointed or retained counsel on appeal:*

Retained counsel.

8. *Indicate whether Appellant was granted leave to proceed in forma pauperis, and the date of entry of the District Court order granting such leave:*

No.

9. *Indicate the date the proceedings commenced in the District Court, e.g., the date the complaint, indictment, information, or petition was filed:*

The Complaint and Petition for Writ of Mandamus in this action was filed on November 29, 2016. An Amended Petition was filed on February 8, 2017.

10. *Provide a brief description of the nature of the action and result in the District Court, including the type of judgment or order being appealed and the relief granted by the District Court:*

This appeal seeks review of the district court’s denying Appellant the Las Vegas Review-Journal’s (“Review Journal”) petition for a writ of mandamus submitted pursuant to Nev. Rev. Stat. § 239.011(2) after Respondent City of Henderson (“Henderson”) declined to produce certain public records unless the Review-Journal paid \$5,787.89 for Henderson city attorneys to conduct a privilege review of the records to determine whether the requested records could be released.

On or about October 4, 2016, the Review-Journal submitted a public records request to Henderson pursuant to the Nevada Public Records Act, Nev. Rev. Stat. § 239.001 *et seq.*, seeking certain documents pertaining to the public relations/communications firm Trospen Communications and its principal, Elizabeth Trospen. At the time of the request, Trospen Communications had a contract with Henderson, and had also assisted with the campaigns of elected officials in Henderson.

In response, on October 11, 2016, Henderson indicated it required additional time to search for responsive documents, but that due to the time required to review the documents for privilege and confidentiality, it intended to charge the Review-Journal to pay \$5,787.89 for extraordinary research and use of Henderson personnel, citing Nev. Rev. Stat. § 239.052 and Henderson Municipal Code 2.47.085. Further, pursuant to Henderson’s Public Records Policy, Henderson demanded a deposit of \$21,893.94 to continue its search for responsive documents.

On November 29, 2016, the Review-Journal filed a petition for writ of mandamus pursuant to Nev. Rev. Stat. § 239.011. The Review-Journal also sought declaratory and injunctive relief to address the rights of the parties and validity of Henderson Municipal Code 2.47.085 and Henderson’s Public Records Policy. The Review-Journal subsequently

amended its petition after Henderson allowed a Review-Journal reporter to inspect the some of the requested records, and provided a privilege log which failed to provide sufficient legal and factual bases for withholding or redacting other records.

At hearing on the Review-Journal's amended petition, Henderson finally agreed to provide electronic copies of some of the requested records. The district court subsequently entered an order denying the petition and the Review-Journal's request for injunctive and declaratory relief.

11. *Indicate whether the case has previously been the subject of an appeal or an original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:*

No appeal has previously been taken in this case.

12. *Indicate whether this appeal involves child custody or visitation:*

This appeal does not involve child custody or visitation.

13. *If this is a civil case, indicate whether this appeal involves the possibility of settlement:*

There are no circumstances that render settlement impossible.

DATED this 9<sup>th</sup> day of June, 2017.

/s/ Alina M. Shell

MARGARET A. MCLETSCHIE, Nevada Bar No. 10931  
ALINA M. SHELL, Nevada Bar No. 11711  
MCLETSCHIE SHELL LLC  
701 East Bridger Avenue, Suite. 520  
Las Vegas, NV 89101  
Telephone: (702)-728-5300  
Email: maggie@nvlitigation.com  
*Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on this 9<sup>th</sup> day of June, 2017, I did cause a true copy of the foregoing CASE APPEAL STATEMENT in *Las Vegas Review-Journal v. City of Henderson.*, Eight Judicial District Court Case No. A-16-747289-W, to be served electronically using the Odyssey File&Serve system, to all parties with an email address on record.

Pursuant to NRCP 5(b)(2)(B) I hereby further certify that on the 9<sup>th</sup> day of June, 2017, I mailed a true and correct copy of the foregoing CASE APPEAL STATEMENT by depositing the same in the United States mail, first-class postage pre-paid, to the following:

Josh M. Reid, City Attorney  
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Brian R. Reeve, Asst. City Attorney  
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Sarah P. Harmon  
Kelly B. Stout  
**BAILEY KENNEDY**  
8984 Spanish Ridge Avenue  
Las Vegas, NV 89148  
*Counsel for Respondent, City of Henderson*

/s/ Pharan Burchfield  
An Employee of MCLETCHE SHELL LLC

DEPARTMENT 18  
**CASE SUMMARY**  
**CASE NO. A-16-747289-W**

**Las Vegas Review-Journal, Plaintiff(s)**  
**vs.**  
**Henderson City of, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 18**  
Judicial Officer: **Bailus, Mark B**  
Filed on: **11/29/2016**  
Case Number History:  
Cross-Reference Case Number: **A747289**

CASE INFORMATION

Case Type: **Writ of Mandamus**  
Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number           A-16-747289-W  
Court                   Department 18  
Date Assigned         06/05/2017  
Judicial Officer       Bailus, Mark B






PARTY INFORMATION

<b>Plaintiff</b>	<b>Las Vegas Review-Journal</b>	<i>Lead Attorneys</i> <b>McLetchie, Margaret A.</b> <i>Retained</i> 702-728-5300(W)
<b>Defendant</b>	<b>Henderson City of</b>	<b>Reid, Josh M.</b> <i>Retained</i> 702-267-1231(W)

DATE














EVENTS & ORDERS OF THE COURT

INDEX



11/29/2016	 Petition for Writ of Mandamus Filed by: Plaintiff Las Vegas Review-Journal <i>Public Records Act Application Pursuant to NRS 239.001 / Petition for Writ of Mandamus</i>	
11/29/2016	 Initial Appearance Fee Disclosure Filed By: Plaintiff Las Vegas Review-Journal <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>	
12/19/2016	 Affidavit of Service Filed By: Plaintiff Las Vegas Review-Journal <i>Affidavit of Service</i>	
01/02/2017	Case Reassigned to Department 18 <i>Case reassigned from Judge Kenneth Cory Dept 01</i>	
01/26/2017	 Stipulation and Order Filed by: Defendant Henderson City of <i>Stipulation and Order to Allow Las Vegas Review Journal to File an Amended Petition</i>	
01/30/2017	 Notice of Entry Filed By: Defendant Henderson City of <i>Notice of Entry of Order</i>	
01/30/2017		



DEPARTMENT 18  
**CASE SUMMARY**  
**CASE NO. A-16-747289-W**

	 Stipulation and Order Filed by: Defendant Henderson City of <i>Stipulation and Order to Allow Las Vegas Review Journal to File an Amended Petition</i>
02/08/2017	 Amended Petition Filed By: Plaintiff Las Vegas Review-Journal <i>Amended Public Records Act Application Pursuant to NRS 239.001/ Petition for Writ of Mandamus / Application for Declaratory and Injunctive Relief - Expedited Matter Pursuant to Nev. Rev. Stat. 239.011</i>
02/08/2017	 Memorandum Filed By: Plaintiff Las Vegas Review-Journal <i>Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/ Petition for Writ of Mandamus/ Application for Declaratory and Injunctive Relief</i>
03/08/2017	 Notice of Association of Counsel Filed By: Defendant Henderson City of <i>Notice of Association of Counsel</i>
03/08/2017	 Response Filed by: Defendant Henderson City of <i>City of Henderson's Response to Las Vegas Review-Journal's Amended Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus/Application for Declaratory and Injunctive Relief</i>
03/23/2017	 Reply Filed by: Plaintiff Las Vegas Review-Journal <i>Reply to Respondent City of Henderson's Response to Amended Public Records Act Application Pursuant To NRS 239.001/ Petition For Writ Of Mandamus/ Application For Declaratory And Injunctive Relief</i>
03/27/2017	 Stipulation and Order Filed by: Plaintiff Las Vegas Review-Journal <i>Stipulation and Order for Extension to Allow Las Vegas Review-Journal to File its Reply to Respondent City of Henderson's Response to Amended Petition</i>
03/28/2017	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Entry of Order</i>
03/30/2017	 <b>Petition for Writ of Mandamus (9:00 AM)</b> (Judicial Officer: Thompson, Charles)
04/05/2017	 Records Transcript of Hearing <i>Transcript of Proceedings Re: Petition for Writ of Mandamus 03/30/2017</i>
05/12/2017	 Order Denying Motion Filed By: Defendant Henderson City of <i>Order</i>
05/15/2017	 Notice of Entry of Order Filed By: Defendant Henderson City of <i>Notice of Entry of Order</i>
06/01/2017	 Motion for Attorney Fees and Costs Filed By: Plaintiff Las Vegas Review-Journal

DEPARTMENT 18  
**CASE SUMMARY**  
**CASE NO. A-16-747289-W**

	<i>Petitioner Las Vegas Review-Journal's Motion for Attorney's Fees and Costs</i>	
06/05/2017	Administrative Reassignment - Judicial Officer Change <i>From Judge David Barker to Judge Mark B. Bailus</i>	
06/09/2017	 Notice of Appeal Filed By: Plaintiff Las Vegas Review-Journal <i>Notice of Appeal</i>	
06/09/2017	 Case Appeal Statement Filed By: Plaintiff Las Vegas Review-Journal <i>Case Appeal Statement</i>	
07/06/2017	<b>Motion for Attorney Fees and Costs (9:00 AM)</b> (Judicial Officer: Bailus, Mark B) <i>Petitioner Las Vegas Review-Journal's Motion for Attorney's Fees and Costs</i>	

**DATE**

**FINANCIAL INFORMATION**

**Plaintiff** Las Vegas Review-Journal  
Total Charges  
Total Payments and Credits  
**Balance Due as of 6/14/2017**

305.50  
305.50  
**0.00**

## DISTRICT COURT CIVIL COVER SHEET A-16-747289-W

County, Nevada

I

Case No.

(Assigned by Clerk's Office)

**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
The Las Vegas Review-Journal	City of Henderson
c/o McLetchie Shell LLC	
701 East Bridger Avenue, Suite 520; Las Vegas, NV 89101	
(702) 728-5300	
Attorney (name/address/phone):	Attorney (name/address/phone):
Margaret A. McLetchie and Alina M. Shell	City of Henderson, City Attorney's Office
McLetchie Shell LLC	240 Water Street; P.O. Box 95050; MSC 144
701 East Bridger Avenue, Suite 520; Las Vegas, NV 89101	Henderson, NV 89009-5050
(702) 728-5300	(702) 267-1200

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input checked="" type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

11/29/2016

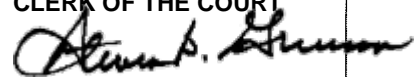
Date

Signature of initiating party or representative

See other side for family-related case filings.

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Steven D. Grierson  
CLERK OF THE COURT



**ORDR**

JOSH M. REID, City Attorney  
Nevada Bar No. 7497  
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DKennedy@BaileyKennedy.com

*Attorneys for Respondent*  
CITY OF HENDERSON

DISTRICT COURT  
CLARK COUNTY, NEVADA

LAS VEGAS REVIEW-JOURNAL,  
  
Petitioner,  
  
vs.  
  
CITY OF HENDERSON,  
  
Respondent.

Case No. A-16-747289-W  
Dept. No. XVIII

**ORDER**

The Amended Public Records Act Application/Petition for Writ of Mandamus/Application for Declaratory Relief (the "Petition") of Petitioner Las Vegas Review Journal (the "LVRJ") came on for hearing at 9:00 a.m. on March 30, 2017 on expedited basis pursuant to NRS 239.011; the LVRJ was represented by Alina Shell and Margaret A. McLetchie; Respondent City of Henderson (the "City") was represented by Dennis L. Kennedy of Bailey ♦ Kennedy, City Attorney Josh M. Reid and Assistant City Attorney Brian R. Reeve; the Court having read the pleadings and memoranda filed by the parties, having considered the evidence presented and having heard the argument of counsel, hereby ORDERS AS FOLLOWS:

1           1.     The Petition presents three principal issues: (i) preparation and access to public  
2 records; (ii) assessing costs and charging fees for copying and preparing public records; and (iii)  
3 withholding and redacting certain records.

4           2.     Preparation and Access to Records. In response to the LVRJ's public record request,  
5 the City performed a search that returned 9,621 electronic files consisting of 69,979 pages of  
6 documents. Except for the items identified on the City's withholding log (discussed in paragraph 4,  
7 below), all such files and documents (the "Prepared Documents") were prepared by the City, and  
8 LVRJ had access to and inspected the Prepared Documents prior to the hearing. Following its  
9 inspection, LVRJ made no request for copies of the Prepared Documents; however, following  
10 LVRJ's counsel's representations at the hearing that it also wanted electronic copies of the Prepared  
11 Documents, the City agreed to provide electronic copies of the Prepared Documents. The City has  
12 complied with its obligations under the Nevada Public Records Act (the "NPRA").

13           3.     Costs and Fees. The City has provided the Prepared Documents without charging  
14 costs or fees to the LVRJ. Therefore, LVRJ's claims regarding the propriety of charging such costs  
15 and fees are moot, and the Court does not decide them.

16           4.     Withheld Documents. The sole issue decided by the Court concerns certain  
17 documents the City withheld and/or redacted (the "Withheld Documents") on the grounds of  
18 attorney-client or deliberative process privilege. The operative privilege log (the "Privilege Log")  
19 was attached as Exhibit "H" to the City's Response to the Petition. The Court finds the Privilege  
20 Log to be timely, sufficient and in compliance with the requirements of the NPRA, and therefore  
21 DENIES the LVRJ's Amended Petition concerning the Withheld Documents.

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5. CONCLUSION. Based on the foregoing, LVRJ's request for a writ of mandamus, injunctive relief, and declaratory relief, and any remaining request for relief in the Amended Petition is hereby DENIED.

DATED this \_\_\_\_ day of April, 2017.



Submitted by:

Approved as to Form and Content:

BAILEY ♦ KENNEDY

MCLETCHIE SHELL LLC

By:

  
DENNIS L. KENNEDY

By:

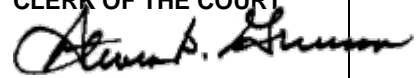
ALINA SHELL  
MARGARET A. MCLETCHIE

and

JOSH M. REID, City Attorney  
CITY OF HENDERSON

*Attorneys for Petitioner*  
LAS VEGAS REVIEW JOURNAL

*Attorneys for Respondent*  
CITY OF HENDERSON



**NEOJ**  
JOSH M. REID, City Attorney  
Nevada Bar No. 7497  
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Facsimile: 702.562.8821  
DKennedy@BaileyKennedy.com

*Attorneys for Respondent*  
CITY OF HENDERSON

DISTRICT COURT  
CLARK COUNTY, NEVADA

LAS VEGAS REVIEW-JOURNAL,

Petitioner,

vs.

CITY OF HENDERSON,

Respondent.

Case No. A-16-747289-W  
Dept. No. XVIII

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an Order denying Petitioner's request for a writ of mandamus, injunctive relief, and declaratory relief, and any remaining request for relief in the Amended Petition was entered on May 12, 2017.

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A true and correct copy is attached.

DATED this 15th day of May, 2017.

BAILEY❖KENNEDY

By: /s/ Dennis L. Kennedy  
DENNIS L. KENNEDY

and

JOSH M. REID, City Attorney  
Nevada Bar No. 7497  
**CITY OF HENDERSON**  
240 Water Street, MSC 144  
Henderson, NV 89015

*Attorneys for Respondent*  
**CITY OF HENDERSON**



**CERTIFICATE OF SERVICE**

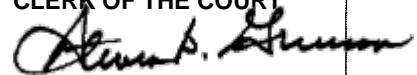
I certify that I am an employee of BAILEY❖KENNEDY and that on the 15th day of May, 2017, service of the foregoing **NOTICE OF ENTRY OF ORDER** was made by mandatory electronic service through the Eighth Judicial District Court’s electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

MARGARET A. MCLETCHE	Email: Alina@nvlitigation.com
ALINA M. SHELL	Maggie@nvlitigation.com
<b>MCLETCHE SHELL LLC</b>	
701 East Bridger Avenue, Suite 520	<i>Attorneys for Petitioner</i>
Las Vegas, Nevada 89101	<b>LAS VEGAS REVIEW-JOURNAL</b>

/s/ Josephine Baltazar  
Employee of BAILEY❖KENNEDY

ORIGINAL

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5/12/2017 2:54 PM  
Steven D. Grierson  
CLERK OF THE COURT



**ORDR**

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*Attorneys for Respondent*  
CITY OF HENDERSON

DISTRICT COURT  
CLARK COUNTY, NEVADA

LAS VEGAS REVIEW-JOURNAL,  
  
Petitioner,  
  
vs.  
  
CITY OF HENDERSON,  
  
Respondent.

Case No. A-16-747289-W  
Dept. No. XVIII

**ORDER**

The Amended Public Records Act Application/Petition for Writ of Mandamus/Application for Declaratory Relief (the "Petition") of Petitioner Las Vegas Review Journal (the "LVRJ") came on for hearing at 9:00 a.m. on March 30, 2017 on expedited basis pursuant to NRS 239.011; the LVRJ was represented by Alina Shell and Margaret A. McLetchie; Respondent City of Henderson (the "City") was represented by Dennis L. Kennedy of Bailey ♦ Kennedy, City Attorney Josh M. Reid and Assistant City Attorney Brian R. Reeve; the Court having read the pleadings and memoranda filed by the parties, having considered the evidence presented and having heard the argument of counsel, hereby ORDERS AS FOLLOWS:

1           1.     The Petition presents three principal issues: (i) preparation and access to public  
2 records; (ii) assessing costs and charging fees for copying and preparing public records; and (iii)  
3 withholding and redacting certain records.

4           2.     Preparation and Access to Records. In response to the LVRJ's public record request,  
5 the City performed a search that returned 9,621 electronic files consisting of 69,979 pages of  
6 documents. Except for the items identified on the City's withholding log (discussed in paragraph 4,  
7 below), all such files and documents (the "Prepared Documents") were prepared by the City, and  
8 LVRJ had access to and inspected the Prepared Documents prior to the hearing. Following its  
9 inspection, LVRJ made no request for copies of the Prepared Documents; however, following  
10 LVRJ's counsel's representations at the hearing that it also wanted electronic copies of the Prepared  
11 Documents, the City agreed to provide electronic copies of the Prepared Documents. The City has  
12 complied with its obligations under the Nevada Public Records Act (the "NPRA").

13           3.     Costs and Fees. The City has provided the Prepared Documents without charging  
14 costs or fees to the LVRJ. Therefore, LVRJ's claims regarding the propriety of charging such costs  
15 and fees are moot, and the Court does not decide them.

16           4.     Withheld Documents. The sole issue decided by the Court concerns certain  
17 documents the City withheld and/or redacted (the "Withheld Documents") on the grounds of  
18 attorney-client or deliberative process privilege. The operative privilege log (the "Privilege Log")  
19 was attached as Exhibit "H" to the City's Response to the Petition. The Court finds the Privilege  
20 Log to be timely, sufficient and in compliance with the requirements of the NPRA, and therefore  
21 DENIES the LVRJ's Amended Petition concerning the Withheld Documents.

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5. CONCLUSION. Based on the foregoing, LVRJ's request for a writ of mandamus, injunctive relief, and declaratory relief, and any remaining request for relief in the Amended Petition is hereby DENIED.

DATED this \_\_\_\_ day of April, 2017.



Submitted by:

Approved as to Form and Content:

BAILEY ♦ KENNEDY

MCLETCHIE SHELL LLC

By: 

DENNIS L. KENNEDY

By: \_\_\_\_\_

ALINA SHELL

MARGARET A. MCLETCHIE

and

JOSH M. REID, City Attorney  
CITY OF HENDERSON

*Attorneys for Petitioner*  
LAS VEGAS REVIEW JOURNAL

*Attorneys for Respondent*  
CITY OF HENDERSON

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**March 30, 2017**

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A-16-747289-W	Las Vegas Review-Journal, Plaintiff(s) vs. Henderson City of, Defendant(s)
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<b>March 30, 2017</b>	<b>9:00 AM</b>	<b>Las Vegas Review-Journal's Petition for Writ of Mandamus</b>
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**HEARD BY:** Thompson, Charles

**COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Alan Castle

**RECORDER:** Jennifer Gerold

**PARTIES**

<b>PRESENT:</b>	Las Vegas Review-Journal Shell, Alina McLetchie, Margaret A.	Plaintiff Attorney Attorney
	Henderson City of Kennedy, Dennis L. Reid, Josh M. Reeve, Brian R.	Defendant Attorney Attorney Attorney

**JOURNAL ENTRIES**

- Arguments by counsel. COURT ORDERED, USB (Universal Serial Bus) flash drive containing approximately 69,000 pages shall be turned over as agreed within five (5) days of this date. Court Finds an adequate description is contained in the privilege log prepared (Defendant's Exhibit - H) to satisfy the requirement. COURT ORDERED, request to have Henderson rescind its document review policy is DENIED at this time. Mr. Kennedy to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter.



**EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE**  
**NOTICE OF DEFICIENCY**  
**ON APPEAL TO NEVADA SUPREME COURT**

**MARGARET A. MCLEATCHIE**  
**701 E. BRIDGER AVE., SUITE 520**  
**LAS VEGAS, NV 89101**

**DATE: June 14, 2017**  
**CASE: A-16-747289-W**

**RE CASE: LAS VEGAS REVIEW-JOURNAL vs. CITY OF HENDERSON**

NOTICE OF APPEAL FILED: June 9, 2017

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

**PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:**

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

*Please refer to Rule 3 for an explanation of any possible deficiencies.*

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*\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT  
COURT MINUTES; NOTICE OF DEFICIENCY

LAS VEGAS REVIEW-JOURNAL,

Plaintiff(s),

vs.

CITY OF HENDERSON,

Defendant(s),

Case No: A-16-747289-W

Dept No: XVIII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 14 day of June 2017.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk