

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Appellant, Case No.: 74604

vs.

LAS VEGAS REVIEW-JOURNAL,

Respondent.

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Clerk of Supreme Court

Appeal from the Eighth Judicial
District Court, the Honorable
Jim Crockett Presiding

JOINT APPENDIX

Volume 2, Bates Nos. 238–454

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DISTRICT COURT

CLARK COUNTY NEVADA

9 LAS VEGAS REVIEW-JOURNAL,
10
11 Petitioner,
12
13 vs.

Case No.: A-17-758501-W

Dept. No.: XXIV

12 CLARK COUNTY OFFICE OF THE
13 CORONER/MEDICAL EXAMINER,
14
15 Respondent.

REPLY TO RESPONSE TO
PETITION AND MEMORANDUM
IN SUPPORT OF APPLICATION
PURSUANT TO NEV. REV. STAT.
§ 239.001/ PETITION FOR WRIT
OF MANDAMUS/ APPLICATION
FOR DECLARATORY AND
INJUNCTIVE RELIEF

17 COMES NOW Petitioner the Las Vegas Review-Journal (the "Review-Journal"),
18 by and through its undersigned counsel, and hereby submits this Memorandum in support
19 of its Public Records Act Application/Petition. This Memorandum is based upon the points
20 and authorities below, any attached exhibits, and the pleadings on file with this Court.

21 Respectfully submitted this 7th day of September, 2017.

22 /s/ Margaret A. McLetchie

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Since April 2017, the Review-Journal has been attempting to obtain autopsy reports from the Clark County Coroner's Office (the "Coroner's Office"). Despite conceding that autopsy records are public records, the Coroner's Office refused to disclose the records, asserting that they were not open to public inspection. In making this assertion, the Coroner's Office relied solely on a non-binding, non-precedential Nevada Attorney General Opinion, violating Nev. Rev. Stat. § 239.0107(1)(d)'s mandate that a governmental entity refusing to disclose public records must provide the requester with specific statutory or legal authority justifying the withholding within five business days. Rather than complying with Nev. Rev. Stat. § 239.0107(1)(d), over a month after the Review-Journal's request, the Coroner's Office asserted for the first time that the bulk of the requested autopsy reports could not be disclosed because, at some point in the past, the records had been obtained and reviewed by child death review teams. In its Response, the Coroner's Office argues that its continued withholding of the autopsy records is justified by both Nev. Rev. Stat. § 432B.407 and public policy concerns regarding medical privacy and the privacy rights of children. However, the argument put forth by the Coroner's Office does not satisfy its burden of proving by a preponderance of the evidence "that the public book or record, or a part thereof, is confidential." Nev. Rev. Stat. § 239.0113(2). Just because a child death review team reviews a document, that does not magically make the document reviewed confidential in all forms and from all source. The Coroner's Office also cites to the Health Insurance Portability and Accountability Act ("HIPAA") and recent legislative changes to Nevada laws pertaining to next-of-kin notifications as evidence that the privacy interest in autopsy reports outweighs the public's right of access. However, as the Coroner's Office concedes, it is not a covered entity under HIPAA. Additionally, the legislation the Coroner's Office points to in support of its privacy interest claims is irrelevant to the issues this Court must address. In any case, because it waited forty-three days to provide the Review-Journal with the specific legal and

1 statutory bases for withholding records, the Coroner's Office cannot be permitted to untimely
2 assert these privileges.

3 When the Coroner's Office did agree to disclose some records to the Review-
4 Journal, the documents it provided were overly redacted, and unsupported by specific legal
5 bases for each redaction. In its Response the Coroner's Office asserts that its single
6 explanation regarding the protection of medical privacy was a sufficient basis for the
7 extensive redactions it made to the sample records. This position, however, ignores precedent
8 from the Nevada Supreme Court which mandates a governmental entity to provide specific
9 bases for each redaction it makes to public records. *See Reno Newspapers, Inc. v. Gibbons*,
10 127 Nev. 873, 875, 266 P.3d 623, 625 (Nev. 2011).

11 Finally, the Coroner's Office has requested the Review-Journal pay \$45.00 per hour
12 for an attorney and the director of the Coroner's Office to conduct a privilege review. This
13 request for payment to conduct a privilege review far exceeds the permissible fees a
14 governmental entity may charge for producing public records. The Coroner's Office asserts
15 that charging the Review-Journal an hourly fee for conducting a privilege review is justified
16 pursuant to a 2002 Attorney General Opinion regarding when entities may charge a fee for
17 the extraordinary use of personnel pursuant to Nev. Rev. Stat. § 239.055. Aside from the fact
18 that an attorney general opinion is not binding legal authority, this argument ignores nothing
19 within the NPRA permits a governmental entity to charge a fee for a privilege review. For
20 the reasons set forth in the Memorandum and expanded upon below, the Review-Journal
21 respectfully requests that this Court grants its Petition.

22 II. ARGUMENT

23 A. The Coroner's Office Has Failed to Demonstrate By a Preponderance 24 of the Evidence That the Requested Records Are Confidential.

25 The Coroner's Office bears a heavy burden in this matter. As discussed in the
26 Review-Journal's Memorandum, the NPRA starts from the presumption that, unless
27 explicitly designated as confidential, "all public books and public records of a governmental
28 entity must be open at all times during office hours to inspection by any person, and may be
fully copied or an abstract or memorandum may be prepared from those public books and

1 public records.” Nev. Rev. Stat. § 239.010(1). If a governmental entity intends to deny a
2 request for public records, the NPRA mandates that entity must provide a requester written
3 notice of that fact, with specific citation to the statutory or legal authority it believes makes
4 the record confidential. Nev. Rev. Stat. § 239.0107(d). A governmental entity bears the
5 burden of demonstrating by a preponderance of the evidence “that the public book or record,
6 or a part thereof, is confidential.” Nev. Rev. Stat. § 239.0113(2); *see also Reno Newspapers,*
7 *Inc. v. Gibbons*, 127 Nev. 873, 882, 266 P.3d 623, 629 (2011) (holding that the “state entity
8 bears the burden to prove that its interest in nondisclosure *clearly outweighs* the public’s
9 interest in access”) (emphasis added).

10 In addition, if only part of a record is confidential pursuant to statute or law, the
11 NPRA specifically contemplates that a governmental entity cannot withhold the entire
12 document “if the governmental entity can redact, delete, conceal or separate the confidential
13 information from the information included in the public book or record that is not otherwise
14 confidential.” Nev. Rev. Stat. § 239.010(3).

15 The Coroner’s Office has failed to meet its heavy burden of demonstrating that the
16 requested autopsy records at issue here are confidential. The Coroner’s Office primarily
17 relies on Nev. Rev. Stat. § 432B.407, a statute which permits child death review teams to
18 obtain records relating to the death of a child, including autopsy records and mandates that
19 information acquired by and the records of a child death review team are confidential. Nev.
20 Rev. Stat. § 432B.407. However, Nev. Rev. Stat. § 432B.407 does not contemplate that
21 records obtained by child death review teams must be kept confidential in perpetuity. Rather,
22 the language of the statute indicates only that records obtained by child death review teams
23 must be kept confidential during a child death review team’s review of a child fatality. As
24 the Coroner’s Office acknowledges several times through its Response, the autopsy records
25 it is currently withholding from the Review-Journal all pertain to child fatalities that are no
26 longer under review by any child death review team. (*See* Response, p. 7:23-26 (noting that
27 most of the records requested by the Review-Journal pertained to child deaths that “were
28 reviewed by the [child death review team]”); p. 12:12-13 (same).) Because there is no current

1 investigation pending in any of the child fatalities for which the Review-Journal requested
2 records, the autopsy reports must be made available to the Review-Journal.

3 The Coroner's Office also argues that under the balancing test set forth in *Donrey*
4 *of Nevada v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990), privacy interests in the autopsy
5 reports outweigh the public's interest in access to the records. (Response, pp. 13:3-21:4.)
6 However, none of the policy interests cited by the Coroner's Office weigh against disclosure.
7 Contrary to the assertions by the Coroner's Office in its Response, the Health Insurance
8 Portability and Accountability Act of 1996 (HIPAA) does not weigh against disclosure
9 because, as the Coroner's Office concedes¹, the coroner is "not a covered entity under
10 HIPAA or a provider of health care"—a fact that several other courts have acknowledged in
11 determining that autopsy records are public records. The Coroner's citations to other laws or
12 recent legislative changes to Nevada laws pertaining to next-of-kin notifications likewise do
13 not weigh against a finding that the autopsy reports are public records.

14 **1. Nev. Rev. Stat. § 432B.407 Does Not Render the Coroner's Office's**
15 **Autopsy Reports Permanently Confidential.**

16 As predicted in the Review-Journal's Memorandum, the Coroner's Office is
17 laboring under the assumption that, because at some point it forwarded certain records to a
18 child death review team, those records are now and forever confidential. (*See generally*
19 Response at pp. 10:21-13:2.) As the Coroner's Office admits, the withheld records at issue
20 all pertain to investigations by child death review teams that are no longer pending. (*Id.*, p.
21 7:22-25 (noting that "[a]ll of the cases involving the Coroner listed on the [Review-Journal's]
22 May 26, 2017 and June 12, 2017 lists *had been reviewed* by the [child death review team]"
23 and that all but forty-nine of the requested records dating back to January 2012 "*were*
24 *reviewed*" by the child death review team); p.12:13 (same)) (emphases added). Again,
25 however, nothing in the language of § 432B.407(6) indicates autopsy reports are rendered
26 permanently confidential for all purposes simply because they were transmitted to a child

27
28 ¹ (Response, p. 13:24-25.)

1 death review team.

2 A review of the provisions in Chapter 432B of the Nevada Revised Statutes
3 pertaining to child death review teams supports the Review-Journal's position that records
4 obtained by child death review teams are only subject to a temporary period of
5 confidentiality. Neither the text of Nev. Rev. Stat. § 432B.407 nor its legislative history
6 indicates that the confidentiality provision in § 432B.407(6) is intended to apply to autopsy
7 records in perpetuity. Pursuant to Nev. Rev. Stat. § 432B.403, the purpose of organizing
8 child death review teams is to review and assess selected cases of deaths of children to
9 analyze those cases, "[m]ake recommendations for improvements to laws, policies, and
10 practice; [s]upport the safety of children; and [p]revent future deaths of children." Nev. Rev.
11 Stat. § 432B.403(1)-(6). During an investigation of a child fatality, a child death review team
12 is entitled to access investigative information from law enforcement agencies, autopsy
13 records, medical or mental health records pertaining to the child, and records pertaining to
14 social and rehabilitative services provided to the child or the child's family. Nev. Rev. Stat.
15 § 432B.407(1)(a)-(d). The child death teams may then use the information they obtain to
16 prepare a report and recommendations to further the purposes outlined in Nev. Rev. Stat. §
17 432B.403. Nev. Rev. Stat. § 432B.408(1). Presumably, if the Nevada legislature had intended
18 for records obtained by child death review teams to remain permanently confidential, it
19 would have explicitly stated so in § 432B.407(6).

20 Moreover, such an interpretation runs afoul of basic rules of statutory construction.
21 A party contending that legislative action changed settled law has the burden of showing that
22 the legislature intended such a change. *See Green v. Bock Laundry Mach. Co.*, 490 U.S. 504,
23 521 (1989). Under established canons of statutory construction, "it will not be inferred that
24 Congress, in revising and consolidating the laws, intended to change their effect unless such
25 intention is clearly expressed." *Anderson v. Pacific Coast S.S. Co.*, 225 U.S. 187, 199 (1912);
26 *cf.*, *State, Div. of Ins. v. State Farm Mut. Auto. Ins. Co.*, 116 Nev. 290, 295, 995 P.2d 482,
27 486 (2000) ([W]hen the legislature enacts a statute, this court presumes that it does so with
28 full knowledge of existing statutes relating to the same subject") (quotation omitted). Here,

1 the statutes in Chapter 432B pertaining to child death review teams all post-date the
2 enactment of the NPRA. Thus, the Coroner's Office bears the burden of demonstrating the
3 Legislature, in enacting § 432B.407, intended the confidentiality provision in subsection (6)
4 was intended to supersede the presumption of access articulated in the NPRA.

5 Additionally, whenever possible, courts must "interpret a rule or statute in harmony
6 with other rules or statutes." *State Farm Mut. Auto. Ins. Co.*, 116 Nev. at 295, 995 P.2d at
7 486 (citations omitted); *see also City Council of City of Reno v. Reno Newspapers, Inc.*, 105
8 Nev. 886, 892, 784 P.2d 974, 978 (1989) ("Statutory provisions should, whenever possible,
9 be read in harmony provided that doing so does not violate the ascertained spirit and intent
10 of the legislature.") Interpreting § 432B.407 as mandating that public records such as autopsy
11 reports must permanently confidential does not harmonize with the purpose or plain language
12 of the NPRA. Under the NPRA, all public records are presumptively open to public review
13 and inspection, and any "exemption, exception or balancing of interests which limits or
14 restricts access to public books and records by members of the public must be construed
15 narrowly." Nev. Rev. Stat. § 239.001(3). The Coroner's Office, however, is advocating for
16 a broad construction of the confidentiality exception in Nev. Rev. Stat. § 432B.407. Whittled
17 down to its essentials, the Coroner's interpretation of the statute is: "once confidential,
18 always confidential." This broad interpretation of § 432B.407 cannot square with the
19 NPRA's presumptions of broad access and narrow exceptions.

20 Again, although the Nevada Supreme Court has not addressed the effect of this
21 provision of § 432B.407, this Court's analysis of this statute should be guided by case law
22 regarding whether the attorney-client privilege applies to documents that were routed through
23 an attorney. As the United States Court of Appeals for the Eighth Circuit has explained, "[i]f
24 an unprivileged document exists before there exists an attorney-client relationship the mere
25 delivery of the document to an attorney does not create a privilege." *Bouschor v. United*
26 *States*, 316 F.2d 451, 457 (8th Cir. 1963) (quoting 8 Wigmore, Evidence, § 2292
27 (McNaughton Rev. 1961)); *see also SmithKline Beecham Corp. v. Apotex Corp.*, 232 F.R.D.
28 467, 478 (E.D. Pa. 2005) ("[A]ttorney-client "privilege does not shield documents merely

1 because they were transferred to or routed through an attorney”) (quoting *Resolution Trust*
2 *Corp. v. Diamond*, 773 F.Supp. 597, 600 (S.D.N.Y.1991).). “What would otherwise be
3 routine, non-privileged communications between corporate officers or employees transacting
4 the general business of the company do not attain privileged status solely because in-house
5 or outside counsel is ‘copied in’ on correspondence or memoranda.” *Andritz Sprout-Bauer,*
6 *Inc. v. Beazer E., Inc.*, 174 F.R.D. 609, 633 (M.D.Pa.1997) (citing *U.S. Postal Serv. v. Phelps*
7 *Dodge Refining Corp.*, 852 F.Supp. 156, 163–64 (E.D.N.Y.1994)).

8 In this case, autopsy reports are prepared by the Coroner in the normal course of
9 business of carrying out the mission of the Coroner’s Office. Although the records at issue
10 here were at some point obtained and used by child death review teams, the Coroner’s Office
11 has acknowledged that those investigations are now complete. Thus, the confidentiality
12 provision in § 432B.407(6) should not apply to those records.

13 The Coroner’s Office also asserts that disclosure of autopsy reports which were
14 obtained by child death review teams in investigating a child death would jeopardize Clark
15 County’s federal grant eligibility requirements under the Child Abuse and Prevention
16 Treatment Act of 1996 (“CAPTA”), 42 U.S.C. § 5106a.² (Response, pp. 11:24-12:4.) This
17 argument, however, ignores that 42 U.S.C. § 5106a(c)(4)(B)(i)(I) specifically provides that
18 members of child death panels may make public information related to the investigation of a
19 child death when “authorized by State statute.” In this case, the NPRA not only authorizes
20 disclosure of public records such as autopsy reports, it *requires* disclosure. Thus, the
21 Coroner’s Office may release autopsy records without threatening the County’s grant
22 eligibility status.

23 ///

24 ///

25 ///

26 ² The amount of grant funding at issue here is relatively small. Pursuant to 42 U.S.C. §
27 5106a(f)(2), a State that applies for a grant under CAPTA is eligible for a base amount of
28 \$50,000.00 in federal funds, as well as additional allotments for subsequent fiscal years. *Id.*;
see also 42 U.S.C. § 5106a(f)(4).

2. The Coroner's Office is Not a Covered Entity Under HIPAA.

In addition to its reliance on Nev. Rev. Stat. § 432B.407, the Coroner's Office also points to HIPAA's general privacy protections for medical data as persuasive authority for its proposition that the requested records should be kept confidential. (Response, pp. 13:13-15:16.) Although the Coroner's Office acknowledges that it is not a covered entity under HIPAA, it nevertheless argues that the federal privacy protections for medical information "demonstrates privacy interests in health information contained in [a]utopsy [r]eports," (*Id.*, p. 13:25-27).

As the Coroner's Office acknowledges, it is not a covered entity under HIPAA. Pursuant to 45 C.F.R. § 160.103, a covered entity is defined as: (1) a health plan; (2) a "health care clearinghouse;" or (3) "[a] health care provider who transmits any health information in electronic form in connection with a transaction covered by [HIPAA]." Moreover, 42 C.F.R. § 160.102 specifically states that HIPAA only applies to those three categories of health care entities. Thus, by its plain language, HIPAA is not intended to apply to autopsy records, and should not be used by the Coroner's Office to sidestep its obligations under the NPRA.

3. Autopsy Reports Are Not Medical Records.

The Coroner's Office also sites to two cases which have held that the privacy interest in medical data extends to autopsy reports. (*Id.*, p. 14 (citing *Globe Newspaper Co. v. Chief Medical Exam'r*, 404 Mass 132 (1989) and *Perry v. Bullock*, 409 S.C. 137 (2014).)) These cases, however, stand in opposition to a large body of case law holding that autopsy reports are not medical records. See, e.g., *Charles v. Office of the Armed Forces Med. Exam'r*, 935 F. Supp. 2d 86, 99-100 (D.D.C. 2013) (holding that final autopsy reports showing whether any service member's death may have resulted from bullet wounds in torso areas that were usually covered by body armor, as well as in-theater medical records, are not exempt from disclosure under Freedom of Information Act (FOIA) Exemption 6 exempting "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy"); *Bozeman v. Mack*, 744 So. 2d 34, 97-2152 (La. App. 1 Cir. 12/21/98)(holding that autopsy reports are not medical records); cf.

1 *People v. Leach*, 2012 IL 111534, ¶ 71, 980 N.E.2d 570, 582 (holding that an autopsy record
2 is an admissible business record and noting that “the deceased person brought to the medical
3 examiner’s office for determination of cause of death is not a patient and the medical
4 examiner, although she is trained as a physician, is not the deceased person’s doctor”).

5 **4. AB 57 Does Not Demonstrate an Intent by the Nevada Legislature to Protect**
6 **Privacy Interests in Autopsy Reports.**

7 In what can only be characterized as a distortion of legislative intent, the Coroner’s
8 Office asserts that recent changes to Nevada law regarding a coroner’s duty to notify next-
9 of-kin of the death of a family member as evidence that the legislature intended autopsy
10 reports to be confidential. (Response, pp. 17:3-19:22.) The legislative testimony surrounding
11 the eventual passage of AB 57, however, does not implicate privacy interests. Rather, the
12 legislative testimony and comments from legislators demonstrates that the intent motivating
13 AB 57 was to “require[] . . . coroners to make reasonable efforts to notify the next of kin of
14 the decedent’s death and [expand] who is authorized to order the burial or cremation of the
15 decedent” and “authorize[] a coroner to notify a decedent’s loved ones of the death of the
16 decedent and provide a copy of the coroner’s report to those individuals.” (Exh. 1 p. 1 (March
17 8, 2017 minutes of Assembly Committee on Government Affairs).) The overwhelming
18 majority of the statements in support of AB 57—which was eventually named “Veronica’s
19 Law” after murder victim Veronica Caldwell—focused on next-of-kin notifications in
20 “situations in which the death [of a person] is the result of family violence.” (Exh. 1, p. 3
21 (testimony of Chief Deputy Attorney General Brett Kandt); *see also id.*, pp. 5-6 (testimony
22 of Clark County Coroner John Fudenberg); *see also generally* Exh. 2 (April 26, 2017 minutes
23 of Senate Committee on Government Affairs).)

24 According to the Coroner’s Office, the Legislature in adopting AB 57 “could have
25 stated that Autopsy Reports were open to the public and not confidential,” but chose not to
26 do so. (Response, p. 19:9-10.) This is a gross oversimplification of the legislative process, as
27 the Nevada Legislature was never asked to consider this particular issue. Instead, as the
28 legislative testimony demonstrates, the primary motivation behind the proposal and eventual
passage of AB 57 was to ensure that the next-of-kin of crime victims are notified of their

1 loved ones' death—particularly in situations where the primary next-of-kin is also suspected
2 of causing the decedent's death. Thus, the Coroner's Office cannot rely on the passage of
3 AB 57 to meet its burden of demonstrating that the requested autopsy records should be
4 confidential.

5 **5. Attorney General Opinion 82-12 is Not Legal Authority.**

6 The Coroner's Office asserts that the Review-Journal's observation that an attorney
7 general opinion is not legal authority is "incorrect" because "when one actually reads AGO
8 82-12, it becomes obvious that it contains a thorough legal analysis with respect to the issue
9 of public disclosure of Autopsy Reports." (Response, p. 21:1014.) A thorough reading of the
10 opinion, however, (which counsel for the Review-Journal has undertaken) cannot change the
11 state of the law. The Nevada Supreme Court's position on this point of law is pellucid:
12 attorney general opinions are not binding legal authority. *Redl v. Sec'y of State*, 120 Nev. 75,
13 80, 85 P.3d 797, 800 (2004) (citing *Univ. & Cmty. Coll. Sys. of Nevada v. DR Partners*, 117
14 Nev. 195, 203, 18 P.3d 1042, 1048 (2001)); see also *Goldman v. Bryan*, 106 Nev. 30, 42,
15 787 P.2d 372, 380 (1990); *Cannon v. Taylor*, 88 Nev. 89, 493 P.2d 1313 (1972). Thus, no
16 matter how much the Coroner's Office may agree with the outdated advice provided in
17 Attorney General Opinion 82-12, it simply does not bind this Court or any other Nevada
18 court.

19 The Coroner's Office also asserts that the fact that Attorney General Opinion 82-
20 12 is based on the 1965 version of the NPRA does not diminish its persuasive weight because
21 laws pertaining to subject matter and information in an autopsy report "have become more
22 strict, detailed and comprehensive in terms of confidentiality." (Response, p. 22:23-27.) In
23 support of this proposition, the Coroner's Office specifically points to HIPAA and CAPTA.
24 (*Id.* pp. 22:27-23:2.) However, as discussed above, the Coroner's Office is not a covered
25 entity under HIPAA. Thus, the fact that privacy protections for medical information obtained
26 by medical providers and other covered entities is of no moment here. In addition, as
27 discussed above, CAPTA does not preclude disclosure of autopsy records that were acquired
28 in now-completed child death investigations. Finally, this argument ignores precedent from

1 the Nevada Supreme Court that attorney general opinions interpreting a prior version of a
2 statute do not carry any persuasive weight. *See, e.g., Redl*, 120 Nev. at 80-81. Thus, the
3 Coroner's Office's continued reliance on Attorney General Opinion 82-12 is unavailing.

4 **B. The Coroner's Office Failed to Identify Specific Bases for Its**
5 **Redactions in the Sample Reports It Provided to the Review-Journal.**

6 The Coroner's Office also takes issue with the Review-Journal's assertion that the sample
7 autopsy reports were overly redacted. (Response, pp. 24:16-25:21.) When a government
8 agency either redacts, or refuses to provide public records subject to a request made under
9 the NPRA, it must provide an explanation to the requesting party as to why the records have
10 been withheld or redacted, including "citation to legal authority that justifies nondisclosure."
11 *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 875, 266 P.3d 623, 625 (Nev. 2011).

12 Although the explanation does not have to take the form of a Vaughn Index³,
13 generally, the explanation provided must cite to specific legal authority and be detailed
14 enough to allow the requesting party to evaluate the claim of confidentiality as to each
15 redaction and argue the issue without being reduced to "a nebulous position where it is
16 powerless to contest a claim of confidentiality." *Id.*, at 629. "[M]erely pinning a string of
17 citations to a boilerplate declaration of confidentiality [does not] satisf[y] the State's
18 prelitigation obligation under Nev. Rev. Stat. § 239.0107(1)(d)(2) to cite to 'specific'
19 authority 'that makes the public book or record, or a part thereof, confidential.'" *Id.* at 631.

20 Rather than complying with this mandate, however, the Coroner's Office provided
21 a single, blanket explanation for the redactions: the redacted information was "medical,
22 relates to the status of the decedent's health . . . [and] could be marked by stigmata or
23 considered an invasion of privacy by the family." (Exh. 9 at LVRJ088.) This does not satisfy
24

25 ³"A Vaughn index is a submission commonly utilized in cases involving the Freedom of
26 Information Act (FOIA), the federal analog of the NPRA. This submission typically contains
27 'detailed public affidavits identifying the documents withheld, the FOIA exemptions
28 claimed, and a particularized explanation of why each document falls within the claimed
exemption.'" *Reno Newspapers, Inc. v. Gibbons*, 266 P.3d 623, 628 (Nev. 2011).

1 the obligation the Coroner's Office bears to provide specific reasons for each redaction.

2 **C. The Coroner's Office's Attempt to Charge the Review-Journal for a**

3 **Privilege Review of the Requested Documents Violates the NPRA.**

4 As discussed in the Review-Journal's Memorandum, in a July 11, 2017 email to

5 the Review-Journal, the Coroner's Office demanded the Review-Journal pay \$45.00 per hour

6 for an attorney and the Director of the Coroner's Office to redact the records the Office was

7 willing to produce, and estimated the review and redaction would take the two Coroner's

8 Office employees 10-12 hours to complete. (Exh. 9 at LVRJ087; LVRJ088.) In support of

9 this demand for fees, the Coroner's Office indicated that conducting a privilege review

10 requires the "extraordinary use of personnel" under Nev. Rev. Stat. § 239.055. (*Id.* at

11 LVRJ087.)

12 The Coroner's Office asserts that its demand for \$45.00 per hour to conduct a privilege

13 review is consistent with another nonbinding Attorney General Opinion which "opines that

14 expending staff time of more than thirty minutes may constitute extraordinary use."

15 (Response, p. 27:16-18) (citing Attorney General Opinion 2002-32).

16 As the Coroner's Office observes, the term "extraordinary use of personnel or

17 technological resources" is not defined in Chapter 239 of the Nevada Revised Statutes, or

18 within Nev. Rev. Stat. § 239.055 specifically. However, an interpretation of the NPRA which

19 would allow the Coroner's Office to charge a fee just to conduct a privilege review is

20 anathema to the intent of the NPRA—facilitating access to public records. Charging a

21 requester a fee to conduct a privilege review is also inconsistent with the NPRA's recognition

22 that a governmental entity seeking to withhold a public record bears the burden of

23 demonstrating the records are confidential. *See* Nev. Rev. Stat. § 239.0113(2). Because the

24 Coroner's Office must bear the burden of demonstrating confidentiality, logic dictates that it

25 must also bear the costs of maintaining that confidentiality.

26 Moreover, neither Nev. Rev. Stat. § 239.010 nor any other provision states that a

27 governmental entity may charge a requestor for a privilege review that falls within the normal

28 scope of an attorney's job responsibilities. Rather, the NPRA provides that a governmental

entity may charge for providing a copy of a record, (Nev. Rev. Stat. § 239.052(1)), for providing a transcript of an administrative proceeding, (Nev. Rev. Stat. § 239.053), for information from a geographic information system (Nev. Rev. Stat. § 239.054), or for the “extraordinary” use of personnel or technology. Nev. Rev. Stat. § 239.055. A privilege review does not fall within any of these provisions.

D. The Plain Language of Nev. Rev. Stat. § 239.0107 Outlines How a Governmental Entity Must Respond to a Public Records Request, and the Failure to Comply With Those Requirements Must Carry Some Penalty.

In its Memorandum, the Review-Journal asserted that because the Coroner’s Office failed to identify the specific statutory or legal bases for withholding the requested records within the five-day period mandated by Nev. Rev. Stat. § 239.0107(1)(d), it waived its ability to assert that privilege attaches to any of the requested documents based on a statute or other legal authority. (Memorandum, pp. 5:21-7:15.) The Coroner’s Office asserts first that because there is no specific waiver language in § 239.0107, it cannot be found to have waived its ability to assert privileges. (Response, pp. 25:23-26:2.) The argument that Nev. Rev. Stat. § 239.0107 does not explicitly provide for the waiver of confidentiality falls flat: the statute plainly requires that a governmental entity which determines that it will withhold records must say so within five days. Nev. Rev. Stat. § 239.0107(d). The Coroner’s Office should therefore not be allowed to untimely assert claims of confidentiality. Applying the plain language of Nev. Rev. Stat. § 239.0107 to the facts of this case, it is evident the Coroner’s Office did not comply with statute.

Section 239.0107(1) of the NPRA plainly outlines the specific actions a governmental entity may take in responding to a public records request:

1. *Not later than the end of the fifth business day* after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written or oral request from a person to inspect, copy or receive a copy of the public book or record, a governmental entity shall do one of the following, as applicable:

(a) Except as otherwise provided in subsection 2, allow the person to inspect or copy the public book or record or, if the request is for the person

to receive a copy of the public book or record, provide such a copy to the person.

(b) If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:

(1) Notice of that fact; and

(2) The name and address of the governmental entity that has legal custody or control of the public book or record, if known.

(c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request, provide to the person, in writing:

(1) Notice of that fact; and

(2) A date and time after which the public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person. If the public book or record or the copy of the public book or record is not available to the person by that date and time, the person may inquire regarding the status of the request.

(d) *If the governmental entity must deny the person's request because the public book or record, or a part thereof, is confidential, provide to the person, in writing:*

(1) Notice of that fact; and

(2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

(emphases added).

As discussed in the Review-Journal's Memorandum, the Review-Journal submitted its records request to the Coroner's Office on April 13, 2017. That same day, without citation to any authority, the Coroner's Office informed the Review-Journal it would not produce autopsy reports, notes, or other documents. (Exh. 1 to Petition at LVRJ004.) On April 14, 2017, citing only a 1982 Nevada Attorney General Opinion (which does not have the force of law)⁴, the Coroner's Office asserted that the requested autopsy records were in fact public records, "but not open to any member of the public for inspection, copying, and dissemination." (*Id.* at LVRJ003.) The Coroner's Office did not cite any specific statute or other legal authority for withholding the autopsy reports until May 26, 2017—forty-three

⁴ See *Univ. & Cmty. Coll. Sys. of Nevada v. DR Partners*, 117 Nev. 195, 203, 18 P.3d 1042, 1048 (2001) ("Opinions of the Attorney General are not binding legal authority . . .") (citations omitted).

1 days after the Review-Journal made its request (which was two days less than the forty-five
2 days that passed between the refusal to disclose records and the eventual citation to legal
3 authority for the withholding that was at issue in *Las Vegas Review-Journal v. Clark County*
4 *School District*, Dist. Ct. Case No. A-17-750151-W).

5 The Coroner's Office appears to assert that any waiver was cured by its citation to
6 Nev. Rev. Stat. § 432B.407 after it became clear the Review-Journal was requesting records
7 pertaining to child deaths. (Response, pp. 6:24-7:1.) Certainly, the Review-Journal does not
8 take the position that a governmental entity cannot assert additional privileges during a
9 dispute over a public records request. However, to be able to assert additional privileges,
10 Nev. Rev. Stat. § 239.0107 requires an entity initially assert privileges in a timely manner.
11 Simply saying that the requested records are confidential does not suffice.

12 The Coroner's Office complains that a finding that it waived its ability to assert
13 privileges would be "unfair" to the families of decedents. (Response, p. 26:19-20.) However,
14 the true unfairness is that Coroner's Office created this potential waiver situation by failing
15 to timely assert any privileges as required by Nev. Rev. Stat. § 239.0107.

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1 **III. CONCLUSION**

2 For all the reasons set forth above, the Review-Journal respectfully requests that
3 this Court grants the relief requested in the Petition:

4 1. That the court handle this matter on an expedited basis as mandated
5 by Nev. Rev. Stat. § 239.011;

6 2. Injunctive relief ordering the Coroner's Office to immediately
7 make available complete copies of all records requested without charging fees, other than
8 permissible fees should the Review-Journal request copies;

9 3. Declaratory relief;

10 4. Reasonable costs and attorney's fees; and

11 5. Any further relief the Court deems appropriate.

12 Respectfully submitted this 7th day of September, 2017.

13 /s/ Margaret A. McLetchie

14 Margaret A. McLetchie, Nevada Bar No. 10931

15 Alina M. Shell, Nevada Bar No. 11711

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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 7th day of September, 2017, I did cause a true copy of the foregoing REPLY TO RESPONSE TO PETITION AND MEMORANDUM IN SUPPORT OF APPLICATION PURSUANT TO NEV. REV. STAT. § 239.001/ PETITION FOR WRIT OF MANDAMUS/ APPLICATION FOR DECLARATORY AND INJUNCTIVE RELIEF in *Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical Examiner*, Clark County District Court Case No. A-17-758501-W, to be served electronically using the Odyssey File & Serve electronic filing service system, to all parties with an email address on record.

Pursuant to NRCP 5(b)(2)(B) I hereby further certify that on the 7th day of September, 2017, I mailed a true and correct copy of the foregoing REPLY TO RESPONSE TO PETITION AND MEMORANDUM IN SUPPORT OF APPLICATION PURSUANT TO NEV. REV. STAT. § 239.001/ PETITION FOR WRIT OF MANDAMUS/ APPLICATION FOR DECLARATORY AND INJUNCTIVE RELIEF by depositing the same in the United States mail, first-class postage pre-paid, to the following:

Mary-Anne Miller and Laura Rehfeldt
Clark County District Attorney's Office
500 S. Grand Central Pkwy., Ste. 5075
Las Vegas, NV 89106
Counsel for Respondent, Clark County Office of the Coroner/Medical Examiner

/s/ Pharan Burchfield
An Employee of MCLETCHIE SHELL LLC

EXHIBIT 1

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Ninth Session
March 8, 2017**

The Committee on Government Affairs was called to order by Vice Chairwoman Dina Neal at 8:31 a.m. on Wednesday, March 8, 2017, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chairman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Chris Brooks
Assemblyman Richard Carrillo
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblywoman Amber Joiner
Assemblyman Al Kramer
Assemblyman Jim Marchant
Assemblyman Richard McArthur
Assemblyman William McCurdy II
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

Minutes ID: 353



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Jim Penrose, Committee Counsel
Isabel Youngs, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Brett Kandt, Chief Deputy Attorney General, Office of the Attorney General
John Fudenberg, Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County
Rose Marie Floyd, Private Citizen, Las Vegas, Nevada
Kimberly Mull, Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County Office of the District Attorney
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association
William H. Stanley, Executive Secretary-Treasurer, Southern Nevada Building and Construction Trades Council
Todd Koch, President, Building and Construction Trades Council of Northern Nevada
Warren B. Hardy II, representing Associated Builders and Contractors, Nevada Chapter
Pat Hickey, Executive Director, Charter School Association of Nevada
Tray Abney, Director of Government Relations, The Chamber, Reno-Sparks-Northern Nevada
Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce
John Wagner, Carson City Vice Chairman, Independent American Party
Johnathan P. Leleu, representing NAIOP, the Commercial Real Estate Development Association, Northern Nevada Chapter
Ryan Reeves, Chief Operating Officer, Academica Nevada
Stephen Silberkraus, Private Citizen, Las Vegas, Nevada
Pat Fling, representing Acting in Community Together in Organizing Northern Nevada
Carole Kilburn, Private Citizen, Las Vegas, Nevada
James Halsey, representing International Brotherhood of Electrical Workers Local 357
Matt Lydon, Business Manager, Plumbers, Pipefitters HVAC/R Technicians Local 525
Don Campbell, Executive Director, Southern Nevada Chapter, National Electrical Contractors Association
Dan Musgrove, representing Mechanical Contractors Association of Las Vegas and Sheet Metal and Air Conditioning Contractors' National Association of Southern Nevada

Jack Mallory, representing International Union of Painters and Allied Trades District Council 15
Robert Kolnes, Private Citizen, Las Vegas, Nevada
Peter D. Krueger, representing Greater Sacramento Chapter, National Electrical Contractors Association
Nathan Ring, representing Laborers Local 872 and International Union of Operating Engineers Local 12
Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO
Pat Treichel, Private Citizen, Las Vegas, Nevada
Ruben R. Murillo, Jr., President, Nevada State Education Association
Priscilla Maloney, Government Affairs Retiree Chapter, American Federation of State, County and Municipal Employees
Robert A. Conway, Business Agent, International Association of Bridge, Structural and Ornamental Iron Workers

Vice Chairwoman Neal:

[Roll was called. Rules and protocol were explained.] We will start with Assembly Bill 57.

Assembly Bill 57: Revises provisions relating to coroners. (BDR 20-375)

Brett Kandt, Chief Deputy Attorney General, Office of the Attorney General:

I am here to present Assembly Bill 57 for the Committee's consideration. Assembly Bill 57 requires our coroners to make reasonable efforts to notify the next of kin of the decedent's death and who is authorized to order the burial or cremation of the decedent. It further authorizes a coroner to notify a decedent's loved ones of the death of the decedent and provide a copy of the coroner's report to those individuals, regardless of whether they are authorized to order the burial or cremation pursuant to *Nevada Revised Statutes* (NRS) 451.024 (Exhibit C).

Assembly Bill 57 follows up on important changes that were made by Senate Bill 286 of the 78th Session. That bill made some changes regarding the order of priority of persons authorized to order the burial or cremation of the human remains of a deceased person. Section 54 of S.B. 286 of the 78th Session amended NRS 451.024 subsection 3 to provide, in relevant part, that a person who is arrested for or charged with the murder or voluntary manslaughter of a decedent is not authorized to order the burial or cremation of that decedent. This addresses situations in which the death is the result of family violence.

Sections 1 and 3 of A.B. 57 make important changes to NRS 244.163 and NRS 259.045. First, it requires a coroner to notify the next of kin who is authorized to order the burial or cremation of the human remains of a decedent of the death of the decedent. Section 3 also authorizes a coroner to notify the loved ones of the decedent of the decedent's death and provide a copy of the coroner's report to those individuals, regardless of whether they are authorized to order the burial or cremation pursuant to NRS 451.024. Some amendments have been proposed by Clark County (Exhibit D). We consider those friendly amendments that further the intent and purpose of the bill.

John Fudenberg, Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County:

We have been working on this bill for well over a year. I want to thank Rose Floyd. She is in Las Vegas today. She will be testifying in support. Rose tragically lost three family members in 2015. As a result of old statutes, she had problems with being notified and potentially receiving copies of the Office of the Coroner/Medical Examiner reports at the time because she was not considered legal next of kin. Her daughter's next of kin was her husband, who was the suspect in the murder. This bill will take care of that issue. Additionally, it will ensure that coroners statewide will be allowed to release reports to someone who is not necessarily the legal next of kin when the legal next of kin is a suspect in the death. Needless to say, this is a no-brainer. The nonlegal next of kin under these circumstances should be entitled to reports of their family members.

I support A.B. 57 with our proposed amendment (Exhibit D). It clarifies things that occur in practice. I have been in communication with Dr. Laura Knight, the Washoe County Chief Medical Examiner, and Robert Roshak, the representative of the Nevada Sheriffs' and Chiefs' Association and the 15 sheriff coroners in the state outside of Clark County and Washoe County. They all support the bill with our proposed amendment.

Section 1, subsection 3, the amendment adds "make reasonable efforts to" (Exhibit D). Prior to that, it basically said, "shall." A logical question there would be: why should we not always make the notification in accordance to NRS 451.024? The reason we had to put "make reasonable efforts to" is because in Clark County we have 31 legal death investigators who are the people responsible for making death notifications throughout the state. The 15 sheriff-coroners' offices have dozens, if not hundreds, of deputies who make death notifications. They are not trained on how to identify a will and trusts.

The bottom line is that if we had to make notification pursuant to NRS 451.024, it would add a huge fiscal impact and take a huge amount of time to sift through wills and living trusts. We added "make reasonable efforts to" to ensure that they are in fact attempting to notify the proper person but not necessarily held accountable to notify the next of kin or the person who is legally responsible because of a will or legal trust. Section 3, subsection 1 basically clarifies the same issue. The more important section of our amendment is section 3, subsection 2 (Exhibit D). That allows for the nonlegal next of kin to obtain copies of our reports. The amendment there is to add "adult children or custodians as defined in NRS 432B.060" to allow for situations where family services may be the legal next of kin. They should be entitled to the reports when a decedent is in their custody.

Assemblyman Carrillo:

Did something happen? Is this a continuous problem?

Brett Kandt:

Our concern is that there should not be instances, in the event of a domestic violence fatality, where loved ones cannot get notice of the death and a copy of the coroner's report. It appeared from the current language that this was the case. We want to correct that.

Assemblyman Carrillo:

If my wife and I wanted that information and my son-in-law had received the information, would we not have access to that as well?

John Fudenberg:

Under the circumstances, if the legal next of kin is the suspect, then the nonlegal next of kin—the parents in this scenario—would be entitled to the report. A real-life example, Rose Floyd's daughter and two other family members were murdered by her daughter's husband. By law, the daughter's husband was the legal next of kin, so Rose was not notified right away. This will minimize that from happening in the future.

Rose would not have been entitled to receive coroner's reports because she was not the legal next of kin. I do not want to speak for the other 16 counties in the state, but in Clark County under these circumstances, we would release the reports to her although it is not clearly outlined in statute. In section 3, subsection 2, the bill allows us to legally release the reports to her as the nonlegal next of kin when the legal next of kin is a suspect in a murder.

Assemblyman Ellison:

Does that include suicide victims?

John Fudenberg:

No, it does not.

Assemblyman Ellison:

What if the suicide is being challenged? We had one recently. An officer committed suicide, and the parents thought it was not. That would not fall under this category at all?

John Fudenberg:

This bill does not address the challenge of a manner ruling. There are ways to challenge the ruling of a manner when the coroner or sheriff makes a ruling.

Vice Chairwoman Neal:

I have a question relating to section 1, subsection 3 in the amendment, where it says "make reasonable efforts to," and then when you go to subsection 4 of the bill where it says "violation or willful disregard." What are the reasonable efforts expected to be taken?

John Fudenberg:

I do not want to speak to the other 16 counties in the state, but reasonable efforts in Clark County are very extensive. Our investigators will be canvassing the scene, speaking to neighbors, and trying to figure out whom the legal next of kin is. Obviously, that can take some time. We have access to multiple databases. We will Google whatever we can find out, and several of our databases cannot be accessed by the public. There is a whole investigative process. We will spend hours and hours trying to find out who the legal next of kin is to notify them in a timely manner.

Vice Chairwoman Neal:

I was reading the letter you submitted (Exhibit C). I get it, you are saying the person who is responsible for the voluntary manslaughter or death of someone is not authorized to order the burial or cremation of that decedent. Is there legal precedent? What other states have the provision that if I committed a crime against someone, I am not allowed to participate in or authorize that person's burial?

Brett Kandt:

The policy that it is not appropriate for a suspect to be making decisions regarding the decedent's body was one the Legislature made when enacting S.B. 286 of the 78th Session.

Vice Chairwoman Neal:

I was not able to look at the minutes the way I normally do. Can you tell me if there was anything in the record so I can read later about other states or case law that says this is not a violation of someone's rights? I did not know your rights as a spouse terminated because of domestic violence.

Brett Kandt:

I can look at the legislative history. Senate Bill 286 of the 78th Session was not a bill our office brought forward. It was a very comprehensive bill that dealt with many things regarding burial and cremation of decedents. That was just section 54 of the bill. I would have to go back and look at the legislative history, but I will follow up with you.

Vice Chairwoman Neal:

Okay, thank you. Ms. Floyd, could you come to the table, please?

Rose Marie Floyd, Private Citizen, Las Vegas, Nevada:

Good morning. I am Veronica Caldwell's mom. March 4, 2015: I get up early as I normally do, make a cup of coffee and turn on the news. There it is—triple homicide/suicide in the apartment complex where my family lived. I remember thinking, Oh my God, how tragic for those poor people. I called my daughter Veronica to talk to her about what happened at her apartment complex, but no answer. I hung up thinking that she was probably in the shower. I called back at 6 a.m. We spoke every morning at 6 a.m. Still no answer. At this point, I am in absolute panic mode.

My phone rings and it is a neighbor of Veronica's. She asked me, "Are you watching the news? I think it is Veronica's apartment." Shaking uncontrollably, I call my granddaughter, Yvonne. No answer. I remember thinking, No! It cannot be my girls, I would have been notified!

I immediately call Las Vegas Metropolitan Police Department to inform them of the homicide at Veronica's apartment complex and to tell them I have not heard from my daughter. They took Veronica and Yvonne's name and said they would check on it. Shortly after, the coroner's office calls and verifies that it was, in fact, Veronica and Yvonne who were murdered.

On March 3, 2015, my daughter Veronica, my granddaughter Yvonne Rose Reyes, and her boyfriend Cory Childers were chased down and shot to death by Veronica's husband, Blake Widmar, in a triple homicide/suicide at approximately 10:15 p.m. The lone survivor to this brutal murder was my 8-year-old niece, Carly Trujillo, who ran for her little life that night along with her murdered family. After Blake shot Veronica, Yvonne, and Cory, he cowardly ran back to the apartment and shot himself in the head. He was found suffering from a single self-inflicted gunshot wound but was still alive.

The next thing I can remember, the paramedics were standing over me, telling me to breathe. Once I could compose myself, I called the coroner back and asked if I could come down and identify my daughter. The voice on the other end of the line says, "I am sorry. You are not considered her next of kin. Her next of kin is her husband." What? How can this be? He killed her!

Adding insult to injury, I was told that as long as Blake was alive, I would have no rights to her body. Furthermore, should he survive, I would need to petition the court to get the rights to my daughter. I remember hanging up the phone and screaming, but no words would come out.

Later that day, I was told Blake probably would not survive. The doctors were keeping him alive to harvest his organs. In the meantime, my Veronica lay in the coroner's office alone and unclaimed. It was as if she did not matter, as if she did not have a mom. I could not see my baby and say, I am here Veronica, you are not alone, and you matter to me! I could not get to her because I did not have the rights to her murdered body, and there was nothing I could do about it because her next of kin was technically still alive.

If that was not devastating enough, I was told that Veronica survived for an hour after the brutal shooting. She was transported to the University Medical Center of Southern Nevada, where she died alone. I should have been there. I should have been with her as she took her last breath. It was my right as my mom. It was my duty. Had I been notified, I could have held her. I was thrown into a state of hysteria that still haunts me every single day.

On March 5, 2015, Blake passed away. It was only then that I was allowed to identify my only child. Veronica's life was stolen from her by a senseless and brutal act of gun violence. I feel my rights as a mother were stolen from me by a defect in the law. Respectfully, I ask the members of this Committee to pass Assembly Bill 57 and to consider naming this legislation Veronica's Law after my daughter. This law would ensure that no mother or parent would have to go through the trauma and confusion I faced on March 4, 2015. Thank you for your time and for allowing me to tell Veronica's story.

Vice Chairwoman Neal:

We thank you for your testimony. Are there any other questions from the Committee? [There were none.] Is there anyone wishing to testify in favor of the bill?

Kimberly Mull, Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence:

We are in support of this measure. I do not think there is anything we can say to add to Rose's testimony. We feel that this is an important issue. None of our families should have to go through what Rose went through.

John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County Office of the District Attorney:

We are here in support of A.B. 57, also known as Veronica's Law. We do encourage you to pass this bill. I met Rose about a year ago and heard her awful story. Based on that, we worked with Mr. Fudenberg and the Office of the Attorney General to come up with this bill. We urge your support.

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We support this bill as amended. We worked with the bill sponsors to get something that would work for the rural areas. We appreciate your support.

Vice Chairwoman Neal:

Thank you. Is there anyone wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify as neutral to the bill? [There was no one.] We will close the hearing on A.B. 57 and open the hearing for Assembly Bill 154.

Assembly Bill 154: Revises provisions relating to prevailing wages. (BDR 28-747)

Assemblyman Chris Brooks, Assembly District No. 10:

Today I am here to discuss Assembly Bill 154, which would revise some provisions relating to the prevailing wage in Nevada (Exhibit E). In this presentation, I plan to start with a brief overview of the bill, give some background information on the reason for this bill, explain why I and many others support it, and then walk you through the language of the bill section by section. Assembly Bill 154 will revise some provisions regarding the prevailing wage in Nevada in three ways.

It will decrease the minimum threshold for the applicability of the prevailing wage requirements from \$250,000 back down to \$100,000 for construction work on Nevada System of Higher Education (NSHE) projects. It will require school districts and NSHE to again pay the same prevailing wage rates on their public works and other construction projects as other public bodies are required to pay. It will also again require charter schools to pay prevailing wage rates on their public works and other construction projects.

Last session, Senate Bill 119 of the 78th Session was passed. It approved bond rollovers for school districts in Nevada in order to give them money for school construction. Unfortunately, some changes to the prevailing wage were included in the bill, which made it more controversial because there were many people who supported the bond rollover section of the bill but not the changes that the bill would make to the prevailing wage. The bill passed, and the several changes were made to the prevailing wage.

First, any contract for a public work to which a school district, a charter school, or NSHE was a party was excluded from the prevailing wage requirement. Instead, school districts and NSHE are required to pay, on their public works and certain other construction projects, 90 percent of the prevailing wage rates that are otherwise required to be paid by other public bodies.

Second, the requirement that NSHE pay prevailing wages on construction work with the estimated costs that exceed \$100,000 was eliminated. That minimum threshold was changed to \$250,000 instead. Finally, the requirement that NSHE pay prevailing wages on lease-purchase and installment-purchase agreements that involve the construction, alteration, repair, or remodeling of an improvement was eliminated.

My bill essentially returns the provision regarding the prevailing wage to what it was before S.B. 119 of the 78th Session. I think this bill is important to pass for several important reasons. I think that every one of us here can agree that Nevada needs a lot of school construction. That is not being disputed at all. In fact, in my district alone there are nine schools over 50 years old. I went to three of them. While we all know that schools need money to fund construction, eliminating the prevailing wage for these projects is not the answer. Having prevailing wage requirements benefits our communities in many different ways.

When it comes to public works construction projects, especially schools, we want buildings that are safe and will last many years, like the ones built in my district that I went to, my parents went to, and my kids have gone to. In order to achieve that, we need to hire the most highly qualified workers. Public works projects paying prevailing wage attract quality, local, and experienced construction workers who deliver high-quality work on time and on budget. Prevailing wage laws allow for more competition among contractors for construction projects, which ensures these projects will end up with more highly skilled workers. For example, after Maryland implemented a contractor living standard, the average number of bids for contracts in the state increased by 27 percent—from 3.7 bidders to 4.7 bidders per contract (Exhibit F).

Additionally, we need to build the local Nevada workforce and economy. Research shows that prevailing wage laws lead to more workforce training, a more educated and experienced workforce, safer construction, and government savings because workers depend less on social programs (Exhibit G). Prevailing wage laws are better for the economy because they support the middle class incomes that boost consumer spending.

Eliminating the prevailing wage does not save money. It can actually cost more money. Studies have shown that workers who are paid the prevailing wage are more productive. Additionally, higher productivity can lower construction costs without lowering wages. Prevailing wage does not raise overall construction costs since higher construction wages are usually offset by greater productivity, better technologies, and other employer savings. In fact, national analysis of data on school construction costs specifically has revealed that prevailing wage laws do not have a statistically significant impact on cost (Exhibit G). For example, comparing school construction costs before and after Michigan's suspension of its prevailing wage law revealed no difference in costs. In Pennsylvania, when prevailing wage levels were lowered substantially in rural areas, school construction costs went up more in areas where prevailing wage levels fell the most (Exhibit H).

Additionally, average labor costs, including benefits and payroll taxes, are roughly one-quarter of construction costs. Thus, even if a prevailing wage regulation raised wages by 10 percent, the impact on contract costs would be less than 2.5 percent (Exhibit H). So, even if there is an increase in contract costs, it is likely to be small—to the point of being undetectable.

Prevailing wage can actually save money. A review of state and local construction practices by the National Employment Law Project found that adoption of contracting standards often has resulted in decreased employee turnover with corresponding savings in restaffing costs (Exhibit F). For example, after San Francisco International Airport adopted a wage standard, annual turnover among security screeners fell from nearly 95 percent to 19 percent, saving employers about \$4,275 per employee per year in restaffing costs (Exhibit F).

I would like to walk you through the language of my bill section by section. I have provided a section table where you can find explanations to each section (Exhibit I). In section 1, we amend the provisions of *Nevada Revised Statutes* (NRS) 338.018 to decrease the minimum threshold for the applicability of the prevailing wage requirements from \$250,000 to \$100,000 for construction work on NSHE projects.

Section 2 requires school districts and NSHE to pay the same prevailing wage rates on their public works and other construction projects as other public bodies are required to pay, eliminating the exception that currently exists which allows NSHE to pay on their public works and certain other construction projects 90 percent of the prevailing wage rates that are otherwise required to be paid by other public bodies. That takes the 90 percent back to 100 percent.

Section 3 of the bill amends NRS 338.020 to 338.090 to decrease the minimum threshold for the applicability of the prevailing wage requirements from \$250,000 to \$100,000 for construction work on NSHE. Section 4 requires charter schools to pay prevailing wage rates on their public works and other construction projects eliminating the exemption that currently exists. Section 5 provides that the amendatory provisions of this act do not apply to a public work or other project.

Assemblyman Ellison:

I am looking at section 1 of the bill. For some rural schools, if you drop the prevailing wage threshold from \$250,000 to \$100,000, it could kill some of their projects. If they had to do upgrades in refrigeration or air conditioning, they are so limited in funds that they could not pay the prevailing wage rates. Also, can you talk about why charter schools are being considered in this bill?

Assemblyman Brooks:

The threshold was \$100,000 for many, many years. It was raised to \$250,000, which puts Nevada at number two, if not number one, of prevailing wage trigger thresholds in the entire country. Compared to other states with prevailing wage laws, \$250,000 is incredibly high. \$100,000 is more along par with other states that have prevailing wages. I feel that it is an appropriate level to return to. Charter schools were included in the prevailing wage statutes before S.B. 119 of the 78th Session. This is returning it back. Charter schools are public schools. They receive public funds. A public body creates it. That is why I feel that it is appropriate to return it back to where it was before last session.

Assemblyman Ellison:

I did not look at the threshold of \$100,000 as construction. To me, that cost reflects a maintenance project. You cannot build anything anymore for \$100,000. If you had to replace windows, you would be looking at \$150,000. If you had to replace some doors or remodel from floods, it would cost more than \$100,000.

That is what I am saying: this is not a construction amount to me. It is a maintenance amount. Maybe we could address that. I can see reaching the \$250,000 threshold if you are doing major construction.

Assemblyman Brooks:

Maintenance is not covered under prevailing wage. While things are getting more expensive every year, \$100,000 is still a significant contract amount. That is why our public policy was for many, many years—and most other states with prevailing wage—was at \$100,000. In most other states, it is below \$100,000. That is where Nevada landed for many years. I feel it is in the best interest to the state to return it back there.

Assemblyman Carrillo:

There are a lot of apprentices that will be employed through this bill. How many apprenticeship programs are funded through collective bargaining agreements in the construction industry?

William H. Stanley, Executive Secretary-Treasurer, Southern Nevada Building and Construction Trades Council:

Currently in Nevada there are 58 construction apprenticeship programs approved by the State Apprenticeship Council, Office of Labor Commissioner, and 49 of those 58 are funded by Joint Apprenticeship Training Committees (JATCs) that are union contractors and the signatory contractors in the unions.

Assemblyman Kramer:

It has been a long time since I worked construction. I do not know whether schools have been contracted during the last two years when it has been at 90 percent. If you had a school paying 90 percent of prevailing wage, and schools cost between \$100 million to \$200 million, can you tell me how much money this saved the schools? Most of the cost of schools is usually materials, so how much of that is actually wages and what kind of number is the 10 percent reduction? Following up on that, under prevailing wage, what would a journeyman electrician make?

Todd Koch, President, Building and Construction Trades Council of Northern Nevada:

In theory, reducing prevailing wage on schools by 10 percent should have saved 10 percent of the labor. Your question is how much of the project cost is labor. There was a study done by the Department of Economics at the University of Nevada, Reno several years ago that studied public works projects. On vertical construction like schools, the total cost of a project attributable to labor, whether it was wages, benefits, workers' comp, and taxes, was about 24 percent. If you save 10 percent on that 24 percent, in theory, you should be able to save 2.4 percent in construction. That does not sound like much, but it is huge for the workers on the project. I cannot speak to the prevailing wage of an electrician, but I could tell you prevailing wage of a painter in Washoe County is \$36.59. The benefit package is \$11.79, which provides that family with health benefits, a retirement package, and training programs to upgrade skills and train the next workforce. Ten percent of \$36.59 is \$3.65. That has to come totally off the wages. When you do that, it is a reduction of wages of 15 percent. When you reduce the wages of a worker by 15 percent, that is huge, especially in a booming construction economy like this. It can make it very difficult for contractors to find employees to work at that.

Assemblyman Daly:

I know the 10 percent statute has only been in effect for a few years, but have you experienced your members or anyone you dispatch saying they would not take that job, but would go to a full-scale job? That hurts the ability for the public bodies or any school to get the best-qualified people. Instead, they are getting the people who are willing to work for 10 percent less.

Todd Koch:

I have experienced those things. I have had meetings with the superintendent of the Washoe County School District. She has expressed the concern that they are seeing fewer bidders on projects. In fact, there have been projects put out to bid where they received no bidders. That caused me to go back to the contractors I have relationships with and ask why they are not bidding. In the case of a mechanical bid, I went to those mechanical unions and asked why contractors are not bidding. The answer that comes back many times is this: to have to bid it at 90 percent, and there is so much work out there in the north with the Tesla effect, they fear that they will not get workers. When you go to dispatch workers to a project like that, the first thing they say is that they will get a job at 100 percent in two days, so they will not take this job. It has made things difficult for us to build what we need to build in this economy.

Assemblywoman Monroe-Moreno:

Have we found that we have gone down to the 90 percent that Nevada residents and companies are losing jobs to out-of-state competitors? Is this labor force that is not as skilled coming in to do this work and then leaving and not reinvesting money in our communities?

William Stanley:

I had some photographs sent to my office this last week of trucks on our six new elementary school projects in Clark County. People knew this bill was coming, and my inbox filled up. These trucks were registered to contractors; they had their insignias on the side of them. The license plates show that these contractors were from Utah and Arizona. They did not even bother to reregister their pickup trucks in Nevada, which is required after ten days. They have them on our school projects.

The semitrucks full of materials for that site have out-of-state license plates on them, which tells you that those materials were transported from somewhere else into our community. We had no sales tax collected on any of the materials that went into the construction of that project. I can assume the worker was from Arizona or Utah. The paycheck they receive returns with them to be spent in their community, not in ours, meaning we lose the economic effect of the construction in our community.

When you are constructing a school in Elko County and the contractor comes from Boise, Idaho, or Salt Lake City, Utah, that contractor has their relationship with their suppliers in those communities. That is where contractors get their best terms. Where are they going to purchase pieces and parts? Where they get the best terms. That is not in Nevada. Not only do we suffer a hit on wages, we are suffering the economic effect of people purchasing things in our community.

Assemblyman Brooks:

By the way, \$59 is the prevailing wage rate in southern Nevada for journeymen electricians.

Assemblyman Ellison:

I agree with Mr. Stanley. People coming in from out of state is one of our biggest fights all the way through. We want to keep the workers inside Nevada. On these big projects when they go to a union hall and there are not enough plumbers, they have to bring them in from other states, is that not correct? A lot of those license plates might be union members we brought in from different halls. Is that correct?

William Stanley:

I wish we had that problem in southern Nevada. That would be a great problem to have. Right now, 75 percent of iron workers in southern Nevada are unemployed. We have over 50 percent total unemployment across the construction trades in southern Nevada. That is much different from what you are experiencing in Washoe County and Storey County in northern Nevada. We have union halls full of union members looking to go to work. Many of our members have sought employment outside of the state because we have been in a devastating depression since 2008.

Assemblyman McCurdy:

I understand why this is needed. I get how this investment benefits our community, from construction workers to the projects they work on. Can you tell me if you have heard of instances where we had low-skill workers on certain projects, and they had to go back and fix things that were not done correctly the first time by skilled workers?

Assemblyman Brooks:

I was a contractor in my past life. I bid on prevailing wage jobs. I know that when you go into buildings and you are following other contractors, there are different levels of expertise. I think the building trades primarily working on prevailing wage laws provide a higher level of training than some of the people who come in from out of state or who are used to working on smaller projects because they do not have the prevailing wage attached to it.

Vice Chairwoman Neal:

How many schools were built from 2015 to now under S.B. 119 of the 78th Session?

Assemblyman Brooks:

I do not know that. I can try to get to for you by the end of this hearing.

Vice Chairwoman Neal:

I am curious in regard to the cost. I know the answer, but I wanted to know if you did. There were six new schools and two replacement schools according to Clark County School District. I was wondering if there were comparisons between the cost that occurred for those schools under S.B. 119 of the 78th Session and prior. At the end of the day, we are doing a comparison argument.

Assemblyman Brooks:

I spoke with Clark County School District about projects in the queue and some ongoing. They have quite a few ready to go and quite a few under construction, even if they are not new schools. We would have to take a look at the component of the project that is labor and pull that out of it. The study we mentioned earlier has labor coming in around 25 to 30 percent of the total cost of all school construction. Right now, they are ongoing. We could use those six schools as an example, but there are other variables there, like volatility and commodities markets. Those may affect materials and real estate cost.

Vice Chairwoman Neal:

In 2015 when we had this discussion, the conversation was around the market. Those seemed to be some of the arguments presented. But we knew that the market was prevailing wage before 2015. It would be interesting to see that comparison. If a building is currently under construction, what would be the effects of this law? I do not see retroactive language. Will there be new bidding?

Assemblyman Brooks:

In 2015, projects that were not let for contract were re-bid using the new law. I could imagine that would be the same scenario here.

Assemblyman Carrillo:

Whenever jobs come through, usually there is a change order involved. That is when extra costs are made up after the construction. Are these change orders making up the difference? I am not saying that is a justification. To me, the unintended consequences are still there from S.B. 119 of the 78th Session. If we have contractors trying to make up the difference, I would still like to see if there are more change orders. It could be the way it was bid. Is there a way to keep track of change orders?

William Stanley:

There are different types of capital project funds. We are constructing six and rebuilding two elementary schools in Clark County. We also have other capital projects that had previously been covered by prevailing wage. We had an extensive program going on in southern Nevada having to do with chillers. The chillers reached their life cycle, so they had to be replaced. We are currently investigating work that was recently let, in which the capital improvement was broken up into several bids. Electrical was removed from the bid that would normally have been included. Other pieces were taken out so that the bid bumped against the \$250,000 threshold, therefore not triggering prevailing wage.

What we believe that this did was introduce game playing into the prevailing wage world. With the \$100,000 threshold, it was not as hard to get there. It was harder for people to break projects into several projects to get in under the cap. We are investigating this now. When you see a bid come in at \$249,999, you should take a look. The change orders are exactly what will drive that contract over \$250,000, which triggers a whole new set of problems. Now you have to go back and pay all those people who worked on the project the prevailing wage because now the project has extended beyond the \$250,000 threshold. The change orders can trigger problems that were not contemplated in S.B. 119 of the 78th Session.

Vice Chairwoman Neal:

Are there any other questions from the Committee? [There were none.] Is there anyone wishing to testify in opposition to the bill? We are going to keep the testimony to less than two minutes.

Warren B. Hardy II, representing Associated Builders and Contractors, Nevada Chapter:

I will try to do it two minutes, but I do not think we have many people signed in for opposition, so we would appreciate a bit of consideration on that. Our position is nuanced. We are not opposed to prevailing wage. Our concern is that prevailing wage is not calculated correctly. When we talk about national studies, we are looking in large part at national prevailing wage laws. We are looking at the federal prevailing wage laws. We would have no objection to going to the federal prevailing wage laws. The problem with the prevailing wage laws in Nevada is that we calculate them in a different way than other states. We calculate them in a way that makes it impossible for anything other than the collectively bargained rate to be the prevailing wage rate. That is our issue.

I want to speak to the Vice Chairwoman's question regarding comparison. Last session did provide a perfect comparison with regard to what you are asking. K.O. Knudson Middle School in Las Vegas was bid in the interim between those bills. It was bid as a nonunion prevailing wage job, and it was bid as a prevailing wage job. I have not done an in-depth analysis, but the nonunion prevailing wage bid was \$2.7 million, and the higher bid for the prevailing wage was \$3.6 million. I would encourage you to dive into that.

I am concerned about the characterization that somehow the prevailing wage laws in Nevada impact local workers. There is nothing in the prevailing wage laws that speaks to local workers. There are other laws that deal with that. In addition, nothing speaks to quality of workers. What my friends in the unions are saying when they say we should get higher quality workers is that we should all use union workers. The overwhelming majority of small businesses, minority-owned businesses, and women-owned businesses are nonunion. The prevailing wage laws incentivize the hiring of union contractors. That disenfranchises small, women-owned, and minority-owned businesses. They are overwhelmingly nonunion contractors. If we are saying those individuals are not qualified to do construction on our public works, that is something we ought to look at. Every contractor should be guaranteed to do quality work. Prevailing wage laws do not address that. It is disingenuous for some of my friends on labor to say that. I agree with Assemblyman Brooks, it ought to be looked at.

Pat Hickey, Executive Director, Charter School Association of Nevada:

I am here today to specifically object and oppose sections 4 and 5 that relate to charter schools. It was mentioned by Assemblyman Brooks that these are public works projects. However, when you look at charter schools, many of them are leased or rented. Even when they are built, and some are, they are frequently done by consenting private parties and contracts that do not receive public dollars. Charter school construction at this point in time is not a public works project because it does not receive any public construction monies. I would point you to the study about charter schools by the Guinn Center for Public Priorities. It says the need for more funding is apparent (Exhibit J). That study points out that the average in Nevada for school districts in fiscal year 2015 for capital revenue sources, meaning for construction, was \$1,288 per pupil. Charter schools get absolutely none of that money. Mariposa Academy in Reno rents in a converted former medical office. Bailey Charter Elementary School rents out a converted office building. Sierra Nevada Academy Charter School, which has been there for 19 years, leases a facility in an old part of a strip mall. There is even a charter school in the back of a Catholic cathedral. The middle school took over facilities that formerly supported a parochial school. The church, because many parishioners attend the school from downtown Reno, helps with its maintenance. I would like to argue that this attempt to include charter schools is not fair. Charter schools are not receiving funding for any construction they do. I would make an example in conclusion. Nevada leases over 2.2 million square feet of office space, with over 330 leases, from private property owners. When a state agency or part of an agency moves in, the owner of the building is not required to have built the building, or even built out the changes, with prevailing wage conditions. Neither are the schools or donors that might give over a warehouse, like in Elko. Assemblyman Ellison's charter school is there.

Our objection is that we do not think it should apply to charter schools. These are not public works projects. I think it is a different discussion if we start giving public funding to charter schools. Then maybe it is fair to be treated like our friends in the school district.

**Tray Abney, Director of Government Relations, The Chamber,
Reno-Sparks-Northern Nevada:**

We worked very hard on this issue last time. Something else The Chamber worked hard on was the Washoe County Question 1 (WC-1) campaign. That was a bill sponsored by Senator Debbie Smith in 2015. It created the committee to put a question on the ballot in Washoe County to increase sales tax to pay for new school construction and refurbish old schools. We supported that heavily. You heard from Mr. Koch, and I will give the labor community a lot of credit. They have put fence holders on the ground and a lot of money at the table to help with that campaign. That was a true partnership moving forward.

We hear about "the little guy" a lot in these committees. I think I read an article about "the little guy" and it used to mean labor. But let me tell you about another little guy; his name is Noah Carson Abney and he turned seven about a week and a half ago. He is in first grade at Brown Elementary School. It is the most overcrowded school in the Washoe County School District. We passed WC-1 to benefit him, our children, and our future workforce. This bill makes it more expensive to build schools. That is it. It benefits a few of your constituents at the expense of every taxpayer in the state and every child in the state that is in an overcrowded school. You were elected to move Nevada forward. This bill moves Nevada backwards. We heard earlier that there are a lot of people in Clark County looking for work. I am not sure how a bill and a law that would increase the cost, which means fewer projects being available and fewer jobs being available, helps people find work. We are not asking for any changes to prevailing wage. We just want this law to work. It has been in effect for about a year and a half now. I think we need more time to see how this truly affects not just union labor contractors but the 90 percent of the other people who are your taxpayers and constituents.

Assemblyman Daly:

I have spoken with Mr. Warren and Mr. Abney several times. There are all different points of view on everything you mentioned about cost and what prevailing wage has done. I am looking at your letter, former Assemblyman Hickey (Exhibit K). There were several things in there that I would like to clarify. The first line says charter schools are exempt under existing Nevada law (Exhibit K). That is true, under the existing law. But they have not always been exempt. In fact, they were covered by prevailing wage in the 2013 Session in Senate Bill 384 of the 77th Session. They were exempt from bidding and a few other things, but they did have to pay prevailing wage. *Nevada Revised Statutes* (NRS) 338.013 to 338.090 applied. That was a bill you voted for, as did I. I am curious about when you stopped supporting prevailing wage for charter schools.

Pat Hickey:

There is another individual, an attorney, who has been involved in the building of charter schools who I hope will testify. I believe he will give a more complete answer than I am able to. Regardless, that has not been applicable in Nevada. Where improvements have been made or new schools have been built with private financing prior to the passage of S.B. 119 of the 78th Session, prevailing wages were not applied because the statutes were not applicable. They were not public dollars or a public works project. That is why charter schools have not ever been paying on their projects.

Assemblyman Daly:

I would invite you to go back and read S.B. 384 of the 77th Session. It was applicable, and you voted for it. The third paragraph of your letter says charter schools "are NOT 'public works projects.' To require private builders to pay prevailing wage for a non-public works project is simply unfair and wrong" (Exhibit K).

I would say, are you familiar with tax increment financing? Are you familiar with redevelopment agencies? Are you familiar with the sales tax anticipation revenue (STAR) bond statutes? All of those require prevailing wage to be paid on private jobs. The Cabela's and Scheels in Reno were built under STAR bonds. It does happen all the time. We are trying to get people to give us facts, and we want them to give us the complete story. To say that it is wrong and unfair for charter schools is misleading.

Pat Hickey:

Again, you have charter schools that are renting and leasing spaces. There are schools in the back of a church, in a strip mall, et cetera. Those leases, just as is with the State of Nevada, do not require prevailing wage or are not considered a public works project when an agency moves into a privately-owned building. Again, in the case with the STAR bonds and others, those were public dollars. New constructions have been the result of private contracts where monies have gone out to build those schools from private agreements. Public dollars have not been given to charter schools. I am correct on that.

Assemblyman Daly:

I would recommend talking to the gentleman sitting next to you about lease purchases. Prevailing wage does actually apply to that. We have worked on those issues on the Advisory Group to Conduct Interim Study on Lease-Purchase and Installment-Purchase Agreements by Public Entities. Mr. Hardy was the chair of that group, and I was a member. You have your view, understanding, and maybe limited knowledge, but what you are saying is, in fact, not correct.

Pat Hickey:

What we are really talking about are facilities for a public body, albeit a unique one, for schools. Nowhere are we mentioning the kids. We are talking about what might benefit employees who build these badly needed schools. However, the practice has not been for charter schools to pay prevailing wage. I think there is a good reason for it.

One, they are not receiving any money. If we are here about trying to solve some education problems, that is what charter schools are designed to be a part of. I think it will result in their having less money. They already do get less money. Not only facilities money, but also they do not receive class reduction money, transportation money, et cetera. Many of these schools, like the Delta Academy on Brooks Avenue in North Las Vegas are operating with a lot less money than regular schools.

If you require them, when they typically have parents come in and build a wall to separate a classroom, to now pay prevailing wage on any of the repairs, you are hampering the growth of one of our educational alternatives in the state.

Warren Hardy:

Assemblyman Daly did bring up an interim committee I chaired during the 2015 Interim where we looked at lease purchases. We did elect to use prevailing wage on all of those jobs, because we do not oppose prevailing wage. Prevailing wage makes sense from a bunch of perspectives. It was initially put in place during the Great Depression to ensure that public sector workers were not paid less than private sector workers were. I still believe that is an important objective and goal. The challenge we have is the way it is calculated. It increases the cost of prevailing wage. If we had a calculation to determine prevailing wage that brought it in line with what is paid in the private sector, which is what it was intended to do, we have no objection to prevailing wage. That is the reason I supported prevailing wage and always have supported prevailing wage on projects. It has an important function. We are just concerned with the way it is calculated.

Assemblyman Daly:

The final point I wanted to get to, charter schools are a public body. They meet the definition in NRS Chapter 338 of a public body. Unique, as you said. But they still have to follow the Open Meeting Law and other various things. The other thing I heard you say was that they do not receive public funding. I know you will qualify that by saying they do not receive public funding for construction and a few other things. But they receive public dollars and are a public body.

In the provisions under NRS Chapter 338 on the definition of a public body, the only thing a public body has to do is not simply finance. They only have to sponsor it. They are sponsoring these projects. They have to approve the expenditure of money through their board the same as any other public body. Regardless of whether it meets the definition of a public work, I believe it does. These are public schools. They have to follow other requirements. They are authorized under the State Public Charter School Authority or the local school district. I will not even get into achievement charter schools. If public schools are taken over and become charter schools, the cost of those schools are continued to be paid for by public money and funding that built them in the first place. Many of the things you are trying to build your case on are not actually correct in my view. That is what I am trying to point out to the rest of the Committee.

Pat Hickey:

Again, I think it would be a lot easier to stomach and fairer if charter schools were to receive facilities funding, as both the Spending and Government Efficiency (SAGE) Commission for the System of K-12 Public Education recommended (Exhibit L) and the Guinn Center recommended (Exhibit J). For instance, Senate Bill 173, sponsored by Senator Cancela, has to do with the Achievement School District. If they were to take over an existing school that had been built by the district and had contracts in place, I would be inclined to support that. Those schools were built with district or state dollars. Again, the financing of new charter schools without that funding is done by private agreements.

Assemblyman McCurdy:

Did you speak to the sponsor of this bill prior to coming up in opposition?

Pat Hickey:

We have communicated. I have emailed him and sent him a number of things, including my statement. We met briefly in the hall.

Assemblyman McCurdy:

Did you try to get on his calendar to have a meeting with him about this?

Pat Hickey:

No, I did not. I am not a full-time lobbyist. I am the executive director of the Charter School Association of Nevada. As such, I have other duties. We certainly have tried to communicate. He expressed to me that he looked forward to the discussion, as I have today.

Assemblyman McCurdy:

So this was not important enough for you to go and talk to him in his office?

Pat Hickey:

I simply did not have time to do that. I was not intending any disrespect because of that, I can assure you.

Assemblyman Ellison:

I agree, when I read this bill, I did not comprehend about the charter schools. Mostly charter schools are private. They are in private buildings. Is that a better way to put it? If you went in and requested that you go by state laws, I think it would end up in court. Am I reading this wrong? Why are charter schools in this?

Pat Hickey:

I did submit the *New York Charter School Ass'n v. Smith*, 15 N.Y.3d 403 (2010) decision (Exhibit M). The opinion is that contractors are not required to pay prevailing wages. Similar rulings have taken place in California.

Assemblyman Ellison:

Maybe you can get with the bill sponsor to address that issue and put an amendment into the bill. I think that would make it clear as far as the buildings go.

Vice Chairwoman Neal:

Senator Hammond sponsored Senate Bill 384 of the 77th Session. That bill allowed full faith and credit for the state to be used for the building of charter schools. Senate Bill 471 of the 77th Session was also introduced to create a revolving loan account around charter schools, which puts state money on the hook.

Pat Hickey:

To my knowledge, and my knowledge is limited because I am new to this position, I am not aware of schools that have accessed that and how it has been applied. I understand there are funding opportunities, but you are getting private financing in my understanding. I do not know of any schools that have accessed that.

Vice Chairwoman Neal:

I believe Senator Hammond's school, Somerset Academy of Las Vegas, actually accessed it within the year that it was passed, which I found interesting.

[Assemblyman Flores assumed the Chair.]

Chairman Flores:

I apologize for being late. I had two bill presentations this morning. I want to apologize to the first bill presenter for not being able to sit here and listen to your testimony. In the spirit of the three minutes that have been set, we will continue with that.

Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce:

The Las Vegas Metro Chamber of Commerce is opposed to the current bill because of the concerns with the changes to the threshold. I did meet with the bill sponsor and shared some concerns with him. I appreciate his taking the time to do so. In full disclosure, the Chamber did support S.B. 119 of the 78th Session because they recognized the need to build more schools in Clark County.

John Wagner, Carson City Vice Chairman, Independent American Party:

We oppose this bill. I feel that it will hurt small business owners. A lot of these businesses are owned by families. They are also owned by minorities. I understand that they work in a different situation than if they were working for a private company outside of where they are working. I feel that this bill could put them out of business in some cases, or definitely limit what they can bid on. There was a reason S.B. 119 of the 78th Session was passed. I am sure those reasons might still be applicable. I think there will be higher costs imposed on the schools, which means more taxes. We have a bill coming up tomorrow at 4 p.m., Assembly Bill 43, where the counties are already going to be asking for more taxes.

Is a union worker better than a nonunion worker is? I think it depends on the individuals doing the work. If there is shoddy workmanship being done, usually performance bonds can be imposed. Someone should be inspecting the building as it goes along. Some of this stuff is done by subcontractors, so that affects them as well. A big contractor does not do everything. It will affect a lot of the minority-owned businesses.

Johnathan P. Leleu, representing NAIOP, the Commercial Real Estate Development Association, Northern Nevada Chapter:

We oppose the bill as written. I will say ditto. We will work with the bill sponsor on our issues. Our concerns are with one limited section. We will hopefully bring you back something we can all support.

Ryan Reeves, Chief Operating Officer, Academica Nevada:

Academica Nevada is a charter school support company that provides operational support to more than 15 charter school facilities in the state. I hesitate to acknowledge that I am the attorney that Pat Hickey referenced earlier. No conversation has ever gone well after being introduced as "the attorney." I support having highly qualified and well-trained individuals constructing buildings in Nevada and that they receive a fair wage. My message here is that the Legislature has a responsibility to fund any such mandate.

To give you more detail regarding the inequity charter schools face, the Clark County School District comprehensive annual financial report for 2016 states that the real estate transfer tax, the property tax, and the room tax are the main components of reaping outstanding bond obligations. They then provide those amounts and percentages. Property taxes are 25.69 percent of their governmental revenue sources. Real estate transfer tax is 1 percent, and room tax is 3 percent for a total of more than \$850 million. That constitutes more than 28 percent of their funding to go toward the repayment of their bond obligations associated with building facilities. Charter schools do not receive any of that money. The result is that charter school enrollment has grown to nearly 40,000 students in this state, almost 10 percent of the state's student population, equating to the third-largest school district in the state. It receives 30 percent less funding than schools attending traditional school models.

The parents, teachers, and students deserve equitable funding for their schools. Because they do not, the teachers working in our classrooms are making far less than the hourly rates for tradesmen contained in the current prevailing wage standards. If charter schools are going to be included in this bill, then they should also be included in all facility funding as a part of this bill, as was recommended by the SAGE Commission (Exhibit L). Since that has not been done, charter schools should maintain independence and autonomy in their facility construction.

I want to answer a comment from earlier. While it is true that there is a charter school facility funding portal through the Department of Business and Industry, that is conduit financing. It is not faith and credit financing. Therefore, the state does not lend their faith

and credit to the financing. Rather, the interest rates are based on the charter school's credit. They receive no other funds to pay those bonds other than the regular State Distributive School Account funding.

Assemblyman Daly:

As I was listening to your testimony about all the things you do not get, I recalled having the charter schools conversation and setting the laws up in order for charter schools to operate. Charter schools were meant to be an alternative delivery for certain students not fitting into the model of the traditional school district. Now, we are coming full circle and the charter schools are saying they want to be like the traditional schools, except they do not want to follow what the school district does.

I am trying to follow your circular argument. Charter schools do not get the same benefits as public schools, and they do not have the same restrictions or protocols that other schools pay for. How can you have it both ways? If you want to be a public school, I am sure you can hand your charter in, and they will take care of those students.

Ryan Reeves:

I was not here 12 to 15 years ago as a part of the conversation when charter schools were approved. I would never say that I considered them part of a special side model that would only take certain students. Therefore, I cannot say my particular argument is circular, as I have always viewed charter schools to be a full and complete alternative that allows a parent to choose a model that may work best for their student.

For that reason, I do think charter schools do deserve and have always deserved fair and equitable funding for those students. Even if there were such a model, there is no reason that one student in the state of Nevada should have fewer dollars attributable to their public education than one attending a traditional public school.

Stephen Silberkraus, Private Citizen, Las Vegas, Nevada:

Ditto. Today, I am here as a parent of a future student here in Clark County. I am in opposition of A.B. 154. Two years ago, the Legislature stood up and said that our children and their education were a priority for our state. We asked all Nevadans to sacrifice for the betterment of our kids and their future. I have heard a lot of talk about S.B. 119 of the 78th Session, but the provisions we are talking about are actually ones that came out of Assembly Bill 172 of the 78th Session. Labor, business, Republicans, and Democrats came together to find a solution that would protect workers and benefit our children.

Our school districts do pay prevailing wage only discounted 10 percent. That 10 percent, using the numbers provided today and just on the bond rollover from 2015, would represent approximately \$86.4 million of rollover of \$3.6 billion at 2.4 percent savings. That is more than enough to build several schools that we desperately need to address overcrowding in the Clark County School District, or repair dozens of schools that have issues that have needed to be addressed for many years. As an additional note, this will increase costs for higher education facilities such as the University of Nevada, Reno's new engineering building and

University of Nevada, Las Vegas' new medical school. The one thing I ask is to put our children first. Hundreds of thousands of parents in our state are greatly concerned and will be paying attention.

Assemblywoman Neal:

True, S.B. 119 of the 78th Session passed as a bipartisan effort. However, I think we can politically describe that as the Democrats being hog-tied and having to ensure we did not vote against schools even though we did not want the prevailing wage language in the bill. What is super interesting is that also in the record, in 2015, it was crystal clear that there were equal arguments on either side. No one won whether prevailing wage was increasing the cost or causing issues.

In 2015, under the prevailing wage, Clark County School District won an award for building good schools that were energy efficient. I found that to be interesting. Their standard is to build schools to a 50-year model. They got an award for the sustainability, efficiency, and building performance. That was 2015. I want to set that straight. At the end of the day, true, S.B. 119 of the 78th Session was bipartisan, but we were politically hog-tied to accept something we did not necessarily want.

Steve Silberkraus:

I was not addressing S.B. 119 of the 78th Session. I was addressing A.B. 172 of the 78th Session. That was the compromise where we came together to set up the percentage we are speaking about today. As far as being award-winning for construction, I would not dispute that many of our modern schools are fantastic. However, we have many schools that were constructed between 10 and 40 years ago that are in desperate need of repairs.

For those facilities, \$86.4 million—with the numbers presented in front of this Committee; I have heard numbers that are substantially higher than that. It would make a huge difference in the quality of our facilities, in our ability to repair them, and in our ability to build new facilities to address overcrowding in our classrooms. I know I have been into the schools here, and I have seen many issues that need to be addressed. These dollars could make a big difference in kids' lives.

Chairman Flores:

Is there anyone else wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify as neutral to the bill? [There was no one.] Is there anyone wishing to testify in favor of the bill?

Pat Fling, representing Acting in Community Together in Organizing Northern Nevada:

Acting in Community Together in Organizing Northern Nevada (ACTIONN) was formed in 2009 to develop the leadership of people of faith at the grassroots level to achieve power necessary for creating positive systemic change. We support A.B. 154 to reinstate prevailing wage requirements in Nevada. Removing the loophole that higher education, charter schools, and others use to forfeit paying hardworking people the prevailing wage for their

work is the ethical thing to do. In Nevada, we need to give all our children the message that all work has dignity and should be paid fairly, and all work should be subject to the standards for wages. Our children are watching. Thank you.

William Stanley:

We are testifying in favor of A.B. 154. We would like to thank the sponsors for bringing this bill forward. The passage of this bill and a signing by Governor Sandoval will ensure that contractors signatory to collectively bargained employment contracts can compete for public works projects awarded by a school district or NSHE. When contractors signatory to collectively bargained employment contracts are awarded a public works project, these same contractors employ individuals who are covered by health care, pension, and other fringe benefits including apprenticeship and continuing education. Contractors signatory to collectively bargained employment contracts and their partners in the building trades fund educational opportunities that include both apprenticeship and journeyman upgrading.

Currently in Nevada, there are 58 construction-related apprentice programs. Forty-nine of those are apprentice programs funded through contractors signatory to collectively bargained employment contracts and their partners in the building trades. The building trades and our contractor partners support Governor Sandoval's emphasis on workforce development. The Governor's vision to "build the new Nevada" is music to our ears. Like the Governor, the building trades and our contractor partners support public policy that facilitates workforce development—public policy that provides apprenticeship opportunities.

However, Nevada law currently places contracts signatory to collectively bargained employment contracts at a disadvantage in the marketplace. It hurts contractors, their employees, and the economy. Therefore, the building trades are asking you to pass A.B. 154. It will help facilitate workforce development by created opportunities for apprentices. For example, the building trades are sponsoring an apprentice readiness program at Mojave High School and are working with partners in southern Nevada. These programs create career pathways for your constituents, and they cannot succeed without jobs. Governor Sandoval understands the importance of apprenticeships. He is proposing to move the State Apprenticeship Council from the Department of Business and Industry to the Office of the Governor. The building trades support this move.

However, we are mindful that moving the Apprenticeship Council is not the end of the process; it is the beginning. Apprenticeship opportunities do not materialize out of thin air. The building trades believe we should use our investment in public works like schools to invest in the workforce of the future. In our view, Governor Sandoval is on the right track, and we support his efforts. We want him to build a new Nevada. We believe passing A.B. 154 will do that.

Todd Koch:

Briefly, I want to give you a quick history of how we got to where we are at in northern Nevada. To begin, the Davis-Bacon Act is a federal law that protects contractors in a locality and their workers. We refer to it here as the prevailing wage law, NRS Chapter 338. That

law was meant to protect our contractors and residents from the poaching of jobs from Idaho, Arizona, Utah, New Mexico, et cetera. It does not matter if you are signed to a union contract or if you are an open shop, prevailing wage protects you. The less protection we have, the fewer tax dollars we get to keep in the state.

About three years ago, the Office of Economic Development, Office of the Governor did a wonderful thing for our economy in northern Nevada. We were suffering in the construction trades. That office convinced Tesla, Inc. to build their battery plant in northern Nevada. Now it is a battery and drive train plant. That has created the Tesla effect. That has been wonderful. We have growth in our economy. With that, we also have this pressure on workers wanting to work for contractors paying the best wages. When we reduce the wages in the schools by 10 percent, which is more like 15 to 20 percent on your paycheck, workers are going to make decisions to not work on those projects.

When you have fewer bids, the contractors realize this. Bid prices go up. It is simple supply-and-demand economics. It ends up costing the school district and therefore the taxpayers more money to build their schools. My friend Tray Abney and I worked very hard on Senate Bill 411 of the 78th Session to fix funding for schools in Washoe County. We got that passed; it was put on the ballot at WC-1. The Chamber and everyone in the Washoe County community worked hard on getting that passed. It passed by the taxpayers. That was wonderful. I think that will create somewhere in the neighborhood of \$782 million of construction over the next few years, maybe a decade.

Assemblyman Daly:

I want to follow up on school construction. If contractors, even if they might come from out of state, are signatory to a collective bargaining agreement in hiring union workers, they are going to the local union hiring halls and hiring local workers, regardless of where that contractor is. I wanted to make sure that this is understood for the rest of the Committee. Is that correct?

William Stanley:

Yes. Anytime a contractor signatory to a collective bargaining agreement hires, even if that contractor is not a Nevada contractor, their first source of hiring is the union hall. Those are predominately local individuals who live in that community.

Carole Kilburn, Private Citizen, Las Vegas, Nevada:

My husband and I are both International Brotherhood of Electrical Workers journeymen. I am here in support of A.B. 154. Please allow me a few moments to explain why this bill is so important. In the last two years, my husband has had to travel to several cities in California, including Barstow, Bakersfield, and San Jose, due to lack of work in this beautiful state we call home. My husband is still out of state working to keep our insurance and pay our house note.

My husband was forced to leave me one week after my third major operation this year six months ago to provide health insurance and a paycheck. It is sad to think we can spend our money here in southern Nevada but cannot earn it because working a living wage with

insurance is so difficult. Please help bring our families back together by providing more work for our locally trained and qualified workforce. I believe approving bill A.B. 154 can help do this for not only my family but also thousands of families that make their honest living by building with their hands in construction.

Many people tell me to go without insurance at another job, but that is not an option for us. In 2015, my medical topped out at \$2.6 million. In 2016, it topped out at \$1.4 million after a bout of septic shock and three major operations. I encountered my husband's presence six times last year. I was in the hospital each time, and the only reason he was there was to make the tough decisions I was incapable of at the time due to my health. Had there been work at home, he would have been home every evening, not just the ones critical to my life. My details may be unique, but my situation is not. Please consider bringing our qualified construction men and women home to their families in our beautiful state.

James Halsey, representing International Brotherhood of Electrical Workers Local 357:

When a bill is passed into law, it should be with the intention to make a positive impact on the community. I am sure that was the plan for Assembly Bill 172 of the 78th Session, but that is not the result. With labor making up about 24 percent of the cost of any construction project, A.B. 172 of the 78th Session amounted to a potential 2.4 percent savings on any school or university project. In the effort to achieve that potential savings, it unknowingly excluded hundreds of contractors and thousands of workers who are bound by collective bargaining agreements. The reality is that no qualified person wants to work for less than what they are worth. This bill will level the playing field and increase competition on school and university projects by guaranteeing that every contractor in the state has an equal opportunity to compete on these projects.

Matt Lydon, Business Manager, Plumbers, Pipefitters HVAC/R Technicians Local 525:

I serve as the liaison between my organization and our partners in the contracting industry. While it is obvious how the cut to area standards on school construction in Nevada has had a negative impact on workers, I would like to address what it has done to the contractors we work with as well as the quality of craftsmanship on school projects. The businesses in the piping industry that have chosen to contract with our organization for their workforce were put at a competitive disadvantage when area standards were reduced on school projects. While they were contractually bound to compensate workers to the standards set by the Labor Commissioner, other contractors, both local and out of state, could pay significantly less. Therefore, this law unjustly put a large segment of Nevada's contractors at a competitive disadvantage.

While my organization did what it could to come to the table and accommodate our partners' needs based on the reduced area standards, it resulted in unfortunate circumstances and led to many businesses withdrawing from the market. Plumbers, Pipefitters HVAC/R Technicians Local 525 prides itself in providing the most skilled and well-trained craftspeople in the industry. Many of you have taken a tour of our training facility and can speak to the extensive quality standards we mandate for our members. If you have not toured our facility, consider this your invitation to see what we offer the community. As the contractors

recognized their competitive disadvantage and withdrew from bidding on school projects, they took the most experienced and skilled workforce available with them, resulting in the life safety systems in the buildings we send our children to every day being constructed by a workforce with unknown and unverified credentials.

While our contractors mandate that the craftspeople they employ meet the industry standards for licensing and certifications, the same cannot be said for the contractors that performed much of the work on school projects during the reduction to area standards. Senate Bill 119 of the 78th Session not only reduced the fair compensation levels of workers across all industries, but it also gave one segment of contractors a competitive advantage over other contractors. It may have reduced the security in the quality of craftsmanship that we should expect in our schools.

Don Campbell, Executive Director, Southern Nevada Chapter, National Electrical Contractors Association:

I am here in support of A.B. 154, and I thank Assemblyman Brooks for bringing this forward. I represent signatory contractors that employ hundreds and thousands of workers in southern Nevada in the electrical construction industry. Senate Bill 119 of the 78th Session had an adverse effect on those contractors. The vast majority of them decided not to bid on the work. They were bound by a collective bargaining agreement. Even if they were not, they are a signatory contractor and they are paying a certain amount. No one wants to reduce that—not by 10 percent because we cannot take off their pension or health plans—by 15 to 20 percent. No one will want to do that to employees. I have had the opportunity of being an apprentice myself, having a career, owning a business, et cetera. I was an electrical contractor. That business took me throughout the world—not just though the United States, but the world. I have had the opportunity of working in countries like Singapore, where building is not a skilled trade. They do not use skilled trades. They would pay \$1 an hour to an immigrant from Indonesia or Malaysia. Singapore is a middle-class society. But the construction work is done by nonskilled labor. I have also worked throughout Europe. They do use skilled laborers in Europe, particularly in Germany. The apprenticeship programs in Germany are done and decided in high school. They decide if they will take the academic world through college or the technical and construction world through apprenticeship. They have a great model. I am worried that when we do things for prevailing wage, we are not supporting the apprenticeship programs that are so vital. You have heard that four out of five registered apprenticeship programs in Nevada are done through signatory contractors and their associated unions. That is an important fact. Without it, there are a lot of workers that are not being trained. We need to maintain prevailing wage in a low-bid world. We are in support of project-labor agreements. However, I have seen how it is done in other countries. We will end up there if we do not have a prevailing wage.

Dan Musgrove, representing Mechanical Contractors Association of Las Vegas and Sheet Metal and Air Conditioning Contractors' National Association of Southern Nevada:

The Mechanical Contractors Association of Las Vegas and the Sheet Metal and Air Conditioning Contractors' National Association of Southern Nevada comprise the entire slate of signatory mechanical contractors in southern Nevada. They are primarily contractors

performing plumbing, pipefitting, heating, ventilating, air conditioning (HVAC), and duct work in commercial settings. The bulk of these contractors are signatory to both the United Association Local 525 and Sheet Metal, Air, Rail and Transportation Local 88. These are life safety contractors in every sense of the word.

Today we have a number of our contractors represented down south from these two associations, including Hansen Mechanical Contractors, Inc.; MMC Contractors West, Inc.; Bombard Mechanical, LLC; Ryan Mechanical, Inc.; P1 Group, Inc.; and Southland Industries. In the name of brevity, their presence is the proverbial "me too."

The organizations I represent wholeheartedly support A.B. 154. The law currently makes it challenging to procure work in the school and university construction sector. It has created an uneven playing field and significantly impaired unions' ability to compete. These contractors are bound by a collective bargaining agreement, and they do not have the flexibility most normal businesses possess to be nimble and change direction following the passage of new laws or regulations. Plain and simple, these contractors are not allowed to deviate from these agreements. The law as written has created a tremendous amount of confusion for these contractors and their labor partners, who represent the employers. This has resulted in the mechanical industry's best contractors making the tough decision to not bid on projects, which is a lose-lose situation for the public entity, the contractor, the worker, and the end user.

Jack Mallory, representing International Union of Painters and Allied Trades District Council 15:

The last legislative session we were given the devil's choice: whether we would accept concessions to our employers to allow them to be competitive on prevailing wage for education projects in order to create opportunities for work for our members. Because of the recession, it was deemed to be important enough to do so. Even then, we were asked by our members why it was that they were working for less money on a school when they could be working on a project at McCarran International Airport for normal wages. They could be working on a project on Las Vegas Boulevard for normal wages. Really, what it came down to was that they were willing to accept those lower wages because those were the work opportunities available.

As indicated by Mr. Stanley and others, we are still coming out of the economic depression that has hit the construction industry in southern Nevada. The International Union of Painters and Allied Trades District Council 15 is unique compared to other organizations and crafts. Our wet trades—particularly painters, drywall finishers, and wallpaper hangers—do not rely on tower cranes to keep our members busy. We anticipate that in the next quarter, we will clear our bench. Our members will be working on remodel projects on Las Vegas Boulevard, creating a competitive disadvantage for those contractors that actively pursue prevailing wage projects, particularly those in higher education, K-12 education, and even those who pursue projects on charter schools. This is a competition issue in our eyes.

As alluded to, there were a number of concessions granted through the legislative process with A.B. 172 of the 78th Session. I participated in the discussions where the 90 percent rule was created, the threshold was raised to \$250,000, the charter schools were excluded, and the way prevailing wage itself was calculated. Mr. Hardy was sitting at the table when those discussions were happening. He was actively engaged in those discussions. It could be disingenuous to say that he is not fully in opposition to these things today.

Robert Kolnes, Private Citizen, Las Vegas, Nevada:

The company I am representing performs HVAC testing, adjusting, and balancing in the Clark County market in commercial and new construction. I am here to support A.B. 154 as it is written. I present our support from a unique position. The test and balance industry is a specialized field. We provide strictly labor onto a project in our instrumentations. We do not offer any materials. As a small business, it is a very competitive market. We think competing with an agency from Arizona is unfair, especially with the small margins that we have not been awarded a project by.

We are signatory to Sheet Metal Workers' International Association Local Union 88. We continue to receive valuable training from the JATC. We believe the training we receive keeps us at the lead in test and balance field and life safety. We adjust and operate systems that lead to the efficiency of the awards that Clark County School District has received, as was mentioned. For the life safety side, we work on smoke fire dampers, where we receive training from the International Training Institute certification board. I would like to ask for your support on A.B. 154 as an employee in Las Vegas.

Peter D. Krueger, representing Greater Sacramento Chapter, National Electrical Contractors Association:

As another contractors group, I will just say, "Me too." We recognize the importance of this bill, and we ask for your support of A.B. 154.

Nathan Ring, representing Laborers Local 872 and International Union of Operating Engineers Local 12:

I think it is important to note that this is not a union versus nonunion issue. Even as I sit here as a representative of the labor union, prevailing wage is paid to union members and nonunion members alike on every prevailing wage project. If you are cutting 10 percent of wages on schools, you are saying, "Here is the prevailing wage rate developed by the Labor Commissioner, and for the building of our children's schools, we will do a cut rate and take 10 percent off the top." I do not know what that says about the value or quality we place on our school construction, but I know we are taking money out of our citizens' pockets. That is true whether they are union members or not.

My friend Mr. Hardy began his testimony by asking for more time because he said there were not many people in opposition. He was right. There are not a lot of people in opposition. We are talking about a fair day's pay with a pension, health care, additional training, et cetera. It is difficult for people to be opposed to that. Most importantly, if we are driving down wages, particularly in the construction of our children's schools, we are driving

down the ability and people's desire to get in the construction trades. They see lower wages. They see lower employment opportunities. When fewer people enter the skill trades, our workforce development programs—the things the Governor has talked about for workforce development and building a new Nevada—fall apart. Workforce development has been a priority of the administration. It is also a priority of the Legislature. Bringing back the 10 percent we are taking off our children's schools is very important to developing our workforce and continuing to protect the workers in Nevada.

Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO:

Please do not be fooled by the opposition's remarks making this a union versus nonunion situation. It is not. This is about Nevada workers, Nevada contractors, bringing jobs back to Nevada, ensuring Nevada workers are paid, making sure that sales taxes stay in Nevada, and that the wages paid in Nevada stay in Nevada to support the businesses in our communities. For the opposition to talk about children and taxpayers—well, every one of the workers on these jobs are taxpayers. A large number of those have children in these same schools. You cannot separate that out. They have the same concerns. They just want to work. In southern Nevada that is not happening. We ask that you work with us to bring these jobs back, help us stay in Nevada, and let us bring the new Nevada to the whole state.

Pat Treichel, Private Citizen, Las Vegas, Nevada

I am feeling out of place here. I am not a lobbyist, politician, or attorney. I did not plan on coming up here, but after listening to everyone, I am in support of A.B. 154.

I would like to thank Assemblyman Brooks for the courage to bring forward a bill to raise wages. In this country wages are falling, the cost of living is going up, et cetera. I think we need to be very careful of not getting caught up in a race to the bottom when it comes to wages. We are talking about a 10 percent shift, but that shift was down. With that, we lost some of the brightest, best-qualified, and skilled labor working these jobs.

We see the change in technology. We have LED lamps in our homes. Why would we go with them? They cost more today, but they save us money in the long run. The best labor has shown that it may cost a bit more, 10 percent, on the front end. But on the back end when these schools are opened, they may save us money later.

I am a product of the Clark County School District. My wife and my son are teachers. One is in a Title I school, and the other is in a high-end school in Summerlin. They will both tell you, it does not matter how nice the building is. It is secondary to the support they have at home. That is coming from parents who work these jobs and have insurance, higher wages, et cetera.

Ruben R. Murillo, Jr., President, Nevada State Education Association:

I am here representing the 40,000 teachers and education support professionals across Nevada (Exhibit N). I am also a special education teacher. We are speaking in support of A.B. 154. Investing in our community is an investment in our schools. We see this through a lens of fairness and improving wages and working conditions for everyone in and around school communities.

When parents of our students are taken out of state to seek work, it creates a vacuum in terms of their participation in their children's education. Since we are working in those schools that are constructed, we should have a high-quality school that will benefit educators and the school community.

Priscilla Maloney, Government Affairs Retiree Chapter, American Federation of State, County and Municipal Employees:

We are here today because we were concerned about and opposed to what we saw as the assault on prevailing wage laws in 2015. We see this as a remedial and restorative piece of legislation. We thank the sponsor for bringing this forward. This is a working families issue in Nevada. When we lift up our brothers and sisters who do this work, we are making our entire state a better community to live in. We also attract those who want to live here, pay taxes here, and go to school here. We are in support of A.B. 154 as written. My recollection of the situation in 2015 is commensurate with what Mr. Mallory and Assemblywoman Neal referenced.

Robert A. Conway, Business Agent, International Association of Bridge, Structural and Ornamental Iron Workers:

Probably 75 percent of my workers are on the road. In regards to things Mr. Hardy said, some of the surveys are being based on national data. There are a few project labor agreements close to us. One is the Los Angeles Unified School District, which is about 15 years old right now and approaching \$16 billion. Four out of ten contractors are working on that project. It is open shop. The same is true for the Los Angeles Community College District. It is bad when a majority of your members are working out of town.

I even have wives and children coming by the office asking when projects will start so they can see if their pop is back in town. It is pretty hard on the family with members out of town. It is not just about taking another job. Once you go through a four- to five-year apprenticeship program, you want to keep earning benefits towards your pension, health, and welfare. As far as numbers go, we have those school districts next to us where you can compare numbers. Assemblyman Kramer wants to look at numbers. Those are things happening right now. They have been going on for 15 to 16 years. I know this is more in regards to prevailing wage, not project labor agreements. But down there, the prevailing wage and the project labor agreements are tied together. It is easy to see the real-world benefits; 90 percent of the projects down there are coming in at 10 percent ahead of the original engineer's estimates. It is a good place to find data about that.

Assemblyman Brooks:

I appreciate the in-depth conversation about this very important issue this morning. I want to clarify one thing. I think the K.O. Knudson project that Mr. Hardy referenced is a good project to talk about. It demonstrated what can happen. They bid the job a few days before the bill passed that lowered the prevailing wage. When they first bid, they had four bidders. The high bid was \$3.9 million; the low bid was \$2.7 million. When they changed the law to lower prevailing wage in those schools, two things happened: they got the chance to rebid the project and the \$2.7 million bidder went back up to \$3.7 million, and the high bidder came back with another bid of \$3.65 million. It created some chaos and a lot less competition. It did not have the intended effect. I think that is the point these presenters made today. You lose the qualified contracting pool when you take prevailing wage out of the equation or lower it to the point that it is not effective anymore.

Chairman Flores:

I will close the hearing on A.B. 154. Is there any public comment? [There was none.] This meeting is adjourned [at 10:53 a.m.].

RESPECTFULLY SUBMITTED:

Isabel Youngs
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chairman

DATE: _____

EXHIBITS

Exhibit A is the Agenda.

Exhibit B is the Attendance Roster.

Exhibit C is a letter dated February 3, 2017, in support of Assembly Bill 57 to Chairman Flores and members of the Assembly Committee on Government Affairs, from Adam Laxalt, Attorney General, Office of the Attorney General and presented by Brett Kandt, Chief Deputy Attorney General, Office of the Attorney General.

Exhibit D is a proposed amendment to Assembly Bill 57 presented by John Fudenberg, Assistant Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County.

Exhibit E is a document titled "AB 154 – Heard in Assembly Government Affairs Committee on Wednesday, March 8, 2017," presented by Assemblyman Chris Brooks, Assembly District No. 10, regarding Assembly Bill 154.

Exhibit F is a copy of an article titled "Contracting that Works," by Karla Walter, David Madland, Paul Sonn, and Tsedeye Gebreselassie, dated November 13, 2015, published by the Center for American Progress Action, submitted by Assemblyman Chris Brooks, Assembly District No. 10, regarding Assembly Bill 154.

Exhibit G is a document titled "The Benefits of State Prevailing Wage Laws," dated October 3, 2011, published by the Keystone Research Center, submitted by Assemblyman Chris Brooks, Assembly District No. 10, regarding Assembly Bill 154.

Exhibit H is a document titled "The Benefits of State Prevailing Wage Laws," by Mark Price and Stephen Herzenberg, dated October 3, 2011, published by the Keystone Research Center, submitted by Assemblyman Chris Brooks, Assembly District No. 10, regarding Assembly Bill 154.

Exhibit I is a table titled "Assembly Bill 154 Section-by-Section Explanation Table," presented by Assemblyman Chris Brooks, Assembly District No. 10, regarding Assembly Bill 154.

Exhibit J is a copy of an article by the Guinn Center for Policy Priorities titled "As Charter School Enrollment Rises in Nevada, Need for More Funding Becomes Apparent," by Megan Rauch, dated May 6, 2016, regarding Assembly Bill 154, submitted by Pat Hickey, Executive Director, Charter School Association of Nevada.

Exhibit K is a letter in opposition to Assembly Bill 154 to Chairman Flores and members of the Assembly Committee on Government Affairs, authored and presented by Pat Hickey, Executive Director, Charter School Association of Nevada.

Exhibit L is a document titled "SAGE Commission Final Report," dated January 2017, submitted by Pat Hickey, Executive Director, Charter School Association of Nevada, regarding Assembly Bill 154.

Exhibit M is *New York Charter School Ass'n v. Smith*, 15 N.Y.3d 403 (2010), submitted by Pat Hickey, Executive Director, Charter School Association of Nevada, regarding Assembly Bill 154.

Exhibit N is written testimony authored by Ruben R. Murillo, Jr., President, Nevada State Education Association, dated March 7, 2017, regarding Assembly Bill 154.

EXHIBIT 2

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-ninth Session
April 26, 2017**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:40 p.m. on Wednesday, April 26, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Mark A. Manendo, Vice Chair
Senator Julia Ratti
Senator Joseph P. Hardy
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Assemblywoman Irene Bustamante Adams, Assembly District No. 42

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Heidi Chlarson, Counsel
Rick Combs, Director
Suzanne Efford, Committee Secretary

OTHERS PRESENT:

Wes Henderson, Executive Director, Nevada League of Cities and Municipalities
Randall E. DeVaul, P.E., Director, Utilities, City of North Las Vegas
Kelly Crompton, City of Las Vegas
Tammi Davis, Treasurer, Washoe County; Association of County Treasurers of Nevada
Brett Kandt, Chief Deputy Attorney General, Office of the Attorney General
John Fudenberg, Coroner, Clark County; Clark County

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Rose Marie Floyd
Arlene Rivera, Ombudsman, Office of Ombudsman for Victims of Domestic
Violence, Office of the Attorney General
Annette H. Scott, Director of Advocacy, S.A.F.E. House
Kimberly Mull, Nevada Coalition to End Domestic and Sexual Violence
Robert Roshak, Nevada Sheriffs' and Chiefs' Association
John T. Jones Jr., Nevada District Attorneys Association
Ryann Juden, City of North Las Vegas
Omar Saucedo, Southern Nevada Water Authority; Las Vegas Valley Water
District
Paul Moradkhan, Las Vegas Metro Chamber of Commerce
Scott Anderson, Chief Deputy, Office of the Secretary of State

CHAIR PARKS:

We will open the hearing on Assembly Bill (A.B.) 8.

ASSEMBLY BILL 8 (1st Reprint): Revises provisions governing the collection of
delinquent municipal utility charges. (BDR 21-323)

WES HENDERSON (Executive Director, Nevada League of Cities and
Municipalities):

Under *Nevada Revised Statutes* (NRS) 268.043, the governing body of a city
has the authority to adopt an ordinance to have delinquent sewer bills placed on
the property tax roll for collection. This bill seeks to expand this authority to
include other municipal utilities. As introduced, the bill changes the word
"sewerage" to "utility service." The word "utility" is overly broad and could lead
to confusion.

We became aware of a similar statute, NRS 244.36605 that authorizes a board
of county commissioners to place delinquent bills for sewerage, storm drainage
or water service, or any combination of these services on the property tax roll
for collection.

Assembly Bill 8 was amended in the Assembly to define utility services as
sewerage, storm drainage or water service or any combination of those
services. This aligns the authority that incorporated cities will have with the
existing authority that counties have. In addition, it makes clear what municipal
utilities could be placed on the tax roll for collection. We are seeking this
authority as a collection method of last resort.

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Our members are aware that placing a delinquent bill on the tax roll can have serious consequences. These consequences could possibly include selling property at a public auction to satisfy the property tax bill. Our members would not use this authority lightly or without careful consideration but only as a last resort.

SENATOR GOICOECHEA:

Is waste disposal included in utility service?

MR. HENDERSON:

No, only sewer, water and storm water are included.

SENATOR RATTI:

I understand that would place a lien against the property on the property tax bill. What level of priority is that lien?

MR. HENDERSON:

It is our understanding that it would have the same priority as property taxes.

SENATOR RATTI:

Before we get to the work session on this bill, perhaps Counsel could confirm how the priority lien status would work in this situation.

CHAIR PARKS:

What is the difference between sewage and sewerage?

MR. HENDERSON:

That may be a question for Counsel also.

CHAIR PARKS:

I always thought sewerage was an archaic term. However, it is well-embedded in our statutes.

RANDALL E. DEVAUL, P.E. (Director, Utilities, City of North Las Vegas):

The City of North Las Vegas supports A.B. 8 for all of the reasons that Mr. Henderson has mentioned. However, it is important that the City of North Las Vegas is able to do this. We have always been able to do it on the sewerage end; however, it has never been done because water and sewer fees

are billed at the same time on the same bill. It is quite tedious to separate the two.

This will be another tool in our arsenal. Approximately \$1.8 million in delinquent sewer charges are over 2 years old. We want to focus on those charges. We have several delinquent multifamily accounts. They simply do not pay their water and sewer bills. Our options are to place a regular lien on the property, which we will not collect until or if the property is sold; to shut their service off, which is problematic from a health standpoint; or try to sue, which we may or may not win. We spend much money trying to sue. Typically, that results in a settlement agreement that is much less than what we would like to collect. This penalizes the rest of our customers. We have 87,000 water customers. They are subsidizing the people who do not pay. I want to reiterate that being able to collect on past due accounts is another tool in our arsenal.

SENATOR HARDY:

Does that mean that they are also delinquent on their water bills because it is difficult to separate water and sewer?

MR. DEVAUL:

Yes, they are delinquent on both water and sewer. They get one bill but it is separated into a water bill and a sewer bill.

SENATOR HARDY:

So that means the water bill is delinquent. Do you need authority for water bill delinquencies also, or do you already have that?

MR. DEVAUL:

At this point, we do not put any kind of tax lien on the books, even for sewerage. This will be used as a last resort. If they are delinquent on their sewerage, they are also delinquent on their water bill because we bill them together. They are going to stay delinquent until we shut off their water, sue them, or put a lien on their property and then decide to sell their property.

SENATOR HARDY:

Do you need authority to put a lien on their property for their delinquent water bills also because you cannot separate it?

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MR. DEVAUL:

That is correct. For the City of North Las Vegas, the bill is for water predominantly. We do not have any charges for storm drainage. We are interested in water specifically. We need this authority to apply a tax lien.

SENATOR HARDY:

Does the bill address water as well as sewer?

KELLY CROMPTON (City of Las Vegas):

The City of Las Vegas supports A.B. 8. The City of Las Vegas already does this for its sewer utilities. It does charge for any other utility services.

TAMMI DAVIS (Treasurer, Washoe County; Association of County Treasurers of Nevada):

The Association of County Treasurers is neutral on A.B. 8. We recognize that it is a policy decision to add this to the tax bill. However, from a treasurer's perspective, I would like to add the implications. This would be something I would do regardless of what charges were being added. It is important to be aware of the implications as these decisions are made.

Nevada Revised Statutes 268.043 directs that these charges, if they are added, be "collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the county's general taxes." To us that means they carry that same super priority lien. At the end of the day, if they remain unpaid I would be required to sell that property. That may or may not be appropriate.

Because this is a method of last resort for collections, I want to make sure that you are aware that I have seen quite a few instances where this can double someone's tax bill. Perhaps someone is going along and is able to pay his or her bill; however, with these additional charges he or she is no longer able to do that. It could cost that person his or her home or property. That does not happen often, but this year in Washoe County at least four properties were in those circumstances based on the current authorized additions to the tax bills.

SENATOR RATTI:

I want to make sure I understand. It is correct that we are able to do this for delinquent sewer bills now.

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MS. DAVIS:

Cities can do it for sewer bills now. The county can do it for water and sewer bills. They want this language for the cities.

SENATOR RATTI:

This would make it consistent across counties and cities.

MS. DAVIS:

That is correct.

SENATOR RATTI:

I agree with you. In my eight years on the Sparks City Council, there was only one. Does that sound correct?

MS. DAVIS:

Actually, in Washoe County this year, Sparks and Reno together had over 2,500 parcels that were added to the tax roll. Washoe County added another 500. Therefore, this affects 3,000 parcels for the current tax year.

SENATOR RATTI:

We only pushed one to the point of selling.

MS. DAVIS:

I do not know how many were pushed to the point of selling.

SENATOR GOICOECHEA:

Do taxes have to be delinquent for three years or five years before they can be offered for sale?

MS. DAVIS:

They are delinquent for four years by the time we go to sell.

CHAIR PARKS:

I received a call from a constituent who had apparently not paid a sewer bill for some time. She was saying that there was a compounding effect on the penalties. She was charged interest and penalty fees in Clark County. Do other jurisdictions impose both penalty and interest fees?

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MS. DAVIS:

She is likely referring to the fact that late fees accrue during the time the delinquency runs on the city or county books. Those are turned over to the treasurer. If they remain unpaid, they accrue penalty and interest charges as a delinquent tax would.

MR. HENDERSON:

I want to point out that within Clark County the only two entities that cannot put delinquent water or storm drain bills on the property tax rolls are the Cities of Henderson and North Las Vegas. The Las Vegas Valley Water District, the Virgin Valley Water District and Clark County have authority to do that.

SENATOR RATTI:

If I recall correctly, the City of Sparks has a sewer appeals board. Therefore, before a sewer bill is put on the tax rolls, there is a process where the resident could go to the appeals board and work out a payment plan. Sometimes the fees and penalties could be waived. Does that sound right to you? Is that done in all jurisdictions? Does law require it?

MR. HENDERSON:

There are processes where customers can work with the utility on a payment plan. This bill is a tool of last resort. Before any charges can be put on a tax roll, the governing body would have to adopt an ordinance at a public meeting that would list all of the assessor's parcel numbers to be placed on the tax roll. It is always better to work something out before going to this drastic step.

SENATOR RATTI:

This legislation does not trigger or mandate placing that delinquency on the tax roll. Nothing prevents all of those other processes from happening.

MR. HENDERSON:

You are correct.

CHAIR PARKS:

We will close the hearing on A.B. 8 and open the hearing on A.B. 57.

ASSEMBLY BILL 57 (1st Reprint): Revises provisions relating to coroners.
(BDR 20-375)

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BRETT KANDT (Chief Deputy Attorney General, Office of the Attorney General):
I have submitted written testimony on behalf of Attorney General Adam Paul Laxalt (Exhibit C).

This bill is being brought on behalf of crime victims. Its purpose is straightforward but important. It will ensure that when a person dies, especially because of a homicide, everything is done that reasonably can be done to notified the decedent's loved ones.

JOHN FUDENBERG (Coroner, Clark County):
I would like to thank Rose Floyd who tragically lost three family members in 2015. Rose initiated this bill because of problems she had in being notified of the death of her daughter. The legal next of kin was the suspect in the murder, so there were some complications. This bill will take care of many of the problems she went through and that other families have gone through in the past.

I support A.B. 57. We worked with the sponsor on the language. We made some friendly amendments in the Assembly, and we are where we need to be with the language. I have been in contact with Laura Knight, M.D., Chief Medical Examiner and Coroner, Washoe County Regional Medical Examiner's Office. She and Robert Roshak, Nevada Sheriffs' and Chiefs' Association, support this bill. This bill would be beneficial to all coroners in Nevada for obvious reasons.

MR. KANDT:
We would like to have Ms. Floyd tell her story.

ROSE MARIE FLOYD:

I am Veronica Caldwell's mom. March 4, 2015, I get up early as I normally do, make a cup of coffee and turn on the news. There it is. A triple homicide/suicide in the apartment complex where my family lived. I remember thinking, oh, my God, how tragic for those poor people.

I called my daughter Veronica to talk to her about what happened in her apartment complex, but no answer. I hung up thinking she's probably in the shower. So I called back at 6:00 a.m. We spoke every morning at 6:00 a.m. But, still no answer. At this point, I am

in absolute panic mode. My phone rings and it's a neighbor of Veronica's. She asks me, are you watching the news? I think it is Veronica's apartment. I remember thinking, no, it can't be my girls. I would have been notified.

I immediately called Metro to inform them of the homicide in Veronica's apartment complex and to tell them that I haven't heard from my daughter. They took Veronica's and Yvonne's names and said they would check on it Shortly after, the Coroner's Office calls and verifies that, in fact, Veronica and Yvonne were murdered.

March 3, 2015, my daughter Veronica, my granddaughter Yvonne Rose Reyes and her boyfriend Corey Childers were chased down and shot to death by Veronica's husband, Blake Widmar, in a triple homicide/suicide at approximately 10:15 p.m.

The lone survivor to this brutal murder was my eight-year-old niece, Carly Trujillo, who ran for her little life that night with her murdered family. After Blake shot Veronica, Yvonne and Corey, he cowardly ran back to their apartment and shot himself in the head. He was found suffering from a single self-inflicted gunshot wound but was still alive.

The next thing I can remember, the paramedics were standing over me telling me to breathe. Once I could compose myself, I called the Coroner back and asked if I could come down and identify my daughter. The voice on the other end of the line said, I'm sorry. You're not considered her next of kin. Her next of kin is her husband. What how can that even be possible? I thought he killed her.

Adding insult to injury, I was told that as long as Blake was alive, I would have no rights to her body, and furthermore, should he survive, I will need to petition the court to get the rights to my daughter. I remember hanging up the phone and just screaming. No words would come out.

Later that day, I was told that Blake probably wouldn't survive and that the doctors were keeping him alive to harvest his organs. In the meantime, my Veronica lay in the Coroner's Office alone and unclaimed. It was like she didn't matter. Like she didn't have a mom. I couldn't see my baby and say I'm here, Veronica. You're not alone. You matter to me. I couldn't get to her because I didn't have the rights to her murdered body and there wasn't anything that I could do about it because her next of kin was technically still alive.

If that wasn't devastating enough, I was also told that Veronica survived for an hour after the brutal shooting. She was transported to UMC where she died alone. I should have been there. I should have been with her as she took her last breath. It was my right as her mom. Had I been notified, I could have held her. I was thrown into a state of hysteria that still haunts me every single day.

March 5, 2015, Blake passed. It was only then that I was allowed to identify my only child. Veronica's life was stolen from her by a senseless and brutal act of gun violence. I feel my rights as a mother were stolen from me by a defect in the law.

Respectfully, I ask the members of this Committee to pass Assembly Bill 57 and to consider naming this legislation Veronica's Law after my daughter. This law would ensure that no mother or parent would have to go through the trauma and confusion I faced on March 4, 2015.

Thank you for your time and allowing me to tell Veronica's story.

CHAIR PARKS:

Thank you, Ms. Floyd. Please accept our condolences. I know how difficult this is.

ARLENE RIVERA (Ombudsman, Office of Ombudsman for Victims of Domestic Violence, Office of the Attorney General):

I want to ask you to consider passing this law because there is not another parent who can through what Ms. Floyd has gone through. I want to let you know that here in the south, Rose has the support of the domestic violence

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community. She is being supported by Safe Nest, Elynne Greene with the Las Vegas Metropolitan Police Department and Annette Scott from S.A.F.E. House.

ANNETTE H. SCOTT (Director of Advocacy, S.A.F.E. House):

As domestic violence advocates, we understand the importance of laws for survivors of intimate or domestic homicide. We would like to go on record in support of A.B. 57, also known as Veronica's Law.

The rights of a parent, a mother, a father, a sibling or a child should not be denied because of a minor deficit in the law. This is a terrible tragedy for anyone who is a survivor of an intimate or domestic partner homicide. The additional pain caused by weak laws, which can be avoided, compounds it.

I am reaching out to you to please take the time and make a difference in the lives of people like Ms. Floyd. I hope this law will never have to be used again. That would be amazing, but, unfortunately, the reality is that in this society intimate partner violence is very much a part of our world.

I encourage you all to think of the survivors of victims of crime and make a difference by naming this Veronica's Law, supporting it and passing it, please.

KIMBERLY MULL (Nevada Coalition to End Domestic and Sexual Violence):

I have submitted written testimony supporting A.B. 57 (Exhibit D).

I hope you recognize that Ms. Floyd has worked diligently over the last year to bring this issue forward in memory of her daughter. We would love to see this named after her daughter and called Veronica's Law.

ROBERT ROSHAK (Nevada Sheriffs' and Chiefs' Association):

We support A.B. 57. We appreciate the Attorney General bringing this forward and working with us on the language to make it feasible for the rural sheriffs.

SENATOR GOICOECHEA:

In the case we are talking about, the victim died later in the hospital. The coroner would be on scene to declare the person deceased. However, if the person was transported to the hospital, it becomes the doctor's duty. The reason I am asking is that there are issues in eastern Nevada regarding who signs death certificates.

When the victim is transported by ambulance to a hospital, who makes the call that the person is deceased?

MR. FUDENBERG:

If a person is transported to a hospital and dies at the hospital, the attending physician will pronounce death. Outside of the hospital, it is the coroner or his or her designee who pronounces the death.

SENATOR GOICOECHEA:

Typically, the coroner would not go to the hospital. This would not affect you as the coroner. Whose duty is it to notify the next of kin that the person is deceased?

MR. FUDENBERG:

It does not matter who pronounces the death. In both scenarios, it is the coroner's duty to notify the next of kin.

SENATOR GOICOECHEA:

Would you do that if it were 24 or 48 hours later?

MR. FUDENBERG:

Yes, that is correct.

CHAIR PARKS:

In the 15 rural counties, is it the sheriff's duty to find the next of kin?

MR. ROSHAK:

The sheriff or his or her designee would do that.

SENATOR GOICOECHEA:

This is only in cases of homicide or accident. If an individual is transported by ambulance out of a small community like Austin, does the sheriff have to follow up on the fact that the person died in Churchill County? The sheriff in Lander County would be the coroner.

MR. FUDENBERG:

The coroner in the jurisdiction in which the death occurs would follow up. It depends if the coroner takes jurisdiction over the investigation of that death. Those criteria are listed in statute. If the local coroner takes the jurisdiction,

then yes, the coroner is responsible for making the notification. If not, that generally falls on the hospital staff. Most hospitals have social workers who would handle that. At least, that is how it is handled in Clark County.

SENATOR GOICOECHEA:

If the sheriff in a rural district determines it is something he needs to investigate, then he would assume that role and it would become his duty no matter the time involved.

MR. ROSHAK:

Yes, that is correct.

SENATOR RATTI:

That was all very helpful. Are we solving the other part of the problem that this family experienced? Before the victim passed, she was alive for a time. Is the hospital allowed to notify next of kin? Could the social worker have notified anyone besides the husband?

MR. FUDENBERG:

I do not think there is a law that governs who the social worker notifies. But generally, at least in Clark County, we have good working relationships with all the hospitals and we coordinate that. The hospitals would rather we make that notification. So in this case, Rose could have been notified. It did not matter that the husband was still alive.

SENATOR RATTI:

I was talking about the time during which the victim was alive.

MR. FUDENBERG:

I cannot speak for the hospitals and what their statutory responsibility is; however, my understanding is that the hospitals would reach out to the family members.

When these types of situations occur, many things are under investigation. We may not know whether the victim is alive or deceased. We may not know the victim's identity for quite some time. That may delay the process also.

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SENATOR HARDY:

The HIPAA is involved if the person is living. Who can be notified when you are investigating someone, or suspect someone who is barely living and who is the perpetrator? We have not solved that or the release of the body. I have a problem. What are we doing?

MR. KANDT:

The release of the body was resolved in section 54 of S.B. No. 286 of the 78th Session. The additional issue was not resolved through that legislation. That is the purpose of A.B. 57.

SENATOR HARDY:

So it was not resolved for this wonderful mother because we had not passed it yet in the Seventy-eighth Session.

MR. KANDT:

I do not know when S.B. No. 286 of the 78th Session went into effect. The disposition of the body in a domestic homicide was resolved. The issue of notification still needs to be resolved.

SENATOR HARDY:

How are we resolving the issue of the person who is still living?

MR. KANDT:

That may still need to be addressed. That is not addressed in A.B. 57. Assembly Bill 57 obviously deals with the scope of the coroner's duty and authority. This bill will grant the coroner the authority to make reasonable efforts to notify loved ones under those circumstances. We hope to address this through A.B. 57.

We still need to address the hospital's authority. My office would be happy to follow up on that in future legislation.

SENATOR HARDY:

I agree with what you are doing; however, it seems to me that we have not solved the whole problem.

SENATOR RATTI:

I agree that we are not solving the whole problem. There is still that piece where the victim is alive. I understand that in this case she was alive for a very short time. Maybe she was not even identified. However, if she was alive for longer, is the hospital prohibited from notifying the next of kin? I would like to know the answer to that question.

We have some time. If you are open to an amendment, I would like to work with Counsel to determine if we can solve the whole problem now rather than wait another two years. Maybe that problem does not exist. So let us do some work to find out. Maybe the hospitals have more flexibility. I am not sure, but I would like to work on that. I am assuming that others would as well.

There was a request that the bill be named after Veronica. Is that something we have to amend into the bill? I know that there were other cases in which a law was given a name.

HEIDI CHLARSON (Counsel):

If it were the intent to put the name of the law in the bill, then yes, it would require an amendment. You could add a preamble, whereas clauses or something to that affect. Right now, the bill is not designating being named in honor of anyone. If that were the pleasure of the Committee, then that would require an amendment.

SENATOR RATTI:

I would like to ask for that if the sponsor is amenable.

MR. KANDT:

My office would certainly be supportive of naming this Veronica's Law.

CHAIR PARKS:

Is this a common situation in other states? Have they resolved their issues? Nevada is more transient than other states.

MR. FUDENBERG:

I do not know. We have two different Listservs within the medical/legal profession. I have not heard of this situation being an issue in other states through the Listservs and some of the networks with which we communicate. I have not heard of it, but that does not mean it is not an issue.

CHAIR PARKS:

Are there extended periods in the Coroner's Office when you are unable to reach someone who would be an heir or a next of kin?

MR. FUDENBERG:

There are quite a few cases where we cannot reach the next of kin, especially in the Clark County area. As you can imagine, people tend to go there to lose their families. That makes it more difficult. We get many international visitors. That also complicates and delays the notification, not to mention the identification. That is our first step. We have to identify the decedents prior to notifying their next of kin. Therefore, both of those can be delayed by many different circumstances.

CHAIR PARKS:

I had a personal experience where I had known an individual for more than a decade. Unfortunately, he committed suicide. At least two weeks afterwards, I received a call from the coroner's office asking me if I knew this individual and any of his kin. During that period, inquiries had been made to other people who might have known him. The only thing I was able to say was that I knew he had a sister and that she lived in the state of Maine in a very small town. I am presuming with that information the coroner's office was able to make contact. It was surprising that so much time had elapsed.

JOHN T. JONES JR. (Nevada District Attorneys Association):

The Nevada District Attorneys Association supports A.B. 57 and supports it being called Veronica's Law.

I want to thank Rose Floyd. I first met her a little over a year ago through an attorney who works in the Clark County District Attorney's Office. When I met Rose, she told me her heartbreaking story and the tragic events involving her daughter. That experience led Rose to reach out to both the Attorney General's Office and the Coroner's Office in Clark County to make the changes presented in A.B. 57.

The Nevada District Attorneys Association is appreciative of the efforts of this Committee to fix the entire situation regarding Rose's heartbreaking experience.

CHAIR PARKS:

We look forward to putting an amendment on this bill and bringing it back for a work session.

We will close the hearing on A.B. 57 and open the hearing on A.B. 79.

ASSEMBLY BILL 79 (1st Reprint): Revises provisions relating to economic development. (BDR S-404)

RYANN JUDEN (City of North Las Vegas):

During the Twenty-ninth Special Session, this Legislature designated the Southern Nevada Water Authority (SNWA) as the water service provider in the Garnet Valley, which is the Apex Industrial Park. One of the primary purposes for doing this was to ensure that the water asset being installed at the Apex Industrial Park was being done under the project labor agreement of the SNWA.

Shortly after the Twenty-ninth Special Session, a number of different issues arose. Some of the issues were with our current customers in Garnet Valley who had history with the City of North Las Vegas billing and working with them as the former water service provider. Another issue arose with businesses that were in the process of deciding to develop out there. They had already gone through some of the permitting processes within the City of North Las Vegas. They were concerned that they were going to have to start the permitting process over again.

Another issue occurred after the Twenty-ninth Special Session when the different entities started working on putting together the different infrastructure components for which each was responsible. The City of North Las Vegas was responsible for providing the design, engineering and construction of the wastewater facility at Apex.

During the Seventy-eighth Session, the City of North Las Vegas worked on a bill that allowed it to go into the private sector to seek funds in order to try to get some of the infrastructure built at Apex. Right away, some of those lenders were concerned about what had happened during the Twenty-ninth Special Session of the Legislature regarding moving the provision of water service from the City of North Las Vegas to a different entity. They liked having the water and sewer assets coupled. There are some practical reasons for that. One is that you cannot shut off the sewer if a person does not pay bills, but you can

shut off the water. It is also important because sewer is the least desirable of the two assets but they are usually coupled. The receipts for both sewer and water bills are bonded together.

So the City of North Las Vegas sat down with SNWA and Clark County and discussed some of these issues. They all agreed that there was probably a different structure that needed to put in place for all their customers. The governing bodies of the City of North Las Vegas and SNWA entered into an interlocal agreement. That interlocal agreement preserved the legislative intent to ensure that the water asset was to be constructed by the SNWA. It also returned the water service provision to the City of North Las Vegas. That meant the City of North Las Vegas would continue billing, connecting customers to the water service and the permitting process.

When A.B. 79 was going through the Assembly, there were concerns with some of the language regarding the "look-back" provision that had been deleted in the original draft by the Legislative Counsel Bureau (LCB). That was restored in both the Assembly and through a personal amendment by the majority leader in the Assembly to ensure that the "look back" provision in S.B. No. 3 of the 29th Special Session remained. The second friendly amendment that was supported by the City of North Las Vegas was from SNWA which stated that the law would go into effect upon passage.

SENATOR GOICOECHEA:

The water service provider will be the Las Vegas Valley Water District (LVVWD) rather than SNWA going forward.

MR. JUDEN:

The water service provider will be the City of North Las Vegas moving forward.

SENATOR GOICOECHEA:

Where did I miss that in the bill? The language I see says the LVVWD. Does the statute need to say the City of North Las Vegas?

MR. JUDEN:

No, it does not. The Las Vegas Valley Water District Act makes the City of North Las Vegas the water service provider. During the Twenty-ninth Special Session, the Act was amended for Garnet Valley to make the SNWA the water service provider. We are taking that provision from the Twenty-ninth Special

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Session of the Legislature out, which then reverts the water service provider to the City of North Las Vegas.

SENATOR GOICOECHEA:
Existing statute makes the City of North Las Vegas the provider in the LVVWD.

MR. JUDEN:
Yes, before December 2015.

CHAIR PARKS:
You have to reflect back to the Twenty-ninth Special Session. A specific action was taken there and this simply reverses that special action.

OMAR SAUCEDO (Southern Nevada Water Authority; Las Vegas Valley Water District):

The SNWA and the LVVWD support A.B. 79. Since the passage of the bill in the Twenty-ninth Special Session, we have had regular meetings with the City of North Las Vegas regarding the water system that is being installed in Garnet Valley for the Apex Industrial Park.

The City of North Las Vegas approached us last year about this bill and we agreed to support the measure during this Session. Part of the agreement was that we wanted to ensure that the conservation measures used in the City of North Las Vegas would reflect the conservation measures used in the LVVWD. The City of North Las Vegas agreed that would be the case. Therefore, we are happy to support this bill as it moves along in the process.

PAUL MORADKHAN (Las Vegas Metro Chamber of Commerce):
The Las Vegas Metro Chamber of Commerce is also the local chamber of commerce for the City of North Las Vegas businesses. The Las Vegas Metro Chamber of Commerce supports the idea that all the billing for building, permitting and bill processing be kept within one entity. This will allow the process to be streamlined through the City of North Las Vegas. The Las Vegas Metro Chamber of Commerce supports A.B. 79.

CHAIR PARKS:
We will close the hearing on A.B. 79 and open the hearing on A.B. 476.

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ASSEMBLY BILL 476: Revises provisions relating to notaries public. (BDR 19-1163)

SCOTT ANDERSON (Chief Deputy, Office of the Secretary of State):
I have submitted a written presentation of A.B. 476 (Exhibit E).

SENATOR HARDY:

Regarding remote versus electronic notarization, if I go to a notary and I sign the pad with my finger, that is electronic, but if I sign right here and it goes somewhere else, that is remote.

MR. ANDERSON:

It could be that you just type in your signature. As with traditional notarization, with an electronic notary, there would be a person present. The notary would be sitting across from you. You would type your name in on a keypad and the notary would authenticate that you sat before him or her. The notary would attach his or her seal to the electronic document.

SENATOR HARDY:

Is the seal electronic?

MR. ANDERSON:

An electronic attachment can be attached to the electronic version of the document.

SENATOR HARDY MOVED TO DO PASS A.B. 476.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR PARKS:

We have one more bill before us today, A.B. 464. We will open the hearing on A.B. 464.

ASSEMBLY BILL 464: Revises provisions governing certain reports required to be submitted by or to certain governmental entities. (BDR 18-542)

ASSEMBLYWOMAN IRENE BUSTAMANTE ADAMS (Assembly District No. 42):

I am presenting A.B. 464 on behalf of the Legislative Commission. Under NRS 218D.380, the Legislative Commission is directed to review the list of reports submitted to the Legislature that have been in existence for four or more years and to consider whether the reports should be repealed, revised or continued. This bill addresses those duties.

The Commission also considers the costs and benefits of the report and whether the information is available from another source. The genesis of this biennial review goes back to the Seventy-seventh Session when Assemblywoman Teresa Benitez-Thompson and Assemblywoman Marilyn Kirkpatrick worked with Senator Debbie Smith to review the hundreds and hundreds of reports required to be submitted to the Legislature each year. The passage of A.B. No. 350 of the 77th Session and S.B. No. 405 of the 77th Session set up the review process and eliminated a number of outdated reports.

Assembly Bill No. 457 of the 78th Session was passed to continue the weeding and pruning of these reports. The bill before you today is literally a housekeeping bill. It will save agencies time and money by eliminating reports that are no longer needed and will benefit the public by converting paper reports to reports posted online. This is a cost-effective way to make information accessible.

RICK COMBS (Director):

Sections 1 and 2 of the bill address reports that are required from the Committee on Domestic Violence and the Council for the Prevention of Domestic Violence. The Committee is required to submit a report that summarizes its work during the year and any recommendations it has for domestic violence legislation.

Section 1 would eliminate the report required from the Committee on Domestic Violence but add it to the list of entities from which the Council for the Prevention of Domestic Violence should seek comments and recommendations. The Council is then required to include the comments and recommendations in its report. It would eliminate one of the two reports on domestic violence. Both of these entities are staffed in some manner by the Attorney General's Office, so it would assist them by cutting down on the amount of work they do.

Section 3 would convert the report to the Legislature from a regional rapid transit authority regarding its activities, findings and plans of the authority from annual to biennial.

Section 4 is the Housing Division's annual compilation of reports that are submitted by the governing bodies of counties and cities regarding maintenance and development of affordable housing. Section 4 would eliminate the requirement for the Housing Division to submit the compilation report and instead would require the Division to post that compilation report on its Website.

Section 5 addresses the report from the Merit Award Board. It is required to submit an annual report to the Governor's Office of Finance and to the Interim Finance Committee regarding suggestions made by State employees or groups of State employees to eliminate or avoid State expenditures. Section 5 of the bill would convert that reporting requirement from annual to biennial to align with the budget process.

Section 6 is the Public Employees' Retirement System (PERS) report on investments of money in certain scrutinized companies. This report is provided to the Legislature and generally states—at least over the years that I have been the Director—that PERS does not have any investments in those companies. The PERS Board will be required to include the information on its Website rather than submitting a report.

Sections 7 and 8 deal with local government reports on capital improvement plans and capital improvements that are owned, leased or operated by local governments. Each local government is required to submit annually a copy of its capital improvement plan to the Department of Taxation, the county's debt management commission and the Director of LCB.

Law also requires local governments to submit reports annually to the Department of Taxation and to the Director of LCB regarding the owned, leased and operated capital improvements under that local government's jurisdiction.

Sections 7 and 8 of the bill would eliminate the requirement to submit those plans and reports to the Director of LCB. They would still be required to be submitted to the Department of Taxation. If the Legislature needed those

reports for any reason, the LCB Fiscal Analysis Division would be able to obtain them.

Section 9 addresses a report that is required from the Commissioner of Insurance regarding changes in rates or in the Uniform Plan for Rating Experience, the Uniform Statistical plan or the Uniform System of Classification. That report is required to be submitted to the Director of the LCB when any of those changes occur. I cannot find a recent record of ever having received such a report. It is difficult for us to determine when we should get those reports because we are not notified of when those changes are made. Section 9 would eliminate the requirement for that report.

Section 10 eliminates four different reports. The first one is a quarterly report on transports made by fire departments and ambulance services in Clark County. That report goes to both the Legislative Commission and to the Legislative Committee on Health Care. Neither of those entities has shown any interest in acting on or hearing about those reports in their meetings. Therefore, we are recommending that the reports be eliminated.

Nevada System of Higher Education (NSHE) is required to submit a report on police activities. This biennial report is being recommended for elimination. In addition, NSHE submits a report on capital improvements that is similar to the report I mentioned earlier that local governments provide. Since NSHE is one of the large entities that receive money through our biennial capital improvement program, the LCB Fiscal Analysis Division should be able to obtain any information that might be needed by Committees.

Finally, the State Fire Marshal's fire-safe cigarette report is recommended for elimination also.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The Legislative Commission is made up of 12 members. I am a member of the Commission. We reviewed this presentation in November 2016, and these are the recommendations for your consideration.

SENATOR RATTI:

Where does the Commission get information on which reports to eliminate?

MR. COMBS:

It gets its information primarily from me. I have tasked the LCB Research Division with assisting me in the process of identifying reports. It is not an easy task. It is difficult to determine which type of report is of interest to someone and which type of report is not of interest to anyone. We do not really have a good way to determine that. Certain items go on the agendas of Interim committees that we take clues from to determine whether those committees actually take an interest in those reports that are appearing in those agendas.

SENATOR RATTI:

Do you poll the Executive Branch to see if agencies are creating reports that no one is using?

MR. COMBS:

Yes, we have gone through the process of asking agencies if they have the same information in multiple reports that they submit, or if they have other reasons for believing that the information reported is not that helpful.

SENATOR RATTI:

We heard a bill in the Committee on Revenue and Economic Development that eliminated four or five reports coming from the Department of Administration. Therefore, I am wondering if we have duplicative processes. Is it appropriate for them to be bringing forward their list and we are bringing forward our list?

MR. COMBS:

I do not want to say that it is inappropriate because it is not. The Department is in the best position to know. We are not polling every single agency, every single biennium. Therefore, it is possible that we did not contact the agency this Interim. It would have to be reports that we stumbled upon and wondered if they could be eliminated. We would have called the agencies and asked them what they thought about it. It is very possible that there was no duplication this biennium.

JOHN FUDENBERG (Clark County):
Clark County supports A.B. 464.

MS. CHLARSON:

Just to point out to the Committee, section 1 of this bill eliminates a report that the Committee voted to change the substance of in another bill, Senate Bill 25,

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from the Attorney General's Office. I apologize that I have not had the time to go through and determine if there are conflicts with other bills due to some of these reports being eliminated in this bill. Therefore, if the Committee likes I can look into that and provide the Committee with information to see if we need to resolve any conflicts with other bills at the work session.

SENATE BILL 25: Revises provisions governing the organization and functions of the Office of the Attorney General relating to domestic violence and the fictitious address program. (BDR 18-385)

Remainder of page intentionally left blank; signature page to follow

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CHAIR PARKS:

We will close the hearing on A.B. 464. Having no further business to come before the Committee on Government Affairs, we are adjourned at 3:03 p.m.

RESPECTFULLY SUBMITTED:

Suzanne Efford,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	4		Attendance Roster
A.B. 57	C	2	Brett Kandt / Office of the Attorney General	Written Testimony
A.B. 57	D	1	Kimberly Mull / Nevada Coalition to End Domestic and Sexual Violence	Written Testimony
A.B. 476	E	2	Scott Anderson / Office of the Secretary of State	Written Testimony

Steven D. Grierson

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DISTRICT COURT

CLARK COUNTY NEVADA

9 LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-758501-W

10 Petitioner,

Dept. No.: XXIV

11 vs.

12 CLARK COUNTY OFFICE OF THE
13 CORONER/MEDICAL EXAMINER,

14 Respondent.

SUPPLEMENT TO REPLY TO
RESPONSE TO PETITION AND
MEMORANDUM IN SUPPORT OF
APPLICATION PURSUANT TO
NEV. REV. STAT. § 239.001/
PETITION FOR WRIT OF
MANDAMUS/ APPLICATION FOR
DECLARATORY AND
INJUNCTIVE RELIEF

17 COMES NOW Petitioner the Las Vegas Review-Journal (the "Review-Journal"),
18 by and through its undersigned counsel, and hereby submits this supplement in support of
19 its Public Records Act Application/Petition. This supplement contains copies of autopsy
20 reports received from the Lander County Sheriff's Office and the White Pine County
21 Coroner's Office.

22 Respectfully submitted this 25th day of September, 2017.

23 /s/ Alina M. Shell

24 Margaret A. McLetchie, Nevada Bar No. 10931

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Counsel for Petitioner

1 SUPPLEMENT

2 I. INTRODUCTION

3 On July 17, 2017, the Review-Journal filed a petition with this Court pursuant to
4 the Nevada Public Records Act ("NPR"), Nev. Rev. Stat. § 239.001 *et seq.* seeking
5 declaratory and injunctive relief after the Clark County Office of the Coroner/Medical
6 Examiner ("Coroner's Office") refused to disclose autopsy reports for autopsies conducted
7 on anyone under the age of 18 which were conducted between 2012 and April 13, 2017—
8 the date the Review-Journal requested the records. As discussed in the petition, in responding
9 to the request, the Coroner's Office acknowledged the requested autopsy reports are public
10 records, but asserted that they were not open to inspection. (Petition, p. 3, ¶¶12-14; *see also*
11 Exhibit ("Exh.") 1 to Petition, pp. LVRJ001-003.) In making this assertion, the Coroner's
12 Office cited a non-binding Attorney General Opinion, AGO 82-12. (Petition, pp. 3-4, ¶ 15.)

13 After counsel for the Review-Journal expressed concerns regarding the refusal to
14 produce the autopsy reports, the Coroner's Office additionally asserted that the records may
15 be protected by Nev. Rev. Stat. § 432B.407, a statute which provides that information
16 acquired by child death review teams is confidential. (Petition, p. 4, ¶¶ 17-19; Exh. 5,
17 LVRJ031-033.) The Coroner's Office maintained this position in its Response to the Review-
18 Journal petition and supporting memorandum. (*See generally* Response, pp. 10-21.)

19 However, evidence obtained by the Review-Journal undermines the Coroner's
20 Office position that autopsy reports pertaining to juvenile deaths are not open for public
21 inspection. First, in response to a public records request, the Review-Journal received copies
22 of autopsy reports related to five juvenile deaths from the White Pine County Coroner's
23 Office. Copies of the reports are attached hereto as Exhibit 3. Additionally, on August 29,
24 2017, the Review-Journal received copies of autopsy reports related to one juvenile death
25 from the Lander County's Sheriff's Office. Copies of those reports are attached hereto as
26 Exhibit 4. The reports from both White Pine and Lander County were received in response
27 to public records requests.
28

1 As discussed in the Review-Journal's Memorandum in support of the petition in
2 this matter, the NPRA starts from the presumption that all governmental records are public
3 unless explicitly deemed confidential by law. Nev. Rev. Stat. § 239.010. To overcome that
4 presumption, a governmental entity seeking to withhold public records "has the burden of
5 proving by a preponderance of the evidence that the public book or record, or a part thereof,
6 is confidential." Nev. Rev. Stat. § 239.0113(2); *see also Reno Newspapers, Inc. v. Gibbons*,
7 127 Nev. 873, 882, 266 P.3d 623, 629 (2011) (holding that the "state entity bears the burden
8 to prove that its interest in nondisclosure *clearly outweighs* the public's interest in access")
9 (emphasis added). The fact that the Review-Journal was able to obtain autopsy reports related
10 to juvenile deaths from Lander County and White Pine County demonstrates that the
11 Coroner's Office has not met its burden of proving by a preponderance of the evidence that
12 the autopsy reports are confidential records. *See* Nev. Rev. Stat. § 239.01132(2).

13
14 Respectfully submitted this 25th day of September, 2017.

15 /s/ Alina M. Shell

16 Margaret A. McLetchie, Nevada Bar No. 10931

17 Alina M. Shell, Nevada Bar No. 11711

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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 25th day of September, 2017, I did cause a true copy of the foregoing SUPPLEMENT TO REPLY TO RESPONSE TO PETITION AND MEMORANDUM IN SUPPORT OF APPLICATION PURSUANT TO NEV. REV. STAT. § 239.001/ PETITION FOR WRIT OF MANDAMUS/ APPLICATION FOR DECLARATORY AND INJUNCTIVE RELIEF in *Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical Examiner*, Clark County District Court Case No. A-17-758501-W, to be served electronically using the Odyssey File & Serve electronic filing service system, to all parties with an email address on record.

Pursuant to NRCP 5(b)(2)(B) I hereby further certify that on the 25th day of September, 2017, I mailed a true and correct copy of the foregoing SUPPLEMENT TO REPLY TO RESPONSE TO PETITION AND MEMORANDUM IN SUPPORT OF APPLICATION PURSUANT TO NEV. REV. STAT. § 239.001/ PETITION FOR WRIT OF MANDAMUS/ APPLICATION FOR DECLARATORY AND INJUNCTIVE RELIEF by depositing the same in the United States mail, first-class postage pre-paid, to the following:

Mary-Anne Miller and Laura Rehfeldt
Clark County District Attorney's Office
500 S. Grand Central Pkwy., Ste. 5075
Las Vegas, NV 89106
Counsel for Respondent, Clark County Office of the Coroner/Medical Examiner

/s/ Pharan Burchfield
An Employee of MCLEITCH SHELL LLC

EXHIBIT 3



WHITE PINE COUNTY CORONER'S REPORT



DECEDENT

DECEASED -NAME			First	Middle	Last	Date of Death	County of Death
			S		T	January 26, 2012	White Pine
CITY, TOWN OR LOCATION OF DEATH			HOSPITAL OR OTHER INSTITUTION-Name (If not either, give street and number)			If Hosp. or Inst. Indicate DOA, OP/ Emer.Rm. Inpatient (Specify)	
			N/A			N/A	
SEX	RACE - (e.g., White, Black, American Indian, etc.) (specify)	AGE - Last Birthday (Years)	UNDER 1 YEAR MOS	UNDER 1 DAY DAYS	UNDER 1 DAY HOURS	UNDER 1 DAY MINS	DATE OF BIRTH (Mo., Day, Yr.)
Female	American Indian	6 years					2005
STATE of BIRTH (If not U.S.A., name country)	CITIZEN OF WHAT COUNTRY	Decedent's Education. Specify highest grade completed.	MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)			SURVIVING SPOUSE (If Wife, give maiden name)	
Nevada	United States	N/A	N/A			N/A	
SOCIAL SECURITY NUMBER	USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even if Retired)				KIND OF BUSINESS OR INDUSTRY		
	N/A				N/A		
RESIDENCE-STATE	COUNTY	CITY, TOWN, OR LOCATION	STREET AND NUMBER		INSIDE CITY LIMITS		
Nevada	White Pine						

PARENTS

FATHER-NAME	First	Middle	Last	MOTHER-MAIDEN NAME	First	Middle	Last
			T (deceased)				T
INFORMANT-NAME (Type or Print)				MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip)			
T							

CERTIFIER

To be completed by Coroner's Office

On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and manner stated. (Signature and Title)	DATE SIGNED (Mo., Day, Yr.)	HOUR OF DEATH
		0400
	PRONOUNCED DEAD Mo., Day, Yr.	PRONOUNCED DEAD (Hour)
	January 26, 2012	0615
NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print.)		
Sgt. Todd Fincher, Deputy Coroner 1785 Great Basin Blvd. Ely, Nevada 89301		

CAUSE OF DEATH

IMMEDIATE CAUSE	(ENTER ONLY ONE CAUSE PER LINE FOR (a) AND (b).)	Interval between onset and death
PART I	(a) Pending autopsy	
	DUE TO, OR AS A CONSEQUENCE OF:	Interval between onset and death
	(b)	
PART II	OTHER SIGNIFICANT CONDITIONS - Conditions contributing to death but not resulting in the underlying cause given in Part I.	AUTOPSY (specify) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No WAS CASE REFERRED TO CORONER (specify) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		Page 1 of 2



WHITE PINE COUNTY CORONER'S REPORT



CONTINUATION

DECEASED - NAME First Middle Last
S [redacted] [redacted] T [redacted]

ACC., SUICIDE, HOMICIDE
UNDETERMINED, OR PENDING
INVESTIGATION (specify) DATE OF INJURY (Mo., Day, Yr.) HOUR OF INJURY DESCRIBE HOW INJURY OCCURRED
Pending investigation 01/26/12 0400 approx. Undetermined

INJURY AT WORK PLACE OF INJURY - At home farm street, factory, LOCATION. STREET OR R.F.D. No. CITY OR TOWN STATE
☐ Yes ☒ No office building, etc. (specify)
Home [redacted]

BLOOD ALCOHOL

(Required on all accidents & suicides)

Blood Draw Administered By: Results (%):
☐ Yes ☒ No

Synopsis of Incident/ Accident

On January 26, 2012 at approximately 6:09 a.m. deputies responded to 229 Arrowhead Circle to an unresponsive 6 year old female. Upon arrival the female was located lying on the living room floor on her stomach with no signs of life present. The deceased was pronounced dead at 6:15 a.m. and had been last seen alive at approximately 3:00 a.m. by her Aunt [redacted] when she had gotten up to get a drink of water. The deceased had downs syndrome and an enlarged tongue. The deceased also had a restricted airway and had a history of heart defects including having a corrective heart surgery at 5 months of age @ UMC. The deceased was ill with a respiratory infection the last two days and had been coughing up a green colored mucus.

Notification of Next of Kin

To Whom Made: [redacted] Relationship: Mother
By Whom: Sgt. Todd Fincher Date: 01/26/12 Time: 0805

Personal Property

Ear Ring(s):
Jewelry/ Misc.:
Necklace(s):
Ring(s):
Wallet:
Watch:
Other:
Other:

MONEY	
Currency:	
Change:	
Checks:	
TOTAL:	

INVENTORIED BY:

Property Released To: Date:

Recipient's Signature:

Page 2 of 2

Clark County Coroner
1704 Pinto Lane
Las Vegas, NV 89106
(702) 455-3210



AUTOPSY REPORT

Case Number: 12-00835

January 27, 2012

AUTOPSY REPORT

PATHOLOGIC EXAMINATION ON THE BODY OF

S [REDACTED] T [REDACTED]

SIGNIFICANT ANATOMIC FINDINGS

- I. Respiratory System:
 - A. Bilateral pulmonary congestion and edema.
 - 1. Clinical history of asthma and respiratory congestion.
- II. Cardiovascular System:
 - A. Mild cardiac enlargement with right ventricular hypertrophy.
 - B. Status post vascular clipping of patent ductus arteriosus (remote).
 - C. Clinical history of atrial septal defect, closed in infancy (remote).
- III. Hepatobiliary System:
 - A. Hepatomegaly, consistent with passive congestion.
- IV. Central Nervous System:
 - A. Clinical history of Down's syndrome.

OPINION

It is my opinion that this 6-year-old female, S [REDACTED] M [REDACTED] T [REDACTED], died as a result of bronchopneumonia with the other significant condition of clinical history of Down syndrome. This 6-year-old girl was under the care of her aunt, and reportedly had had symptoms of respiratory infection for several days, with green-colored mucus production. She had missed a scheduled doctor's appointment, but had received a "breathing treatment" prior to falling asleep. She was last seen alive by her aunt in the early morning, when she got a drink of water. Approximately three hours later, the aunt found the decedent to be unresponsive, and responding emergency personnel found the

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AUTOPSY REPORT

Case Number: 12-00835

decedent to be beyond resuscitation. The decedent had a history of Down syndrome, and in early infancy had been noted to have a patent ductus arteriosus and also an atrial septal defect. These congenital cardiac abnormalities were treated, and both the ductus arteriosus and the atrial septum were noted to be closed at the time of autopsy examination. Microbiological culture of both left and right lung tissues showed *Haemophilus influenzae*. Microbiological culture of postmortem heart blood showed no growth. RTPCR testing of nasal swab specimens were negative for H1N1 Influenza, Influenza A, Influenza B, parainfluenza 1, 2, and 3, adenovirus, and respiratory syncytial virus. Toxicological testing of postmortem heart blood was negative for all drugs tested. Vitreous fluid electrolyte values were within normal postmortem ranges.

CAUSE OF DEATH: It is my opinion that this 6-year-old female, S. [REDACTED] T. [REDACTED], died as a result of bronchopneumonia with the other significant condition of clinical history of Down syndrome.

MANNER OF DEATH: NATURAL.

Timothy F. Dutra MD PhD

Timothy F. Dutra, MD, PhD
Medical Examiner
Clark County, Nevada

TFD/kmo/amu

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AUTOPSY REPORT

Case Number: 12-00835

January 27, 2012

POSTMORTEM EXAMINATION ON THE BODY OF

S [REDACTED] T [REDACTED]

The examination commences at 1000 hours on 27 January 2012.

The body was received in a sealed body bag with the seal #0251499. The seal was opened under my direction.

IDENTIFICATION: At the time of autopsy, the body is identified by a Clark County Coroner/Medical Examiner "tpe tag" inscribed with case #12-0835 and the name T [REDACTED], S [REDACTED].

EXTERNAL EXAMINATION: The body is unclothed. The body is accompanied by a gray t-shirt with a panda bear design on the front, and is also accompanied by pink pajama bottoms with a strawberry pattern on them. The body is also accompanied by a disposable diaper with Elmo from Sesame Street on the front. The diapers contain moist yellow-green stool. The appearance is that of a female child approximately the stated age of 6 years. The body length is 40 inches. The body weight is 41 lbs. The state of preservation is good in this unembalmed body. Rigor mortis is moderately advanced. Lividity is present and becoming fixed in the dependent areas posteriorly. There is contact pallor in the diaper area. The scalp hair is brown, and worn moderately long, approximately 10 inches in length. The orbital and periorbital tissues are unremarkable. The pupils are round, and the irides are brown. The conjunctival surfaces are without petechiae. Facial bones are without unusual mobility. The nares are clear. The teeth are in a relatively good state of repair. The medial maxillary incisors are missing, secondary to juvenile to adult dental progression. There are occasional silvery metal caps on some of the posterior molar teeth. There are no injuries to the lips, tongue, or frenula. The external ears are normal. The neck is without unusual mobility. The chest and back are symmetrical. The abdomen is mildly protuberant. The genitalia are female. The vulva and perineum show scattered patches of superficial epidermal breakdown, of the external aspects of the labia majora and inferior buttocks bilaterally, consistent with

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AUTOPSY REPORT

Case Number: 12-00835

PAGE TWO

diaper dermatitis. The anus is normal. Both upper and lower extremities are symmetrical, and without deformity.

INVENTORY OF SCARS: There is a 3 cm longitudinal scar on the radial aspect of the left forearm. There is a 1.5 cm transverse scar in the subcostal region of the right upper quadrant of the abdomen. Due to the reported history of cardiac surgery as an infant, careful examination of the chest is made, and no definite scars are identified.

INVENTORY OF MEDICAL INTERVENTION: None.

INVENTORY OF RADIOGRAPHIC FINDINGS: AP and lateral x-rays of the head and neck show no evidence of recent or remote skeletal injury. The cervical spine is well aligned.

AP x-rays of the chest, abdomen and pelvis show no evidence of skeletal injury. There are a couple of small metal vascular clips in the region of the base of the heart. There are scattered fluffy opacities of the lung fields bilaterally. The heart shadow is in the upper range of normal in size.

X-rays of all four extremities show no evidence of skeletal injury.

INVENTORY OF INJURIES: There are no apparent injuries or fractures present.

BODY CAVITIES: The body is opened with the usual Y-shaped thoracoabdominal incision, and the head is opened with the standard intermastoid incision. The pleural, pericardial, and peritoneal cavities are glistening and contain minimal amounts of clear serous fluid. The abdominal pannus measures 2 cm. The thoracic and abdominal organs lie in their usual anatomic positions.

NECK ORGANS: The soft tissues of the neck are free of hemorrhage. The hyoid bone is intact. The glottis, laryngeal,

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AUTOPSY REPORT

Case Number: 12-00835

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and tracheal airways are widely patent. The larynx and epiglottis are normal. The thyroid gland is normal.

MEDIASTINUM: The thymus gland is present in the anterior mediastinum and has a normal size and confirmation. The capsule is glistening. The mediastinum is midline. There are scattered enlarged lymph nodes within the mediastinum and pulmonary hila.

HEART: The heart weighs 210 gm. The epicardial surface of the heart is smooth and glistening with a small amount of subepicardial fat. The heart shows predominance of the right ventricular contour. The left ventricular wall measures 0.9 cm. The interventricular septum measures 1.0 cm, and the right ventricular wall measures 0.6 cm. The endocardium, cardiac valves, and chambers have glistening surfaces without mural thrombus. Measurement of the cardiac valve circumferences shows the tricuspid valve to be 7 cm, the pulmonic valve to be 5 cm, the mitral valve to be 6 cm, and the aortic valve to be 4 cm. The valve leaflets are thin, glistening, and pliable. The aortic valve has three leaflets. The interatrial and interventricular septae are without defects. The coronary arteries are thin-walled and have a normal distribution and appear to have a normal diameter. There is no significant stenosis of the coronary arteries and no thrombus is seen. The cut surfaces of the myocardium show normal red-brown color and consistency.

VASCULAR SYSTEM: The aorta and arterial system are not remarkable. The ductus arteriosus is closed, and there is a metal vascular clip clamped around the ductus arteriosus. The systemic veins are normal.

LUNGS: The right lung weighs 310 gm, and the left lung weighs 240 gm. The pleural surfaces are purple-pink and glistening. The lung tissues throughout are soft and without focal friability. The lung tissues are congested throughout, greater in the dependent portions. Cut surfaces are moist, purple-pink tissue. The air passages are lined by pink mucosa. The

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AUTOPSY REPORT

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pulmonary arteries are free of emboli and the pulmonary veins are normal.

LIVER: The liver weighs 750 gm. The capsule is glistening. Cut surfaces show red-brown hepatic tissue of normal consistency without focal lesion. The cut section of the liver has a faint nutmeg pattern to its appearance. The gallbladder and biliary tract are normal and free of stones.

PANCREAS: The pancreas is normal in consistency and appearance.

GASTROINTESTINAL TRACT: The entire gastrointestinal tract is examined and found to be normal. The stomach contains approximately 50 mL of well-digested food, consisting of a thin tan homogenate.

SPLEEN: The spleen weighs 35 gm. The capsule is smooth and glistening and the cut surfaces are purple-red.

LYMPH NODES: The lymph nodes are normal in size.

BONE MARROW: The bone marrow is normal.

ADRENALS: The adrenal cortices are yellow and the medullae are free of hemorrhages.

KIDNEYS: The right kidney weighs 40 gm, and the left kidney weighs 50 gm. The renal capsules strip with ease revealing smooth red-brown surfaces. The renal cortices of both kidneys are of normal thickness and without focal lesion. The parenchyma is red-brown. The renal pyramids and papillae are unremarkable. The renal pelves and ureters are unremarkable.

BLADDER: The bladder contains minimal amounts of cloudy yellow fluid. The wall and mucosa are normal.

FEMALE GENITAL SYSTEM: The ovaries are in their usual pelvic position, and are of normal size for a prepubertal female of

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AUTOPSY REPORT

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this stated age. The Fallopian tubes are unremarkable. The uterus is of normal size and shape, and the myometrium is without focal lesion. The endometrial cavity is lined by smooth glistening yellow-brown endometrium. The cervix is without focal lesion.

CRANIAL CAVITY: The reflected scalp shows no evidence of contusion, hematoma, or other lesion. The cerebrospinal fluid is clear and colorless. The calvarium and bones at the base of the skull are not remarkable. No fractures or other injuries are seen. The inner and outer surfaces of the dura mater are free of hematoma, organizing membranes, or other lesions. The sagittal sinus is patent. The leptomeninges and cisternal spaces are normal in appearance and without hemorrhage. The pituitary gland is grossly normal. The weight of the unfixed brain is 1130 gm. The gyri and sulci are of normal distribution and development. There is no evidence of cingulate, uncus, or tonsillar herniation. No brain injury is detected on careful search. Cut sections of brain substance show symmetry and essentially normal structures, with an intact cortical ribbon, central white matter, and basal ganglia. The ventricles are of normal size. The Circle of Willis and other intracranial vessels are normal. Cut sections of cerebellum and brainstem are unremarkable.

SPINAL CORD: The upper spinal cord as viewed from the cranial cavity is not remarkable.

SPECIMENS COLLECTED: Peripheral blood, heart blood, liver tissue, and vitreous fluid are collected for toxicological examination. Vitreous electrolytes are also to be tested. Nasal swabbings are taken for viral testing. Samples of cerebrospinal fluid, heart blood, right lung and left lung tissues are sent for microbiological cultures. Samples of organ tissues are retained. Sections of organ tissues are sent for histological processing.

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AUTOPSY REPORT

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MICROSCOPIC EXAMINATION

CARDIOVASCULAR SYSTEM: Sections of both the left and right ventricles show unremarkable cardiomyocytes without architectural disarray. There is no significant inflammation or fibrosis. Sections of the coronary arteries and aorta show unremarkable vessels.

RESPIRATORY SYSTEM: Sections of both the right and left lungs show diffuse extensive bronchopneumonia. All sections of the lungs show bronchopneumonia. The alveolar spaces contain acute inflammatory exudate, and the pulmonary parenchyma contains acute inflammatory infiltrate. The bronchial walls show telangiectasia, and the bronchial lumens contain purulent exudate. The bronchial walls do not appear to show an increased number of eosinophils. In focal areas, the alveolar spaces are less involved, and in these areas, alveolar macrophages are abundant. The pulmonary vasculature is unremarkable.

HEPATOBIILIARY SYSTEM AND PANCREAS: Sections of the liver show passive congestion, especially in the centrilobular sinusoids. The centrilobular hepatocytes appear ischemic, but midzonal and periportal hepatocytes are relatively unremarkable, except for scattered glycogenated nuclei of the periportal hepatocytes. The hepatic plates are 1-2 cells in thickness. The portal triads are unremarkable. Sections of the pancreas show mild autolytic changes. There is normal acinar anatomy, and islets are abundant. A section of gastric mucosa is unremarkable.

HEMATOLYMPHATIC SYSTEM: Sections of thymus, lymph nodes, and spleen are without significant pathologic features. Sections of bone marrow show a fat cell ratio of about 5%/95%, and an M:E ratio of about 3/2. There is normal trilineage hematopoiesis.

ENDOCRINE SYSTEM: Sections of thyroid, parathyroid, and adrenal glands are without significant pathologic features.

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AUTOPSY REPORT

Case Number: 12-00835

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GENITORURINARY SYSTEM: Sections of both kidneys show abundant glomeruli with normal cellularity and normal morphology. The renal tubules are unremarkable. The renal vasculature is unremarkable. Sections of the female genital organs are unremarkable.

CENTRAL NERVOUS SYSTEM: Sections of cerebral cortex, hippocampal cortex, cerebellum, and brainstem are without significant pathologic features. Attached fragments of leptomeninges are without significant inflammation. Sections of pituitary gland are unremarkable. Sections of dura mater are unremarkable.

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NMS Labs

3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437
Phone: (215) 657-4900 Fax: (215) 657-2972
e-mail: nms@nmslabs.com

Robert A. Middleberg, PhD, DABFT, DABCC-TC, Laboratory Director

CONFIDENTIAL

Toxicology Report

Report Issued 02/04/2012 17:00

To: 10294
Clark County Coroner's Office
Attn: Bill Gazza
1704 Pinto Lane
Las Vegas, NV 89106

Patient Name T S
Patient ID 12-0835
Chain 11405987
Age 6 Y
Gender Female
Workorder 12030805

Page 1 of 3

Positive Findings:

Compound	Result	Units	Matrix Source
Sodium (Vitreous Fluid)	122	mmol/L	Vitreous Fluid
Potassium (Vitreous Fluid)	13	mmol/L	Vitreous Fluid
Chloride (Vitreous Fluid)	109	mmol/L	Vitreous Fluid
Urea Nitrogen (Vitreous Fluid)	16	mg/dL	Vitreous Fluid
Creatinine (Vitreous Fluid)	0.70	mg/dL	Vitreous Fluid

See Detailed Findings section for additional information

Testing Requested:

Analysis Code	Description
1919FL	Electrolytes and Glucose Panel (Vitreous), Fluid (Forensic)
8055B	Postmortem Toxicology - Basic Plus, Blood (Forensic) (CSA)
9096B	Alcohol Screen, Blood (Forensic)

Specimens Received:

ID	Tube/Container	Volume/ Mass	Collection Date/Time	Matrix Source	Miscellaneous Information
001	Gray Top Tube	10 mL	01/27/2012 10:30	Heart Blood	
002	Gray Top Tube	10 mL	01/27/2012 10:30	Heart Blood	
003	Gray Top Tube	5 mL	01/27/2012 10:30	Peripheral Blood	
004	Red Vial	3 mL	01/27/2012 10:30	Vitreous Fluid	
005	White Plastic Container	22.33 g	01/27/2012 10:30	Liver Tissue	

All sample volumes/weights are approximations.

Specimens received on 01/30/2012.

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Workorder 12030805
Chain 11405987
Patient ID 12-0835

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Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Sodium (Vitreous Fluid)	122	mmol/L	80	004 - Vitreous Fluid	Chemistry Analyzer
Potassium (Vitreous Fluid)	13	mmol/L	1.0	004 - Vitreous Fluid	Chemistry Analyzer
Chloride (Vitreous Fluid)	109	mmol/L	70	004 - Vitreous Fluid	Chemistry Analyzer
Glucose (Vitreous Fluid)	None Detected	mg/dL	35	004 - Vitreous Fluid	Chemistry Analyzer
Urea Nitrogen (Vitreous Fluid)	16	mg/dL	3.0	004 - Vitreous Fluid	Chemistry Analyzer
Creatinine (Vitreous Fluid)	0.70	mg/dL	0.50	004 - Vitreous Fluid	Chemistry Analyzer

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Reference Comments:

1. Chloride (Vitreous Fluid) - Vitreous Fluid:
Normal: 105 - 135 mmol/L
2. Creatinine (Vitreous Fluid) - Vitreous Fluid:
Normal: 0.6 - 1.3 mg/dL
3. Glucose (Vitreous Fluid) - Vitreous Fluid:
Normal: <200 mg/dL

Postmortem vitreous glucose concentrations >200 mg/dL are associated with hyperglycemia.

Since postmortem vitreous glucose concentrations decline rapidly after death both in vivo and in vitro, care should be taken in the interpretation of results. Stability of vitreous glucose for up to 30 days has been noted by NMS Labs when specimens are maintained frozen (-20°C).

4. Potassium (Vitreous Fluid) - Vitreous Fluid:
Normal: <15 mmol/L
5. Sodium (Vitreous Fluid) - Vitreous Fluid:
Normal: 135 - 150 mmol/L
6. Urea Nitrogen (Vitreous Fluid) (UUN) - Vitreous Fluid:
Normal: 8 - 20 mg/dL

Sample Comments:

001 Physician/Pathologist Name: DUTRA

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded thirteen (13) months from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed. Chain of custody documentation has been maintained for the analyses performed by NMS Labs.

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Workorder 12030805
Chain 11405987
Patient ID 12-0835

Page 3 of 3

Workorder 12030805 was electronically
signed on 02/04/2012 16:44 by:

Wendy R. Adams, Ph.D., DABFT
Forensic Toxicologist

Analysis Summary and Reporting Limits:

Acode 1919FL - Electrolytes and Glucose Panel (Vitreous), Fluid (Forensic) - Vitreous Fluid

-Analysis by Chemistry Analyzer for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Chloride (Vitreous Fluid)	70 mmol/L	Potassium (Vitreous Fluid)	1.0 mmol/L
Creatinine (Vitreous Fluid)	0.50 mg/dL	Sodium (Vitreous Fluid)	80 mmol/L
Glucose (Vitreous Fluid)	35 mg/dL	Urea Nitrogen (Vitreous Fluid)	3.0 mg/dL

Acode 8055B - Postmortem Toxicology - Basic Plus, Blood (Forensic) (CSA) - Heart Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Amphetamines	20 ng/mL	Methadone	25 ng/mL
Barbiturates	0.040 mcg/mL	Opiates	20 ng/mL
Benzodiazepines	100 ng/mL	Phencyclidine	10 ng/mL
Cannabinoids	10 ng/mL	Propoxyphene	50 ng/mL
Cocaine / Metabolites	20 ng/mL		

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Salicylates	120 mcg/mL		

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Buprenorphine / Metabolite	0.50 ng/mL		

-Analysis by High Performance Liquid Chromatography (HPLC) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Ibuprofen	3.0 mcg/mL		

-Analysis by High Performance Liquid Chromatography/Tandem Mass Spectrometry (LC-MS/MS) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Fentanyl	0.10 ng/mL	Norfentanyl	0.20 ng/mL

Acode 9096B - Alcohol Screen, Blood (Forensic) - Peripheral Blood

-Analysis by Headspace Gas Chromatography (GC) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL

v.8



WHITE PINE COUNTY CORONER'S REPORT



DECEDENT

DECEASED -NAME			First	Middle	Last	Date of Death	County of Death
						November 20, 2014	White Pine
CITY, TOWN OR LOCATION OF DEATH			HOSPITAL OR OTHER INSTITUTION-Name (If not either, give street and number)			If Hosp. or Inst. Indicate DOA, OP/ Emer.Rm. Inpatient (Specify)	
City of Ely							
SEX	RACE - (e.g., White, Black, American Indian, etc.) (specify)	AGE - Last Birthday (Years)	UNDER 1 YEAR MOS DAYS	UNDER 1 DAY HOURS MINS	DATE OF BIRTH (Mo., Day, Yr.)		
Male	White	18			96		
STATE of BIRTH (If not U.S.A., name country)	CITIZEN OF WHAT COUNTRY	Decedent's Education. Specify highest grade completed.	MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)		SURVIVING SPOUSE (If Wife, give maiden name)		
NEVADA	UNITED STATES	11th Grade	Never Married				
SOCIAL SECURITY NUMBER	USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even if Retired)			KIND OF BUSINESS OR INDUSTRY			
	HANDYMAN			MAINTINENCE			
RESIDENCE-STATE	COUNTY	CITY, TOWN, OR LOCATION	STREET AND NUMBER		INSIDE CITY LIMITS		
Nevada	White Pine	Ely	Great Basin Tri Space I		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

PARENTS

FATHER-NAME	First	Middle	Last	MOTHER-MAIDEN NAME	First	Middle	Last
INFORMANT-NAME (Type or Print)				MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip)			

CERTIFIER

To be completed by Coroner's Office

On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and manner stated. (Signature and Title)	DATE SIGNED (Mo., Day, Yr.)	HOUR OF DEATH
		UNKNOWN
	PRONOUNCED DEAD Mo., Day, Yr.)	PRONOUNCED DEAD (Hour)
	11-24-14	1402
NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print.)		
Sgt. Penny Jo Robison #204, Deputy Coroner 1785 Great Basin Blvd. Ely Nevada 89301		

CAUSE OF DEATH

IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a) AND (b).)		Interval between onset and death
(a) Quetiapine Intoxication		
PART I	DUE TO, OR AS A CONSEQUENCE OF:	Interval between onset and death
	(b) Suicide	
PART II	OTHER SIGNIFICANT CONDITIONS - Conditions contributing to death but not resulting in the underlying cause given in Part I.	AUTOPSY (specify) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No WAS CASE REFERRED TO CORONER (specify) <input type="checkbox"/> Yes <input type="checkbox"/> No



WHITE PINE COUNTY CORONER'S REPORT



CONTINUATION

DECEASED -NAME	First	Middle	Last
ACC., SUICIDE, HOMICIDE UNDETERMINED, OR PENDING INVESTIGATION (specify)	DATE OF INJURY (Mo., Day, Yr.)	HOUR OF INJURY	DESCRIBE HOW INJURY OCCURRED
Pending			
INJURY AT WORK <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PLACE OF INJURY -At home farm street, factory, office building, etc. (specify)	LOCATION	STREET OR R.F.D. No. CITY OR TOWN STATE

BLOOD ALCOHOL

(Required on all accidents & suicides)

Blood Draw	Administered By:	Results (%):
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Synopsis of Incident/ Accident

Responded to Great Basin Trailer Park space #1 for a male subject not breathing. Upon arrival, the mother to the deceased was laying on the ground, crying. I went into the trailer, and found the deceased laying on his left side. There was a brown to dark brown substance on the deceased head and face. The deceased was black in color and had started to decompose. The last anyone had seen of the deceased had been five days prior. The deceased left a note, stating he was going to kill himself and that he had taken 28650 mg of Quetiapine and 4500 mg of

Notification of Next of Kin

To Whom Made:	Relationship:
	Mother
By Whom: Sgt. PJ Robison	Date: 11-24-14 Time: 1406

Personal Property

Ear Ring(s):
Jewelry/ Misc.:
Necklace(s):
Ring(s):
Wallet:
Watch:
Other:
Other:

MONEY
Currency:
Change:
Checks:
TOTAL:

INVENTORIED BY:

Property Released To:	Date:
Recipient's Signature:	



WHITE PINE COUNTY CORONER'S REPORT



Supplemental Information

Trazodone. The deceased was 18 years of age, and had a history of mental illness, and had been institutionalized at one time.

Clark County Coroner/Medical Examiner

1704 Pinto Lane
Las Vegas, NV 89106
(702) 455-3210



REPORT OF INVESTIGATION

Outside County

CALL INFO	NAME OF DECEASED (LAST, FIRST MIDDLE) K. J. [REDACTED]		AKA		CASE NUMBER 14-11152	
	INVESTIGATOR Tricia McCafferty		REPORTED BY Sgt. P Robison		REPORTING AGENCY White Pine County Sheriff's Office	
DECEDENT	CALL DATE AND TIME 11/24/2014 5:30:00 PM		DISPATCH DATE AND TIME		ARRIVAL DATE AND TIME	
	DATE AND TIME OF DEATH 11/24/2014 2:06:00 PM		AGE 18 Yrs		GENDER Male	
	RACE Caucasian		VET? <input type="checkbox"/>			
	RESIDENT COUNTY White Pine		TELEPHONE NO. (999) 999-9999		DATE OF BIRTH [REDACTED] 1996	
	SOCIAL SECURITY NO. [REDACTED]		DRIVER'S LIC. NO. AND STATE		EMPLOYER Unknown	
	MARITAL STATUS		HEIGHT 67		WEIGHT 197	
	CLOTHING		EYE COLOR		HAIR COLOR	
DEATH	LOCATION OF DEATH Living Room					
	ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED] White Pine					
	COUNTY White Pine					
INCIDENT	<input checked="" type="checkbox"/> PRONOUNCED BY Sgt. P Robison					
	AGENCY White Pine County					
	LOCATION OF INCIDENT Living Room					
	ADDRESS (STREET, CITY, STATE, ZIP) [REDACTED] White Pine					
NOTIFICATION	DATE AND TIME OF INCIDENT 11/24/2014 2:06:00 PM		INVESTIGATING AGENCY White Pine County Sheriff's Office		OFFICERS Sgt. P. Robison	
	LEGAL NEXT OF KIN [REDACTED] K. J.		RELATIONSHIP Parents		TELEPHONE NO.	
	NOTIFIED BY Sgt. Robison		METHOD In Person		DATE AND TIME 11/24/2014 2:05:00 PM	
	NAME OF PERSON NOTIFIED John and Lorelei Keel		RELATIONSHIP Parents		TELEPHONE NO.	
	IDENTIFIED BY		METHOD		DATE AND TIME	
DISP	TRANSPORTED TO MORGUE BY White Pine County Sheriff's Office		TRANSPORTED TO MORTUARY BY White Pine County Sheriff's Office			
	FUNERAL HOME		CLOTHING RELEASED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
	TYPE OF EXAM Autopsy		EXAM BY Lisa Ann Gavin M.D., MPH			
VEHICULAR	DECEASED WAS <input type="checkbox"/> Pedestrian <input type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Bicyclist <input type="checkbox"/> Motorcyclist <input type="checkbox"/> Skateboard <input type="checkbox"/> Motorized Wheelchair					
	VEHICLE				LICENSE NUMBER	
	STATE					
OCCURRED ON PRIVATE PROPERTY		DECEASED WEARING SEATBELT?		SEAT POSITION		
				DECEASED WEARING CRASH HELMET?		

Clark County Coroner
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REPORT OF INVESTIGATION

Case Number: 14-11152

DECEDENT NAME: [REDACTED] K [REDACTED]
ALSO KNOWN AS:
LOCATION OF DEATH: Living Room
DATE OF DEATH: 11/24/2014

DATE OF BIRTH: [REDACTED]/1996
AGE: 18
SSN: [REDACTED]
TIME OF DEATH: 2:06PM

SUMMARY OF INVESTIGATION

Reason for Coroner Jurisdiction:

Apparent suicide – Overdose, note found on scene, not suspicious, White pine County Sheriff's Office (WPCSO)

Circumstances of Death:

On 11/2/2014 at approximately 1405 hours WPCSO received a call to respond to the decedent's residence. The decedent was last seen alive on 11/20/2014. On 11/24/2014 at approximately 1400 hours his mother reportedly found him lying on the couch unresponsive. WPCSO responded to the location and found the decedent obviously deceased. Death was pronounced by Sergeant P. Robison on 11/24/2014 at 1406 hours.

Medical History:

The decedent reportedly had a history of mental illness and had been institutionalized at one time (exact date unknown). Additional medical history is unknown at the time of this report.

An apparent suicide note was found on scene stating decedent took 28650 milligrams of quetiapine and 4500 milligrams of trazodone.

Scene:

The decedent was found unresponsive in his residence located at the Great Basin Trailer Park Space 1, Ely, Nevada 89031. He was reportedly observed lying on his left side on the couch in the living room of the residence.

Body:

The decedent was reportedly observed lying on his left side on the couch in the living room of his residence and decomposition was present. WPCSO Sergeant Robison conducted the body exam.

Property:

Per Clark County Office of Coroner/Medical Examiner (CCOCME) Inventory of Personal Effects # 11652 no property was impounded.

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Signature

Handwritten signature of Tricia McCafferty in black ink.
Tricia McCafferty, Coroner Investigator

Clark County Coroner
1704 Pinto Lane
Las Vegas, NV 89106
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REPORT OF INVESTIGATION

Case Number: 14-11152

Forensic Issues and Reasons for Seal:

- WPCSO requesting toxicology
- Apparent suicide note found on scene stating the decedent took 28650 milligrams of quetiapine and 4500 milligrams of trazodone.
- Decomposition present
- Identification and next of kin assistance has not been requested
- Copy of report and note received
- Not suspicious

Witnesses and Information Sources:

WPCSO Sergeant Robison

Narrative:

On 11/24/2014 at approximately 1730 hours I was notified of an apparent suicide that located at [REDACTED]. WPCSO Sergeant P. Robison reported the death. She provided me with the information contained in the circumstances of death, medical history, body and scene fields of this report.

The decedent will be transported to CCOCME by WPCSO.

Special Requests:

WPCSO will transport decedent to CCOCME and wait until the exam is complete. They will be transporting him back to Ely Nevada.

Tissue/Organ Donation:

Nevada Donor Network protocol followed -- decomposed.

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Signature: _____

Tricia McCafferty, Coroner Investigator

Clark County Coroner
1704 Pinto Lane
Las Vegas, NV 89106
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AUTOPSY REPORT

Case Number: 14-11152

November 25, 2014

AUTOPSY REPORT

PATHOLOGICAL EXAMINATION ON THE BODY OF

J ■■■ R ■■■ K ■■■


PATHOLOGIC DIAGNOSES

- I. Quetiapine intoxication.
- II. Mild-moderate decomposition.

OPINION

CAUSE OF DEATH: This 18-year-old man, J ■■■ R ■■■ K ■■■, died of Quetiapine intoxication.

MANNER OF DEATH: SUICIDE.


Lisa Gavin, MD, MPH
Medical Examiner
Clark County Coroner
Las Vegas, NV

DATE: 11/21/15

LG/kra

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1704 Pinto Lane
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AUTOPSY REPORT

Case Number: 14-11152

November 25, 2014

POSTMORTEM EXAMINATION ON THE BODY OF

J [REDACTED] K [REDACTED]

ADULT POSTMORTEM EXAMINATION

An autopsy is performed on the body tentatively identified as K [REDACTED], J [REDACTED] at the Clark County Office of the Coroner/Medical Examiner (CCOCME), on 25 November 2014, commencing at 0855 hours. Identification is later confirmed by the White Pine County Sheriff's Department.

The body is received within a sealed body bag (seal #0223687), which is opened on 11/25/14 at 0720 hours by #250. The body is identified by a Clark County Office of the Coroner/Medical Examiner (CCOCME) "toe tag" around the right great toe, which includes: CCOCME Case #14-11152; Name: K [REDACTED], J [REDACTED]; Date of Death: 11/24/14; Time of Death: 1406 hours; CCOCME Investigator: #365.

The autopsy is conducted in the presence of Deputy Sheriff S. Wilkin (P#426) of the White Pine County Sheriff's Department.

EXTERNAL EXAMINATION (EXCLUDING INJURIES)

The body is that of a well-developed, mildly obese teenage male who weighs 197 pounds and is 67 inches in length (body mass index, BMI = 30.9); and appears compatible with the reported age of 18 years.

The body is received clad in a long-sleeved T-shirt, camouflage pants with a brown cloth-like belt, long johns and white underpants. There are no accompanying personal effects.

The body is cold (refrigerated). Rigor mortis is receding. Fixed pink-purple livor mortis appears to be present over the left side, the inferior and the posterior portions of the body, except in areas exposed to pressure. Evidence of postmortem change includes green discoloration of the body with extensive

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AUTOPSY REPORT

Case Number: 14-11152

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skin slippage, bloating of the face (cheeks, lips), the abdomen and the scrotum. Drying of the lips is seen. Areas of degloving are present on the hands.

The scalp hair is red, straight, and short, being shaved close to the scalp.

The eyes are decomposing. Consequently, petechial hemorrhages are not clearly appreciated.

The nose and ears are normally formed.

The decedent wears an unkept beard.

The anterior teeth appear natural and in adequate condition.

The neck is slightly obese.

The thorax is well developed and symmetrical.

The abdomen is protuberant.

The anus is free of lesions.

The spine is normally formed and the surface of the back is free of lesions.

The external genitalia are those of a normal adult male.

The upper and lower extremities appear well developed and symmetrical without absence of digits. There is some callousing of the feet and slight corn/callus of the left great toe. The toenails appear well kept. The fingernails contain some dirt beneath them. Fingerprint ink is present on the fingertips.

IDENTIFYING MARKS/SCARS:

No identifying marks or scars are readily apparent.

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AUTOPSY REPORT

Case Number: 14-11152

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EVIDENCE OF MEDICAL INTERVENTION:

There is no evidence of medical intervention.

EVIDENCE OF INJURY

No injuries are identified on external and internal examination.

INTERNAL EXAMINATION (EXCLUDING INJURIES)

BODY CAVITIES:

No adhesions are in any of the body cavities. Decompositional fluid is present within all of the body cavities. All body organs are in normal and anatomic position. The serous surfaces are glistening and greasy.

HEAD (CENTRAL NERVOUS SYSTEM):

The brain weighs 1350 grams and is markedly decomposed having a paste-like consistency. The dura mater and falx cerebri are intact, and not adherent to the brain. The leptomeninges are decomposing. There is no intracranial hemorrhage. The cerebral hemispheres and the base of the brain are decomposing. Consequently, the cranial nerves and blood vessels are indistinct. Sections through the brain matter reveal blurring of the gray-white matter and indistinct deeper structures due to decomposition. The brainstem and cerebellum are decomposed. The spinal cord is not removed.

NECK:

Examination of the soft tissues of the neck, including strap muscles and large vessels, reveals no abnormalities. The hyoid bone and larynx are intact. The tongue is normal.

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AUTOPSY REPORT

Case Number: 14-11152

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CARDIOVASCULAR SYSTEM:

The heart weighs 290 grams. The pericardial sac contains decompositional fluid. The pericardial surfaces are glistening and greasy.

The coronary arteries arise normally and follow the distribution of a right dominant pattern with no significant atherosclerosis.

The chambers and valves are proportionate. The valves are normally formed, thin and pliable and free of vegetations and degenerative changes. The myocardium is brown and softened with no evidence of fibrosis. The arterial and ventricular septa are intact.

The aorta and its major branches arise normally and follow the usual course, with no significant atherosclerosis. The orifices of the major aortic vascular branches are patent. The vena cava and its major tributaries are patent and return to the heart in the usual distribution and are unremarkable.

RESPIRATORY SYSTEM:

The right and left lungs weigh 420 and 680 grams, respectively. The upper and lower airways contain decompositional fluid. The mucosal surfaces are smooth and gray. The pleural surfaces are glistening and greasy. The pulmonary parenchyma is a dark red-purple. The cut surface exudes moderate amounts of decompositional fluid and blood. The pulmonary arteries are normally developed and without thromboemboli and atherosclerosis.

LIVER AND BILIARY SYSTEM:

The liver weighs 1350 grams. The hepatic capsule is smooth, glistening, and intact, covering a brown softened parenchyma. The gallbladder contains a minimal amount of brown bile without stones.

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AUTOPSY REPORT

Case Number: 14-11152

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ALIMENTARY TRACT:

The esophagus is lined by gray-white smooth mucosa. The gastric mucosa is autolyzed. The lumen contains approximately 100 ml of dark gray thickened liquid within which are granular white probable pill fragments. The serosa of the small and large bowel is decomposing and greasy. The appendix is present. The pancreas is decomposing.

GENITOURINARY TRACT:

The right and left kidneys weigh 180 and 150 grams, respectively. The renal capsules are smooth, thin, semitransparent, and strip with ease from the underlying smooth, red-brown, firm, cortical surfaces. The cortical medullary junctions are blurred due to decomposition. The calyces and pelves are not dilated and free of stones. The urinary bladder contains no urine; the mucosa is gray-tan and smooth. The prostate is not enlarged.

RETICULOENDOTHELIAL SYSTEM:

The spleen weighs 150 grams and has a smooth intact capsule covering a purple diffuent parenchyma. The splenic white pulp is indiscernible. The bone marrow (rib) is red-purple. There is no prominent lymphadenopathy.

ENDOCRINE SYSTEM:

The pituitary gland is decomposing. The thyroid gland is in the normal position, size and texture. The adrenal glands are decomposing.

MUSCULOSKELETAL SYSTEM:

The bony framework, supporting musculature, and soft tissues are not unusual. The cervical spinal column is stable on internal palpation.

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AUTOPSY REPORT

Case Number: 14-11152

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RADIOGRAPHS

Radiographs of the head and neck identify visible intact portions of cervical spine. The hyoid bone is obscured by decompositional changes. Partially erupted teeth as well as an unerupted molar are visible within the mouth.

Radiographs of the chest, the abdomen, and the pelvis reveal no clear evidence of acute skeletal injury. Decompositional changes of the internal organs and the soft tissues are visible within all of the radiographs. Metallic portions of clothing are visible within some of the radiographs.

SPECIMENS OBTAINED

TOXICOLOGY: Liver tissue, brain tissue, and gastric contents are obtained at autopsy.

TOXICOLOGY RESULTS: Quetiapine is detected at a lethal level in liver tissue. Trazodone is within the therapeutic range. Trazodone metabolite and beta-phenethylamine are positive but not quantified in liver tissue.

TISSUE: Representative sections of all of the major organs are retained.

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NMS Labs

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3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437

Phone: (215) 657-4900 Fax: (215) 657-2972

e-mail: nms@nmslabs.com

Robert A. Middleberg, PhD, F-ABFT, DABCC-TC, Laboratory Director

Toxicology Report

Report Issued 12/20/2014 14:00

To: 10294
Clark County Coroner's Office
Attn: Bill Gazza
1704 Pinto Lane
Las Vegas, NV 89106

Patient Name K ■■■, J ■■■ ■
Patient ID 14-11152
Chain 11832071
Age 18 Y DOB Not Given
Gender Male
Workorder 14303833

Page 1 of 4

Positive Findings:

Compound	Result	Units	Matrix Source
Beta-Phenethylamine	Positive	ng/g	002 - Liver Tissue
Trazodone Metabolite	Positive	ng/g	002 - Liver Tissue
Quetiapine	54000	ng/g	002 - Liver Tissue
Trazodone	8.4	mcg/g	002 - Liver Tissue

See Detailed Findings section for additional information

Testing Requested:

Analysis Code	Description
8092TI	Postmortem Toxicology - Expert, Tissue (Forensic)

Tests Not Performed:

Part or all of the requested testing was unable to be performed. Refer to the Analysis Summary and Reporting Limits section for details.

Specimens Received:

ID	Tube/Container	Volume/ Mass	Collection Date/Time	Matrix Source	Miscellaneous Information
001	White Plastic Container	53.86 g	11/25/2014 09:00	Liver Tissue	
002	Homogenate Container	Not Given	11/25/2014 09:00	Liver Tissue	
003	White Plastic Container	27.65 g	11/25/2014 09:00	Brain Tissue	
004	White Plastic Container	60 mL	11/25/2014 09:00	Gastric Fluid	DARK BROWN FLUID, pH=4

All sample volumes/weights are approximations.

Specimens received on 11/26/2014.

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Workorder 1430383
Chain 1183207
Patient ID 14-11152

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Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Beta-Phenethylamine	Positive	ng/g	250	002 - Liver Tissue	GC/MS
Trazodone Metabolite	Positive	ng/g		002 - Liver Tissue	GC/MS
Quetiapine	54000	ng/g	2000	002 - Liver Tissue	LC-MS/MS
Trazodone	8.4	mcg/g	8.0	002 - Liver Tissue	GC

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Reference Comments:

1. Beta-Phenethylamine (PEA) - Liver Tissue:
Beta-Phenethylamine is a decomposition product.
2. Quetiapine (Seroquel®) - Liver Tissue:
Quetiapine is an antipsychotic compound approved by the FDA for the management of the manifestations of psychotic disorders, including schizophrenia. It is a structural analogue of clozapine that addresses the positive and negative symptoms of schizophrenia, but does so with few of the traditional side effects of conventional or other atypical antipsychotic medications.
3. Trazodone (Desyre®) - Liver Tissue:
Trazodone is a structurally atypical antidepressant agent. It is prescribed for the treatment of major depression. There is a wide range of trazodone dose requirements; however, total daily oral dosages should not exceed 400 mg for outpatients and 600 mg for hospitalized patients.

The principal effects of trazodone overdose include drowsiness and lethargy. The CNS-depressant effects of trazodone are at least additive with other CNS-depressants, e.g., barbiturates, benzodiazepines and alcohol.

Sample Comments:

- 001 Physician/Pathologist Name: GAVIN
- 001 Tissue specimen required homogenization: 14303833-001
- 002 NMS Labs generated homogenized Tissue sample: 14303833-002
- 002 Due to the nature of this specimen, some analytes may not be detected by the GC/MS screen.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded thirteen (13) months from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed. Chain of custody documentation has been maintained for the analyses performed by NMS Labs.

Workorder 14303833 was electronically
signed on 12/20/2014 13:50 by:

Daniel S. Isenschmid, Ph.D., F-ABFT
Forensic Toxicologist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Acode 52112T1 - Quetiapine Confirmation, Tissue (Forensic) - Liver Tissue

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Workorder 143038
Chain 1183207
Patient ID 14-11152

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Analysis Summary and Reporting Limits:

-Analysis by High Performance Liquid Chromatography/
Tandem Mass Spectrometry (LC-MS/MS) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Quetiapine	2000 ng/g		

Acode 52147TI - Antidepressants / Antihistamines Confirmation Panel 1, Tissue (Forensic) - Liver Tissue

-Analysis by Gas Chromatography (GC) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Amitriptyline	200 ng/g	Hydroxyzine	200 ng/g
Chlorpheniramine	200 ng/g	Mirtazapine	100 ng/g
Desmethyldoxepin	200 ng/g	Norfluoxetine	200 ng/g
Dextro / Levo Methorphan	100 ng/g	Nortriptyline	200 ng/g
Diphenhydramine	1000 ng/g	Promethazine	600 ng/g
Doxepin	200 ng/g	Trazodone	8.0 mcg/g
Doxylamine	1000 ng/g	Verapamil	200 ng/g
Fluoxetine	200 ng/g		

Acode 8092TI - Postmortem Toxicology - Expert, Tissue (Forensic) - Liver Tissue

-Analysis by Colorimetry (C) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Salicylates	800 mcg/g		

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Benzodiazepines	400 ng/g	Opiates	80 ng/g
Cannabinoids	N/A	Oxycodone	40 ng/g
Cocaine / Metabolites	80 ng/g		

Not Reported: Cannabinoids: Test was canceled due to [Sample Matrix Problem].

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Buprenorphine / Metabolite	2.0 ng/g		

-Analysis by Gas Chromatography/Mass Spectrometry (GC/MS) for: The following is a general list of compound classes included in the Gas Chromatographic screen. The detection of any particular compound is concentration-dependent. Please note that not all known compounds included in each specified class or heading are included. Some specific compounds outside these classes are also included. For a detailed list of all compounds and reporting limits included in this screen, please contact NMS Labs.

Amphetamines, Analgesics (opioid and non-opioid), Anorectics, Anesthetics, Antiarrhythmics, Anticholinergic Agents, Anticoagulant Agents, Anticonvulsant Agents, Antidepressants, Antiemetic Agents, Antifungal Agents, Antihistamines, Antihypertensive Agents, Antiparkinsonian Agents, Antipsychotic Agents, Antitussive Agents, Antiviral Agents, Anxiolytics (Benzodiazepine and others), Calcium Channel Blocking Agents, Cardiovascular Agents (non digitalis), Hallucinogens, Hypnotics (Barbiturates, Non-Benzodiazepine Hypnotics, and others), Local Anesthetics Agents, Muscle Relaxants, Non-Steroidal Anti Inflammatory Agents (excluding Salicylate) and Stimulants (Amphetamine-like and others).

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Workorder 143038
Chain 1183207
Patient ID 14-11152

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Analysis Summary and Reporting Limits:

-Analysis by Headspace Gas Chromatography (GC) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Acetone	20 mg/100 g	Isopropanol	20 mg/100 g
Ethanol	40 mg/100 g	Methanol	20 mg/100 g

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WHITE PINE COUNTY CORONER'S REPORT



DECEDENT

DECEASED - NAME			Date of Death		County of Death
First	Middle	Last	11-30-2014		White Pine
CITY, TOWN, OR LOCATION OF DEATH			HOSPITAL OR OTHER INSTITUTION (Indicate DOA, OP, Emer. Rm. Inpatient (Specify))		
[REDACTED]			- N/A -		- N/A -
SEX	RACE - (e.g., White, Black, American Indian, etc.) (specify)	AGE - Last Birthday (Years)	UNDER 1 YEAR MOS	UNDER 1 DAY HOURS	DATE OF BIRTH (Mo., Day, Yr.)
F	White	3	- N/A -	- N/A -	[REDACTED] / 11
STATE OF BIRTH (If not U.S.A., name country)	CITIZEN OF WHAT COUNTRY	Decedent's Education. Specify highest grade completed.	MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)		SURVIVING SPOUSE (If Wife, give maiden name)
Nevada	United States	- N/A -	- N/A -		- N/A -
SOCIAL SECURITY NUMBER	USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even if Retired)	KIND OF BUSINESS OR INDUSTRY			
[REDACTED]	- N/A -	- N/A -			
RESIDENCE - STATE	COUNTY	CITY, TOWN, OR LOCATION	STREET AND NUMBER	INSIDE CITY LIMITS	
Nevada	[REDACTED]	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

PARENTS

FATHER - NAME	First	Middle	Last	MOTHER - MAIDEN NAME	First	Middle	Last
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
INFORMANT - NAME (Type or Print)				MAILING ADDRESS (Street or R.F.D. No., City, State, Zip)			
[REDACTED]				[REDACTED]			

CERTIFIER

To be completed by Coroner's Office

On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and manner stated. (Signature and Title)	DATE SIGNED (Mo., Day, Yr.)	HOUR OF DEATH
Ray Sawyer, Lieutenant	12/4/2014	Undetermined
	PRONOUNCED DEAD Mo., Day, Yr.	PRONOUNCED DEAD (Hour)
	12/3/2014	10:53 A.M.
NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print.)		

CAUSE OF DEATH

IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a) AND (b).)	Interval between onset and death
(a) Carbon Monoxide Poisoning	
PART I DUE TO, OR AS A CONSEQUENCE OF:	Interval between onset and death
(b) Inhalation of burning Charcoal Fumes	
OTHER SIGNIFICANT CONDITIONS -- Conditions contributing to death but not resulting in the underlying cause given in Part I.	AUTOPSY (specify) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No WAS CASE REFERRED TO CORONER (specify) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PART II	

Page 1 of 2



WHITE PINE COUNTY CORONER'S REPORT



CONTINUATION

DECEASED - NAME

First

B

Last

I

ACC., SUICIDE, HOMICIDE
UNDETERMINED, OR PENDING
INVESTIGATION (specify)

Homicide

DATE OF INJURY
(Mo., Day, Yr.)

11-30-2014

HOUR OF INJURY

undetermined

DESCRIBE HOW INJURY OCCURRED

Inhalation of Carbon Monoxide Poisoning / burning Charcoal Fires

INJURY AT WORK

☐ Yes ☒ No

PLACE OF INJURY - At home farm street, factory,
office building, etc. (specify)

LOCATION

STREET OR R.F.D. No.

CITY OR TOWN

STATE

BLOOD ALCOHOL

(Required on all accidents & suicides)

Blood Draw

☒ Yes ☐ No

Administered By:

Jamie Macintosh

Results (%):

Pending

Synopsis of Incident/ Accident

Deceased was found in a motor vehicle that contained a small barbecue with burnt charcoal in it and with the inside of the windows taped closed.

Notification of Next of Kin

To Whom Made:

Relationship:

Father

By Whom:

R. Sawyer #102

Date:

12/3/2014

Time:

12:40 P.M.

Personal Property

Ear Ring(s):

Jewelry/ Misc.:

Necklace(s):

Ring(s):

Wallet:

Watch:

Other:

Other:

MONEY

Currency:

Change:

Checks:

TOTAL:

INVENTORIED BY:

Property Released To:

Date:

Recipient's Signature:

Page 2 of 2

**NMS Labs**

3701 Walsh Road, PO Box 433A, Willow Grove, PA 19090-0437

Phone: (215) 657-4900 Fax: (215) 657-2972

e-mail: nms@nmslabs.com

Robert A. Middleberg, PhD, F-ABFT, DABCC-TC, Laboratory Director

CONFIDENTIAL**Toxicology Report**

Report Issued 12/26/2014 11:00

To: 40763

White Pine County Sheriff
Attn: Captain Scott Henriod
1785 Great Basin Blvd
Ely, NV 89301

Patient Name [REDACTED], E [REDACTED]

Patient ID 616-14 A

Chain 11589011

Age 3 Y DOB Not Given

Gender Female

Workorder 14316872

Page 1 of 3

Positive Findings:

<u>Compound</u>	<u>Result</u>	<u>Units</u>	<u>Matrix Source</u>
Ethanol	17	mg/dL	001 - Blood
Blood Alcohol Concentration (BAC)	0.017	g/100 mL	001 - Blood
Carboxyhemoglobin	91	%Saturation	001 - Blood

See Detailed Findings section for additional information

Testing Requested:

<u>Analysis Code</u>	<u>Description</u>
1002B	Carbon Monoxide Exposure Biouptake Screen, Blood
8051B	Postmortem Toxicology - Basic, Blood (Forensic)

Specimens Received:

<u>ID</u>	<u>Tube/Container</u>	<u>Volume/ Mass</u>	<u>Collection Date/Time</u>	<u>Matrix Source</u>	<u>Miscellaneous Information</u>
001	Gray Top Tube	10 mL	12/03/2014 02:00	Blood	
002	Gray Top Tube	10 mL	12/03/2014 02:00	Blood	

All sample volumes/weights are approximations.

Specimens received on 12/10/2014.

v.14



CONFIDENTIAL

Workorder 143168/2
Chain 11589011
Patient ID 616-14 A

Page 2 of 3

Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Ethanol	17	mg/dL	10	001 - Blood	Headspace GC
Blood Alcohol Concentration (BAC)	0.017	g/100 mL	0.010	001 - Blood	Headspace GC
Ethanol	Confirmed	mg/dL	10	001 - Blood	Headspace GC
Carboxyhemoglobin	91	%Saturation	2	001 - Blood	GC/MS

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Reference Comments:

1. Carboxyhemoglobin (COHb) - Blood:

Hemoglobin is a protein found in red blood cells that is responsible for the oxygen carrying capacity of blood. In normal conditions, hemoglobin receives oxygen via blood circulation through the lungs and delivers the oxygen to tissues and organs throughout the body. In situations where the inspired air is high in carbon monoxide concentration, the hemoglobin then binds the carbon monoxide in place of oxygen. This leads to a functional deficiency in oxygen delivery to the organs and tissues of the body.

Measurement of carbon monoxide hemoglobin saturation gives an indication of the carbon monoxide concentration in the inspired air and its possible sequelae. Normal endogenous carboxyhemoglobin levels are generally up to 4% in non-smokers and up to 8% in smokers (although it may be higher); toxic symptoms may be noted at levels >10%. Concentrations over 10% saturation have been reported to produce adverse effects, e.g., headache and nausea. Deaths from carbon monoxide, in the absence of resuscitative measures, generally have associated carboxyhemoglobin levels >40%. However, individuals with a compromised cardiovascular system are at a potentially greater risk of toxic effects at much lower carbon monoxide hemoglobin saturation values.

2. Ethanol (Ethyl Alcohol) - Blood:

Ethyl alcohol (ethanol, drinking alcohol) is a central nervous system depressant and can cause effects such as impaired judgment, reduced alertness and impaired muscular coordination. Ethanol can also be a product of decomposition or degradation of biological samples. The blood alcohol concentrations (BAC) can be expressed as a whole number with the units of mg/dL or as a decimal number with units of g/100 mL which is equivalent to % w/v. For example, a BAC of 85 mg/dL equals 0.085 g/100 mL or 0.085% w/v of ethanol.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded two (2) years from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 14316872 was electronically signed on 12/26/2014 10:37 by:

Daniel S. Isenschmid, Ph.D., F-ABFT
Forensic Toxicologist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Acode 1002B - Carbon Monoxide Exposure Blouplake Screen, Blood

v.14



CONFIDENTIAL

Workorder 143168/2
Chain 11589011
Patient ID 616-14 A

Page 3 of 3

Analysis Summary and Reporting Limits:

-Analysis by Spectrophotometry (SP) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Carboxyhemoglobin	5 %Saturation		
Acode 52250B - Alcohols and Acetone Confirmation, Blood (Forensic)			

-Analysis by Headspace Gas Chromatography (GC) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL
Acode 5654B - Carbon Monoxide Exposure Blouptake Confirmation, Blood			

-Analysis by Gas Chromatography/Mass Spectrometry (GC/MS) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Carboxyhemoglobin	2 %Saturation		
Acode 8051B - Postmortem Toxicology - Basic, Blood (Forensic)			

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Amphetamines	20 ng/mL	Fentanyl	0.50 ng/mL
Barbiturates	0.040 mcg/mL	Methadone	25 ng/mL
Benzodiazepines	100 ng/mL	Methamphetamine	20 ng/mL
Buprenorphine / Metabolite	0.50 ng/mL	Opiates	20 ng/mL
Cannabinoids	10 ng/mL	Oxycodone	10 ng/mL
Cocaine / Metabolites	20 ng/mL	Phencyclidine	10 ng/mL

-Analysis by Headspace Gas Chromatography (GC) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL

v.14



WHITE PINE COUNTY CORONER'S REPORT



DECEDENT

DECEASED - NAME	First	Middle	Last	Date of Death	County of Death
	[REDACTED]		S [REDACTED]	June 15, 2015	White Pine
CITY, TOWN OR LOCATION OF DEATH	HOSPITAL OR OTHER INSTITUTION-Name (If not either, give street and number)		If Hosp. or Inst. Indicate DOA, OP/ Emer. Rm. Inpatient (Specify)		
	[REDACTED]				
SEX	RACE - (e.g., White, Black, American Indian, etc.) (specify)	AGE - Last Birthday (Years)	UNDER 1 YEAR MOS DAYS	UNDER 1 DAY HOURS MINS	DATE OF BIRTH (Mo., Day, Yr.)
Female	White	14			[REDACTED] 2000
STATE of BIRTH (If not U.S.A., name country)	CITIZEN OF WHAT COUNTRY	Decedent's Education. Specify highest grade completed.	MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)	SURVIVING SPOUSE (If Wife, give maiden name)	
Nevada	U.S	8th	Never Married	N/A	
SOCIAL SECURITY NUMBER	USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even if Retired)		KIND OF BUSINESS OR INDUSTRY		
[REDACTED]	N/A		N/A		
RESIDENCE-STATE	COUNTY	CITY, TOWN, OR LOCATION	STREET AND NUMBER	INSIDE CITY LIMITS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NV	[REDACTED]	[REDACTED]	[REDACTED]		

PARENTS

FATHER-NAME	First	Middle	Last	MOTHER-MAIDEN NAME	First	Middle	Last
	E		S				K
INFORMANT-NAME (Type or Print)				MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip)			
[REDACTED] K				[REDACTED]			

CERTIFIER

To be completed by Coroner's Office

On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and manner stated.
(Signature and Title)

DATE SIGNED (Mo., Day, Yr.)

HOUR OF DEATH

12:10

PRONOUNCED DEAD Mo., Day, Yr.)

PRONOUNCED DEAD (Hour)

June 15, 2015

12:40

NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print.)

Sgt. Steve Marquez #205 Deputy Coroner White Pine County Sheriff's Office Ely, NV 89301

CAUSE OF DEATH

IMMEDIATE CAUSE	(ENTER ONLY ONE CAUSE PER LINE FOR (a) AND (b).)	Interval between onset and death
(a)	Massive Head Trauma	Immediate
PART I	DUE TO, OR AS A CONSEQUENCE OF:	Interval between onset and death
(b)	Motor Vehicle Accident	Immediate
PART II	OTHER SIGNIFICANT CONDITIONS -- Conditions contributing to death but not resulting in the underlying cause given in Part I.	AUTOPSY (specify) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No WAS CASE REFERRED TO CORONER (specify) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Page 1 of 2



WHITE PINE COUNTY CORONER'S REPORT



CONTINUATION

DECEASED - NAME		First	Middle	Last		
		T		S		
A.C.C., SUICIDE, HOMICIDE UNDETERMINED, OR PENDING INVESTIGATION (specify)		DATE OF INJURY (Mo., Day, Yr.)		DESCRIBE HOW INJURY OCCURRED		
Accident		06-15-2015		11:10		
				Single Vehicle motor Vehicle accident		
INJURY AT WORK	PLACE OF INJURY - At home farm street, factory, office building, etc. (specify)		LOCATION	STREET OR R.F.D. No.	CITY OR TOWN	STATE
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	State Highway		U.S 93 Mile Marker 101 White Pine County NV.			

BLOOD ALCOHOL

(Required on all accidents & suicides)

Blood Draw	Administered By:	Results (%):
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sgt. Steve Marquez #205	

Synopsis of Incident/ Accident

Above Decedent was passenger in a single vehicle motor vehicle rollover accident and was ejected during the rollover. Decedent died from massive head trauma and other injuries sustained after being ejected.

Notification of Next of Kin

To Whom Made:	Trudy Scarborough	Relationship:	Grandmother		
By Whom:	Derrick Dubasik Clark County Medical Examiners Office	Date:	06-15-2015	Time:	19:05

Personal Property

Ear Ring(s):	
Jewelry/ Misc.:	
Necklace(s):	
Ring(s):	
Wallet:	
Watch:	Red Cell phone
Other:	
Other:	

MONEY	
Currency:	
Change:	
Checks:	
TOTAL:	

INVENTORIED BY:
Sgt. Steve Marquez #205

Property Released To:	Date: 6/19/15
Recipient's Signature:	



NMS Labs
3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437
Phone: (215) 657-4900 Fax: (215) 657-2972
e-mail: nms@nmslabs.com
Robert A. Middleberg, PhD, F-ABFT, DABCC-TC, Laboratory Director

CONFIDENTIAL

Toxicology Report

Report Issued 06/29/2015 12:01

To: 40763
White Pine County Sheriff
Attn: Captain Scott Henriod
1785 Great Basin Blvd
Ely, NV 89301

Patient Name S [REDACTED] T [REDACTED]
Patient ID 334-15
Chain 11851888
Age 14 Y DOB [REDACTED] 2000
Gender Female
Workorder 15176340

Page 1 of 3

Positive Findings:

<u>Compound</u>	<u>Result</u>	<u>Units</u>	<u>Matrix Source</u>
Delta-9 THC	6.0	ng/mL	001 - Blood
Delta-9 Carboxy THC	19	ng/mL	001 - Blood

See Detailed Findings section for additional information

Testing Requested:

<u>Analysis Code</u>	<u>Description</u>
8051B	Postmortem Toxicology - Basic, Blood (Forensic)

Specimens Received:

<u>ID</u>	<u>Tube/Container</u>	<u>Volume/ Mass</u>	<u>Collection Date/Time</u>	<u>Matrix Source</u>	<u>Miscellaneous Information</u>
001	Gray Top Tube	9.5 mL	06/15/2015 15:25	Blood	
002	Gray Top Tube	8.5 mL	06/15/2015 15:25	Blood	

All sample volumes/weights are approximations.

Specimens received on 06/18/2015.

v.15



CONFIDENTIAL

Workorder 15178340
Chain 11851008
Patient ID 334-15

Page 2 of 3

Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Delta-9 THC	6.0	ng/mL	1.0	001 - Blood	GC-GC-GC/MS
Delta-9 Carboxy THC	19	ng/mL	5.0	001 - Blood	GC-GC-GC/MS

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Reference Comments:

1. Delta-9 Carboxy THC (Inactive Metabolite) - Blood:

Marijuana is a DEA Schedule I hallucinogen. Pharmacologically, it has depressant and reality distorting effects. Collectively, the chemical compounds that comprise marijuana are known as Cannabinoids.

Delta-9-THC is the principle psychoactive ingredient of marijuana/hashish. Delta-9-carboxy-THC (THCC) is the inactive metabolite of THC with peak concentrations attained 32 to 240 minutes after smoking and may be detected for up to one day or more in blood. Both delta-9-THC and THCC may be present substantially longer in chronic users. THCC is usually not detectable after passive inhalation.

2. Delta-9 THC (Active Ingredient of Marijuana) - Blood:

Marijuana is a DEA Schedule I hallucinogen. Pharmacologically, it has depressant and reality distorting effects. Collectively, the chemical compounds that comprise marijuana are known as Cannabinoids.

Delta-9-THC is the principle psychoactive ingredient of marijuana/hashish. It rapidly leaves the blood, even during smoking, falling to below detectable levels within several hours. THC concentrations in blood are usually about one-half that of serum/plasma concentrations. The active metabolite, 11-hydroxy-THC, may also fall below detectable levels shortly after inhalation. Delta-9-carboxy-THC (THCC) is the inactive metabolite of THC with peak concentrations attained 32 to 240 minutes after smoking and may be detected for up to one day or more in blood. Both delta-9-THC and THCC may be present substantially longer in chronic users.

Reported usual peak THC concentrations in serum after smoking 1.75% or 3.55% THC marijuana cigarettes are 50 - 270 ng/mL after beginning of smoking, decreasing to less than 5 ng/mL by 2 hrs. Corresponding delta-9-carboxy-THC concentrations range from 10 - 101 ng/mL about 32 to 240 minutes after the beginning of smoking and decline slowly. Passive inhalation of marijuana smoke has been reported to produce blood THC concentrations up to 2 ng/mL. Delta-9-carboxy THC concentrations in blood may not be present following passive inhalation of marijuana smoke.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded two (2) years from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 15178340 was electronically signed on 06/29/2015 11:55 by:

Susan Crookham,
Certifying Scientist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

code 50013B - Cannabinoids Confirmation, Blood (Forensic) - Blood

v.15



CONFIDENTIAL

Workorder 1517700
Chain 11851008
Patient ID 334-15

Page 3 of 3

Analysis Summary and Reporting Limits:

-Analysis by Multi-dimensional Gas Chromatography/Mass Spectrometry (GC-GC-MS) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
11-Hydroxy Delta-9 THC	5.0 ng/mL	Delta-9 THC	1.0 ng/mL
Delta-9 Carboxy THC	5.0 ng/mL		

Acode 8051B - Postmortem Toxicology - Basic, Blood (Forensic) - Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Amphetamines	20 ng/mL	Fentanyl	0.50 ng/mL
Barbiturates	0.040 mcg/mL	Methadone	25 ng/mL
Benzodiazepines	100 ng/mL	Methamphetamine	20 ng/mL
Buprenorphine / Metabolite	0.50 ng/mL	Opiates	20 ng/mL
Cannabinoids	10 ng/mL	Oxycodone	10 ng/mL
Cocaine / Metabolites	20 ng/mL	Phencyclidine	10 ng/mL

-Analysis by Headspace Gas Chromatography (GC) for:

<u>Compound</u>	<u>Rpt. Limit</u>	<u>Compound</u>	<u>Rpt. Limit</u>
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL

v.15



WHITE PINE COUNTY CORONER'S REPORT



DECEDENT

Updated

DECEASED - NAME First Middle Last Date of Death County of Death
[Redacted] [Redacted] [Redacted] October 21, 2015 White Pine

CITY, TOWN OR LOCATION OF DEATH HOSPITAL OR OTHER INSTITUTION - Name If Hosp. or Inst. Indicate DOA, OP/ Emer. Rm.
HWY 93 MM 60 William Bee Ririe Hospital Inpatient (Specify)
DOA

SEX RACE - (e.g., White, Black, American Indian, etc.) (specify) AGE - Last Under 1 Year Under 1 Day Date of Birth
M White 17 MOS DAYS HOURS MINS (Mo., Day, Yr.)
[Redacted] 998

STATE of BIRTH CITIZEN OF WHAT Decedent's Education. Specify highest MARRIED, NEVER MARRIED, SURVIVING SPOUSE
(If not U.S.A., name country) COUNTRY grade completed. WIDOWED, DIVORCED (Specify) (If Wife, give maiden name)
AZ US 11TH Never Married

SOCIAL SECURITY NUMBER USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even if Retired) KIND OF BUSINESS OR INDUSTRY
[Redacted] Student

RESIDENCE - STATE COUNTY CITY, TOWN, OR LOCATION STREET AND NUMBER INSIDE CITY LIMITS
[Redacted] [Redacted] [Redacted] [Redacted] ☐ Yes ☒ No

PARENTS

FATHER - NAME First Middle Last MOTHER - MAIDEN NAME First Middle Last
[Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]

INFORMANT - NAME (Type or Print) MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip)
M [Redacted] [Redacted]

CERTIFIER

To be completed by Coroner's Office

On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and manner stated.
(Signature and Title) *[Signature]*

DATE SIGNED (Mo., Day, Yr.) HOUR OF DEATH
October 27, 2015 19:45
PRONOUNCED DEAD Mo., Day, Yr. PRONOUNCED DEAD (Hour)
October 21, 2015 20:28

NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print.)
Sgt. Luke Shady #207 1785 Great Basin Blvd. Ely, Nevada 89301 Deputy Coroner 775-289-8808

CAUSE OF DEATH

IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a) AND (b).) Interval between onset and death
(a) Exsanguination of the femoral artery Immediate
PART I DUE TO, OR AS A CONSEQUENCE OF: Interval between onset and death
(b) Major head trauma

OTHER SIGNIFICANT CONDITIONS -- Conditions contributing to death but not resulting in the underlying cause given in Part I. AUTOPSY (specify)
PART II ☐ Yes ☒ No
WAS CASE REFERRED TO CORONER (specify)
☒ Yes ☐ No

Page 1 of 2



WHITE PINE COUNTY CORONER'S REPORT



CONTINUATION

DECEASED - NAME	First	Middle	Last
ACC., SUICIDE, HOMICIDE UNDETERMINED, OR PENDING INVESTIGATION (specify)	DATE OF INJURY (Mo., Day, Yr.)	HOUR OF INJURY	DESCRIBE HOW INJURY OCCURRED
Vehicle accident	October 21, 2015	19:45	Vehicle vs semi trailer accident
INJURY AT WORK <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PLACE OF INJURY - At home farm street, factory, office building, etc. (specify)	LOCATION	STREET OR R.F.D. No. CITY OR TOWN STATE
	Highway	US 93 MM 60	White Pine County, NV

BLOOD ALCOHOL

(Required on all accidents & suicides)

Blood Draw <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Administered By: Sgt. Luke Shady	Results (%):
---	-------------------------------------	--------------

Synopsis of Incident/ Accident

Deceased was traveling northbound on HWY 93. Deceased was passing an oncoming semi and veered into the oncoming traffic lane, striking the trailer of the semi. Deceased suffered major head injuries and had a badly broken left femur. Deceased was pinned in the vehicle and when he was cut out of the vehicle lost consciousness. Deceased was transported to the hospital by ambulance and was pronounced dead at 20:28 by ER Dr. Crutchfield.

Notification of Next of Kin

To Whom Made: Mary Valencia / Donald Nelson	Relationship: Mother / Father
By Whom: Sgt. Luke Shady / Bullhead City Officer Madarang	Date: October 21, 2015 Time: 21:37 / 23:16

Personal Property

Ear Ring(s):
Jewelry/ Misc.:
Necklace(s):
Ring(s):
Wallet:
Watch:
Other:
Other:

MONEY
Currency:
Change:
Checks:
TOTAL:

INVENTORIED BY:

Luke Shady

Property Released To:	Date:
Recipient's Signature:	

Page 2 of 2



NMS Labs
3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437
Phone: (215) 657-4900 Fax: (215) 657-2972
e-mail: nms@nmslabs.com
Robert A. Middleberg, PhD, F-ABFT, DABCC-TC, Laboratory Director

CONFIDENTIAL

Toxicology Report

Report Issued 11/03/2015 07:59

To: 40763
White Pine County Sheriff
Attn: Captain Scott Henriod
1785 Great Basin Blvd
Ely, NV 89301

Patient Name N [REDACTED] J [REDACTED]
Patient ID 601-15
Chain 11589017
Age 17 Y DOB Not Given
Gender Male
Workorder 15321028

Page 1 of 2

Positive Findings:

None Detected

See Detailed Findings section for additional information

Testing Requested:

Analysis Code	Description
8051B	Postmortem Toxicology - Basic, Blood (Forensic)

Specimens Received:

ID	Tube/Container	Volume/ Mass	Collection Date/Time	Matrix Source	Miscellaneous Information
001	Gray Top Tube	10 mL	10/21/2015 22:30	Blood	
002	Gray Top Tube	9.75 mL	10/21/2015 22:30	Blood	

All sample volumes/weights are approximations.

Specimens received on 10/26/2015.

v.16



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Workorder 15321028
Chain 11589017
Patient ID 601-15

Page 2 of 2

Detailed Findings:

Examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded two (2) years from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 15321028 was electronically signed on 11/03/2015 07:24 by:

Denice M. Teem,
Certifying Scientist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Acode 8051B - Postmortem Toxicology - Basic, Blood (Forensic)**-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:**

Compound	Rpt. Limit	Compound	Rpt. Limit
Amphetamines	20 ng/mL	Fentanyl / Metabolite	0.50 ng/mL
Barbiturates	0.040 mcg/mL	Methadone / Metabolite	25 ng/mL
Benzodiazepines	100 ng/mL	Methamphetamine / MDMA	20 ng/mL
Buprenorphine / Metabolite	0.50 ng/mL	Opiates	20 ng/mL
Cannabinoids	10 ng/mL	Oxycodone / Oxymorphone	10 ng/mL
Cocaine / Metabolites	20 ng/mL	Phencyclidine	10 ng/mL

-Analysis by Headspace Gas Chromatography (GC) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL

v.16

EXHIBIT 4



LANDER COUNTY SHERIFF'S OFFICE

Public Records Request

Public Records Request Estimate to Produce Records

Estimate Returned To:	
Name:	Arthur Kane
Organization:	LVRJ
Address:	1111 W. Bonanza Rd
City, State, Zip:	Las Vegas, NV 89106
E-mail:	akane@reviewjournal.com

Calculation (Research and Compile Fee is in Addition to all other Fees)	
<input checked="" type="checkbox"/> Research & Data Compiling Fee	\$25.00 per hour (Billed in ½ hour increments)
<input type="checkbox"/> Inspection of Records	\$25.00 per hour (Billed in ½ hour increments)
<input checked="" type="checkbox"/> Reports (Crime/Accident/Coroner)	\$15.00 each
<input type="checkbox"/> Online Reports (Accident only)	\$12.00 each
<input type="checkbox"/> Certified Local Records Check	\$15.00 each
<input type="checkbox"/> Photograph – CDROM/DVD	\$10.00 each
<input type="checkbox"/> Photograph – Print (8x10 only)	\$10.00 each
<input type="checkbox"/> Certified Documents Release	\$2.50 each document in addition to other fees
<input type="checkbox"/> Video – Disc (up to 4 GB)	\$10.00 each (no redaction required)
<input type="checkbox"/> Video – USB Storage (Up to 8 GB)	\$15.00 each (no redaction required)
<input type="checkbox"/> Video – USB Storage (> 8.1 GB)	Determined at time of production (no redaction required)
<input type="checkbox"/> Video – Redaction	\$40.00 per hour (Billed in ½ hour increments + above costs)
<input type="checkbox"/> Mailing	Packaging + USPS Actual Cost for Priority Service & Certified Return Receipt)

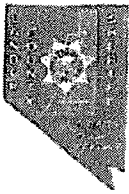
Estimate of Costs:	
SYSTEM 36	CHRIS
Date Completed: _____	Date Completed: _____
Completed By: _____	Completed By: _____
Records Found: _____	Records Found: _____
# of Records: _____	# of Records: _____
Estimated Compile and Processing Time: _____	Estimated Compile and Processing Time: _____
Estimated Total Cost: _____	Estimated Total Cost: _____
RIMS	VIDEO/AUDIO
Date Completed: <u>8/29/17</u>	Date Completed: _____
Completed By: <u>DB307</u>	Completed By: _____
Records Found: <u>1</u>	Records Found: _____
# of Records: <u>1</u>	# of Records: _____
Estimated Compile and Processing Time: <u>1/2 hour</u>	Estimated Compile and Processing Time: _____
Estimated Total Cost: <u>\$40.00</u>	Estimated Total Cost: _____

Certified Document Cost: # of Documents 0 X \$2.50 = 0

Mailing Cost: 0

Total Estimated Cost to Produce Requested Records: \$40.00

Date Estimate Completed: 8/29/17 DB307



STATE OF NEVADA

Public Records Request

Deliver, Mail, or Fax to:

Lander County Sheriff's Office, Post Office Box 1625, Battle Mountain, NV. 89820

Attention: Public Records Officer

Date of Request	
Requester Contact Information	
Name:	Arthur Kane
Organization:	LVRJ
Address:	1111 W. Bonanza Rd., Las Vegas, NV 89106
City, State, Zip:	LAS VEGAS, NV 89106
Phone:	702-383-0286
E-mail:	AKANE@REVIEWJOURNAL.COM

Records Requested:
Check all that apply: <input type="checkbox"/> Paper copies <input checked="" type="checkbox"/> Electronic copies <input type="checkbox"/> Certified copies <input type="checkbox"/> Inspection (in person)
Please be specific and include as much detail as possible regarding the records you are requesting.
PDF or PAPER of one Autopsy

To complete an estimate, the agency will need the following information:			
<input type="checkbox"/> I will pick up	<input type="checkbox"/> Please USPS	<input checked="" type="checkbox"/> E-mail (if format allows)	<input type="checkbox"/> Please send via: Billing Acct #:

Statement	
<input checked="" type="checkbox"/> I understand there is a charge for research, compiling and copies of public records. I understand I will receive a written estimate for production of the records indicated above. A non-refundable fee of 50% of estimated costs is required before records are compiled and prepared. The remainder of the actual cost is due prior to release of records. Materials will be held for 30 days.	
Requester Signature	 Signature

Office Use Only	
Request status:	Estimate:
8/29/17 Request received	Estimate: \$ 40.00
8/29/17 Receipt acknowledgement issued	Date deposit received 9/11/17
9/20/17 Request filled	Actual (if different) \$
8/29/17 Estimated completion	Date final payment received 9/11/17
8/29/17 Estimate provided	Completed by JRB307
Request denied in whole	
Other	

Lander County Sheriff's Office
Post Office Box 1625
Battle Mountain, Nevada 89820

Sales Receipt

Date	Sale No.
9/20/2017	4424

Sold To
Kane, Art 1111 W. Bonanza Rd. Las Vegas, NV 89106

Check No.	Payment Method	Project	Other
2686	Check		367

Description	Qty	Rate	Amount
Reports/Accident Copies		40.00	40.00
Total			\$40.00

Washoe County | Regional Medical Examiner's Office
Phone: (775) 785-6114 | Fax: (775) 785-6163
990 East Ninth Street | Reno, Nevada 89502



**REGIONAL MEDICAL
EXAMINER'S OFFICE**

Decedent: B [REDACTED] W [REDACTED]

Case Number: 2016-03215

Narrative

Recording Deputy: Franklin, Nicole

Entered Date: 10/08/2016

Synopsis: Lander County Sheriff's Office; 7 month old male; unexplained infant death

The decedent was put to bed on 10/07/2016 at approximately 2030 hours. The decedent apparently had a "runny nose and cough" that day. On 10/08/2016 at approximately 0500 hours, the decedent's mother found the decedent unresponsive and cold to the touch. The decedent was transported to Battle Mountain General Hospital where death was declared. All further details are pending a SUIDI packet and doll reenactment, which the Lander County Sheriff's Office was instructed to complete.

Narrative: On 10/08/2016 at 1305 hours, Deputy Ancho of the Lander County Sheriff's Office contacted the Washoe County Medical Examiner's Office to report the death of this 7 month old infant.

According to the Lander County Sheriff's Office, the decedent was found unresponsive in bed. The Lander County Sheriff's Office is requesting an autopsy with infant protocol. Representatives from Burns Funeral Home will transport the decedent to the Washoe County Medical Examiner's Office on 10/10/2016. Positive identification and next of kin notification have been completed.

The Lander County Sheriff's Office sent all required paperwork, to include the Other Agency Referral packet, Record of Identification, Identification Exception, Authorization for Examination, medical records, and an investigative narrative. The Lander County Sheriff's Office will complete a SUIDI packet and perform a doll reenactment.

Body:
Refer to OA report.

Supplemental Entered By:

Supplemental Entered Date:

Supplemental Text:

Franklin, Nicole Investigator

 9/1/17

AUTOPSY PROTOCOL

B

W

16-03215A-LAN

DATE OF DEATH: 10/08/2016 7:05 AM
DATE OF AUTOPSY: 10/10/2016 10:00 AM
CONSENT GRANTED BY: Lander County Sheriff/Coroner
AUTOPSY PERFORMED AT: Washoe County Medical Examiner's Office
INVESTIGATOR: Nicole Franklin
PATHOLOGIST: Laura D. Knight, M.D.

FINAL PATHOLOGICAL DIAGNOSES

- I. Sudden unexplained infant death.
 - A. Scene findings: unsafe sleep environment including blankets, toys, and propped bottle.
 - B. Epicardial, thymic, and pleural petechiae; non-specific findings.
 - C. No anatomic cause of death.
- II. Reported history of diarrhea.
 - A. Stool immunoassay positive for Rotavirus.
 - B. Heavy disposable diaper accompanying body, containing urine and abundant soft green stool.
 - C. See vitreous electrolyte assessment below, and Opinion.
- III. Organizing subdural membrane, bilateral cerebral convexities, with patchy areas of re-bleeding.
 - A. See separate Neuropathology report; age of subdural hemorrhage estimated at least 3-4 weeks (or more).
 - B. Head circumference well above 95th percentile for age.
- IV. Contusion, right frontal head.
- V. Two minimal, crusted (healing) abrasions, occipital head.
- VI. Metabolic screening-negative for inborn errors of metabolism.
- VII. Other microbiological studies unremarkable.
 - A. No respiratory virus isolated (negative for adenovirus, influenza A and B, parainfluenza types 1-3, and respiratory syncytial virus).
 - B. Mixed bacteria in lung and blood culture, predominantly various types of gram negative bacilli normally encountered in lower GI tract; likely postmortem contamination of blood through decompositional change/bacterial migration from GI tract.
- VIII. Vitreous electrolyte assessment and interpretation:

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AUTOPSY PROTOCOL

B

W

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- A. Vitreous sodium 118 mmol/L; interpretation: low sodium level, likely due to long pre-autopsy postmortem interval (decompositional pattern).
- B. Remainder of vitreous electrolytes and glucose analysis unable to be completed due to inadequate specimen quantity (vitreous quantity decreased due to prolonged postmortem interval prior to autopsy).
- IX. See separate toxicology report; no alcohol or commonly abused drugs detected in blood.

OPINION

Based on consideration of the circumstances surrounding the death, review of available medical history/records, autopsy examination, neuropathology consultation, toxicological analysis, and other ancillary testing, the cause of the death of W. E. remains undetermined. As the cause of death is undetermined, the manner of death is also undetermined. By law, manner of death certification resides with the Lander County Sheriff/Coroner.

Comment: Sudden unexplained infant deaths frequently involve unsafe sleep environments and potential for asphyxia. The blankets and head/neck position in this case are potential risk factors for asphyxia; it is also unknown what role the propped bottle may have played. However, accidental asphyxia is not the only possibility in sudden infant deaths, and in this case in specific. It appears the decedent also may have had a viral diarrheal illness, though the severity is unclear. However, due to the long interval from death to autopsy (>48 hours), the ability to diagnose dehydration (secondary to diarrhea) with vitreous electrolyte analysis is unfortunately lost. The vitreous fluid diminished in quantity and in quality during that time interval, limiting the testing and limiting the ability to interpret the one result obtained. Finally, this infant has an unexplained, organizing and non-acute (3-4 weeks or older, according to the neuropathologist consultant) subdural hemorrhage on the surface of his brain. The relatively small quantity and non-acute nature of this hemorrhage make it an unlikely candidate for the cause of death.



Laura D. Knight, M.D.
Chief Medical Examiner

9/11/2017

Date Signed

AUTOPSY PROTOCOL

B [REDACTED]

W [REDACTED]

16-03215A-LAN

An autopsy is performed on the body of William [REDACTED] B [REDACTED] at the Washoe County Medical Examiner's Office, at Reno, Nevada on the 10th day of October 2016, commencing at 1000 hours.

CIRCUMSTANCES OF DEATH

The decedent was a 7-month-old male infant who was found unresponsive and cold to the touch by his mother on the morning of 10/08/2016, according to information received from the Lander County Sheriff's Office. He was transported to Battle Mountain General Hospital and pronounced dead after unsuccessful resuscitative efforts.

The Lander County Sheriff's Office completed a doll re-enactment and sudden unexplained infant death investigation form. The infant had been put to bed at approximately 8:30 PM, and his mother awoke at 5:00 AM to find the baby unresponsive when she checked on him. She noted the baby was cold and had vomitus on his face. The parents called 911 and began cardiopulmonary resuscitative efforts, which were ultimately unsuccessful.

The residence was a "5th wheel" camper, and reportedly very cramped/crowded. The infant reportedly was placed supine in a playpen that was on top of a sofa in the living room, his head propped on a folded blanket and with a bottle propped with another blanket. He was subsequently found in the same location, lying on his side. His face reportedly was to the left, and there was vomitus. Two or more blankets were in the playpen with the infant, along with multiple toys, per scene photographs. No other children were in the playpen with the infant. According to the SUIDI reporting form, the decedent had diarrhea and fussiness in the 72 hours prior to death. He also was noted by the mother to have had "cold-like" symptoms, including cough and runny nose. The decedent reportedly was the product of a term gestation (38 weeks), born by emergency Cesarean section. He reportedly had last been seen by his pediatrician in Indiana in September 2016 for his 6-month immunizations. The decedent was fed formula, eggs, cereal, and well water in the 24 hours prior to death. An 8-ounce bottle was reportedly given to the infant when he was placed to sleep. Further, in the SUIDI reporting form, a description is given that the decedent was "sitting at a slant with bottle, neck/chin kinked to chest. During demonstration blanket held the bottle." Photographs of the infant taken in the emergency room demonstrate lividity on the posterior aspects of the body predominantly, but also the anterior to lateral aspects of the chest, and lateral aspects of the face with possible blanching of the left cheek; lividity also involves the nose, without blanching.

Medical records from the decedent's pediatrician are reviewed, and include typical well child visits and immunizations. The medical history is remarkable only for upper

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AUTOPSY PROTOCOL

E [REDACTED], W [REDACTED]

16-03215A-LAN

respiratory infection symptoms with bilateral otitis media in August 2016, treated with an antibiotic.

IDENTIFICATION

The body is received in a small white body bag bearing a handwritten Coroner identification band inscribed "E [REDACTED]". At the time of examination, a Medical Examiner identification tag with the decedent's name and Medical Examiner case number is also affixed to the body bag. No identifying tags are affixed to the body.

AUTOPSY ASSISTANT

Rudy Bein.

CLOTHING

The body is received clad in a disposable diaper. A soiled white Onesie, a white sheet, and a pink and purple fleece blanket also accompany the body.

The diaper is heavy with urine and feces, weighing 190 grams, and containing abundant soft gray-green foul smelling fecal material.

XRAYS

Full body radiographs reveal no obvious bony injuries.

EVIDENCE OF MEDICAL THERAPY

The following medical and therapeutic devices and/or marks are present and appropriately placed on the body:

1. A pediatric oral endotracheal tube.
2. An endotracheal tube holder, around the neck, and not secured to the endotracheal tube.
3. Five cardiac tracing tabs on the shoulders, chest and abdomen.
4. Pediatric defibrillation pads on the anterior paramedian chest and mid back.
5. Electrocardiograph wires accompanying the body, but not attached.

GENERAL EXTERNAL EXAMINATION

The body is that of a normally developed, well-nourished male infant of the reported age 7 months 4 days. The body weighs 21 pounds (between 75th and 90th percentiles for age), has a crown-heel length of 27 1/2 inches (just above the 50th percentile), a

AUTOPSY PROTOCOL

E. W.

16-03215A-LAN

head circumference of 19 1/4 inches, (well above the 95th percentile for age), a chest circumference of 18 inches, and an abdominal circumference of 19.5 inches.

The refrigerated, unembalmed body is cool to the touch. Rigor mortis is absent (departed). Fixed pink-purple lividity is present in a somewhat scant distribution over the posterior aspects of the body, except in areas exposed to pressure, and dense lividity is also present on the left lateral torso and left arm, except in areas exposed to pressure, as well as the anterior upper chest, lateral right chest, anterior medial right arm, and part of the face. Pink lividity covers the anterior nose and is prominent on the left cheek, with central blanching on the left cheek. Lividity is also on the periorbital areas and the right preauricular area, while the right cheek is mottled to relatively spared of lividity. The abdomen is bloated and mildly diffusely green (postmortem decomposition changes).

The head is normally formed. The scalp hair is blonde and measures up to 1/2 inch in length over the crown. Cradle cap is noted over the superior frontoparietal head at midline. The scalp hair growth pattern is normal with a single whorl. The anterior fontanelle is patent, measuring approximately 1 cm, and is neither bulging nor sunken. The eyes are normally formed with brown irides. The corneae are slightly clouded. The sclerae are white and the conjunctivae are clear. No petechial hemorrhages are identified on the sclerae, conjunctivae, facial skin, or oral mucosae. The nose is atraumatic, with tan mucus at the nares. The choanae are probe patent. The ears are normally formed and placed, and are free of trauma. The lips are dried. No injuries are of the oral labial mucosae, and frenula are intact. The mouth is edentulous, in keeping with the age of the child. The palate is intact and is neither high nor arched. The neck is symmetrical without cutaneous injuries.

The thorax is well-developed and symmetrical, with a normal anterior-posterior dimension. The chest does not appear broad, and the nipples are normally spaced. The abdomen is protuberant, with green discoloration and mild bloating previously described. The external genitalia are those of a normal male infant. The testes are palpated within the normally rugated scrotal sac. The back and the anus are unremarkable. The spine is normally formed without dimples or abnormal hair distribution.

The upper and lower extremities are well-formed and symmetrical; all digits are present and are neither webbed nor malformed. The palmar creases are unremarkable. The fingernail beds show marked cyanosis. The anus shows mild surrounding postmortem discoloration with a green tinge at the buttocks and scant mild excoriation/breakdown of the perianal skin without discrete injury.

No identifying marks or scars are readily apparent.

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AUTOPSY PROTOCOL

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16-03215A-LAN

EVIDENCE OF INJURY

HEAD AND NECK: A 1 by less than 1/16 inch horizontally-oriented well crusted linear abrasion (scratch) is on the left paramedian occipital head. A 1/16 inch crusted abrasion is on the inferior midline occipital head. A 1/2 x 3/8 inch brown-purple contusion is on the anterior right frontal prominence of the head.

Reflection of the scalp reveals a 1 cm area of scant red staining at the deep scalp beneath the previously noted right frontal cutaneous contusion; incision into this area and another nearby area of red staining reveals minimal to no intrascapular hemorrhage.

GENERAL INTERNAL EXAMINATION

BODY CAVITIES: No adhesions or abnormal collections of fluid are in any of the body cavities. All thoracic and abdominal organs are present in their usual anatomic relationships, with an intact diaphragm separating the thoracic and abdominal cavities. The serous surfaces are smooth and glistening. Petechiae are subsequently described. The subcutaneous fat layer of the abdominal wall is up to 1.2 cm thick.

Expected visceral weights for male infants of 7 months of age are indicated in parentheses following measured weights. (Reference: Stocker and Dehner. *Pediatric Pathology*. 2nd ed, Vol II, Appendices.)

CARDIOVASCULAR SYSTEM: The heart weighs 38 grams (expected weight for age, 43 +/- 8 grams). The shape and size of the heart are not unusual, with appropriate lateralization features. The pericardial surfaces are smooth and glistening, without adhesions. A small amount of straw-colored fluid is within the pericardial sac. Petechial hemorrhages are noted on the anterior epicardial surface. The coronary arteries arise normally, and are of normal caliber. The myocardium is red-brown and firm. The atrial and ventricular septa are intact. The foramen ovale is appropriately membrane-protected. The ductus arteriosus is anatomically and functionally closed. The endocardial surfaces are smooth and glistening. The cardiac valves are normally formed and in the usual anatomic positions. The great vessels arise normally and are patent; the aorta has a normal course and caliber. The vena cava and pulmonary veins return to the heart in the usual distribution.

RESPIRATORY SYSTEM: The right and left lungs weigh 90 and 78 grams, respectively (expected weight, 118 +/- 33 grams combined). The pleural surfaces are smooth and glistening, with rare petechial hemorrhages. The upper airways are clear of debris and foreign material, and the mucosal surfaces are smooth and yellow-tan. The pulmonary parenchyma is dark red-purple, exuding slight amounts of frothy fluid. No focal lesions are noted. The pulmonary arteries are normally developed and patent.

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AUTOPSY PROTOCOL

E [REDACTED], W [REDACTED]

16-03215A-LAN

LIVER AND BILIARY SYSTEM: The liver weighs 332 grams (expected weight, 276 +/- 54 grams). The capsule is smooth, glistening and intact. The hepatic parenchyma is dark red-brown, with no focal lesions. The biliary system is not prominent or cystic; the gallbladder is normally formed and contains viscid yellow-brown bile.

GASTROINTESTINAL TRACT: The esophagus is lined by gray-white mucosa. The gastric mucosa is arranged in the usual rugal folds, and the lumen contains approximately 2 mL of tan-white mucoid to curdled material without identifiable foreign objects or pills. The root and radius of the mesentery bear the usual size position relationship. The small and large bowels demonstrate a normal course and caliber, with soft pasty material throughout the small intestine and scant soft to mucoid stool in the large intestine. The appendix is present. The pancreas has a normal, tan lobulated appearance, and the ducts are clear.

GENITOURINARY TRACT: The right and left kidneys weigh 35 and 34 grams, respectively (expected weight, 69 +/- 14 grams, combined). The cortical surfaces are smooth, red-brown, and slightly lobulated. The cortex and medulla are well demarcated, and without focal lesions. The calyces, pelves and ureters are without gross abnormalities. The urinary bladder is empty and the mucosa is grey-tan and smooth. The prostate gland is infantile and unremarkable.

ADRENAL GLANDS: The adrenal glands weigh 4 grams combined (expected weight, 5.5 +/- 2.1 grams, combined), and demonstrate an orange-yellow cortex, which is clearly demarcated from the underlying red-brown medulla. No hemorrhage or masses are evident.

SPLEEN AND LYMPHATICS: The spleen weighs 34 grams (expected weight, 23 +/- 10 grams), and has a smooth intact capsule covering red-purple, moderately firm parenchyma. The splenic lymphoid follicles are not grossly prominent. The mesenteric lymph nodes are prominent but not unusual for age. The 40 gram thymus is tan-pink, lobulated, and symmetrical with petechial hemorrhages on the anterior and posterior aspects.

HEAD/CENTRAL NERVOUS SYSTEM: The brain weighs 1,121 grams (expected weight, 767 +/- 32 grams). Reflection of the scalp anteriorly reveals the previously noted scant deep scalpular blood staining. The calvarium (skull) is intact and without fractures. The dura mater and falx cerebri are intact. The leptomeninges are thin and transparent. There is no epidural or subarachnoid hemorrhage. A small amount of rusty orange-brown to red-brown, organizing subdural membrane is adherent to and incorporated into the dura over the cerebral convexities; there is no space occupying mass lesion. The cerebrospinal fluid is clear. The cerebral hemispheres are

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AUTOPSY PROTOCOL

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16-03215A-LAN

symmetrical, and the external surface and configuration of the brain is not unusual. The cortex is of soft consistency. The structures at the base of the brain, including cranial nerves and blood vessels appear intact. The brain and dura mater are preserved in formalin for further examination by a neuropathologist. The spinal cord is not examined.

NECK: Examination of the soft tissues of the anterior neck reveals the strap musculature and sternocleidomastoid muscles to be free of hemorrhage. The thyroid gland is unremarkable. The hyoid bone and larynx are intact. The larynx at the level of the vocal folds is patent and free of obstructing lesions, and the epiglottis is unremarkable. The tongue shows no areas of hemorrhage on sectioning.

MUSCULOSKELETAL SYSTEM: The bony framework, supporting musculature, and soft tissues are not unusual. No acute bony fractures are identified. The vertebral column is without significant kyphosis or scoliosis; the cervical spinal column is stable on internal palpation. The anterior paravertebral musculature and prevertebral fascia are without hemorrhage. The parietal pleurae are stripped from the chest cavities for special examination of the ribs, revealing no rib fractures.

SPECIMENS AND/OR EVIDENCE:

The following items are collected and preserved:

- 1) Peripheral (iliac) blood.
- 2) Central (cardiac) blood.
- 3) Vitreous fluid (scant, less than 1 mL total).
- 4) Gastric contents in total.
- 5) A sample of liver tissue.
- 6) Small sections of all major internal organs in formalin.
- 7) Sections of select organs and/or tissues for microscopic examination.
- 8) A blood spot card for DNA.
- 9) A scalp hair sample.
- 10) A blood spot card for metabolic testing.
- 11) Microbiological cultures (nasotracheal swabs, heart blood, left lung, and stool).
- 12) The brain and dura mater in formalin.

MICROSCOPIC EXAMINATION

Heart (multiple samples, slide 8): No significant histopathologic diagnosis.

AUTOPSY PROTOCOL

B [REDACTED], W [REDACTED]

16-03215A-LAN

Left lung (slide 9) and right lung (slide 10): Patchy vascular congestion and intraalveolar fluid; prominent postmortem bacterial overgrowth, without inflammation.

Kidneys (slide 1): Autolysis. No significant histopathologic diagnosis.

Thyroid gland (slide 1): No significant histopathologic diagnosis.

Adrenal glands (slide 2): No significant histopathologic diagnosis.

Pancreas (slide 2): Marked postmortem autolysis.

Liver (slide 3): No significant histopathologic diagnosis.

Spleen (slide 3): No significant histopathologic diagnosis.

Thymus (slide 3): Mild involution changes, appropriate to age.

Stomach (slide 4): Mild autolysis. No significant histopathologic diagnosis.

Large intestine (slide 5) and small intestine (slide 6): Autolysis. Possible increased eosinophils in lamina propria, indeterminate due to surrounding autolysis.

Trachea (slide 7): No significant histopathologic diagnosis.

Vocal folds region (slide 7): Submucosal lymphoid aggregates, with focal small polypoid excrescence.

TOXICOLOGY (NMS LABS)

Toxicology results are provided separately. .

Fixed tissue specimens will be retained for 2 years after date of autopsy; toxicology specimens tested at NMS Laboratories will be retained for 2 years unless specifically requested otherwise.

**NMS Labs****CONFIDENTIAL**

3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437
 Phone: (215) 657-4900 Fax: (215) 657-2972
 e-mail: nms@nmslabs.com
 Robert A. Middleberg, PhD, F-ABFT, DABCC-TC, Laboratory Director

Toxicology Report

Report issued 10/17/2016 16:02

To: 10324
 Washoe County Medical Examiner & Coroner
 Attn: Dr. Ellen G.I. Clark
 10 Kirman Ave
 Reno, NV 89502

Patient Name B [REDACTED] V [REDACTED]
 Patient ID 2016-03215 LAN
 Chain 12001063
 Age 7 M DOB [REDACTED] 2016
 Gender Male
 Workorder 16310328

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Positive Findings:

None Detected

See Detailed Findings section for additional information

Testing Requested:

Analysis Code	Description
8051B	Postmortem, Basic, Blood (Forensic)

Specimens Received:

ID	Tube/Container	Volume/ Mass	Collection Date/Time	Matrix Source	Miscellaneous Information
001	Gray Top Tube	4.75 mL	10/10/2016 10:40	Peripheral Blood	
002	Gray Top Tube	6.25 mL	10/10/2016 10:40	Cardiac Blood	

All sample volumes/weights are approximations.

Specimens received on 10/11/2016.

NMS v.16.0



CONFIDENTIAL

Workorder 16310328
 Chain 12001063
 Patient ID 2016-03215 LAN

Page 2 of 2

Detailed Findings:

Examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded two (2) years from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 16310328 was electronically signed on 10/17/2016 15:18 by:

Donna M. Papsun

Donna M. Papsun, M.S., D-ABFT-FT
 Forensic Toxicologist

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Acode 50010B - Amphetamines Confirmation, Blood (Forensic) - Peripheral Blood

-Analysis by High Performance Liquid Chromatography/
 Tandem Mass Spectrometry (LC-MS/MS) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Amphetamine	5.0 ng/mL	Methamphetamine	5.0 ng/mL
Ephedrine	5.0 ng/mL	Norpseudoephedrine	5.0 ng/mL
MDA	5.0 ng/mL	Phentermine	10 ng/mL
MDEA	10 ng/mL	Phenylpropanolamine	5.0 ng/mL
MDMA	5.0 ng/mL	Pseudoephedrine	5.0 ng/mL

Acode 8051B - Postmortem, Basic, Blood (Forensic) - Peripheral Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Amphetamines	20 ng/mL	Fentanyl / Acetyl Fentanyl	0.50 ng/mL
Barbiturates	0.040 mcg/mL	Methadone / Metabolite	25 ng/mL
Benzodiazepines	100 ng/mL	Methamphetamine / MDMA	20 ng/mL
Buprenorphine / Metabolite	0.50 ng/mL	Opiates	20 ng/mL
Cannabinoids	10 ng/mL	Oxycodone / Oxymorphone	10 ng/mL
Cocaine / Metabolites	20 ng/mL	Phencyclidine	10 ng/mL

-Analysis by Headspace Gas Chromatography (GC) for:

Compound	Rpt. Limit	Compound	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	5.0 mg/dL

NMS v.16.0

10/14/16 07:23 AM PDT Laboratory Reports via VSI-FAX

Page 2 of 2 62630 8

Renown.
HEALTH

Clinical Laboratory

1155 Mill Street, Reno, NV, 89502

PH: (775) 992-5000

Christie Elliott, MD, Medical Director

PATIENT:

2016-03215 LAN B [REDACTED], W [REDACTED]

COLLECTED:

10/10/16 10:45

RECEIVED:

10/10/16 12:09

GENDER: AGE: DOB:

N 99

PRINTED:

10/14/16 05:50

MRN:

MX00000058995

KNIGHT, LAURA
10 Kirman Avenue
Reno NV 89502

BILLING NO.:

MB00000195379

PAT. PHONE:

G6102612

FINAL

Outpatient_Report

MICROBIOLOGY

Source: Respiratory

Site: Tracheal

Antibiotics at Collection:

Viral Respiratory Culture

■ FINAL 10/13/16 16:29

10/13/16 No respiratory virus isolated by cell culture technique.

Note:

Respiratory Cultures are screened for Adenovirus;
Influenza A and B; Parainfluenza types 1, 2, 3; RSVMICROBIOLOGY

Source: Respiratory

Site: Nasopharyngeal

Antibiotics at Collection:

Viral Respiratory Culture

■ FINAL 10/13/16 16:28

10/13/16 No respiratory virus isolated by cell culture technique.

Note:

Respiratory Cultures are screened for Adenovirus;
Influenza A and B; Parainfluenza types 1, 2, 3; RSV

KEY FOR RESULTS: * - NEW RESULT

** - RESULT WAS MODIFIED AFTER FINAL STATUS SET

Patient: 2016-03215 LAN B [REDACTED], W [REDACTED]

Location: Client Specimen

PAGE: 1 of 1

10/13/16 04:43 PM PDT Laboratory Reports via VSI-FAX

Page 2 of 2 #2394 0

Renown.
HEALTH

Clinical Laboratory

1155 Mill Street, Reno, NV, 89502

PH: (775) 982-6000

Christie Elliott, MD, Medical Director

PATIENT:

2016-03215 LAN B [REDACTED], W [REDACTED]

COLLECTED:

10/10/16 10:50

RECEIVED:

10/10/16 13:10

GENDER: AGE: DOB:

N 99

PRINTED:

10/13/16 15:50

MRN:

MX00000058995

KNIGHT, LAURA *

BILLING NO.:

MB00000195379

PAT. PHONE:

10 Kirman Avenue
Reno NV 89502

ORDER#:

G6102683

FINAL

Outpatient_Report

MICROBIOLOGY

Source: Blood

Site: Peripheral

Antibiotics at Collection:

Blood Culture

■ FINAL 10/13/16 12:30

10/10/16 Growth detected by Bactec instrument. 10/10/2016 17:05

Organism 01 *Baifia alvei*Organism 02 *Clostridium sordellii*Organism 03 Group D *Enterococcus* species
Two colony typesOrganism 04 *Enterobacter cloacae*

KEY FOR RESULTS: * NEW RESULT

** RESULT WAS MODIFIED AFTER FINAL STATUS SET

Patient: 2016-03215 LAN B [REDACTED], W [REDACTED]

Location: Client Specimen

PAGE: 1 of 1

10/10/16 04:28 PM P01 Laboratory Reports via VSI-FAX

Page 2 of 2 58309 M

Renown
HEALTH

Clinical Laboratory

1155 Mill Street Reno NV 89502

PH: (775) 992-5000

Christie Elliott, MD, Medical Director

PATIENT:

2016-03215 LAN B [REDACTED], W [REDACTED]

COLLECTED:

10/10/2016 11:30

RECEIVED:

10/10/2016 13:34

GENDER: AGE: DOB:

N 99

PRINTED:

10/10/2016 15:49

MRN:

MX00000058995

KNIGHT, LAURA

10 Kirman Avenue
Reno, NV 89502

BILLING NO.:

MB00000195379

PAT. PHONE:

ORDER#:

G6102585

FINAL

Outpatient_Report

TEST	RESULT	FLAG	REF. RANGE	UNITS	REPORTED	SITE
COMMENTS:						
KNILA tel. 7757856114 10/10/2016, 15:43, CALL CANCELLED - RESULTS FAXED						
TEST Blood Culture WAS CANCELLED, 10/10/16 12:23 Duplicate order entry. 10/10/2016 12:23						

URINALYSIS**Miscellaneous**

Fluid Type Vitreous

10/10/2016 13:35

BODY FLUIDS**Fluid Chemistry**

Pl Sodium 118 nmol/L

10/10/2016 13:35

Reference ranges have not been established for this specimen type.

Result interpretation should include consideration of patient's

medical condition and clinical presentation.

one for FLUID

MICROBIOLOGY

Source: Stool

Site:

Antibiotics at Collection:

Rotavirus

FINAL 10/10/16 14:23

10/10/16 Positive for Rotavirus.

Blood Culture- CANCELLED 10/10/16 12:23
- cancelled on 10/10/16 12:23 by DELPA

Duplicate order entry. 10/10/2016 12:23

Shiga Toxin (EHEC)- CANCELLED 10/10/16 12:23
- cancelled on 10/10/16 12:23 by DELPA

Duplicate order entry. 10/10/2016 12:23

Key: L=Low H=High PH=Panac High PL=Panac Low A/AB=Abnormal T=Toxic
 Patient: 2016-03215 LAN B [REDACTED], W [REDACTED] Location: Client Specimen
 PAGE: 1 of 1

10/10/16 02:29 PM PUI Laboratory Reports via VSI-FAX

Page 2 of 2 #8188 0

Renown.
HEALTH

Clinical Laboratory

1155 Mill Street, Reno, NV, 89502

PH: (775) 962-5000

Christie Elliott MD, Medical Director

PATIENT:

2016-03215 LAN B [REDACTED], W [REDACTED]

COLLECTED:

10/10/16 10:50

RECEIVED:

10/10/16 12:23

GENDER: AGE: DOB:

N 99

PRINTED:

10/10/16 14:26

MEN:

KNIGHT, LAURA
10 Kirman Avenue
Reno NV 89502

*

BILLING NO.:

MB00000195379

PAT. PHONE:

ORDERS:

G6102585

FINAL

MICROBIOLOGY

Source: Stool

Site:

Antibiotics at Collection:

Microbiology Comment:

Rotavirus

■ FINAL 10/10/16 14:23

10/10/16 Positive for Rotavirus.

Blood Culture

- CANCELLED 10/10/16 12:23

- cancelled on 10/10/16 12:23 by DELPA

Duplicate order entry. 10/10/2016 12:23

Shiga Toxin (EHEC)

- CANCELLED 10/10/16 12:23

- cancelled on 10/10/16 12:23 by DELPA

Duplicate order entry. 10/10/2016 12:23

KEY FOR RESULTS: ■ - NEW RESULT

■ - RESULT WAS MODIFIED AFTER FINAL STATUS SET

Patient: 2016-03215 LAN B [REDACTED], W [REDACTED]

Location: CLIEN

10/10/18 01:46 PM PDT Laboratory Reports via VSI-FAX

Page 2 of 3 #8160 u

Renown.
HEALTH

Clinical Laboratory

1155 Mill Street Reno NV 89502

PH: 17751982-5000

Christie Elliott, MD, Medical Director

PATIENT:

2016-03215 LAN B [REDACTED], W [REDACTED]

COLLECTED:

10/10/2016 11:30

RECEIVED:

10/10/2016 13:34

GENDER: AGE: DOB:

N 99

PRINTED:

10/10/2016 13:46

MRN:

MX00000058995

KNIGHT, LAURA
10 Kirman Avenue
Reno, NV 89502

*

BILLING NO.:

MB000000195379

PAT. PHONE:

ORDER#:

G6102585

FINAL

INSTANT REPORT

TEST	RESULT	FLAG	REF. RANGE	UNITS	REPORTED	SITE
------	--------	------	------------	-------	----------	------

COMMENTS:

KNILA tel. 7757856114 10/10/2016, 13:45, RESULTS FAXED

TEST Blood Culture WAS CANCELLED, 10/10/16 12:23 Duplicate order entry. 10/10/20
12:23URINALYSISMiscellaneous

Fluid Type

Vitreous

10/10/2016 13:45

BODY FLUIDSFluid Chemistry

FI Sodium

118

mmol/L

10/10/2016 13:45

Reference ranges have not been established for this specimen type.

Result interpretation should include consideration of patient's
medical condition and clinical presentation.

qns for FLUO

Key: L-Low H-High PH-Panic High PL-Panic Low A/AB-Abnormal T-Toxic

Patient: 2016-03215 LAN B [REDACTED], W [REDACTED] Location: Client Specimen

PAGE: 1 of 1

Joseph M. Quashnock, PhD
Laboratory Director

PerkinElmer Genetics, Inc.
PO Box 219
Bridgeville, PA 15017

Date of Report
10/15/2016

(412) 220-2300 Phone

(412) 220-0784 Fax

Page 1 of 1

Initial Release: 10/15/2016 11:58

Date Collected: 10/10/2016 Date Recvd: 10/14/2016 Birth Date: [REDACTED] 2016
Submitter: Washoe County Coroner Cond. of Spec: S
Filter Paper: 8944715 Patient's Name: E [REDACTED] V [REDACTED] Sex: M
PS ID: 6692049 AKA Name:
Accession No: 2016285016 Med. Rec. No: 2016-03215
Mother's Name: E [REDACTED] Physician: KNIGHT, LAURA

Autopsy Specimen Report

Screening Test	Outcome
Acylcarnitine Profile	Negative
CAH 17-OHP	Negative
Congenital Hypothyroidism-TSH	Negative
Galactose- (Gal and Gal-1-P)	Negative

OUTCOME DEFINITIONS

NEGATIVE - The analyte detected does not exceed the concentration usually found in such analyses. Interpretation should be in conjunction with other findings

SELECTED REFERENCE RANGE

17 OHP

Cutoff values for 17 hydroxyprogesterone are age dependent. For infants less than 91 days of age, abnormal is defined as a value > 19.0 ng/mL; for infants 91 days to 1 year of age, abnormal is > 5.0 ng/mL; for age > 1 year, abnormal is > 4.0 ng/mL. Note new reference range for 17-hydroxyprogesterone effective November 1, 2010.

TSH

Cutoff values for TSH are age dependent. For infants < 7 days of age, abnormal is defined as a TSH value > 50 uIU/mL; for infants 7 days or older, abnormal is > 30 uIU/mL.

GAL

Abnormal is defined for all infant ages as a total galactose > 20 mg/dL.

Comments:

The results of PerkinElmer Genetics post-mortem testing are analytically accurate within the limits of the test technology used. Factors including specimen source, quality of specimen and patient variables will affect results. Limited information on reference ranges is available. Interpretation of results should be in conjunction with additional clinical or laboratory evidence to help support or disprove the presence of a specific disorder.

Laboratory Report

CENTRAL OFFICE
901 N. Stonewall
Oklahoma City, OK 73117
Tel: (405) 239-7141
Fax: (405) 239-2430



EASTERN DIVISION
1115 West 17th St.
Tulsa, OK 74107
Tel: (918) 295-3400
Fax: (918) 585-1549

**OFFICE OF THE CHIEF MEDICAL EXAMINER
BOARD OF MEDICOLEGAL INVESTIGATIONS**

AMENDED NEUROPATHOLOGY REPORT

OCME Case Identification # NP2016-022
Washoe County Medical Examiner's Office case #2016-03215
Patient Name: W. B. [REDACTED]
Date of Birth: [REDACTED] 2016
Date of Death: 10/08/2016

CLINICAL HISTORY

The patient is a 7-month-old infant boy who was reported discovered unresponsive at home in a playpen placed on a sofa. Autopsy revealed a subdural membrane.

* Note: I have reviewed autopsy photographs and a letter requesting neuropathologic consultation provided by Dr. Laura Knight in synthesizing the clinical history above.

NEUROPATHOLOGIC GROSS DESCRIPTION

The brain is received with two generous portions of detached dura mater. Their surfaces show red/brown subdural membrane, geographic over the left hemisphere and parasagittal on the right. The included venous sinuses are patent and contain only post-mortem blood clot. The post-fixation weight of the brain is 1,030 grams. The leptomeninges over the convexities of the brain are thin and translucent and show moderate venous congestion. There are non-hemorrhagic lacerations of the bilateral cerebral convexities consistent with artifact from removal of the brain from the cranial cavity. The cerebral cortex shows the normal pattern of convolutions. There is no evident atrophy of the cerebral hemispheres. No significant edema is appreciated. The uncinate processes are symmetrical. There is no evidence of hippocampal, parahippocampal, or tonsillar herniation. No focal lesions are seen. The vessels at the base of the brain are intact and symmetric. There is no evidence of a saccular or fusiform aneurysm. The cranial nerves are intact. The mammillary bodies are of normal bulk.

Sequential coronal sections of the cerebrum display a poorly-defined gray/white matter junction with normal myelination. There is no apparent cortical atrophy, although the white matter volume is moderately diminished. There is no evidence of cingulate herniation or midline shift. The centrum semiovale, corpus callosum, and corpus striatum are unremarkable. Hippocampi are symmetric and unremarkable. No focal lesions are noted. The ventricular system is symmetric and not dilated. At the level of the mammillary bodies the lateral ventricles measure 0.1 cm (left) and 0.1 cm (right), and the transverse diameter of the 3rd ventricle is 0.5 cm.

OCME Case Identification # NP2016-022
Washoe County Medical Examiner's Office case #2016-03215
Patient Name: [REDACTED]
Page 2 of 3

Sequential transverse sections of the brainstem perpendicular to its long axis display a normal non-pigmented substantia nigra and locus ceruleus. The basis pedunculi are symmetrical. The basis pontis is unremarkable with no focal lesions seen. The medulla displays normal inferior olives and symmetrical pyramids.

Sagittal sections of the cerebellar vermis and parasagittal sections of the cerebellar hemispheres display normal folia and white matter. The dentate nucleus appears normal.

Sections submitted for microscopic examination as follows:

- 1) Left dura mater and subdural membrane
- 2) Left middle frontal gyrus
- 3) Left basal ganglia
- 4) Left hippocampus
- 5) Left occipital calcarine sulcus
- 6) Midbrain
- 7) Pons
- 8) Medulla
- 9) Right cerebellum with dentate nucleus

NEUROPATHOLOGIC MICROSCOPIC DESCRIPTION

All histologic sections are stained with hematoxylin and eosin (H&E). Dura mater is comprised of dense fibrous tissue. Sections demonstrate a well-formed, well-vascularized fibrous subdural membrane with a developed inner membrane, relatively large-caliber vascular sinusoids with thin walls, and patchy areas of extravasation of blood. Scattered hemosiderin-laden macrophages are evident on H&E stained sections. Iron staining highlights frequent siderophages; control stains appropriately. The leptomeninges are thin and without significant inflammation. The ependymal lining is unremarkable.

The neocortex within the frontal, temporal, and occipital lobes displays normal cortical architecture with no significant neuronal cell loss. Cerebral hemispheric white matter is mildly gliotic. The hippocampus shows no significant cell loss within the dentate fascia or pyramidal cell layer. No intranuclear or intracytoplasmic neuronal or glial inclusions are identified on H&E stained sections. The subiculum and entorhinal cortex are unremarkable.

The putamen and globus pallidus show normal cytoarchitecture, without evidence of significant neuronal cell loss, gliosis, or microscopic infarcts. Scattered vessels show perivascular rarefaction. The internal capsule is unremarkable without evidence of demyelination.

Sections of the brainstem include midbrain, pons, and medulla. The substantia nigra displays a normal complement of neurons. The red nucleus, periaqueductal gray matter, and oculomotor nuclei display normal cytoarchitecture without significant abnormalities. Within the pons, the tegmental nuclei are unremarkable. There is no evidence of demyelination or infarction within the pons. There is mild subependymal gliosis within the medulla along the ventral aspect of the fourth ventricle. There is no neuronal cell loss or gliosis within medullary nuclei. The inferior olives have normal cytoarchitecture. No ischemic changes are identified in the brainstem sections examined.

OCME Case Identification # NP2016-022
Washoe County Medical Examiner's Office case #2016-03215
Patient Name: William Blackwell
Page 3 of 3

The cerebellum shows good preservation of the molecular, Purkinje cell, and internal and external granule cell layers. There is no significant decrease in white matter volume. The dentate fascia is unremarkable.

NEUROPATHOLOGIC DIAGNOSES

- I. Organizing subdural membrane, bilateral cerebral convexities, with patchy areas of rebleeding

COMMENT

Histopathologic characteristics of the subdural membrane indicate it is likely at least 3-4 weeks old. Rebleeding can occur within the forming membrane as neovascularization progresses; delicate new capillaries can easily tear and are the source of the acute extravasation of blood seen within the neomembrane.



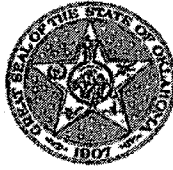
Andrea L. Wiens, DO

Date signed: November 30, 2016

Andrea L. Wiens, DO
Forensic Pathologist & Neuropathologist
Office of the Chief Medical Examiner, Eastern Division
1115 West 17th Street
Tulsa, Oklahoma 74107
Phone: 918-295-3400
Fax: 918-585-1549
Email: andrea.wiens@ocme.ok.gov

Amended: December 11, 2016

CENTRAL OFFICE
901 N. Stonewall
Oklahoma City, OK 73117
Tel: (405) 239-7141
Fax: (405) 239-2430



EASTERN OFFICE
1115 West 17th St.
Tulsa, OK 74107
Tel: (918) 295-3400
Fax: (918) 585-1549

**OFFICE OF THE CHIEF MEDICAL EXAMINER
BOARD OF MEDICOLEGAL INVESTIGATIONS**

Amendment to Neuropathology Report

Date: December 11, 2016

NEUROPATH CONSULT FOR DR. LAURA KNIGHT – ME CASE #NP2016-022

OCME Case Identification # NP2016-022
Washoe County Medical Examiner's Office case #2016-03215
Patient Name: W [REDACTED] E [REDACTED]

Item Amended:

The name of the referring physician in the *Note for the CLINICAL HISTORY section in the original Neuropathology Report was erroneously listed as "Dr. Emily Berry" and has been amended to "Dr. Laura Knight" in the attached Amended Neuropathology Report dated December 11, 2016.

Andrea L. Wiens, DO

Date signed: December 11, 2016

AUTOPSY PROTOCOL

E [REDACTED] W [REDACTED]

16-03215A-LAN

DATE OF DEATH: 10/08/2016 7:05 AM
DATE OF AUTOPSY: 10/10/2016 10:00 AM
CONSENT GRANTED BY: Lander County Sheriff/Coroner
AUTOPSY PERFORMED AT: Washoe County Medical Examiner's Office
INVESTIGATOR: Nicole Franklin
PATHOLOGIST: Laura D. Knight, M.D.

FINAL PATHOLOGICAL DIAGNOSES

- I. Sudden unexplained infant death.
 - A. Scene findings: unsafe sleep environment including blankets, toys, and propped bottle.
 - B. Epicardial, thymic, and pleural petechiae; non-specific findings.
 - C. No anatomic cause of death.
- II. Reported history of diarrhea.
 - A. Stool immunoassay positive for Rotavirus.
 - B. Heavy disposable diaper accompanying body, containing urine and abundant soft green stool.
 - C. See vitreous electrolyte assessment below, and Opinion.
- III. Organizing subdural membrane, bilateral cerebral convexities, with patchy areas of re-bleeding.
 - A. See separate Neuropathology report; age of subdural hemorrhage estimated at least 3-4 weeks (or more).
 - B. Head circumference well above 95th percentile for age.
- IV. Contusion, right frontal head.
- V. Two minimal, crusted (healing) abrasions, occipital head.
- VI. Metabolic screening negative for inborn errors of metabolism.
- VII. Other microbiological studies unremarkable.
 - A. No respiratory virus isolated (negative for adenovirus, influenza A and B, parainfluenza types 1-3, and respiratory syncytial virus).
 - B. Mixed bacteria in lung and blood culture, predominantly various types of gram negative bacilli normally encountered in lower GI tract; likely postmortem contamination of blood through decompositional change/bacterial migration from GI tract.
- VIII. Vitreous electrolyte assessment and interpretation:

PAGE 1

AUTOPSY PROTOCOL

BLACKWELL, William

16-03215A-LAN

- A. Vitreous sodium 118 mmol/L; interpretation: low sodium level, likely due to long pre-autopsy postmortem interval (decompositional pattern).
- B. Remainder of vitreous electrolytes and glucose analysis unable to be completed due to inadequate specimen quantity (vitreous quantity decreased due to prolonged postmortem interval prior to autopsy).
- IX. See separate toxicology report; no alcohol or commonly abused drugs detected in blood.

OPINION

Based on consideration of the circumstances surrounding the death, review of available medical history/records, autopsy examination, neuropathology consultation, toxicological analysis, and other ancillary testing, the cause of the death of W [REDACTED] B [REDACTED] remains undetermined. As the cause of death is undetermined, the manner of death is also undetermined. By law, manner of death certification resides with the Lander County Sheriff/Coroner.

Comment: Sudden unexplained infant deaths frequently involve unsafe sleep environments and potential for asphyxia. The blankets and head/neck position in this case are potential risk factors for asphyxia; it is also unknown what role the propped bottle may have played. However, accidental asphyxia is not the only possibility in sudden infant deaths, and in this case in specific. It appears the decedent also may have had a viral diarrheal illness, though the severity is unclear. However, due to the long interval from death to autopsy (>48 hours), the ability to diagnose dehydration (secondary to diarrhea) with vitreous electrolyte analysis is unfortunately lost. The vitreous fluid diminished in quantity and in quality during that time interval, limiting the testing and limiting the ability to interpret the one result obtained. Finally, this infant has an unexplained, organizing and non-acute (3-4 weeks or older, according to the neuropathologist consultant) subdural hemorrhage on the surface of his brain. The relatively small quantity and non-acute nature of this hemorrhage make it an unlikely candidate for the cause of death.



Laura D. Knight, M.D.
Chief Medical Examiner

9/11/2017

Date Signed

PAGE 2

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

September 28, 2017

A-17-758501-W Las Vegas Review-Journal, Plaintiff(s)
vs.
Clark County Office of the Coroner/ Medical Examiner, Defendant(s)

**September 28, 2017 9:00 AM Petition for Writ of
Mandamus**

HEARD BY: Crockett, Jim

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Katrina Hernandez

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT: McLetchie, Margaret A. Attorney for Plaintiff
 Shell, Alina Attorney for Plaintiff

JOURNAL ENTRIES

- Laura Rehfeldt, Esq. present on behalf of Defendant.

Court noted the arguments by Counsel and cited from applicable Attorney General's opinions as well as AB 57. Court noted arguments by Counsel, commented on the balance of interests, and FINDS it is clearly outweighed by public interest. Court noted its further inclinations. Arguments by Counsel. COURT ORDERED, motion GRANTED and Court DECLARES they are public records and must be provided to the requestor with statutory legal authority within 5 DAYS. As to attorneys fees for review, redaction fees, and fee per copy, COURT ORDERED, discs to be produced at \$15.00 per disc, production due as the discs are created, and complete production no later than 12/28/17. Court further noted any justifications for redactions need to be asserted. Court further stated its findings. Ms. Shell to prepare the order, circulate to opposing Counsel for approval as to form and content only, and submit it to the Court within TEN days after the transcript is received.

PRINT DATE: 11/20/2017

Page 1 of 1

Minutes Date: September 28, 2017

1 TRAN

2
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4
5
6 IN THE EIGHTH JUDICIAL DISTRICT COURT
7 CLARK COUNTY, NEVADA
8

9 LAS VEGAS REVIEW-)
10 JOURNAL,)

11 Plaintiff,))

12 vs.)

Case No. A-17-758501-W
Dept. No. 24

13 CLARK COUNTY OFFICE OF)
14 THE CORONER/MEDICAL)
15 EXAMINER,)

16 Defendant.)
17

18 PETITION FOR WRIT OF MANDAMUS

19 Before the Honorable Jim Crockett

20 Thursday, September 28, 2017, 9:00 a.m.

21 Reporter's Transcript of Proceedings
22

23 REPORTED BY:

24 BILL NELSON, RMR, CCR #191
25 CERTIFIED COURT REPORTER

1
2 APPEARANCES:3
4 For the Plaintiff: Alina Shell, Esq.
Margaret McLetchie, Esq.5
6 For the Defendant: Laura Rayfeldt, Esq.
7
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1 Las Vegas, Nevada, Thursday, September 28, 2017

2 * * * * *

3
4 THE COURT: Las Vegas Review-Journal
5 versus Clark county Office of the Coroner.

6 MS. RAYFELDT: Good morning, Your
7 Honor.

8 Laura Rayfeldt.

9 I represent the office of the Clark
10 County Coroners, work in the Coroners Division of
11 the DAs office.

12 MS. SHELL: Alina Shell on behalf of
13 petitioner, Las Vegas Review-Journal.

14 Also present with me at counsel table is
15 Margaret McLetchie.

16 MS. MC LETCHIE: Good morning, Your
17 Honor.

18 THE COURT: Good morning.
19 Have a seat.

20 Okay. This is a petition by the Las
21 Vegas Review-Journal for a writ of mandamus to
22 compel the coroner's office to provide public
23 records relating to autopsies performed on
24 individuals who were under the age of 18.

25 The Nevada Public Records Act begins from

1 the presumption that governmental records are
2 public, and it places the burden on the party in
3 possession of the records to demonstrate why they
4 are not public records, or why they are
5 confidential or otherwise privileged from
6 disclosure for some reason.

7 The Review-Journal takes the position
8 that the coroner has declined and objected, instead
9 providing information the coroner feels is
10 permissible to this case.

11 And the RJ says that the coroner declines
12 to provide legal authority in support of its
13 objections, and it waived asserting these
14 objections which had to have been articulated
15 within five business days under the applicable
16 statute.

17 From their petition they state in
18 paragraph 30, here the coroner's office has
19 conceded that the requested records are public
20 records, and it has not met its burden of
21 establishing that nonetheless the records it is
22 withholding should not be produced.

23 Moreover, regarding the records it is
24 willing to produce, the coroner's office is not
25 entitled to redact the records in the manner it has

1 proposed.

2 Further, the coroner's office cannot
3 demand that the Review-Journal pay the coroner's
4 office an hourly fee to review and redact records
5 for production.

6 That is from paragraph 30 of the
7 petition.

8 In paragraph 31 the Review-Journal says,
9 the Nevada Public Records Act provides that a
10 governmental entity must provide timely and
11 specific notice if it is denying a request because
12 the entity determines the documents sought are
13 confidential, and they cite to NRS 239.0107(1)(d),
14 and they quote that it states that within five
15 business days of receiving a request if the
16 government entity must deny the person's request
17 because the public book or record or a part thereof
18 is confidential, it must provide to the person in
19 writing, one, notice of that fact, and two, a
20 citation to the specific statute or other legal
21 authority that makes the public book or record or a
22 part thereof confidential.

23 And in paragraph 32 the Review-Journal
24 says, accordingly the coroner's office cannot rely
25 on legal authority it failed to timely assert in

1 response to requests.

2 The Review-Journal also contends that the
3 coroner has failed to timely and properly assert by
4 any claims of confidentiality or privilege, and that
5 they are asking for fees that are not allowed under
6 the statute.

7 The coroner says, our policy with respect
8 to the release of autopsy reports is to release
9 them upon request to the legal next of kin and
10 administrator or executor of an estate, law
11 enforcement officers in performing their official
12 duties, and pursuant to a subpoena.

13 I'm quoting from their brief.

14 The coroner's policy not to release the
15 autopsy reports to the general public is based on
16 the legal analysis in the 1982 Nevada opinion of
17 the Attorney General, number 12 referred to as AGO,
18 Attorney General opinion 82-12.

19 In this opinion the coroner says --
20 concludes that the autopsy report is a public
21 record, but not for public dissemination based on
22 public policy and law creating the subject matter
23 in an autopsy report confidential.

24 However, the coroner does make public
25 information related to the fulfillment of its

1 statutory duties, such as the identification of the
2 decedent, location and date of death, cause, and
3 manner of death, which is consistent with AGO
4 82-12.

5 The coroner also takes the position of
6 the recently enacted AB-57 that permits the coroner
7 to give the body and reports to family members,
8 indicates that the legislature prior to that
9 prohibited release of information.

10 However, I think it could just as easily
11 be read to say, the legislature just wanted to
12 emphasize that the reports could be provided to
13 people who might otherwise have not legally -- or
14 not having legally recognizable interests in the
15 autopsy reports.

16 The coroner's office concludes that,
17 based on the foregoing the coroner respectfully
18 requests this Court deny the R-J's petition for
19 writ of mandamus on the following grounds:

20 One, the coroner has established by a
21 preponderance of the evidence that the autopsy
22 report involving cases reviewed by the CDR,
23 standing for child death review, are privileged
24 pursuant to NRS 432(b).407, and secondly that with
25 respect to all autopsy reports the application of

1 the balance of interest test demonstrates that the
2 privacy interests in autopsy reports clearly
3 outweighs the public interest.

4 Now, I have to say that if the statutes
5 didn't exist, those could be very interesting
6 policy arguments to be made, but the statutes are
7 abundantly clear, and the AGO's opinion is
8 absolutely not binding and has no precedential
9 value, and it flies in the teeth of the expressed
10 statutory mandate of NRS 239.01017(1)(d), which
11 requires that the governmental all authority
12 requests produced records must provide the request
13 with specific statutory or legal authority
14 justifying the withholding of said records within
15 five business days.

16 Also, while it's true that records
17 obtained by the child death review team enjoys
18 certain protection from disclosure, it is not in
19 perpetuity, and those records must be kept
20 confidential only during a child death review
21 team's review of a child fatality.

22 Here the coroner's office concedes that
23 it is currently withholding from the RJ records
24 which pertain to child fatalities that are no
25 longer under review by any death review team.

1 This is conceded in the coroner's
2 response, page 7, at lines 23 through 26.

3 While the coroner makes a passing
4 reference to HIPAA, H-I-P-A-A, as a means of
5 avoiding production of the requested documents, the
6 coroner's office also concedes that actually the
7 HIPAA act has no application to the coroner's
8 office or the coroner's records because they are
9 not medical records.

10 So my inclination is to grant the
11 mandamus and order the coroner's office to produce
12 the requested records, and to declare that the
13 requested records are public records, and also to
14 declare that the coroner's office failed to meet
15 the statutory mandate of NRS 239.01017(1)(d), which
16 requires that the governmental authority requested
17 to produce records must produce the requested --
18 must provide the requester with specific statutory
19 or legal authority justifying the withholding of
20 said records within five business days.

21 Also, I want to declare that I'm inclined
22 to declare that AB-57 does not demonstrate a
23 legislative intent to undermine or negate the
24 pre-existing statutory scheme under consideration
25 here regarding producing public records.

1 Also, the Court wishes to declare that
2 the AGO opinion 82-12 is not binding or
3 precedential legal authority in this matter.

4 The Court also declares -- or is inclined
5 to declares there's no legal support or
6 justification for the coroner's office to charge
7 the RJ anything, other than the 50 cens per page
8 copy charges.

9 Lastly, regarding the request for
10 attorney's fees and costs, which is made in
11 passing, these are not really addressed with any
12 citation and substantive legal authority, nor is
13 there any actual arguments made in support of that.

14 So there's no attempt at this stage by a
15 petitioner to -- nor is there any attempt by the
16 petitioner at this stage to offer evidence of hours
17 and costs actually expended.

18 So those are my inclinations.

19 I'm happy to hear from counsel if there's
20 anything you wish to offer in addition to what you
21 said in your brief.

22 MS. SHELL: Your Honor, just a
23 clarification on the -- to clarify the fees issue,
24 I believe you said there was no legal support for
25 that.

1 THE COURT: Attorney's fees and costs
2 are not really addressed.

3 MS. SHELL: I'm sorry, Your Honor.

4 I apologize for interrupting.

5 I just wanted to clarify, the fees the
6 coroner proposes charging us for review and
7 redaction --

8 THE COURT: Are not allowable.

9 MS. SHELL: Thank you, Your Honor.

10 I wasn't sure if I heard that.

11 THE COURT: Okay.

12 MS. RAYFELDT: Well, Your Honor, for
13 clarification, you would be ordering we produce the
14 records -- all of the records requested and
15 complete format?

16 THE COURT: Correct.

17 MS. RAYFELDT: And then I would ask
18 -- I'm presuming that we can charge for our costs
19 of copying the documents under NRS 239.

20 THE COURT: Yes, regardless of what
21 your costs are, you're allowed to charge the
22 requester up to 50 cents per page.

23 Anything else?

24 MS. RAYFELDT: Your Honor, just to
25 clarify, I think we can charge them reasonable

1 costs to produce the documents, and in this case we
2 charge a dollar per page or \$15 per CD, that is
3 separate from the extra use of personnel, which you
4 just indicated we would not be pursuing.

5 THE COURT: That's correct, I don't
6 authorize the expenditure of hourly fees for extra
7 personal, but my understanding is, the statute says
8 a maximum of 50 cents per page.

9 MS. RAYFELDT: I'm looking at 055--

10 MS. SHELL: I apologize, Your Honor.

11 I have the whole section of the NRS, just
12 want to make that clear.

13 THE COURT: Again, I appreciate the
14 courtesy copies, it's awfully nice to be able to
15 have something the Court can look at, mark up,
16 annotate, and read.

17 MS. MC LETCHIE: Your Honor, if I may
18 clarify, with regard to costs -- This Maggie
19 McLetchie for the record -- a responder of the
20 governmental entity is allowed to charge an actual
21 cost for copies.

22 There's an additional provision that
23 allows for extraordinary use, it caps that fee of
24 up to 50 cents a page, which they are demanding
25 exceeded.

1 I don't believe it would be reasonable to
2 charge two additional sets of -- Of course we're
3 happy to pay for a disk, but more importantly, Your
4 Honor, I would contend they haven't established
5 they are entitled to extraordinary use by time
6 spent for a attorney doing redaction, review,
7 trying to keep information out of the hands of the
8 Review-Journal, that is not something that I think
9 is properly compensable as an extraordinary use.

10 Initially when the legislature passed the
11 extraordinary use provision, it was designed to
12 address situations which for example you have a
13 nuisance requester.

14 The Review-Journal's engaging in
15 legitimate journalism and asking for additional
16 information, and in addition by asking for costs
17 for extraordinary use for their attorneys to redact
18 information we're assuming they met a burden in
19 redacting information.

20 THE COURT: Let me say, I don't think
21 governmental entities are entitled to any hourly
22 fees or fees that are designed to cover the cost of
23 personnel reviewing of things.

24 If for some reason there were documents
25 that were of an unusual size, they required a

1 special effort to produce some 23 by 24 paper or
2 something, that would be different, but the idea
3 that the government employee would be allowed to be
4 compensated or somehow reimbursed for the time of
5 the people involved in doing this, that is not
6 authorized by the statute at all.

7 But my understanding was, the statute
8 said 50 cents per page.

9 Are counsel in agreement as to what the
10 allowable charges are per page or per disk?

11 MS. RAYFELDT: With due respect, I
12 thought the 50 cents per page applied to the
13 extraordinary use of personnel, which we would not
14 be seeking because you're going to be ordering that
15 we just produce the full record.

16 So therefore if we go to NRS 239.052,
17 which allows the governmental entity to charge a
18 fee for copying public records, I don't recall
19 there being a cap on that, and the coroner's
20 charging a dollar per page or \$15 per disk.

21 I would imagine there is a massive amount
22 of records they requested going back to January
23 of --

24 THE COURT: I'm sure you're familiar
25 with that, but that caps the medical records charge

1 of 60 cents per page, but are you saying that there
2 is no statute that spells out exactly what the
3 maximum per page charge is for reproduction?

4 MS. RAYFELDT: I don't believe so.

5 It's my understanding under 239.052 it
6 does not, it's the actual cost.

7 THE COURT: It says, actual costs, so if
8 the actual cost -- How is that going to be
9 documented, copied by an outside provider that will
10 bill you, or --

11 MS. RAYFELDT: Probably, I would
12 imagine we're going to copy it in-house.

13 THE COURT: All right.

14 So what is the expected cost on a per
15 page basis?

16 MS. RAYFELDT: The calculated rate is
17 a dollar per page and \$15 per disk.

18 I can ask them to look at that, but
19 that's my understanding.

20 THE COURT: All right.

21 The dollar per page does not include any
22 surcharge for the personnel reviewing and redacting
23 and so forth?

24 MS. RAYFELDT: Not that I'm aware of.

25 THE COURT: So is a dollar per page

1 acceptable, or \$15 per disk?

2 MS. MC LETCHIE: Not the per page
3 fee.

4 The disk fee is certainly acceptable, but
5 we don't want hard copies, we want electronic
6 copies, and we don't think a dollar a page for
7 electronic copies is fair, essentially you're just
8 copying.

9 THE COURT: So do you know how many
10 disks will be involved.

11 MS. RAYFELDT: I don't know how many
12 disks will be involved.

13 THE COURT: I'll order the disks be
14 produced in whatever way necessary that is to
15 recover the requested documents at a cost of \$15
16 per disk.

17 Anything else?

18 MS. SHELL: Your Honor, one other
19 point of clarification, if we could establish a
20 date for production of these records.

21 THE COURT: How long do you think it
22 will take you to produce these disks?

23 MS. RAYFELDT: There's literally
24 hundreds of reports.

25 We need to transfer them electronically.

1 I would say, I would imagine 30 days.

2 THE COURT: Okay.

3 Let's set -- Yes.

4 MS. SHELL: Your Honor, if it would
5 be easier for the coroner's office, we would be
6 willing to accept it on a rolling basis.

7 MS. RAYFELDT: We could work
8 something out.

9 THE COURT: All right.

10 So you want to produce them as you are
11 generating them?

12 MS. RAYFELDT: Yes.

13 THE COURT: Do you have an estimate
14 the outside limit it will take you to produce all
15 the records requested?

16 Was there an end date as to the records
17 requested, or up to the current time?

18 MS. SHELL: It was through the date
19 of the request, which was April 13th of 2017.

20 THE COURT: Okay.

21 So the records through April 13th, 2017
22 are to be produced no later than 90 days from
23 today, and if the coroner's office wishes to
24 produce them in an ongoing basis on intervals, they
25 may do so.

1 So 90 days would be what?

2 THE CLERK: December 28th, 2017.

3 THE COURT: Does that work?

4 MS. SHELL: Your Honor, just to
5 clarify, we do want them on a rolling basis.

6 THE COURT: That's fine.

7 So as they are being produced they are to
8 be -- or as created they are to be produced to the
9 requesting party, but the completion is to be
10 effectuated no later than December 28th.

11 Okay?

12 MS. RAYFELDT: I don't think that
13 will be a problem.

14 THE COURT: All right.

15 Any other questions or things you need to
16 address?

17 MS. SHELL: I don't believe so, Your
18 Honor.

19 THE COURT: I'll ask you to prepare
20 the order.

21 Would you like to wait for the
22 transcript?

23 MS. SHELL: Only if the transcript
24 can be available on an expedited basis.

25 THE COURT: That's up to you.

1 MS. SHELL: I will talk to the
2 reporter then.

3 THE COURT: All right.

4 MS. RAYFELDT: Your Honor, just to
5 clarify, we're disclosing these reports with no
6 redaction whatsoever, names, everything will be
7 included in the reports?

8 THE COURT: Correct, any
9 justification for redaction having been asserted
10 within five business days per the statute.

11 MS. RAYFELDT: Your Honor, I
12 misunderstood I thought you were making this
13 decision on the merits.

14 If we're going to -- If you're making the
15 decision based on 2390107(1)(d), we have to pursue
16 this.

17 THE COURT: I don't follow you.

18 MS. RAYFELDT: Well, our position is
19 that we provided the legal analysis to the RJ a
20 couple of times.

21 THE COURT: 39 days later?

22 MS. RAYFELDT: It wasn't 39 days
23 later.

24 We had at least six communications with
25 them between April 13th of 2017 and April 14th,

1 2017, and we cited to the legal analysis of the
2 Attorney General, in which I respect it's not
3 precedent and not binding, and we explained to the
4 RJ the practice of the coroner's to release the
5 reports to the next of kin, explained the
6 legislation pending with the respect to the
7 specific enumerated persons who may receive these
8 reports, and we have been dealing with this issue
9 for many years, decades, and many times with the
10 Review-Journal, so I would respectfully object.

11 Furthermore, the RJ made its request
12 through the correspondence from its attorney on May
13 23rd, 2017, and we responded three days later with
14 the comprehensive letter setting forth legal
15 analysis.

16 THE COURT: Keep in mind that I also
17 found the legal analysis that you offered to me
18 insufficient to justify holding onto the
19 information, and so AB-57 did not say what you said
20 it did.

21 I said, the AGO opinion 82-12 was not
22 legal precedent or valid binding authority, so even
23 if we ignore the fact it would be beyond the five
24 days, I ruled on the merits that the grounds you
25 are offering to resist production were invalid.

1 MS. RAYFELDT: I just wanted to be
2 sure that's the case.

3 THE COURT: So more than five days
4 had passed because the grounds being offered were
5 not sufficient and accepted by this Court.

6 MS. RAYFELDT: Your determination is
7 that the coroner did not meet its burden with
8 respect to 432(b)406?

9 THE COURT: Correct.

10 MS. RAYFELDT: And the balancing test
11 in the case law?

12 THE COURT: Correct.

13 MS. RAYFELDT: I just want to be sure
14 it's on the merits, not on --

15 THE COURT: It is on the merits.

16 MS. RAYFELDT: Thank you.

17 THE COURT: Anything else?

18 MS. SHELL: No, Your Honor.

19 THE COURT: All right.

20 Thank you.

21 MS. SHELL: Thank you, Your Honor.

22 MS. MC LETCHIE: Thank you, Your
23 Honor.

24 MS. RAYFELDT: Thank you.

25 THE COURT: So with regard to

1 generating the order, what I'm going to say is
2 that, I want you to draft the order, circulate it
3 to counsel for the coroner's office for approval as
4 to form and content, and I want it in ten days per
5 EDCR 7.21, unless you can contact Mr. Nelson, make
6 arrangements for an expedited transcript, and on
7 the basis of that you can have ten days from the
8 date you get the expedited transcript, so those are
9 your time frames.

10 MS. SHELL: Thank you, Your Honor.

11 MS. MC LETCHIE: Thank you, Your
12 Honor.

13 THE COURT: Okay.

14 Thank you.

15 (Proceedings concluded.)
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REPORTER'S CERTIFICATE

I, Bill Nelson, a Certified Court Reporter in and for the State of Nevada, hereby certify that pursuant to NRS 2398.030 I have not included the Social Security number of any person within this document.

I further Certify that I am not a relative or employee of any party involved in said action, not a person financially interested in said action.

/s/ Bill Nelson

Bill Nelson, RMR, CCR 191

C E R T I F I C A T E

STATE OF NEVADA)

) ss.

CLARK COUNTY)

I, Bill Nelson, RMR, CCR 191, do hereby
certify that I reported the foregoing proceedings;
that the same is true and correct as reflected by
my original machine shorthand notes taken at said
time and place.

/s/ Bill Nelson

Bill Nelson, RMR, CCR 191
Certified Court Reporter
Las Vegas, Nevada

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1 NEOJ
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9 Counsel for Petitioner

DISTRICT COURT

CLARK COUNTY NEVADA

10 LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-758501-W

11 Petitioner,

Dept. No.: XXIV

12 vs.

NOTICE OF ENTRY OF ORDER

13 CLARK COUNTY OFFICE OF THE
14 CORONER/MEDICAL EXAMINER,

15 Respondent.

16 TO: THE PARTIES HERETO AND THEIR RESPECTIVE COUNSEL OF RECORD:
17 PLEASE TAKE NOTICE that on the 9th day of November, 2017, an Order
18 Granting Petitioner LVRJ's Public Records Act Application Pursuant to Nev. Rev. Stat.
19 239.001/ Petition for Writ of Mandamus was entered in the above-captioned action. A copy
20 of the Order is attached hereto as Exhibit 1.

21 Respectfully submitted this 9th day of November, 2017.

22 /s/ Margaret A. McLetchie

23 Margaret A. McLetchie, Nevada Bar No. 10931

24 Alina M. Shell, Nevada Bar No. 11711

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2017, pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I did cause a true copy of the foregoing NOTICE OF ENTRY OF ORDER in *Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical Examiner*, Clark County District Court Case No. A-17-758501-W, to be served electronically using the Odyssey File & Serve electronic filing service system, to all parties with an email address on record.

I hereby further certify that on the 9th day of November, 2017, pursuant to Nev. R. Civ. P. 5(b)(2)(B) I mailed a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER by depositing the same in the United States mail, first-class postage pre-paid, to the following:

Mary-Anne Miller and Laura Rehfeldt
Clark County District Attorney's Office
500 S. Grand Central Pkwy., Ste. 5075
Las Vegas, NV 89106
Counsel for Respondent, Clark County Office of the Coroner/Medical Examiner

/s/ Pharan Burchfield
An Employee of MCLEITCH SHELL LLC

EXHIBIT 1

Steven D. Grierson

1 **ORDR**

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9 *Counsel for Petitioner*

DISTRICT COURT

CLARK COUNTY NEVADA

10 LAS VEGAS REVIEW-JOURNAL,

11 Petitioner,

12 vs.

13 CLARK COUNTY OFFICE OF THE
14 CORONER/MEDICAL EXAMINER,

15 Respondent.

Case No.: A-17-758501-W

Dept. No.: XXIV *11/8/17*

**ORDER GRANTING
PETITIONER LVRJ'S PUBLIC
RECORDS ACT APPLICATION
PURSUANT TO NEV. REV. STAT.
§ 239.001/ PETITION FOR WRIT
OF MANDAMUS**

17 The Las Vegas Review-Journal's Public Records Act Application Pursuant to Nev.
18 Rev. Stat. § 239.001/Petition for Writ of Mandamus, having come on for hearing on
19 September 28, 2017, the Honorable Jim Crockett presiding, Petitioner Las Vegas Review-
20 Journal (the "LVRJ") appearing by and through its counsel, Margaret A. McLetchie and
21 Alina M. Shell, and Respondent Clark County Office of the Coroner/Medical Examiner
22 ("Coroner's Office") appearing by and through its counsel, Laura C. Rehfeldt, and the Court
23 having read and considered all of the papers and pleadings on file and being fully advised,
24 and good cause appearing therefor, the Court hereby makes the following findings of fact
25 and conclusions of law:

26 ///

27 ///

28 ///

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

I.

PROCEDURAL HISTORY AND FINDINGS OF FACT

1. On April 13, 2017, the LVRJ sent the Coroner's Office a request pursuant to the Nevada Public Records Act, Nev. Rev. Stat. § 239.001 *et seq.* (the "NPRA").

2. The LVRJ's request sought all autopsy reports of autopsies conducted of anyone under the age of 18 from 2012 through the date of the request.

3. The Coroner's Office responded via email on April 13, 2017. It provided a spreadsheet with information consisting of the Coroner case number, name of decedent, date of death, gender, age, race, location of death, and cause and manner of death, but refused to provide "autopsy reports, notes or other documents."

4. In its April 13, 2017 email, the Coroner's Office stated it would not disclose the autopsy reports because they contain medical information and confidential information about a decedent's body. The Coroner's Office relied on Attorney General Opinion, 1982 Nev. Op. Atty. Gen. No. 12 ("AGO 82-12") as the basis for non-disclosure.

5. The LVRJ followed up by emailing the Clark County District Attorney's Office on April 13, 2017, requesting legal support for the refusal to provide records.

6. The District Attorney's Office, Civil Division, on behalf of the Coroner's Office, responded via email on April 14, 2017, again relying on AGO 82-12 and also relying on Assembly Bill 57, 79th Sess. (Nev. 2017) (a bill then pending consideration in the 2017 session of the Nevada Legislature and proposing changes to Nevada law regarding a coroner's duty to notify next-of-kin of the death of a family member but not addressing public records) as the bases for its refusal to disclose the requested records.

7. The Coroner's Office did not assert any other basis for withholding records within five (5) business days.

8. On May 9, 2017, following a meeting between the Coroner and the LVRJ, the Coroner mailed a second spreadsheet to the LVRJ listing child deaths dating back to 2011 in which the Coroner conducted autopsies.

- 1 9. On May 23, 2017, counsel for the LVRJ wrote to the Coroner's Office to
- 2 address concerns with the Coroner's Office's refusal to provide access to any of the
- 3 requested juvenile autopsy reports.
- 4 10. On May 26, 2017, the Coroner's Office (via the District Attorney)
- 5 responded to the May 23, 2017 letter, again relying on the legal analysis in AGO 82-12, and
- 6 agreed to consider providing redacted versions of autopsies of juveniles if the LVRJ
- 7 provided a specific list of cases it wished to review.
- 8 11. In its May 26, 2017 response, the Coroner's Office for the first time also
- 9 asserted that the records may be protected by Nev. Rev. Stat. § 432B.407 and that privacy
- 10 interests outweighed public disclosure.
- 11 12. The LVRJ provided the Coroner's Office with a list of specific cases it
- 12 wanted reports for via email on May 26, 2017.
- 13 13. The Coroner's Office responded to the May 26, 2017 email on May 31,
- 14 2017.
- 15 14. In its May 31, 2017 response, the Coroner's Office stated that responsive
- 16 records were "subject to privilege will not be disclosed" and that it would also redact other
- 17 records. However, it did not assert any specific privilege.
- 18 15. The Coroner's Office also asked the LVRJ to specify the records it wanted
- 19 to receive first, which the LVRJ did on June 12, 2017.
- 20 16. On July 9, 2017, in a response to a further email from the LVRJ inquiring
- 21 on the status of the records, the Coroner's Office indicated it would not produce any records
- 22 that pertained to any case that was subsequently handled by a child death review team
- 23 pursuant to Nev. Rev. Stat. § 432B.407. By that time, the Coroner had determined which
- 24 cases were not handled by the child death review team and provided a list to the LVRJ.
- 25 17. On July 11, 2017, the Coroner's Office provided sample files of redacted
- 26 autopsy reports for other autopsies of juveniles that were not handled by a child death review
- 27 team. The samples files were heavily redacted; the Coroner's Office asserted that the
- 28 redacted language consisted of information that was medical, related to the health of the

1 decedent's mother, could be marked with stigmata or considered an invasion of privacy.
2 Statements of diagnosis or opinion that were medical or health related that went to the cause
3 of death were not redacted.

4 18. On July 11, 2017, the Coroner's Office also demanded that the LVRJ
5 commit to payment for further work in redacting files for production, and declined to
6 produce records without payment. The Coroner's Office indicated it would take two persons
7 10-12 hours to redact the records it was willing to produce, and that the LVRJ would have
8 to pay \$45.00 an hour for the two reviewers, one of which would be an attorney. The
9 Coroner's Office contended that conducting a privilege review and redacting autopsy
10 reports required the "extraordinary use of personnel" under Nev. Rev. Stat. § 239.055. The
11 Coroner's Office stated it did not intend to seek fees for the work associated with the
12 previously provided spreadsheets and redacted reports.

13 19. On July 17, 2017, the LVRJ filed its Application Pursuant to Nev. Rev.
14 Sta. § 239.001/Application for Writ of Mandamus/Application for Declaratory and
15 Injunctive Relief ("Application"), and requested expedited consideration pursuant to Nev.
16 Rev. Stat. § 239.011(2).

17 20. On August 17, 2017, the LVRJ submitted a Memorandum in support of its
18 Application. The Coroner's Office submitted its Response on August 30, 2017, and the
19 LVRJ submitted its Reply on September 7, 2017. The LVRJ also submitted a Supplement
20 on September 25, 2017 that included autopsy records the LVRJ had received from White
21 Pine County and Lander County in response to public records requests.

22 21. The Court held a hearing on the LVRJ's Application on September 28,
23 2017.

24 II.

25 CONCLUSIONS OF LAW

26 22. The purpose of the NPRA is to foster democratic principles by ensuring
27 easy and expeditious access to public records. Nev. Rev. Stat. § 239.001(1) ("The purpose
28 of this chapter is to foster democratic principles by providing members of the public with

access to inspect and copy public books and records to the extent permitted by law"); *see also Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 878, 266 P.3d 623, 626 (2011) (holding that "the provisions of the NPRA are designed to promote government transparency and accountability").

23. To fulfill that goal, the NPRA must be construed and interpreted liberally; government records are presumed public records subject to the Act, and any limitation on the public's access to public records must be construed narrowly. Nev. Rev. Stat. §§ 239.001(2) and 239.001(3); *see also Gibbons*, 127 Nev. at 878, 266 P.3d at 626 (noting that the Nevada legislature intended the provisions of the NPRA to be "liberally construed to maximize the public's right of access").

24. The Nevada Legislature has made it clear that—unless they are explicitly confidential—public records must be made available to the public for inspection or copying. Nev. Rev. Stat. § 239.010(1); *see also Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 879-80, 266 P.3d 623, 627 (2011).

A. The Coroner's Office Has Not Met Its Burden in Withholding or Redacting Records.

25. The NPRA "considers all records to be public documents available for inspection unless otherwise explicitly made confidential by statute or by a balancing of public interests against privacy or law enforcement justification for nondisclosure." *Reno Newspapers v. Sheriff*, 126 Nev. 211, 212, 234 P.3d 922, 923 (2010).

26. If a statute explicitly makes a record confidential or privileged, the public entity need not produce it. *Id.*

28. If a governmental entity seeks to withhold a document that is not explicitly made confidential by statute, it must prove by a preponderance of the evidence that the records are confidential or privileged, and must also prove by a preponderance of the evidence that the interest in nondisclosure outweighs the strong presumption in favor of public access. *See, e.g., Gibbons*, 127 Nev. at 880, 266 P.3d at 628; *see also Donrey of Nevada, Inc. v. Bradshaw*, 106 Nev. 630, 635, 798 P.2d 144, 147-48 (1990).

29. In balancing those interests, “the scales must reflect the fundamental right of a citizen to have access to the public records as contrasted with the incidental right of the agency to be free from unreasonable interference.” *DR Partners v. Bd. of Cty. Comm’rs of Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) (quoting *MacEwan v. Holm*, 226 Or. 27, 359 P.2d 413, 421–22 (1961)).

30. Pursuant to the NPRA and Nevada Supreme Court precedent, the Court hereby finds that the Coroner’s Office has not established by a preponderance of the evidence that the withheld records are confidential or privileged such that withholding the autopsy records pertaining to cases that were subsequently handled by a child death review team pursuant to Nev. Rev. Stat. § 432B.407(6) in their entirety is justified, nor has it established by a preponderance of the evidence that any interest in nondisclosure outweighs the strong presumption in favor of public access.

31. Further, with regard to the proposed redactions to the autopsy reports the Coroner’s Office was willing to disclose, the Court finds that the Coroner’s Office has not established by a preponderance of the evidence that the redacted material is privileged or confidential.

The Coroner’s Office Did Not Comply With the NPRA’s Mandate to Provide Legal Authority in Support of Its Decision to Withhold or Redact Records Within Five Days.

32. The NPRA provides that a governmental entity must provide timely and specific notice if it is denying a request because the entity determines the documents sought are confidential. Nev. Rev. Stat. § 239.0107(1)(d) states that, within five (5) business days of receiving a request,

[i]f the governmental entity must deny the person’s request because the public book or record, or a part thereof, is confidential, provide to the person, in writing: (1) Notice of that fact; and (2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

33. The Coroner's Office cannot rely on privileges, statutes, or other authorities that it failed to assert within five (5) business days to meet its burden of establishing that privilege attaches to any of the requested records.

The Attorney General Opinion Does Not Justify Non-Disclosure.

34. In its April 13, 2017 response to the LVRJ's records request, the Coroner's Office relied on a 1982 Attorney General Opinion, 1982 Nev. Op. Atty. Gen. No. 12 as a basis for its refusal to produce the requested autopsy reports.

35. The Court finds that, consistent with Nevada Supreme Court precedent, Attorney General Opinions are not binding legal authority. *See Univ. & Cmty. Coll. Sys. of Nevada v. DR Partners*, 117 Nev. 195, 203, 18 P.3d 1042, 1048 (2001) (citing *Goldman v. Bryan*, 106 Nev. 30, 42, 787 P.2d 372, 380 (1990)); *accord Redl v. Secretary of State*, 120 Nev. 75, 80, 85 P.3d 797, 800 (2004).

36. Because it is not binding legal authority, the legal analysis contained in AGO 82-12 does not satisfy the Coroner's Office's burden of establishing that the records are confidential and that the interest in non-disclosure outweighs the presumption in favor of access.

Nevada Assembly Bill 57 Does Not Justify Non-Disclosure.

44. The Coroner's Office also cites to Assembly Bill 57, a bill adopted during the 2017 legislative session which made changes to Nevada laws pertaining to next-of-kin notifications as evidence that the privacy interest in autopsy reports outweighs the public's right of access.

45. The Court finds that Assembly Bill 57 (which had not been passed by Nevada Legislature at the time the Coroner's Office cited it in its April 14, 2017 email) is not "legal authority" as required by Nev. Rev. Stat. § 239.0107(d)(1).

46. Moreover, the Court finds that Assembly Bill 57 does not demonstrate a legislative intent to undermine or negate the NPRA's mandates regarding producing public records. Thus, the Coroner's Office cannot rely on Assembly Bill 57 to meet its burden of

1 establishing that the records are confidential and that the interest in non-disclosure
2 outweighs the presumption in favor of access.

3 *Nev. Rev. Stat. § 432B.407 Does Not Justify Non-Disclosure.*

4 37. On July 9, 2017, in a response to a further email from the LVRJ inquiring
5 on the status of the records, the Coroner's Office indicated it would not produce any records
6 that pertained to any case that was subsequently handled by a child death review team
7 pursuant to Nev. Rev. Stat. § 432B.403, *et. seq.* The Coroner's Office specifically cited Nev.
8 Rev. Stat. § 432B.407, a statute which pertains to information acquired by child death
9 review teams, as a basis for refusing to produce the records.

10 38. In addition to not being timely cited, Nev. Rev. Stat. § 432B.407 does not
11 satisfy the Coroner's Office's burden of establishing that any interest in nondisclosure
12 outweighs the public's interest in the records.

13 39. Pursuant to Nev. Rev. Stat. § 432B.403, the State can organize child death
14 review teams to review the records of selected cases of children under the age of 18 to assess
15 and analyze the deaths, make recommendations for changes to law and policy, support the
16 safety of children, and a prevent future deaths.

17 40. Under Nev. Rev. Stat. § 432B.407(1), a child death review team may
18 access, inter alia, "any autopsy and coroner's investigative records" relating to the death of
19 a child. Nev. Rev. Stat. § 432B.407(1)(b). Section 432B.407(6) in turn provides that
20 "information acquired by, and the records of, a multidisciplinary team to review the death
21 of a child are confidential, must not be disclosed, and are not subject to subpoena, discovery
22 or introduction into evidence in any civil or criminal proceeding."

23 41. However, the Court finds that nothing in the language of Nev. Rev. Stat. §
24 432B.407(6) indicates that records obtained by child death review teams are automatically
25 confidential simply because the Coroner's Office transmitted those records at some point in
26 time to a child death review team.

27 42. Moreover, to the extent that Nev. Rev. Stat. § 432B.407 renders any
28 records confidential, nothing in the language of Nev. Rev. Stat. § 432B.407 indicates

1 records obtained by a child death review team must be kept confidential in perpetuity.
2 Instead, the records of a child death review team must be kept confidential only during a
3 child death review team's review of a child fatality.

4 43. Thus, the Coroner's Office's reliance on Nev. Rev. Stat. § 432B.407 does
5 not meet its burden of establishing that the records are confidential and that the interest in
6 non-disclosure outweighs the presumption in favor of access.

7 *HIPAA Does Not Justify Non-Disclosure.*

8 44. In addition to its reliance on Nev. Rev. Stat. § 432B.407, the Coroner's
9 Office in its September 7, 2017 Response also pointed to privacy protections for medical
10 data under the Health Insurance Portability and Privacy Act (HIPAA) and NRS Chapter
11 629, as persuasive authority for its position that the requested records should be kept
12 confidential.

13 47. However, in addition to that fact that the Coroner's Office failed to timely
14 cite HIPAA as a basis for withholding or redacting the requested records, the Coroner's
15 Office, it is not a covered entity under HIPAA.

16 48. Pursuant to 45 C.F.R. § 160.103, a covered entity is defined as: (1) a health
17 plan; (2) a "health care clearinghouse;" or (3) "[a] health care provider who transmits any
18 health information in electronic form in connection with a transaction covered by
19 [HIPAA]." Moreover, 42 C.F.R. § 160.102 specifically states that HIPAA only applies to
20 those three categories of health care entities. Thus, by its plain language, HIPAA is not
21 intended to apply to autopsy records, and cannot be used by the Coroner's Office to withhold
22 the requested records.

23 49. Accordingly, both because the Coroner's Office did not timely assert any
24 legal or statutory authority to meet its burden in withholding the records, and because it has
25 not met its burden in withholding or redacting the requested records, the Court finds that the
26 Coroner's Office must disclose the requested records to the LVRJ in unredacted form.

27 ///

1 **B. The NPRA Does Not Permit Government Entities to Charge to Redact or**
2 **Withhold Records or to Conduct a Privilege Review.**

3 50. The fees provisions relevant to public records requests are those set forth
4 in Nev. Rev. Stat. §§ 239.052 and 239.055(1).

5 51. The Coroner's Office relied on Nev. Rev. Stat. § 239.055(1) for fees for
6 "extraordinary use." That statute provides that "... if a request for a copy of a public record
7 would require a governmental entity to make extraordinary use of its personnel or
8 technological resources, the governmental entity may, in addition to any other fee
9 authorized pursuant to this chapter, charge a fee not to exceed 50 cents per page for such
10 extraordinary use...." In its Responding Brief, even the Coroner's Office acknowledged that
11 in 2013, the Nevada Legislature modified Nev. Rev. Stat. § 39.055 to limit fees for the "
12 extraordinary use of personnel" to 50 cents per page.

13 52. The Court finds that Nev. Rev. Stat. § 239.055(1) does not allow
14 governmental entities to charge a fee for privilege review or to redact or withhold records.
15 Interpreting Nev. Rev. Stat. § 239.055 to limit public access by requiring requesters to pay
16 public entities to charge for undertaking a review for responsive documents, confidentiality,
17 and redactions would be inconsistent with the plain terms of the statute and with the mandate
18 to liberally construe the NPRA. *See* Nev. Rev. Stat. § 239.001(3).

19 53. Further, allowing a public entity to charge a requester for legal fees
20 associated with reviewing for confidentiality is impermissible because "[t]he public official
21 or agency bears the burden of establishing the existence of privilege based upon
22 confidentiality." *DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.*, 116 Nev. 616, 621, 6
23 P.3d 465, 468 (2000).

24 54. Moreover, the Court finds that no provision within the NPRA allows a
25 governmental entity to charge a requester for a privilege review. Rather, the NPRA provides
26 that a governmental entity may charge for providing a copy of a record, (Nev. Rev. Stat. §
27 239.052(1)), for providing a transcript of an administrative proceeding, (Nev. Rev. Stat. §
28 239.053), for information from a geographic information system (Nev. Rev. Stat. §

239.054), or for the "extraordinary use" of personnel or technology. Nev. Rev. Stat. §

239.055. A privilege review does not fall within any of these provisions.

55. The Court therefore finds that the Coroner's Office cannot charge the LVRJ a fee under Nev. Rev. Stat. § 239.055(1) to conduct a review of the requested records.

56. Pursuant to Nev. Rev. Stat. § 239.052(1) "a governmental entity may charge a fee for providing a copy of a public record." However, that fee may not exceed the "actual cost to the governmental entity to provide a copy of the public records ..." *Id.*

57. The LVRJ indicated it wished to receive electronic copies of the requested records. The LVRJ is not requesting hard copies, and the NPRA does not permit a per page fee to be charged for electronic copies. Thus, because the only cost for electronic copies is that of the medium (a CD), the Court finds that the Coroner's Office may not charge any additional fee besides the cost of the CD.

III.

ORDER

58. Based on the foregoing findings of fact and conclusions of law, the Court hereby orders as follows:

59. The Coroner's Office shall produce autopsy reports of autopsies conducted of anyone under the age of 18 conducted from 2012 through April 13, 2017 to the LVRJ in unredacted form.

60. The Coroner's Office shall make the records available to the LVRJ expeditiously and on a rolling basis. The Coroner's Office must provide all the requested records to the LVRJ by no later than December 28, 2017.

61. At the hearing, the Coroner's Office stated it would be able to produce CDs with electronic copies of the requested records at a cost of \$15.00 per CD, and the LVRJ stated it was willing to pay such a fee or provide its own CD. In producing the requested records, the Coroner's Office may charge the LVRJ a fee of up to \$15.00 per CD consistent with Nev. Rev. Stat. § 239.052(1). No additional fees shall be permitted.

///


A75B501 - ORDER GRANTING
PETITIONER WRIT'S PUBLIC
RECORDS ACT APPLICATION
PURSUANT TO NRS 239.001
PETITION FOR WRIT OF
MANDAMUS

ORDER

It is so ORDERED this 8 day of July, 2017.


DISTRICT COURT JUDGE

Prepared and submitted by:


Margaret A. McLetchie, NBN 10931
Alina M. Shell, NBN 11711
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14 Attorneys for Defendant
15 Clark County Coroner/Medical Examiner

DISTRICT COURT
CLARK COUNTY, NEVADA

10 LAS VEGAS REVIEW JOURNAL,

11 Petitioner,

12 vs.

13 CLARK COUNTY OFFICE OF THE
14 CORONER/MEDICAL EXAMINER,

15 Respondent.

Case No: A-17-758501-W
Dept. No: XXIV

16 NOTICE OF APPEAL

17 Notice is hereby given that the Clark County Office of the Coroner/Medical Examiner,
18 defendant above named, hereby appeals to the Supreme Court of Nevada from the ORDER
19 GRANTING PETITIONER LVRI'S PUBLIC RECORDS ACT APPLICATION
20 PURSUANT TO NEV. REV. STAT. § 239.001/PETITION FOR WRIT OF MANDAMUS
21 entered in this action on November 9, 2017.

22 DATED this 28 day of November, 2017.

23 STEVEN B. WOLFSON
24 DISTRICT ATTORNEY


25 By: *Laura C. Rehfeldt*
26 LAURA C. REHFELDT
27 District Attorney
28 State Bar No. 005101
500 South Grand Central Pkwy, 5th Flr.
Las Vegas, Nevada 89155-2215
Attorney for Defendant

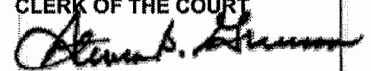
Clark County Coroner Medical Examiner

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 28th day of November, 2017, I served a true and correct copy of the foregoing **NOTICE OF APPEAL** to the following parties by the method shown below:

ATTORNEYS OF RECORD	PARTIES REPRESENTED	SERVICE METHOD
Margaret A. McLetchie, Esq. Alina M. Shell, Esq. McLetchie Shell LLC 701 East Bridger Avenue #520 Las Vegas, NV 89101 alina@nvlitigation.com maggie@nvlitigation.com	<i>Petitioner Las Vegas Review Journal</i>	<input checked="" type="checkbox"/> Electronic Service <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service <input type="checkbox"/> Personal Service (ROC)


An Employee of the Clark County District
Attorney's Office – Civil Division



1 ASTA
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3 District Attorney
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14 Attorneys for Defendant
15 Clark County Coroner/Medical Examiner

9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 LAS VEGAS REVIEW JOURNAL,

12 Petitioner,

13 vs.

14 CLARK COUNTY OFFICE OF THE
15 CORONER/MEDICAL EXAMINER,

16 Respondent.

Case No: A-17-758501-W
Dept. No: XXIV

17 CASE APPEAL STATMENT

18 1. Name of appellant filing this case appeal statement: Clark County Office of
19 the Coroner/Medical Examiner ("Coroner").

20 2. Identify the judge issuing the decision, judgment, or order appealed from:
21 The Honorable Jim Crocket, Eighth Judicial District Court, Department XXIV.

22 3. Identify each appellant and the name and address of counsel for each
23 appellant: Clark County Office of the Coroner/Medical Examiner, represented by:

24
25 Laura Rehfeldt
26 Clark County District Attorney – Civil Division
27 500 South Grand Central Pkwy., Fifth Floor
28 P. O. Box 552215
Las Vegas, Nevada 89155-2215

- 1 4. Identify each respondent and the name and address of appellate counsel, if
2 known, for each respondent (if the name of a respondent's appellate counsel is unknown,
3 indicate as much and provide the name and address of that respondent's trial counsel):
4 Las Vegas Review Journal ("LVRJ") represented by:
5 Margaret A. McLetchie, Esq.
6 Alina M. Shell, Esq.
7 McLetchie Shell LLC
8 701 East Bridger Avenue #520
9 Las Vegas, NV 89101
- 8 5. Indicate whether any attorney identified above in response to question 3 or 4
9 is not licensed to practice law in Nevada and, if so, whether the district court granted
10 that attorney permission to appear under SCR 42 (attach a copy of any district court
11 order granting such permission): Not applicable. All attorneys are licensed in Nevada.
- 12 6. Indicate whether appellant was represented by appointed or retained counsel
13 in the district court: Appellants were represented by retained counsel, counsel named above.
- 14 7. Indicate whether appellant is represented by appointed or retained counsel on
15 appeal: Appellants are represented by retained counsel, counsel named above.
- 16 8. Indicate whether appellant was granted leave to proceed in forma pauperis,
17 and the date of entry of the district court order granting such leave: No.
- 18 9. Indicate the date the proceedings commenced in the district court (e.g., date
19 complaint, indictment, information, or petition was filed): On July 17, 2017 a Public
20 Records Act Application Pursuant to NRS § 239.001/Petition for Writ of Mandamus
21 ("Petition") was filed by the Las Vegas Review Journal ("LVRJ") against the Coroner.
- 22 10. Provide a brief description of the nature of the action and result in the district
23 court, including the type of judgment or order being appealed and the relief granted by
24 the district court: This case involves a public records request under NRS 239.011 by the
25 LVRJ to the Coroner for reports of autopsies of children dating back to January 2012. The
26 matter was briefed and heard before the Eighth Judicial District Court, Department XXIV. On
27 November 9, 2017, an Order Granting Petitioner LVRJ's Public Records Act Application to
28 Nev. Rev. Stat. § 239.001/Petition for Writ of Mandamus was entered granting the relief

requested in the Petition and requiring that the autopsy reports be provided on a rolling basis, but no later than December 28, 2017.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: No.

12. Indicate whether this appeal involves child custody or visitation: No.

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

DATED this 28 day of November, 2017.

STEVEN B. WOLFSON
DISTRICT ATTORNEY

By: Laura C. Rehfeldt
LAURA C. REHFELDT
District Attorney
State Bar No. 005101
500 South Grand Central Pkwy. 5th Flr.
P. O. Box 552215
Las Vegas, Nevada 89155-2215
Attorney for Defendant
Clark County Coroner Medical Examiner

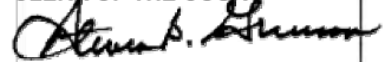
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 28 day of November, 2017, I served a true and correct copy of the foregoing

NOTICE OF APPEAL to the following parties by the method shown below:

ATTORNEYS OF RECORD	PARTIES REPRESENTED	SERVICE METHOD
Margaret A. McLetchie, Esq. Alina M. Shell, Esq. McLetchie Shell LLC 701 East Bridger Avenue #520 Las Vegas, NV 89101 alina@nvlitigation.com maggie@nvlitigation.com	<i>Petitioner Las Vegas Review Journal</i>	<input checked="" type="checkbox"/> Electronic Service <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service <input type="checkbox"/> Personal Service (ROC)

[Signature]
An Employee of the Clark County District
Attorney's Office - Civil Division



1 **NOTC**
2 STEVEN B. WOLFSON
3 District Attorney
4 **CIVIL DIVISION**
5 State Bar No. 001565
6 By: **LAURA C. REHFELDT**
7 Deputy District Attorney
8 State Bar No. 005101
9 500 South Grand Central Pkwy.
10 Las Vegas, Nevada 89155-2215
11 (702) 455-4761
12 Fax (702) 382-5178
13 E-Mail: Laura.Rehfeldt@ClarkCountyDA.com
14 Attorneys for Defendant
15 **Clark County Coroner**

DISTRICT COURT
CLARK COUNTY, NEVADA

10 LAS VEGAS REVIEW JOURNAL,

11 Petitioner,

12 vs.

13 CLARK COUNTY OFFICE OF THE
14 CORONER/MEDICAL EXAMINER,

15 Respondent.

Case No: A-17-758501-W
Dept. No: XXIV


16 **NOTICE OF ENTRY OF ORDER**

17 TO: THE ABOVE NAMED PARTIES:

18 YOU WILL PLEASE TAKE NOTICE that an Order Granting Defendant's Motion
19 for Stay of District Court Order and Order Shortening Time was entered in the above-
20 entitled matter on the 11th day of January, 2018, a copy of which is attached hereto.

21 DATED this 12 day of January, 2018.

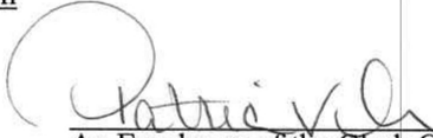
22 STEVEN B. WOLFSON
23 DISTRICT ATTORNEY

24 By: 
25 LAURA C. REHFELDT
26 District Attorney
27 State Bar No. 005101
28 500 South Grand Central Pkwy. 5th Flr.
Las Vegas, Nevada 89155-2215
Attorney for Defendant
Clark County Coroner

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2
3 **CERTIFICATE OF ELECTRONIC SERVICE**

4 I hereby certify that I am an employee of the Office of the Clark County District
5 Attorney and that on this 18th day of January, 2018, I served a true and correct copy of the
6 foregoing Notice of Entry of Order (United States District Court Pacer System or the Eighth
7 Judicial District Wiznet), by e-mailing the same to the following recipients. Service of the
8 foregoing document by e-mail is in place of service via the United States Postal Service.

9 Margaret A. McLetchie, Esq,
10 Alina M. Shell, Esq.
11 McLetchie Shell LLC
12 701 East Bridger Avenue #520
13 Las Vegas, NV 89101
14 *Attorney for Petitioner*
15 alina@nvlitigation.com

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An Employee of the Clark County District
Attorney's Office – Civil Division

450

1 filed in the Eighth Judicial District Court and noticed on November 9, 2017, is **GRANTED**
2 pending resolution or opinion from the Nevada Supreme Court.

3 If the Nevada Supreme Court upholds the District Court's order, the Coroner must
4 comply with said order without delay.

5 It is so ORDERED this _____ day of _____, 2017.

6
7 
8 DISTRICT COURT JUDGE


9 Date: December 21, 2017

Date: _____

10 Prepared and submitted by:

MCLETCHIE SHELL LLC

11 STEVEN B. WOLFSON
12 DISTRICT ATTORNEY

13 By: 
14 LAURA C. REHFELDT
15 District Attorney
16 State Bar No. 005101
17 500 South Grand Central Pkwy. 5th Flr.
18 Las Vegas, Nevada 89155-2215
19 Attorney for Respondent
20 Clark County Coroner/Medical
21 Examiner

22 By: 
23 Margaret A. McLetchie, Esq.
24 State Bar No. 10931
25 616 South Eighth Street
26 Las Vegas, NV 89101
27 maggie@nvlitigation.com
28 Attorney for Petitioner
Las Vegas Review Journal

1 filed in the Eighth Judicial District Court and noticed on November 9, 2017, is **GRANTED**
2 pending resolution or opinion from the Nevada Supreme Court.

3 If the Nevada Supreme Court upholds the District Court's order, the Coroner must
4 comply with said order without delay.

5 It is so ORDERED this 3 day of January 2018
6 2017.

7
8 
DISTRICT COURT JUDGE

9 Date: _____


Date: 12/21/2017

10 Prepared and submitted by:

MCLETCHIE SHELL LLC

11 STEVEN B. WOLFSON
12 DISTRICT ATTORNEY


13 By: _____
14 LAURA C. REHFELDT
15 District Attorney
16 State Bar No. 005101
17 500 South Grand Central Pkwy. 5th Flr.
18 Las Vegas, Nevada 89155-2215
19 Attorney for Respondent
20 **Clark County Coroner/Medical**
21 **Examiner**

By: 
Margaret A. McLetchie, Esq.
State Bar No. 10931
616 South Eighth Street
Las Vegas, NV 89101
maggie@nvlitigation.com
Attorney for Petitioner
Las Vegas Review Journal

	<i>Defendant's Motion for Stay of District Court Order and Order Shortening Time</i>
12/06/2017	Opposition to Motion <i>Petitioner Las Vegas Review-Journal's Opposition to Motion for Stay of District Court Order and Order Shortening Time</i>
12/08/2017	Reply to Opposition <i>Reply to Petitioner Las Vegas Review Journal s Opposition to Motion for Stay of District Court Order and Order Shortening Time</i>
12/12/2017	Motion For Stay (9:00 AM) (Judicial Officer Crockett, Jim) <i>Defendant's Motion for Stay of District Court Order and Order Shortening Time</i> <u>Parties Present</u> <u>Minutes</u> Result: Granted
12/14/2017	Opposition to Motion <i>Respondent's Opposition to Las Vegas Review-Journal's Motion for Attorneys' Fees and Costs</i>
01/04/2018	Reply to Opposition <i>Reply to Respondent's Opposition to Motion for Attorney's Fees and Costs</i>
01/11/2018	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer Crockett, Jim) <i>Plaintiff Las Vegas Review-Journal's Motion for Attorney's Fees and Costs</i> <u>Parties Present</u> <u>Minutes</u> Result: Granted
01/11/2018	Order <i>[Order] Granting Defendant's Motion for Stay of District Court Order and Order Shortening Time</i>
01/12/2018	Notice of Entry of Order <i>Notice of Entry of Order</i>
01/29/2018	Motion to Stay <i>Respondent's Motion for Stay of District Court Order and Order Shortening Time</i>
02/01/2018	Order <i>Order Granting Petitioner Las Vegas Review-Journal's Motion for Attorney's Fees and Costs</i>
02/01/2018	Notice of Entry of Order <i>Notice of Entry of Order</i>
02/01/2018	Request <i>Request for Transcript of Proceedings</i>
02/05/2018	Notice of Appeal <i>Notice of Appeal</i>
02/05/2018	Case Appeal Statement <i>Case Appeal Statement</i>
02/12/2018	Motion to Stay <i>Respondent's Renewed Motion for Order Shortening Time on Motion for Stay of District Court Order</i>
02/13/2018	Opposition to Motion <i>Opposition to Renewed Motion for Order Shortening Time On Motion for Stay of District Court Order</i>
02/13/2018	Supplement <i>Supplement to Respondent's Renewed Motion for Order Shortening Time on Motion for Stay of District Court Order</i>
02/13/2018	Notice of Appearance <i>Notice of Appearance</i>
02/15/2018	Motion to Stay (9:00 AM) (Judicial Officer Crockett, Jim) <i>Respondent's Motion for Stay of District Court Order and Order Shortening Time</i> <i>03/22/2018 Reset by Court to 02/15/2018</i>
03/07/2018	Order Denying Motion <i>Order Denying Respondent's Renewed Motion on Order Shortening Time for Stay of District Court Order</i>
03/07/2018	Notice of Entry of Order <i>Notice of Entry of Order</i>

FINANCIAL INFORMATION

	Defendant Clark County Office of the Coroner/ Medical Examiner	
	Total Financial Assessment	48.00
	Total Payments and Credits	48.00
	Balance Due as of 03/14/2018	0.00
11/28/2017	Transaction Assessment	24.00
11/28/2017	Fee Waiver	(24.00)
02/06/2018	Transaction Assessment	24.00
02/06/2018	Fee Waiver	(24.00)
	Plaintiff Las Vegas Review-Journal	
	Total Financial Assessment	270.00
	Total Payments and Credits	270.00
	Balance Due as of 03/14/2018	0.00
07/18/2017	Transaction Assessment	270.00
07/18/2017	File Payment Receipt # 2017-58007-CCCLK Las Vegas Review-Journal	(270.00)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **JOINT APPENDIX, VOLUME 2** was filed electronically with the Nevada Supreme Court on the 18th day of May, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Margaret A. McLetchie, Esq.
Alina M. Shell, Esq.

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing