

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Appellant,

vs.

LAS VEGAS REVIEW-JOURNAL,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

SUPREME COURT CASE NO:
74604

DISTRICT COURT CASE NO.:
A-17-758501-W

MOTION FOR LEAVE TO FILE SURREPLY

Respondent the Las Vegas Review-Journal (“Review-Journal”) hereby moves this Court for leave to file a surreply to Appellant the Clark County Office of the Coroner/Medical Examiner’s (“Coroner”) Reply Brief. As grounds therefor, the Review-Journal states as follows:

The Review-Journal seeks leave to file a brief surreply (of no more than nine (9) pages) for two reasons. First, in response to arguments in the brief filed by Amici Curiae the Reporters Committee for Freedom of the Press and 11 Media Organizations regarding an investigation conducted by The Denver Post and Denver television station KUSA regarding children who had died due to family abuse or neglect (*see* Brief of Amici Curiae, p. 8), the Coroner asserts that juvenile autopsy reports were not produced, and that the media entities only obtained child fatality

reports. (*See* Appellant’s Reply Brief, p. 37.) This is inaccurate, as several autopsy reports were produced to the Denver media entities. Thus, the Review-Journal seeks leave to file a surreply to address this inaccuracy.

Second, in its Reply Brief, the Coroner discusses this Court’s recent opinion in *Clark County School District v. Las Vegas Review-Journal*, 134 Nev. Adv. Op. 84, 429 P.3d 313 (Oct. 25, 2018) (“*CCSD*”). (*See* Reply Brief, pp. 28-30.) In that matter, this Court adopted a two-art balancing test articulated by the United States Court of Appeals for the Ninth Circuit in *Cameranesi v. U.S. Dep’t of Defense*, 856 F.3d 626, 637 (9th Cir. 2017), for determining if government entity should redact information in public records request. *See CCSD*, 429 P.3d at 320-21. Because the Court’s opinion in *CCSD* was filed after the Review-Journal submitted its Answering Brief, the Review-Journal requires the opportunity to respond to the Coroner’s interpretation and application of the new balancing test.

The Review-Journal will be substantially prejudice if it is not allowed to respond to the Coroner’s factual inaccuracies and application of the new balancing test articulated in *CCSD*. In addition, the Review-Journal respectfully submits that a brief surreply of nine (9) pages will not unduly burden the Court and will promote judicial economy.

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WHEREFORE, the Review-Journal respectfully requests the Court grant it leave to file the attached Surreply.

Respectfully submitted this 24th day of December, 2018.

/s/ Margaret A. McLetchie

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION FOR LEAVE TO FILE SURREPLY was filed electronically with the Nevada Supreme Court on the 24th day of December, 2018. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

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/s/ Pharan Burchfield
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